

# A G E N D A

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**METRO**

## Agenda

MEETING: METRO COUNCIL REGULAR MEETING  
DATE: February 27, 1997  
DAY: Thursday  
TIME: 2:00 PM  
PLACE: Council Chamber

<u>Approx. Time*</u>		<u>Presenter</u>
2:00 PM	<b>CALL TO ORDER AND ROLL CALL</b>	
(5 min.)	1. <b>INTRODUCTIONS</b>	
(5 min.)	2. <b>CITIZEN COMMUNICATIONS</b>	
(15 min.)	3. <b>EXECUTIVE OFFICER COMMUNICATIONS</b>	
	4. <b>NIKE WORLD MASTERS GAMES</b>	Single
(15 min.)	5. <b>ANCIENT FOREST PRESERVE</b>	Wolley
	6. <b>CONSENT AGENDA</b>	
2:40 PM (5 min.)	6.1 Consideration of Minutes for the February 13, 1997 Council Regular Meeting.	
	7. <b>ORDINANCES - SECOND READING</b>	
2:45 PM (45 min.)	7.1 <b>Ordinance No. 96-655C</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 3.01; and Declaring an Emergency.	McLain
3:30 PM (5 min.)	7.2 <b>Ordinance No. <sup>97</sup>97-670</b> , An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Zoo Capital Fund by Transferring \$103,206 from Contingency to Materials and Services to Pay for September Elections Expenses; and Declaring an Emergency.	McFarland



3:35 PM (5 min.)	7.3	<b>Ordinance No. 97-678</b> , 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.	Finance
	8.	<b>RESOLUTIONS</b>	
3:40 PM (5 min.)	8.1	<sup>96</sup> <b>Resolution No. 97-2441</b> , For the Purpose of Confirming the Initial Appointment of Jeff S. Steward and the Reappointment of Peggy J. Miller and David Smith to the Investment Advisory Board.	McLain
3:45 PM (5 min.)	8.2	<b>Resolution No. 97-2454</b> , For the Purpose of Granting an underground electrical right-of-way easement at the M. James Gleason Boat Ramp to Pacific Power and Light.	McCaig
3:50 PM (5 min.)	8.3	<b>Resolution No. 97-2457</b> , For the Purpose of Recognizing the Tryon Creek Watershed Council that Meets the State of Oregon Governor's Watershed Enhancement Board (GWEB) Guidelines.	McCaig
3:55 PM (5 min.)	8.4	<b>Resolution No. 97-2461</b> , For the Purpose of Exemption to Metro Code Chapter 2.04.060, Personal Services Contract Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for the Sponsorship of the Annual "Solv-It" Cleanup Event on April 19, 1997.	McFarland
4:00 PM (5 min.)	8.5	<b>Resolution No. 97-2462</b> , For the Purpose of Authorizing Release of RFP #97R-6 REM for the Development of a Facilities Master Plan and Renewal and Replacement Account for Solid Waste Facilities.	Washington
4:05 PM (5 min.)	8.6	<b>Resolution No. 97-2463</b> , For the Purpose of Stating the Council's Position With Respect to the Regional Facilities Operated by the Metropolitan Exposition-Recreation Commission.	McFarland
4:10 PM (5 min.)	8.7	<b>Resolution No. 97-2468</b> , For the Purpose of Adding additional Priorities to Metro's 1997 Legislative Package.	Government Affairs Com.
4:15 PM (5 min.)	8.8	<b>Resolution No. 97-2469</b> , For the Purpose of Identifying Metro's position on State of Oregon Legislation.	Government Affairs Com.
4:20 PM (10 min.)	9.	<b>COUNCILOR COMMUNICATION</b>	

### CONTRACT REVIEW BOARD

### ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on Channel 30 the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on Channel 30.

All times listed on the agenda are approximate; items may not be considered in the exact order.

For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542.

For assistance per the American with Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office)

***Agenda Item Number 7.1***

**Ordinance No. 96-655C, 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 3.01; and Declaring an Emergency**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF DESIGNATING	)	ORDINANCE NO 96-655 <u>BC</u>
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 Growth 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~~ was accepted by the Metro Council as amended in Resolution No. 96-2392B 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 all the evidence in the record~~the Utility Feasibility Report, the Urban Reserve Report~~ and public testimony in ~~November, 1996~~ listening posts and in December, 1996 and February, 1997 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. 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 3 of this Ordinance.

Section ~~23~~. 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 purposes of (1) application of Metro Code 3.01, (2) amendment of the acknowledged 2040 Growth Concept Map, (3) compliance with the Urban Reserve Areas Rule at OAR 660-21-020, and (4) for the purpose of



identifying lands of first priority for inclusion in the Metro Urban Growth Boundary as required by ORS 197.298.

Section 34. 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 65. 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 76. 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

I:\R-01\1285.REV



1 Metro Code Amendments voted by Metro Council on 2/20/97, for Final Vote on 2/27/97

2  
3 EXHIBIT A

4  
5 Amendments to Metro Code 3.01

6  
7 Title Section is amended as follows:

8 "URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

9  
10 SECTIONS TITLE

11  
12 3.01.005 Purpose

13 3.01.010 Definitions

14 3.01.012 Urban Reserves

15 3.01.015 Legislative Amendment Procedures"

16  
17 Section 3.01.005(a), sentence is added at end as follows:

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

21  
22 Section 3.01.005(c) is added as follows:

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

- 24  
25 (1) Identify sufficient land suitable for urbanization sufficient to  
26 accommodate the forecast needs for a 30 to 50 year interval,  
27 reevaluated at least every 15 years;  
28  
29 (2) Limit the areas which are eligible to apply for inclusion to the Urban  
30 Growth Boundary consistent with ORS 197.298, and protect  
31 resource lands outside the urban reserve areas;  
32  
33 (3) Protect lands designated as urban reserves for their eventual  
34 urbanization, and insure their efficient urbanization consistent with  
35 the 2040 Growth Concept, the RUGGOs and the Urban Growth  
36 Management Functional Plan;  
37  
38 (4) Provide for coordination between cities, counties, and special  
39 districts for planning for the urban reserve areas;  
40  
41 (5) Ensure a smooth transition to urban development by planning for  
42 general governance, public facilities, land uses, and planning for  
43 financing the capital needs of the urban development."

44  
45 Section 3.01.010(z) is amended as follows:

46 "(z) "Urban reserve" means an area adjacent to the present UGB defined to  
47 be a priority location for any future UGB amendments when needed. Urban

48 reserves are defined as the land likely to be needed including all developable land  
49 inside the current urban growth boundary, for a 30 to 50 year period."  
50

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

52  
53 (e) 'First Tier Urban Reserves' means urban reserve areas so designated  
54 and mapped in a Metro Council ordinance.

55  
56 "(y) 'Special land need' means a specific type of identified land needed which  
57 complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on  
58 first tier urban reserve land."  
59

60  
61 Section 3.01.012 is added as follows:

62 "3.01.012 Urban Reserve Areas  
63

64 (a) Purpose

65 The purpose of this section is to comply with ORS 197.298 by identifying lands  
66 designated urban reserve land by Metro as the first priority land for inclusion in the  
67 Metro Urban Growth Boundary.  
68

69 (b) Amount of Land Required

- 70 (1) The areas designated as urban reserves shall be sufficient to  
71 accommodate expected urban development for a 30 to 50 year  
72 period, including an estimate of all potential developable and  
73 redevelopable land in the urban area.  
74 (2) Metro shall estimate the capacity of the urban reserves consistent  
75 with the procedures for estimating capacity of the urban area as  
76 defined in Section 3.01.010.  
77 (3) The minimum residential density to be used in calculating the need  
78 for urban reserves, estimating the capacity of the areas designated  
79 as urban reserves and required in concept plans shall be at least  
80 10 dwelling units per net developable acre.  
81 (4) Metro shall designate the amount of urban reserves estimated to  
82 accommodate the forecast need.  
83 (5) Metro may designate a portion of the land required for urban  
84 reserves in order to phase designation of urban reserves.  
85

86 (c) Mapped Urban Reserves

- 87 (1) Metro has designated as urban reserve areas those lands  
88 indicated on the 2040 Growth Concept map as part of the Regional  
89 Urban Growth Goals and Objectives.  
90 (2) Urban growth boundary amendments shall include only land  
91 designated as urban reserves unless designated urban reserve  
92 lands are inadequate to meet the need. If land designated as  
93 urban reserves is inadequate to meet the need, the priorities in  
94 ORS 197.298 shall be followed.



- 95 (3) Within 1 year of Metro Council adoption of the urban reserve map,  
96 the Metro Council shall modify the Metro 2040 Growth Concept to  
97 designate regional design types consistent with the Metro 2040  
98 Growth Concept for all designated urban reserves.  
99 (4) First tier urban reserves shall be included in the Metro Urban  
100 Growth Boundary prior to other urban reserves unless a special  
101 land need is identified which cannot be reasonably accommodated  
102 on first tier urban reserves.  
103

104 **(e) Urban Reserve Plan Required**

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

- 110 (1) Provision for either annexation to a city and any necessary service  
111 districts at the time of the final approval of the urban growth  
112 boundary amendment consistent with 3.01.065 or an applicable  
113 city-county planning area agreement which requires at least the  
114 following:

115 (A) City or county agreement to adopt comprehensive plan  
116 provisions for the lands added to the urban growth boundary which comply with all  
117 requirements of urban reserve plan conditions of the urban growth boundary  
118 approval;

119 (B) City and county agreement that lands added to the urban  
120 growth boundary shall be rezoned for urban development only upon annexation or  
121 agreement for delayed annexation to the city and any necessary service district  
122 identified in the approved Concept Plan or incorporation as a new city; and

123 (C) County agreement that, prior to annexation to the city and  
124 any necessary service districts, rural zoning that ensures a range of opportunities  
125 for the orderly, economic, and efficient provision of urban services when these lands  
126 are included in the urban growth boundary remains in place until city annexation  
127 and the adoption of urban zoning.

- 128 (2) Notwithstanding (1) above, the Metro Council may approve a major  
129 or legislative amendment to the urban growth boundary if the  
130 proposed amendment is required to assist the region to comply  
131 with the 2040 Growth Concept or to assist the region, a city or  
132 county in demonstrating compliance with statute, rule, or statewide  
133 goal requirements for land within the urban growth boundary.  
134 These requirements include HB 2709, ORS 197.303, the statewide  
135 planning goals and Regional Urban Growth Goals and Objectives.  
136 (3) The areas of Urban Reserve Study Areas #15 and #65 are so  
137 geographically distant from existing city limits that annexation to a  
138 city is difficult to achieve. If the county and affected city and any  
139 necessary service districts have signed an urban service  
140 agreement or an urban reserve agreement coordinating urban

services for the area, then the requirements for annexation to a city in (1)(B) and (1)(C) above shall not apply.

- (4) Provision for residential densities of at least 10 dwelling units per net developable residential acre;
- (5) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined in Oregon Revised Statutes 197.303;
- (6) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with below median incomes;
- (7) 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;
- (8) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans;
- (9) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation. A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection;
- (10) 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 financing strategy for those costs;
- (11) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 195.110(3), (4) and (7);
- (12) An Urban Reserve Plan map showing, at least, the following, when applicable:
  - (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.



- 187 (13) The urban reserve plan shall be reviewed by the affected city, or by  
188 the county if subsection (3), above, applies. The plan shall be  
189 coordinated among the city, county, school district and other  
190 service districts.  
191

192 Section 3.01.015(d) is added as follows:

193 "(d) Metro shall consult with the appropriate city, county and service districts  
194 to identify lands inside first tier urban reserves which are the most capable of being  
195 served by extension of service from existing service providers for the purpose of  
196 preparing concept plans in advance for any short term need for inclusion of  
197 additional lands in the urban growth boundary."  
198

199 Section 3.01.015(d) is amended as follows:

200 "(e) Legislative amendment decisions shall be accompanied by findings  
201 explaining why the UGB amendment complies with applicable state law and  
202 statewide goals as interpreted by section 3.01.020 and subsequent appellate  
203 decisions and including applicable concept plans and maps demonstrating  
204 consistency with RUGGO including the 2040 Growth Concept and compliance with  
205 any applicable functional plan provisions."  
206

207 Section 3.01.020(a) is amended as follows:

208 "The purpose of this section is to address ORS 197.298, Goals 2 and 14 of the  
209 statewide planning goals and RUGGO . . . Compliance with this section shall  
210 constitute compliance with ORS 197.298, statewide planning Goals 2 and 14  
211 and the Regional Urban Growth Goals and Objectives."  
212

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

214 "For legislative amendments, if need has been addressed, the district shall  
215 demonstrate that the priorities of ORS 197.298 have been followed and that the  
216 recommended site was better than alternative sites, balancing factors 3 through  
217 7."  
218

219 Section 3.01.025(a) is amended as follows:

220 "(a) All major amendments shall be solely upon lands designated in urban  
221 reserves, when designated consistent with 3.01.012. All major amendments shall  
222 demonstrate compliance with the following:

- 223 (1) The criteria in section 3.01.030 of this Code as well as the procedures in  
224 OAR 660-18-000;  
225 (2) Notice of public hearings for major amendments as described in section  
226 3.01.050;  
227 (3) Public hearings procedures as described in sections 3.01.055 through  
228 3.01.065;  
229 (4) the urban reserve plan requirements in section 3.01.012(e); and  
230 (5) Final action on major amendments shall be taken as described in  
231 section 3.01.070."  
232

233 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 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 that all required annexations to a city, service district(s) and the district have been approved."

jep A:\EXHIBIT A.220.doc

~~DISCUSSION DRAFT - MTAC Recommendations 1/30/97~~

Metro Code Amendments voted by Metro Council on 2/20/97, for Final Vote on 2/27/97

EXHIBIT A

Amendments to Metro Code 3.01

Title Section is amended as follows:

"URBAN GROWTH BOUNDARY AND URBAN RESERVE PROCEDURES

SECTIONS	TITLE
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3.01.005	Purpose
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3.01.010	Definitions
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3.01.012	Urban Reserves
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3.01.015	Legislative Amendment Procedures"
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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, the RUGGOs and the Urban Growth Management Functional Plan;
- (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."

Comparison of MTAC 1/30/97 Recommendations and Metro Council 2/20/97 Vote

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 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:

(e) 'First PriorityTier Urban Reserves' means urban reserve areas designated in Ordinance 96-655C or future Metro Council actions so designated and mapped in a Metro Council ordinance.

~~"(d) 'Immediate-sy)~~ 'Special land need' means a specific type of identified land needed immediately which complies with Goal 14, Factors 1 and 2 that cannot be reasonably accommodated on first priority urban reserves."  
tier urban reserve land."

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

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

Comparison of MTAC 1/30/97 Recommendations and Metro Council 2/20/97 Vote

(1) Metro has designated as urban reserve areas those lands indicated on the map at Exhibit B of Ordinance No. 96-6556 to be included on the 2040 Growth Concept map as part of the Regional Urban Growth Goals and Objectives.

(2) Urban growth boundary amendments shall include only land designated as urban reserves on the map at Exhibit B of Ordinance No. 96-6556 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.

(3) 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~~

First priority (4) First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless a immediate special land need is identified which cannot be reasonably accommodated on first priority tier 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 provisions shall be required for all major amendment applications and legislative amendments of the urban growth boundary including at least the following, when applicable:

(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 or county agreement to adopt comprehensive plan provisions for the lands added to the urban growth boundary which comply with all requirements of ~~Concept Plan~~ Urban reserve 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

~~and (CC)~~ (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.

(2) Notwithstanding (1) above, the Metro Council may approve a major or legislative amendment to the urban growth boundary if the proposed amendment is required to assist the region to comply with the 2040 Growth Concept or to assist the region, a city or county in demonstrating compliance with statute, rule, or statewide goal requirements for land within the urban growth boundary. These requirements include HB 2709, ORS 197.303, the statewide planning goals and Regional Urban Growth Goals and Objectives.

~~(D)(3) If the Metro Council identifies an area or~~ The areas which are of Urban Reserve Study Areas #15 and #65 are so geographically distant from any existing city limits that annexation to a city is difficult to achieve, and If the county and affected city and any necessary service districts have signed an urban service agreement or an urban 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 reserve agreement coordinating urban services for the area, then the requirements for annexation to a city or incorporation may be waived upon such findings of the Metro Council in (1)(B) and (1)(C) above shall not apply.

(234) Provision for residential densities of at least 10 dwelling units per net developable residential acre and a plan for affordable housing;

(45) Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined in Oregon Revised Statutes 197.303;

(56) Demonstration of how residential developments will include, without public subsidy, housing affordable to households with below median incomes;

(367) 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;

(478) A conceptual transportation plan consistent with the Regional Transportation Plan, and consistent with protection of natural resources as required by Metro functional plans;

(5) Identification of areas to be protected (89) Identification, mapping and a funding strategy for protecting areas from development due to wildlife habitat protection, water quality enhancement and mitigation, and natural hazards mitigation; A natural resource protection plan to protect fish and wildlife habitat, water quality enhancement areas and natural hazard areas shall be completed as part of the comprehensive plan and zoning for lands added to the urban growth boundary prior to urban development. The plan shall include cost estimates to implement a strategy to fund resource protection;

(6910) 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;~~

~~-district;~~

~~(8) A Concept Plan Map showing, at least, the following: (110) A conceptual school plan which provides for the amount of land and improvements needed for school facilities. Estimates of the need shall be coordinated among affected school districts, the affected city or county, and affected special districts consistent with the procedures in ORS 1957.110(3), (4) and (7);~~

(121) An Urban Reserve Plan map showing, at least, the following, when applicable:

- ~~a. (A)~~ Major roadway connections and public facilities;
- ~~b. (B)~~ Location of unbuildable lands including but not limited to steep slopes, wetlands, floodplains and riparian areas;
- ~~c. (C)~~ General locations for commercial and industrial lands;
- ~~d. (D)~~ General locations for single and multi-family housing;
- ~~e. (E)~~ General locations for public open space, plazas and neighborhood centers; and
- ~~f. (F)~~ General locations or alternative locations for any needed school, park or fire hall sites."

~~(132) The Uurban Rreserve plan shall be approved reviewed by the affected city, or by the county if subsection (23). above, applies., and The plan shall be coordinated among with the city, county, school district and other service districts. and be consistent with the Metro 2040 Growth Concept.~~

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~~ tier 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 consistency with RUGGO including the 2040 Growth Concept and compliance with 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 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 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;
- (4) the ~~Concept~~ Purban reserve plan requirements in section 3.01.012(e); and
- (5) 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 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 that all required annexations to a city, service district(s) and the district have been approved."

**Ordinance No. 97-670**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in the Zoo Capital Fund by Transferring \$103,206 from Contingency to Materials and Services to Pay for September Election Expenses .

***Second Reading***

Metro Council Meeting  
Thursday, February 27, 1997  
Council Chamber



BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING THE FY 1996-97 )  
BUDGET AND APPROPRIATIONS )  
SCHEDULE IN THE ZOO CAPITAL FUND BY )  
TRANSFERRING \$103,206 FROM )  
CONTINGENCY TO MATERIALS AND )  
SERVICES TO PAY FOR SEPTEMBER )  
ELECTIONS EXPENSES; AND DECLARING )  
AN EMERGENCY. )

ORDINANCE NO. 96-670

Introduced by Mike Burton  
Executive Officer

WHEREAS, The September 17, 1996 election included a bond measure for the Metro Washington Park Zoo Oregon Project; and

WHEREAS, Metro must pay the counties Metro's share of the elections expenses; and

WHEREAS, The adopted budget for this item was less than the invoices from the counties, and

WHEREAS, Adequate funds exist for other identified needs; now, therefore.

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purposes transferring \$103,206 from Zoo Capital Fund Contingency to Materials and Services to pay elections expenses.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this \_\_\_\_ day of \_\_\_\_\_, 1996.

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

ATTEST:

Approved as to Form:

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Recording Secretary

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Daniel B. Cooper, General Counsel

RSR:\budget\fy96-97\budord\96-670\ORD.DOC  
December 13, 1996

## STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 96-670 AMENDING THE FY 1996-97 BUDGET AND APPROPRIATIONS SCHEDULE IN THE ZOO CAPITAL FUND BY TRANSFERRING \$103,206 FROM CONTINGENCY TO MATERIALS AND SERVICES TO PAY FOR SEPTEMBER ELECTIONS EXPENSES; AND DECLARING AN EMERGENCY.

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Date: December 13, 1996

Presented by: Jennifer Sims

### PROPOSED ACTION:

The proposed transfer of funds from the Zoo Capital Fund Contingency to Materials and Services will allow payment of invoices from Washington, Clackamas and Multnomah counties for Metro's share of the September 17, 1996, special election.

### FACTUAL BACKGROUND AND ANALYSIS

The September 17, 1996, election included a measure to allow a \$28.8 million bond for the Metro Washington Park Zoo Oregon Project. Elections costs are estimated at the time of budget adoption. Actual costs depend upon both the cost of the election in the three counties, and the number of governmental participants with measures sharing the costs. The estimated cost of the election at the time of budget adoption was \$125,000. The actual invoiced cost is \$228,206. This ordinance moves \$103,206 from the Zoo Capital Fund Contingency to Materials and Services to allow payment to the counties for election expenses.

The expenditures will be as follows:

Clackamas County	\$ 35,808.02
Multnomah County	132,286.24
Washington County	<u>60,111.46</u>
Total	\$228,205.72

### Executive Officer's Recommendation:

The Executive Officer recommends adoption of Ordinance No. 96-670.

**Exhibit A**  
**Ordinance 96-670**  
**Zoo Capital Fund**

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
	Total Personal Services	0.00	0			0.00	0
	<u>Materials &amp; Services</u>						
528200	Election Costs		125,000		103,206		228,206
	Total Materials & Services		125,000		103,206		228,206
	Total Capital Projects		2,400,000				2,400,000
	Total Interfund Transfers		40,000				40,000
	<u>Contingency and Unappropriated Balance</u>						
599999	Contingency		5,000,000		(103,206)		4,896,794
599990	Unappropriated Balance		24,735,498				24,735,498
	Total Contingency and Unappropriated Balance		29,735,498		(103,206)		29,632,292
	TOTAL REQUIREMENTS	0.00	32,300,498		0	0.00	32,300,498

**Exhibit B**  
**Ordinance No. 96-670**  
**FY 1996-97 SCHEDULE OF APPROPRIATIONS**

	<b>Current Appropriation</b>	<b>Revision</b>	<b>Proposed Appropriation</b>
<b>ZOO CAPITAL FUND</b>			
Materials & Services	\$125,000	\$103,206	\$228,206
Capital Outlay	2,400,000		2,400,000
Interfund Transfers	40,000		40,000
Contingency	5,000,000	(103,206)	4,896,794
Unappropriated Balance	24,735,498		24,735,498
<b>Total Fund Requirements</b>	<b>\$32,300,498</b>	<b>\$0</b>	<b>\$32,300,498</b>



***Agenda Item Number 7.3***

**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.**

***Second Reading***

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE	)	ORDINANCE NO. 97-678
FY 1996-97 BUDGET AND APPROPRIATIONS)		Introduced by Presiding
SCHEDULE, TRANSFERRING \$6,000 FROM	)	Officer Kvistad
THE GENERAL FUND CONTINGENCY TO	)	
COUNCIL MATERIALS AND SERVICES; AND	)	
DECLARING AN EMERGENCY	)	

WHEREAS, Metro is responsible for the development and implementation of 2040 and the Regional Framework Plan and the designation of urban reserve study areas,

WHEREAS, Metro is responsible for providing interested parties with information to facilitate public input and involvement and required regulatory review and approval,

WHEREAS, the cost of printing documents related to Metro's filing of the functional plan and the related legal action exceeded the resources budgetted for this purpose; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS;

1. That the FY 1996-97 Budget and Schedule of Appropriations are hereby amended as shown the column titled "Revision" in Exhibits A and B to this Ordinance for the purpose of transferring \$6,000 from the General Fund Contingency to Council Materials and Services.

2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, 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

Exhibit A  
Ordinance No. 97-678  
**General Fund**

FISCAL YEAR 1996-97		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
<b>Council</b>							
	<b>Total Personal Services</b>	16.00	764,949		0	16.00	764,949
	<u>Materials &amp; Services</u>						
521100	Office Supplies		4,420				4,420
521110	Computer Software		4,500				4,500
521310	Subscriptions		450				450
521320	Dues		1,100				1,100
524190	Misc. Professional Services		10,000				10,000
525640	Maintenance & Repairs Services-Equipment		1,300				1,300
526200	Ads & Legal Notices		1,500				1,500
526310	Printing Services		7,000		6,000		13,000
526410	Telephone		850				850
526420	Postage		10,000				10,000
526440	Delivery Services		500				500
526500	Travel		8,700				8,700
526700	Temporary Help Services		10,000				10,000
526800	Training, Tuition, Conferences		4,000				4,000
528100	License, Permits, Payments to Other Agencies		9,000				9,000
529120	Councilor Expenses		21,000				21,000
529500	Meetings		10,000				10,000
	<b>Total Materials &amp; Services</b>		104,320		6,000		110,320
	<b>Total Capital Outlay</b>		31,500				31,500
	<b>TOTAL EXPENDITURES</b>	16.00	900,769		6,000	16.00	906,769
<b>General Fund Total</b>							
	<b>Contingency and Unappropriated Balance</b>						
599999	Contingency		591,226		(6,000)		585,226
599990	Unappropriated Fund Balance		200,000		0		200,000
	<b>Total Contingency and Unappropriated Balance</b>		791,226		(6,000)		785,226
	<b>TOTAL FUND REQUIREMENTS</b>	21.00	8,133,191		0	21.00	8,133,191

**Exhibit B**  
**Ordinance No. 97-678**  
**FY 1996-97 SCHEDULE OF APPROPRIATIONS**

	<u>Current Budget</u>	<u>Revision</u>	<u>Proposed Budget</u>
<b>GENERAL FUND</b>			
<b>Council</b>			
Personal Services	\$764,949		\$764,949
Materials & Services	104,320	\$6,000	110,320
Capital Outlay	31,500		31,500
Subtotal	<u>\$900,769</u>	<u>\$6,000</u>	<u>\$906,769</u>
<b>Executive Management</b>			
Personal Services	323,356		323,356
Materials & Services	37,908		37,908
Capital Outlay	5,900		5,900
Subtotal	<u>367,164</u>		<u>367,164</u>
<b>Special Appropriations</b>			
Materials & Services	125,000		125,000
Subtotal	<u>125,000</u>		<u>125,000</u>
<b>General Expenses</b>			
Interfund Transfers	5,949,032		5,949,032
Contingency	591,226	(6,000)	585,226
Subtotal	<u>6,540,258</u>	<u>(6,000)</u>	<u>6,534,258</u>
<b>Unappropriated Balance</b>	<u>200,000</u>		<u>200,000</u>
<b>Total Fund Requirements</b>	<u>8,133,191</u>	<u>0</u>	<u>8,133,191</u>

*Agenda Item Number 8.1*

**Resolution No. 97-2441, For the Purpose of Confirming the Initial Appointment of Jeff S. Steward and the Reappointment of Peggy J. Miller and David Smith to the Investment Advisory Board.**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE ) RESOLUTION NO. 96-2441  
INITIAL APPOINTMENT OF JEFF S. )  
STEWART AND THE REAPPOINTMENT OF ) Introduced by Mike Burton  
PEGGY J. MILLER AND DAVID SMITH TO ) Executive Officer  
THE INVESTMENT ADVISORY BOARD )

WHEREAS, The Metro Code, Section 2.06.030, provides that the Council confirms members to the Investment Advisory Board; and,

WHEREAS, Jeff S. Stewart comes highly recommended by his background and experience; and,

WHEREAS, Peggy J. Miller and David Smith have been actively serving as members of the Investment Advisory Board since April 14, 1994; and,

WHEREAS, The Council finds that Jeff S. Stewart, Peggy J. Miller, and David Smith are exceptionally qualified to perform these duties, now, therefore,

BE IT RESOLVED,

That Jeff S. Stewart and Peggy J. Miller are confirmed as members of the Investment Advisory Board for the term ending October 31, 1999, and David Smith is confirmed as a member of the Investment Advisory Board for the term ending October 31, 1998.

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

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

Approved as to Form:

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

## **STAFF REPORT**

### **CONSIDERATION OF RESOLUTION NO. 96-2441 CONFIRMING THE INITIAL APPOINTMENT OF JEFF S. STEWART AND THE REAPPOINTMENT OF PEGGY J. MILLER AND DAVID SMITH TO THE INVESTMENT ADVISORY BOARD.**

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Date: December 20, 1996

Presented by: Howard Hansen

## **FACTUAL BACKGROUND AND ANALYSIS**

Metro Code, Section 2.06.030, includes the creation of the Investment Advisory Board. One provision of this Code requires the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures for the investment operation.

On April 14, 1994 Peggy J. Miller and David Smith were appointed to the Investment Advisory Board for the term ending October 31, 1996. During this period, they have provided practical and constructive counsel to staff regarding investment activities. Based on their background, experience and commitment, they are recommended for reappointment.

Peggy J. Miller's appointment will be for a three year term ending October 31, 1999. David Smith's appointment will be for a two year term ending October 31, 1998 in order to stagger term expirations.

On November 11, 1993, Christopher D. Cassard was appointed for the term ending October 31, 1996. While his services have also been practical and constructive, promotions by his employer prohibit his continuation. He recommends Jeff S. Stewart, CPA, as his replacement. Mr. Stewart performs work similar to Mr. Cassard for the same employer, Oregon Steel Mills. Mr. Stewart's resume lists progression from Internal Auditor, Assistant Treasurer, Plant Controller, Business Manager, to Treasurer. He is also active in the Portland Treasury Management Association. His appointment will be for a three year term ending October 31, 1999.

The Executive Officer, acting as the Investment Officer, recommends appointment of Jeff S. Stewart and reappointment of Peggy J. Miller and David Smith for the terms specified above.

## **EXECUTIVE OFFICER'S RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 96-2441.

**Resolution No. 97-2454, For the Purpose of Granting an underground electrical right-of-way easement at the M. James Gleason Boat Ramp to Pacific Power and Light.**

**Metro Council Meeting  
Thursday, February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF GRANTING ) RESOLUTION NO. 97-2454  
AN UNDERGROUND ELECTRICAL )  
RIGHT-OF-WAY EASEMENT AT THE )  
M. JAMES GLEASON BOAT RAMP TO ) Introduced by  
PACIFIC POWER AND LIGHT. ) Mike Burton, Exec. Officer

WHEREAS, Pacific Power and Light Company (PP&L) is requesting an underground electrical easement on property located at the M. James Gleason Boat Ramp; and

WHEREAS, The purpose of the easement is to supply electrical services to a cellular antenna site currently leased to AT&T Wireless Services per Resolution No. 96-2369 approved by the Metro Council on August 8, 1996; and

WHEREAS, AT&T Wireless Services has agreed to pay for the cost associated with the easement rights on the property based on a preliminary appraisal; and

WHEREAS, Negotiations for an easement agreement have concluded; now, therefore,

BE IT RESOLVED,

1. That the Metro Council hereby authorizes the Executive Officer to enter into agreements with AT&T Wireless Services and PP&L stating the conditions for an underground electrical easement located at the M. James Gleason Boat Ramp that includes:

- Underground Right-Of-Way Easement (Exhibit A)

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

## **REGIONAL PARKS AND GREENSPACES STAFF REPORT**

IN CONSIDERATION OF RESOLUTION NO. 97-2454 FOR THE PURPOSE OF GRANTING AN UNDERGROUND ELECTRICAL RIGHT-OF-WAY EASEMENT AT THE M. JAMES GLEASON BOAT RAMP TO PACIFIC POWER AND LIGHT COMPANY.

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Date: February 6, 1997

Presented by:

Charles Ciecko, Director

Dan Kromer, O & M Manager  
Regional Parks and Greenspaces

### **FACTUAL BACKGROUND AND ANALYSIS**

Metro signed a lease agreement with AT&T Wireless Services, Resolution No. 96-2369, on August 15, 1996, to allow the construction of a cellular antenna site at the M. James Gleason Boat Ramp. Part of this lease agreement allowed AT&T Wireless Services to install and/or improve present utility service on the premises. AT&T Wireless Services has determined that in order to achieve their electrical needs Pacific Power and Light (PP&L) must add an additional underground electrical line and transformer. PP&L requires a permanent easement across the property before they will install the line.

Regional Parks and Greenspaces had a preliminary appraisal done on the easement property and determined that cash compensation in the amount of \$2,500.00 would satisfy the granting of the easement. AT&T Wireless Services has agreed to compensate Metro for this amount.

A Regional Parks and Greenspaces staff member will be present to answer any questions by Council regarding this agreement.

### **Executive Officer's Recommendation:**

The Executive Officer recommends adoption of Ordinance No. 97-2454.

## EXHIBIT A

Return To:  
PACIFIC POWER  
7544 N.E. 33rd Dr.  
Portland, OR 97211

RC Name PMOC  
RC 41430 WO 01115293

\_\_\_\_\_  
ABOVE SPACE FOR RECORDERS USE ONLY

Grantor(s):  
Metro, a Municipal Corporation  
of the State of Oregon

### UNDERGROUND RIGHT-OF-WAY EASEMENT

For value received, the undersigned, hereinafter referred to as Grantor(s), does/do hereby grant to PACIFICORP, a corporation, its successors and assigns (Grantee), an easement and right-of-way 10 feet in width, for an underground electric distribution line of one or more conductors and all necessary or desirable appurtenances (including but not limited to the right to install conduits, surface or subsurface-mounted transformers, surface-mounted connection boxes and meter cabinets) at or near the location and along the general course now located and staked out by the Grantee over, under, across and along the following described real property in Multnomah County, State of Oregon, to wit:

Beginning at the intersection of the center line of N.E. Marine Drive Road No. 1167 with the East line of the Sarah Wilson D.L.C.; thence South 73°57' East 57.37 feet to a point; thence along a 1910.0 foot radius curve to the left 200.29 feet to a point; thence North 0°09' West 30.49 feet to a point on the North right-of-way line said N.E. Marine Drive, said point to be the true point of beginning; thence continuing North 0°09' West parallel to said Sarah Wilson D.L.C. 253.0 feet more or less to the South bank of the Columbia River; thence Easterly, following said South bank 856.6 feet, more or less, to a point that is 856.49 feet when measured at right angles, from the West line of tract being described; thence South 0°09' East 331.0 feet, more or less, to point on the North right-of-way line of N.E. Marine Drive Road No. 1167; thence South 89°51' West following said North right-of-way line 50.0 feet to a point; thence along a 3790.0 foot radius curve to the right a distance of 388.04 feet to a point; thence North 84° 17' West 274.93 feet to a point; thence along an 1880.0 foot radius curve to the right 147.15 feet, more or less, to the true point of beginning, containing 5.90 acres, more or less.

The M. James Gleason Boat Ramp Property legally described as: TL200, Section 6, Township 1 North, Range 2 East of the Willamette Meridian, Multnomah County, Oregon.

(Tax account #R 94206-0310)

At above space, type or print property legal description. Description can usually be obtained from deed on file at the county recorder's office.

Together with the right of ingress and egress over the adjacent lands of the Grantor(s) in order to install, maintain, repair, replace, rebuild, operate and patrol the underground electric distribution lines and appurtenances, and to exercise all other rights herein granted.

The location and course of said easement and right-of-way are approximately as shown on the sketch attached as Exhibit(s) "A" by this reference made a part hereof.

At no time shall any building or anything flammable be erected, permitted or placed within the boundaries of said esement and right of way, nor shall any material or equipment of any kind or nature which exceeds 3 feet in height be used thereon by Grantor(s) or by Grantor(s) heirs, successors or assigns.

Grantor(s) shall have the right to use the lands subject to the above-described easement and right-of-way for all purposes not inconsistent with the uses and purposes herein set forth; provided that Grantor(s) shall not build or erect any structure within the boundaries said easement and right-of-way without the prior written consent of Grantee.

All rights hereunder shall cease if and when such line shall have been abandoned.

Dated as of this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**REPRESENTATIVE ACKNOWLEDGEMENT**

Corporate, Partnership, Attorney-in-Fact, Trustee(s), Guardian/Conservator/Executor, Other

STATE OF OREGON

)

) ss.

County of \_\_\_\_\_ )

This instrument was acknowledged before me on \_\_\_\_\_, 19\_\_, by

\_\_\_\_\_ as

of \_\_\_\_\_.

Is. Notary Public \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

# GENERAL NOTES

A. SEE "GENERAL NOTES", SHEET E1.

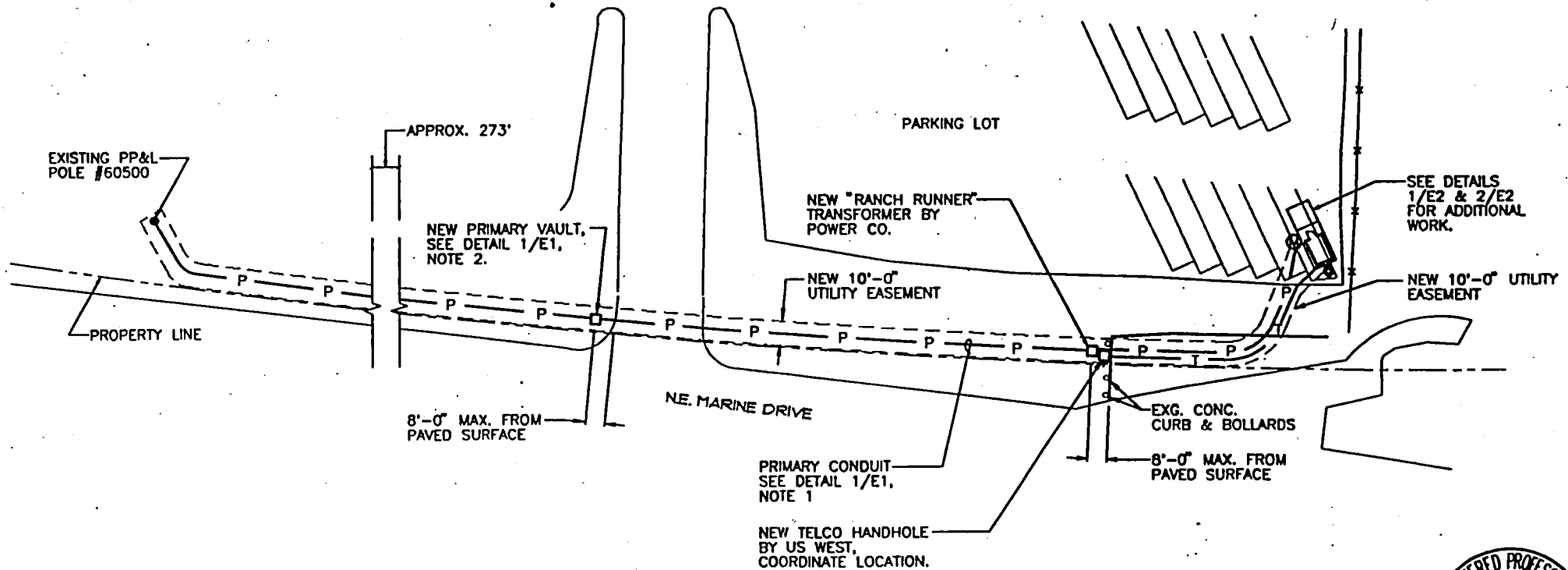


EXHIBIT "A"

1 UTILITY PLAN  
E2 1" = 40'-0"



**BENTLEY**  
9320 S.W. BARBUR BOULEVARD  
SUITE 200  
PORTLAND, OREGON 97219  
PHONE: (503) 244-9321  
FAX: (503) 244-9352  
Contact: Greg Robertson

Owner:  
**AT&T Wireless**  
1000 SW 4th Avenue  
Portland, Oregon 97201

Project:  
**Marine Drive  
Cell Site**  
Portland, Oregon

Sheet Title:  
**Utility Plan**

NO.	REVISION DESCRIPTION	DATE	DRAWN	DESIGNED	CHECKED	APPROVED
1	UTILITY CHANGES	11/2/95				
2	POLE #605	11/17/95	PPH	WPH	CLP	CLP

Sheet: E6 of: 6  
Doc #: 9806-061-D-E1



***Agenda Item Number 8.3***

**Resolution No. 97-2457, For the Purpose of Recognizing the Tryon Creek Watershed Council that Meets the State of Oregon Governor's Watershed Enhancement Board (GWEB) Guidelines.**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOGNIZING THE	)	RESOLUTION NO. 97-2457
TRYON CREEK WATERSHED COUNCIL AS A	)	
WATERSHED COUNCIL THAT MEETS THE	)	
STATE OF OREGON GOVERNOR'S WATERSHED	)	Introduced by
ENHANCEMENT BOARD (GWEB) GUIDELINES	)	Mike Burton, Executive Officer

WHEREAS, Tryon Creek has been declared a water quality limited stream by the State of Oregon Department of Environmental Quality; and

WHEREAS, The Tryon Creek watershed lies within the jurisdictions of Multnomah and Clackamas counties, City of Portland, City of Lake Oswego, and Metro; and

WHEREAS, Public stewardship and public involvement are critical elements to protection and enhancement of water quality in the Tryon Creek watershed; and

WHEREAS, The Tryon Creek Watershed Council is a local, citizen-led organization, with a majority of local residents and local government representatives including the City of Portland, City of Lake Oswego, Tryon Creek State Park, Natural Resources Conservation Service and Metro; and

WHEREAS, The goals and objectives of the Tryon Creek Watershed Council are to assess watershed conditions, develop plans and projects to protect or improve watershed conditions, build public awareness of watershed functions and conditions, and to monitor the projects and conditions of the watershed; and

WHEREAS, The Tryon Creek Watershed Council meets GWEB and state statute guidelines for a voluntary local watershed council; and

WHEREAS, The Tryon Creek Watershed Council requests formal recognition by the Metro Council (Exhibit A); now, therefore,

BE IT RESOLVED

1.) That the Metro Council hereby recognizes the Tryon Creek Watershed Council as a watershed council that meets the guidelines of the Governor's Watershed Enhancement Board.

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

---

Jon Kvistad, Presiding Officer

## STAFF REPORT

### **CONSIDERATION OF RESOLUTION NO. 97-2457, FOR THE PURPOSE OF RECOGNIZING THE TRYON CREEK WATERSHED COUNCIL AS A WATERSHED COUNCIL THAT MEETS THE STATE OF OREGON GOVERNOR'S WATERSHED ENHANCEMENT BOARD (GWEB) GUIDELINES**

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Date: February 4, 1997

Presented by: Ron Klein

#### BACKGROUND AND ANALYSIS

The Governor's Watershed Enhancement Board (GWEB) was established in 1987 to promote and implement programs to restore, maintain and enhance watersheds in the State of Oregon. In addition to providing grant funds and technical assistance for watershed education and improvement projects, GWEB promotes general watershed awareness, encourages citizens and organizations to volunteer for watershed enhancement activities, encourages public agencies to work together on watershed issues and maintains a library of watershed enhancement projects.

Because watersheds often cross jurisdictional boundaries and require a regional management approach to be effective, GWEB encourages the formation of watershed councils to implement management plans, promote citizen involvement and to monitor watershed conditions. Watershed councils are able to work across jurisdictional boundaries and agency mandates to provide a more comprehensive assessment of watershed conditions and management needs. A watershed council brings local governments, natural resource agencies, businesses, local property owners and interested citizens together to address the needs of the watershed.

Under Oregon Revised Statute 541.388 local government groups are encouraged to form voluntary local watershed councils. Those councils recognized by local government groups are eligible to receive grant funds and technical support from GWEB. The Tryon Creek Watershed Council has requested that Metro Council recognize the organization to facilitate their work in the Tryon Creek watershed and to be eligible for GWEB assistance (Attachment 1).

The City of Portland Council approved Resolution No. 35577 on December 11, 1996 to recognize the Tryon Creek Watershed Council and declare it meets the criteria for a voluntary local watershed council identified in ORS 541.388.

Watersheds and stream basins were the primary landscape unit used in the development of the Metropolitan Greenspaces Master Plan. Tryon Creek State Park and its associated linkages are identified in the master plan as regionally significant. It is also one of the 14 regional target areas supported by the Open Spaces Acquisition Program. The master plan also encourages active citizen involvement in the stewardship of urban natural areas.

The Tryon Creek Watershed Council has worked to bring local governments, management agencies, businesses, landowners and citizens together for the management of the Tryon Creek watershed. A Metro representative currently serves on the council. Because Metro is involved in growth management planning and acquisition activities within the Tryon Creek watershed, Metro staff recommends Metro Council recognize the Tryon Creek Watershed Council as a local voluntary group dedicated to a cooperative management approach to the watershed.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 97-2457.

# Tryon Creek Watershed Council

10750 SW Boones Ferry Road, Portland Oregon, 97219

Dennis Ades  
Oregon Department of  
Environmental Quality

Steve Daneman  
Citizen Member

Barbara Edwardson  
Metro Regional Parks  
and Greenspaces

Amanda Fritz  
Citizen Member

Sonya Kazen  
Citizen Member

Loring Larsen  
Tryon Creek State Park

Deborah Lev  
City of Lake Oswego

Eileen Lipkin  
Citizen Member

Tom McQuire  
Portland Planning

Barbara Shearin  
Citizen Member

Jim Sjulin  
Portland Parks and  
Recreation

Jonathan Snell  
Citizen Member

Eric Strecker  
Citizen Member

George Toepfer  
Friends of Tryon Creek  
State Park

Dawn Uchiyama  
Citizen Member, Chair

Amin Wahab  
Bureau of Environmental  
Services

Date: January 30, 1997

To: Metro Council

Subject: Request for Formal Recognition of the Tryon Creek Watershed Council

Dear Council Members,

Two years ago, citizens concerned about the future of the Tryon Creek watershed initiated a public process to form a watershed council. We were concerned with increasing development and stormwater impacts, and sought to take a pro-active, stewardship approach to environmental issues that impact the watershed. During the process of gathering support and structuring the council, we built a commitment to: community education and participation, protection of Tryon Creek and its associated resources, and inter-agency coordination.

As a result of the gradual consensus-building and outreach conducted during the formation process, the Watershed Council secured support and participation from eight citizen representatives and eight agencies. In addition, several others have offered support including the Natural Resources Conservation Service, the West Multnomah Soil and Water Conservation District and the Metro Homebuilders' Association.

As you can see from this list of committed partners, the Tryon Creek Watershed Council has conducted a broad outreach campaign to include as many stakeholders as possible in our organization. We are ready to begin planning and implementing strategies to protect, enhance and sustain the health of the Tryon Creek watershed. Based upon our accomplishments, we believe we meet the criteria specified for watershed councils in house Bill 3431 from the 1995 State Oregon Legislative Session (ORS 541-375) and ask you to formally recognize the Tryon Creek Watershed Council as specified in those regulations.

Please call me at 245-7349 (h) or 823-5596 (w) if you have questions or need more information. Thank you for your consideration.

Sincerely,



Dawn Uchiyama  
Tryon Creek Watershed Council Chair



# *Frequently Asked Questions*

February 1996

Governor's Watershed Enhancement Board

## **Recognizing Watershed Councils - Local Government Roles**

**?**

**What are Watershed Councils and what do they do?**

A watershed council is "a voluntary local organization designated by a local government group convened by a county governing body to address the goal of sustaining natural resource and watershed protection and enhancement within a watershed." This definition is found in state statute (ORS 541.350) and contains a number of important concepts. The voluntary local nature of a council is very important; the recent legislation emphasized this nature of watershed councils. The local group must address a "watershed" as the geographic unit of analysis/planning. The primary function of the watershed council is to identify watershed conditions and develop plans and projects to protect or improve watershed conditions, educate people about watershed conditions and functions and to monitor the projects and conditions of the watershed.

**?**

**Are Watershed Councils formal government bodies?**

Watershed councils are volunteer groups that have no specific authority or ability to regulate land or water use. As a group that is recognized by local government, they incur no more or less liability to local governments than any other locally appointed advisory group (planning commission, design review board, etc.). Some watershed councils may wish to form non-profit corporations or other formal organizational structures to continue their work through time and to receive funds for projects and to pay a coordinator.

**?**

**Does the state have guidance for recognizing watershed councils?**

The 1995 legislation (H.B. 3441) was clear that local governments have the role/responsibility of determining "whether to participate" in the formation of a watershed council. When multiple groups are involved in the same area, local governments must decide their respective roles and the appropriate method for

appointing members to a local watershed council. The two primary guidelines provided by the legislature are: 1) that the watershed council be a voluntary, local group, and 2) the council represents a balance of interested and affected persons within the watershed. These principles are important when considering the composition and recognition of a local group as a watershed council.

**?**

**What is the benefit to local communities of forming a watershed council?**

Watershed councils are able to work across jurisdictional boundaries and across agency mandates to look at the local area more holistically. They are non-partisan groups that can focus on results rather than process or mandates. The council forum provides local people a voice in natural resource management and can significantly affect decisions in the local area. The council can also be a forum to bring state and federal land management agencies and plans together with local property owners and private land managers.

**?**

**What form does local government recognition of a watershed council require?**

The legislation does not specify the form of recognition required by local governments. Tillamook County recently issued an order establishing the Nestucca Watershed Council that presents findings and orders the establishment of the watershed council, identifies the work to be done by the council, identifies the legal framework for the council startup, defines membership and identifies technical advisory members. This form of recognition is the most formal. Other less formal means such as letter of recognition, resolution, etc. may also be appropriate.

**For additional information, contact:**

- Ken Bierly, Rick Craiger, or Vivienne Torgeson in Salem - phone 378-3589, extensions 831, 826 and 825.
- Karen Leiendecker in La Grande - phone 962-6590
- Mark Grenbemer in Grants Pass - phone 474-5385

*Agenda Item Number 8.4*

**Resolution No. 97-2461**, For the Purpose of Exemption to Metro Code Chapter 2.04.060, Personal Services Contract Selection Process, and Authorizing a Sole-Source Contract with Stop Oregon Litter and Vandalism (SOLV) for the Sponsorship of the Annual "Solv-It" Cleanup Event on April 19, 1997.

Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber



BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 97-2461
EXEMPTION TO METRO CODE CHAPTER 2.04.060,	)	
PERSONAL SERVICES CONTRACTS SELECTION	)	INTRODUCED BY MIKE BURTON,
PROCESS, AND AUTHORIZING A SOLE-SOURCE	)	EXECUTIVE OFFICER
CONTRACT WITH STOP OREGON LITTER AND	)	
VANDALISM (SOLV) FOR SPONSORSHIP OF THE	)	
ANNUAL "SOLV-IT" CLEANUP EVENT ON	)	
SATURDAY, APRIL 19, 1997	)	

WHEREAS, Metro supports cleanup events to rid the region of illegal dump sites and to assist local governments with clean-up of chronic problem sites; and

WHEREAS, Metro has provided technical and financial support for the past seven "SOLV-IT" events; and

WHEREAS, the 1996 "SOLV-IT" event succeeded in collecting more than 524 tons of material from 74 different sites throughout Multnomah, Clackamas and Washington Counties. This tonnage included 381 tons of mixed solid waste, 21.6 tons of recyclable scrap metal, 88.2 tons of wood debris and 2,585 waste tires; and

WHEREAS, the 1997 annual event is coordinated by Stop Oregon Litter and Vandalism (SOLV) and KINK Radio, and includes four other major sponsors: Metro, Weyerhaeuser, Sleep Country USA., and KGW Northwest News Channel 8; and

WHEREAS, the coordinating organization is the only organization qualified to perform the services as outlined in the contractual Scope of Work; and

WHEREAS, the Executive Officer has reviewed the contract with SOLV and hereby recommends Council approval; now, therefore,

BE IT RESOLVED, THAT

The Metro Council hereby exempts the attached contract (Exhibit "A" hereto) with SOLV from the competitive proposal requirement pursuant to Metro Code Chapter 2.04.060. because the Council finds SOLV to be the sole provider of the required services.

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

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Jon Kvistad, Presiding Officer

KD:ay  
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## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 97-2461 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO METRO CODE CHAPTER 2.04.060, PERSONAL SERVICES CONTRACTS SELECTION PROCESS, AND AUTHORIZING A SOLE-SOURCE CONTRACT WITH STOP OREGON LITTER AND VANDALISM (SOLV) FOR THE SPONSORSHIP OF THE ANNUAL "SOLV-IT" CLEANUP EVENT ON SATURDAY, APRIL 19, 1997.

Date: February 6, 1997

Presented by: Bruce Warner

### PROPOSED ACTION

Adoption of Resolution No. 97-2461 would authorize an exemption to competitive contract procedures and authorize the execution of a personal services contract (Exhibit A) with Stop Oregon Litter and Vandalism (SOLV). The contract will provide services in coordinating the seventh annual "SOLV-IT" Cleanup event scheduled for Saturday, April 19, 1997. SOLV is the only agency of its kind to coordinate this type of event on this scale. SOLV will target at least six large chronic illegal disposal sites in the Metro region. Emphasis will also include flood and storm debris on public property. SOLV will work with local governments and up to 60 community-based events in conjunction with neighborhood associations and other volunteer organizations at sites that have been identified as chronic local problem areas.

### FACTUAL BACKGROUND

Metro has supported the annual one-day "SOLV-IT" clean up since the event first started in 1990. Over that period of time, the scale of illegal dumping has become more manageable on a site-by-site basis. During the first two years, SOLV IT concentrated on collection of tires, scrap metal, and yard debris from neighborhoods plus removal of solid waste from illegal dumpsites that were proliferating throughout the metropolitan area. With the institution of curbside recycling in 1993, SOLV IT shifted its focus to cleaning illegal dumpsites. Remediation programs from Metro, other local cleanup projects and SOLV IT were so successful that in 1995 only a few major dumpsites remained to be cleaned. In an effort to be responsive to the changing needs of the metropolitan community, SOLV IT adjusted its focus again to target smaller dumpsites and neighborhood community cleanup. SOLV IT 1996 continued that emphasis with 74 sites selected for cleanup that involved neighborhoods/communities as well as smaller illegal dumpsites.

Seven years of efforts have resulted in the removal of nearly 3.5 million pounds of discarded debris with the help of some 23,300 volunteers. According to Earth Day Network, the clearinghouse for Earth Day activities nationwide, **SOLV IT 1996 was the largest cleanup in the nation.**

A few years ago, with the help of the Association of Oregon Contractors, SOLV undertook to install barricades and plantings, attempting to reduce or eliminate casual access to chronic sites. This is an effort that has continued, with neighborhood associations placing signs and securing permission to install barriers on private property. On the down side, illegal dumpers have moved

on to other places, and though the "mega" sites in isolated locations dumped in for years are starting to disappear, the trend now is more widely dispersed at smaller sites that are more accessible and closer to the population. Working with neighborhood associations' activities, this year will focus on the numerous smaller but chronic dumpsites in neighborhoods and cleaning up the fewer large sites in the region that remain chronic. Emphasis will also be placed on flood and storm debris on public property.

Comparisons for 1994, 1995 and 1996 are as follows:

	<u>Mixed Waste</u>	<u>Scrap Metal</u>	<u>Tires</u>
1994	83 tons	8.2 tons	4,836
1995	155 tons	6.1 tons	2,213
1996	381 tons	21.6 tons	2,586

Wood waste was measure this year and over 176,400 pounds or 88.2 tons were collected. Though wood waste and yard debris are generally too contaminated for separation from mixed waste, Storm wood waste was easier to discern. Illegal disposal of yard debris appears to fluctuate from year to year, with no major attributable cause.

Metro will be one of five primary event sponsors which include KINK Radio, Weyerhaeuser, Sleep City USA, and KGW Northwest News Channel 8. Local haulers helped with SOLV-IT since the beginning. Last year they included: American Sanitary Service, B & B Leasing, Cedar Mill Disposal, Cloudburst Recycling, Gruetter Disposal Service, Keller Drop Box Service, Metropolitan Disposal, Miller Sanitary Service, Mt. Hood Refuse Removal, Inc., Oregon City Garbage, Sunset Garbage, Schnitzer Steel, Refuse Removal, Walker Garbage Service, Waste Recovery, Inc., Waste Management of Oregon, and Weyerhaeuser Company. Additional assistance with waste hauling is provided by the City of Portland, Port of Portland, Clackamas and Washington Counties, and Mt. Hood Community College.

The estimated cost of the event is \$103,000. In-kind and donated services from organizations and other businesses in the community are solicited by SOLV to help reduce direct costs. Additionally, each primary event sponsor has agreed to provide in-kind services as part of their participation. Metro will provide printing of posters and brochures, site map production, use of clean up equipment on day of event, volunteer recruitment, and assistance with calls in the Metro Recycling Information and Regional Environmental Management reception.

The Scope of Work calls for SOLV to perform the following:

1. Advertising/Promotion: Develop and procure all print and electronic media advertisements, recognizing Metro as a primary sponsor along with other sponsors.
2. Community Cleanup Events: Community-based cleanup events will include collection of separated recyclables and/or reusables such as scrap metal, tires, etc. conducted at 50 to 60 public properties. SOLV will work with local governments, neighborhood associations, and civic organizations to identify and select sites to be scheduled for cleanup.

3. Cleanup of Illegal Dump Sites on Public Land: SOLV will conduct cleanups on at least six large, chronic illegal dump sites in and near the region.
  - a) Activities and/or events must be distinctly different from normal maintenance responsibilities of local governments (such as public works road crews or parks department cleanups).
  - b) Installation of prevention devices such as barricades or plantings for sites as appropriate.
4. Reporting: The Contractor's Project Manager will provide Metro with event information including a report describing the cleanups:
  - a) Total amount collected for each type of material and where material was disposed or recycled;
  - b) Number of participants in the event and number of volunteers contributing to the cleanup and recycling activities.
  - c) Highlights of the event.
5. Event Coordinator: SOLV is responsible for overall event coordination, including working directly with KINK Radio and other primary sponsors to publicize the event, solicit donations from other businesses and organizations, and recruit and organize volunteers to clean up, drive trucks, unload and transfer debris, and transport to disposal and recycling facilities.

We will again field a team of Metro volunteers to help with clean up. Each year about 50 Metro employees and their families have volunteered their Saturday to help clean-up at the site of their choice. Last year, we selected Smith & Bybee Lakes and Peninsula Crossing Trail Corridor. SOLV is working with Metro's Regional Environmental Management Department and Regional Parks and Greenspaces to determine this year's site. **Anyone reading this staff report is welcome and needed to participate in this event.**

#### BUDGET IMPACT

In FY 1996-97, \$30,000 is listed for the clean-up program in the Environmental Services Division budget.

In-kind contributions include: Assistance from the Creative Services Division, Metro Recycling Information, and Regional Environmental Management reception in answering cleanup inquiry calls from the public; contacts with the media and Metro's radio ad productions; designing, printing and mailing of event brochures; and operations assistance from Metro disposal facilities.

#### EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 97-2461.

**PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and STOP OREGON LITTER AND VANDALISM (SOLV), referred to herein as "Contractor," located at P.O. Box 1235, Hillsboro, Oregon 97123.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. Duration. This personal services agreement shall be effective March 15, 1997, and shall remain in effect until and including June 15, 1997, unless terminated or extended as provided in this Agreement.
2. Scope of Work. Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. Payment. Metro shall pay Contractor for services performed and materials delivered in the amount(s), manner and at the time(s) specified in the Scope of Work for a maximum sum not to exceed THIRTY THOUSAND AND 00/100 DOLLARS (\$30,000.00).
4. Insurance.
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.
  - c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDs. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.
  - d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.

e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.

5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.

6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.

7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.

8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.

9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

STOP OREGON LITTER AND  
VANDALISM (SOLV)

METRO

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Print name and title

\_\_\_\_\_  
Print name and title

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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## EXHIBIT A

## SCOPE OF WORK

PROJECT: Coordination of Annual "SOLV-IT" Event  
CONTRACTOR: Stop Oregon Litter and Vandalism (SOLV)  
PROJECT TERM: March 15, 1997 through June 15, 1997  
PROJECT TOTAL: \$30,000

**CONTRACTOR'S RESPONSIBILITIES:**

Contractor shall be responsible for conducting a community and illegal dump site cleanup event on Saturday, April 19, 1997, in the metro region. The number and exact location of sites will be determined by Contractor by April 19, 1997.

**1. Community Cleanup Events:**

Community-based cleanup events will include collection of separated recyclables and/or reusables such as scrap metal, tires, etc. conducted at approximately 60 public properties. SOLV will work with local governments and neighborhood organizations to identify and select sites to be scheduled for cleanup, and will also assume responsibility for arranging access to any identified public properties, if necessary.

**2. Cleanup of Illegal Dump Sites on Public Land:** SOLV will conduct cleanups on six large chronic illegal dump sites in the region.

- a. Contractor's activities and/or events will be distinctly different from normal maintenance responsibilities of local governments (such as public works road crews or parks department cleanups).
- b. Contractor shall assume responsibility for installation of prevention devices such as barricades or plantings for sites as appropriate.
- c. Contractor shall assume responsibility for arranging access to such sites if necessary.

**3. Publicity:** Contractor shall identify Metro as a major sponsor in all event media publicity, event signage, etc.**4. Reporting:** The Contractor's Project Manager will provide Metro with event information on or before June 15, 1997, including a report describing the cleanups:

- a. Total amount collected for each type of material and where material was disposed or recycled;
- b. Number of participants in the event and number of volunteers contributing to the cleanup and recycling activities.
- c. Highlights of the event.

**METRO'S RESPONSIBILITIES:**

Metro will provide printing of the event materials such as brochures and posters, assistance with distribution of same, and will provide other assistance as necessary to develop and evaluate the project, including coordination between the Contractor and Metro's Creative Services Division.

**PAYMENT AND EVENT REVENUE:**

Metro will expedite the lump sum payment of \$30,000 to the Contractor immediately following contract approval. Any expenses which exceed Metro's total cash contribution of \$30,000 shall be borne by the Contractor. The majority of the event revenue is contributed by the following major sponsors: Metro, KINK, Sleep City USA, Weyerhaeuser and KGW News Channel 8. Additional revenue is generated from donations of \$10,000, \$5,000 and \$1,600 packages from other local businesses, to be used in covering costs of staging the SOLV-IT event.

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*Agenda Item Number 8.5*

**Resolution No. 97-2462, For the Purpose of Authorizing Release of RFP #97R-6 REM for the Development of a Facilities Master Plan and Renewal and Replacement Account for Solid Waste Facilities.**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING	)	RESOLUTION NO. 97-2462
RELEASE OF RFP #97R-6-REM FOR THE	)	
DEVELOPMENT OF A FACILITIES	)	Introduced by Mike Burton,
MASTER PLAN AND RENEWAL AND	)	Executive Officer
REPLACEMENT ACCOUNT FOR SOLID	)	
WASTE FACILITIES	)	

WHEREAS, Metro recognizes the need for comprehensive long-range planning for major capital assets; and

WHEREAS, Metro is required by its Master Bond Ordinance to establish a Renewal and Replacement Account for the capital assets of the solid waste system and to review the requirements of the account every three fiscal years; and

WHEREAS, As described in the accompanying staff report, there are a number of operational problems at Metro's transfer stations that need to be addressed through a comprehensive capital improvement planning process; and

WHEREAS, As described in the accompanying staff report, savings can be obtained by combining assistance for capital improvement planning with the renewal and replacement study into a single contract; 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,

1. That the Metro Council authorizes the Executive Officer to release RFP #97-6-REM, attached as Exhibit "A".
2. That the Metro Council, pursuant to Section 2.04.026(b) of the Metro Code, authorizes the Executive Officer to execute a contract with the most qualified and cost effective proposer in accordance with the requirements of the Metro Code.

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

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

## STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 97-2462 FOR THE PURPOSE  
OF AUTHORIZING RELEASE OF RFP #97R- -REM FOR THE  
DEVELOPMENT OF A FACILITIES MASTER PLAN AND RENEWAL AND  
REPLACEMENT ACCOUNT FOR SOLID WASTE FACILITIES

Date: January 21, 1997

Presented by: Paul Ehinger

### PROPOSED ACTION

Adopt Resolution No. 97-2462, authorizing the Executive Officer to release a request for proposals (RFP) for the development of a Facilities Master Plan and Renewal and Replacement Account for Metro's solid waste facilities, and to enter into an agreement with the most qualified and cost-effective proposer.

### FACTUAL BACKGROUND AND ANALYSIS

The RFP attached to Resolution No. 97-2462 as Exhibit "A", solicits proposals to assist the Regional Environmental Management Department in the development of a Facilities Master Plan and in updating its Renewal and Replacement Account. Development of the master plan will entail examining the current and future operational needs of Metro's solid waste facilities (mainly the transfer stations and household hazardous waste facilities) and developing capital improvement plans to accommodate identified needs. The major objectives of the plan are to:

- Improve Customer Service
- Provide Flexibility in Materials Handling and Recovery
- Increase Operational Efficiency and Employee Safety
- Improve Hazardous Waste Facilities

Such a plan is needed to provide solutions for both short-term problems such as queuing, but more importantly to examine the role of the facilities in the evolving solid waste system. Development of the plan will therefore focus on getting input from system stakeholders in developing plans for capital and operational improvements. Such plans will then be included in the department's portion of Metro's Capital Improvement Plan.

On November 21, 1989, Metro adopted Ordinance No. 89-319, the Solid Waste Revenue Bond Master Ordinance (Master Ordinance). The Master Ordinance requires Metro to establish a Renewal and Replacement Account for the capital assets of the solid waste system, and to review the requirements of the account every three fiscal years. The last review was completed in 1993.

The current review will include environmental improvements made to the St. Johns Landfill from closure activities. Such assets were not included in the previous Renewal and Replacement Account study as the improvements were still under construction.

Since both the Master Facilities Plan and the Renewal and Replacement Account review require an intensive examination of existing assets, they have been combined in the scope of work for the RFP. This should result in savings to Metro.

#### **BUDGET IMPACT**

The budget for this project is \$200,000.

#### **EXECUTIVE OFFICER RECOMMENDATION**

The Executive Officer recommends approval of Resolution No. 97-2462.

CG:gbc  
s:\share\dept\staffrpt\staf0121.rpt

BID / RFP REVIEW FORM **RECEIVED**

FFB - 5 1997

Date Received by the Contract Services Division \_\_\_\_\_

METRO Risk & Contract  
Management Division

> \$25,000

BID # \_\_\_\_\_

< \$25,000 \_\_\_\_\_

RFP #

97R-6-REM

Title of Project: Development of a Facilities Master Plan & Renewal & Replacement  
Account for Solid Waste Facilities

Department/Division: REM / Eng.

Est Amt:

200,000.

Council Designation:

(In budget)  
Not SI

Originator:

Contact:

Dave Givler / Paul Ehinger

(Please initial)

Reviewed by: Contracts Analyst

MC 2/5/97  
Date

Procurement Officer

DM 2/5/97  
Date

General Counsel (>\$25,000)

[Signature] 2/5/97  
Date

M/WBE Advocate

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# TRANSMITTAL SUMMARY

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2736  
TEL 503 797 1700 | FAX 503 797 1799



METRO

To be presented to  
Council for approval  
**RECEIVED**

FEB - 5 1997

To: Risk and Contracts Management

From:

Date JUN 30, 1997

Vendor METRO Risk & Contract Management Division

Department REM

Subject

Division Eng

☐ Bid

☐ Contract

Name Paul Ehinger

☒ RFP

☐ Other

Vendor no.

Title SR Engineer

Contract no. RFP # 97R-6-R

Extension 1789

Purpose Develop a Facilities Master Plan

## Expense

☐ Procurement ☒ Personal/professional services ☐ Services (LM) ☐ Construction ☐ IGA

## Revenue

Budget code(s)  
531-31400-574130  
531-317410-574130

☐ Contract  
☐ Grant  
☐ Other

## Price basis

☐ Unit prices, NTE  
☐ Per task  
☒ Total/lump sum

## Contract term

☐ Completion\*  
☐ Annual  
☒ Multi-year\*\*

This project is listed in the  
1996 -1997 budget.

☒ Yes ☐ Type A  
☐ No ☐ Type B

## Payment required

☐ Lump sum  
☒ Progress payments

Beginning date\*

Ending date

Total commitment	Original amount	\$ <u>EST \$ 200,000.00</u>
	Previous amendments	\$
	This transaction	\$
	Total	\$
	A. Amount of contract to be spent fiscal year	\$
	B. Amount budgeted for contract	\$
	C. Uncommitted/discretionary funds remaining as of	\$

## Approvals

Project manager [Signature]  
Fiscal [Signature]

Division manager Jim Watkins  
Budget manager

Department director [Signature]  
Risk [Signature]

## Legal

\* See instructions on reverse. \*\* If multi-year, attach schedule of expenditures. \*\*\* If A or B is greater than C, and other line item(s) used, attach explanation/justification.



**Competitive quotes, bids or proposals**

Submitted by	\$Amount	MW/DBE	Foreign or Oregon contractor
Submitted by	\$Amount	MW/DBE	Foreign or Oregon contractor
Submitted by	\$Amount	MW/DBE	Foreign or Oregon contractor

Comments

Attachments ☐ Ad for bid ☐ Plans and specifications ☐ Bidders list (M/W/DBEs included)

**Instructions**

1. Secure contract number from Risk and Contracts Management. Place number on the transmittal summary and all contract copies.
2. Complete transmittal summary form to the extent of project completion.
3. If contract is:
  - A. Sole source, attach memo detailing justification pursuant to ORS 279.
  - B. Less than \$2,500, attach memo detailing need for contract and contractor's capabilities, bids, etc.
  - C. More than \$2,500 but less than \$25,000, attach quotes, informal solicitations, evaluation forms, etc.
  - D. More than \$25,000 attach RFP/RFB complete with summary, all required documents and all evaluation, utilization forms.
4. List and identify all subcontractors below.
5. Provide completed RFB/RFP packet to Risk and Contracts Management.

Subcontractor/supplier

Address

City/state/ZIP

Phone

MW/DBE certified Ethnicity

Type of work

Dollar amount

Subcontractor/supplier

Address

City/state/ZIP

Phone

MW/DBE certified Ethnicity

Type of work

Dollar amount

Attach additional list(s) as necessary.

Total utilization: \$

Total contract: \$

Percent utilization:

**REQUEST FOR PROPOSALS  
FOR  
DEVELOPMENT OF A FACILITIES MASTER PLAN AND  
RENEWAL AND REPLACEMENT ACCOUNT FOR  
SOLID WASTE FACILITIES**

**RFP #97R-6-REM**

**Metro  
Regional Environmental Management  
600 NE Grand Avenue  
Portland, OR 97232  
503-797-1650**



**REQUEST FOR PROPOSALS  
FOR  
DEVELOPMENT OF A FACILITIES MASTER PLAN AND  
RENEWAL AND REPLACEMENT ACCOUNT FOR  
SOLID WASTE FACILITIES  
RFP #97R-6-REM**

**I. INTRODUCTION**

The Regional Environmental Management (REM) Department of Metro is requesting proposals for the development of a Facilities Master Plan and Renewal and Replacement Account for Metro's solid waste facilities RFP #97R- -REM. The work will involve participating in a capital improvement planning process for Metro's three solid waste facilities: Metro South Transfer Station, Metro Central Transfer Station and the closed St. Johns Landfill. In addition, the work will include determination of the annual contribution Metro should make to a fund for renewal and replacement of the major capital components of these facilities, including the household hazardous waste facilities located at each transfer station.

Metro is a regional government serving the Portland metropolitan area, organized under the laws of the State of Oregon and the 1992 Metro Charter. Proposals will be received at the reception desk of REM, attention Paul Ehinger, 600 NE Grand Avenue, Portland, Oregon 97232, until \_\_\_\_ p.m., on \_\_\_\_\_, 1997. Details concerning the project are contained in the request for proposals (RFP) and background documents. Copies of the RFP and background materials may be obtained by contacting Regional Environmental Management at (503) 797-1650.

**II. BACKGROUND**

The solid waste facilities to be examined under this project consist of two transfer stations, two household hazardous waste collection facilities and the St. Johns Landfill. A description of each facility is presented below.

**Metro South Station**

Metro South Station (MSS) is a pit type transfer station located in Oregon City, OR. The facility opened in 1982 with the ability to load open top transfer trucks. An AMFAB compactor was installed in MSS in 1989. The facility was expanded in 1991 and a SSI Shredding Systems compactor was installed. The two compactors now operate side by side. A staging area for transfer trailers has also been added to the facility. Metro replaced the roof of the facility in early 1993. The site is 11.42 acres and the main facility is approximately 30,000 square feet.

The primary components of MSS are vehicle weighing and maneuvering areas, tipping floor, waste pit, compactors, offices and locker room. Solid waste is deposited in the pit where a dozer moves the waste to the compactors. The compactors produce a dense bale which is loaded into transfer trailers provided by the waste transport contractor. No materials recovery equipment is available at the facility.

Metro operates the two scalehouses located at the facility. Facility operation and maintenance are the responsibility of a private contractor.

The facility received approximately 375,000 tons of waste in 1996 from both commercial haulers and the general public. An aerial photo of the facility is located in the Attachments.

In 1996 a conceptual level site plan was developed for the site, resulting in a number of projects which have been included in the Capital Improvement Plan (CIP) for Metro facilities. Summaries of the plan (see October 7, 1996 memo) and the CIP are available in the Attachments. The detailed drawings and CIP plan are available upon request.

This facility was included in the 1993 Renewal and Replacement Account study. A summary schedule of facility assets is included in the Attachments. The detailed study is available upon request.

### MSS Hazardous Waste Facility

In 1991, Metro constructed a household waste facility (HWF) on the site of the MSS. The facility is approximately 4,500 square feet. The HWF currently receives materials from households only (however Metro does wish to expand its customer base to include Conditionally Exempt Generators). Materials are removed by Metro personnel from the driver's vehicle in a canopied area. Materials are then sorted in the building's receiving area. Sorted materials are then lab packed into drums, or if appropriate, moved to a bulking room for consolidation. Materials requiring further identification are moved to a laboratory for additional analysis. Drummed materials are stored in dedicated storage areas which are divided by classification. When sufficient quantities have been drummed they are placed in transport vehicles.

The facility contains a number of unique features. Floors contain sumps which are lined with a special chemical resistant coating and covered with grates grounded to the structure. The sumps are sized to contain both large spills and fire sprinkler flows. The ventilation systems are designed to collect vapors and to provide air changes consistent with UFC requirements. Alarm systems are interlocked with ventilation systems. The bulking room is self contained. The storage area is divided to provide for the separation of incompatibles. Materials are moved to the loading dock by use of a scissors lift. The dock is covered and equipped with fire sprinklers. Two underground storage tanks provide for the collection of liquids from the canopied and loading dock areas.

Adjacent to the facility is an abandoned tunnel which was originally used to top load waste transfer vehicles. The tunnel has been modified for use as a latex paint processing facility.

Both the HHWF and latex paint processing tunnel flooded in 1996. Relocation of the facilities is under consideration in the capital improvement plan for Metro. Drawings are available upon request.

### Metro Central Station

Metro Central Station (MCS) is a transfer and materials recovery facility which is located in Northwest Portland, OR. The facility opened in 1990 and received 385,000 tons of waste from commercial and public haulers in 1996. MCS is located on a 10.7 acre parcel. The main building is approximately 165,000 square feet and includes a completely remodeled and rehabilitated 145,000 square foot warehouse-type structure, and a 20,000 square foot addition. Three scalehouses are used to collect fees and weigh vehicles. Scalehouses are operated by Metro. The main facility is operated and maintained by a private contractor.

The main components of the facility consist of three compactors, one materials recovery processing line, baler and a wood recovery line. A Fiber Based Fuel line is also contained in the facility, however the line is owned by the current operator and is not to be included in this project.

Incoming waste from commercial haulers is routed to the appropriate unloading area where the waste is unloaded onto a flat floor. Depending on the contents of the load, waste is either spread to facilitate the removal of recyclables or directed to a materials recovery system or to the compactors. Recovered fiber and metal are baled for markets.

There are three main materials recovery systems available at MCS. The first is called the MSW 400 line. This line is a collection of equipment designed to process high grade paper for either baling and shipment to market or as feedstock for the Fiber Based Fuel (FBF) system to make fuel cubes. The 400 line is owned by Metro and is more fully described in the operating and maintenance manuals, as well as the drawings available for review. The FBF system (and the associated bag breaker currently located at the front end of the 400 line) are owned by the current operator, Browning Ferris Industries.

The FBF system is the second major materials recovery system at MCS. The FBF system takes feedstock from the 400 line (after processing through the shredder and magnet of the woodline) and compresses the materials into fuel cubes for use in an industrial boiler.

The woodline is the main materials recovery system as shown in the volumes of hog fuel produced. See the drawings and manuals for a complete description. Preprocessing for the woodline and other materials recovery is accomplished mainly on the floor by manual means.

#### MCS Hazardous Waste Facility

A hazardous waste facility is located on the Northwest corner of the site. The facility functions in a manner similar to those described above for the MSS -HWF with two major exceptions. The facility currently receives materials from Conditionally Exempt Generators and latex paint collected at the site is transferred to MSS for processing. The facility is approximately 3,500 square feet. Site and floor plans of the facility are available upon request.

#### St. Johns Landfill

The 238 acre St. Johns Landfill in North Portland served as the metro area's primary garbage disposal site for more than 50 years. In 1991 the landfill stopped accepting waste and Metro began closing it.

Closure, expected to be completed in late 1996, consists of building up slopes to predesigned grades, placing a protective cap to prevent the intrusion of water, installation of a gas and condensate collection system, and collection of storm water and the removal of sediments. The closure cap consists of layers of soils and a layer of geonet over a 40 mil VLDPE geomembrane. The gas collection system is a combination of approximately 200 vertical wells and trenches connected to a four flare motor blower flare facility. A condensate collection system collects condensate from the gas system utilizing 35 vacuum valve stations. Condensate is deposited into the sanitary sewer system.

Other features of the landfill to be included in the study are two onsite buildings, various rolling stock, onsite roads and a bridge. Documents describing these features are contained in the Attachments or

listed as materials available. Construction of a maintenance building is scheduled on the adjoining property referred to as "Parcel A" on the site drawing in the Attachments.

### **III. PROJECT SUMMARY**

The two major components of this project are the development of a Facilities Master Plan and updating of the Renewal and Replacement Account. Detailed scopes of work for each are contained in the Attachments. Summaries for each are contained below. The budget for this project is \$200,000.

#### **Development of the Facilities Master Plan**

This portion of the work involves examining the current and future operational needs of Metro and developing comprehensive capital improvement plans for Metro's facilities to accommodate such needs. Development of the plan will include participation in the Regional Environmental Management's (REM) outreach effort with local governments and interested parties currently underway. Included in the attachments is a memorandum describing this process and the project in more detail.

The major objectives of the plan are to:

- Improve Customer Service
- Provide Flexibility in Materials Handling and Recovery
- Increase Operational Efficiency and Employee Safety
- Improve Hazardous Waste Facilities

Major tasks include examining the historical context of the facilities and Metro's role in the solid waste system. Examining the current capital and operational conditions at the facilities. Conducting a facilities needs assessment based on interviews with stakeholders as well as conformance with Metro's Regional Solid Waste Management Plan. Producing a plan which provides alternative methods of meeting identified system needs, includes economic evaluation of the alternatives and recommends a specific set of actions. The recommended actions will include conceptual level site plans for each facility. A draft of the plan's proposed major capital improvements is due within 90 days of execution of a contract. A review of proposed improvements at the Metro South station will be required within 45 days of contract execution.

#### **Renewal and Replacement Account**

On November 21, 1989, Metro adopted Ordinance No. 89-319, the Solid Waste Revenue Bond Master Ordinance (Master Ordinance). The Master Ordinance (relevant sections of which are contained in the Attachments) requires Metro to establish a Renewal and Replacement Account for the capital assets of the solid waste system, and to review the requirements of the account every three fiscal years.

In May 1993, Metro completed a review and inspection of the transfer station and hazardous waste assets of the solid waste system to establish renewal and replacement account requirements. The results of this review are contained in volumes I & II of the report entitled the "INSPECTION and FINANCIAL REPORT", prepared by URS Consultants. The St. Johns Landfill was not included in this study since it was still undergoing final closure and sufficient financial reserves had been set aside in a closure fund.

The capital assets of the solid waste system to be examined under this project consist of two transfer stations, two hazardous waste collection facilities and the St. Johns Landfill. The work includes developing/updating the inventory of the major capital components of the facilities and determination of the annual contribution Metro should make to a fund for renewal and replacement of the components. A list of components from the previous study are contained in the Attachments. This portion of the project shall be completed within 90 days of entering into a contract.

#### **IV. PROPOSAL INSTRUCTIONS/CONTENTS**

Six copies of each proposal should be submitted. All proposals must be submitted no later than the time prescribed, at the place, and in the manner set forth in the INTRODUCTION to this RFP. The information submitted in the proposal should describe how the work, described more fully in the Attachments to this RFP, will be accomplished. .

- A. Transmittal Letter: As part of the proposal, submit a transmittal letter. The letter should provide an overview of the approach that will be used to accomplish the work.

Include in the overview who is to be the contact for the project and who in the firm has authority to sign the agreement with Metro if a contract is awarded to the firm. State that the proposal will be valid for a minimum of 120 days. Also detail which other firms will be involved in the project and their roles.

- B. List the specific individuals who will perform the work and their specific roles.
- C. Describe the individuals experience in performing similar work.
- D. Describe the experience of the firm or its subcontractors in performing similar work.
- E. Submit a scope of approach/work for both the preparation of the Facilities Master Plan and the Renewal and Replacement Account, for accomplishing the tasks contained in the scope of work for each. Include the approximate man-hours estimated to accomplish each major work element and the schedule for accomplishing them.
- F. Exceptions and Comments: To facilitate evaluation of proposals, all responding firms will adhere to the format outlined within this RFP. Firms wishing to take exception to, or comment on, any specified criteria within this RFP are encouraged to document their concerns in this part of their proposal. Exceptions or comments should be succinct, thorough and organized.

#### **V. EVALUATION OF PROPOSALS**

- A. Evaluation Process: An evaluation team will conduct the evaluation process. Metro will only evaluate proposals that, in the evaluation team's sole opinion, conform to the proposal instructions.

The team will rank proposals based on the evaluation criteria and points described below. Interviews with the top ranked firm or firms may be conducted.

Based on the evaluation of proposals, Metro will enter into negotiations with the highest ranked firm(s) to finalize a contract. The scoring of the evaluation team, and the consequent ranking of firms, will not be permitted as grounds for an appeal of the award of a contract, per the Metro Code.

If Metro is unsuccessful in negotiating a contract, Metro will select the next highest ranked firm and attempt to negotiate a contract. This process will continue until a contract is recommended to the Metro Council for award or Metro terminates the procurement.

- B. Evaluation Criteria: This section provides a description of the criteria which will be used in the evaluation of proposals submitted to accomplish the work defined in this RFP.

- |  |     |
|--|-----|
| 1. Proposed scope of approach/work   | 50% |
| 2. Ability to meet schedule  | 10% |
| 3. Firm's experience with solid and hazardous waste facilities and transfer stations       | 20% |
| 4. Individuals' experience with solid and hazardous waste facilities and transfer stations | 20% |

## VI. GENERAL PROPOSAL/CONTRACT CONDITIONS

- A. Limitation and Award: This RFP does not commit Metro to the award of a contract, nor to pay any costs incurred in the preparation and submission of proposals in anticipation of a contract. Metro reserves the right to waive minor irregularities, accept or reject any or all proposals received as the result of this request, negotiate with all qualified sources, or to cancel all or part of this RFP.
- B. Contract: The attached Personal Services Contract is included for your review prior to submitting a proposal. Any changes in these contract provisions should be requested and documented as an "exception" in the appropriate portion of the proposal. Consider the requested exceptions carefully, as they will be considered in the evaluation of proposals, and requested exceptions which cannot be resolved will result in rejection of the proposal.
- C. RFP as Basis for Proposals: This Request for Proposals represents the most definitive statement Metro will make concerning the information upon which Proposals are to be based. Any additional verbal information that is not presented in this RFP will not be considered by Metro in evaluating the Proposal. All questions relating to this RFP should be submitted in writing to Paul Ehinger. Any questions which, in the opinion of Metro, warrant a written interpretation or RFP amendment will be furnished to all parties receiving this RFP. Metro will not respond to questions received after 10 working days prior to the date established for the receipt of proposals.
- D. Information Release: All proposers are hereby advised that Metro may solicit and secure background information based upon the proposal information, including references provided in response to this RFP. By submission of a proposal all proposers agree to such activity and release Metro from all claims arising from such activity.
- E. Minority and Women-Owned Business Program: Metro and its contractors will not discriminate against any person or firm based on race, color, national origin, sex, sexual orientation, age, religion, physical handicap, political affiliation or marital status.



Metro extends equal opportunity to all persons and specifically encourages disadvantaged, minority and women-owned businesses to access and participate in this and all Metro projects, programs and services.

In the event that any subcontracts are to be utilized in the performance of this agreement, the proposer's attention is directed to Metro Code provisions 2.04.100 & 200.

Copies of that document are available from the Risk and Contracts Management Division of Administrative Services, Metro, Metro Center, 600 NE Grand Avenue, Portland, OR 97232 or call (503) 797-1717.

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## **ATTACHMENTS**

**Scope of Services**

**Personal Services Agreement**

**Renewal & Replacement Assets Summary**

**Aerial Photos of Facilities**

**Map of Landfill**

**Metro South Capital Improvements Memo of 10-7-96**

**CIP Summary**

**Outreach Memo of 11-13-96**

**Master Bond Ordinance**

**List of Background Materials Available**

## **Scope of Services**

**Scope of Services**  
**Metro Regional Environmental Management**  
**Facility Master Plan/Renewal and Replacement Account Analysis**

Metro is seeking a firm to assist in the preparation of a Master Facilities Plan for its solid waste handling facilities in the region and to complete an analysis of its renewal and replacement account for these facilities. These are two separate, but related activities. The purpose of this planning effort is to provide both short and long term improvement plans for Metro's facilities. The short term will include improvements which are expected to be needed within the next five years, the long range planning horizon will be approximately 20 years.

The successful proposer will assist Metro in identifying the improvements or operational changes needed to meet the objectives of the Regional Solid Waste Management Plan and the following goals:

- o Improve Customer Service
- o Provide Flexibility in Materials Handling and Recovery
- o Increase Operational Efficiency and Employee Safety
- o Improve Hazardous Waste Facilities

The renewal and replacement analysis will focus on repair and replacement of existing facilities and equipment at Metro's three main sites. The master planning will focus more on improvements and operational changes to meet the changing demands made on the facilities.

Attached to this scope of services is an outline of the Master Facility Plan. This outline identifies the areas of investigation. Metro will provide the successful proposer with its most current forecasts for waste flow and vehicular traffic at each of the facilities.

Due to both operational problems and recent high water events which have affected operations at the Metro South Transfer Station, Metro desires to expedite the planning for this facility. There are a number of potential projects which will need to be evaluated early in the planning process to allow construction to proceed at the earliest possible date. A preliminary analysis of these projects will be required within 45 days of the execution of a contract.

The following are the major work tasks for development of the Master Facilities Plan and the Renewal and Replacement Account Analysis.

**Basic Tasks - Facility Master Plan**

1. Metro's planning consultant shall review data provided by Metro and obtain data from other sources as needed to support the planning process.
2. The successful proposer shall meet with Metro staff, facility users and Metro's contractors at each facility to review the operations and develop a detailed list of needs at each facility. The contractor will prepare a final list of needs at each site with the concurrence of Metro.
3. The consultant shall review the preliminary planning work already completed at Metro South Transfer station to prepare early recommendations for facility improvements or

operational changes which will alleviate existing problems. This task will be completed within 60 days of execution of the contract.

4. The planning consultant will develop alternative improvement plans for addressing the goals and objectives at each site. These alternatives will include a brief description of each alternative, concept level drawings and conceptual level cost estimates.
5. Meetings will be held with Metro staff to review the alternative facility plans and preferred options will be selected with Metro's concurrence.
6. A draft plan which includes the information shown in the draft outline attached to this RFP will be prepared by the consultant. The consultant will assist Metro staff in presenting this plan to interested parties and the Metro Council during the process of plan adoption. It is estimated that this adoption process will take approximately three months and entail at least 10 presentations by the consultant.
7. The consultant will produce a camera ready copy of the final plan including any modifications to the plan during the adoption process.

#### **Basic Tasks - Renewal and Replacement Account Analysis**

8. With Metro staff assistance and concurrence, the capital assets to be included in the analysis will be determined by the consultant.
9. The firm selected shall review all relevant facility and equipment documentation, as well as the previous renewal and replacement studies.
10. Members of the consulting team shall visit the facilities and interview operators to determine the condition and routine use of facilities and equipment.
11. Develop a detailed inventory of the capital assets to be included in the analysis.
12. The consultant shall establish the age, the expected life and ultimate replacement costs of the assets included within the inventory.
13. The selected firm shall determine Metro's renewal and replacement requirements as defined in the Master Ordinance and the monthly deposit to the Renewal and Replacement Account necessary to achieve the required balance.
14. A final report shall be prepared for Metro, detailing the methodology, logic and conclusions of the analysis.
15. A spreadsheet on a computer disk in EXCEL format which lists the inventory of assets and Metro's annual contribution by year for each of the assets listed, shall be provided.

## **Project Milestone Schedule**

<b>Task</b>	<b>Completion (Days after contract execution)</b>
Complete Review of Metro South Projects	45 Days
Complete Renewal and Replacement Analysis	90 Days
Provide Conceptual Plans for Improvements	90 Days
Provide Draft Master Plan	150 Days
Plan adoption	270 Days
Produce Final Facility Master Plan	300 Days

## **Draft Facility Plan Outline**

### **I. BACKGROUND**

#### **A. *History of Metro's Involvement in Solid Waste Management***

#### **B. *Metro's Current Role in the Solid Waste System***

##### **1. Metro's Facilities**

- a. *Metro South Transfer Station***
- b. *Metro Central Transfer Station***
- c. *St. Johns Landfill***

##### **2. Other Major Facilities**

##### **3. Regional Solid Waste Management Plan**

### **II. EXISTING CONDITIONS AT METRO FACILITIES**

#### **A. *Metro South***

##### **1. Site Description**

- a. *Location***
- b. *Access Routes***
- c. *Land Use, Zoning & Other Permitting Requirements***
  - 1) Zoning & Site Design Requirements**
  - 2) Surrounding Land Uses**
  - 3) Special Planning Considerations**
  - 4) DEQ Solid Waste Permit**
  - 5) Discharge Permits**
  - 6) Other**

##### **d. *Environmental Setting***

- 1) Flood Plain**
- 2) Soils & Geology**
- 3) Other (Wetlands, etc.)**

##### **2. Facility Description**

- a. *Transfer Station Building***
  - 1) Size & Layout**

- 2) Functions
- 3) Condition
- 4) Major Equipment
- 5) Design Capacity
- b. *Hazardous Waste Building***
  - 1) Size & Layout
  - 2) Functions (Include Latex Bulking)
  - 3) Condition
  - 4) Major Equipment
  - 5) Design Capacity
- c. *Scales/Scalehouses***
  - 1) Size & Layout
  - 2) Condition
- d. *Truck Wash***
  - 1) Size & Layout
  - 2) Condition
- e. *Other***
- 3. Facility Operations**
  - a. *Description of Operations***
    - 1) Hours of Operation
  - b. *Customers***
    - 1) Transfer Station
      - a) *Waste Volume*
        - (i) Public and Commercial
          - (a) *Average, Peak, Seasonal, etc.*
      - b) *Transactions*
        - (i) Public and Commercial
          - (a) *Average, Peak, Seasonal, etc.*
    - 2) Staffing
      - a) *Metro*
        - (i) Scalehouse
        - (ii) Hazardous Waste
        - (iii) Other
      - b) *Contractor*
    - 3) Operational Safety

**B. Metro Central**

**1. Site Description**

**a. Location**

**b. Access Routes**

**c. Land Use, Zoning & Other Permitting Requirements**

- 1) Zoning & Site Design Requirements
- 2) Surrounding Land Uses
- 3) Special Planning Considerations
- 4) DEQ Solid Waste Permit
- 5) Discharge Permits
- 6) Other

**d. Environmental Setting**

- 1) Flood Plain
- 2) Soils & Geology
- 3) Other (Wetlands, etc.)

**2. Facility Description**

**a. Transfer Station Building**

- 1) Size & Layout
- 2) Functions
- 3) Condition
- 4) Major Transfer Equipment
- 5) Material Recovery Equipment
- 6) Design Capacity

**b. Hazardous Waste Building**

- 1) Size & Layout
- 2) Functions (Include Latex Bulking)
- 3) Condition
- 4) Major Equipment
- 5) Design Capacity

**c. Scales/Scalehouses**

- 1) Size & Layout
- 2) Condition

**d. Truck Wash**

- 1) Size & Layout
- 2) Condition

**e. Administrative Buildings**

- 1) Contractor Offices
- 2) Metro Offices



*f. Other*

**3. Facility Operations**

*a. Description of Operations*

1) Hours of Operation

*b. Customers*

1) Transfer Station

*a) Waste Volume*

(i) Public and Commercial

*(a) Average, Peak, Seasonal, etc.*

*b) Transactions*

(i) Public and Commercial

*(a) Average, Peak, Seasonal, etc.*

2) Staffing

*a) Metro*

(i) Scalehouse

(ii) Hazardous Waste

(iii) Other

*b) Contractor*

3) Operational Safety

**C. St. Johns Landfill**

**1. History**

**2. Site Description**

*a. Environmental Setting*

*b. Smith & Bybee Lakes*

*c. Closure Plan and other requirements.*

**3. Facilities & Equipment**

*a. Cover System*

*b. Gas System*

*c. Leachate Collection System*

*d. Environmental Monitoring System*

**4. On-site Activities**

*a. Staffing*

**III. FACILITY NEEDS ASSESSMENT**

**A. Waste Forecasts**

**1. Regional**

**2. Metro South**

*a. Tonnage*

1) Public

2) Commercial

3) Waste Characterization

**b. Transactions**

- 1) Public
- 2) Commercial

**c. Hazardous Waste**

- 1) Household
- 2) CEG

**3. Metro Central**

**a. Tonnage**

- 1) Public
- 2) Commercial
- 3) Waste Characterization

**b. Transactions**

- 1) Public
- 2) Commercial

**c. Hazardous Waste**

- 1) Household
- 2) CEG

***B. Renewal and Replacement***

**1. Metro South**

- a. Transfer***
- b. Hazardous Waste***
- c. Other***

**2. Metro Central**

- a. Transfer***
- b. Hazardous Waste***
- c. Other***

**3. St Johns Landfill**

***C. Regional Solid Waste Management Plan***

**1. Facility Needs**

**2. Waste Recovery Goals**

***D. Regulatory Requirements***

***E. Facilities for Operational Improvements***

***F. Health and Safety Improvements***

- 1. On-site Staff**
- 2. Customers**

***G. Administrative Needs***

***H. Disaster Response***

**IV. PLAN TO MEET IDENTIFIED NEEDS**

***A. Alternative Methods of Meeting Needs***

**1. New System Facilities**

- a) Transfer***
- b) Hazardous Waste***
- c) Material Recovery***

**2. Metro South**

- a) Transfer***
  - (1) Capital**
  - (2) Operating**
- b) Hazardous Waste***
  - (1) Capital**
  - (2) Operating**

*c) Other*

**3. Metro Central**

*a) Transfer*

*b) Hazardous Waste*

*c) Other*

**4. St Johns Landfill**

***B. Economic Evaluation of Alternatives***

**1. Capital Costs**

**2. Operating Costs**

**3. Present Value Analysis**

***C. Recommended Plan***

## **SAMPLE PERSONAL SERVICES AGREEMENT**

**METRO CONTRACT NO.**

**SAMPLE PERSONAL SERVICES AGREEMENT**

**THIS AGREEMENT** is between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 NE Grand Avenue, Portland, Oregon 97232, and \_\_\_\_\_, referred to herein as "Contractor," located at \_\_\_\_\_.

In exchange for the promises and other consideration set forth below, the parties agree as follows:

1. **Duration.** This personal services agreement shall be effective on the last signature date below and shall remain in effect until and including June 30, 1997, unless terminated or extended as provided in this Agreement.
2. **Scope of Work.** Contractor shall provide all services and materials specified in the attached "Exhibit A -- Scope of Work," which is incorporated into this Agreement by reference. All services and materials shall be provided by Contractor in accordance with the Scope of Work, in a competent and professional manner. To the extent that the Scope of Work contains additional contract provisions or waives any provision in the body of this Agreement, the Scope of Work shall control.
3. **Payment.** Metro shall pay Contractor for services performed and materials delivered in the amounts, manner and at the times specified in the Scope of Work for a maximum sum not to exceed \_\_\_\_\_ AND NO/100 DOLLARS (\$0,000.00).
4. **Insurance.** CONTRACTOR shall provide METRO with a certificate of insurance complying with this article and naming METRO as an insured within fifteen (15) days of execution of this Contract or twenty-four (24) hours before services under this Contract commence, whichever date is earlier.
  - a. Contractor shall purchase and maintain at the Contractor's expense, the following types of insurance, covering the Contractor, its employees, and agents:
    - (1) Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
    - (2) Automobile bodily injury and property damage liability insurance.
  - b. Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000.

- c. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation.
- d. Contractor, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Contractor shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Contractor has no employees and will perform the work without the assistance of others, a certificate to that effect may be attached, as Exhibit B, in lieu of the certificate showing current Workers' Compensation.
- e. If required by the Scope of Work, Contractor shall maintain for the duration of this Agreement professional liability insurance covering personal injury and property damage arising from errors, omissions, or malpractice. Coverage shall be in the minimum amount of \$500,000. Contractor shall provide to Metro a certificate of this insurance, and 30 days' advance notice of material change or cancellation.
5. Indemnification. Contractor shall indemnify and hold Metro, its agents, employees and elected officials harmless from any and all claims, demands, damages, actions, losses and expenses, including attorney's fees, arising out of or in any way connected with its performance of this Agreement, or with any patent infringement or copyright claims arising out of the use of Contractor's designs or other materials by Metro and for any claims or disputes involving subcontractors.
6. Maintenance of Records. Contractor shall maintain all of its records relating to the Scope of Work on a generally recognized accounting basis and allow Metro the opportunity to inspect and/or copy such records at a convenient place during normal business hours. All required records shall be maintained by Contractor for three years after Metro makes final payment and all other pending matters are closed.
7. Ownership of Documents. All documents of any nature including, but not limited to, reports, drawings, works of art and photographs, produced by Contractor pursuant to this Agreement are the property of Metro, and it is agreed by the parties that such documents are works made for hire. Contractor hereby conveys, transfers, and grants to Metro all rights of reproduction and the copyright to all such documents.
8. Project Information. Contractor shall share all project information and fully cooperate with Metro, informing Metro of all aspects of the project including actual or potential problems or defects. Contractor shall abstain from releasing any information or project news without the prior and specific written approval of Metro.
9. Independent Contractor Status. Contractor shall be an independent contractor for all purposes and shall be entitled only to the compensation provided for in this Agreement. Under no circumstances shall Contractor be considered an employee of Metro. Contractor shall provide all tools or equipment necessary to carry out this Agreement, and shall exercise complete control in achieving the results specified in the Scope of Work. Contractor is solely responsible for its performance under this Agreement and the quality of its work; for obtaining

and maintaining all licenses and certifications necessary to carry out this Agreement; for payment of any fees, taxes, royalties, or other expenses necessary to complete the work except as otherwise specified in the Scope of Work; and for meeting all other requirements of law in carrying out this Agreement. Contractor shall identify and certify tax status and identification number through execution of IRS form W-9 prior to submitting any request for payment to Metro.

10. Right to Withhold Payments. Metro shall have the right to withhold from payments due to Contractor such sums as necessary, in Metro's sole opinion, to protect Metro against any loss, damage, or claim which may result from Contractor's performance or failure to perform under this Agreement or the failure of Contractor to make proper payment to any suppliers or subcontractors.

11. State and Federal Law Constraints. Both parties shall comply with the public contracting provisions of ORS chapter 279, and the recycling provisions of ORS 279.545 - 279.650, to the extent those provisions apply to this Agreement. All such provisions required to be included in this Agreement are incorporated herein by reference. Contractor shall comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations including those of the Americans with Disabilities Act.

12. Situs. The situs of this Agreement is Portland, Oregon. Any litigation over this agreement shall be governed by the laws of the state of Oregon and shall be conducted in the circuit court of the state of Oregon, for Multnomah County, or, if jurisdiction is proper, in the U.S. District Court for the District of Oregon.

13. Assignment. This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party.

14. Termination. This Agreement may be terminated by mutual consent of the parties. In addition, Metro may terminate this Agreement by giving Contractor five days prior written notice of intent to terminate, without waiving any claims or remedies it may have against Contractor. Termination shall not excuse payment for expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

15. No Waiver of Claims. The failure to enforce any provision of this Agreement shall not constitute a waiver by Metro of that or any other provision.

16. Modification. Notwithstanding any and all prior agreements or practices, this Agreement constitutes the entire Agreement between the parties, and may only be modified in a writing signed by both parties.

\_\_\_\_\_

Signature

Print name and title

\_\_\_\_\_

Date

METRO

Signature

Print name and title

\_\_\_\_\_

Date



## **Renewal & Replacement Assets Summary**

## INVENTORY OF CAPITAL ASSETS

## METRO CENTRAL (MC)

ITEM	PLACE	NUM	CAP	DESCRIPTION	YEAR INSTALL	LIFE CYCLE	REPLACEMENT COST (1993)	CYCLES	TOTAL NEW INVESTMENT
1	MC	S1.0	N	MAIN PROCESSING BUILDING	1991	35	5,451,600	0	0
2	MC	S1.1	Y	METAL ROOF & DECK	1991	15	600,000	1	600,000
3	MC	S1.2	Y	METAL WALL SYSTEM	1991	20	98,500	1	98,500
4	MC	S1.3	Y	CONCRETE FLOOR	1991	12	99,120	1	99,120
5	MC	S1.4	Y	VENTILATION SYSTEM	1991	15	92,000	1	92,000
6	MC	S1.5	N	PAINT STRUCTURAL MEMBERS	1991	10	211,000	0	0
7	MC	S2.0	N	CONTRACTORS OFFICE	1991	35	403,300	0	0
8	MC	S2.1	Y	HVAC: CONTRACTOR'S OFFICE	1991	15	48,000	1	48,000
9	MC	S3.0	N	METRO OFFICE	1991	35	147,600	0	0
10	MC	S3.1	Y	HVAC: METRO OFFICE	1991	15	17,700	1	17,700
11	MC	S4.0	N	SCALE HOUSE #1	1991	35	56,000	0	0
12	MC	S4.1	N	HVAC: SCALE HOUSE 1	1991	15	6,720	0	0
13	MC	S5.0	N	SCALE HOUSE #2	1991	35	56,000	0	0
14	MC	S5.1	N	HVAC: SCALE HOUSE 2	1991	15	6,720	0	0
15	MC	S6.0	N	SCALE HOUSE #3	1991	35	56,000	0	0
16	MC	S6.1	N	HVAC: SCALE HOUSE 3	1991	15	6,720	0	0
17	MC	S7.0	N	HHW BUILDING	1993	35	910,000	0	0
18	MC	S7.1	Y	HAZ-WASTE VENTILATION SYS.	1993	15	100,000	1	100,000
19	MC	E1.0	Y	SCALE #1	1991	20	32,350	1	32,350
20	MC	E1.1	N	LOAD CELLS	1991	2	4,000	0	0
21	MC	E2.0	Y	SCALE #2	1991	20	32,350	1	32,350
22	MC	E2.1	N	LOAD CELLS	1991	2	4,000	0	0
23	MC	E3.0	Y	SCALE #3	1991	20	32,350	1	32,350
24	MC	E3.1	N	LOAD CELLS	1991	2	4,000	0	0
25	MC	E4.0	Y	SCALE #4	1991	20	50,000	1	50,000
26	MC	E4.1	N	LOAD CELLS	1991	2	4,000	0	0
27	MC	E5.0	Y	AMFAB SINGLE BALE COMPACTOR	1991	20	725,000	1	725,000
28	MC	E5.1	N	CYLINDER	1991	2	128,000	0	0
29	MC	E5.2	Y	FEED CONVEYOR	1991	12	212,100	1	212,100
30	MC	E5.3	N	PLATEN	1991	1	5,000	0	0
31	MC	E5.4	N	HYDRAULIC POWER PACK PUMP	1991	3	4,000	0	0
32	MC	E5.5	N	LOAD CELLS	1991	2	4,000	0	0
33	MC	E5.6	N	CONVEYOR BELTING	1991	0.5	4,500	0	0
34	MC	E6.0	Y	SSI COMPACTOR #1	1991	20	725,000	1	725,000
35	MC	E6.1	N	CYLINDER	1991	2	128,000	0	0
36	MC	E6.2	Y	FEED CONVEYOR	1991	12	212,100	1	212,100
37	MC	E6.3	N	PLATEN	1991	1	5,000	0	0
38	MC	E6.4	N	HYDRAULIC POWER PACK	1991	3	4,000	0	0
39	MC	E6.5	N	LOAD CELLS	1991	2	4,000	0	0
40	MC	E6.6	N	CONVEYOR BELTING	1991	0.5	4,500	0	0
41	MC	E7.0	Y	SSI COMPACTOR #2	1991	20	725,000	1	725,000
42	MC	E7.1	N	CYLINDER	1991	2	128,000	0	0
43	MC	E7.2	Y	FEED CONVEYOR	1991	12	212,100	1	212,100
44	MC	E7.3	N	PLATEN	1991	1	5,000	0	0
45	MC	E7.4	N	HYDRAULIC POWER PACK PUMP	1991	3	4,000	0	0
46	MC	E7.5	N	LOAD CELLS	1991	2	4,000	0	0
47	MC	E7.6	N	CONVEYOR BELTING	1991	0.5	7,500	0	0
48	MC	E8.0	N	MSW #1 LINE	1991	15	970,000	0	0
49	MC	E8.1	Y	GRAPPLER	1991	15	75,000	1	75,000
50	MC	E8.2	Y	DISC SCREEN #1	1991	15	125,000	1	125,000
51	MC	E8.3	Y	DISC SCREEN #2	1991	15	100,000	1	100,000
52	MC	E8.4	Y	ROTARY AIR SEPARATORS #1	1991	8	25,000	2	50,000
53	MC	E8.5	Y	ROTARY AIR SEPARATORS #2	1991	8	25,000	2	50,000
54	MC	E8.6	Y	MAGNETIC SEPARATORS (2)	1991	15	30,000	1	30,000
55	MC	E8.7	Y	AIR KNIFE	1991	15	30,000	1	30,000
56	MC	E8.8	Y	CONVEYOR SYSTEM	1991	15	400,000	1	400,000
57	MC	E8.9	N	BELTING	1991	0.5	30,000	0	0
58	MC	E9.0	N	BALER LINE	1991	15	308,500	0	0
59	MC	E9.1	Y	BALER CONVEYOR	1991	12	130,000	1	130,000
60	MC	E9.2	Y	BALER	1991	20	250,000	1	250,000
61	MC	E9.3	N	CONVEYOR BELTING	1991	0.5	7,500	0	0
62	MC	E10.0	N	WOOD LINE	1991	15	1,591,800	0	0
63	MC	E10.1	Y	GRAPPLER	1991	15	75,000	1	75,000

Note: "Y" in CAP column means that this item is included in the Renewal and Replacement Account.

## INVENTORY OF CAPITAL ASSETS

## METRO CENTRAL (MC)

ITEM	PLACE	NUM	CAP	DESCRIPTION	YEAR INSTALL	LIFE CYCLE	REPLACEMENT COST (1993)	CYCLES	TOTAL NEW INVESTMENT
64	MC	E10.2	Y	SSI SHREDDER (SLOW SPEED)	1991	10	500,000	2	1,000,000
65	MC	E10.3	Y	DURA-QUIP SHREDDER (HI-SPEED)	1991	10	350,000	2	700,000
66	MC	E10.4	Y	MAGNETIC SEPARATORS (2)	1991	15	40,000	1	40,000
67	MC	E10.5	Y	BELT CONVEYOR SYSTEMS (2)	1991	12	350,000	1	350,000
68	MC	E10.6	N	BELTING	1991	0.5	15,000	0	0
69	MC	E10.7	Y	TRUCK LOADING & DIST. SYSTEM	1991	10	50,000	2	100,000
70	MC	E11.0	Y	AIR-O-DYNE DUST SYSTEM	1991	15	435,000	1	435,000
71	MC	E12.0	N	300 kV STAND-BY GENERATOR	1991	25	95,000	0	0
72	MC	U1.0	Y	WASH RACK SYSTEM	1991	20	114,600	1	114,600
73	MC	U2.0	N	AIR SUPPLY SYSTEM	1991	20	52,000	0	0

Note: "Y" in CAP column means that this item is included in the Renewal and Replacement Account.

## INVENTORY OF CAPITAL ASSETS

## METRO SOUTH (MS)

ITEM	PLACE	NUM	CAP	DESCRIPTION	YEAR INSTALL	LIFE CYCLE	REPLACEMENT COST (1993)	CYCLES	TOTAL NEW INVESTMENT
1	MS	S1.0	N	MAIN PROCESSING BUILDING	1983	35	1,320,000	0	0
2	MS	S1.1	Y	METAL ROOF & DECK	1993	15	300,000	1	300,000
3	MS	S1.2	Y	METAL WALL SYSTEM	1983	20	102,000	1	102,000
4	MS	S1.3	Y	CONCRETE FLOOR	1983	12	24,000	2	48,000
5	MS	S1.4	Y	VENTILATION SYSTEM	1993	15	150,000	1	150,000
6	MS	S1.5	N	PAINT STRUCTURAL MEMBERS	1993	10	64,000	0	0
7	MS	S2.0	N	SCALE HOUSE #1	1983	35	63,000	0	0
8	MS	S2.1	N	HVAC: SCALE HOUSE 1	1983	15	8,000	0	0
9	MS	S3.0	N	SCALE HOUSE #2	1991	35	52,500	0	0
10	MS	S3.1	N	HVAC: SCALE HOUSE 2	1991	15	7,000	0	0
11	MS	S4.0	N	HHW BUILDING	1992	35	1,040,000	0	0
12	MS	S4.1	Y	HAZ-WASTE VENTILATION SYS.	1992	15	100,000	1	100,000
13	MS	E1.0	Y	SCALE #1	1983	20	32,350	1	32,350
14	MS	E1.1	N	LOAD CELLS	1983	2	4,000	0	0
15	MS	E2.0	Y	SCALE #2	1991	20	32,350	1	32,350
16	MS	E2.1	N	LOAD CELLS	1991	2	4,000	0	0
17	MS	E3.0	Y	SCALE #3	1991	20	24,300	1	24,300
18	MS	E3.1	N	LOAD CELLS	1991	2	4,000	0	0
19	MS	E4.0	Y	SCALE #4	1991	20	50,000	1	50,000
20	MS	E4.1	N	LOAD CELLS	1991	2	4,000	0	0
21	MS	E5.0	Y	AMFAB COMPACTOR	1991	20	725,000	1	725,000
22	MS	E5.1	N	CYLINDERS	1991	2	128,000	0	0
23	MS	E5.2	N	PLATEN	1993	1	5,000	0	0
24	MS	E5.3	N	HYDRAULIC POWER PACK PUMP	1991	3	4,000	0	0
25	MS	E5.4	N	LOAD CELLS	1991	2	4,000	0	0
26	MS	E6.0	Y	SSI COMPACTOR	1991	20	725,000	1	725,000
27	MS	E6.1	N	CYLINDERS	1991	2	128,000	0	0
28	MS	E6.2	N	PLATEN	1993	1	5,000	0	0
29	MS	E6.3	N	HYDRAULIC POWER PACK	1991	3	4,000	0	0
30	MS	E6.5	N	LOAD CELLS	1991	2	4,000	0	0
31	MS	E7.0	N	200 KW STAND-BY GENERATOR	1992	25	67,000	0	0
32	MS	E8.0	N	WALKING FLOOR	1991	25	100,000	0	0
33	MS	U1.0	Y	3 SANITARY SEWER LIFT PUMPS	1991	15	39,500	1	39,500
34	MS	U2.0	Y	2 STORM DRAINAGE LIFT PUMPS	1991	15	25,000	1	25,000
35	MS	U3.0	Y	WASH RACK	1991	20	114,600	1	114,600
				TOTALS			5,463,600		2,468,100

Note: "Y" in CAP column means that this item is included in the Renewal and Replacement Account.

## INVENTORY OF CAPITAL ASSETS

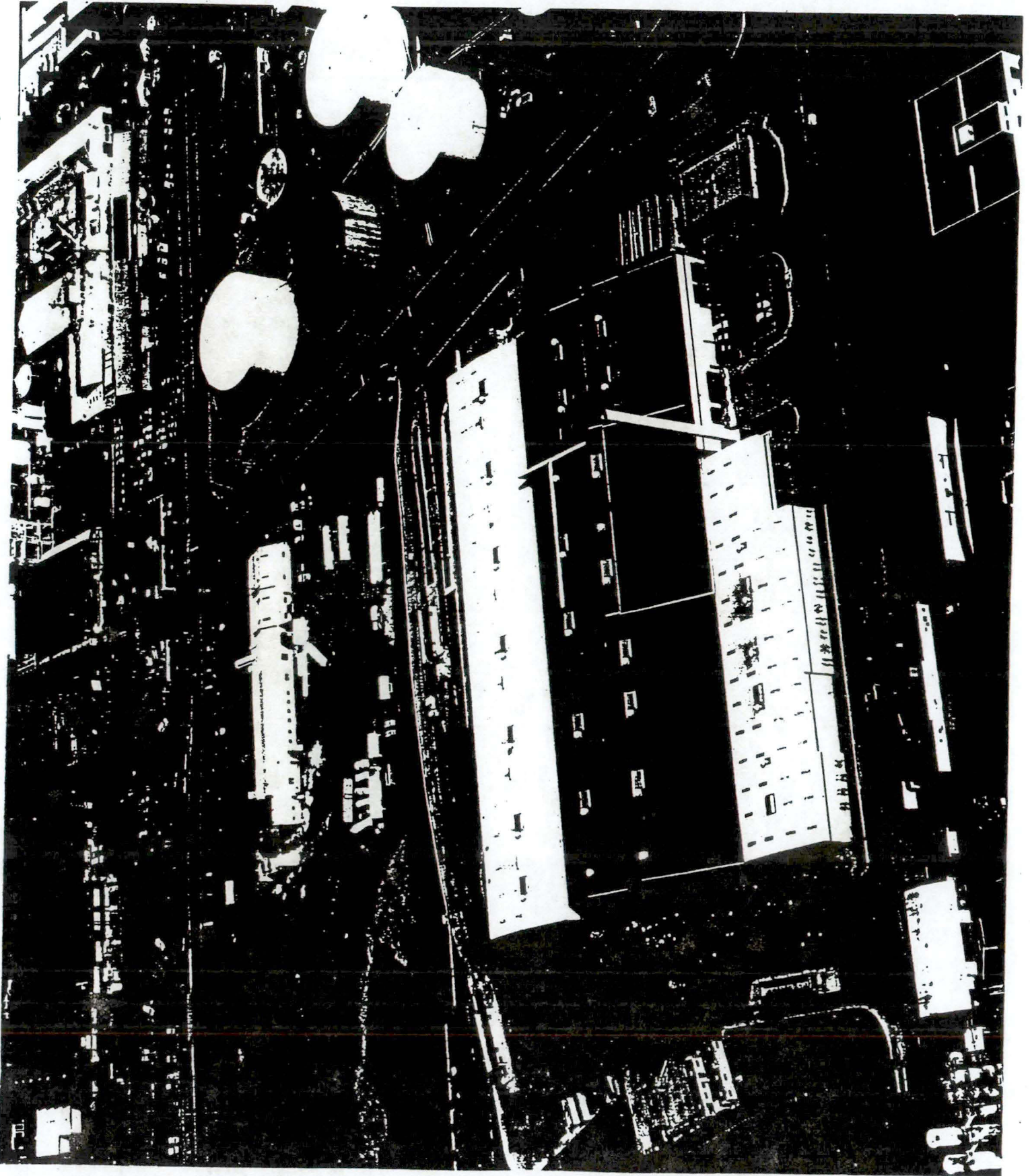
## ST. JOHN'S LANDFILL (SJ)

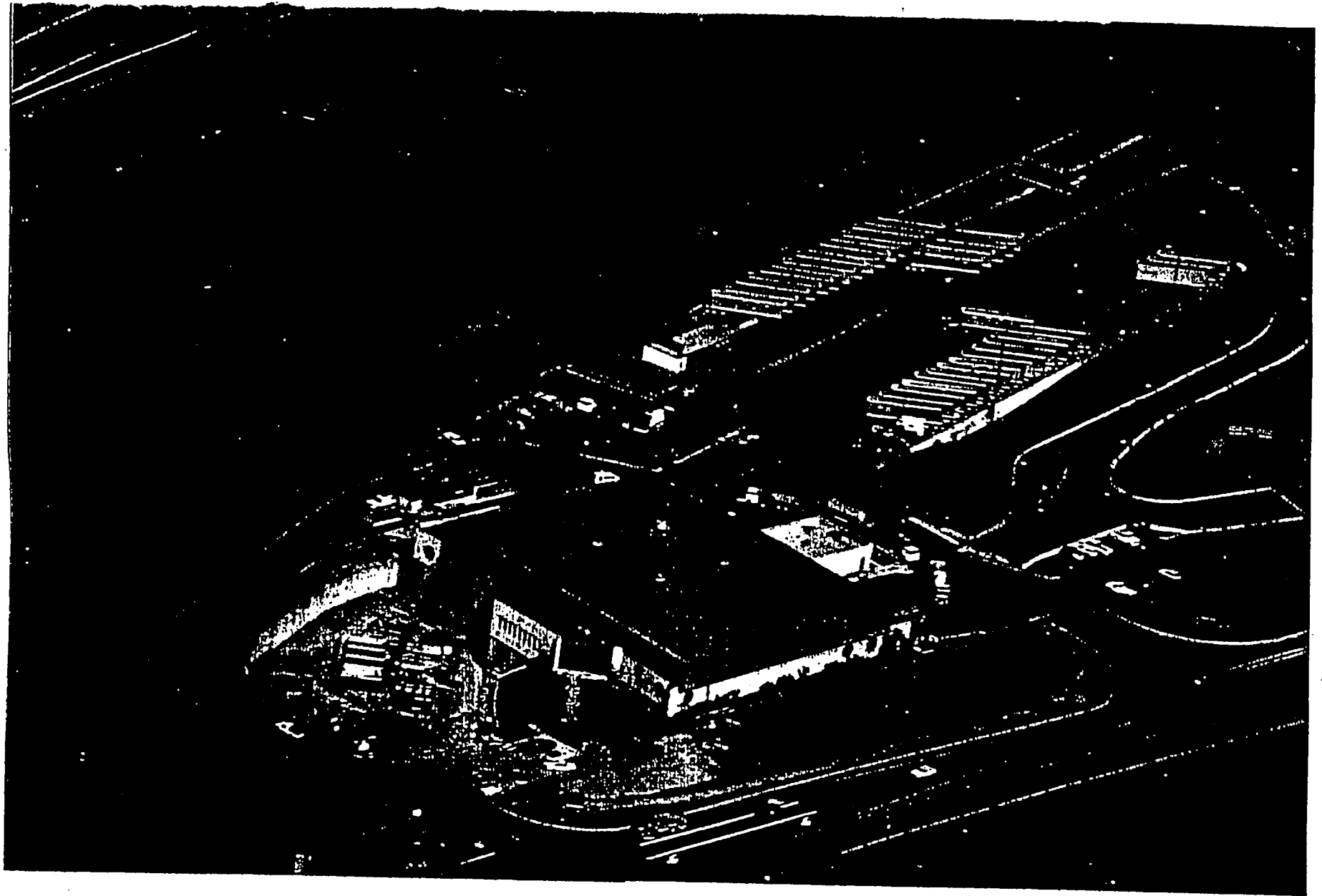
ITEM	PLACE	NUM	CAP	DESCRIPTION	YEAR INSTALL	LIFE CYCLE	REPLACEMENT COST (1993)	CYCLES	TOTAL NEW INVESTMENT
1	SJ	S1.0	N	INCINERATOR ROAD BRIDGE	1957	55	1,200,000	0	0
2	SJ	U1.0	N	FIRE PUMP SYSTEM	1957	55	50,000	0	0
				TOTALS			1,250,000		0

Note: "Y" in CAP column means that this item is included in the Renewal and Replacement Account.

## **Aerial Photos of Transfer Facilities**

Metro Central Station

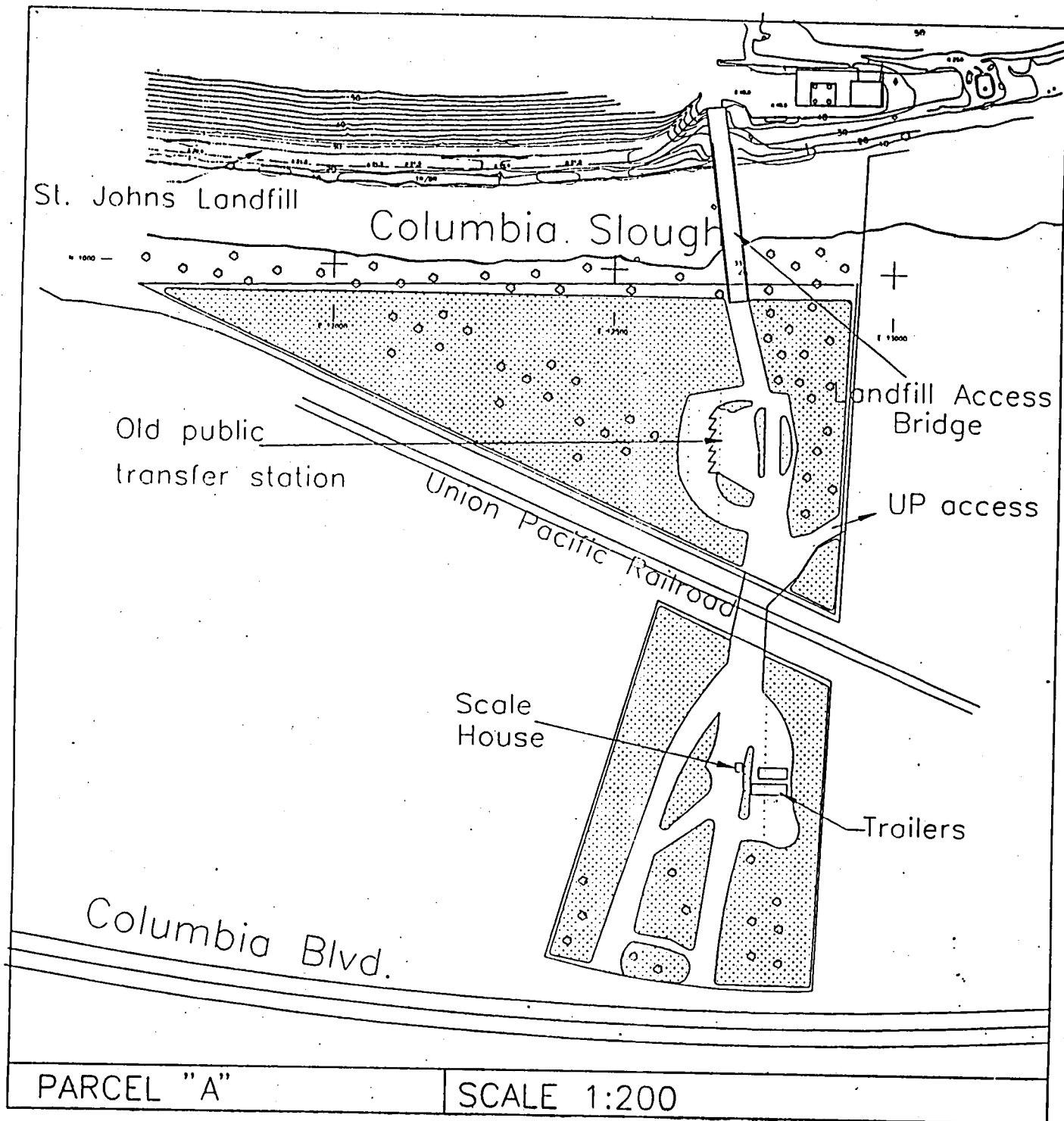




Metro South Station



## Map of Landfill



**Metro South Capital Improvements Memo of 10-7-96**



## METRO

DATE: October 7, 1996

TO: Terry Petersen, Environmental Services Manager  
Jim Watkins, Engineering & Analysis Manager

FROM: Paul Ehinger, Senior Engineer

RE: Capital Improvements at Metro South

Capital improvement planning was begun this year at the Metro South Transfer Station. While this effort had been anticipated, a number of events made this planning effort more critical. Storms and floods damaged some of the facilities on the site and the volume of transactions increased to the point that long delays were experienced during peak hours. Metro staff has been reviewing the operations at the transfer station to determine how service can be improved and how the station can be utilized to meet regional goals. The following is a brief summary of this effort to date.

#### Needs Assessment

##### Customer Service

Metro South Station handles approximately 190,000 transactions each year and a total of over 350,000 tons of solid waste. About 60 percent of these transactions are public self haul customers who utilize small vehicles to haul their waste to the transfer station. The public self haul customers account for only 11 percent of the waste volume. This volume of traffic can result in lines of vehicles extending out of the station back to the highway. An analysis of data from the station indicates that commercial usage of the facility has remained relatively constant over the last three years, while use by the public has increased by more than 12 percent over the same period. Graphs showing the average number of monthly transactions are attached.

A review of station operations was conducted to determine the cause of the long waits at the station. This review determined that the long waits are the result of insufficient floor space for unloading vehicles. The "design or nominal capacity of the station is approximately 45 to 50 commercial vehicles per hour and 35 to 40 self haul vehicles per hour. It should be noted that these capacities are nominal or "design capacities." At maximum efficiency, these rates could be exceeded. These rates are equaled or exceeded frequently during the summer, due to self haul transactions, causing traffic jams on the site and creating delays on the outbound scale.

Inbound scalehouse capacity is not a factor in the long lines at Metro South. The commercial scalehouse can handle at least 80 vehicles per hour and the public scales can handle approximately 50 vehicles per hour. Inbound scalehouse capacity of 130 vehicles per hour exceeds the nominal

transfer station capacity. On weekends when the traffic is primarily private vehicles, the inbound capacity is approximately 80 vehicles per hour.

Since the station operates at or near its design capacity during peak hours, it is difficult to accommodate recycling, inspections for unacceptable waste, or other activities on the site without adversely impacting the station's customers. For example, the use of one stall on the commercial side for other activities, reduces the commercial transfer capacity by over 10 percent.

Occasionally, due to equipment failure or unusually large waste volumes, long waits can result from limits on the capacity to compact waste which causes the pit to fill. When the volume of waste exceeds the capacity to compact the waste into transfer trailers, vehicles must wait until more space is provided in the pit so that they can dump. Delays due to an inability to handle the waste volumes received are relatively rare, even though the station was originally designed to handle 800 tons per day. The station currently averages over 1,400 tons per day from Monday through Friday, with peak days approaching 2,000 tons.

#### Materials Handling and Recovery

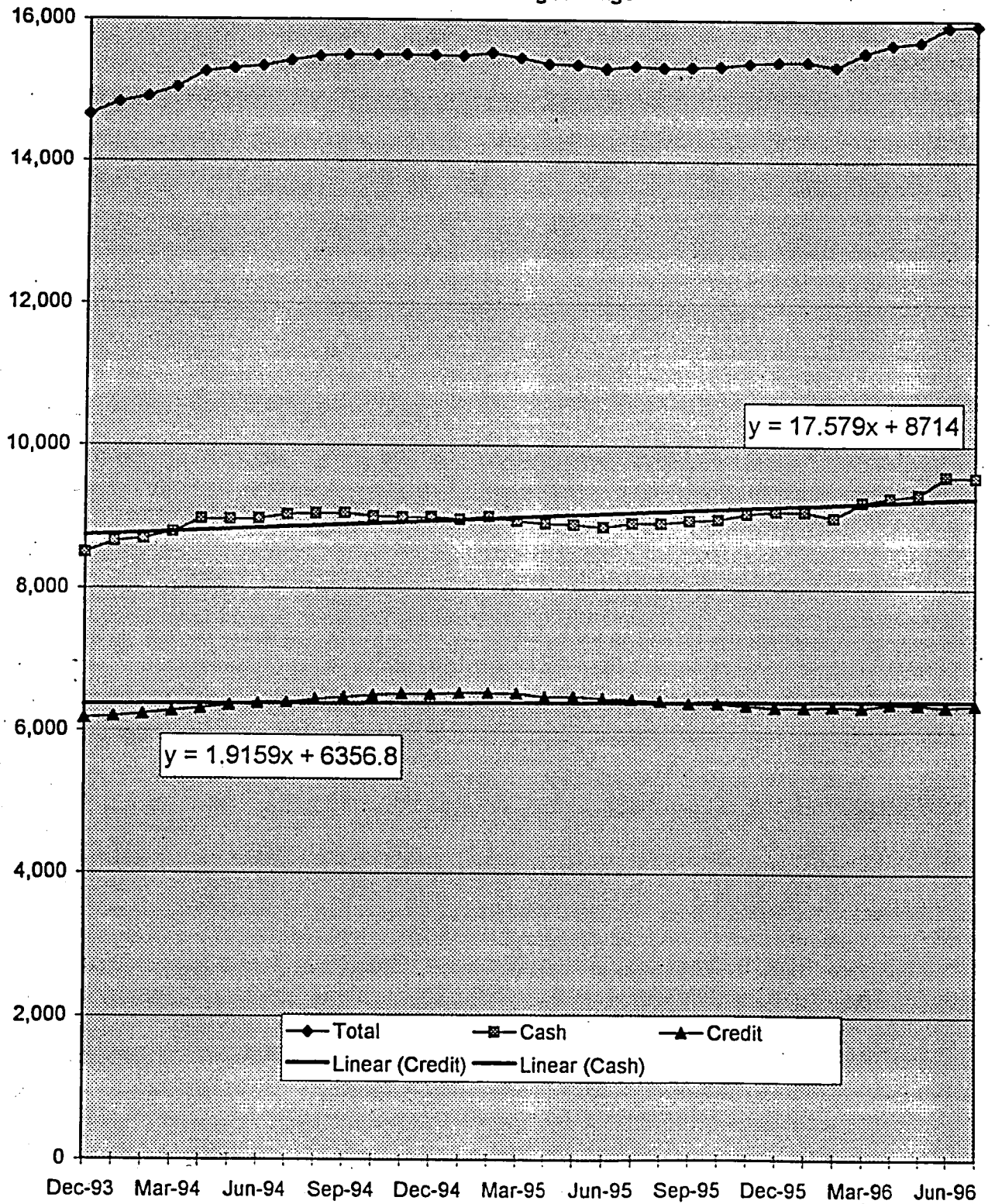
Recovery rates at Metro South have consistently run at 1 percent or less while the station has been in operation. This low rate is due primarily to the fact that the station was not designed to facilitate materials recovery. The only designated recovery area on the site is located after the scales and receives little use by self haul customers. The volume of traffic at the station has precluded additional opportunities for recovery by hand because of the adverse impact on customer service. The location of the public recycling area after the scales makes it difficult for the public to use this area and probably reduces usage.

A number of material recovery strategies under consideration would have Metro consolidate loads of particular materials at its transfer stations for shipment to processors. Source separated organics are an example. Metro South is not well suited for this operation.

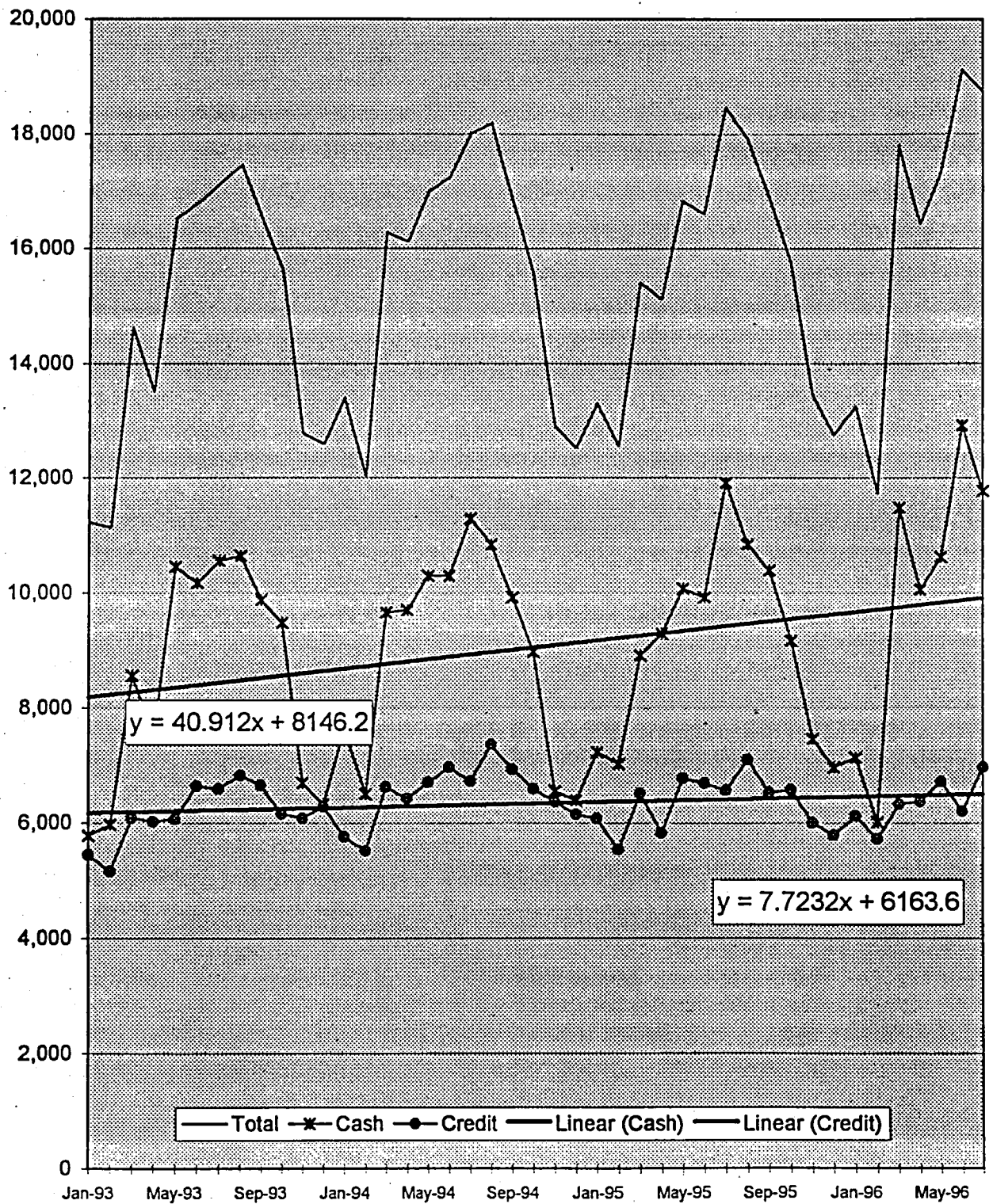
#### Operational Efficiency and Employee Safety

Waste loading and traffic has increased beyond the levels expected when it was designed. This increased traffic has produced the need for additional support facilities and modifications to the traffic patterns at the site to improve efficiency of operation. The increase in usage has also created poor working conditions for Metro's employees and the employees of Metro's operations contractor. Lunch room and shower facilities for the Hazardous Waste Facility, which were required by OSHA, were destroyed by flooding and need to be replaced.

**Average Transactions Per Month  
Metro South  
12 Month Moving Average**

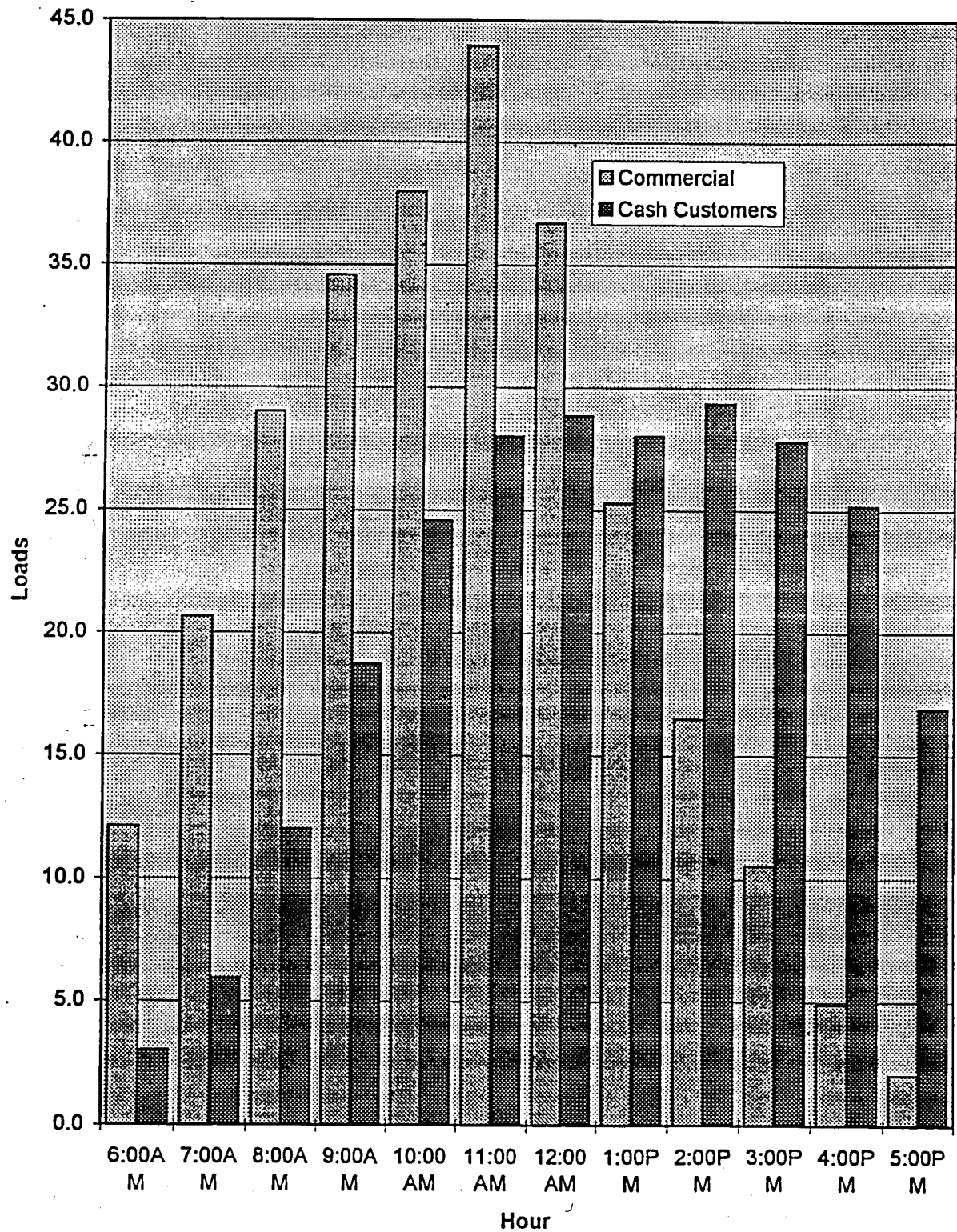


## Monthly Transactions at Metro South





**Weekday Loads @ Metro South  
FY 95-96**





### Load Inspection

Metro is required to have a program for inspecting loads to prevent the disposal of unacceptable wastes such as infectious medical wastes, hazardous wastes, radioactive material and other wastes whose disposal in a landfill is illegal or environmentally hazardous. These inspections require that selected loads be dumped on the tipping floor for inspection. Since this reduces the tipping capacity, Metro is forced to avoid these inspections at peak times or to make these mandated inspections at the expense of increased hauler waits.

### Hazardous Waste Facility

Metro has been developing plans for the construction of a latex paint recycling facility at Metro South Station to improve working conditions and lower costs. Flood repairs on the Hazardous Waste Facility which was inundated earlier this year, cost Metro in excess of \$250,000.

### Capital Improvement Planning

Early this summer we retained the services of URS Consultants to assist Metro in developing a plan for capital improvements at Metro South. They developed a number of site plans which addressed the problems discussed above. Ten projects were identified which will improve the performance and efficiency of the operations at Metro South Station. These are:

Widen Entrance Road - The entrance road to Metro South currently has two outbound turn lanes and one inbound lane. The entry road then narrows to two lanes. This project would widen the two lane section and convert one outbound lane to an inbound lane which will increase the effective queuing length available and allow separation of the public and commercial traffic prior to the scales. Some of the delays caused when the self haul vehicle queue extends back to the two lane section of road will be eliminated. The cost of this project is estimated to be about \$58,000.

New Scale/Automation - Commercial and self haul vehicles are delayed in leaving the site during peak hours since there is only one outbound scale on the site. The addition of a new scale will reduce this problem. The project cost is estimated to be approximately \$60,000, exclusive of previously budgeted automated weighing equipment. This new scale will be used in conjunction with the installation of automated weighing equipment for commercial vehicles.

Transfer Building Expansion - Space is available near the commercial entrance to the transfer station to add about 2500 square feet to the tipping floor. This space will provide an area to segregate and store wastes for special handling without impacting normal station operations. The cost of this expansion will be approximately \$200,000. Minor modifications to the transfer floor are also included in these costs.

New Public Transfer Area - The current public transfer area in the transfer station is too small to handle the demand during peak hours. This causes many of the delays experienced on the site. The congestion in the public unloading area and its configuration also cause some safety risks for Metro's customers. These problems can be alleviated by construction of a new public only transfer area in a portion of the site currently used for parking transfer vehicles. Proposed traffic patterns would eliminate most of the conflicts between the public and commercial vehicles. This facility could also be constructed to facilitate loading of recoverable materials into top loading

trailers. The cost of this facility will range between \$400,000 and \$600,000 depending on its location on the site and the type of container used to move the waste.

Recycling Drop-off Center - The public currently drops off recyclable materials in an area between the scalehouses and the transfer building. These customers must cross the scales to get to the recycling drop-off facility. It is desirable to locate these facilities prior to the scales to reduce traffic impacts and to encourage recycling. If the household hazardous waste facility is moved this facility could be located at the current location of the HW building. The cost of removing the HW facility and constructing the recycling drop-off area is approximately \$250,000.

Relocate Truck Wash - The truck wash at Metro South is located in the area between the scalehouses and other areas of the site which could be used for other waste handling facilities. The truck wash was damaged in last years wind storm and repairs have been delayed to determine whether or not the truck wash will be moved. Moving the truck wash will eliminate some traffic congestion and is necessary for the construction of a new public transfer area and the relocation of the hazardous waste facility. In addition there have been violations of the industrial waste discharge permit at this facility. A redesign of the truck wash will reduce the likelihood of future violations. The cost of relocating the truck will be approximately \$90,000. Demolition alone will be about \$10,000 of this cost.

Material Recovery Equipment - If a new public transfer facility is developed at Metro South, the current public area can be used for commercial vehicles. This would provide sufficient space to direct select loads to this portion of the station for processing. A new sorting line in the current public transfer area will facilitate the recovery from these select loads. This equipment will cost approximately \$180,000. Investment in this equipment should be deferred until the impact of new MRF's is determined.

Office Space, Lunchroom and Showers - Due to the growth in activities at Metro South additional facilities are needed for administrative activities and to provide adequate working conditions for our employees on site. Shower facilities and a lunchroom are needed for Metro employees. These facilities are currently located in a trailer on-site adjacent to the hazardous waste facility. Shower facilities are required for the hazardous waste employees. These facilities could be installed as part of a relocation of the hazardous waste facility or the new latex facility. The cost of these improvements will vary between \$50,000 and \$150,000 depending on their location and what other improvements are made on the site.

Latex Processing Building - Processing of latex paint is currently done in a tunnel beneath the pit in the transfer building. Working conditions in this area are unacceptable. This years flood put the latex operation out of service for an extended period this year. Construction of a new building is already budgeted. This project, including equipment will cost approximately \$300,000. Depending on the location of the building some of the needed administrative facilities could be located in this building.

Relocate Hazardous Waste Facility - The HW facility sustained extensive damage during the floods this year. Moving this facility to higher ground will significantly reduce the risk of flooding and allow modifications which will improve customer service and operating efficiencies. The cost of constructing a facility similar to the existing building is estimated to be about \$1.5 million. A lower cost may be achieved by working with Metro's hazardous waste staff to implement design changes which would lower the construction cost.

A table is provided which shows the proposed improvements described above and identifies the objectives which each improvement addresses.

The costs of these projects are summarized in the following table.

<b><i>Proposed Capital Improvements Metro South Transfer Station</i></b>	
<b><i>Project</i></b>	<b><i>Project Costs</i></b>
Widen Entrance Road	\$58,000
New Scale/Automation	\$60,000
Expand Transfer Building	\$200,000
Construct New Public Transfer Area	\$400,000 to \$600,000
Provide Recycling Drop-off Center	\$250,000
Relocate Truck Wash	\$90,000
Install Material Recovery Equipment	\$180,000
Provide Office Space, Showers, Lunchroom	\$50,000 to \$150,000
Construct Latex Building	\$300,000
Relocate HHW Building	\$1,500,000

A table showing the benefits of the capital improvements listed above is attached. Management practice which can help the problems identified at Metro South were also evaluated. These are also listed in the attached table.

**Metro South Transfer Station**  
**Preliminary Capital Improvement Analysis**

<b>Proposed Capital Improvements</b>										
<b>Project Benefits</b>	Increase Station Capacity	Reduce Wait Time	Increase Material Recovery	Improve Worker Safety	Improve Material Handling	Improve Flood Protection	Improve Customer Safety	Required for Other Improvements	Reduce Operating Costs	Improve Environment safety
<b>Project</b>										
Widen Entrance Road		+		+			+			
New Scale/Automation		+		+						
Expand Transfer Building	+	+	+	+	+		+			
Construct New Public Transfer Area	+	+	+	+	+		+			
Provide Recycling Dropoff Center		+	+	+			+			
Relocate Truck Wash		+						+		+
Install Material Recovery Equipment			+		+					
Provide Office Space, Showers, Lunchroom				+						
Construct Latex Building			+	+		+			+	
Relocate HHW Building				+		+				+
<b>Other Management Practices</b>										
<b>Provide Unloading Assistance</b>	+	+	+				+			
<b>Provide Traffic Control Personnel</b>		+					+			
<b>Improved Flood Response Plan</b>						+				
Tare Weights for Commercial Vehicles		+							+	
Peak Hour Pricing		?								
Non-weight Based Fees for Public		+								
Limit Access to Public		++								

Items in bold type have already been implemented.

\* Reduces wait for commercial vehicles only.

? Impact uncertain.

- Negative impact

PE:clk

cc: Penny Erickson, Facilities Supervisor

Jim Quinn, Hazardous Waste Supervisor

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## **CIP Summary**

## Capital Projects Summary

General Account – Capital Reserve	Prior Years	97-98	98-99	99-00	00-01	01-02	Total	Funding Source
Metro South Traffic Improvements	\$184,000	\$61,500					\$245,500	Fund Balance
Metro South Commercial Floor Extension	137,000	84,000					221,000	Fund Balance
Metro South Public Unloading Area	163,700	524,000					687,700	Fund Balance
Metro Central Dry Waste Products	20,000	240,000					260,000	Fund Balance
Metro Central Storage and Training Rooms	132,800	27,800					160,600	Fund Balance
Metro South H2W Facility Relocation	110,000	1,347,500	\$330,000				1,787,500	Fund Balance
Metro South Material Recovery		205,500	9,800				215,300	Fund Balance
Metro South & Central Video Surveillance		60,000					60,000	Fund Balance
Metro South Office Space Addition		52,000					52,000	Fund Balance
Metro South Public Recycling Drop-off				\$162,800	\$122,800		285,600	Fund Balance
Metro South Groundwater Recovery					130,000		130,000	Fund Balance
<b>Totals</b>	<b>\$747,500</b>	<b>\$2,602,300</b>	<b>\$339,800</b>	<b>\$162,800</b>	<b>\$252,800</b>		<b>\$4,105,200</b>	

Renewal & Replacement Account	Prior Years	97-98	98-99	99-00	00-01	01-02	Total	Funding Source
Metro South Truck Wash Relocation		\$104,000					\$104,000	Fund Balance
Metro Central MSW #1 Processing Line			\$468,000	\$468,000	468,000		1,404,000	Fund Balance
Metro South Sewer Improvements			156,000				156,000	Fund Balance
Metro South Replace Fire Sprinklers		56,000	186,000				242,000	Fund Balance
Metro South & Central Computer Network				120,000			120,000	Fund Balance
Metro South Compactor Replacement				915,000	\$915,000		1,830,000	Fund Balance
Metro Central Wood Line				100,000	600,000	\$600,000	1,300,000	Fund Balance
<b>Totals</b>		<b>\$160,000</b>	<b>\$810,000</b>	<b>\$1,603,000</b>	<b>\$1,983,000</b>	<b>\$600,000</b>	<b>\$5,156,000</b>	

St. Johns Landfill Account	Prior Years	97-98	98-99	99-00	00-01	01-02	Total	Funding Source
Gas Recovery	\$170,000	\$1,801,000					\$1,971,000	Fund Balance
Maintenance Building	20,000	291,000					311,000	Fund Balance
Additional Gas Wells		71,500					71,500	Fund Balance
Additional Monitoring Wells		65,000					65,000	Fund Balance
Environmental Improvements	134,000	746,000	\$590,000	\$90,000	\$90,000		1,650,000	Fund Balance
Closure of Parcel A	411,000	1,000,000					1,411,000	Fund Balance
<b>Totals</b>	<b>\$735,000</b>	<b>\$3,974,500</b>	<b>\$590,000</b>	<b>\$90,000</b>	<b>\$90,000</b>		<b>\$5,479,500</b>	

<b>Regional Environmental Management Department Totals</b>	<b>\$1,482,500</b>	<b>\$6,736,800</b>	<b>\$1,739,800</b>	<b>\$1,855,800</b>	<b>\$2,325,800</b>	<b>\$600,000</b>	<b>\$14,740,700</b>
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**All capital projects are financed from fund balance.**

to sell landfill gas to a neighboring industry. The Environmental Improvements are projects which may be needed to satisfy Oregon Department of Environmental Quality requirements to complete the closure of the landfill. Both gas and monitoring wells are the only projects that are not contingent on any other actions.

All of the above projects are financed from the Solid Waste Revenue fund balance. The table below shows the projected fund balance available for capital projects for the fiscal years covered by the CIP. The major assumptions used in making these projections include:

- Revenue tons will increase a total of 5 percent at Metro facilities and 6 percent at non-Metro facilities over the five-year period
- Metro Tip Fees and Regional User Charges will remain at \$75 per ton and \$17.50 per ton, respectively

- Transfer station, transportation and disposal contracts will be adjusted for inflation as provided in those contracts; all non-tonnage material and service costs will increase 3 percent each year
- FTE remain at the FY 1996-97 levels
- Personal service costs increase each year by the FY 1996-97-pay plan percent increase

The amounts shown for Capital Reserves, Renewal & Replacement reserves and St. Johns Closure reserves are net of the amounts allocated for the proposed capital projects to be financed from those reserves. These projections show that sufficient fund balance is available to finance all of the department's capital projects without jeopardizing operating and other reserves. Based on the forecast, the department would need to replenish its Capital Reserves by FY 1999-00.



**Outreach Memo of 11-13-96**



## METRO

DATE: November 13, 1996

TO: Local Government Recycling Coordinators

FROM: Paul Ehinger, Senior Engineer 797-1789  
Kelly Shafer Hossaini, Associate Solid Waste Planner 797-1503

RE: Capital Improvement Planning for Metro Facilities

Metro Regional Environmental Management is commencing a capital improvement planning process for its three solid waste facilities: Metro South Transfer Station, Metro Central Transfer Station, and the St. John's Landfill. Attached to this memo is some information related to this process for your information and review. We will be attending the November 21, 1996 Local Government Recycling Coordinator's Meeting to discuss this planning project with you and take any comments or questions you may have.

The purpose of the capital improvement planning process is to evaluate existing facilities to determine their long and short-term needs. Short-term capital improvements will focus on relieving on-site problems such as congestion or the lack of materials recovery. Such improvements will primarily benefit facility users and increase materials recovery. Over the longer term planning horizon, facility needs will be evaluated in light of changing the disposal system and the future role of the facilities in such a system. The process will use the goals and objectives of the Regional Solid Waste Management Plan (RSWMP) as a guide.

Metro will be hiring a consultant to assist with the capital improvement planning process. The end product of this planning process will be a facilities master plan. A draft outline of the facilities master plan is attached to this memo. (Please see Attachment 1.) Some of the elements of this outline will be assigned to the consultant for completion, while others will be completed by Metro staff. Which of these elements will be whose responsibility has yet to be decided.

Some capital improvement projects for Metro South Station will begin before the completion of the overall planning process. These projects are needed to help alleviate the long wait times and vehicle queuing length currently being experienced at that transfer station. (Please see Attachment 2.) These improvements will be incorporated into the overall development of the facilities master plan.

The timeline for the capital improvement planning process is as follows:

November - December 1996	Meet with regional stakeholders; Solicit feedback about overall planning process and needed facility improvements.
--------------------------	--

December 1996

Finalize scope of work for consultant to assist with planning process.  
Route to stakeholders and SWAC for review and comment.

January 1997

Release request for proposals.  
Select consultant to assist with planning process.

February - April 1997

Develop facilities master plan.  
Form steering committees to review consultant submissions.  
SWAC review, as needed.

May 1997

Open house for general review of draft facilities master plan.  
SWAC review of final draft facilities master plan.

June 1997

Metro Council review and adoption of facilities master plan.

We look forward to meeting with you and discussing the capital improvements planning process. If you have any questions before the meeting, please do not hesitate to contact either Kelly or me.

KS:jc  
Attachments

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## **Master Bond Ordinance**

## **LIST OF BACKGROUND MATERIALS AVAILABLE**

The following materials are available for review at Metro or can be obtained at the charge listed. Contact Karen Green, Records and Information Specialist, at 503-797-1675.

Current operating contracts for Metro South Station - \$5.00

Current operating contracts for Metro Central Station - \$5.00

Annual and Monthly Reports for each facility - \$3.00

Facility Drawings for Metro South Station - \$12.50

Facility Drawings for Metro Central Station - \$12.50

Contractor Waste Handling Procedures Manual

Metro Central Station Operations Manual (prepared by operator)

Metro Central Station Maintenance Manual (prepared by operator)

Equipment Manuals (available for viewing only)

Permits

Metro's Regional Solid Waste Management Plan

Site Emergency Action Plan

Renewal and Replacement Account - Volumes I & II

St. Johns Landfill Operating Plan

Metro Capital Improvement Plan FY 1997-98 through 2001-02

"Renewal and Replacement Account Requirement" shall mean:

(i) the amount determined for each Renewal and Replacement Period by the Consulting Engineer pursuant to Section 510 hereof as being the total amount which, in light of the reasonably anticipated needs of the System (to the extent such needs are permitted to be met from the moneys on deposit in the Renewal and Replacement Account as provided in Section 510 hereof), it is prudent for the Issuer to set aside in the Renewal and Replacement Account during such Renewal and Replacement Period; divided by

(ii) the number of whole calendar months in such Renewal and Replacement Period;

*provided that if, in light of the reasonably anticipated needs of the System, the Consulting Engineer determines that the monthly Renewal and Replacement Account Requirements for a particular Renewal and Replacement Period, calculated as set forth above, will not produce sufficient moneys on deposit in the Renewal and Replacement Account (including anticipated investment earnings thereon) to meet such needs by the point in time during such Renewal and Replacement Period at which such needs are anticipated to arise, then and in such event the Consulting Engineer shall prepare a schedule of monthly deposits into the Renewal and Replacement Account during such Renewal and Replacement Period, which schedule shall be designed to provide sufficient moneys on deposit in the Renewal and Replacement Account (including anticipated investment earnings thereon) to meet such needs by the point in time during such Renewal and Replacement Period at which such needs are anticipated to arise, and the amounts set forth in such schedule shall constitute the monthly Renewal and Replacement Account Requirement for such Renewal and Replacement Period.*

**Section 510. The Renewal and Replacement Account.** Prior to the issuance of the first Series of Bonds hereunder, the Issuer shall cause the Consulting Engineer to provide it with a written determination of the Renewal and Replacement Account Requirement to be applicable during the first Renewal and Replacement Period. Thereafter, commencing with the Renewal and Replacement Period beginning on July 1, 1992 and continuing with each Renewal and Replacement Period thereafter, the Issuer, prior to the first day of such Renewal and Replacement Period, shall cause the Consulting Engineer to provide it with a written determination of the Renewal and Replacement Account Requirement to be applicable during such Renewal and Replacement Period.

Pursuant to and in accordance with the priorities set forth in Section 501 hereof, following the issuance of the first Series of Bonds hereunder the Issuer shall deposit into the Renewal and Replacement Account, on the first Business Day of each month, commencing with the first such Business Day following the issuance of the first Series of Bonds hereunder, an amount equal the Renewal and Replacement Account Requirement; *provided that* nothing herein shall preclude the Issuer from depositing in the Renewal and Replacement Account, in accordance with the priorities set forth in Section 501 hereof, amounts greater than the Renewal and Replacement Account Requirement; *and provided further that* if at any time during a Renewal and Replacement Period the Issuer shall have theretofore deposited in the Renewal and Replacement Account an amount equal to the sum of the monthly Renewal and Replacement Account Requirement for such Renewal and Replacement Period, then and in such event the Issuer shall not be required to make any further deposits into the Renewal and Replacement Account during the remainder of such Renewal and Replacement Period.

Amounts in the Renewal and Replacement Account shall be applied to the payment of extraordinary repairs to or the replacement or renewal of capital assets of the System, for transfer to the Landfill Closure Account, and for payment of costs incurred for such extraordinary expenses peculiar to landfills such as, but not limited to, remedial action necessary to cure the results of landfill leachate; *provided, however, that* amounts in the Renewal and Replacement Fund shall be used for payment into the System Debt Service Account when the moneys in the Revenue Fund and the moneys in the System Reserve Account in the Debt Service Fund are insufficient therefor; *and provided further that* to the extent that, following any valuation of the investments on deposit in the Renewal and Replacement Account, the amounts on deposit in the Renewal and Replacement Account exceed the Renewal and Replacement Account Requirement, such excess may, at the discretion of the Issuer, be transferred to the General Account. Amounts in the Renewal and Replacement Account shall not be applied to the payment of costs of extensions, improvements or additions to capital assets of the System. The investments on deposit in the Renewal and Replacement Account may be valued from time to time by the Issuer, any such investments to be valued at the face value thereof (including accrued or accreted and unpaid interest) as of the valuation date.

**Resolution No. 97-2463, For the Purpose of Stating the Council's Position with Respect to the Regional Facilities Operated by the Metropolitan Exposition-Recreation Commission.**

**Metro Council Meeting  
Thursday, February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PUPOSE OF STATING THE	)	RESOLUTION NO. 97-2463
COUNCIL'S POSITION WITH RESPECT	)	
TO THE REGIONAL FACILITIES	)	Introduced by Councilor
OPERATED BY THE METROPOLITAN	)	Ruth McFarland
EXPOSITION-RECREATION COMMISSION	)	

WHEREAS, the Metropolitan Exposition-Recreation Commission (MERC) is a Metro Commission created by the Metro Council under the provisions of Chapter 6.01 of the Metro Code; and

WHEREAS, MERC is charged by the Council with the operation and management of the Oregon Convention Center (OCC), the Portland Metropolitan Exposition Center (EXPO), both of which are owned by Metro, and, through a Consolidation Agreement entered into by Metro and the City of Portland, with the Portland Center for the Performing Arts (PCPA) and Civic Stadium (Stadium), which are owned by the City of Portland; and

WHEREAS, the facilities operated by MERC receive a major portion of their funding from the proceeds of the Multnomah County Transient Lodging Tax; and

WHEREAS, Multnomah County has, by ordinance, recently amended the provisions of the Transient Lodging Tax, so as to provide for allocation of funds in a manner that is acceptable to Metro; and

WHEREAS, Multnomah County, by resolution adopted concurrent with the recent amendments to the Transient Lodging Tax, requested that the City of Portland acknowledge its responsibility for major capital investments in the PCPA and Civic Stadium, and commit a total of \$600,000 per year towards the operations of PCPA and



Stadium, including \$300,000 targeted towards establishment of a 50 cent per ticket user fee for the nonprofit principal tenants of the PCPA; and

WHEREAS, Multnomah County, by the same resolution, requested that Metro plan and implement improvements in MERC's organization, and reconfirm Metro's commitment to seek future regional funding for all regional facilities operated by MERC; and

WHEREAS, the City of Portland has, by resolution, acknowledged that it has "responsibility for capital expenditures at both the PCPA and Stadium," and indicated its intent to commit a total of \$600,000 per year towards the operations of PCPA and Stadium for a period of five years, including \$300,000 annually targeted towards establishment of a 50 cent per ticket user fee for the nonprofit principal tenants of the PCPA; and

WHEREAS, Metro has, through Ordinance No. 97-677-B, implemented improvements in the organization of MERC designed to allow MERC to operate in a more streamlined and efficient fashion, while maintaining appropriate levels of accountability to elected officials; and

WHEREAS, Metro reconfirms its commitment to continue the search for a regional funding solution for the MERC facilities and the arts;

**BE IT RESOLVED AS FOLLOWS:**

1. Metro accepts the City of Portland's acknowledgment of its capital responsibility for PCPA and Civic Stadium, and acknowledges Metro's capital responsibility for OCC and Expo.

2. Metro accepts the City's proposed five year total contribution of \$3,000,000 (\$600,000 annually) for the operations of the City owned facilities.

3. Metro accepts the designation of \$300,000 of the City's annual contribution towards the establishment of a 50 cent per ticket user fee for the principal non-profit tenants of the PCPA.

4. Metro accepts Multnomah County's allocation of the Transient Lodging Tax.

5. Metro reconfirms its commitment to the search for a regional funding solution for all regional facilities and the arts, and declares its desire to work cooperatively with Metro's regional partners with respect to these important regional assets.

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

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

ATTEST:

\_\_\_\_\_  
Clerk of Council

APPROVED AS TO FORM:

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

*Agenda Item Number 8.7*

**Resolution No. 97-2468, For the Purpose of Adding additional Priorities to Metro's 1997 Legislative Package.**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADDING  
ADDITIONAL PRIORITIES TO  
METRO'S 1997 LEGISLATIVE  
PACKAGE

) RESOLUTION NO 97-2468  
)  
) Introduced by the Government Affairs  
) Committee

WHEREAS, the 1997 Oregon Legislature convened on Monday, January 13, 1997; and

WHEREAS, the Metro Council has adopted Metro Legislative Priorities via Resolution  
No. 97-2451A; and

WHEREAS, the Government Affairs Committee has continued deliberations to refine the  
legislative priorities; now, therefore,

BE IT RESOLVED:

That the Metro Council adopts the language in Exhibit A to this Resolution and adds it to  
its Legislative Priorities package.

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

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

APPROVED AS TO FORM:

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

Exhibit A to Resolution No. 97-2468

February 20, 1997

The following language is added to the Metro legislative priorities package:

**B. Growth Management**

The Charter adopted by the region's voters in 1992 directs that regional planning and growth management are Metro's primary functions - in order to maintain and enhance the livability and economic vitality of the area. Rapid growth is occurring in the region. Metro's job is to ensure that this growth occurs in a manner which minimizes negative impacts on the region's current or new citizens and promotes important values. Metro has been working with its regional partners and citizens in the region over the past several years to accomplish these tasks, through the Region 2040 process, the development and adoption of urban reserves and the creation of a framework plan.

**F. Metro Washington Park Zoo**

Already the largest paid tourist attraction in Oregon, the region's voters approved in September, 1996, a \$28.8 million capital bond measure for development of an Oregon Exhibit at the Zoo. The new exhibit will feature examples of wildlife from across Oregon, providing visitors with the complete Oregon experience.

Metro will request a \$500,000 allocation, likely from lottery revenues dedicated to economic development and tourism, for the state's share of the Oregon Exhibit. The funds are to be used to tie the features of the Exhibit to specific locations in Oregon, and to promote tourism in those locations across the state.

**I. Water.**

Metro will closely monitor legislative action affecting water, rivers and streams. It is important that the metropolitan area plan for and provide adequate domestic water supplies and conservation measures, at the same time that streamflows and aquatic life are protected.

***Agenda Item Number 8.8***

**Resolution No. 97-2469, For the Purpose of Identifying Metro's position on State of Oregon Legislation.**

**Metro Council Meeting  
Thursday February 27, 1997  
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF IDENTIFYING ) RESOLUTION NO 97-2469  
METRO'S POSITION ON STATE OF )  
OREGON LEGISLATION ) Introduced by the Government Affairs  
 ) Committee

WHEREAS, the 1997 Oregon Legislature convened on Monday, January 13, 1997; and

WHEREAS, the Government Affairs Committee has identified legislation which it is in  
Metro's interest to follow and, if necessary, take a position on; now, therefore,

BE IT RESOLVED:

That the Metro Council adopts the attached list in Exhibit A as Metro's position on  
legislation pending in the 1997 Oregon Legislature.

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

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

APPROVED AS TO FORM:

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

Exhibit A to Resolution No. 97-2469  
Metro's Position on 1997 Oregon Legislation  
February 20, 1997

S=Support  
M=Monitor  
A=Amend  
O=Oppose

**A. Implementation of Ballot Measure 47**

Bill	Title	Subject	Status	Position
HB 2047	Ballot measure 47 implementation	Ballot measure 47		M

**B. Growth Management**

Bill	Title	Subject	Status	Position
HB 2139	Program for rehab of existing buildings	Seismic rehabilitation		S
HB 2287	Limits expedited land division requirements to Metro	Local land use regulation		M
HB 2289	Allows school capacity as only reason for denying development application	Development and school capacity		M
HB 2292	Exempts cities of 25,000 or less from HB 2709 (1995) requirements	Buildable lands within UGB		M
HB 2361	Allows development on rural lands, EFU	Rural lands		O
HB 2398	Allows public facilities in residential zones	Promotes Metro policy to provide for schools in connection with UGB amendments; so broad as to possibly allow for administrative offices (rather than schools)		M/A
HB 2515	Notice of land use action by local government	Requires local government to include notice of land use actions in property tax		O



		statement		
HB 2521	Local government charges for geographical data	Limits price local government may charge for GIS data		O
HB 2545	Condemnation of real property	Requires public entity to offer for sale public land of similar value to property acquired by condemnation		O
SB 5505	DLCD Budget and Growth Management Grants	DLCD Budget		M

### C. Transportation

Bill	Title	Subject	Status	Position
HB 2213	Governor's Livability and Economic Opportunity Account in State Highway Fund: creates regional planning committees; imposes VMT tax and transportation fee	Transportation		M

### D. Solid Waste and Recycling

Bill	Title	Subject	Status	Position
HB 2346	Adds containers to "bottle bill;" allows use of redemption centers	Beverage containers		M
SB 144	EQC identifies commodities of interest/ recovery rate; commercial recycling	Solid waste management		M
SB 420	Hazardous waste management	Requires DEQ to recover costs for HW management		M

### E. Regional Parks and Greenspaces

Bill	Title	Subject	Status	Position
HB 2140	Allows issuance of revenue bonds	State Parks		M
HB 2208	Imposes beverage container tax for state parks, Watershed	Beverage Container Tax		M

	Improvement Grant Fund, and Or. Recyc. Dev. Fund			
HB 2254	Sale of non-residential parcels prior of approval of tentative plans	Allows Metro Open Spaces to purchase parcels prior to approval of subdivision plats		S
HB 2497	Increase vehicle registration fees	If approved by voters, vehicle registration fee revenue would go to state parks and police (HJR 10)		M
SB 393	RV Trip Permit Fees	Increase fees		S
HJR 10	Constitutional amendment to increase vehicle registration fees for state parks and police	Authorizes registration fee increase described in HB 2497		O

Bill	Title	Subject	Status	Position
HB 2022	Prohibits disclosure of information	Public Records		M
SB 44	Discrimination/Disability	Employment		M
SB 139	Modifies contracting procedures	Contracting		S
SB 143	Modifies hours and overtime pay	Public Employment		M

## MINUTES OF THE METRO COUNCIL MEETING

February 13, 1997

Council Chamber

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

Councilors Absent: None

Presiding Officer Jon Kvistad called the meeting to order at 2:02 p.m.

### 1. INTRODUCTIONS

None

### 2. CITIZEN COMMUNICATION

None

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None

### 4. CONSENT AGENDA

4.1 Consideration of the Minutes of February 4, 1997 Council Work Session and February 6, 1997 Metro Council Regular Meeting Minutes.

**Motion:** **Councilor McFarland** moved the adoption of the February 4, 1997 Metro Council Work Session and the February 6, 1997 Metro Council Regular Meeting Minutes.

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

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

### 5. ORDINANCES - SECOND READING

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.

**John Fregonese**, Growth Management Director, submitted the tax lot maps for the record for the Council's review.

**Presiding Officer Kvistad** reviewed **Ordinance No. 96-655B**. He further stated that this was not an issue dealing with the movement of the Urban Growth Boundary (Urban Growth Boundary (UGB)). This process was to select urban reserve lands only.

**Councilor McLain** said that she wished to put into the record the testimony of Ms. Linda Bauer, 6232 SE 158th, Portland, OR. (A copy of this letter may be found in the Permanent Record of the Urban Reserves in the Council Office) The testimony was then handed to the Clerk of the Council.

**Councilor McLain** further stated to all of the members of the public who have written and telephoned Metro regarding this issue, that the office of Metro Council has tried to give personal telephone calls in return and a letter would be sent to anyone who had written.

**Presiding Officer Kvistad** noted that a number of documents had been received for the public record since the most recent Metro Council public hearing on the urban reserves. A partial list of these documents was available today in the rear of the Council Chamber. In addition, before the Council and in the back of the room was a slightly revised summary of the Councilors' preliminary selections. **Presiding Officer Kvistad** explained the process for testimony that would be followed throughout this public hearing.

**Councilor McLain** requested that the public indicate the site number under question as they began their testimony.

**Presiding Officer Kvistad** opened the public hearing at 2:15 p.m.

**Mayor Gordon Faber**, City of Hillsboro, primary interest lie in Site 54, 55 & 62. The data for R2 priority sites was already in the record and he thought gave an ample legal and factual justification for its inclusion. These sites were critical to the City of Hillsboro. Sites 54 and 55 represented two-tenths of one percent of the EFU (exclusive farm use) lands in Washington County and would enable them to master plan a great community for the future of not only Hillsboro but the entire region. It was well-located adjacent to the Tualatin Valley Highway with super access to the jobs that were going to occur in our high-tech area north of there. It was one of those sites that was just a natural. Site 62, consisting of about 200 acres which represented about one-half of one percent of all the EFU (exclusive farm use) lands in the county was again a unique location for industrial use, being bordered, as it was by a couple of five-land roads and immediately adjacent to the Sunset Highway. It didn't take a great deal of imagination to realize that sometime in the next forty-three years, they would need some large-lot industrial sites. This would provide that for his city. They were also submitting a letter for Council consideration with additional new evidence for the record.

**Mr. David Lawrence**, Assistant City Manager of the City of Hillsboro noted the packet of information that was a 400-page stack of papers. He asked that Council not to be intimidated. It basically had a summary letter. It was a letter from the Hillsboro Mayor that included a letter of testimony from Portland Development Commission related to the availability of high-tech sites. It was a two-page letter. It included a city attorney opinion which was new. It went over the city's responsibility and what they believed to be Metro's responsibility related to Goal Nine and Goal Twelve, the economy and transportation goals and also the transportation planning rule and that was authored by our city attorney who was Preston, Gates and Ellis with Tim Sircom and Dan Kerns. In addition to the handout

that they provided, they had a hard copy of the overheads that they were using today. Everything in that stack of approximately 300 pages had been submitted before but they felt that it would be wise for the Council to have all their testimony in one place at one time. There were two additional pieces of information in that stack. One was a study by a transportation consultant, DKS, and that confirmed that the inclusion of Site 62 allowed them by providing additional road transportation links to circumvent the intersection of Shute and Evergreen Roads. By doing that, it allowed Shute and Evergreen roads to function a lot longer because it vented the traffic. The second new piece of study confirmed what they talked about the last time they were before the Council, the need for industrial land. This was a study done by Hopson-Johnson. It was consistent with their previous work and it talked about the definition for 2015 in their area of 2100 acres of industrial land and 4100 acres of 2040 land. He noted that their priority recommendation here were 200 acres. He then switched to testimony for the Mayor and also because they were all sick. They had the flu and they sent Tim Erwert, our City Manager home with it. He updated on four specific points. When the City of Hillsboro was here last, they presented this map in which all the colors were committed to either built single-family, multi-family dwellings, commercial, industrial or master planned sites with building opportunities that had been approved through their land-use system. What they had done was updated that map and would provide the Council with a photograph of that for the record as they did last time. The green was the areas that had been committed for development since September 12, 1996. The second point that he wanted to cover briefly was the regional availability of sites for significant industrial development. He noted that anytime someone came to this region with a significant development, they worked with Oregon Economic Development Department, Portland Development Commission and local staff. In Hillsboro, he was the local staff. They found that when it was a significant development, they became, in a sense, the experts for how to site those high-tech businesses. PDC's letter and his testimony last time, which he wanted to reinforce, was that in this region, there was one site that was suitable for a large-scale high-tech investment and that site was the Seaport Site. He thought no matter whom one talked with, Columbia Corridor Association, anyone else in this region, that was the reality of it for a lot of reasons which they had put into the record. The third point that he wanted to make related to the definition of existing vacant land. As the Council knew, they had a lot of vacant land in industrial use; in part because some of their companies have bought a large tract and only built on half of it. They had provided a very detailed analysis of all of those owners; every single company; and denoted in their findings exactly how much was built and how much was left that was master planned. If one looked at what was left and called that 'vacant land,' the average size of those lots was about 20 acres. Because the City of Hillsboro was only asking for the 200 acres of industrial lands, they were counting on those lands to be the jobs base for this region in the future. The fourth area on which he spoke was to reiterate the uniqueness of the Shute and Evergreen site, Site 62. It was really like a deep water port. There were only a few places you could have a big ship come in and it had to be in a deep water port. No matter how much Hillsboro wanted to have a large port, they couldn't have one because the Tualatin River was too small. This site did have those unique aspects. They were working with Unified Sewerage Agency to use process water from high-tech plants. It was the only place in the nation that they knew of that all the high tech users were so close together that they could actually take the process water which was a different kind of effluent and look at piping it separately using it separately and opening up a lot of reuse opportunities. Second was the water supply. They would have a 72 inch water line and they actually had the capacity for these kinds of users. They assisted in keeping their rates lower. One didn't find that kind of water supply in other sites. Third, electrical. He wanted to restate something he said and added a little bit to it from last time. The substation that PGE built on Evergreen Road had three transmission lines serving it. All the services coming out of it were underground so it was extremely reliable. The second point on that substation was that it was the most sophisticated switching equipment that they knew of in the western United States and PGE had told them in the United States for high-tech use. It was very sensitive to that. As a quick aside, he did have a chance to look at a map that denoted jail sites turned in by the staff to corrections.

He noted that all of those sites, from his personal knowledge, with the exception of Seaport, would not be suitable for a high-tech user so all those 100 acres sites, either because of services - there were already buildings on them in a lot of cases - also topography. One really couldn't use those jail-identified sites as other sites. With that, they would stop their testimony and they would leave the Council alone and he would offer, as they did last time, that any of them would be happy to provide additional information that would help the Council in their decision. Please contact them.

**Mayor Gussie McRobert, City of Gresham 1333 NW Eastman Way, Gresham, OR 97030:** This morning she got out her RUGGOs as a refresher course on just why everyone was all here and having such fun. She focused on several things. One was the timeline - that 35 years seemed a whole lot more reasonable to her than 43 years. It went out into the ouija board stuff at 43 whereas 35 - one could almost have a better handle on the reality of what was going to happen. She thought we needed to address affordability in this. Linda Peters had some talks in Washington County where they were talking about inclusionary zoning and those kinds of issues but in whatever form, she thought that needed to be a part of it. She was not going to fall on the sword for one and two. The Council could accomplish the same thing - they didn't fit progression. She would give the advantage of mistakes that Gresham and Portland had made in annexing 100,000 people or more. They did it by sewer boundaries. They split neighborhoods and those neighborhoods didn't function as well even today. In another meeting, probably about one year ago with Portland and Clackamas County, Happy Valley, and Gresham to talk about three, four and five and how that would work and looking at map, black and white to her, 1/90th of that should be the boundary and Linda Bauer, a citizen, said 'no' that splits the neighborhood. Having gone through that, they would change the boundary there but that was the point with one and two. It didn't fit to go to Gresham. She understood the Council was looking at phases. This should be in Phase III. By that time, Damascus would covet that area and it would fit a whole lot better to relate with topography and everything else to be in Damascus. So that would be her request: that if the Council was going to do that and put it in, do it as the very last phase since it didn't work to split neighborhoods. Thank you.

**Mayor Dan Fowler, City of Oregon City, 914 Madisen St., Oregon City, OR :** He offered a map as an exhibit at the meeting. He would like to add, as a small bit of history, they had held a number of public meetings on the issue with the planning commission, a citizen body, their city commission. They attended and participated in a listening post in the Beavercreek area and offered exhibits and testimony at that meeting. From that process, they had some revisions on the map that the Council would receive. They were very minor and more technical in nature. They followed boundaries instead of splitting properties. In that process, they had reduced resource land and they had added some exception land so they felt that had been good. They were trying to achieve balance in jobs and housing and in the master planning process, as reserves were looked at and added in the future. They looked forward to that process in identifying industrial land areas and identifying residential land areas to achieve a good housing and jobs balance. The specific testimony on the map he submitted related to Nos. 17, 18, 19, 22, 23, 24, 25, 26 and 29. Some of the areas originally looked at in the Oregon City area had been deleted. Those numbers remained and they supported the urban reserve issue as identified on that map. In a small, philosophical sense, he believed that, as a regional, it was important to look at density, to look at that issue in terms of, as they grew, but just as important, it was very important for them to analyze and look at future reserve lands - land that could be used to expand the Urban Growth Boundary (UGB) and to maintain the livability that they wanted for the overall area. He appreciated the process that the Council had gone through and they were supporting that urban reserves as identified but modified on the map that he submitted at this meeting. He thought that coincided with all of the other data that has been submitted earlier to the Council.

**Mr. Roger Woehl, Superintendent of West Linn/Wilsonville School District, Box 35, West Linn, OR 97068,** He was at the meeting to testify on Parcels No. 30 and 39. Parcel 30 was located in West Linn and Parcel 39 in Wilsonville. Their interests were that there were two sites on each of these parcels that had been identified as school sites. They were part of their long-range plan that were consistent with the 2040 plan. Unfortunately, both of those sites sat outside the current Urban Growth Boundary (UGB) and they would like those two sites included in the urban reserve areas. The first site, in Parcel No. 30 was located in the Rosemont area. The district had completed purchase of about 22.5 acres in that area. 4.5 of those acres were inside the Urban Growth Boundary (Urban Growth Boundary (UGB)). The other 18 acres were outside the Urban Growth Boundary and they were going to be able to place the footprint of the building inside the Urban Growth Boundary (UGB) and go through the process of getting municipal services. They believed that size of the school would not be a full-size middle school at this time and they needed to do an addition to it. It was very possible that that addition would need to sit outside the Urban Growth Boundary. They would like to have as easy a possible time to bring that area inside the Urban Growth Boundary when the time came which might be within two years. So they would very much like to see that 18 acres that had been identified in the Rosemont area and they knew the Council had documentation on the position of both the school district and the city on that. The other parcel was in Wilsonville. It was Parcel No. 39. It was an area adjacent to their current Wood Middle School. It was currently land that was owned by the State of Oregon. It was public common school land and, in the process of planning with the City of Wilsonville, that area had been identified as a school site. At the time they were ready to build there, that would be deeded to the school district free of charge. It was a 20-acre site and it was designated as being a double primary school site. It would house a large number of students. It was adjacent to the Urban Growth Boundary (UGB) at this time and was easily accessible for municipal services. They would like to have that included inside the urban reserve areas so when the time came, and again, that may be well within about two years that they were building or wanted to be building on that site. Both of these areas were consistent without their enrollment projections as the numbers that the Council had in the 2040 plan and the numbers that they had developed and they knew that they would be building on these sites in the future. They would appreciate the Council's consideration of those sites.

**Mayor Jill Thorn, City of West Linn, 22825 Willamette Drive, West Linn, OR** spoke to area 30 on behalf of the West Linn City Council, she was requesting that only 20 acres of the proposed urban reserve area be designated as an urban reserve area for a school. If there was a priority system put to this, they would like to have it as a first priority. The site for the school was consistent with the West Linn comprehensive plan. The site was also consistent with the West Linn/Wilsonville school district's long-range school facilities plan and the district had acquired the site for a middle school. The City believed that the designation of the property as an urban reserve area would provide a better opportunity for the district to have the entire school within the Urban Growth Boundary (Urban Growth Boundary). This would eliminate any potential issues related to public service delivery to the school site. She thanked the Council.

**Mr. Jim Crumley, Community Development Director for the City of Happy Valley, 12519 SE King Rd., Happy Valley, OR 97236** addressed Area 15. The City of Happy Valley had been an active participant and firm supporter of this urban reserve process since the beginning. A large measure of that support was due to the premise that all future urban development was going to take place within an incorporated city limits. For the past six months, they had written letters, had met with Metro staff, they even made a presentation at the Council's listening post. Yet here they were, beyond the eleventh hour, with area 15, located 450 yards from the city limits. We were here one last time to request that the Council close the small gap between area 15 and the city limits, giving them some control over the urbanization of land that was certainly going to have an impact on their city. This was a single, 20-acre

ownership. The land owner had been trying, as the City of Happy Valley had, to have this area included. If there was some question about adding an additional twenty acres to the reserve area, the Council had petitions from more than 20 acres of land owners in area 15 that didn't want to be in. The Council could take them out. The City wanted to be able to have this area urbanized in the incorporated city limits and, if it was approved as proposed, that would be beyond their ability.

**Mr. N. Kay Walker, Councilman for the City of Cornelius, 289 S 4th Place, Cornelius, OR 97113** said she spent four years on the planning commission for the City of Cornelius. They had had a great number of industries and people who would have a desire to move into their area, providing they had the land to accommodate them. Part of the Metro 2040 plan was that we were supposed to be able to provide jobs for the people who came into their area. At this moment, we just did not have the land to do it. This 35 acres of the 59, would be designed as an industrial area. It was already situated in a place where the utilities were fairly close to it. They had roads, as one could see, that ran on both sides of it. It would really help their city. They just got through going through a basis of trying to decide how Measure 47 was going effect their town and, without an industrial base, like most of the towns had, they were really hurting for revenues. This would definitely help them, in their revenue base, if they could have this 59 acres. He thanked the Council.

**Mr. Jim Jacks, City of Tualatin, PO Box 369, Tualatin, OR 97062** spoke on two items. Number one, to reiterate, the City of Tualatin opposed the inclusion of urban reserve study area No. 34 and, if it was included, and there was a tiered approach, they would recommend that it not be in the first tier. He wouldn't go into the reasons since those reasons had been recently submitted in letters and testimony to the Growth Management Committee as well as to the Metro Council. The second item was related to recommending that the Council ensure the record was complete, especially as to the five criteria that they had been using to reach their decision. As an example, one of the factors was the orderly and economic provision of public facilities and services and that factor was broken down into some subfactors; utility feasibility, road network, traffic congestion and schools. In the record, there was the information about each of those; for example, the road network was rated from zero to ten and there was a Z score, a total ratio, collector ratio, arterial ratio, all kinds of numbers were related to that one to ten rating. But those were all devised numbers. They were not what he would call 'real' numbers. The real numbers, for example, the road network part of this, came from the numbers of acres that were currently in rights of way in each urban reserve study area and then Metro staff overlaid a theoretical road network and measured how many acres of roads would be in the theoretical network and then they compared those two. The real numbers, the numbers of acres in what was existing and what was theoretical, he didn't believe, were in the record. He thought it would behoove the Council to have those in the record so that real numbers were there rather than or in addition to all of these derived numbers. He thanked the Council.

**Mayor Charlotte Lehan, of Wilsonville, 29786 SW Lehan Ct., Wilsonville, OR** spoke to a couple of sites. She knew he had already sent a communication to the Council about the sites around Wilsonville and her understanding was that the City had asked for significant reductions in urban reserve areas for Areas 35 and 41 and she understood that there was an agreement on that so she wouldn't speak to those. The areas in question were Sites 39 which Roger Woehl already spoke to the Council about and she would just reiterate his concern that this was common school fund land that met with 2040 goals in terms of providing orderly and efficient provision of public service. They also saw, because it was already adjacent to a middle school, that they could achieve a significant efficiency in reduction of parking and other sorts of shared athletic fields and that would be a reason that it was important to be included, that twenty acres, which was EFU (exclusive farm use) but in the common school fund. The other area of concern was Area 37 which was included for Wilsonville, not really at their request. This was small and



rural. They were willing to take that but they would prefer not to take it if they didn't also take Site 36. Site 36 was Beckman Creek Canyon and they felt like they were much more aggressive in protecting the resource in Beckman Creek Canyon. They didn't want it in any buildable land category. She thought the county agreed. Judy Hammerstad would agree that they had a stronger tree ordinance and more protection for that canyon than the county did so if they were taking Site 37, because 36 was an awkward, intervening piece, and they didn't want the canyon out there not under their jurisdiction. That would be her request. Either the City of Wilsonville took Sites 36 and 37 or that they took neither. Thank you.

**Ms. Linda Peters, Washington County Commission and representative for MPAC, 151 North First, Hillsboro, OR 97123** started with the MPAC recommendations since the County recommendation referred to the MPAC version. MPAC met late yesterday afternoon and deliberated at some length about a number of things. They did come to an agreement on the recommendations that the Council saw before them. First, they were recommending the designation of lands that the Council saw on the attached map. These were called Executive Officer's recommendation when they came to MPAC because they were his working over of everything that MPAC and MTAC had worked on. She believed they included exception lands, a very little bit of EFU (exclusive farm use) land that would include the piece that West Linn needed and a few other tiny pieces. They did not include any of the lands that any of the jurisdictions had specifically asked to have removed. That was the history of this recommendation. That was the basic one. It was about 12,500 acres. In addition, MPAC recommended, first, that Metro Code should be amended to recognize urban reserves, to calculate the amount of land for urban reserves, to establish a first tier parcel list and they were saying first tier rather than first priority just so one wouldn't get confused with the term first priority as one sometimes used it to identify all exception land. A first tier parcel of approximately 4100 acres as recommended by Executive Officer Mike Burton for the portion of urban reserves to be urbanized first. She explained about that, the Executive Officer's recommendations appeared on the map as the red pieces. Those were the ones that came from MTAC that were a product of the local jurisdictions doing their own feasibility analysis of what lands really were able to be served by a city; could be master planned; urban services provided and could come into the boundary on a fairly short time line. This was consistent with state law. It was also practical. The code should require that concept plans be developed for any urban reserves prior to expansion of the Urban Growth Boundary (Urban Growth Boundary (UGB)). The code should require that annexation, incorporation, or guarantee of annexation to a city and, where applicable, special districts, should occur prior to inclusion within the Urban Growth Boundary. Those were their recommendations about the code. They would also parenthetically like the opportunity to actually go over the code, the actual language, and give the Council a recommendation that represented MPAC's consensus before the Council actually adopted it. Second, they recommended a minimum number of acres should be designated to supply urban reserve needs for a fifteen-year land supply. Third. The Urban Growth Report should not be adopted and no legislative amendment of the Urban Growth Boundary (UGB) should occur before December, 1998. This would give time for local jurisdictions to demonstrate compliance with the Functional Plan. Incidentally, it would also give them time to have more accurate demographic and market data to show not just how well the Functional Plan was working but, in fact, what their eventual need for additional land was going to be. They would like the Council to agree to this, too. Fourth, continue with its assessment of the urban reserves as tentatively identified by the Metro Council, recommending the next set of sites which could be designated as the next phase for urbanization after first tier lands were brought within the Urban Growth Boundary. This acreage may include small amounts of EFU (exclusive farm use) land if it met state requirements. Fifth, no Urban Growth Boundary (UGB) amendment, legislative or quasijudicial should be approved until the Metro Code was revised as noted above. That was the package of MPAC recommendations to the Council. She was glad that it was before the Council.

Ms. Peters then referred those to her testimony from Washington County. Washington County Board of Commissioners appreciated the chance to comment on the Council's preliminary designation of urban reserve site and the accompanying changes to the Metro code. They wished to support the MPAC recommendation with the following variations: First, they reiterated their support for the inclusion of Site No. 59, the parcel requested by Cornelius. Second, they advised a more conservative designation of acreage at this time, preferably the 4120 acres in the first tier with no further designations until the November, 1998 adoption of the Urban Growth Report. The first tier was based not only Metro's staff work but on work done by MTAC and the planning staffs of the many partner jurisdictions to identify sites that were feasible for early planning and development inclusion in the Urban Growth Boundary. They would emphasize the enormous gap which now existed between the planning work that their local partners must do and the resources that they had available to do it. They encouraged the Council's help in working with the legislature to assure adequate state funding for the critical stages of implementation which were up to them in the months and years ahead. Thank you.

**Mr. Neil R Clough, City Councilor, 2607 S Dogwood St., Cornelius, OR 97113** testified to parcel 59. The City of Cornelius felt this was a very critical and crucial piece to their complete implementation of 2040 Plan looking at a 35 to 40 year land supply. It was a small 35 acre parcel bounded on the north by Council Creek. Subsequently it was also serviced to the property line with cities roads, sewer, storm drainage and power system. The only thing that was needed to create the jobs there was someone to come and put a factory on that spot. The property owners of the adjacent industrial park would be more than willing to start construction as soon as possible. When talking in the community that this particular site was idea as an expansion into an industrial base, it helped the taxes, it provided the jobs they needed that the Ursamatic number showed. They were very lopsided to housing, with very little jobs and they wanted to create in their community the family wage jobs as opposed to minimum wage service. What they were looking to do was take this piece which was under current dry land farming. He was asking the Council to take a serious look at that site and see how the inclusion was going to be of benefit to the people of Cornelius for their future. He stated that last year they had more farm land within the city limits that he now had houses on with maybe 4,500 to 5,000 square foot lots that were built per Metro 2040 high density concept. What he wanted to avoid doing was exporting his work force to other communities impacting the traffic. Cornelius had no light rail, the citizens had to drive every where. He wanted to keep them home in their community.

**Tom Neff, City of West Linn, City Councilor 671 Marylhurst Circle, West Linn 97068** stated last year he was one of the unanimous majority of the Council to vote to offer 139 acres as an Urban Reserve. He did this coming from the base of a firm support of the land use laws of the State, a feeling that all municipalities should share a certain amount of the growth that was coming. It was also cast with the expectation that the various cities would be able to accept that growth on a time table that would not be burdensome to them. This year he was again in unanimous majority when he voted to exclude all but the 20 acres that the school district was asking for because he did not see any assurance that growth would not be pushed on the cities beyond their capabilities. He thought it should be based on the amount of buildable land that was within the cities still. There was no apparent priorities or methodologies set yet or proceeding into an Urban Reserve. As with the case of previous and current City Councilors in West Linn, he also objected to including the Stafford basin within the Urban Reserves.

**Rev. Dr. Wayne Bryant, Executive Director of Ecumenical Ministries of Oregon, 0245 SW Bancroft, Suite B, Portland, OR 97201** shared the substance of a resolution that was passed unanimously by the board Ecumenical Ministries of Oregon on February 10. The EMO board was deeply concerned about the disturbing trends in the region for the decay of the urban core and the sprawl

at the fringes and the social economic and ecological results that this kind of path entails. Their concern was based on the deeply held values of justice, community, stewardship of the earth and concern for the poor. It seemed to them that some of the evidences of that social injustice included the fact that poverty tended to be concentrated in their core communities, producing disinvestments along with increased crime and community instability. New jobs and economic opportunities were often located primarily in the developing suburbs which made it beyond the reach of those who needed those new jobs the most. Tax resources were lowest in the communities with the greatest social needs and highest where those needs were declining. Pressure was mounting to sprawl further on to farm and forest lands, threatening the environment and their sense of appropriate space and place. Therefore it did seem a great deal was at stake in the decisions that the Council made now for their region's development. They needed to join together to help renew and recreate a regional community that provided opportunities for everyone to enjoy fulfilling lives in ways that were in harmony with the landscape and with each other. Therefore, the Board of Ecumenical Ministries encouraged the Council to maintain the existing Urban Growth Boundary (UGB) for the foreseeable future; to designate a very small acreage of urban reserve for expansion in the future and carefully master plan those urban reserves. Third, that the Council might remove the farm and forest lands from the urban reserve and then work with local governments to help them aggressively implement the recently-adopted Functional Plan in every jurisdiction in the region and adhere to the region's 2040 policies and goals and timely completion of the regional framework plan.

**Ms. Jenny Holmes, Member of Ecumenical Ministries of Oregon and Chair of the Interfaith Network for Earth Concerns 2325 NE 44th, Portland, OR 97213** said the work with congregations to help them make the connections between their concerns for peace and justice and care of the environment. Recently they were invited to submit a letter to Vice President Al Gore talking about their activities in the Portland area including their work with the Metro planning process and educating congregations about the importance of looking long-range at how we design our communities and what that meant for justice and care of the earth. She was here to introduce a statement that was signed by over 42 religious leaders in the Metro area. She read selected names from the statement. The statement was very similar to the resolution that was passed by Ecumenical Ministries of Oregon. Among the signers were The Rev. Dr. F. Wayne Bryant, Executive Director of Ecumenical Ministries of Oregon; Bill Cook, the President of the Christian Environmental Project; The Rev. William Creevey, Pastor of First Presbyterian Church in Portland; The Rev. Gary Davis, Pastor of Lake Oswego United Church of Christ; The Rev. John Dennis, President of the Board of Ecumenical Ministries of Oregon; The Rev. Constance Hammond, Rector of the Parish of St. Stephen (Episcopal) and Chair of the Environmental Commission of the Episcopal Diocese of Oregon; The Rev. Phil Harter, Campus Ministries, Portland State University; Peter Ellion, Director of the Green Cross Northwest of Evangelical Environmental Network; The Rev. Susan Kendall of Reedwood Friends Church; the list went on. The distribution was throughout the Metro area of Portland and the suburbs.

**Rev. Susan Kendall, Reedwood Friends Church** talked to the Council briefly about her concern regarding farm and forest lands and the need to protect them. Many people in her congregation came to Oregon many, many years ago from North Carolina and the midwest and established a farm community here and, as it had become a city, Reedwood Friends Church had been located in the City of Portland for over 100 years and there were many lives that were invested and intertwined in the love of the land and the love of the forest. They all know that the health and well-being of an entire community rested on how they responded and modeled together the importance of working toward economic viability as well as providing for the future - the legacy that brought their ancestors here; that kept here; that they wanted their children to have as well. In particular, they would like to ask the Council to consider of equal value, in their decision-making process, the magnificent beauty and the bountiful farm land that was unique in all of the United States that was in this state of Oregon. They were grateful for this heritage

and they were asking the Council to keep that as a very important part of the decision-making process as they work in partnership to provide for a future with economic security. Oregon and Portland had been an area that had modeled how to do this right. They were asking the Council to continue to be a model for the whole country as they sought to provide for the future and the present.

**The Rev. Constance Hammond, Rector, The Parish of St. Stephen (Episcopal) 1432 SW 13th Ave Portland, OR 97201;** said their perspective, which was the collective wisdom of many diverse and long traditions, they urged the Council to be frugal and wise stewards while strengthening the community and the people who were part of their responsibility. They urged the Council to strive for justice for all people, not just those who have, but those who did not have and to strive to make the environment one that they could live with today as well as one that would be present for generations yet to come. Before any expansion was considered, she asked the Council first to assure that they were using the existing lands wisely; that they were putting into practice those promising plans that had already been established to develop the existing urban lands and infrastructures that they had, most efficiently. It seemed that our highest attention and best resources should be focused on reinvesting and renewing our existing communities to keep them healthy and enriching places to live. She asked the Council, before any lands were designated for future expansion, she thought that they should, in fact they must, first be carefully master planned to ensure that the new development would support the region's growth management goals; that any new development would include a fair share of affordable housing; that it would protect and restore the streams, wetlands and other natural areas and open spaces and that the new development would continue to use the planning process that would enable and engage the citizens to continue developing the neighborhoods and communities where they lived and worked. They didn't need more land. They needed to use the land they already had in more creative and creation-conscious ways. They needed to awaken their potential to recreate a regional community where every person's potential could be fulfilled and the common earth restored. She thanked the Council.

**Susan Tron, representing her father, Ron Dykes, 8785 SE 137th, Portland OR 97236** read her father's written testimony, a copy of which is attached to the permanent record of this meeting.

**Doug Draper, General Manager of GENSTAR Land Company, Northwest, 900 SW 5th, Suite 2000, Portland, OR 97204;** supported including the 460 acres of St. Mary's property near Hillsboro in Metro's urban reserves. They had handed in written testimony so he summarized some of the key points from that testimony. They thought there were two issues that were of primary importance. Where was the land needed? And, what sites offered the best opportunity to accommodate a growing population while avoiding sprawl? The Council had heard from Hillsboro today and in previous testimony as to their need in their area as well as their support for the Sisters of St. Mary's site. As far as which sites provided the best opportunity, they felt that the St. Mary's site provided one of the best opportunities, if not the best opportunity for a master planned community to meet the Metro 2040 goals. No one has questioned the presence of jobs in the area, development surrounding at least two sides of the site. It was interesting that through the course of the past years, no public action had ever been taken to provide buffers from these urban uses or to preserve corridors to farm areas for the Sister's property. There was no doubt in their mind that more intensive farming practices on the St. Mary's property would not be well-received by the surrounding urban uses. The Council had been advised by some, on more than one occasion, of the problems with taking farmland into the urban reserve or into the Urban Growth Boundary. He would remind the Council that Dick Benner, director of LCDC had consistently said that Metro could include resource lands if it met the appropriate test. They thought that test could be met in the case of St. Mary's property and they submitted legal findings to support that. Finally, he made the point of the importance of master planning.

**Mr. Bob Roth, Watershed Coordinator for Johnson Creek Watershed Council, 525 Logus St., Oregon City, OR 97045:** said there were certain factors that were intrinsic to Northwest identity and experience. Among these were the prized salmon and steelhead runs that had fed countless generations of Native Americans. Federal consideration of the coho salmon and steelhead for endangered species status were examples of how mismanagement of natural resources had impoverished Oregonians. This natural bounty wasn't limited to mountain streams. According to a recent Oregonian article about Pleasant Valley, salmon ran so thick up Kelly Creek, a Johnson Creek tributary that they were used for fertilizer in the berry fields. Similar fish runs could be found throughout the Johnson Creek Watershed. The fish runs had declined for a variety of reasons including non-point pollution, erosion, increased water temperatures and urbanization. Development of urban reserve areas #1 and #2 were of significant negative impact on the north fork of Johnson Creek, Sunshine Creek and downstream. By eliminating urban reserve areas No. 1 and 2 from consideration, the Council improved the odds of survival, not only for these coho but the Northwest way of life.

**Ms. Jessica Glenn, Housing Advocacy Group of Washington County, 1001 SW Baseline, Hillsboro, OR 97123** said they were a coalition that advocated for an increase in the supply of affordable housing and for a stable continuum of housing services for low income people in Washington County. This group was made social services agencies, non-profit housing developers and concerned citizens. They urged the Council to include a mandatory inclusionary housing policy in the Metro code in order to generate more affordable housing. Washington County was facing a housing crisis that they could no longer ignore. Rental housing was unaffordable for 31% of all of Washington County. The current Washington County community development block grant plan stated that there was general agreement that the lack of affordable housing was one of the greatest crises facing the county. It was estimated that to purchase an affordable house in the county, a median income family would need to provide a down payment of \$30,000. In addition, a family would need to earn over \$10.40 / hour to afford average rent within the county. Clearly, the market was not taking care of the housing cost balance on its own and with welfare reform and impending housing cuts at the federal level, the situation for low-income people was only going to get worse. The Metro Council had the power to take a significant step toward adjusting housing affordability by implementing a mandatory inclusionary housing policy. The housing advocacy group supported the recommendations made in the February 16, 1997 memo from Dianne Luther to Susan McLain. There was a need to establish an inclusionary housing policy to increase the supply of affordable housing as well as to implement strategies that address the full range of housing needs in the region. Objective 12 of the RUGGOs stated, "there should be a diverse range of housing types available inside the Urban Growth Boundary (UGB) for rent to or purchase at cost in balance with the range of household incomes in the region. Low and moderate income housing needs should be addressed throughout the region. The urban reserves decision was an excellent place to begin to implement the goal of mixed income communities with a healthy jobs / housing balance. It was also critical that Metro Council continued to recognize the connection between the urban reserves and the Metro code revisions. Land use and policy decisions must be made together to ensure that they could plan our future communities in a responsible way. The housing advocacy group commended the Council for their work in the area of affordable housing and urged the Council to continue to make decisions that will allow everyone to live in a sustainable and equitable region. Thank you for time and attention to this important matter.

**Ms. Mary Kyle McCurdy, Coalition for a Livable Future and 1000 Friends of Oregon, CLF, 534 SW Third, Suite 300, Portland, OR 97204** was here to testify as to why the Council's tentative decision to designate over 18,000 acres as urban reserves was not justifiable from a legal or a policy perspective. In particular, she was going to focus on the large chunks of farm land in Washington County that were currently included in that tentative decision. She referred to the 200 acres at Shute Rd and Evergreen,

the land in the Bethany area, the St. Mary's site, and areas around Forest Grove and Cornelius. She suggested the Council look at the aerial photos of these sites which, they understood, was in the record and they incorporated here by reference. They would show that these were highly productive agricultural lands that were not surrounded by exception areas for the Urban Growth Boundary (UGB) and they were part of the heart of Washington County's agricultural community. They had heard from citizens, farmers, local governmental officials, five state agencies and from MPAC that the 18,000 acres was too much and that most of the farm land should not be included. It seemed that there was a great deal of momentum in this direction and now there was a viable option in front of the Council that had come from MPAC and the Executive. They believed that it represented the best of what they were all striving for and was justifiable from a policy and a legal perspective. It provided long-term certainty. Thirty-five years was certainly a long time; longer than any jurisdiction has planned for yet. It provided certainty for the agricultural community by removing most of the farmland. It focused job growth more equitably throughout the region. It took into account the long-term health of the all the industries in the area including the agricultural industry and it tiered the urban reserve planning by focusing our time and investments on the first 4,100 acres and they supported that tiering. Finally, it had broad support. She suggested that while she knew that some of the Council believed that the 18,000 acres was the appropriate decision, she would suggest that getting 2/3 of a loaf that movers forward because it had broad support was better than a whole loaf of 18,000 acres that may fall apart because of opposition. She just wanted to note that she thought today 1000 Friends of Oregon was outflanked by Washington County who asked the Council to only designate 4,000 acres of urban reserves and they were here to support the MPAC recommendation. She thought that was extremely noteworthy - they were now in the middle and Washington County was on the extreme.

**Ms. Tasha Harmon, Coalition for a Livable Future, Community Development Network, 2627 NE Martin Luther King Jr. Blvd. Portland, OR 97212:** focused on a couple of brief issues in her verbal testimony. One was on the importance of keeping the link between the revisions to the Metro Code and the designation of urban reserves. It seemed to her to be absolutely crucial that these two decisions happen at the same time for a number of reasons. In particular, as soon as those urban reserves were designated, the Council knew as well as she did that people began to think about how they were going to use that land and begin buying and selling it. It was crucial that they had some clarity. They must have clear expectations on the table immediately about what was and wasn't going to be possible in those areas as to what land was going to be protected and what kinds of affordable housing requirements there might be as well as a variety of other things. Otherwise, they were going to see that land bid up higher and higher and higher to the point where developers were going to come back to local jurisdictions and say, "We can't meet these goals you have set for us later because we have paid more for this land than we ought to have if we'd know this ahead of time." She thought it was crucial that these decisions stayed linked together. Metro Council had incorporated a number of statements about the importance of affordable housing to the future of the region in the RUGGOs and the Functional Plan. Both of those plans spoke to a fair share strategy. They had also heard a great of concern from many people about the contribution of land costs to the problem of housing affordability in the region. If they didn't include in the code amendments clear requirements for a full spectrum of affordable housing, they were going to bid those prices up to the point where developers were going to need substantial subsidies from local governments in order to meet the fair share goals that the jurisdictions were going to be asked to take on. Therefore, they proposed that the Council add the following language to the Metro code:

- 1) *Provision for an inclusionary housing policy which requires residential developments to include housing affordable to household with below median incomes and which conforms to the requirements in the regional framework plan when adopted.*
- 2) *Provision for strategies to create a diversity of housing stock affordable to the full spectrum of household incomes.*

It was important to include both of these provisions because the first told developers 'yes, if they were doing a substantial project, they would be asked to do something.' The problem with many policies that existed in the region already was that it said 'there will be a broad mix' and no individual - no one was required to do anything about it up front and so one had these ongoing fights constantly about who was really responsible for making this happen. The local jurisdictions couldn't afford to subsidize all of it. The market was perfectly capable of building a fairly wide spectrum of housing affording to a fairly wide group of people. Make sure this was done in these areas.

**Mr. Mike Houck, Coalition for a Livable Future and Audubon Society of Portland, 5151 NW Cornell Rd, Portland, OR 97210** brought the Council's attention to a petition which the steering committee of the Coalition For A Livable Future had given which consisted of 147 concerned Metro area residents. They had signed a petition supporting the testimony the Council had heard thus far. He would like to support the language that Water Resources Policy Advisory Committee developed a few days ago regarding the planning that they felt was necessary to protect natural resources in the Urban Reserves before they were brought into the Urban Growth Boundary. That language was the identification, mapping and development of natural resource protection plan to protect from developing fish and wildlife habitat, water quality enhancement areas and natural hazard area and include cost estimates and strategy on how to fund resource protection. It was recommended that this work be carried out in coordination with other jurisdictions within the watershed. In addition to that, Water Resources Policy Advisory Committee recommended that this be done and they firmly believed that this was a critical stage, that that be done prior to any rezoning in areas before urban reserve study areas were brought into the Urban Growth Boundary. Second was the location of unbuildable land including but not limited to rivers and streams, steep slopes, wetlands, flood plains and riparian areas. He knew Mr. Shaw had given the Council a memo and that MTAC would have something with respect to the development of a plan. He thought the important point was that MTAC agreed with them that they needed to be very specific about the unbuildable land inventory. They needed to be very specific about the natural resource inventory. The only question in his mind right now that was up for debate was how detailed the plan got and he thought that more than likely, this would be hammered out in a conference between Water Resources Policy Advisory Committee, MTAC and Metro Staff and he suggested that he was happy to participate in that process as a member of the Coalition For A Livable Future and Audubon Society of Portland. The bottom line, as he had mentioned to the Council on numerous other occasions, was that they didn't want to repeat the mistake of the past; that was, bring these areas in, rezone them, and then go back and put some sort of environmental overlay which was what had created most of the problems associated with Goal 5 inventories in the region. He closed by supporting Mayor Lehan's concern that there were areas in the Urban Reserves that were natural resource lands that he felt the local jurisdictions were most likely going to be in a better position to protect. He was suggesting that those areas ought to be brought in with any Urban Reserves that were added to the Urban Growth Boundary and having been planned for to protect natural resource values.

**Mr. Robert Liberty, Coalition For A Livable Future & 1000 Friends of Oregon, 534 SW 3rd, Suite 300, Portland, OR 97204:** focused on a single topic and that was the jobs / housing balance. In the figures for allocation of jobs and housing that were published in the Oregonian in September, 1996, there were a couple places that really leaping out. Assuming that it was about two people per house, one found in places like Beaverton, 15,000 new housing units made sense with 25,000 new jobs. You then got to Hillsboro with 14,000 new housing units and 58,000 new jobs. A similar imbalance, he thought, existed in Tualatin and possibly in Wilsonville. Please, he suggested not repeating the San Jose experience which was a big imbalance in jobs and housing which had implications for transportation network, a kind of regional polarization based on people's ability to pay to live near their jobs and he thought one needed

to take that into account when one was thinking about which Urban Reserves was designated. He knew that the justification had been offered for some of the areas around Hillsboro, was to have more land near the jobs. One needed to think whether or not there was too much land dedicated for jobs in that vicinity and that it ought to be redistributed more equitably around the region. If one ended up with a big jobs / housing imbalance, one ended up with what Myron Rohrfeld had described as the 'favored quarter,' attracting a disproportionate share of the jobs and the tax base which was still important even after Measure 47. Then one would find the region pulling apart in a way that he didn't think any of us wanted. The easy thing to say was we would add more housing near these jobs by adding more land to the reserves. He thought that was the wrong strategy. He knew that Hillsboro, in the Seaport Property, took 200 acres and rezoned from industrial to residential. He thought that was great. It was a small step but he thought the implications of adding land in order to create a balance in an area that was attracting a disproportionate share of jobs was pretty serious in the long term. It was not just a matter of urban reserves but we would have to wind up having to connect jobs to housing by bigger transportation investments than we would otherwise. There was the question of, was this fair in terms of allocating the burden of growth disproportionate with the benefits of growth. The remedy, of course, for big jobs / housing imbalance and uneven distribution of the benefits of growth was some tax base sharing. He thought tax base sharing might have its merits but as a solution after the fact to the kind of problem he had described, he didn't think it was very desirable. What was the Council's position? He recommended that the Council support the recommendation of MPAC and keep in mind, both in this decision and subsequent decisions, that in terms of the region's overall benefit, one didn't want to have such a misdistribution of new jobs in one portion of the region.

**Ms. Peg Melloy, Housing and Community Development Commission, 1605 NE 45th, Portland OR 97213** represented a commission that was appointed by the Mayor of Gresham and Portland as well as County Commissioner of Multnomah County. They were a citizen body that advised elected officials on matters of low and moderate income housing and related community development. The reason she was testifying was from where the Commission sat, trying to oversee the whole money and block grant funds, they were unsure if they were going to have as much as last year, this year looked safe yet they were now struggling with Measure 47. From where they sit, the Council had the opportunity if the boundary was moved out to be able to provide an inclusive housing strategy. They saw the need for housing on a continual basis, they were talking about people who were making between \$6.00 and \$7.00 an hour. Their stand was such that they could not take any position on whether the Council moved or did not move the Urban Growth Boundary, but if the Council chose to move the boundary the Commission encouraged that there be housing for all of the regional citizens.

**Ms. Amanda Fritz, Portland Planning Commissioner and Friends of West Hill Streams, 4106 SW Vacuna St., Portland, OR 97219** knew they were not talking about moving the Urban Growth Boundary, but some of the testimony earlier had talked about designating Urban Reserves and then not incorporating them into the Urban Growth Boundary was just going to delay people being upset about not being able to develop their property. Previously when the Council made decisions from this region, she thought they did that very carefully and very well, the Council had brought along all of the local partners, the cities, the counties, the State, the Feds. She was not sure in this instance they were all with the Council. Just the number of study areas, the acres being looked at, was too high in her opinion as well as the time frame was too long. If the Council were to designate a shorter time frame, for instance, 30 years, they could take a more moderate approach and have fewer acres to look at. It was not cost effective to do a whole lot of studying if they were then not going to incorporate those areas into the Urban Growth Boundary later. She encouraged the Council to look most carefully at the farm and forest land, that was the reason that many of them had bought into the whole Urban Growth Boundary in the first place. She agreed with the issues about affordable housing and setting some certainty for citizens.



Finally she encouraged the Council to remember the reason they were doing this was because they believed in the Urban Growth Boundary. As an example she currently had been appointed to the planning commission and they recently heard from the citizens of Bridgetown, which was a neighborhood in North Portland that currently had 300 residents and within 10 years it was projected to have 3,000 residents. This was in their vision statement, "housing is denser, but of high quality that enhances the livability of the rest of the metropolitan area by reducing urban sprawl. Above all Bridgetown had grown up from being a rural outpost of the city to being an important gateway to Portland and Oregon. Its character reflected its rural past and its urban future. Most of all Bridgetown remained a vital community, enjoying its beauty and serenity but respectful of the rivers power and majesty. Bridgetown has shown how it was possible to develop a neighborhood as part of a great city. This was Bridgetown, our special neighborhood." She thought they could develop Portland and other cities by growing up, both literally, by redeveloping and urban renewal which was certainly necessary in some parts of the aging city. By growing up and realizing preserving the character of neighborhoods did not mean that we have to keep everything exactly the same as it was. By reducing the number of acres that were being looked at sent the message that yes indeed it could be done, and we needed to give it our best shot before saying that 'we can't.'

**Mr. Kelly Ross, Director of Governmental Affairs, for the Homebuilders Association, 15555 SW Bangy Rd., Lake Oswego, OR 97035** supported the preliminary vote that the Council made last year to designate the Urban Reserves. He wanted to commend them on that and the staff for the findings they had developed. They found in reviewing the findings, that they did a good job with compiling the justification required by the law. He thought they were generally comfortable with the code provisions that were contained in the January 30 draft with the exception of one part right now. They were still reviewing those and would reserve the right to comment further on those at a later date. Their concern was with the language defining First Priority Lands and the term immediate special land need, the kind of variance proposal for those. They were concerned because there weren't any standards or criteria for defining First Priority Land and that the term 'special immediate land need' was very ambiguous. It encouraged appeal and made it very easy to appeal those kinds of things. This kind of presumed that this was a black and white issue, an either or situation. But in fact they were looking at a myriad of circumstances and situations that could not even be guessed at now. They thought that putting it in that context really limited the planning that could be done for those lands. They would like that to be looked at a little bit more and would be willing to sit down with Councilor McLain and the Growth Management Committee, or any other Councilor to look at alternative language to that. He stated the Council would be hearing a lot of testimony on the farmland issue and how that should be avoided at all costs. He wanted the Council to consider what the likelihood was if that land the Council was looking at was not taken into the Urban Reserve Boundary. He would go out on a limb and predict that there was a high likelihood that within the next 10, 20 or 30 years that a lot of that land, especially the land that was surrounded, or was nearly surrounded exception areas would itself go to exception areas. There was going to be intense pressure on that. If that happened, it would be in rural zoning, would have rural development to it and make it very difficult for future urbanization. As one who was very closely involved in the formulation and adoption of LCDC's Urban Reserve Rule and was one of the co-authors of the statute on Urban Reserves, this was a situation they were trying to prevent, trying to prevent the Urban Reserves from being surrounded by rural lands made it difficult to urbanize, forcing a leap frogging over those or forcing development into other areas or perhaps into other farm lands.

**Ms. Rebecca Lester, 7925 SW Green Lane, Beaverton, OR, 97005** stated she was testifying about the incredible need for affordable housing in Washington County. She was a single parent with one child, who worked at Televideo in Beaverton. She was currently living in transitional housing provided through Sheltering the Homeless Coalition and Community Action Organization. Before moving into

this house, she and her son were living in a Volkswagen van. She was given the opportunity to move into transitional housing in December of 1996. If Community Action had not given them the opportunity, they would still be living in the van. She arrived in Oregon, July of 1995. She lived with friends until May of 1996. She stayed in a shelter for a month. After that she lived in the van until December. She looked for housing consistently, but was unable to find a place that she could afford. She made about \$900 a month, and had to pay, medical insurance, co-payments for doctor and dentist, transportation costs, diapers, food, child care co-pay and regular household expenses. There was no way she could afford to pay full rent for an apartment in the Portland area. She was very thankful there were organizations such as Community Action and Sheltering the Homeless Coalition to help people in need of affordable housing. Stable housing had provided her with a chance to build her self-esteem, to provide a safe and comfortable home for herself and her son and to make her feel that she was a valuable human being. Now when people ask her where she lived, she was no longer ashamed. She urged the Council to include mandatory inclusionary zoning as part of the plan for the development of new housing in the Urban Reserves. This would help to create more affordable housing in Washington County.

**Ms. Candice Guth, 2621 NW Raleigh, Portland, OR. 97210** said she was one of the lucky citizens that had been mailed a brochure by Councilor Don Morissette and as she was told, to please talk to her Metro Councilor. She hoped she was not mailed this at the tax payers expense. Mr. Morissette and the Homebuilders Association were trying to drum up support for continuation of urban sprawl that did not best serve the needs of the public, but fed on fear of the unknown and served the special interest of the few. The real fear of local citizens was not planning that made sense and protect resources, but the effects of a continually growing population and the constant changes in pressure that it brought. Our governments had not served us well in encouraging growth by seeing to it that new development paid for the true cost of growth. They continued to offer economic incentives and tax subsidies to businesses and developments that compounded all of the problems that we already have with the water supply, our air quality, the destruction of wildlife habitat and scenic beauty. We needed to compact or develop into an area as small as possible so that we acknowledged our natural resources were our most valuable commodity and should not be squandered. Compact communities were the most cost efficient and make the most sense. For too many years the motto had been that bigger was better. We continued to build bigger Street of Dreams houses on bigger lots in suburban areas where land had been cheaper to the builder but with a very different price tag to the taxpayer. Taxpayers were tired of the waste and excess and footing the bill. In Portland, the Northwest and inner Northeast and Southeast were viewed by home buyers and renters as very desirable places to live, despite very high density. Any housing in the metro area that was well built and attractive was eagerly occupied whether it was densely built or not. We needed ingenuity, not more space. Citizens wanted economically vibrant, compact communities. We should hold out for that good image of good planning now with the reduction and the amount of the acres of the Urban Reserves. We don't want building occurring in flood plains, watersheds, wetlands, slide areas or in areas of important wildlife habitat. Those lands should all be removed from any consideration for building. We should also remove the almost 3,000 acres of farm land currently in the Urban Reserves area. Taxpayers were looking to the elected officials to see to it that government was efficient and effective and served the need of the common good. She thanked all the Councilors for their hard work.

**Mr. Bill Resnick, Jobs with Justice, 1615 SE 35th Place, Portland, OR 97214** wanted to demonstrate that holding the Growth Boundary, that was holding it tight, was one vital step in building a strong economy. This country had conducted a 50 year experiment in urban sprawl. We knew the results. Sprawl destroyed productive land, it increased roads, sewer and other infrastructure costs. It still increased congestion and pollution. Sprawl devastated inner cities and inner suburbs, created unaffordable housing in many areas, disinvestment in others. Sprawl created a dynamic of flight from

the city, that ended up in class and race segregation and ultimately the guarded walls of suburban enclave. America's most sprawling cities also had the worst polarization of income. Portland could show the way to reverse this process. Stopping suburban expansion with both saved resources and created conditions for addressing other economic issues. First of course, we would save the prime farm land, forest and waters, the physical basis of a healthy economy. Second we would save the resources that would be needed for suburban infrastructure. Those resources could then be re-deployed for building a transit system so we all spend less on auto transit. Third, we could maintain investment in all the areas of the region, in all neighborhoods. Finally insisting on development within the current boundary would focus public attention on wage levels and housing costs. It would become clear that a just distribution of income was in everybody's interest. The way to stop sprawl was to stop it, not to let it creep. To really announce we were serious. For the purpose of the decision today, it meant greatly reducing the Urban Reserves and not designating prime farm and forest land in the Urban Reserves.

**Ms. Joan Batten, League of Women Voters, 18938 Longfellow Avenue, Lake Oswego, OR. 97035,** wanted to speak on sites 30-34. The League of Women Voters of west Clackamas County had testified earlier regarding their concern for the Stafford area. The members studied the Stafford area from 1991 to 1993 and arrived at the following position: they believed the Stafford area should remain outside the Urban Growth Boundary. Because of the cost of providing services to the area and the topography, the area should remain rural in nature and growth occurring as currently planned by the county. Restrictions should be placed on conditional uses to guard against their negative impacts. The following factors should be considered when development was allowed: water availability, waste disposal, surface water management, transportation, air quality, geological hazards, soil stability, the preservation of openspaces and natural areas, schools, costs and who paid and the interest of current residents in the area. Planning should be done for the area as a whole and should be coordinated among the jurisdictions involved. They believed the process Metro used to determine which lands should be placed within the future Urban Growth Boundary was flawed. The decisions made under that process resulted in excessive plans being proposed to be designated for future urban growth. This would put pressure on owners to sell their property as the assessments rose and the property taxes became unaffordable. The effects of the current property tax situation and the availability of the money to provide the infrastructure for development should also be taken into account. How would the costs of future development be paid? They were concerned two years ago, that concern was even greater now. They again requested that the Stafford area not be included in the Urban Reserves.

**Mr. Chris Williams, 143 Fifth Avenue North, Edmonds, WA. 98020,** stated he had deep roots in this land, speaking specifically to area 62, probably as deep as anyone in the room. His great-grandfather was the original homesteader and the land had now been passed down to and held by four sister, about 37 acres. Those four sisters were now in declining years and would like to sell this property, but because of the indecisive nature of this nobody was selling anything, waiting for a Council decision. He was asking the Council to take their reigns of leadership and look as far into the future as they could. When the Council took their position as councilors, he thought they took a duty to look as far forward as they could into that merky crystal ball and into developing Oregon's future. One of the things that Oregon had been renowned for was that Oregon early on took a stance of looking as forward into the future into their urban development and it became the hall mark that was adopted around the country. He was asking the Council to pick up that challenge again and look as far forward as they could. Apparently 43 years was as far forward as they could look. He thought they planted trees today for our child, great grandchildren or for the next generation. The land being set aside in 62 was not being rezoned. It was only being set into a reserve. It was for the Council to look to the future and see if there was that development growth that they thought they were going to need to fuel the desirable kinds of industry that had been attracted. They were desirable and if the sirens of industry were in this room, and they found that the growth here

was unattractive in Washington, they sought the very kind of development that Oregon was fortunate in being able to attract. Addressing what had occurred to that land, he knew it intimately and could tell stories, but it was surrounded on one side by the freeway. On the other side was the airport and on the other side was the new company Kamatsu going in. The land had already been impacted by the fore sight of the people who came before the Council. He was saying that the development was essentially a fact that had occurred, that was why they had set aside that. The 1,000 Friends and the people who opposed the development of this no growth, their concerns had in fact been addressed. They had talked about how there had been a tremendous shrinkage of the original proposal. What was left was merely a remnant of the original proposal. He believed there was some 10 times as much property to be set aside earlier, now there was only a mere 200 acres left. He was asking to look at least at the 43 year plan if that was all the farther the Council could see. If they could not see any farther, he was going to say that they needed to look as far as they possibly could. We were reaping the benefits today of people who could look forward. We have parks and all kind of recreation that had been set aside by people who did not look just a few years ahead. And those people who looked just a few years ahead, they were subject to the political whim of the power brokers of that time. When you planned for the long range, you alleviated the pressure on you of who ever it was who happened to be in power of that day to have pock mark developed and that was what we had today.

**Mr. Keith Berger, 5455 NW Birch, Hillsboro, OR 97124** was a farmer whose family had been farming in the area for six generations. They presently farmed 150 acres of the 200 acres in site 62. They found it increasingly difficult to get their equipment in and out of the fields. It created a traffic hazard for the commuters and for their own employees. Any harvest operation generated dust, spraying operations, there was a tremendous amount of people, if they saw you out with a herbicide sprayer they would get sick even if you were spraying with water. Having thousands of people watching them conduct those operations, there would be a lot of people that might see the sprayer out in the fields and get sick. They had seen evidence of it already. He agreed with the City of Hillsboro that they had a unique 200 acres, a deep water port, was how they referred to it. He thought it was probably for their application and a suitable description. One thing he thought the City of Hillsboro had been providing was a tremendous amount of jobs for people all throughout the region and he applauded that. Berger Farm supplied 4/10 of one job on that 200 acres. On 200 acres for industrial purposes there would be thousands of jobs provided. The Berger Family viewed it as higher and better use for this land than what they were presently putting it to. He did some research recently with the USDA statistical service and they told him that there was 1,201,646 of crop land in the Willamette Valley. A 1,000 acres of that was a very small fraction of 1,201,646 acres in the Willamette Valley. There were 12,002 blocks, each 1,000 acres took one of those blocks. To think that taking a couple of those blocks would be the ruination of agriculture in the Willamette Valley bore a semblance to reality.

**Ms. Sonja Sweet, 24245 NW Evergreen Rd., Hillsboro, OR 97124** stated she was going to be speaking of site 62 as well. They lived on the corner of Shute Road and Evergreen. When they first moved there in 1966, the air was clean and the noise level was extremely low. The traffic was practically non-existent. In comparison to today, the air quality had deteriorated to the point that they could no longer open their windows because of the car exhaust and the smoke from the factory stacks belching out from what they had been told was just steam. The traffic now was so high they could not get out of their driveway to go east from early in the morning until late at night. Pulling out to west was also very dangerous and sometimes took 20 minutes before they could get out. Getting into the driveway was just as dangerous. The cars came around the corner at a higher rate of speed and did not stop for the light, they almost got rear-ended every time they tried to get into their driveway. With all the building of the factories and the use of heavy equipment, their well water went bad like most of other wells in the area. They had to buy bottled water for some time until city water came to the corner. They then had to pay to

hook up to this water system. With the coming of the new water pipe, their septic system would be destroyed and would be forced once again to pay hook up to the city sewer. Before all of this improvement they did not have to pay for bottled water or sewer. With the widening of the road came more traffic and semi trucks, those trucks used their jack brakes when they approached the corner, this happened even at night, waking them up. The house shook when those trucks passed like an earthquake. They now have cracks forming in the wall and ceilings of their home from those stresses. They figured it would only be a matter of time with the present strain on the house, that it would some day succumb to structure failure. The last thing she noted that had changed with all the area improvement was the water drainage. It appeared that it was diverted to their yard. They had never had so many problems with standing water before. They now had to use two sump pumps to continually pump out the water from under the house. When it rained the walkway to the house was ankle deep in water, as was the rest of the yard. It was her strong opinion that site 62 was not at all suitable for a residential area anymore.

**Presiding Officer Kvistad** reviewed how the process for this meeting worked. He stated when a person came in they were given a number which was put on the testimony card. The Council was going through those cards in the exact sequence that the numbers and the cards were received. No one other than the elected officials were given preference.

**Mr. Donnie Rich, 21605 SW Lois St., Aloha, OR** stated he was co-owner along with his brother and two sisters of about 80 acres in site 62. They were all in support of site 62 being Urban Reserve land. One reason that he was for this was he had worked for Intel for the last 13 1/2 years and his wife had worked there for the last 7 years. They would like to continue working for Intel. Intel had recently started looking else where out of the state, such as Austin, Texas and St. Clare, California to build some of the next factories. He had lived in Washington County all of his life and he would like to see the high tech companies stay in Washington County. He would not like to have to commute to Gresham or consider moving out of state because there wasn't any more industrial land in Washington County. Intel being the world's largest chip maker and being one of Oregon's biggest employer meant a lot to Oregon and the county with the jobs, revenues and taxes that had been generated by being here. It would not only effect his and his families future but a lot of other Oregonians. There were a lot of other companies, big and small that were here because of the high tech industry. Site 62 seemed to be the best and most logical area for the further expansion of such industries with the airport and Sunset Highway nearby. This area was prime and ready for change. He did not understand why this was even being challenged. This made sense for the future of Oregon, Washington County, Hillsboro and his future. He felt it was important to him and had a big impact on his future in the high tech industry if this land became an Urban Reserve and later industrial than if it were to stay farm land. He needed to keep his job and look out for his future. He wanted to have a peace of mind knowing that he might have a future with Intel or other high tech industry without having to move out of state or commute very far. He wanted to keep these jobs here. He supported 62.

**Mr. Thomas Gregg, 5340 NW 253rd, Hillsboro, OR 97124** stated he and his wife owned and lived on an 18.5 acre tax lot on map 62 in Washington County, located in the northwest corner of a 200+ rectangle proposed by the City of Hillsboro as priority of inclusion in the UGB reserves. He pointed out where the property was on a map. Within the 200+ acres this property was the only one that was not included in the Reserve Area by the vote of Metro on December 5. He felt it should be included for the following reasons: first, regarding criteria for municipal support of the reserve areas, as mentioned this property was included in that 200+ acres designated by Hillsboro planning department. He talked to Wink Brooks and his staff and they felt it made sense to use an extension of 253rd to the west in a natural boundary Winter Creek to the north as the dividing lines. Secondly in evaluating criteria regarding ground water, the surface from the property to the south flowed across their parcel making its

way to Winter Creek which was the areas lowest ground level and was the avenue for surface water drainage for surrounding properties. Any development in the area would certainly use this creek for drainage. Again it made sense to use the creek for the boundary so as not to put a separation between development and placement of surface water drainage. Surface water was considerable here as was previously mentioned due to the slow heavy clay type soils. Regarding criteria for the preservation for quality farmland, this parcel was mainly Type IV soil. It was very heavy clay type soil, which did not support root systems well lasting many years. It would get root rot and deteriorate. He knew this because his family owned a farm one half mile west of Glencoe High School that had 40 acres of blueberries and an 8 acre peach orchard on much higher quality Type I and Type II soils. Not all farm land was prime farm land. Fourth, regarding criteria for social and economical consequences of decisions, they would be greatly affected by having their home wedged between industrial development on two sides. Not only was there the noise, possible air and water pollution and congestion, but it was difficult enough now to have the property farmed. Where ever possible was it not better to square off new industrial development areas so existing home sites but on just one side instead of two. The issue regarding the use of natural boundaries, i.e. creeks, existing roads and road extensions, for UGB reserves was important if Metro was to defend those lines for many years as intended. In the eye of the public such boundaries were more concrete than a simple line between two tax lots that had absolutely no other significance. In conclusion, 18.5 acres was not enough acreage to cause any additional difficulty for the process. They believed Metro Council should consider this 200 acre priority parcel as proposed by the City of Hillsboro in total for UGB reserves or consider none of it and simply leave it as it was.

**Reverend John Rodgers, Vernon Presbyterian Church, Portland Organizing Project, 4610 N Maryland Ave, Portland, OR 97217** came today to focus on affordable housing. He realized this was only one aspect of Metro's planning process and the issue of affordable housing must be seen in context. They expected that over the coming months and years, they would be in this room and in meetings with Councilors and developers to add their organized voice to the debate over our region. Today, they came with a narrow focus, affordable housing. Over their 12 year history, their 18 member congregation both Catholic and Protestant in the SE, North and NE Portland, with a membership of 7,000 families had a strong history of focused action on affordable housing, including helping bring into reality the creation of a \$24 million housing investment fund in the city. They asked for the Council support for 3 items. One, mandatory inclusionary zoning with teeth focused on families living at 80% median family income or less. Secondly, a replacement ordinance also with teeth, again focused on families living at 80% or less of median family income. Both of those ideas would produce a specific number of units for families at or below the 80% MFI without any public subsidies. Density incentives could be offered to developers who might otherwise resist. Thirdly, to maintain strong connection between the Urban Reserve Ordinance and the proposed codes. Disconnection here between those two meant that there really would be no teeth in the codes. They wanted a region that enhanced the Tom McCall vision. They wanted a balance between jobs and affordable housing. They wanted balance investment across the city and suburb. They wanted their children and grandchildren to see Mount Hood. They wanted their covenant for the common good to stretch not just across the city but across our three counties.

**Mr. Michael Carlson, Johnson Creek Watershed Council, Box 15281, Portland, OR 97293** asked the Council when thinking about Johnson Creek, what was the first thing they thought of. For the residents and businesses and probably most of the people in the room, it was flooding. Johnson Creek floods on the average of every other year. In 1996 it flooded three times. Damages from the February 1996 flood estimated at \$4.9 million to businesses and homes. In the cost of services analysis that was done, it was unfortunate that the cost to jurisdictions was not included of scum water management. What was missed in that analysis was the cost of damage from flooding, the cost of dealing with trying to detain flooding or approach flooding was estimated in their resources management plan at around \$14 million. They

were finding out with projects that were currently involved that it was going to be double that at least. If you also add the cost of acquiring flood prone properties in the flood plan, the acquisition of those, the cost got higher. If you added the cost of restoration and stream bed stabilization that the Johnson Creek Watershed Council was doing, the cost got even higher. What they were doing was adding up cost services and cost impacts in Johnson Creek up in the hundreds of millions of dollars. That was just the cost of dealing with the storm water problems in Johnson Creek right now. They did some watershed modeling. If you added the areas that Metro was proposing, areas 1-5 and the head waters of Johnson Creek, it was estimated that the gauges at peak flow when you had the most damage from flooding would increase by 20%. That 20% would expand that flood water that you see by quite a bit. One response might be, to have the jurisdictions do detention. Then you find out that the concerns in the Johnson Creek Watershed Council were more than just flooding. What you came up with were water quality issues including temperature. Johnson Creek was water quality limited for temperature. Detention could lead to higher temperatures and kill fish and also cause more water quality problems. You didn't do it with volume, you didn't do it with large events like occurred in 1996 and the other 2 times in 1996. What he would like to do was support the recommendation to do comprehensive watershed and resource management planning. However like Washington County set a precedence today, they were going to go beyond that and what Mr. Houck and WRPAC recommended. Because of the extreme flooding and water quality problems in Johnson Creek he would ask the Council to remove Urban Reserve areas 1-5 because of the extreme damage and potential that they could do. He asked the Council to join them in finding community solutions and not creating more community problems.

**Ms. Ernie Francisco, Johnson Creek Watershed Council, 11728 SE Brookside Drive, Portland, OR 97216** stated she was a 45 year resident on Johnson Creek just east of the Lents area. She also had spent the last 6 years with an involvement on the Johnson Creek coordinating committee which had now become the Johnson Creek Watershed. At this point she was working on a new land use committee that had been formed under that council. As a resident in a area where the problems were growing year by year, particularly within the last 3 to 4 year time frame and where the problems in the area that she lived in were seen in the entire basin to watch the newspaper publicity on the inclusion of the lands. Where the answer for those problems would be found was frightening indeed for those who had lived in this area for many many years. The other thing that occurred to her was that the southeast portion of Portland had traditionally been a fairly ignored area. It held within the Johnson Creek basin the possibility and the empty under used lands which could answer many of the problems that Metro was trying to answer by bringing in more lands. The key to the use of those lands, under used and unused was the control of flooding and the ordinances and regulations that were necessary for development in that area that would not further destroy what could be an extremely productive, both residentially and economically. She was not going to speak to whether to include more lands. What she really wanted to ask the Council was to look at their time frame, to leave problems such as this festering over what was a large part of the City of Portland and which was repeated in other watersheds to some degree before Metro moved to pull in other lands and particularly lands that would increase the damage in watersheds within developed areas to her was a very poor use of the resources in what was a marvelous area.

**Mr. Don Shellenberg, Associate Director of Governmental Affairs for the Oregon Farm Bureau, 3415 Commercial St. SE, Salem, OR 97302** pressed his grave concern regarding the proposal to designate thousands of acres of Oregon's best farm land as Urban Reserve. This plan ignored the importance of the economic contribution that agriculture made to the State in general and to the Metro area in particular. The farm gate value of agriculture production in Oregon was about \$3 billion annually. The Metro region alone accounted for \$453 million of those dollars in 1995. When you included in that value that added value due to processing and all of the associated jobs that were in existence because of agriculture, you were looking at a \$2 billion impact in the Metro region. The region

employed some 22,000 workers annually just in the production of agricultural crops. Oregon led the nation in the production of grass seed, hazel nuts, Christmas trees, loganberries, raspberries, boysenberries and blackberries, all of which were produced in the Metro region. 80% of the total product produced in Oregon was exported out of the state, with 50% of that going to international export mostly through the Port of Portland. Half of the \$2.425 billion of foreign exports in 1993 were produced in Oregon. Agriculture was the foundation of Oregon's and the Metro's steady and healthy economy. Other industries would come and go as conditions became favorable and unfavorable but Oregon agriculture was here day after day, year after year. The beautiful part about all of this was that Oregon agriculture was a naturally renewable resource. Figures were often quoted that there would be 600,000 to 700,000 people moving to the metro area within the next 20 years and therefore we must plan for them. He did not believe that there was any law that required to provide jobs and houses for everyone that wanted to move into the metro area. This proposal, at least as it related to housing, suggested a field of dreams mentality of build the houses and they would come. They were not saying that the metro region should not plan for future growth. But the admonition of Hoarst Greely to go west young man go west, was out of date and out of time for expansion of the metro region in Washington County. Continual loss of land base that would negatively impact the infrastructure of the agricultural community in the area. Farming operations would become less efficient and would not be able to operate, they would become unprofitable. Processors would not be able to be efficient and they would ultimately close. He cited Flavorland foods and the Oregon Prune Exchange, both of those in Forest Grove. As a farmer himself he was a victim of the closure of the Oregon Prune exchange. He had a 20 acre prune orchard, he no longer had a steady market for his 20 acre orchard. Equipment dealers would not be able to justify and adequate inventory of farm equipment, seed and fertilizer dealers would become fewer and growers would have to travel farther and farther increasing the growers cost. Right now farmers and agricultural community needed certainty. They needed to be able to plan for the next 20 to 30 years so they could make rational, wise and economically sound investments in their operations. Translated that simply meant that good farm land in the area must be protected from urban development. The Farm Bureau asked that Metro not do that by including high value farm land in the Urban Reserve.

**Ms. Traci Manning, XPAC, 2310 NE Weidler #9, Portland, OR 97232** thanked the Council for postponing the vote on the Urban Reserves in order to hear those who felt strongly about the issues and had not yet voiced their concerns. She was here today to strongly urge the Council first to reduce the number of acres designated as Urban Reserves by eliminating prime farm lands and lands which would be unreasonably costly for those governments to provide services. Second the land that was designated as Urban Reserves at the time was designated was prioritized for expansion and included master planning provisions for affordable housing and protection of natural areas. She was born and raised in Portland and if she was lucky would live there her whole life and raise her family there. She was grateful for the leaders who went before us and had the vision to create an Urban Growth Boundary and other environmental and land use planning laws that made Portland the place she was proud to live. She chose to testify today because she felt an obligation to participate in the process of maintaining the livability we all cherish. She appreciated the difficult decisions that face the Council in the coming months. By choosing to reduce the quantity of land designated as Urban Reserves may not be the easiest path. She maintained a great faith in Oregonian's pride in where we live. We value farm land, that was one of the reasons and Urban Growth Boundary was created. She asked for an opportunity for the people to prove their love of their way of life. The Metro Advisory Committee believed the people they represented were willing to do what it took to keep the farm lands in tack and so did she. She understood that some acres would be designated as Urban Reserves. We have a wonderful opportunity to utilize the lessons we had learned over the years to specify how development should best occur by bringing those lands and acres into the Urban Reserves with a Master plan, protecting natural areas including mandatory inclusionary zoning for affordable housing. Until recently she had never heard of inclusionary zoning



much less had any idea what it meant. She did know that she valued natural areas. She loved the outdoors and wouldn't want to live a day where she did not see the water and greenspaces of Portland. But she felt like she could speak personally to the importance of affordable housing, which she understood Metro had the option to zone for when the Urban Reserves was created. As a 20 something paying off college debts, she was grateful that affordable housing existed. She lived in an apartment designated for people whose income was at or below 80% of median. Because she did not have to spend 40 or 50 % of her income on a roof over her head she had been able to work in the non-profit which did not always pay a great deal. It was comforting to think that when she moved out, that apartment would be available to someone else who could use a break. Because even though the apartments were recently sold, the new owner could not increase rents beyond a certain amount. She thanked the Council for their time and their work in sorting out those difficult issues. She asked to give those of them in the Portland metropolitan area that chance to prove that they could and would work for the livability that they cherished. Reduce the acreage that was currently proposed for Urban Reserves and phase the remaining acres in with the Master Plan that protected natural areas and included inclusionary zoning for affordable housing.

**Mr. Mark Dane, Alpha Engineering, Plaza West, Suite 230, 9600 SW Oak, Portland, OR 97223** spoke of site 62. If they were to restrict the amount of land to be included within the Urban Reserve, we must ensure that we get the maximum return for the minimum impact. Site 62 was such a property. It was such a property because of what it was not. It was not being farmed, it did not have good soil and it was not incumbent. There was no evidence that that particular portion of property had been farmed within the last 40 to 50 years. The soil on this portion of Site 62 was primarily Type IV soil, the worst type of soil for farming. It was unincumbent that it was flat. It did not have any structures on there and would therefore permit potentially a maximum density of up to 18 units per acre. It also needed to be defined what this property was. It was well serviced. There was availability of sanitary, water and storm within the immediate vicinity that could be provided at no cost to any municipality. It had phenomenal access to the east to the south, to that portion of Highway 26 that was currently under utilized. It was also close to jobs. As they could tell by the area it could be seen there was an enormous industrial base. He was sure the Council was very familiar with what was going on, what was currently being proposed and what would be developed in the future. Strangely enough this piece of property was one of those few areas that was probably flat enough that one could actually bike to work. This property was the property that should be included. Its inclusion was efficient, economic and equitable. It provided maximum return for minimum impact because it was not farmed, it had poor soil and it was not incumbent. It was well serviced, had maximum access and was close to those jobs where there was an enormous deficit of housing as shown clearly on the map.

**Ms. Betty Atteberry, Sunset Corridor Association, 15455 NW Greenbrier Parkway, Beaverton, OR 97006** stated the association endorsed the position, the comments that were made by Mayor Faber and City Assistant Manager David Lawrence. She also thought the findings and the conclusions spoke well and clearly to the issue of bringing Site 62, 54 and 55 into the Urban Reserves. She commented that there was some testimony that spoke to spreading the jobs somewhere around in other places throughout the metropolitan area. It needed to be understood that the high tech industry was rather unique and wanted to be clustered together. Their suppliers and vendors were located close to the manufacturing sites, they had adjusted time inventory schedules that required that the supplies be there in a very timely manner. Another point she wanted to make, was in the early 80's when the high tech industry started to grow there, there was a lot of spin off from the two larger companies that were in the area. Those spin off had matured, some hadn't. They wanted to continue to be in this area. They had provided many jobs for the people who lived in that area. She thought we needed to think about them as they expanded, two

or three of those built new facilities of their own last year and others were growing. She thought we needed to think about accommodating them and having the inventory to do that.

**Mr. Mark Greenfield, 111 SW Columbia, Suite 1080, Portland, OR 97201** stated he represented Jim Standarding who was the property owner of Site 62, the portion that Mark Dane had spoke about and also Site 63A. Site 63A consisted of about 10 acres immediately west of Site 62, it differed from URSA Site 63 in that those portions of Site 63 which included land in active farm use had been eliminated. The remaining land was mostly wooded, largely flat and showed no indication of having been farmed, much like the portion of 62, just east of it. There were four dwellings on this property. Those could be removed for new development. As he had indicated this was in common ownership with the northern parcel in site 62, together they added up to about 28 acres. None of this property was identified as constrained, the land was suitable for mixed use residential development at densities well above the 10 to 11 units per acre that Metro had assumed. They thought this property could accommodate about 500 units. The property owner would accept the condition requiring development at a minimum average density of 18 units per buildable acre. This site had the same good access to facilities, roads and schools as the northern parcel on site 62 and like that site it was located in an area of Hillsboro where the jobs housing imbalance was most extreme. There were many thousands of jobs in close proximity to the site. Those jobs were within easy walking distance and easy bicycling distance of 63A. The near east housing was about a mile and a half away on the east side of Cornelius Pass Road. Consequently what you had there was a site that offered excellent opportunity for needed housing at more affordable prices and rents in an area where services were readily available and without taking farmland out of production. The jobs that were going to be going in this area were going to be principally manufacturing jobs, not every manufacturing job paid wages to support home ownership. People working in those jobs were going to need more affordable places to live. This site had the potential for about 500 more affordable housing units again at a minimum average density of 18 units per acre. He asked that the Council add Site 63A to the Urban Reserves. He thanked the Council for their attention and consideration.

**Mr. Stan Hymel, 9355 SE Hide-a-way Court, Gresham, OR. 97080,** stated that 80 percent of the wetlands in the United States had been lost to development over the last century. Of the remaining 20 percent, three quarters were found on private land, usually encompassing one to five acres in area. It was critical that we as citizens and you as elected officials do everything in your power to protect those sensitive wildlife habitats. The Council had received a map as well as a letter signed by the effected property owners of the area, he was there to ask to be removed from the Urban Reserves. A large portion of the highlighted area on the map was included on the National Wetlands Inventory. This fact had been acknowledged by Metro staff, Clackamas County Transportation and Development Department and the Oregon Division of State Lands. He had seen a good portion of the land highlighted and under water during the high water flows experienced the last couple of years. This was definitely a wetland and flood plain in every sense of the word. It actually was a drainage into the Johnson Creek Watershed. Currently no development could take place in this area, as it should be. It was very disturbing to have people tell him not to worry that if it was pulled into the Urban Growth Boundary or into the Urban Reserves, it would be protected by Title 3 in the Metro Urban Growth Management Functional Plan. Let's be very clear as to what Title 3 did or did not do. Title 3 did not exclude building in and around wetlands and flood plains. It only put restrictions on how that development was to occur. Title 3 detailed numerous exceptions to the rules that developers could use to get around any protection Title 3 was suppose to provide. If the developers were unable to meet any of the exception standards they could fall back on Section 7 of Title 3 which allowed for variances. In the Urban Growth Management Functional Plan, Title 3 Section 7 allowed for hardship variances to reduce or remove stream corridor protection for any property demonstrated to be converted to an unbuildable lot by application of stream corridor protections. In the Metro Water Quality and Flood Management Model Ordinance, Title 3

Section 7 read, "if a parcel can not contain the construction of a single family home with a 1,200 square foot footprint, then the water quality and flood management ordinance will be varied to the extent necessary to permit construction of such a home." Those variances effectively took away any protection Title 3 would have provided. The bottom line was it was redundant to take a piece of property which was currently exempt from further development, pull it into the Urban Reserves subjecting it to the possibility of future development and then say it would be protected by Title 3 which it clearly would not be. The best course of action would be to exclude this site from the Urban Reserves, thus protecting the sensitive area for any possibility or risk of future development. Given the location of this site, exclusion could easily be accomplished. It was at the extreme edge of the proposed boundary and could easily be carved out of the proposed Urban Reserves. He asked to give careful consideration and exclude it from the Urban Reserves. This would provide the best protection for an area that the Federal, State, County and local governments all acknowledged as being in the National Wetlands Inventory. An area that should never be at risk to urbanization.

**Presiding Officer Kvistad** asked Mr. Hymel if the area that was highlighted on the map he handed out, looked like it was already broken up into lots and had road services and asked if that was correct.

**Mr. Hymel** replied that was a private road that was put in by the owners.

**Presiding Officer Kvistad** asked if there were was anyone that currently lived on that road in those lots.

**Mr. Hymel** affirmed it was all the people who had signed the letter he submitted. He said it was not urbanized, it was all 5 acre parcels and did not want to be in the Urban Reserves. They did not feel it should be because it was in a flood plain.

**Ms. Chris Eaton, W & H Pacific, 8405 SW Nimbus, Beaverton, OR 97008** stated that she submitted a letter as well. She was requesting that the Council put back one tax lot about 55 acres in Urban Reserve Study Area #49. The letter she submitted had a map attached. This parcel was adjacent to the Urban Growth Boundary, it was also adjacent to the city limits of Beaverton and adjacent to Scholls Ferry Road. She also included in the letter some findings as exhibit A that supported inclusion of this tax lot under the exception for maximum efficiency of land standard in the Urban Reserve Rule. This was clearly consistent with some of the findings that were already contained in the draft findings. She highlighted the key Urban Services that could be provided more efficiently by including this tax lot. It was a potential school site that the City of Beaverton was interested in and she referenced a letter of interest included in the letter packet. This tax lot would provide transportation connectivity from the north to the south from Scholls Ferry Road. It would also provide access to the developing lands located immediately to the east in the City of Beaverton because it was a less steep slope than the lands to the north. It provided opportunity for efficient land use and more dense development than the exception lands that were both to the north and to the south of this property. It was currently vacant land and could be master planned. Furthermore, Washington County Transportation, CIP lists the improvements to the Beef Bend/Scholls Ferry intersection that would cross this land and take land out of this EFU equivalent lands for right of way. Some facts about this tax lot, it had not been farmed for the last 17 years, it had been under one ownership continuously during that time. The aerial photographs showed that it was not under cultivation, it had shrubs, trees and open meadows. 50 percent of this land was Class IV soils and 50 percent was Class III soils. It was not prime and unique farm land. Furthermore, the mistakes in the ursamatic model that were mentioned in the draft findings probably effected this original score of this whole Urban Reserve specifically mistakes in the agricultural compatibility factor and the proximity to town centers factors. The Council might hear some testimony later this afternoon asking them to remove or think about removing the exception lands to the north of this parcel. She wanted the Council to think

that if they did remove lands to the north, they might think about a trade. With this parcel coming in, remove some exception lands. She estimated using staff figures that approximately 1,500 dwelling units were lost if you took away those northern exception lands and this land to provide some more of that dwelling unit capacity.

**Presiding Officer Kvistad** stated they would go through 4 more cards then take a 30 to 35 minute break until approximately 6:20 p.m.

**Mr. James Uldrikson, 13299 SE Kanne Rd, Portland OR 97236** stated he owned a piece of property in the Sunnyside area in Site 77. He appeared here a year ago requesting consideration to have the 8.5 acres that was just north of Sunnyside included in the urban development study area. He said a few years ago they owned 19.5 acres and sold part of it and the urban growth came along and cut that property right in two. That left the 8.5 acres isolated to the north. There had been interest from developers in that property. He was here again today to propose that this property be brought into the urban growth study area. He stated he had sent letters to members of the Council and had received responses and thanked them. The lot lies just north of this development and the study area was to the west of the 8.5 acres and it was to the east and as he mentioned the urban growth was taking place with the 65 homes just south of that. He had access from the north as well as from the south to this property. He would like to present this property again to the Council for consideration to bring it into the Urban Growth study area.

**Mr. Michael Roach, 8920 SW 40th Street, Portland, OR.,** stated he was here as a representative of the Multnomah Neighborhood Association in southwest Portland. As an association at this time, they were not going to formally enter the debate as to which specific lands were appropriate or inappropriate for inclusion. Their concerns were broader and their concern was that there was balance struck within the Urban Growth Boundary as well as without the Urban Growth Boundary. They believed that there should be no delay for two years of a decision to add acres either in the reserves or bring them into the reserves. They thought a two year delay was unnecessary and was made with the intent to increase pressure within the boundary and within the neighborhoods for growth at this time. They believed that sufficient acres needed to be set aside for Urban Reserves to allow for some flexibility for the future, whether that future was 35 years or 43 years. If it was ratcheting down to 35 years maybe the Council should consider ratcheting down some of the numbers that were submitted by Portland as what was doable as well. He thought there could be an intelligent discussion of how to approach that. They also believed that the actual amount of acreage added to the Urban Growth Boundary must be sufficient to ensure that no communities livability was destroyed just to meet numbers with theoretical assumptions. Recently they received a tool kit from the Bureau of Planning which they were told was based on a theoretical methodology. They just haven't been able to figure out with the best of advice of engineers, planners, lawyers, doctors and federal agents exactly what that theoretical methodology was. They were working toward that. A concern with the master plan as suggested by Mike Burton, they believed that there should be a master plan for lands brought in but equal important was a master plan for what was going on inside the Urban Growth Boundary. They did not think that issue had been addressed as of yet. We had to ensure that density did not exceed the Functional Plan or destroy neighborhoods. We had to ensure that not only that sufficient infrastructure existed but added infrastructure, whose going to bear the cost. Was it going to be on the backs of current residents or was going to be shared equally between the developing community and the new residents. We also believed that design guidelines and standards needed not only to be set but enforced by some mechanism for all the housing that was to come inside of Portland. They believed the tax abatements would only shift costs more so onto the backs of taxpayers, workers and property owners. He stated that that concluded his remarks on behalf of the Neighborhood Association. They had right now 300 of those signs, 'save the neighborhood rethink zoning'. He thought this showed they had the support of a significant amount of residents in his neighborhood. He

expected to start seeing those all over the city. There were over a 100 people involved in the process right now. That was how concerned they were about their neighborhood and what was going to happen there. He stated he was fortunate to have several committees and a legal committee. They had hired an attorney and had several neighborhood attorneys. It was unfortunate that they felt as one neighborhood that they had to begin to investigate how legally they were going to handle their part in the process in the future. They recently concluded an inventory of all neighborhoods. It was the only physical inventory inside the city at this point. It showed them at 50 percent owner and 50 percent rental. The majority of the rental house met the goals of affordability. They were zoned out at 80 percent. He felt in some ways they had met the Functional Plan and if so, why were they being faced with 500 to 600 additional units in their neighborhood.

**Mr. Lowell Patton, PO Box 85, Carver, OR 97015** spoke to Site 12 which, at one of the recent meetings, was voted to be deleted and thought that was an error that should be corrected. Site 12 was an Urban Reserve area. The Urban Growth Boundary today and since 1979 when it was first put into being, came to this property and zigzagged along the property line. He stated he wrote a letter and received a letter from Mike Burton as to the reasons this area was being deleted. He said it was because of a steep slope, lack of infrastructure and services to the area and absence of schools in the area. He had written a letter and addressed all of those things. He urged the Council to read and study it. There were a few steep areas which were basically over the bluff of the Clackamas River. But where the Urban Growth Boundary ended now, it was all gentle slope all over that entire area and it seemed illogical to hopscotch over 12 and include 13 which was the little town of Carver. Between the Urban Growth Boundary and Carver was site 12. Looking at the slope they were 65 percent of this entire 195 acre parcel that was only 5 percent slope. There was about 27 percent slope. The overall average was about 12 percent slope. Back in 1971 this was all ready laid out for 442 homes on the most gentle ground of all and if he had not bought it at that time, there would be all of those houses there now. He thought that a higher and better use for that property was industrial or a combination of industrial, commercial and residential. It would be a travesty to leave it out of the Urban Reserve.

**Mr. Tom Cropper, Gresham Grange, PO Box 18025, Portland, OR 97218** stated that he had drafted a resolution to abolish Metro, it passed the Gresham Grange but did not pass at the State level. It was watered down to restrict Metro's power to limit State and local governments from saving the environment. He believed that the Urban Growth Boundary decision was bad because it did not have the infrastructure, you did not have the resources to absorb 700,000 more people. Of course you knew that in St. Mary's they were talking about 463 acres of prime farm land to convert to housing. They were talking about housing in the Damascus area and people in those areas weren't too happy about this. He stated that they was not the infrastructure, the roads had pot holes. There were all these people and one would have to cut down forests to house them. The more forests you cut down the less air, the less water retained. We won't be able to breath or drink. Already in the North American hemisphere the U. S. had a deficiency in air because we cut our forests. Most of our air was coming from Canada. What was being discussed was insane. It was rationally insane. He thought we were just inviting the number of people into our area that we could sustain with our natural resources and our infrastructure.

**Mr. Don Logan, Washington Farm Bureau, 20750 NW Dixie Mountain Road, Hillsboro, OR 97124** stated he was there to testify on behalf of the Washington County Farm Bureau. Washington County Farm Bureau represented the agricultural industry in Washington County. The policies came from the Oregon Farm Bureau, an organization consisting of county farm bureaus state wide. Their policy on land use was the following: we support the principle of land use planning for the purpose of protecting the resources and the agricultural environment and infrastructure needed for farmers and ranchers to produce food and fiber for current and future generations in profitable manner. They philosophically opposed the

efforts to remove productive farm and forest land from farm and forest zones. The County Farm Bureau had been very active not only voicing their policy, they were represented on the Urban Growth Management Plan Policy Advisory Committee, one of the Committees responsible for the RUGGOs. The RUGGOs process was an arduous task. The result that all the parties involved agreed on was they needed to look at growth differently. The RUGGOs was adopted in September of 1991. Those goals and objectives were a promise. For the agricultural industry to survive in Washington County that promise must be kept. We needed a plan for growth from the Metro Council, not just fulfilling the wish list the Council had options other than EFU land and should use those options. They opposed taking of any EFU land in Washington County, their intent was to defend the agricultural base in Washington County so that agriculture would be able to produce food and fiber for the current and future and generations in a profitable manner.

**Presiding Officer Kvistad** stated that they needed to get through the agenda since it was so large. He suggested they would take a break for 30 minutes. At exactly 5:30 they would take another 15 minutes of testimony and then break into the action items which would not take longer than 15 minutes and then go back to the public hearing. He announced the next speakers for the 5:30 p.m. time.

**Mr. Bernie VanDyke, 2590 NW Martin Road, Forest Grove, OR, 97116:** talked about Site Number 59 on behalf of his parents, himself, and in conjunction with the Taghons. They opposed having Site 59 into the Urban Reserve area. He was a third generation farmer there at Forest Grove and he depended upon all the ground in Site 59 to sustain a profitable farming operation. Site 59 was made up of class one soils, which were rich, capable of producing any crop that could be grown in the Valley. It could produce any kind of grains, vegetables, fruits, nursery stock, forages. It was EFU zoned. It was served by Tualatin Valley Irrigation District, so it was within the Tualatin Valley Irrigation District boundaries. Water was accessed to it. It could be irrigated, contrary to the Cornelius representative saying that it was dry land. It had been irrigated. He had done so himself and he planned to do so again in the future. He actively farmed the ground. Seeing how it laid up against the rest of his farming operation, he could access this property from his farming operation. He did not have to use any of the county roads in the area which would require a two to three mile from one side or the other which meant he could keep his farm equipment off the highways and eliminate a lot of dangerous congestion problems. Farm equipment was wide and slow. The land was not surrounded by any urbanized development at this time. In fact, all the lands around it were EFU. If this was put into Urban Reserve Study Areas boundary, then development would be going out into the agricultural zone which was against policy. This was what would cause even more room for urban agricultural conflict. It would put it closer to the hub of his operation which lie on the north side of Council Creek. He ran approximately three hundred head of hogs and eighty head of beef, and he was concerned about odor concerns. The closer you put development to his operation, the more he was going to be having troubles. He would like to see area 59 kept out of the Urban Reserve as well as all of the other EFU grounds. He had letters from local area growers and businesses who agreed with this and he would submit these to the clerk. The businesses that he did business with, they depend on farmers like himself to stay in business and they needed them as well as the agriculture out there. The Farm Bureau, as they earlier testified, also agreed with their position on this. So, he would like to see the Council leave area 59 as well as the other EFU grounds out not just for himself but for the other generations to come, not just for agriculture but for everyone in this area which depended on it which was all of us. Because the common denominator here was when we all went home tonight we all had to eat. So, we needed to keep these resource lands because once they were destroyed, they were gone forever. Buildings, you could stack 'em up, tear 'em down, make 'em anyway you wanted. Once you destroyed farm ground, it was gone forever.

**Ms. Remi Taghon, Cornelius OR 97113:** owned about twenty, twenty-five, thirty acres in Urban Reserve Number 59. Her concern was on Urban Reserve Number 59 which the City of Cornelius wanted for industrial. She didn't believe that an industry was going to come in here and buy a portion of acreage when a portion of that acreage whether it be ten or fifteen percent was hilly and they couldn't develop on it. It was beyond common sense that a company would want to buy five acres and have two acres of a hill that they couldn't do anything with. She didn't believe this land being industrial as the City of Cornelius proposed was a wise use of this limited natural resource. One other thing she wanted to make the Council aware of, too, was that shortly after Cornelius got their grant for this storm runoff in the Cornelius industrial area, they had a representative from Cornelius, or she understood him to be, saying that the City of Cornelius wanted us to swap or support their industrial request so that they could put residential housing in their existing industrial area around Haney Industrial. One other thing she wanted to point out, what they had done was requested it for their industries that were present and industries in the future. Then, after they got the money, after they put it in, then they put a Cinema III into that industrial area. In another area, she also had previously submitted photographs along the highway where this was a large tract of land. This was in 1995 when she submitted it. Since 1995 during this process they had started to fill this land up with houses. This was the possible railroad spur that could have been utilized as industrial that was in an industrial area. It had resulted in them putting houses in that particular area. That was what she was really getting concerned about, that and the storm runoff. They seemed to think that they had storm runoff facilities available for that particular land. In fact, the pipeline for the Davis Oakes Industrial was sized smaller than what the total land could support because Unified Sewage Agency would not let them all at once put the storm runoff into Council Creek. The other exception she had was to the roads. All the maps showed a cul-de-sac in Davis Industrial. That cul-de-sac did not exist. The end of Forest Street had been put into mitigation lands. It just stopped right there in a puddle or a pond. That was where Davis Oakes storm runoff went. Thank you."

**Mr. Greg Hathaway, Partner, Davis Wright Tremaine Law Firm, Representing D.S. Parklane, Who Owns Property at 185th and West Union:** shared his time with Mr. Waker and Associates who had been assisting them with this property. If the Council recalled on December 5, there was a 5-2 vote to include all of Site 65 and then there was a motion right after that to exclude the properties west of 185th and that passed 5-2. What he wanted to do at this public hearing was to do a microexamination of the property that was in fact excluded west of 185th. Because they believed this property should in fact be included. It was 113 acres, there was approximately 29 acres of open space and wetland that were to the west and northwest of the site. There were approximately 84 acres of developable property out of the 113. Out of that 84 acres developable land, 30 acres were EFU 20 which was right at the corner of 185th and West Union and then 54 acres were EFU. They were bordered on the south by the Urban Growth Boundary as well as east by the Urban Growth Boundary. Immediately across the street from the property was where the new Robert Randall high density apartment complex was going to go in. Briefly he would like to identify what they thought to be four reasons as to why the Council should bring this property back into Site 65. The first one perhaps the most important he believed that when the Metro Council excluded the property west of 185th they did so because they wanted to make 185th Avenue the line of demarcation between urban development and protection of the natural resource land. He thought if you looked at the site plan, there was a unique situation here. They actually had a significant natural buffer that they could use to separate agricultural land from urbanization land and that was that encirclement of wetland and flood plain, that 29 acres that literally went around the property and probably was a much better natural buffer than using 185th Avenue. The problem with 185th Avenue was if you left this property out, 185th Avenue was still going to carry urban traffic which could be a conflict with the farming activities on that piece of property. If they used the natural wetland area as the buffer, you had a situation where you used that (unintelligible) as the clear buffer and then it would never allow any spillage over into the Ag area. So you had a very clear definition between rural land and urban

land. Reason number two, if you left this property out of the Urban Reserve, he thought you could see by looking at this aerial in their site plan you were literally going to isolate this piece of property. What she meant by isolating was you were going to have urban growth and development surrounding this piece of property and then you're were going to ask the owner to farm that land. His concern was that was going to create a terrible potential conflict. In the Council packet that they had given the Council at tab four was a letter from Mike Crop, the farmer who farmed this land, who testified that presently it was very difficult to farm because of the urbanization that was immediately surrounding this piece of property. After you constructed the new Robert Randall development across the street which was 450 apartment units, it was even going to make it worse. Then, if you developed any portions of Site 65, you were going to have conflicts on 185th Avenue. So, if you left it out, they were concerned that you would in effect isolate that piece of property. The third reason why they thought it should come in was if you just took this property and applied the Executive Officer's scoring using the model, it actually turned out to be one of the highest scored properties in the entire region. If that was what you just did instead of looking at all of 65, if you just focused on the D. S. Parklane property, it was literally one of the highest scoring properties. You could see why that would be because it was very close to services, it could be served, it was right next to Portland Community College and it was very near the new West View High School. It clearly was an area that had intended to grow and include this property. The fourth reason before he turned it over to Dick was if Robert Randall developed on the corner and portions of 65 develop, there was a chance that 185th Avenue was going to have to expand to either three or five lanes. If this property was not included inside the Urban Reserve legally, you couldn't take right of way off that piece of property to facilitate that transportation system. So, as development occurred in Site 65 and as development occurred at PCC and in the surrounding urban area, if you were going to take right of way for 185th to accommodate that urban growth and development, you were going to need right of way on that Parklane property. You wouldn't be able to do it unless it was inside the Urban Reserve. One last comment before he turned it over to Dick was he understood that there was a big question about perhaps even taking some EFU land out of the Urban Reserve that the Council decided in December.

**Mr. Dick Waker, Waker and Associates:** said if there was going to be some EFU land in the boundary, this piece which had partly EFU on it had the capacity to carry a lot of housing units in area that was housing short. Uniquely, as compared to the things that were on the edge because it was very close to the Hillsboro high tech corridor and the like. That was his comment. Thank you very much.

**Presiding Officer Kvistad** announced the Council would move on to its regularly scheduled agenda items. He declared a recess of the discussion of Ordinance No. 96-655B, indicating the Council would return to it following discussion of other ordinances.

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

**Motion:**           **Councilor McFarland** moved for approval of Ordinance No. 97-677B.

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

**Discussion:**     **Councilor McFarland** explained she would be succinct in her comments because the Council Members had each previously discussed and thought about this ordinance. This ordinance had experienced two previous amendments. It was amended in response to the Executive Officer's and Councilor Naito's concerns. It was passed out of the Regional Facilities Committee with a do pass recommendation.



A question arose during a Committee Meeting relative to the feelings on the matter by the MERC Commission. A letter had been received from the MERC Commission indicating their passage of an ordinance the previous day in support of this ordinance. City Commissioner Gretchen Kafoury wrote a letter in support of this ordinance. Multnomah County Commissioner Tanya Collier initially intended to be at this Meeting to offer her support, but was detained by a matter of considerable import. Commissioner Tanya Collier attended a Committee Meeting and offered her support of this ordinance.

**Councilor McFarland** observed numerous individuals, including five MERC Commissioners, present to demonstrate support of the ordinance. In deference to the time requirements of the previous ordinance, Councilor McFarland had asked that these individuals withhold their testimony unless absolutely paramount.

Councilor McFarland explained the ordinance eliminated archaic language set up initially in the formation of MERC. The policy dictating the procurement of support services was being altered to optimize flexibility and cost effectiveness. The ordinance outlined a global, streamlined budgeting approach which must still be approved by Metro Council. When MERC-wide appropriations were made, the schedule corresponded more closely to the facilities' business cycle. The streamlining and simplification of approval and review processes for MERC's budget adjustments, resolutions and other actions boded well because MERC had established public notification guidelines the Metro Council employed.

Councilor McFarland went on to say there was language providing for special notification of the Metro Council for any upcoming resolutions. Reporting by MERC to the Council was strengthened in terms of frequency and format as outlined by the Metro Council Regional Facilities Committee, but no less than once quarterly. A provision was included for transmission of the MERC budget directly to the Council at the time it was submitted to the Executive Officer. New requirements had been created to ensure all Metro elected officials were notified. There was to be monthly meetings to review all aspects of the operation and management. A citizen advisory committee was to be established for each facility. Maintenance of the Council's ultimate authority for budget approval was in place. The Metro Council remained as MERC's Contract Review Board. MERC would be freed up to go outside Metro for support services.

Councilor McFarland urged the Council's support of the ordinance in the form of an aye vote. She pointed out Mark Williams, MERC's General Manager, was present to respond to any questions or concerns.

**Councilor Naito** thanked Councilor McFarland, the Regional Facilities Committee Chair, for all of her hard work and tenacity and perseverance demonstrated in working on the ordinance currently before the Council. Councilor Naito applauded Councilor McFarland and Mark Williams for their willingness to sit down with her to address concerns. She said the ordinance was a very fine product and hoped the Council would support it.

**Presiding Officer Kvistad** opened a Public Hearing on Ordinance No. 97-677B. Seeing no response to this procedure, he declared the Public Meeting closed.

**Presiding Officer Kvistad** thanked the many people who worked so hard and so long to bring the Council and MERC to this point. On behalf of the Council, he especially wished to thank Bob Ridgely, the MERC Commissioners, to Metro's regional partners, everyone else who had assisted in the process, and the Regional Facilities Committee Chair.

**Councilor McLain** recalled how in 1991 she kept hearing about getting to stage two, and beyond the first stage between the partnership between the City of Portland and Metro on these regional types of issues and facilities. Even though, she commented, stage two may not look exactly as some thought it would, she thought the image and the product that had come out of the process was worthwhile and worthy of the time. It did point out, again, there was regional connectivity to recognize and support as a Metro agency and government. Also recognized was there were times when more flexibility was needed in management and some of the review. Councilor McLain saw this as a second chapter in a success story which was going to make metropolitan Portland one of the finest places to come to for many reasons, including the facilities on Metro's sites.

**Presiding Officer Kvistad** offered that MERC was looking to host the 150th Anniversary Exposition of the Smithsonian. He said there was a very exciting exposition coming and the Council was looking forward to seeing how MERC executed this opportunity.

**Councilor McFarland** shared her resolve to not list the numerous people involved because this has been a team effort. She feared she would forget someone if she went down a list, and there were probably people deserving to be on the list of whom she had no awareness. Each person involved knew the part he or she had played in accomplishing this monumental task and Councilor McFarland's desire was to commend each for the role he or she had played through her present public acknowledgment of the same. Councilor McFarland stated both Councilor Naito's amendments and the amendments made in response to the Executive Officer's concerns served to make Ordinance No. 97-677B stronger. She requested of her fellow Council Members an aye vote.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

**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.

**Motion:** Councilor Washington moved approval of Ordinance No. 97-676.

**Seconded:** Councilor McCaig seconded to the motion.

**Discussion:** Councilor Washington reminded the Council it had adopted, on November 30, 1995, a new Regional Solid Waste Management Plan, rescinding the 1991 Illegal Dumping Plan. When it acted, the Council acknowledged some elements of Solid Waste Management would experience an update and be incorporated into the new Plan. Illegal Dumping was one of the elements. In February 1996 the Auditor issued a report having very specific things to say about the illegal dumping issue. In April 1996 the Solid Waste Advisory Committee appointed the Regional Illegal Disposal Task Force, listed in the documents included with the agenda packet. The Illegal Dumping Plan was consistent with the main goals of the Regional Solid Waste Management Plan. The plan developed achieved a solid waste system that was regionally balanced, environmentally sound, cost effective, technologically feasible and acceptable to the public. This plan acknowledged Metro's responsibility for regional solid waste management planning and disposal. Additionally, the plan responded to the Auditor's recommendation relating to illegal dumping, prevention, investigation, enforcement, and dump site clean up. There was a group responsible for the enforcement of illegal dumping. Councilor Washington urged the other Councilors' support of this ordinance through their aye votes.

**Councilor McLain** said she simply wanted to add her support to this ordinance. She thought it was a good piece of work. It was related to a couple of different issues on which she had personal concerns. She wished this to be truly a tri-county type effort. There was a concerted ongoing effort to partner closely with Washington County to resolve their concerns. Councilor McLain said she was more than willing to support the ordinance.

**Presiding Officer Kvistad** opened a Public Hearing for Ordinance No. 97-676. There being no one indicating a desire to be heard, Presiding Officer Kvistad closed the Public Hearing.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The vote passed unanimously.

## **6. RESOLUTIONS**

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

**Motion:** **Councilor McFarland** moved Resolution No. 96-2453.

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

**Councilor McFarland** informed the Council the addendum had to be changed because after passing the Number Seven Change Order, it changed the things to be asked for here. Therefore, allowances had been made in the RFP for this to come in and be moved forward. Councilors Washington and McLain had expressed concern about the language in the addendum. This was passed out of the Committee unanimously. It was asked that Councilors Washington and McLain get with staff to come up with an amendment.

**Motion**

**to Amend:** **Councilor McFarland** moved to amend Resolution No. 96-2453.

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

**Councilor Washington** asked Bruce Warner, Director of Metro's Regional Environmental Management Department to come forth to provide background information for the Council and for the record.

**Bruce Warner, Director, Metro Regional Environmental Management**, confirmed there had been concern on the part of two Members of the Regional Environmental Management Committee. This concern related to the need to reflect in a more explicit manner the evaluation criteria and the methodology being utilized. Specifically, the manner in which proposers might elect to divert a portion of the waste stream to other limited purpose landfills in the area. Staff had attempted to reflect this concern in the language. Clarification of the language had employed the word "average" in a number of places, which was redone section one, a part of Exhibit A.

The calculations for computing the adjustments would use the average cost of the disposal when disposing of all of the waste at a general purpose landfill. This was compared to the average cost of the disposal when a portion of the waste was disposed of at a general purpose landfill. This was in connection with the remainder being disposed of as dry waste. What this did was it allowed vendors to propose to divert a portion of dry waste to other landfills other than the Columbia Ridge. It said if you

looked at the cost, you could divert up to 50,000 tons per year at a rate that would be calculated based on the average computations of 700,000 tons going to the Columbia Ridge Landfill.

Mr. Warner said this meant, in essence, they would have to compete for a cost of both disposal and transportation of about \$22.67 to be competitive. This established it very clearly for the vendors and defined the goal post upon which they would be judged in terms of the evaluation on cost only. He said he wished to stress to the Council there was concern Metro was forgetting about resource recovery. He recollected the Council, in a previous decision, elected to have 65 points assigned to cost, 20 points assigned to material recovery, and 15 points assigned to the operational capabilities and approach of the vendor. This dealt with the cost only, but made the playing field fair all the way across and assured the full cost savings of Change Order Seven.

**Councilor Naito** shared that one of her concerns upon the adoption of Change Order Seven was the sliding scale with others competing at the \$7.50 level. This just could not be done. She asked if in this an average would be used for competitive purpose, or was that totally irrelevant to this discussion.

**Mr. Warner** responded he actually had a handout which he could go through with her. They would be competing against the marginal cost for the tonnage, 50,000 tons per year. He asked her to understand when this was evaluated, not only the cost of disposal would be looked at, but the cost of transport as well. Metro's baseline cost was taking the waste from the transfer stations by a contract to the landfill. Metro paid for transport and disposal. If you added the cost of transportation and disposal, competition was against an average cost of \$22.67. This was the figure which must be met to be competitive in this particular arena.

**Councilor McFarland** expressed she had shared these concerns. However, she had met with Mr. Watkins and Mr. Warner for about forty-five minutes that morning, during which time she had it explained to her. It was declared to her this was an appropriate way and they had checked with other Councilors. Resultant, she decided to buy off on it.

**Presiding Officer Kvistad** stressed the importance of the resolution, saying if the Council felt at all uncomfortable with the resolution, it should not be moved forward at this juncture.

**Councilor McLain** said she was one of the original Councilors with concerns about the language. She had met with staff and felt very comfortable with what the language did for the resolution. By adding the two factors, an average cost was reached which dealt with the whole cost for the operation whether for dry waste or for the entire RFP. This allowed the vendors to figure out how to be competitive. The delineation had not heretofore been clear, with no explanation of criteria. Metro now asserted it was taking the marginal rate for the disposal, adding the transportation rate, and taking that total to be used for competitive purpose. Arlington was a long way away, and the transportation rate for that company had more cost in a lot of areas than for other companies looking for special needs or closer landfills to divert some of the dry waste. It provided a better idea for how to be competitive. Also they could be competitive through reclamation or recycling or withdrawing other material out of the waste stream and getting all of the points for being better recyclers. Councilor McLain said she thought it did address the issues Councilor Washington and her brought forth, she believed it to be fair, and more understandable. The new language was a lot more understandable, the staff had done a good job with it, she supported it, we didn't want to delay it. We wanted to get the reports back so we could determine who would be the next vendors for our transfer stations.

**Councilor Naito** appreciated the explanation and thought that adding that clarify was important. It may need to be revised if there were people who were unable under these criteria to compete. She still had an interest in keeping some competition in this region and not having just one supplier as cost effective as they may be. She was willing to support the resolution.

**Councilor McFarland** said she was glad that the Council was supporting the resolution at this meeting because it would be going to SWAC next Wednesday. She urged the Council to act on this resolution today.

**Councilor Washington** thanked Mr. Warner and Mr. Watkins for their work on the resolution. He was the one who raised the question about the average person's tiered, this average was better than the tiered. He also understood that there had been discussion with people within industry and this made more sense to them than the old one. Was that correct?

**Mr. Warner** responded that this was correct they had discussed this language with the vendors and again they understood it was all relative.

**Vote to**

**Amend:** The vote was 7 aye/ 0 nay/ 0 abstain. The amendment was adopted unanimously.

**Presiding Officer Kvistad** announced the amendment was adopted, the Council was now dealing with Resolution No. 96-2353A as amended.

**Councilor McFarland** urged the Council's aye vote.

**Vote on  
the Main**

**Motion:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion as amended was adopted unanimously.

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

**Motion:** **Councilor McLain** moved the approval of Resolution No. 97-2455.

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

**Discussion:** **Councilor McLain** said that they had Dowma Jones on the Traffic Relief Options Study Task Force and had been asked by staff to fill that vacancy with Betty Atteberry, who seemed to be quite qualified representing the same Washington County area. This was an important task force and the staff had done a real good job of setting up a program to make sure that they could brief her to get her up on six months worth of committee work. She asked for the Council's support.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

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.**

**Presiding Officer Kvistad** indicated Resolution No. 97-2452 should have gone on the Finance agenda, therefore, it would go back to the Finance Committee and then to the following Council meeting.

**Presiding Officer Kvistad** reopened public hearing on Ordinance No. 96-655B, he noted that the written testimony would be accepted into the record until February 18, 1997 at 5:00 p.m.

**Ms. Kay Durtschi, Metro MCCI, 2230 SW Caldew, Portland, OR** spoke of her concerns. She moved to this area 50 years ago, the Council was looking out 50 years into the future. As she looked backward she thought about all of the changes that had been made and she realized how many times things just happen and how little preparation was made to get these 50 years in. She was happy that Metro was really planning for the future, it was a very important part of what needed to be talked about. She agreed with Mr. Morissette that most of the ordinary citizens didn't understand what the future held for them as far as changes. She expressed concern about some of the inflammatory comments that Mr. Morissette had made on the inside of his brochure but never the less she felt that it was a very important thing that needed to be talked about. Councilor Morissette's definition of the Urban Boundary was excellent. It was the difference between rural and urban land and also intended to encompass an adequate supply of buildable land. The only thing she had not heard today as everyone was talking about growing out including other lands, was discussion about going up. Therefore, she felt that this was a very important part of the discussion and growth potential. We must talk about going out and up as well. There was availability in the air above us. She was interested to see that in the Raleigh Hills area there was a building where they were thinking about going up instead of sprawling out further. One of the problems she had with Councilor Morissette's comment was that zero option was simply planned sprawl. She noted a map of Los Angeles County and the green which was a super imposed map of the Urban Growth Boundary. She said LA had really sprawled. Metro was not sprawling if they were planning their growth. She urged the Council to consider up before going out. She also said the perception of the community was important. She sat on the MCCI and heard lots of comments that were misleading. They were taking the perception rather than the facts. She suggested being very careful about the facts put forth. She agreed with Mr. Robert Liberty and his comments today about jobs and housing and balancing those two issues because jobs were needed where people live. She said she heard the man from Cornelius say that he wanted to keep his people at home, well they wished to keep their people in Portland too so that they could cut down on the transportation needs of the area. Affordable to her meant that builders needed to share in the partnership in this planning in providing affordable housing. This meant that every time a development was planned there needed to be lots set aside or houses set aside, no matter what the expense of the other dwellings, that those would be an affordable place to live. Ingenuity rather than expansion.

**Councilor Morissette** said, with all due respect, he would challenge Ms. Durtschi to go to some of the suburban communities outside of this Urban Growth Boundary and asked the majority of people that were moving there if they were actually working there. A great many of them were commuting back into the Metro area because they couldn't find the choices that they were looking for inside the Boundary currently.

**Ms. Durtschi** responded that this was where perception came in, she suggested that she and Councilor Morissette talk.

**Councilor Morissette** continued that as one went through the process he was fearful that too tight of an Urban Growth Boundary, although in the very same document he had talked about maximizing every piece of land possible inside the Urban Growth Boundary, if it were kept too tight one would have the

sprawl that he thought was currently occurring because people couldn't kind what they wanted in this boundary.

**Ms. Durtschi** urged Councilor Morissette to come to the West Portland Town Center meeting next week and help them do some planning there. They could use Councilor Morissette's help.

**Mr. Ross Tukesberry PO Box 25594, Portland, OR 97298** Washington County resident, strongly disagreed with the Council's decision to expand the Urban Growth Boundary or reserves. He was disappointed in those Councilors that were proposing this. Valuable farmland should be protected and not developed without any exceptions. The nation lost millions of acres of farmland every year to development. He said that the Council gave him the impression that they did not care about wildlife and plant habitat, livability, traffic congestion, laws, farmland, forests. The Council was giving the impression that they only cared about making money for developers, real estate interests, and land speculators. This was destroying the environment that we all lived in, he suggested the Council get out and look around. Tigard was an example of this, with all of the development proposals and construction going on all over there. Another example was what road would the thousands of people at the St. Mary's property be using? They were already clogged up. This was really destroying the future of all of our children and grandchildren. He was the seventh generation to live in Oregon. What would Oregon look like seven generations from now or 2040. He shuttered to think about this. Once the land was designated as developable, there was no going back. Prices would go way up, the few land owner, speculators would make windfalls. Economics would force it to be developed. He noted Councilor Morissette's brochure. He hoped this was not paid by Metro. The brochure implied that if we expanded the Urban Growth Boundary then there would be less development elsewhere. He challenged the proponents of this policy to designate an equal amount of additional acres within the boundary that would not be developed before the Council voted for this. He predicted that the end result of expanding the UGB would be the worst of both worlds where both inside and outside the boundary was going to be developed to the maximum because of all of the pressures on it. In 2040 the only open spaces would be two or three large places like Forest Park plus a bunch of smaller cut off postage stamp type parks and the rest would all be houses, office buildings, parking lots, roads, malls and asphalt just like Los Angeles. He felt that the pamphlet was unethical and not right. If someone such as Mr. Burton or others that had an opposite view and put something out like the brochure, then the very same people who put the current brochure out would be outraged. He felt that Mr. Morissette should excuse himself from voting on this issue, especially if he or his family intended to buy up or develop any of these expanded areas.

**Presiding Officer Kvistad** said that as Presiding Officer of the Council and knowing the members of this government, not only those sitting at this meeting but Mr. Burton and the Auditor as well as the many staff, no one cared more about a region than these individuals. He said he did not appreciate it as a member of the Council and as someone responsible for the Council when that was questioned. The Council would not be at this meeting for this length of time or spent the years they had spent doing this work if it were not for their caring about this region regardless of the difference of opinion on specific items. He appreciated that in other testimony and he would in future testimony when points of that nature came up, ask the individual to excuse themselves from testifying. As for Councilor Morissette and his mailing, every member of this Council had a right as a citizen and as a member of elective body to send out materials based on their own personal beliefs. The Councilors had expense account that they were responsible for dealing with that were there for public outreach and communication and anything that was either unethical or irresponsible about the use of public funds for any communication would be immediately dealt with by the Presiding Officer. Nothing that was done, nor the points made in the brochure, whether the Council agreed with them or not, were inappropriate for the action of any seated elected official. From this point forward if anyone had a problem with that particular item, they could

deal with it privately with the members of the Council with whom they had a problem. He suggested continuing with the discussion about the urban reserve areas.

**Councilor McCaig** said she thought the Presiding Officer was wrong.

**Mr. Bob Baker 13820 SW 325th Place, Hillsboro, OR 97123**, spoke as the owner of a piece of property of a parcel of ground that lay within Map #62. For the last six years he had served as the Chairman and member of the Washington County Department of Housing Services or the advisory committee that directed them. As a result of that experience, his conviction was that the greatest threat to the community was the lack of affordable housing and the growing alarming rate at which that inventory was disappearing. With that concern in mind, he set out to see if he could do something. It became clear that he might in fact be able to do something about that because he had some control of some property. If the property could be brought in at the rate, the price that would allow houses to be put on it and maintained an affordable price, that would be an honorable goal and he set about doing that. He began this process about two years ago, it had the full support of the Washington County Department of Housing Services, the City of Hillsboro, FANIMAE and the Utility Districts in that area. He assumed that they were moving ahead with it, he then found in December that the property that had been included was then excluded. His cause was noble, he needed to give the Council reasons why they may or may not make a decision on this area. (He distributed a map.) The map that was submitted to Council was a copy of the Metro map, he highlighted the areas he spoke of. The property that surrounded the yellow piece of property was in highlighted in blue, which was currently in one of three different stages, either zoned residential, being used as residential, in one case an existing mobile home park and in another case the Seaport property that would support high density housing, in the property to the South and to the West of that property that the Council had planned to bring in. This clearly surrounded this piece of property and made it an island zone. In addition to this the dotted line that went across this yellow piece of property was the relocation of Jacobsen Road. The Oregon Department of Transportation was convinced that they must move that intersection further north away from Sunset Highway and there was only one location unless they were going to displace people in the mobile home park. This land was currently vacant. In addition to that it was surrounded immediately on its borders by existing utility lines both water and sewer, both USA and the Tualatin Valley Water District supported serving this particular piece of property. The white space that went through the middle of the map was Sunset Highway so it was on a major transportation corridor and sat in the middle of the housing/jobs mix. It met all of the criteria that the Council had been looking for, short of the fact that it was EFU land. He could not go back to that 52 acres and continue to farm it effectively. He could not spread pesticides, herbicides and fertilizers on a piece of property that was surrounded by housing. He was unsure if he could even get a tractor into the property with its limited access.

**Mr. David Adams, 196215 Hazelhurst Lane, West Linn, OR 97068** spoke in opposition to the inclusion of the Stafford area. He was a 20 year resident of the Stafford area. As most of the Councilors knew, the City Planners of Lake Oswego, Tualatin, West Linn, and citizens groups all opposed this inclusion. For the most part, these decisions were based on numbers and costs. He did not like or trust numbers. As Mr. Morissette had illustrated, if you didn't like a set of numbers, you could buy a set that you did like. Instead he appealed to the Councilors' emotion, their guts, their sense of history. Councilors may not realize but if you opened the tax rolls in Oregon, the Stafford area was in the first few pages. The Stafford area was the Eden at the end of the trail. This was the first lands the settlers came to, the first claims made in the area. He thought that this was something that had been lost in the debate that was occurring. It was nothing short of a miracle that these lands had managed to maintain their rural nature this long. The Stafford area had been tagged the Stafford Triangle. What it was more correctly a long peninsula, a rural oasis that extended into the metropolis. He asked the Council to look at the map, study



it, and tell him if they saw any similar opportunities that existed for them as Councilors to seize, preserve and green belt for them an area of openspaces. He did not see it anywhere in the whole metropolitan map. That was obvious to him and he felt it would be obvious to the Council if they studied the map. While much had been said at this meeting about the need for housing in the coming century, he had not heard any debate about the need for open spaces in the future. If the Council did not seize this opportunity where else would this occur, what other opportunities were there in the metropolitan area. He believed it was a gift that should be preserved as a rural landscape, he suggested saving this small piece of Eden for the children. Similar to the farmland issue when the bulldozers were turned loose, it was lost to all, it wouldn't be reclaimed. He encouraged the Council to save this piece of land.

**Mr. Peter Wright 2201 SW Hazel Rd, Lake Oswego, OR 97034**, congratulated the Council, he knew the time that they had put in as well as how much they cared. He suggested that the Council hold the urban reserves to a minimum and approach the decision about expanding the urban growth boundary with a mind set that we not expand it at all. There were many reasons for not expanding. First were the demographics, world wide human population was growing by about 90 million people each year. The amount of land on which the hungry billions must live remained the same. We could not control global population growth. Locally, we could not even control local population migration but we could act responsibly by reflecting in Oregon what we knew to be the situation worldwide which was that the population was growing and the land on which they lived remained the same. Second were the issues of leadership. Covering all of Oregon with housing, asphalt and malls was an option no one wanted. Therefore, at some point we must halt the sprawl. Where did it stop. Obviously at that place where we had drawn a line. Even if we did not draw the line ourselves, we must hold the line for the same reasons that congress defended a constitution it did not write. The messages we wanted to give to the next generation were that keeping promises was important, that solving early was important, that passing our problems to the next generation was unacceptable and that holding the vision when things got rough was also important. Third were the ethical issues. Since Oregon's land use laws were the focus of attention nationwide, planning experts and politicians alike wanted to know what values guided our decisions. What were the foundations that this Council was using to lead the State towards a richer and safer future. Were the motives generally those which surrounded self interest or did virtues guide our decisions? The four cardinal virtues were justice, courage, wisdom and temperance. Temperance was self restraint, justice, respect for the rights of all, wisdom, concerns for the long term as well as the short term, and courage, the guts to do what we knew in our heart is right. Fourth were the religious implications. Whether one believed that the creation was made by God in six days or was itself the universal spirit or was a miraculous accident of an arbitrarily unfolding universe, the creation was, none the less, the most profound and awesome wonder of our lives. If we did not revere it for what ever reason, what did we revere? If we did not hold our sacred promises concerning it from whom would the next generation learn that sacred promises held society together. If we did not value life how could we ask the children to put away their guns, drugs, and hopelessness. In making the Council's decisions regarding the Urban Growth Boundary and Urban Reserves he begged the Council to please call on their higher selves.

**Mr. Paul Brodie, 9060 SW 190th Beaverton, OR 97007** was here as a 20 year resident of Washington County. In the last two years he had built for he and his family what was their dream home on the top of Cooper Mountain. It was currently in Map 50 for Council's consideration as an urban reserve. He urged the Council to include this in the urban reserves and/or to consider the urban growth boundary reserve procedures that had been outlined in section 3.01.012 B3. Map 50 generally consisted of about 75 to 80 home sites that were all of one or two acre parcels. They had extensive CC and Rs and restrictive covenant and other restrictions involved in them. He did not believe there was sufficient remaining developable land within the area that the Council had outlined that would meet the objectives. The people who bought in the area and chose to develop in the area did so because they did not want to live in

tract housing or in higher density. This was the one area in the exception properties over the last 10 years where people had decided that as a minority in terms of what was popular today that they wanted more land or that they did not want to shake hands with their neighbor off the deck. The quality of life for them was to have a little bit more room. There wasn't any room in this area for any development. If the Council looked to the south of this property it was bordered by Cooper Mountain vineyards, bordered by a piece of property that the Council had bought for a green belt. The transportation to this area was nil. There was Grabhorn Road going to the north or to Gasner as it came to 185th. It was a winding two lane highway, an elevation gain of 700 to 800 feet over a quarter mile area to get up to this area. This was an area where if it snowed people frequently had a very difficult time getting off of and getting to work. This was not an area that you would choose to put high density housing at. Further, by including this, the Council would divide a community and a neighborhood. There were a few 10 and 20 acre parcels in the area. Those that bordered the areas where they had the CC&Rs, they were going to find land owners getting into lawsuits with other land owners trying to enforce the covenants so it was not developed at the density. If the Council did include it what were the procedures. The Council procedures that were outlined by Councilor McLain in the draft of 3.01.0123 talked about the minimum residentially use and calculating the need for urban reserves estimating that capacity at 10 dwelling units per acre. He urged the Council not to adopt a standard of one size fits all for all these parcels. It just did not make sense, and certainly not in this area. He urged the exclusion of this area and the procedures to accommodate. He urged the Council in the future and other governmental entities to do more to grow up. He did not think that they had done all that they could do in terms of inventorying the manageable sites within the UGB, we had not hired staff to work with land owners to make sure we could get the highest and best developable use. We also took the view that this land use planning and this goal that we had of restraining the growth we could do on the cheap. He did not think we could. We needed to consider using some tax dollars and resources to make redevelopment in the inside possible to get the highest and best use.

**Mr. Kent Seida, 17501 SE Forest Hill Drive, Clackamas, OR 97015** noted his handout and spoke on Map 30. There had been a fair amount of testimony on this particular piece of property. This was their family farm of four generation which was arrested partially away from him in a condemnation suit which he fought for about two years and found that there was not a chance against government as an individual. This was the nerve center of the entire farm therefore rendered it useless, taking the well, the barn and the corral and leaving a hilltop of scrub brush and a canyon. The Council had an opportunity to bring in 100 acres that had only one house on it and make a program development that would serve the community of West Linn by taking the bare scab ground, which had never had a crop on it in 56 years. This was where houses should be built not in the wheat fields in the Washington County flats. This was exactly where houses should be built, nothing was being taken away and this would allow for a population to surround an upcoming school, forming a hub. Leave the properties which were already divided into five acre parcels, all having expensive homes on them and which would never be subdivided, and instead bring in 100 acres of scab ground for development. He believed that West Linn was transparent in their planning. They asked to bring in this land specifically so they would have the power to take his farm away, now that this had been done. They had high graded what land they needed, they now were recommending not to bring the rest of the land in. He questioned their planning. He believed that if the Council wanted good planning on good property that should truly be housed that they should consider this 100 acres.

**Councilor McLain** asked where Wisteria was on the map and where the school site was.

**Mr. Seida** responded that it was the white line on the map where it forked. He reiterated that this land would never be farmed and acknowledged where the school site would be on the map.

**Mr. Doug Bollam, PO Box 1944, Lake Oswego, OR 97035**, had testified about the urban reserves many times in the past. One of these times was on November 21, 1996 at the Metro Council Listening Post on Urban Reserves. In those minutes his testimony appeared on page 11. He had made changes on how it was transcribed to set the record straight. To review his testimony, first, he reminded the Councilors of the existing Bollam amendment, adopted by Council Resolution No. 94-2040C, Exhibit D. It applied here. Secondly, regarding Site 15, there had been much testimony in the past to have the north boundary of Site 15 not be Monner Road as shown but to be the defined east/west drainage channel to the South of Monner Road. However, he had testified in the past that there was a much better, logical, and appropriate boundary for the northerly line of Site 15. That line was easily identifiable and precisely defined on the ground by a group of high voltage power transmission lines, just to the south of Monner Road and to the south of drainage way. If the Council followed their siting criteria for urban reserves, the power line corridor should be used. If the Council put development on both sides of the corridor and if these high voltage power transmission lines, it would act as a grave impediment for the compact urban form as mandated by the adopted Functional Plan. Connectivity would be almost eliminated. Thirdly, there was not justification in the record anywhere showing how the open space of the Clackamas County Rock Creek drainage basin was arrived at. He had spoken with the Metro Planning staff, Mark Turpel and John Fregonese, and they had acknowledged this. There was supposed to be an exhibit submitted today by staff regarding this matter of the Rock Creek open space boundary. He had not seen it and he believed it was missing. The present map of the Rock Creek open space was not correct. It encompassed land that was far removed from the defined waterway and included land that was much less than 25% in slope, the criteria used. The open space boundary was a great distance from the top of bank and was far in excess of the proposed Title 3 buffer criteria. He wanted to make sure that the new map Mr. Fregonese had discussed would be an exhibit of 96-655B and it became a part of the record before the record closed and all of the public had a fair chance to review it before the record closed on Ordinance No. 96-655B. This taking and the Bollam matter would not let this error stand. Lastly, the record being used in this process had to be scrutinized very closely. For any major errors made would definitely reflect a decision that would be challengeable. From that aspect he hoped that the Council was making their decision on corrected facts and the record had been scrutinized very thoroughly.

**Mr. Rod Adams, attorney for Pacific Plastics, 4600 SW Hall Blvd., Beaverton, OR 97005** appeared before the Council to speak on site #64. He wished to present evidence in the form of an aerial photo that he had submitted, but Council staff could not locate it. He said Pacific Plastics sits on a 20 acre site which is one property removed from the northerly boundary that Council has proposed to bring in. The westerly five acres of that site is zoned as rural/industrial, and is fully developed for a plastic manufacturing plant, with more than \$2.5 million worth of infrastructure on the site. Mr. Adams said there are 130 to 150 employees on the site; and the site is serviced by the railroad on a regular basis. He said Pacific Plastics wished to include at least this property and the adjacent five acres, for a total of ten acres of the 20 acre site in the urban reserve. He said if the potential for expansion onto this property was not available, Pacific Plastics would have to relocate; and the only areas they have been able to find are outside of Washington County.

Mr. Adams pointed out that 200 acres had been set aside for future industrial in some parcels, and 400+ acres had been set aside for future growth in parcel #48, while a five acre development with 150 employees would be driven out of the state of Oregon because it was one site removed from what the Council decided to bring into the urban reserves. He understood the need for future housing and industry, but maintained that consideration should be given for existing businesses, taxpayers, and employees.

Mr. Adams said Pacific Plastic's site could not be duplicated anywhere in the region because there were no other sites with railroad service, and because they had \$2.5 million invested in infrastructure on the existing site. If the site was not brought into the urban reserves, the viability of their company would be in jeopardy. He said that there were 20 acres east of Cornelius Pass on North West Union Road which were EFU land, had no development, and which had been included in the urban reserves at no one's request. The land he referred to is north of West Union, behind the service station facility. He asked the Council to think of and protect the existing families and businesses in Washington County, and to not only think of the developers who would come in the future.

**Ms. Susan Alterman, attorney at Lane Powell Spears Lubersky, 520 SW Yamhill St. Suite 800, Portland, OR 97204** appeared to speak on behalf the Halton Company and to urge that site #31 be included in the urban reserves. She summarized a report prepared by Leland Consultants which demonstrated that the strong need for affordable housing and the jobs/housing balance in Lake Oswego would be satisfied by including site #31. She said Leland Consultant Group examined the Goal 10 requirement that called for a mix in range of housing types as it related to the Stafford reserve area. After research correlating Lake Oswego's available vacant and infill land with current land and unit pricing in Lake Oswego, the Leland report concluded that it would be impossible for Lake Oswego to meet the requirements of Goal 10 without the addition of further land inventory.

Ms. Alterman said that according to Clackamas County, the current maximum land price at which affordable housing could be produced is approximately \$100,000 per acre. This is one quarter of the current median price of available land in Lake Oswego. The price differential has remained constant for the past two years. While the price for affordable land has risen from \$60,000 to \$100,000 per acre, the price of land in Lake Oswego has risen from \$250,000 to almost \$400,000 per acre, a 56% increase. To provide a land base for future development of housing that can meet affordable housing requirements, Lake Oswego must add to its land inventory to allow master planning on a scale that can provide a mix and range of housing opportunities. Using Metro growth rates, Lake Oswego will need approximately 350 to 480 acres beyond its current inventory for affordable housing for 2015, expanding to a need of up to 628 acres by 2040.

Ms. Alterman continued that an unforeseen consequence of a lack of affordable housing in Lake Oswego is that the future jobs/housing balance envisioned in current planning efforts will not be achieved. She said the reason was that a high proportion of jobs created in the area would not match the housing/income levels necessary to purchase new housing units. To evaluate this issue, data was taken from a six-mile radius that included the regional centers of Oregon City, Washington Square, and Milwaukie; and which included a population greater than 100,000. A three mile radius was also created that linked the Lake Oswego town center. An average wage earner within the six mile radius would need four jobs for a family of three to achieve the per capita average income seen in Lake Oswego. She said this indicated the average Lake Oswego employee did not live in Lake Oswego.

Leland's report concluded that given the regional and subregional need to achieve affordable housing consistent with legal requirements including Goal 10, and local goals for jobs/housing balance, URSA #31 was a logical addition to the Lake Oswego town center and the affected regional center's land base.

**Ms. Wendy Kellington, attorney for Lane Powell Spears Lubersky, 5205 SW Yamhill #800, Portland, OR 97204** appeared to speak on behalf of the Halton Company to urge the inclusion of URSA #31. She said URSA #31 was described on an aerial photograph that was exhibited to councilors. According to Ms. Kellington, the photograph showed how the parcel was surrounded by encroaching urbanization and exception areas, as well as I-205. She said no one, including four state agencies

"disputed that this was not prime or unique farmland, that it was not completely surrounded, nor first priority for inclusion within the urban reserves." She said URSA #31 was the cheapest to serve of the 72 urban reserves according to a site-specific study performed by URS Griner (sp.). She said even if one disregarded the Griner study, and looked only at the KCM study, it would be only average to serve. She said the statements that it would be disproportionately expensive to serve URSA #31 were not supported by any evidence, let alone substantial evidence.

Ms. Kellington said there was no evidence to support the argument that transportation systems were inadequate to serve URSA #31. She said the Stafford/I-205 interchange was an underutilized interchange by about half. If not adequately urbanized and amortized, it would be a waste of public investment in a very constrained Measure 5/Measure 47 environment. She said minor and major arterial improvements were available to serve the area. She said it had no worse local transportation systems available to it than any other site.

Ms. Kellington said the West Linn School District had asked Metro to add a piece of land outside the UGB to build a school. She said there were four schools existing in the area. All of them except for Lake Oswego High School are outside of the UGB. She said Lake Oswego recently purchased an approximately 40-acre parcel of land outside the UGB for a regional sports complex that was right on the corner of this urban reserve. She said there would be six major ball fields, lights, up to 200 parking spaces, a museum, festivals, and more. She said this was clearly an urbanizing area.

Ms. Kellington said this Stafford Basin met all the legal standards for urbanization. She referred to newspaper articles she had attached to her testimony, going back to 1985 where the executive questioned why Stafford was not included within the urban reserves, and noted that there was an agreement between three cities to keep it out, but that no one could understand why. She said the fact that no one could understand the reason for exclusion put the Council in a tough position. She said all legal standards pointed to inclusion of this land within the urban reserves; and that there was no legal standard to remove it. She urged the Council to apply these legal standards.

**Ms. Judy Eselius, 18018 Skyline Circle, Lake Oswego, OR 97034** appeared before the Council to testify. She said her family had lived in Lake Oswego for twenty years; she believed hers was the only family who owned land in the North Stafford triangle who was actually attempting to farm it. She referred to letters she hand-delivered to the Council on Wednesday, February 12.

Ms. Eselius gave a chronological record of her family's farming history. She said they purchased 20 acres on Wooden Lane, off of Rosemont Road. They put in a well of almost 500 feet depth, and planted 1700 Asian pear trees on seven acres. They hired a Hood River irrigation firm knowledgeable of hillsides, who put in a drip irrigation system. She said the soil was not great and had heavy clay, however, they had been assured by various orchard experts that the Asian pear variety would grow with food and water.

Ms. Eselius said the trees did well until 1989, when the family experienced problems including yellowing leaves and defoliating. She said experts at Oregon State University recommended treatment that resulted in an improvement. They built a barn and bought equipment to facilitate their business, and they joined a co-op with seven other growers from areas such as Woodburn, Salem, Dayton, and McMinnville. Ms. Eselius said their farm is the closest to the metropolitan area and the freeway system.

In 1993 they experienced a major setback in that they could not provide sufficient water to all their trees; and there were 400 trees without water. They bought a new pump for \$6,000, but still had a problem. They

instigated other measures such as crimping off waterlines, putting in another well which would accommodate a larger pump, and returning to the irrigation system. After monitoring water at the well for several months they determined its output, at 20 gallons per minute, is no longer adequate to maintain a good water supply for these mature trees. They now need a double-drip system, however, they have only one line. Ms. Eselius said the aquifer does not have enough water to support their needs. Their goal had been to expand their orchard, but this would not happen because of a lack of water. She said they are members of the Rosemont Property Owners Association, and they would like to see their land be included in the reserves. She said they would do their best to make any development a livable and joyous place to live.

**Mr. Mark Fahey, representing the Rosemont Property Owners Association and the Halton Company,** appeared before the Council to urge them to include USA #31 as an urban reserve. He reminded the Council that they had voted URSA #31 into an URSA during the flooding last February. He said the area is completely surrounded by urban lands, and as such should come into the growth boundary and that moves forward as an urban reserve area.

Mr. Fahey said the land is inadequate for farming. He said Ms. Eselius was the only person in the area who has been able to grow a crop. His company has owned their land since 1977 and has not been able to grow any crop in more than ten years. He said there were better lands in the Willamette valley and to the west of Portland for farming. He said it was not factual to say that Stafford lands are good for farming.

Mr. Fahey reported his organization had used two separate companies to analyze the cost of serving the Stafford area, to either support or dispute what the Metro-hired KCM came up with. Their own studies showed that costs would be even better -- that is lower -- than the costs KCM came up with, which were average. He said they had employed people to master-plan the area, and property owners in their group were ready to move forward. He said they supported the idea of a planned community, and supported the planning process Metro was undertaking. He reminded the Council that the Stafford area was north of I-205, and as such, I-205 had already brought transportation into the area. He said they were near the Stafford interchange, and they had traffic flowing through their area. He said it was not an area that could be used for anything other than urbanization.

**Mr. Robert Carn, registered professional engineer, manager of URS Griner, #1000-500 NE Multnomah, Portland OR 97232,** appeared to speak on behalf of URS Griner. He said his company had studied URSA #31 with respect to the utilities that are available to serve the site, including water supply, sanitary sewer, and storm drainage; to determine whether the KCM report accurately estimated the utility costs used to serve the site. He emphasized that KCM did not have access to some site-specific information, as they stated in their report. He said his company used basically the same approach taken by KCM, however, they had more site-specific information. The Griner analysis and conclusions are in the report which Mr. Carn placed in the record.

Mr. Carn said they looked at two key questions: 1) can utilities be provided, and 2) what would be their relative costs. From an engineering point of view, he reported utilities could definitely be provided to URSA #31. He said of the 72 URSA's that were studied in the KCM report, the cost per equivalent development unit to supply utilities ranged from \$2,800 to \$12,100, with a median of approximately \$4,400. For URSA #31, the KCM estimate was \$4,670. He said the Griner study resulted in a cost of \$3,000. He gave two items as reasons for the different estimates. First, Griner felt the majority of the site could be served with water through a gravity system, while KCM estimated pumping throughout. Second, unknown to KCM at the time, the Unified Sewerage Agency intends to start preliminary planning within the next few months on a 20-million-gallon expansion of the Durham Treatment Plant.

As a result, sewer capacity will be available, and specific costs to provide this service should not be included in the URSA #31 cost. Mr. Carn said, based on Griner's more focused studies, URSA #31 costs are at the low end of projected costs. He said the \$3,000 cost estimate ranks third out of all 72 URSA's. He also said they looked at the time necessary to complete development, and did not see anything that would say that the time is anything other than normal.

**Mr. George Drake, engineer with URS Griner, 500 NE Multnomah St Suite 1000, Portland, OR 97232** appeared to speak with regard to URSA #31. He said he was the engineer responsible for the utility study for the Stafford URSA #31. He did not wish to repeat Mr. Carn's comments but offered to answer questions.

**Presiding Officer Kvistad** asked councilors if they had questions of Mr. Drake. Hearing none, Mr. Drake stepped down.

**Ms. Susan Stevens Hummel, 1600 SW Childs Road, Lake Oswego, OR 97034** appeared to speak about URSA #33, which is her 80-acre family farm/forest that straddles the intersection of Childs Road and Stafford Road. Her family has owned the farm since the 1950's. The focus of her remarks was on the vegetation, hydrology, topography, and management of her property; specifically the land bordered to the south by Ecotopia Lane, to the east by Stafford Road, and to the north by Childs Road.

Ms. Stevens-Hummel reported that from 1981 to 1983 her family planted trees on ten acres which had previously been used as cattle pasture. From 1987 to 1992, some of these trees were sold during the Christmas season. In 1996 she initiated a long-term competition/density experiment with the remaining trees. The objective of the study was to measure responses of tree growth, under store (sp.?) plant diversity, and bird species abundance associated with density. Annual measurements are taken in four permanent sample plots. Results from the study will help establish guidelines for the conversion and management of Christmas tree plantations in Northwest Oregon. In addition to the young forest they planted, their property has approximately 45 acres of mature forest. The mature forest is characterized by a diversity of native plant and animal species, three streams, natural springs and slopes of between 30 to 40%. Dominant tree species include Western Red Cedar, Douglas Fir, Western Hemlock, Red Alder, Wild Cherry, and Big Leaf Maple. She offered the testimony as an over-30-year resident of Stafford Triangle, as a forest scientist, and as a citizen.

Ms. Stevens-Hummel said the forested land on her property is a current and future asset to the Tualatin River Watershed and to local communities. She said she envisioned an educational forest where children and adults can experience upland and riparian managed forest eco-systems.

**Mr. Robert Thomas, 2563 Pimlico Drive, West Linn, OR 97068**, appeared before the Council to speak on urban reserves. He referred councilors to previous written submissions he had sent to the Council. He said he generally opposed any movement of the UGB, or any designation of lands outside the UGB as urban reserves. A hand-written submittal was distributed to councilors at the dais that substantiated his position, particularly with regard to the Stafford Triangle and the city of West Linn. He referred to another article, stating his position that the region would have to grow neither up nor out, and it set forth suggestions to achieving this end.

Mr. Thomas had earlier supplied written evidence that, even assuming low densities, West Linn had at least 27.5 years worth of buildable land left within the UGB. In contrast to the position of West Linn Mayor Thorne and West Linn/Wilsonville School Superintendent Wool, Mr. Thomas maintained there would be no need to expand the UGB along Rosemont Road and Day Road for West Linn's additional

housing needs. He opposed even a slight adjustment or inclusion of additional acres around the school site. He said most of that acreage had been acquired from Mr. Sada, and was outside the UGB, except for .87 acres. The school district has pursued acquisition of other close-by, adjoining properties, called the Bellsmore and Rinkey properties, in which they feel they could put the foot print of the school inside the present UGB. Mr. Thomas further maintained there was no reason to expand the UGB for any playing fields that would be on Mr. Sada's land.

**Dr. W. James Kuhl, Rosemont Property Owner Association, 445 S Rosemont, West Linn, OR 97068** appeared before the Council to speak about the Stafford area. He said the Council had before it a proposal to add 18,000 acres, MPAC proposed adding 13 or 14,000 acres, and there was a third proposal to add only 4,000 acres and wait. He said he thought "they" [not specific] were being very short-sited, and he hoped the Council would not buy into their proposal. He said the Council had done a good job and that the system would allow two or three years [tape unintelligible five seconds] to prove it. After that you could take in the initial 4,000 acres. Dr. Kuhl pointed out that the boundary had not been expanded for 15 years. He said 4,000 acres would be less than 300 acres per year. He said that Councilor Morissette's estimate of 2,000 acres per year was a fantastic accomplishment, and also said 18,000 acres over 43 years would also be a fantastic accomplishment. He urged the Council to continue on with its process.

With regard to URSA #31 and #32, Dr. Kuhl said the issues of cost and the fact that they are farmland could be demolished. He asked, if this area was really reservable farm land, then why did the letter from Mr. Benner suggest that the Council look at 1,259.48 acres to the west of URSA #30. The area had exactly the same soil and topography, the only difference being it was in smaller parcels and less able to be developed. He said the decision was a political one. He urged the Council to stay on course.

**Mr. Leon Laptook, deputy director of Community Action Organization, 1001 SW Baseline, Hillsboro, OR 97123** the largest non-profit social service in Washington County, appeared before the Council to address the needs of low income people. He referred to the vision document, which talked about a prosperous and healthy community that provided opportunities for all its residents; a community that was marked by inclusiveness. He said through their Head Start program, which served 350 low income three and four year olds, they invested many thousands of dollars for each child, providing a comprehensive set of services to those children and their families. He said their families and their social service workers have identified the need for assistance with food and affordable housing as their most pressing needs.

Mr. Laptook said when children are not fed and families do not have adequate affordable housing; when they are at risk of homelessness, or are homeless, children are not ready to learn. They cannot enter the public school systems and achieve. Therefore, they will not be able to reach one of their priority state benchmarks which is "ready to learn." Ultimately, they will not prosper later in life. He said the concept of including affordable housing through a variety of mechanisms such as inclusionary zoning within the existing UGB is a part of the strategy of bringing urban reserve lands in. With the reduction of federal funding for housing they believe it is important that local communities take the lead, take advantage of every opportunity to ensure development of affordable housing, and grow in a way that implements the vision of Metro and everyone in the Metro area.

**Mr. Michael Kapigian, West Linn City Council, 19482 View Drive, West Linn, OR** appeared before the Council to state that the West Linn City Council was not in favor of inclusion of 139 acres into the urban reserves. He said earlier testimony mis-characterized the actions and intent of the city of West Linn. A letter from the city of West Linn contained reasons and justifications for their decision.



Mr. Kapigian said he was speaking on his own behalf. With regard to the 20 acres for the school siting, he said it was his understanding that if that land was not included in the urban reserve, the city could still serve it with extraterritorial water and sewer hook-ups. He did not believe it was imperative to include the 20 acres into the urban reserves. His fear was that as time went on without the school actually being built, the land would be open to any type of development. He said he believed the reason for the mixed signal from the city of West Linn was there was a previous assumption that the city would have the political ability to use that site for public facilities and parks. With further discussion came the realization that since the city does not own that property it would possibly not have full control over implementing master planning, and therefore the land might be developed for commercial or residential areas. The city felt that the additional land would not be necessary for this purpose because there would be enough land within the current city limits, as well as the adjacent UGB to develop out for a significant amount of time.

Mr. Kapigian said he did not believe the city was in the position to provide infrastructure or take on the significant expense of increasing transportation requirements along Rosemont Road and different and other surrounding areas.

**Councilor Morissette** excused himself from the meeting at this point.

**Ms. Christine Clark-King, 20700 N. Collins Rd., Hillsboro, OR 97124** Christmas tree and wine grape grower in northern Washington County, president of the McKay Creek Valley Association, appeared before the Council. She said her association had more than 58 members who farmed 5,500 acres in Washington County, including a variety of crops such as llamas, organic gardening, timber, and other crops. She said since 1986, McKay Creek had appealed over 15 individual cases. In 1989, they brought the first Oregon enforcement order on Washington County for violating their own code. They found 12 to 16 patterns or practices where they were not following their own code, which resulted in the loss of many acres of farm and forest land.

Ms. Clark-King said the second enforcement order is currently in the courts. Its purpose is to protect high value farm land. She said all counties were required to implement the \$80,000 income standard, but because Washington County is a marginal lands county, it took farmers in the county 14 hearings over a ten month period to get them to follow state law, and then they did not implement it in the AF/20 zone. The county wanted only a \$40,000 standard. In that ten month time it took the county to deal with this issue, 1,600 acres of Washington County farm land came up under the pinch. People were caught on one end and the other because the county commissioners did not implement state law. She said there were two counties in the state that have marginal lands. If you were to look at their plan map, you would not see marginal lands designated on it because it is the responsibility of a property owner to prove that it is marginal. This means if you take the five zones, EFC, EFU, AF/20, AF/10, AF/5, and think of them as five pearls, and you have one fake, Washington County chose not to put their four good pearls in a safety deposit box, because they knew they had marginal lands out there. Her husband has been on the planning commission for eight years, and she believed there were between 2,000 and 4,000 acres in the county.

Ms. Clark-King said her point was that her Neighborhood Association's success rate of ninety percent should show that many daft decisions have already been made in Washington County, in and outside of the UGB, resulting in the loss of too much farm land. She said this proceeding was perhaps the first time Metro has flexed its authority to expand the UGB and create urban reserves, but Washington County has been way ahead of Metro for the past ten years.

Ms. Clark-King referred to earlier testimony about the poor, class 4 [land] at the intersection of West Union and close to the Sunset Highway. She pointed out that Don Logan, a Christmas tree expert with more than 500 acres in timber and other crops in Washington County, has never farmed better land than class 4. She said farmers needed to know their long-term investment in property, equipment, and AG services was secure. She asked the Council to reconsider the amount of land it was considering bringing into the reserves. She said all farm land should be excluded from consideration. She said her neighborhood association had stopped Pacific Products. She said the company was a non-conforming use in EFU land and therefore could not expand. She said they had had 20 years to relocate.

**Mr. Karl Mawson, 1924 Council St, Forest Grove, OR 97116** community development director for the city of Forest Grove, appeared to speak to the Council regarding site area #56, known as the Zurfer property. He thanked the Council for its initial recommendation to keep it on the maps. He said the city estimated they would need approximately 378 acres of industrial land. They have about 239, and based on past and recent trends would need 139 for the 2017 time period. He said of the existing 239 acres, if you took out the 40 acres that Mary's has, you would have about 18 that are serviced.

Mr. Mawson said the city needed industrial land for the medium term (the next 20 years). He said the land was needed immediately because it is easily serviced, with service being close to the property line. It was needed in the long term to provide for Metro's employment allocations for the city, and to provide jobs for people living in Forest Grove. He said they have a lot of residential land, and are growing very fast in the residential sector; they want to maintain the status on the industrial side.

Mr. Mawson said the Zurfer property had special qualities that made it important for the region and for Forest Grove. He said there were very few parcels its size. It is shown as 38 acres, but may be as large as 45 acres depending upon the flood plain and [unintelligible] bog [?] is. It has rail access, and is protected from residential development because it is adjacent to the flood plain on one side and existing industrial areas on the other side.

**Mr. Brian Keohane, 18810 SW Kruger Road, Sherwood, OR 97140** appeared before the Council to discuss URSA #46, of which he is a resident. He distributed maps to councilors. He said the site, which is west of 99W in Sherwood was recommended for inclusion by the executive officer as a result of objective application of state-wide criteria. The Council subsequently excluded the site. He reported on recent developments which were not considered at that time that are both objective and subjective. There has been a bond approved by the city of Sherwood, \$7.9 million for a YMCA site, and land had been purchased at this intersection that services URSA #46. It will be a regional recreation center. Land immediately contiguous to URSA #46 has been targeted by the city council for 40 acres of sports fields. Currently Metro, ODOT, and the city of Sherwood are working on a proposal to put in frontage roads on both sides of the 99W in Sherwood, providing access around the city without the use of 99W as a street. This would make URSA #46 an automatic extension of the city without having to use 99W at all. Mr. Keohane said there about 5-600 acres inside the UGB on the west side of 99W in Sherwood, and this would be an extension of that.

Mr. Keohane questioned the criteria upon which site #46 was rejected. According to legal counsel's findings, this parcel was excluded in order to result in a clean boundary. Mr. Keohane felt this was a very subjective or aesthetic criteria on which to exclude 106 acres of exemption land. He pointed out the land has a high efficiency factor, has very few homes on it, many of which are old and of low value, and which could easily be developed to high efficiency, while EFU land in other areas which already have low density on them have been included and those areas are not likely to ever be developed to the types of density that Metro desires.

**Councilor McLain** said the land Mr. Keohane was speaking of was exception land and it was on her short list.

**Councilor McCaig** gave a point of clarification. She said in the executive's original proposal the site was included. However, before it came to Council, Mr. Burton gave a list of five sites he recommended not including, and this was one of them. Mr. Keohane asked Councilor McCaig why this was the case, and she said it was because local governments objected to having the sites included. Mr. Keohane said the administration of Sherwood has since changed, and the new mayor regrets the decision and wishes the city had kept its options open.

**Mr. Dave Stewart, 4012 SE 51st, Portland, OR 97206** Sensible Transportation Options for People (STOP), appeared before the Council to state his organization's strong support for maintaining a tight UGB. He focused general remarks on the transportation implications of allowing boundary expansion at the expense of pursuing a more compact urban form. He said the bulk of congestion is caused by short, local automobile trips. In well-designed and reasonably compact communities, many of those trips could be made on foot, bike, or transit. The LUTRAQ study of a few years ago demonstrated that transit use, walking, or biking are more prevalent in areas that have more compact densities, a variety of compatible mixed uses, and that are designed for easy pedestrian access. To expand the UGB instead of fostering well designed medium density communities will tend to make trip destinations farther apart and to isolate our destinations one from another. The result would be more and longer trips, fewer of which could be accomplished without putting more vehicles on the road.

Mr. Stewart said a community design that requires every adult to own a car is an affordability issue. He said AAA estimates the costs of maintaining a car to be somewhere between \$5,000 and \$6,000 a year. Without this additional expense, a household could put these dollars into houses or other purposes. He said we need to not just encourage affordable housing but affordable communities.

Mr. Stewart said the region's decision to foster new growth in a more compact form than has prevailed for the past few decades will provide the region's citizens more transportation choices without precluding any of the currently available housing options. He said the densities called for in the growth concept wouldn't significantly affect about 75% of the neighborhoods in the region. It would return Portland to roughly the densities that prevailed when he was born.

Mr. Stewart said the current fiscal climate of scarce tax dollars combined with growth strained the region's ability to simply maintain existing transportation systems and other infrastructure. He said the region must favor cost effective growth strategies that maximize the returns from existing public investments and minimize the need for more. A more compact urban form is such a strategy and has the additional advantage of preserving the rural landscapes that we so value in Oregon. Any urban reserve designation should include protection for important natural areas and mandatory affordable housing requirements. The urban reserve designation, whatever its size, should include master planning provision. Any land designated for future urban growth expansion must include guarantees that the newly available land meets our regional growth management goals and objectives.

**Mr. Raymond Hites, 8827 SE Holgate Blvd., Portland, OR 97266** land use chair for the Lents Neighborhood Association, appeared before the Council to speak about the potential for flooding. He said Council's actions could put more than 2,000 homes and businesses in the Johnson Creek Flood Plain at risk. He said this would include sites #1, 2, 3, 4, and 5, which were in the upper Johnson Creek Water Shed. Mr. Hites discussed the Johnson Creek Resources Management Plan which was completed in

1990. Two-thirds of the watershed is inside the current UGB. At full build-out, they would expect an increase of approximately 2% in the ten-year flood or the 100-year flood. However, with full build-out throughout the watershed, expected flows in a ten year storm would increase 77.3% and in a 100-year storm would increase 61.5%. In specific terms, today a ten-year storm would create 2,030 cubic feet per second of flood flow. At full build-out, it would be 3,600 cubic feet per second, which would be more than today's 100-year flood of 3,220 cubic feet per second. He said this was due to increases in pervious surfaces and vegetative cover.

Mr. Hites said Lents is a town center in the Region 2040 Plan. However, the employment area in Lents is within the flood plain of Johnson Creek. The association is dealing with flooding through their current Lents Target Area Revitalization Planning effort, aimed at redeveloping the area. He said it would cost so much to develop within the employment area due to increased flooding that it would not be useful to continue to plan for it. A small project like Brookside would cost \$2.8 million and would give only sixty-acre feet of storage. Resources say 1,000 acre feet would be needed in order to have 25 to 50 year flood protection. If it increases on top of that, he said they would have to double it again.

Mr. Hites said Metro's Utility Feasibility Analysis completely ignored this possibility. The report, dated June 1996, said the below average cost for URSA's 1 through 5 could be misleading, because they are in the Johnson Creek Basin, and flooding problems that currently exist in the lower parts of the basin could require greater detention in the upper basin than the design parameters assumed in the study. In addition to Lents, Mr. Hites said Pleasant Valley, the Sycamore area, Gilbert, North Clackamas along Johnson Creek Blvd., Milwaukie and all of the industrial areas there would also be affected.

**Mr. Jerry Parmenter, registered professional engineer, 16930 SE Siler Ridge Lane, Beaverton, OR 97007** appeared on behalf of 291 petitioners on Cooper Mountain to delete site #113, the northern-most portion of site #49. He said he would speak about three main areas: 1) the averaging effect that suitability analysis for site #49 urban reserve ratings has on skewing the rest of the ratings for site #113, 2) the broad support to delete #113, and 3) the opportunity to protect a unique and natural resource, a visual feature on Cooper Mountain.

Mr. Parmenter referred to an aerial photograph of site #49, which came from the toe of Bull Mountain to the top of Weir Road. The southern half is a very gentle slope, open fields, with a lot of large parcels. The top, on the other side is heavily forested with a lot of small parcels, highly vegetated, and with steep slopes and some significant natural resource areas. He said site #49 as a whole has an average 10% slope, where site #13 by itself has a 50% grade of slope or 15%. [Editor's note: Mr. Parmenter refers to site #113, and site #13, apparently interchangeably. They are recorded here as spoken by Mr. Parmenter.] When considering #49 as a whole the suitability analysis produced aggregate factors that skewed the rating for site #13.

Mr. Parmenter said the impact of varying characteristics were noted in depth on page 7 through 9 in Metro's findings and conclusions. Specifically, new suitability ratings were determined after re-analysis of URSA's where resource lands were removed for environmental reasons in service constraints. As an example he pointed out that sites #1, 69, and 70 were modified to eliminate less efficient land, and site #20 acreage was excluded based on its "parcelized existing development."

Mr. Parmenter referred to written testimony he submitted. He said site #113, provided an excellent opportunity to retain a buffer or a transition area between the Metro Cooper Mountain natural preserve on the West, and the Murrayhill Development on the East.

Regarding the level of support for deletion of #113, he said 92% of the 291 petitioners lived outside of the site, in the Murrayhill area and other areas surrounding #113. He referred to other supporters including Mr. Houck who said this was one of the areas that should be singled out as an area that should be deleted or at least modified. The Washington County Board of Commissioners had written a letter requesting that the area not be included. He also referred to pertinent Metro legislation regarding More parks and greenspaces, including 95-2113, 94-2015, 94-2029B, and 96-2275.

**Mr. John Stedman, software engineer, 16999 SW Siler Ridge Lane, Beaverton, OR 97007** appeared to request that site #113 be deleted from urban reserves. He said the Cooper Mountain site offered the community the opportunity to protect the physical, visual habitat, and natural environmental features provided by forested head waters of streams on the east and south slopes of Cooper Mountain before they were lost or altered forever. He exhibited photographs of two well-known mountains in the Metro region that were in contrasting situations: Mount Tabor in Southeast Portland, where the bottom half has been developed and the top half has been preserved as a large park and open space; and Bull Mountain in Tigard where large stands of evergreens to protect distinct visual and environmental features have been lost due to rapid development. Bull Mountain development has led to hazardous erosion, drainage and down stream flooding problems.

**Mr. Keith Aden, PO Box 1501, Lake Oswego, OR 97035** appeared to speak with regard to property located on Stafford Road directly north of map #36: 26505 SW Stafford Rd., a 50 acre parcel zoned EFU. He assumed the property has been passed over because of its EFU designation. He said the property has been in the family for 122 years, and he was the fourth generation. In those 122 years, he said there have been two homes on the property, one built in 1876 and one built in the 1940s. The combination of the rental built in the 1940s, and the farm income, and the green belt tax deferral just barely manages to pay the taxes.

Mr. Aden said the land is not prime farm land, and is surrounded on all sides by development. There are five-acre mini-farms on one side, and on the other is a plot of land being developed by Don Morissette. He said there were 119 homes on 20 acres directly next door to him, and a piece of property directly behind that Tektronix owns, which he assumes they will develop soon. There is a piece of property on the other corner that Robert Randall is building apartment buildings on. Because the city limits line is the back of the property, and the UGB property line is there, the imaginary line that has been drawn in the back yard of his property has caused an injustice. He said there was not an adequate buffer between heavy density and farmland. He said there are situations where small properties such as his have been overlooked.

Mr. Aden said he did not plan to develop the land, but rather to use the property for the family's own use. His late father, who passed away a couple of months ago, said he had hoped to see the land freed up for the family's use and enjoyment, but didn't expect to see it in his lifetime. Mr. Aden said he hoped it would be included in the urban reserve so he could build a third house on the property, or if not in his lifetime, at least his son could. His son would be the fifth generation Aden on the property. He hoped it would not be until family had owned the property for 165 years that they had another chance.

**Ms. Sue Findlay, PO Box 3377, Portland, OR 97208** co-owner of the Halton Company with her brother, Ted Halton thanked the Council for its continuing courage in bringing URSA #31 into the urban reserves. She purchased a home this fall, and did a personal review of housing prices in the metropolitan area, and was hard-pressed to find very many homes under \$100,000. She said in the next few years, the region will not only have a shortage of low-income housing, but it will be difficult for middle income

people to own a home. She said it was the right decision to make #31 an urban reserve to provide a mix of housing choices and use types to an area that badly needs both.

**Mr. Dave Zagel, 3104 NE Schuyler, Portland, OR 97212** member of Association of Oregon Rail and Transit Advocates (AORTA), which is a member of the Coalition for a Livable Future (CLF) appeared before the Council to express support for the testimony of AORTA and the CLF testimony which called for a tight lid on growth of the UGB. He said only very limited expansion of the growth boundary is necessary. He emphasized the council's opportunity to effect a positive development for the region. He said it is only now that the growth boundary is being tested. He made two points that a tight UGB would effect: 1) it would reduce the cost of providing urban services like water, sewer, and transportation throughout the region, and 2) would promote the development of under-utilized urban and suburban properties within the region.

Mr. Zagel referred to two recent events which illustrated a potential vacuum for leadership in the region. The first was Steve Duin's column speaking of the recent death of Herb Coen, the columnist from San Francisco. In the column Mr. Duin questioned whether there were strong characters in the region who believed in the region and would continue to protect and preserve our livability. The second event was Mr. Burton's address to the City Club. His speech was entitled "Is there a future after Tom McCall?" He said the Council had the opportunity to fill the vacuum, and urged it to use the means before it to secure a more livable future for the region.

**Mr. Zephyr Moore, 2732 NE 15th, Portland, OR 97212** asked the Council to "plan for people and wildlife in the Metro region today, so we will have birdsongs in the twenty-first century." He said in compacting the people, there was a need to plan for wildlife. The Metro region would have wildlife in the 21st century only if we have more green space between Metro's greenspaces. He said the region's inhabitants needed to stop planting invasive non-native plants such as English Ivy. He said the Metro region should adopt the Portland plant list, should encourage the planting of native vegetation, and should enforce the prohibited portion of this list. "Bugs, bees, and birds need food, water, and shelter; and need native habitat." He said native plant sites should be developed, and citizen salvage groups asked to collect and disperse native plants throughout the region. He said he was working a site in Tigard where he had been collecting plants for three months, and had moved a number of them into various sites in the Metro region.

Councilor McCaig reviewed

**Mr. John Skourtes, 17010 SW Weir Rd, Beaverton, OR 97007**, reminded the Council that they represent a large base of silent majority, 90% of the individuals that address the Council have very limited scopes or very pointed agendas. He had been through this planning process, at best it was not an exact science. There had been thousands spent on studying this issue and the Council came up with a fairly good compromise, 18 to 20 thousand acres. He assured the Council that the silent majority was behind the Council. There were extremists that wanted no growth, they were not realistic. The Council represented 1.5 million individuals in the region, the Council must look at the silent majority that did not have an agenda. There must be growth, the Council came up with a good compromise. The Council was not saying that these areas would be urbanized right away, it may vary 5 to 30 years. No one had the foresight to refine closer than what had already been refined. He felt that a good compromise was 20,000 acres. The people that counted would back the Council's decision. The extremist would say that the Council was giving it away. One must leave emotions out of it, the Council represented too many people, not just those who addressed the Council. There must be growth whether individuals liked it or not. No one could predict what had happened in the past 20 years much less the next 20 years. In summary, he liked the way the Council compromised. Many of these decisions were gray, not black and white. The

public must understand it was not an exact science in making these decisions, it was very difficult. He noted the individuals that had a one acre parcel or 5000 foot lot and wanted all of the area around them to stay urban. He felt that the region had out grown that type of provincialism in Portland Oregon. He spoke directly to those individuals who wished to exclude the north portion of Area 49. He doubted that these individuals controlled more than 30 acres.

**Mr. Greg Leo, Greg Leo Company/Halton Company, 11358 SW 25th Ave. Portland, Oregon,** had recently left the position as Director of Government Affairs of the Oregon Farm Bureau Federation. He noted the meeting with the Clackamas County Farm Bureau where he had discussed the issue of the Urban Growth Boundary and got their unanimous vote on a letter which he read into the record (a copy of the letter from Paul Iverson may be found in the Permanent Record of the Urban Reserves in the Council Office). He added that these farmers agonized over these decisions, they knew that people owned this ground and respected their right to make the decision but at the same time they realized farmland was a precious resource that needed to be preserved.

**Councilor Naito** said that she felt a shorter period of time would allow the Council to take out the Urban Reserves property that was EFU land in Washington County now and then with the implementation of Function Plan hopefully that would never be needed. Did the Clackamas County Farm Bureau discuss that trade off?

**Mr. Leo** responded that the Clackamas County Farm Bureau was pleased that the Council was taking these acres in a piece at a time and that it did not all come in now but rather was put in reserve then brought in as needed. In terms of the Washington County pieces, they deferred to their brothers and sisters in Washington County Farm Bureau. As a person who had previously carried this policy, when individuals said 'don't expand the Urban Growth Boundary', even the farmers recognized that this was unrealistic given the population pressure the region faced. The Clackamas County Farm Bureau did not have any specific recommendations about any parcels in Washington County.

**Councilor McCaig** asked if the Clackamas County Farm Bureau had an opportunity to discuss the 35 years versus the 43 years.

**Mr. Leo** responded yes, Clackamas County Farm Bureau would prefer the 43 years.

**Councilor McCaig** asked, even if it meant that two sites in Washington County would be included?

**Mr. Leo** said that they were not presented with the trade off precisely in those terms. They generally thought a longer horizon was better for farming in this region. There must be a longer time to pay out the cost. This was a very capital intensive activity. They thought that the 43 year horizon gave them a reasonable expectation of how long they would be able to farm a piece of ground.

**Councilor McLain** said that the point that she got from the letter was that the 43 year time frame was certainty. People didn't want to have to wait 5 or 10 years until the next planning horizon kicked in. They wanted to know now if this was truly a long term, decade after decade type of urban forum that the Council was supporting.

**Mr. Leo** affirmed Councilor McLain's summary. They were afraid of being nibbled to death by ducks.

**Jim Hansen, 5767 Suncreek Dr., Lake Oswego, OR 97035**, noted that he had submitted what he was about to say into the record. (A copy of this letter and his song may be found in the Permanent Record of the Urban Reserves in the Council Office).

**Presiding Officer Kvistad** closed the public hearing. He noted the process from this point forward. Written testimony would be accepted until February 18, 1997 at 5:00 p.m. All amendments must be submitted by Tuesday at 5:00 p.m. as well. Those amendments that had not been received by that time would require a 4 vote of Council in order to be brought forward. The next Thursday's Council meeting would consider any amendments. If there were no amendments for the next Thursday meeting then the Ordinance could be adopted at that meeting and become law. If there were amendments for the February 20, 1997 Council meeting, the final vote would occur the week following.

**Councilor McLain** added that on the Growth Management Committee meeting on Tuesday, February 18, 1997 at 3:30 p.m. the Council had been invited to join the committee to review another aspect of the urban reserve ordinance which was the Metro Code. There would be a public hearing at the committee meeting for input on this aspect so that the amendment packets could be submitted to the Presiding Officer.

## **7. URBAN SERVICE BOUNDARY WORK SESSION**

**Presiding Officer Kvistad** reviewed the process for the Urban Service Boundary which was to either vote on what had been put in front of Council thus ratifying the ordinance or to make amendments to the ordinance and send the amended ordinance back to the jurisdictions for their review before final action. He asked Mr. Cooper to give an overview based on his memo to the Presiding Officer.

**Mr. Dan Cooper** noted the new handout, Ordinance No. 96-665A. The "A" version of the ordinance, beginning on page three, had some editing. The reasons for the preparation of an "A" version was to make a technical correction to conform the words of the ordinance to the map that the parties used when they reached their agreement, as to what was in and what was out. It turned out that there was some inadvertent deletions or orphan sites which were not described in the text that the map indicated would go in various directions. He recommended to the Council that they first move to substitute the "A" version for the ordinance before the Council so that what the Council started off with before any further action was taken was the technically correct version which conformed to the map that was presented as part of the settlement agreement that was presented to the Council at the last Council meeting.

**Motion to Amend:** **Councilor Naito** moved to amend Ordinance No. 96-665.

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

**Vote:** The vote was 4 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present. Councilor McLain, Naito, Washington and Presiding Officer Kvistad voted aye.

**Discussion:** **Mr. Cooper** reviewed Kvistad Amendment One which would be to delete the language on page 3 in paragraph 1B. The effect of that deletion would be that the property that was on the original map (the large piece of red and the small island north of Garden Home Road) would be deleted from the unincorporated territory that would be included within the Portland side of the Urban



Service Boundary. The effect of this amendment would be to move the Urban Service Boundary in that portion of unincorporated Washington County back to the Washington Multnomah County line.

He had recommended to the Presiding Officer if the amendment was adopted that the record be left open for approximately two weeks to give the parties an opportunity to submit any additional evidence they may have that would demonstrate why that was or was not a rational Urban Service Boundary before the Council adopted the ordinance. There was a likelihood of a legal appeal if the governmental bodies did not accepted this, particularly if Portland objected to it. He was unsure if Beaverton was interested in this. This was one of the questions that the Council would find out if they gave the parties a couple of weeks to respond to this motion and see where they were. Then, they could look at that evidence and have an opportunity to advise the Council as to whether it was sufficient or not. At this point the evidence that was in the record was the evidence that all the parties used to justify their conflictly comprehensive plans. Metro had the evidence that Beaverton used when it adopted a comprehensive plan showing it provided service up to the County line. There was also evidence that Portland used when it adopted a comprehensive plan going further out into Washington County. His office had not read that evidence or evaluated it at all in terms of the quality of it. If there was going to be a legal challenge it would be worthwhile for the parties who were really at interest to have the opportunity to put their best legal evidence into the record. Once the evidence was in, both the Council and the Legal Counsel should review it. If the evidence supported the decision the Council wanted to continue with, Mr. Cooper recommended they go forward.

**Councilor McLain** said that it was her understanding that in the last six years she has served as a Metro Councilor that there had been twelve years for those jurisdictions to put their best foot forward on their own personal reasoning. She personally listened to testimony at the last Council meeting from the Mayor of Beaverton as well as some of the other individuals that were involved in that process and discussion in Beaverton, that said this was the compromise that they all had come to, they had given reasoning before where they were very interested in these areas.

**Mr. Cooper** said he was not disagreeing that there may be evidence in the record now. Metro had not conducted this process as long as the parties had been involved in the dispute. The only thing that Metro had done was to conduct the recent Council hearing, receive the evidence that was brought in as part of the development of the comprehensive plans which was based on the assumption that there was going to be a compromise at the Council level. He said that he was being cautious but he was advising the Council to give people the opportunity after the amendments to hold the record open for a while longer so people could submit in writing their reasons for continuing to support it or to object to it before the final vote would be made.

**Councilor McLain** said she was happy to provide a courtesy to leaving the record open for two weeks but this Ordinance was sent to the Metro Council because it did not work at that level. Metro already had the Executive Officer go through an exhaustive process to bring to him what he could get out of those jurisdictions. It was now the Council's opportunity and their responsibility to take that information and make a decision. She was willing to provide the two week courtesy to allow extra testimony to be put into the record, but as far as sending it back to do another check on the Council's decision, she would not agree to this.

**Presiding Officer Kvistad** clarified that this would be an information courtesy to keep the record open, receive the testimony as well as their comments on the Council's decision prior to final action.

**Councilor McLain** reminded the Council that at that recent public hearing there was a letter from Beaverton saying that they would accept this area if the Metro Council agreed. Verbally she had heard the same thing from the Mayor of Beaverton. She noted that this was already in the record, she was happy to allow this to be put in again but she did think it was important to understand that this was not a negotiation but a resolution of a twelve year problem that had been coming to the Council ever since she was in the Council in 1991 in one form or another but officially arrived to the Council this year. She said that the Council had been through this, she was ready to vote on the amendments as well as keeping the record open for two weeks as a courtesy, but not want to go back for another advisement or review of what the Council found to be the answer to a question posed to the Council.

**Councilor Naito** asked, the effect of this amendment took the Garden Home neighborhood to the Washington County line and then allowed them into Beaverton, was that correct?

**Presiding Officer Kvistad** said that was correct.

**Councilor Naito** continued that she supported the motion but wanted to clarify that she thought the parties, the governmental entities, did bring to Metro an agreement. In their minds the issue was resolved. As an elected official in their own right, the Council had the ability to listen to the testimony of the individuals that came before the Council and make their own determination which she did make based on the testimony. While she believed they did a good job and everyone was pleased to reach a resolution on the issue, she did not believe that the interests of the citizenry in that neighborhood were well served by the agreement that was reached. She found the testimony from some of the neighborhood people very compelling. The fact they were committed to planning and she could not find any public policy reason why they should not be able to annex into the jurisdiction that they associated with. This was her reasoning why she supported the amendment but she did caution that while it went out to the local jurisdictions the Council should be mindful of the fact that they did bring the Council their agreement and the Council was now changing what they agreed upon. She was not sure what the legal abilities would be but the fact that the Council was trying to extend the courtesy indicated that the Council had listened to some new evidence and this allowed the Council to know how strongly the jurisdictions felt about this in light of the fact that the Council had their own record and listened to the views of the people that would be effected by this decision.

**Councilor Washington** indicated that when this was sent to the Council, and he concurred with Councilor Naito's remarks, that they did bring an agreement to the Council, was the Council expected just to accept it verbatim and rubber stamp it? Was this intended to be just procedural for the Council? If it was intended to be procedural it would have been nice to have known that. The public testimony individuals were very emphatic and made very strong reasons for not wanting to be part of Portland many times over. He felt that he had an obligation to listen and to consider the reasons of the public.

**Mr. Cooper** responded no to Councilor Washington's question about rubber stamping.

**Councilor Naito** believed that there was some language elsewhere in the ordinance requiring planning between the two jurisdictions, would that now extend into the amended area as well?

**Mr. Cooper** answered that the language relating to the comprehensive plan coordinating the urban planning agreements reflecting the Raleigh Hills Town Center area remained unchanged. The boundaries of the Raleigh Hills Town Center remained unchanged and extended into Multnomah County. There would be a joint planning effort which the ordinance did call for and was unaffected by this amendment.

**Councilor Naito** pointed out that this was a real good public policy reason to keep this in and if this was accomplished when it did not matter from the governmental stand point which jurisdictions the individuals belonged to.

**Presiding Officer Kvistad** said that was correct. He then walked the Council through the language of the amendment and maps. He began at the top of the map and worked south. The top of the map was the parcel in dispute that had the covenant in their deed restrictions. He felt that because of the covenant that were in the deed restrictions the Council really did not have authority to move this area into a jurisdiction other than the jurisdiction which there were deed covenants. His second amendment which would be a request would allow them to ask the city for relief. This was not part of Kvistad Amendment One. He then reviewed the county line between the east and the west, the northern section which was from Sunset Highway north, the Council could see a small red section on the map. That section extended previously all the way down to Hwy. 26. Those neighbors along with the neighbors from Garden Home expressed almost unanimous opinion that they would like to go to the City of Beaverton, therefore, that parcel was split. In the northern parcel there was an apartment complex with splits jurisdictions. He felt that having that in Portland allowed the apartment complex not to be split between jurisdictions and would keep the apartment complex intact within the City of Portland. Heading south below Hwy. 26, there were two red parcels, both of those neighborhoods tied directly into the City of Portland side. They only had access to the City of Portland side and he believed that they would consider themselves to be neighborhoods and streets in the City of Portland. Therefore they remained in the City of Portland. Down to the south, directly east of Scholls Ferry Road and north of Beaverton-Hillsdale Hwy. was a section right above the Safeway Grocery Store, that area could only be accessed by going off and to the east from Scholls Ferry therefore it made a much better connection to the City of Portland. South of Beaverton-Hillsdale Hwy. was the area considered Garden Home. In those areas there was overwhelming testimony from the neighbors in Garden Home stating that they believed that they had a direct interest in the City of Beaverton, they felt that that were part of the City of Beaverton and requested that they remain in the area of influence of the City of Beaverton. There was a double annexation petition before the city council for them to be annexed at this time to the City of Beaverton. Therefore, that land according to his amendment would be in the Beaverton area of influence thus drawing the line at the county line. He reviewed the language of his amendment which was to delete section 1.B and re-letter section 1.C, D, E, and F accordingly.

**Motion to**

**Amend:** **Presiding Officer Kvistad** moved Kvistad Amendment One to Ordinance No. 96-665A which was to delete section 1.B and re-letter section 1.C, D, E, and F accordingly.

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

**Vote:** The vote was 4 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Presiding Officer Kvistad** announced that the Ordinance was now Ordinance No. 96-665B.

He review Kvistad Amendment Two which was an amendment in the form of a request. This amendment was not binding upon the City of Portland but had to do with requests that Metro had received from property owners in the effected jurisdictions that were currently within the boundaries of the City of Portland yet wholly within Washington County. Many of these areas considered themselves to be in the area of influence of Beaverton but he felt that to have a request where the Council asked the city to

consider the allowance of a deannexation of those areas was appropriate for the Council to put into this ordinance or any changes that would have asked another jurisdiction or have told another jurisdiction how far and how to deal with areas within their jurisdictions would have been inappropriate. He noted that Amendment Two would be a new paragraph number 4 at the end of the ordinance.

**Motion**

**to Amend:**     **Presiding Officer Kvistad** moved the following language, "the Metro Council requests that the City of Portland strongly consider consenting to the deannexation of any territory within its city limits located within Washington County if and when such territory is contiguous to the city limits of the City of Beaverton and a proceeding is initiated to deannex the territory from Portland and annex it to Beaverton."

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

**Discussion:**     **Presiding Officer Kvistad** said that this amendment was in the form of a request to the City of Portland but was not binding on the City of Portland.

**Councilor Naito** said she felt it was entirely appropriate as a regional government that the Council encouraged their regional partners to work cooperatively to the benefit of the region as a whole.

**Councilor McLain** asked Mr. Cooper where the paragraph would be located in the Ordinance?

**Presiding Officer Kvistad** responded that it would be at the very end of the ordinance, page 4.

**Councilor McLain** continued that she liked the "strongly consider" language, it was appropriate. She also liked the idea that the Council was giving a feeling that this might provide for a better boundary or a better service provision. She questioned the deannexation of the territory from Portland to Beaverton, the double majority vote and Measure 47 and the implications of this additional paragraph.

**Presiding Officer Kvistad** said that these areas were already annexed to a jurisdiction. The purpose of the request was not to allow a deannexation simply to go into a neutral status but there was a process in place under current law which allowed portions of and jurisdiction to request deannexation. Then it was up to the city and the jurisdiction involved to either consent or not to consent to such a deannexation.

**Councilor McLain** said that was why she asked the question, the Council had been following the 2040 Growth Concept and the Metro Code changes that were dealing with Urban Reserves and the language that was in this document that encouraged annexations, getting those 122 agreements from the State and making sure that someone was responsible for the services, hopefully a city. In this paragraph would there be a process that would not only deannex but would then annex to the City of Beaverton? Is there language that should encourage them to annex if Beaverton was ready to annex the same said property.

**Mr., Cooper** responded that he believed that this language was already in the paragraph. The intent of the paragraph was that the Council's request to Portland to consent to the deannexation was coupled to there being a proceeding initiator that could validly, if Portland consented, allow the territory to move from Portland jurisdiction to Beaverton. If it was not moving to Beaverton, the Council had not asked Portland to consent.

**Presiding Officer Kvistad** said therefore, the Council had made sure that those areas were covered by a jurisdiction, there was no limbo state. There was a very clear and concise method to the request.

**Councilor McLain** asked if Mr. Cooper had talked personally to Beaverton and Portland about this issue?

**Mr. Cooper** responded that he had talked to the individuals who were concerned who were in this particular area who had asked him to bring this forward so that they would be allowed to bring forward a request to those jurisdictions.

**Councilor McLain** reiterated that she would be happy to give a courtesy of two week just to hear what the jurisdictions had to say about the amendments.

**Vote:** The vote was 4 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

**Presiding Officer Kvistad** announced that Amendment Two to Ordinance No. 96-665A was adopted making this Ordinance No. 96-665B.

**Councilor Naito** added that she understood this had been going on for a long period. She thanked Mr. Mike Burton for his efforts in bringing the City of Beaverton, Portland, the Special Districts, and Washington County together.

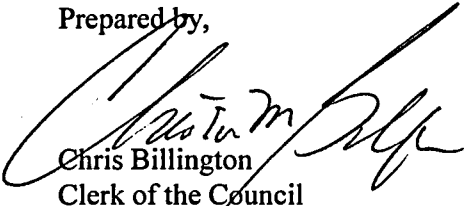
**Mr. Cooper** clarified that having amended the ordinance, it could not be adopted at this meeting.

**Presiding Officer Kvistad** announced that this ordinance was continued for two weeks, it would be transmitted to the local jurisdictions involved and with their ascent this ordinance, as amended, would then go forward to the Council in two weeks for final adoption.

## 8. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 9:30 p.m.

Prepared by,



Chris Billington  
Clerk of the Council

### \*Addendum/Attachments

A copy of the originals of the following documents can be found filed in the permanent record of Ordinance No. 96-655B, in the Council Office.

Document Number  
021397-01

Document Name  
Council Action on Urban Reserves  
12/5/96, 12/12/96/2/6/97

Document Date  
2/13/97

021397-02	Lyrics to Move to California written by James N. Hansen and verbal testimony Jim Hansen 5916 Sunbrook Drive Lake Oswego, OR 97035	2/13/97
021397-03	Rev. Dr. Wayne Bryant Executive Director Ecumenical Ministries of Oregon 0245 SW Bancroft Suite B Portland, OR 97201	2/12/97
021397-04	Verla Fuller Executive Director Housing Services of Oregon 34420 SW Tualatin Valley Hwy Hillsboro, OR 97123	2/11/97
021397-05	Chris Utterback Yama Farms PO Box 1112 Clackamas, OR 97015	2/11/97
021397-06	Petitioners for Cooper Mountain submitted by Jerry Parameter URSA 113	1/27/97
021397-07	Victor and Cecilia Gregory 6995 NW Cornelius Pass Rd Hillsboro, OR 97124	no date
021397-08	Susan Stevens Hummel 1600 SW Childs Rd Lake Oswego, OR 97034	2/13/97
021397-09	Patricia Kliewer 4451 SW 229th Ave Aloha, OR 97007	2/12/97
021397-10	Urban Reserve Tax Lot Boundary URSAs 1-72	2/13/97
021397-11	Gordon Fabor Mayer, City of Hillsboro 123 W Main St Hillsboro OR 97123	2/13/97
021397-12	Daniel Polette	2/11/97

4025 SE Hawthorne Blvd #102  
Portland, OR 97214

021397-13	Linda Bower 6232 SE 158th Portland, OR 97236	no date
021397-14	Dannie Rich (Site 62)	no date
021397-15	Clay Moorhead CDA Consulting Club PO Box 3311 Portland, OR 97208-3311	2/13/97
021397-16	Rev. John Rodgers, Pastor of Vernon Presbyterian Church Portland Organizing Project 4610 North Maryland Portland, OR 97217	2/13/97
021397-17	Hazel Moore (Site 62) no address	no date
021397-18	Rebecca Lester no address listed	2/11/97
021397-19	Joan Batten Action Chair of the W. Clackamas County League of Women Voters 18938 Longfellow Ave Lake Oswego, OR 97035	2/13/97
021397-20	Charles Hoff (no address listed)	2/13/97
021397-21	Beverly Killian 6685 SW Sagert #11 Tualatin, OR 97062	no date listed
021397-22	Thomas Gregg 5340 NW 253rd Hillsboro, OR 97124	2/13/97
021397-23	Paul Iverson President Clackamas Co Farm Bureau	2/13/97

(no address listed)

021397-24	Janice Frater, Chair Housing and Community Development Commission 808 SW Third Ave Room 600 Portland, OR 97204	2/10/97
021397-25	Tasha Harmon Steering Committee Coalition for a Livable Future no address listed	2/13/97
021397-26	Zack Semke Coalition for a Livable Future 534 SW 3rd Suite 300 Portland, OR 97204	2/13/97
021397-27	Jessica Glenn Representative of the Housing Advocacy Group 1001 SW Baseline St Hillsboro, OR 97123	2/10/97
021397-28	Doug Draper General Manager Genstar Land Company NW Site 54 & 55	2/13/97
021397-29	MPAC URBAN RESERVE STUDY AREA Recommendations	2/12/97
021397-30	City of Happy Valley Map	2/13/97
021397-31	Linda Peters, Chair Board of County Commissioners Washington County, Oregon 155 North First Ave Suite 300 Hillsboro, OR 97124	2/13/97
021397-32	Jill Thorn, Mayor City of West Linn 22825 Willamette Dr PO Box 48 West Linn, OR 97068	2/13/97
021397-33	Bruce Andrews, Agriculture	2/13/97



Richard Benner, Land Conservation  
and Development  
J. Landon Marsh, Environmental  
Quality  
William C Scott  
Economic Development  
Grace Crunician, Transportation  
State of Oregon  
(no address listed)

021397-34	Tom Neff West Linn City Council	2/13/97
021397-35	Jerry Parmenter 16939 SW Siler Ridge Beaverton, OR 97007	2/13/97
021397-36	Kent Seida Kent Seida Construction 17501 SE Forest Hill Dr Clackamas, OR 97015	2/13/97
021397-37	Wendie Kellington Lane Powell Spears and Lubersky 520 SW Yamhill St Suite 800 Portland, OR 97204	2/13/97
021397-38	Marcus Simantel 31025 NW Scotch Church Rd Hillsboro, OR 97124	2/13/97
021397-39	M'Lou Christ 904 SE 13th Portland, OR	no date
021397-40	Gregory Hathaway Davis Wright Tremaine and Dick Waker Waker Associates Inc no address listed	2/13/97
021397-41	Mr. Patton URSA 13 map	no date
021397-42	Brian Keohane URSA 46 (Sherwood) Map	no date
021397-44	Allen Taylor for	2/13/97

Holcomb-Outlook CPO  
16101 S Hilltop Rd  
Oregon City, OR 97045  
URSA 17 & 18

021397-45	Emma Steen RDL 2304 SW 64th Ave Portland, OR 97221	2/13/97
021397-46	Don Schellenberg Oregon Farm Bureau 3415 Commercial St SE Suite G Salem, OR 97302	2/13/97
021397-47	Jim Standring Alpha Engineering Inc Plaza West Suite 230 9600 SW Oak Portland, OR 97223 Site 62 & 63A	1/31/97
021397-48	Marion and Ann Unruh 16024 SE Monner Rd Portland, OR 97236	2/3/97
021397-49	Dr. Sylvia Rhimin and Bill Pendaruis ( no address)	no date
021397-50	Sandy Van Bommel 14753 SE Monner Rd Portland, OR 97236	2/13/97
021397-51	Duplicate letter sent by to following individuals: Larry Hudson 11950 SE 147th Ave Portland, OR 97236  Kristine Warren and Rhonda Garden (no address listed)  John and Rita Madsen 15050 SE Monner Rd Portland, OR 97236  Dolly & Michael Clarizio (no address listed)	no date listed

James Lisac  
14860 SE Monner Rd  
Portland, OR 97236

Harold Kay  
14770 SE Monner Rd  
Portland, OR 97236

Janet Hernson  
14810 SE Monner Rd  
Portland, OR 97236

Leah & Tom Fifth  
15000 SE Monner Rd  
Portland, OR 97236

Sandy Van Bommel  
14753 SE Monner Rd  
Portland, OR 97236

Annette & Jim Stark  
17190 SE Hagen Rd  
Boring, OR 97009

Norman Sielmette  
16992 SE Hagen Rd  
Portland, OR 97236

Lynne Curry  
16886 SE Hagen Rd  
Boring, OR 97009

Dianne Vollem  
16962 SE Hagen  
Boring, OR 97009

Robert Curry  
16886 SE Hagen Rd  
Boring, OR 97009

Sally Stuerhoff  
16764 SE Hagen Rd  
Boring, OR 97009

Mike Leong  
16732 SW Hagen Rd  
Boring, OR 97009

Emily & Donald Doot

16342 SE Hagen Rd  
Boring, OR 97009

Timothy Heinson  
14810 SE Monner Rd  
Portland, OR 97236

Betty Pendovuis  
11781 SE 162nd  
Clackamas OR 97015

Mary Kuroye  
11190 SE 172nd  
Portland, OR 97236

Pam Snykal  
12210 SE 162nd  
Clackamas OR 97015

Dorothy Leona and Howard  
Postlewaite  
11936 SE 162nd  
Clackamas, OR 97015

Delores Mendoln  
11060 SE 172nd Ave  
Boring, OR 97009

Scott Pendarvis  
16581 SE Hagen Rd  
Boring, OR 97009

Larry Schnell  
1666 SE Hagen Rd  
Boring, OR 97009

Dora Hall  
12442 SE 162nd  
Clackamas, OR 97015

Jocelyn Howells  
11870 SE 154th Ave  
Portland, OR 97236

Phyllis Hall  
12442 SE 162nd  
Clackamas, OR 97015

Prudence Stavig

11695 SE 147th  
Portland, OR 97236

Margaret Wright  
11590 SE 147th Ave  
Portland, OR 97236

Evelyn Etzel  
11690 SE 147th  
Portland, OR 97236

Janet and Robert Balmer  
12100 SE 158th Ave  
Portland, OR 97236

Mike and Karen Consbruck  
16888 SE Hagen Rd  
Boring, OR 97009

Dieter Franck  
17158 SE Hagen Rd  
Boring, OR 97009

Edouard Pecourt  
11870 SE 154th  
Portland, OR 97236

Samuel Tse  
15032 SE Monner Rd  
Portland, OR 97236

Marceil Howells  
11870 SE 154th Ave  
Portland, OR 97236

Yoshio Abl  
15100 SE Monner Rd  
Portland, OR 97236

021397-52	Rev WJ Mark Knutson Pastor Augustana Lutheran Church 4526 NE 27th Portland, OR 97211	2/13/97
021397-53	Bob Thomas 2563 Pimlico Dr West Linn, OR 97068	2/13/97
021397-54	Robert Thomas	2/13/97

2563 Pimlico Dr  
West Linn, OR 97068

021397-55	David Zagel Z Design 3104 NE Schuyler Portland, OR 97212	2/13/97
021397-56	Doug Bollam 3072 Lakeview Blvd Lake Oswego, OR 97035	2/13/97
021397-57	Cornelius Pass/West Union Map	no date
021397-58	Chris Cocker Project Manager David Evans and Associates 2828 SW Corbett Ave Portland, OR 97201	2/13/97
021397-59	Richard Peschka Van Dyke Seed Co Inc 31345 NW Beach Rd Hillsboro, OR 97124	November 1996
021397-60	URSA #59 photographs	no date
021397-61	Kathryn Evers 13587 NW Logie Trail Rd Hillsboro, OR 97124	January 1997
021397-62	William Cox Land Use and Development Consultant Project Management 0244 SW California St Portland, OR 97219	2/13/97
021397-63	John Fregonese Director, Growth Management Services Metro 600 NE Grand Portland, OR 97232 Urban Reserve #64	2/18/97
021397-64	Petitioners opposed to increasing the Urban Growth Boundary Circulated by 7th Principle Environmental Group, First	no date

Unitarian Church  
no address listed

021397-65	Lowell Patton PO Box 85 Carver, OR 97015 Map 12	2/13/97 also attached letter of 1/2/96
021397-66	Barbara & Steve Jacobson 15915 SW 150th Tigard, OR Map 48	2/10/97
021397-67	Lorraine Heller and Bob Powne 8600 SW Leahy Rd Portland, OR 97225	2/4/97
021397-68	Edythe and Murray Robbins 16409 SE Hwy 212 Clackamas, OR 97015	2/10/97
021397-69	Chere DeForest 12085 SW 135th #100 Tigard, OR 97223	2/11/97
021397-70	Kevin Finn 15480 SW Woodwind Ct Beaverton, OR 97007	2/11/97
021397-71	Valerie Schaffroth 17780 SE Hwy 212 Clackamas, OR 97015	2/12/97
021397-72	Lee and Charlene Schweizer 16109 SW Hwy 212 Clackamas, OR 97015	2/12/97
021397-73	Chet Orloff Executive Director Oregon Historical Society 1200 SW Park Avenue Portland, OR 97205	2/12/97
021397-74	Carol Witbeckl 15031 SE Royer Rd Clackamas, OR 97015	2/13/97
021397-75	Mark Whitlow Bogle and Gates PLLC	2/12/97

222 SW Columbia  
1400 KOIN Center  
Portland, OR 97201

021397-76

June Olson  
Cultural Resources Specialist  
Confederated Tribes of Grand  
Ronde  
9615 Grand Ronde Rd  
Grand Ronde, OR 97347

2/13/97

021397-77

April DeBolt  
5625 NW 137th  
Portland, OR 97229  
Mary Manseau  
5230 NW 137th  
Portland, OR 97229

2/13/97

021397-78

Peter Wright  
12923 SW Goodall Rd  
Lake Oswego, OR 97034

2/13/97

021397-79

Representative Chris Beck  
Representative Margaret Carter  
Representative Ryan Deckert  
Representative Kurt Schrader  
Representative Dan Gardner  
Representative Mike Fahey  
Representative Ron Adams  
Representative Richard Devlin  
Representative George Eighmey  
Representative Frank Shields  
Representative Anitra Rasmussen  
Senator Kate Brown  
Senator Randy Leonard  
State Capitol  
Salem, OR 97310

2/13/97

021397-80

Patricia Kliewer  
4451 SW 229th Ave  
Aloha, OR 97007

2/5/97

021397-81

Wendie Kellington  
Lane Powell Spears Lubersky LLP  
520 SW Yamhill Suite 800  
Portland, OR 97204  
(submitted additions to the Urban  
Reserve Designation Decision  
Record Received from 11/21/96 to

2/13/97



Present

021397-82	Shelley Signett 18900 NW Lapine St Portland, OR 97229	2/9/97
021397-83	Jim Standring Westland Industries 5 Nansen Summit Lake Oswego, OR 97035	2/14/97
021397-84	Robert Van Brocklin Stoel Rives LLP 900 SW 5th Ave, Suite 2300 Portland, OR 97204	2/14/97
021397-85	Robert Van Brocklin Stoel Rives LLP 900 SE 5th Ave Suite 2300 Portland, OR 97204	2/14/97
021397-86	Jim Crumley Community Development Director City of Happy Valley 12915 SE King Rd Happy Valley, OR 97236	2/18/97
021397-87	Jerry Parmenter (Site 113) No address	2/17/97
021397-88	Jerry Marshall 450 Rosemont Rd West Linn, OR 97068	2/17/97
021397-89	F.Scott Farleigh Farleigh, Wada and Witt PC Attorneys at Law 121 SW Morrison Suite 600 Portland, OR 97204	2/18/97
021397-90	Al Benkendorf AICP The Benkendorf Associates Corp. 522 SW 5th Portland, OR 97204	2/18/97
021397-91	Gordon Faber, Mayor City of Hillsboro 123 W Main St	2/17/97

Hillsboro, OR 97123

021397-92	Nick Sauvie Executive Director Rose Community Development Corp. 72111 SE 62nd Ave Portland, OR 97206	2/18/97
021397-93	WK Klammer, Mayor City of Lake Oswego 380 A Avenue PO Box 369 Lake Oswego, OR 97034	2/18/97
021397-94	Richard Ross Project and Policy Development Team Manager City of Gresham no address listed	2/18/97
021397-95	Susan Alterman Lane Powell Spears Lubersky 520 SW Yamhill Suite 800 Portland, OR 97204	2/18/97
021397-96	Newspaper articles on urban reserves: Lake Oswego Review	11/2/95, 10/26/95 and 2/4/97
021397-97	Wendie L. Kellington No address listed	2/19/97
021397-98	Agricultural Goal Exceptions Statement No name or address listed	10/30/78
021397-99	Hobson Johnson & Associates No name or address listed	2/18/97
021397-100	Tasha Harmon Coalition fo a livable Future 802 SE 27th Ave. Portland OR 97214	2/18/97
021397-101	Testimony and Proposed Findings Submitted by the City of Hillsboro No address or name listed	2/18/97

021397-102	Keith M. Aden PO Box 1501 Lake Oswego, OR 97035	12/1/95
021397-103	Keith Aden PO Box 1501 Lake Oswego, OR 97035	2/21/97
201397-104	The Halton Co. Lane, Powell, Spears & Lubersky 520 SW Yamhill St. Suite 800 Portland, OR 97204	2/18/97
021397-105	Home Builders Association of Metropolitan Portland Kelly Ross 15555 SW Bangy Rd. Suite 301 Lake Oswego, OR 97035	2/18/97
021397-106	Gregory S. Hathaway Davis Wright Tremaine LLP 1300 SW Fifth Ave. Suite 2300 Portland, OR 97201	2/18/97
021397-107	Keith & Rebecca Berger No address listed	2/18/97
021397-108	Joseph W. Angel Stoel Rives LLP 900 SW Fifth Ave. Suite 2300 Portland, OR 97204	2/18/97
021397-109	Minnie Mae Petersen Revocable Trust & Larry Petersen Stoel Rives LLP 900 SW Fifth Ave. Suite 2300 Portland, OR 97204	2/18/97
021397-110	Stephan Lashbrook, AICP Planning Director City of Wilsonville 30000 SW Town Center Lp. E. Wilsonville, OR 97070	2/18/97
021397-111	Overhead projector sheets of Urban Reserve Sites	2/13/97
021397-112	Lou Ogden Mayor of Tualatin City of Tualatin PO Box 369	2/20/97

021397-113	Tualatin, OR 97062 Rob Drake, Mayor City of Beaverton 4755 SW Griffith Drive PO Box 4755 Beaverton, OR 97076	2/20/97
021397-114	Sonny Conder memo to Larry Shaw 2017 Capacity Target by Town Center Area and Resultant Jobs- Housing Patio - Hillsboro	2/18/97
021397-115	Jerry Parmenter to Jon Kvistad Site 113 deletion reasons	2/17/97
021397-116	Karl Mawson Community Development Director City of Forest Grove PO Box 326 Forest Grove, OR 97116	2/18/97
021397-117	Mayor Gordon Faber City of Hillsboro 123 W Main Hillsboro, OR 97123	2/17/97
021397-118	Metro to Jurisdiction TAZ Conversion Factos 12/5/95	2/18/97
021397-119	William Cox Attorney at Law 0244 SW California St Portland, OR 97219	2/18/97
	R. Scott Smith President Builder and Developer 21145 NW West Union Rd Hillsboro, OR 97124	2/18/97
	Doug Graf 16400 NW Springville Rd Portland, OR 97229	2/16/97
	John DeJong Technical Engineering Corp 2459 SE TV Highway #367 Hillsboro, OR 97123	2/17/97
	R. Scott Smith Westgate Investment Company 17200 NW Corridor Ct Suite 112 Beaverton, OR 97006	2/18/97

Evidence Presented on behalf of  
land owners in URSA 65

021397-120	Thane Tienson Copeland, Landye, Bennett and Wolf 3500 First Interstate Tower Portland, OR 97201 URSA Site 53	2/18/97
021397-121	William Dickas Kell, Alterman, and Runstein Attorneys at Law Suite 1800 1001 SW 5th Ave Portland, OR 97204 Map 31	2/18/97
021397-122	Richard Ross, Project and Policy Development Team Manager Community Development City of Gresham Gresham, OR 97030 URSA 1 and 2	2/18/97
021397-123	Zephyr T. Moore 2732 NE 15th Portland, OR 97212	2/18/97
021397-124	Oregon City Map Sites 17 thru 26	2/13/97
021397-125	John Fregonese Growth Management Director Metro Estimate of resource lands	2/20/97
021397-126	Paul Brodie 9060 SW 190th Beaverton, OR 97007	2/20/97
021397-127	Gregory Hathaway Davis Wright Tremaine LLP Law Office 1300 SW 5th Suite 2300 Portland, OR 97201	2/8/97
021397-128	Lewis McFarland 5325 SW 63rd Ave Portland, OR 97221	2/18/97

021397-129	Robert Van Brocklin Stoel Rives LLP Attorneys 900 SW 5th Ave Suite 2300 Portland, OR 97204	2/18/97
021397-130	Steven Ladd, Assistant Superintendent Liaison to MTAC Beaverton School District 16550 SW Merlo Rd Beaverton, OR 97006	2/13/97
021397-131	Robert Van Brocklin Stoel Rives LLP Attorneys 900 SW 5th Ave Suite 2300 Portland, OR 97204	2/18/97
021397-132	Meredith Long no address	2/17/97
021397-133	Mike Houck Audobon Society of Portland 5151 NW Cornell Rd Portland, OR 97210	1/18/97
021397-134	Don Logan, President Washington County Farm Bureau 20750 NW Dixie Mountain Rd Hillsboro, OR 97124	2/4/97
021397-135	Shelley Signett 18900 NW Lapine St Portland, OR 97229	2/9/97
021397-136	Jim Standring Westland Industries Inc 5 Nansen Summit Lake Oswego, OR 97035	2/14/97
021397-137	Janice Frater, Chair Housing and Community Development Commission 808 SW 3rd Ave Room 600 Portland, OR 97204	2/10/97

021397-138	Victor and Cecilia Gregory 6995 NW Cornelius Pass rd Hillsboro, OR 97124	no date
021397-139	Fred Nussbaum, President Association of Oregon Rail and Transit Advocates AORTA PO Box 2772 Portland, OR 97208	2/13/97
021397-140	Fred Nussbaum 6510 NW Barnes Rd Portland, OR 97225	2/13/97
021397-141	Tamara Wellner Real Estate Association 9520 SW Barbur Blvd Suite 320 Portland, OR 97219	12/17/96
021397-142	Diane Luther MTAC recommendations memo	no date
021397-143	Nancy Cable 40323 SW LaSalle Rd Gaston, OR 97119	2/11/97
021397-144	Mayor Charlotte Lehan City of Wilsonville 30000 SW Town Center Loop E Wilsonville, OR 97070	2/24/97
021397-145	R. Scott Smith Westgate Investment Company 17200 NW Corridor Ct Suite 112 Beaverton, OR 97006	2/18/97



112146473

## AUDUBON SOCIETY OF PORTLAND

*Inspiring people to love and protect nature.*

February 25, 1997

Chair Jon Kvistad and Metro Council  
Metro  
600 NE Grand  
Portland, OR 97232

Post-it* Fax Note	7671	Date	# of pages
To	<i>Furfey</i>	From	
Co./Dept.		Co.	
Phone #		Phone #	
Fax #		Fax #	

Dear Chair Kvistad and Councilors,

I am writing to offer the strongest endorsement from the Audubon Society of Portland for Metro's recognition of the Tryon Creek Watershed Council. I have followed the work of the Council for some time, including discussing the Council's evolution and progress. I am particularly impressed with the work the Council has done in reviewing the SW Portland Community Plan which offers the City of Portland one of the best policy reviews I have seen for any watershed in the region.

In my mind the Tryon Creek Watershed Council is the most appropriate group for Metro to recognize, given its diverse membership, long history and work well done. I encourage you to take this matter up at your Thursday hearing and to approve full recognition to the Tryon Creek Watershed Council. While others in the Tryon Creek watershed are engaged in important efforts to protect and restore Tryon Creek and its tributaries, as many other grassroots citizen organizations are throughout the region, the Tryon Creek Watershed Council truly represents a breadth of interests and inclusivity that are required of a formal watershed council. !!

*Michael  
F.Y.I.  
Rosemary*

Sincerely,

*Mike Houck*  
Mike Houck  
Urban Naturalist



## METRO COUNCIL BRIEFING

Briefing Date: February 27, 1997

Subject: Ancient Forest Preserve Update

Submitted by: Gregory Wolley, Associate Regional Planner,  
Parks and Greenspaces

The purpose of this briefing is to update Metro Council members on recent developments regarding the transfer of the Ancient Forest Preserve property from Friends of Forest Park to Metro.

### Background

The Ancient Forest Preserve is a 38 acre forested parcel on the eastern slope of the Tualatin Mountain range, just eleven miles outside of Portland (see attachment 1). It is heavily forested, and contains a number of trees that are several hundred years old. It represents one of the very last stands of old growth forest in the Portland metropolitan area. Much of the forest surrounding the preserve has been clearcut in recent years.

In 1990, the Friends of Forest Park (FOFP) began raising funds to purchase the 38 acre area. By 1993 FOFP had raised \$600,000, and purchased the land and related easements from Agency Creek Management Company. In 1994 FOFP and Metro entered into a Memorandum of Understanding, which stated that FOFP intended to donate the grove and related easements to Metro (see attachment 2). In 1995 the Parks and Open Spaces Bond Measure authorized \$150,000 toward the implementation of the Ancient Forest Master Plan, which includes an interior trail, an access trail, and a parking area. The draft master plan was completed and approved by Metro Council in June 1996 (see attachment 3).

### Update of Current Activities

The Open Spaces staff have begun due diligence work on the transfer of the Ancient Forest Preserve from FOFP to Metro. This work is being done in a similar fashion to a regular purchase and sale, including title review and environmental assessment. Staff have initiated the Community Service Use application process through Multnomah County, which is required to establish a public park. We are also drafting an RFP for the design, engineering and construction of the Preserve trail system, and plan to build the interior trail during the Summer of 1997.

## Page 2

Based on the master plan estimates for construction, we do not have sufficient local share funding to complete both trails and the parking area. We will be seeking additional funds for this project, and will utilize local conservation corps crews for labor when possible. FOFP has pledged to assist with this fundraising effort.

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) is between Friends of Forest Park (FOFP), an Oregon nonprofit corporation, and Metro.

- A. FOFP is the owner of a parcel of 38 acres of real property (Old Growth Grove, or, Grove) located in Multnomah County and described in Exhibit B. The Grove is a biologically and historically unique remnant of the old growth forest that once covered much of the Portland area. The Grove was purchased by FOFP to preserve it in its natural state, to help protect the wildlife corridor connecting Forest Park to the Coast Range, and to provide the recreational, educational and other benefits that may be realized by having the grove open to public access, so long as such access does not endanger the Grove's viability and natural progression as an old growth forest.
- B. FOFP has acquired certain perpetual access easements with the purchase of the Grove. These easements will provide access to the Grove, and could also form part of a future linkage to Forest Park and a larger regional trail system. Specific conditions, covenants, and restrictions related to the Grove and access easements are detailed in Exhibit C. In addition, certain conservation easements have also been acquired, which FOFP will retain, but which may in the future be transferred to Metro.
- C. This MOU is entered upon for the purpose of making the Grove a public park, to be owned and maintained by Metro.
- D. All understandings stipulated in this MOU are intended to continue to apply to any organization that succeeds FOFP for the purpose of providing stewardship for the Grove and its environs.

### PROPERTY TRANSFER

FOFP intends to donate the Grove, with all related access easements, to Metro. If approved by the Metro Council, this transfer could occur within *three months* from the date this MOU has been approved by both parties. The deed of transfer will contain restrictions to ensure that the Grove be administered and maintained in perpetuity for the purposes stated in item A above. If Metro takes any action that compromises this purpose, or if a public park has not been substantially completed, with access and enjoyment available to the public, by three years from the date of completion of a management plan for the site, the property shall be returned to FOFP.

PARK RECREATION

1. FOFP and Metro, through its Regional Parks & Greenspaces Dept., will work cooperatively, before and after the transfer of ownership, to complete the creation of the public park. FOFP may take actions at its discretion, between now and the completion of the public park, that will accelerate and facilitate the mandated steps for establishing a public park if such actions are consistent with the development or implementation of an approved management plan and approved by Metro's Regional Parks & Greenspaces Dept. FOFP will also erect specific signage acknowledging the patrons of the park on or near the location of the parking site or trail head. FOFP will consult with Parks & Greenspaces before undertaking such actions, so that any actions will be consistent with the approved management plan and other applicable ordinances and regulations.
2. After the transfer of ownership, FOFP may contribute services or funds to be used for designated purposes associated with creation of a public park. Metro will create a special interest-bearing fund to hold contributions.
3. Metro shall accept, subject to deed restrictions and conditions, ownership of the Grove, and subject to appropriations by the Metro Council or the availability of other funds, pursue the development of a management plan, implementation of such plan, and assume maintenance and operation responsibilities upon completion. FOFP agrees to offer its assistance in efforts to secure necessary funds and other resources or materials which will be required for plan development and implementation.
4. FOFP shall defend, indemnify, and hold harmless Metro, its elected officials, employees, and agents from any and all claims which may arise or be related to ownership and management of the Grove and associated access easements until such time that ownership of the Grove and access easements are conveyed to Metro.

FRIENDS OF FOREST PARK

METRO

By

By

John Sherman, President

Mike Burton, Executive Officer

Date

8/7/95

Date

2/7/95

## BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF APPROVING  
THE ANCIENT FOREST PRESERVE  
DRAFT MASTER PLAN

) RESOLUTION NO. 96-2345  
)  
) Introduced by Mike Burton,  
) Executive Officer

WHEREAS, In July, 1992, through Resolution No. 92-1637, the Metro Council adopted the Metropolitan Greenspaces Master Plan which identified a desired system of natural areas interconnected with greenways and trails; and

WHEREAS, Preparing master plans for natural areas is a primary strategy for balancing public use of natural areas with protection of the natural values of the area; and

WHEREAS, Forest Park and surrounding environs was designated as a Greenspace of regional significance in the Greenspaces Master Plan and identified as a regional target area in the Open Space, Parks and Streams Bond Measure; and

WHEREAS; buffer protection of the Ancient Forest Preserve is called out as a specific objective in the Refinement Plan for the Forest Park Target Area (approved by Metro Council 2/96 by Resolution No. 96-2274A) and

WHEREAS, In 1993 Friends of Forest Park (FoFP), a non-profit organization, purchased the 38 acre Preserve and associated access easements for \$630,000 for the purpose of creating a public park; and

WHEREAS, In March 1994, Metro Council authorized entering into a non-binding Memorandum of Understanding with Friends of Forest Park that stipulated conditions under which FoFP would consider transferring the Preserve and access easements to Metro; including that Metro develop a Master Plan for the Ancient Forest Preserve; and

WHEREAS, Metro Council FY 1995-96 budget appropriated funds to retain professional services to prepare an Ancient Forest Preserve Master Plan; and

WHEREAS, In April 1995, Metro Parks and Greenspaces Department entered into a contract with the consulting firm of Kurahashi and Associates to provide master planning services; and

WHEREAS, Various public involvement activities occurred throughout the development of the plan that resulted in broad public support of the project; and

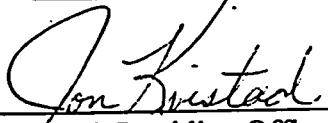
WHEREAS, The Ancient Forest Preserve draft Master Plan (see Exhibit A) was available to interested public on May 1, 1996 for public review and comment; and

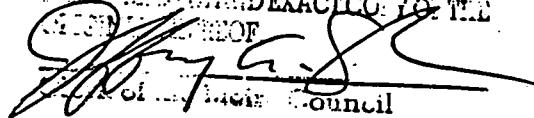
WHEREAS, On May 21, the Regional Parks and Greenspaces Parks Advisory Committee received public testimony on the draft Plan and voted unanimously to accept the draft Master Plan in its current form; now, therefore,

BE IT RESOLVED,

That the Metro Council approves and adopts the Ancient Forest Preserve draft Master Plan document in its entirety as shown in Exhibit A.

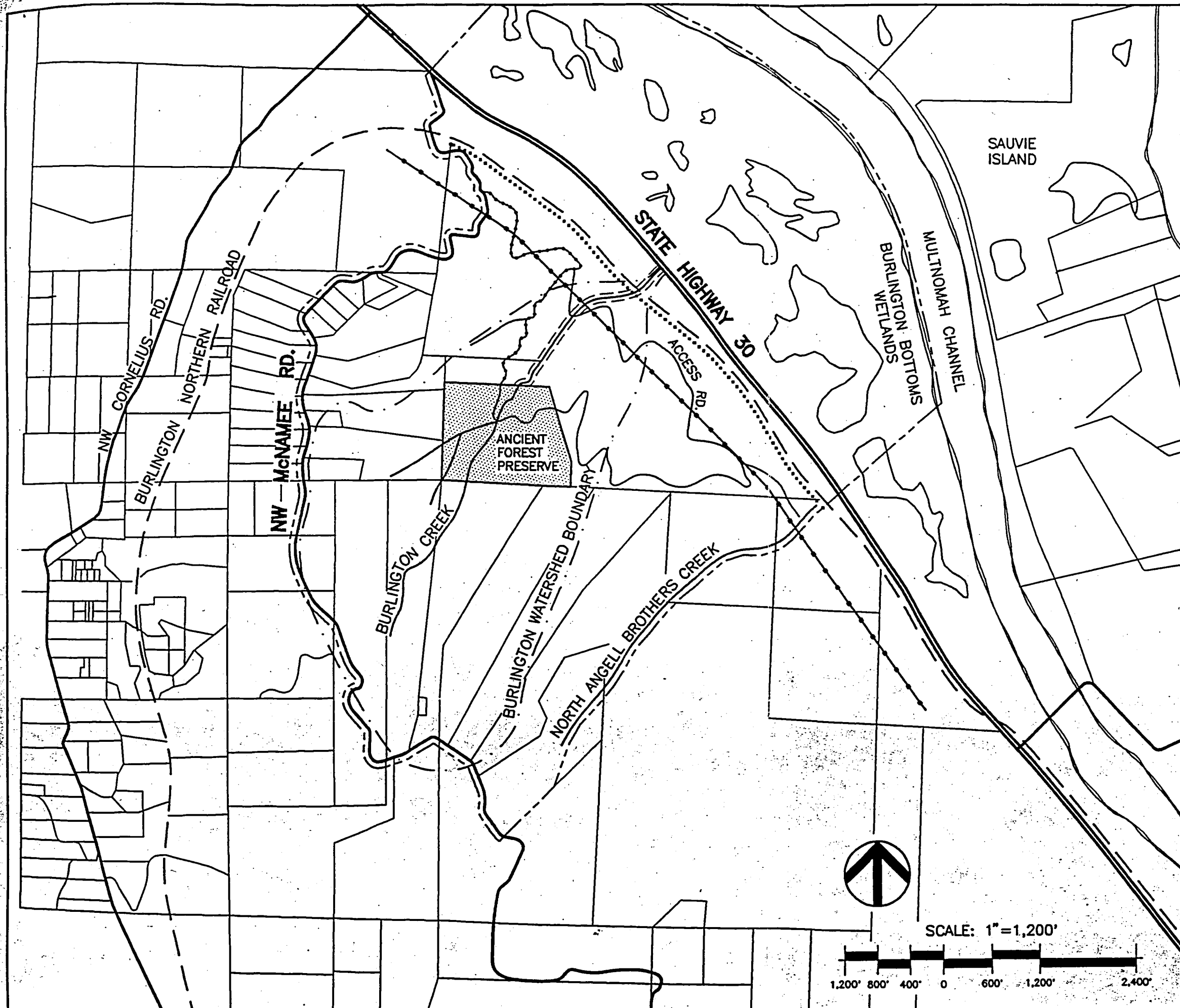
ADOPTED by the Metro Council this 13<sup>th</sup> day of June, 1996.

  
Jon Kvistad, Presiding Officer

WHEREFORE, BE IT THAT THE COUNCIL DOES HEREBY  
RECOMMEND AND EXACTLY TO THE  
CITY OF SEATTLE  
  
City Clerk

# ATTACHMENT 1

- PROJECT STUDY AREA
- VEHICULAR SERVICE EASEMENT
- ===== PEDESTRIAN EASEMENT
- ..... PACIFIC COAST RANGE HIKING TRAIL EASEMENT
- BPA POWERLINE EASEMENT
- BURLINGTON WATERSHED BOUNDARY

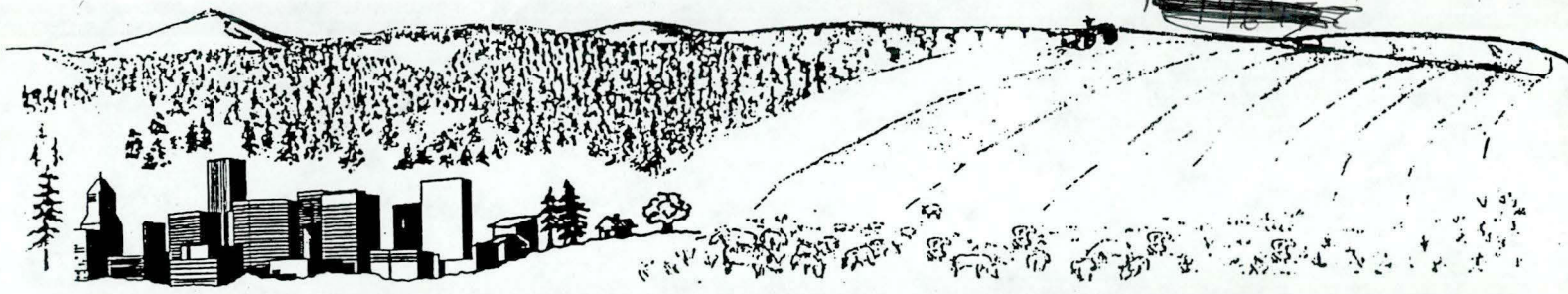


## Ancient Forest Preserve

PROJECT STUDY AREA  
MAP 1

@ Metro





022797C-02

## WEST MULTNOMAH SOIL AND WATER CONSERVATION DISTRICT

2115 S.E. Morrison

Portland, Oregon 97214

Phone (503) 231-2270

February 20, 1997

John Kvistad, Chief Presiding Officer  
Metro Regional Government  
600 NE Grand Avenue  
Portland, Oregon 97232-2736

Dear Metro Councilors:

We understand that your Regional Facilities Committee is bringing forward to Council a motion to recognize Tryon Creek Watershed Council.

We ask you to be aware that there is a pre-existing watershed council for Tryon Creek. This group, the Tryon Creek Partnership, was convened by Multnomah County in April, 1996, as a watershed council meeting the Governor's Watershed Enhancement Board guidelines.

The Tryon Creek Partnership (Tryon Resource Management Partnership) has been serving on the Metro Water Resources Policy Advisory Committee. The Partnership has successfully completed an Oregon Department of Fish and Wildlife stream restoration project on the new Metro park, the "Foley-Balmer" property. The Tryon Creek Partnership has shown initiative in organizing school, county correctional services laborers, Salmon Corps students, and neighbors to work together for the benefit of the Tryon Creek watershed. The Tryon Creek Partnership emphasized landowner involvement in forming its basic membership.

The two Tryon Creek watershed groups currently are requesting state mediation through Multnomah County. It would be premature to recognize one group over another until their individual differences can be worked out with an independent mediator.

We ask that you not bring forward the Regional Facilities motion on this matter until the two groups' mediation has occurred.

Sincerely yours,

*Brian W. Lightcap*

Brian W. Lightcap  
Chair, WMSWCD

cc: Council Members - McFarland, Naito, Morissette, McLain, Washington, McCaig

cc *Michael Morrissey*  
*METRO Court Clerk*



Contains Recycled Materials





METRO

Date: February 27, 1997  
To: Metro Council  
From: <sup>DSG</sup> Larry Shaw, Office of General Counsel  
Subject: Attached Exhibit A Amendments

---

Attached amendments are from Councilors Ed Washington and Susan McLain, including technical amendments, for consideration at the February 27, 1997 Metro Council meeting.

Attachment

cc: Mike Burton, Executive Officer  
John Fregonese

jep

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## AMENDMENTS TO EXHIBIT A

3.01.010(e) is amended to read as follows:

"First Tier Urban Reserves means those urban reserves to be first urbanized because they can be most cost-effectively provided with urban services by affected cities and service districts as so designated and mapped in a Metro Council ordinance."

3.01.012(c)(3) is amended to change "urban reserve map" to "urban reserve ordinance."

3.01.012(c)(4) is amended to become 3.01.012(d), as follows:

"(d) First Tier

First tier urban reserves shall be included in the Metro Urban Growth Boundary prior to other urban reserves unless a special land need is identified which cannot be reasonable accommodated on first tier urban reserves."

3.01.012(e)(2) is amended to add the following:

"An urban services agreement consistent with ORS 195.065 shall be required as a condition of approval for any amendment under this subsection."

3.01.012(e)(3), the first sentence, is amended to add URSAs #11 and 14 as follows:

"The areas of Urban Reserve Study Areas #11, 14, 15 and 65 are so geographically distant from existing city limits that annexation to a city is difficult to achieve."

3.01.012(e)(5) is amended to read as follows:

"Demonstrable measures that will provide a diversity of housing stock that will fulfill needed housing requirements as defined by Oregon Revised Statutes 197.303. Measures may include, but are not limited to, implementation of recommendations in Title 7 of the Urban Growth Management Functional Plan."

3.01.012(e)(6) is amended to read as follows:

"Demonstration of how residential developments will include, without public subsidy, housing affordable to households with incomes at or below area median incomes for home ownership and at or below 80% of area median incomes for rental as defined by U.S. Department of Housing and Urban Development for the adjacent urban jurisdiction. Public subsidies shall not be interpreted to mean the following: density bonuses, streamlined permitting processes, extensions to the time at which systems development charges (SDCs) and other fees are collected, and other exercises of the regulatory and zoning powers."

3.01.012(e)(13) is amended to read as follows:

"The urban reserve plan shall be coordinated among the city, county, school district and other service districts, including a dispute resolution process with an MPAC report and public hearing at the Metro Council consistent with RUGGO Objective 5.3. The urban reserve plan shall be considered for local approval by the affected city or by the county, if subsection (3), above, applies. Then the Metro Council shall consider final adoption of the plan."

*in coordination with any affected service district & school district*  
DY