



A G E N D A

REGULAR COUNCIL MEETING

Date: October 23, 1980
Day: Thursday
Time: 7:30 p.m.
Place: Council Chamber

CALL TO ORDER

1. INTRODUCTIONS
2. WRITTEN COMMUNICATIONS TO COUNCIL
3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
4. CONSENT AGENDA
 - 4.1 A-95 Review
 - 4.2 Minutes of August 28, 1980; September 4, 1980
 - 4.3 Contracts
5. CONTESTED CASES
 - 5.1 PUBLIC HEARING on Contested Case Order No. 80-1, In the Matter of Clackamas County's Request for an Urban Growth Boundary Change West of Marylhurst (7:35)
6. RESOLUTIONS
 - 6.1 Resolution No. 80-188, For the Purpose of Recommending a Continuance of Clackamas County's Request for Acknowledgment of Compliance with the LCDC Goals (8:05)
 - 6.2 Resolution No. 80-189, For the Purpose of Amending the By-Laws of the Housing Policy Alternatives Committee (8:35)
 - 6.3 Resolution No. 80-190, For the Purpose of Transferring City of Portland Reserve Funds (e) (4) to the Portland/Vancouver Corridor Analysis (8:50)

- 6.4 Resolution No. 80-191, For the Purpose of Commenting on the Transportation Improvement Program and on the Determination of Air Quality Consistency for the Urban Areas of Clark County (9:05)
- 6.5 Resolution No. 80-192, For the Purpose of Adopting Criteria for Determining the Amount of Corporate Surety Bonds for Solid Waste Disposal Sites Regulated by Metro (9:20)
- 6.6 Resolution No. 80-193, For the Purpose of Recommending Continuation of the Metro Criminal Justice Planning and Coordination Program Through June 30, 1981 (9:35)
- 6.7 Resolution No. 80-194, For the Purpose of Undertaking Development of a Criminal Justice Information System Plan (9:50)
- 6.8 Resolution No. 80-195, For the Purpose of Involving Minority Business Enterprises in Contracting and Procurement Activities and Setting FY 1981 Participation Goals (10:05)

7. MOTIONS

- 7.1 Motion authorizing the Executive Officer to Appeal Clackamas County Approval of Two Subdivisions (10:20)

8. REPORTS

- 8.1 Executive Officer Report (10:30)
- 8.2 Committee Reports (10:40)

9. GENERAL DISCUSSION (10:55)

ADJOURN



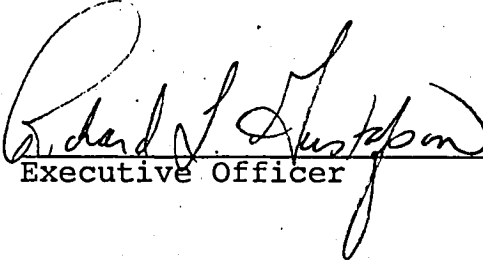
METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND OR. 97201, 503/221-1646

A G E N D A

Date: October 23, 1980
Day: Thursday
Time: 7:30 p.m.
Place: Council Chamber

C O N S E N T A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet the Consent List Criteria established by the Rules and Procedures of the Council.


Executive Officer

4.1 A-95 Review

Action Requested: Concur in staff findings

4.2 Minutes of August 28, 1980; September 4, 1980

Action Requested: Approve minutes as circulated

4.3 Contracts

Action Requested: Approve execution of contracts

DIRECTLY RELATED A-95 PROJECT APPLICATIONS UNDER REVIEW

PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
<p>1. <u>Project Title:</u> Rivergate Quarry Development Site (#809-5)</p> <p>2. <u>Applicant:</u> City of Portland, Bureau of Economic Development</p> <p><u>Project Summary:</u> A quarry reclamation project which will convert 3½ acres of the quarry floor into an industrial site. The Site Development Plan involves extension of basic utility lines, construction of a berm and grading, lighting and plantings. Site located in Northwest Industrial District and is intended to be used for relocation of industries adversely affected by City transportation or similar public projects.</p> <p><u>Staff Recommendation:</u> Favorable Action</p>	<p>\$200,000 (EDA)</p>			<p>\$200,000</p>	<p>\$400,000</p>



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: October 13, 1980
To: Metro Council
From: Executive Officer
Regarding: A-95 Review Report

The following is a summary of staff responses regarding grants not directly related to Metro programs.

1. Project Title: Farmers Home Administration State Management Plan (#808-10)
Applicant: Farmers Home Administration
Project Summary: Plan which includes FmHA comprehensive funding, operation and development strategy for the next three fiscal years throughout the State of Oregon.
Federal Funds Requested: Not applicable
Staff Response: Favorable Action

2. Project Title: Reducing Abuse and Fear of Abuse in Nursing Homes (#808-13)
Applicant: Portland State University Institute on Aging
Project Summary: A one-year demonstration project to address and overcome fears and negative perceptions about nursing home management. The project team will develop a code of ethics, a handbook of management practices, a set of potential standards for the state licensing board and an informational booklet for the public about the role and responsibilities of nursing home administrators.
Federal Funds Requested: Department of Health and Human Services (HHS), (\$66,996)
Staff Response: Favorable Action

3. Project Title: Willamette Park Angler Access (#808-14)
Applicant: Oregon Department of Fish and Wildlife
Project Summary: Proposal to build a two-lane boat ramp and a parking area with individual as well as pull-through vehicles spaces and trailer parking. Project site is located on the Willamette River in West Linn within the boundaries an existing City-managed park.
Federal Funds Requested: US Fish and Wildlife Service (\$11,250)
Staff Response: Favorable Action

4. Project Title: Lao Family Community, Inc. (A Laotian Self-Help Project), (#808-15)
Applicant: Lao Family Community, Inc.
Project Summary: Information and adjustment program to provide multi-lingual services to Laotian refugees. Program will include regularly scheduled informational workshops for refugees in the Tri-County area to assist them in the adjustments necessary for successful resettlement and integration with American life.
Federal Funds Requested: HHS (\$50,000) - See attachment.
Staff Response: Favorable Action

5. Project Title: Public Inebriate Project (#808-17)
Applicant: Burnside Consortium, Inc.
Project Summary: Request for continuation of this project which provides a coordinated network of alcoholism services for the disaffiliated chronic alcoholic. Contract services include intervention, emergency medical, in-patient treatment and residential care.
Federal Funds Requested: HHS (\$370,010)
Staff Response: Favorable Action

6. Project Title: Venereal Disease Control (#809-1)
Applicant: State of Oregon, Department of Human Resources
Project Summary: Program provides epidemiological, educational and technical assistance for diagnostic and treatment services to the people of Oregon through the county health departments.
Federal Funds Requested: HHS (\$310,900)
Staff Response: Favorable Action

7. Project Title: Refugee Information and Referral Project (#809-3)
Applicant: The Sai Leuad Lao Organization
Project Summary: Project to provide multi-lingual services, counseling and translation/interpretations that will result in self-reliance and self-sufficiency for Lao refugees in the Portland SMSA and in Salem. The programs will be designed to respond to the particular needs of the Lao community which traditional, existing agencies cannot meet because of ethnic, cultural and language barriers.
Federal Funds Requested: HHS (\$49,960)
Staff Response: Favorable Action - (See attachment)

8. Project Title: CETA - Farmworker Housing Development (#809-8)
Applicant: Rural Community Assistance Corporation
Project Summary: Proposal to continue training and technical assistance to farmworker groups in the state through CETA, Title III, Section 303. Includes projects in the rural portions of Washington and Clackamas Counties.

Federal Funds Requested: Department of Labor (\$210,000)
Staff Response: Favorable Action

9. Project Title: Meldrum Bar Park Recreation Fields, Phase I (#809-12)
Applicant: City of Gladstone
Project Summary: Phase I of the project will consist of development of softball and soccer fields and related facilities, including softball backstops, fencing, benches, bleachers, etc.
Federal Funds Requested: Department of Interior (\$14,265)
Staff Response: Favorable Action
10. Project Title: Cross Memorial Park, Phase II (#809-13)
Applicant: City of Gladstone
Project Summary: Funding for continued implementation of the Cross Memorial Park master plan. Proposed improvements will include asphalt pathways, concrete curbs and sidewalks, vehicle parking, irrigation, general landscaping and park lighting.
Federal Funds Requested: Department of Interior (\$10,735)
Staff Response: Favorable Action
11. Project Title: Refugee Assistance Program, (#809-14)
Applicant: Viet Young People in Portland, Inc.
Project Summary: Program to provide living accommodation, counseling services and emotional support to young, male Vietnamese refugees. Program will encourage, assist and refer those refugees in the Portland SMSA who actively seek educational and employment opportunities to facilitate their resettlement and attain self-sufficiency.
Federal Funds Requested: HHS (\$47,559)
Staff Response: Favorable Action - (See attachment)
12. Project Title: Volunteers Pool for Resettlement Services (#809-15)
Applicant: Portland and Surrounding Vietnamese Refugee Association
Project Summary: Project will recruit volunteers and coordinate them to provide resettlement services, transportation, translation and referral services to Indochinese refugees in the Portland SMSA. The program will also create a link between refugee clients and existing resettlement agencies.
Federal Funds Requested: HHS (\$42,780)
Staff Response: Favorable Action - (See attachment)

LZ:ss/661B/171

Attachment



METROPOLITAN SERVICE DISTRICT
527 SW. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: October 10, 1980

To: Metro Council

From: Rick Gustafson

Regarding: Refugee Assistance Grants, Department
of Health and Human Services

Because of the number of applications received for refugee assistance funding, we mailed the attached letter including comments on the importance of coordination between programs. We will keep in contact with organizations currently providing services to the various Indochinese groups in Portland so that those applicants who receive funding will work closely with them in order to provide effective programs.

LZ:ds



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201. 503/221-1646

October 7, 1980

Rick Gustafson
EXECUTIVE OFFICER

Metro Council
Marge Kafoury
PRESIDING OFFICER
DISTRICT 11

Jack Deines
DEPUTY PRESIDING
OFFICER
DISTRICT 5

Donna Stuhr
DISTRICT 1

Charles Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Iane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Cindy Banzer
DISTRICT 9

Gene Peterson
DISTRICT 10

Mike Burton
DISTRICT 12

Mr. Shua Moua
Lao Family Community, Inc.
2926 N. Williams Avenue
Portland, Oregon 97227

Dear Mr. Moua:

Re: Areawide Clearinghouse Review
Lao Family Community, Inc. (A Laotian Self-Help
Project)
Metro File #808-15

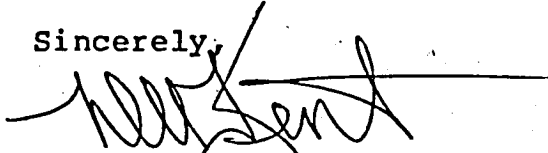
Circular A-95 Revised of the Federal Office of Management and Budget requires Areawide Clearinghouse review of numerous federally assisted projects. Metro serves as the designated Areawide Clearinghouse for the Portland metropolitan area. The primary purpose of this review is to assure coordination of proposed projects with state, area-wide and local plans and policies. This assists the federal agencies to allocate our federal tax dollars in a way that is as consistent as possible with local views.

The Lao Family Community project has been reviewed by Metro staff and interested jurisdictions and agencies within the region. Although there were no objections to the proposal, we did receive comments (see attached) emphasizing the importance of coordination between various groups providing services to Indochinese refugees. We hope any projects undertaken would stress coordination and cooperation and avoid duplication of effort, in order to provide the most effective programs possible. It has been determined that the project does not violate any adopted regional plans or policies and appears to be consistent with existing local plans and policies. Therefore, Metro recommends favorable action on this project.

Mr. Shua Moua
October 7, 1980
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If we can be of further assistance in processing this matter, feel free to call our A-95 Review Coordinator, Leigh Zimmerman.

Sincerely,

A handwritten signature in black ink, appearing to read "Denton U. Kent", written over a horizontal line.

Denton U. Kent
Chief Administrative Officer

DUK:LZ:bb
636B/D2

Attachment

cc: Department of Health and Human Services, Region X,
Seattle

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

August 28, 1980

Councilors In Attendance

Presiding Officer Marge Kafoury
Vice Presiding Officer Jack Deines
Coun. Craig Berkman
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Ernie Bonner
Coun. Mike Burton
Coun. Charles Williamson

In Attendance

Executive Officer Rick Gustafson

Others In Attendance

Duncan Brown
Robert W. Blunt, Jr.
Phil Adamsak
S. Baber
Ben Altman
Beth Blunt
Ken Bunker
Linda Macpherson
Bruce Etlinger
Steven Ames
Paul Bay
George A. Hubel
Ron Buel

Staff in Attendance

Mr. Denton Kent
Mr. McKay Rich
Mr. Andrew Jordan
Mr. Jim Sitzman
Mr. Bill Ockert
Ms. Paula Godwin
Ms. Leigh Zimmermann
Mr. Tom Miller
Mr. Merle Irvine
Ms. Sue Klobertanz
Ms. Caryl Waters
Mr. Walter Monasch
Ms. Marilyn Holstrom
Ms. Judy Roumpf
Ms. Sonnie Russill
Ms. Michelle Wilder
Mr. Tom O'Connor
Mr. Andrew Cotugno

Metro Council
Minutes of August 28, 1980

CALL TO ORDER

It having been ascertained that a quorum was present, the meeting was called to order by Presiding Officer Kafoury at 7:40 p.m. in the Council Chamber, 527 S.W. Hall St., Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions at this meeting.

2. WRITTEN COMMUNICATIONS TO COUNCIL

Presiding Officer Kafoury noted that there were a number of written communications dealing with Agenda Item 5.3 and announced that they would be considered at the time that item came up.

Coun. Rhodes reported that Portland City Commissioner Mike Lindberg had written in support of siting the S.E. recycling center at the 39th and Powell location.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

4. CONSENT AGENDA

Coun. Kirkpatrick moved, seconded by Coun. Rhodes, that the Consent Agenda be approved as circulated. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

5. ORDINANCES

- 5.1 PUBLIC HEARING on Ordinance No. 80-100, For the Purpose of Establishing Disposal Charges to be Collected at the St. Johns Landfill and Repealing Section 2 of Ordinance No. 80-96 (First Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-100 for the first time by title only.

Coun. Rhodes moved, seconded by Coun. Deines, that Ord. No. 80-100 be adopted as recommended by the Regional Services Committee.

Coun. Rhodes reported on the recommendations of the Solid Waste Advisory Committee and Regional Services Committee, explaining the revisions that had been made in the ordinance.

The public hearing was opened.

Mr. Ed Witkovsky, representing Crown Zellerbach, asked for clarification of the rate increase, remarking that Crown Zellerbach's rates

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had increased by 58% in June and wondering why rates were going up again after so short a time.

It was explained to Mr. Witkovsky that the issue had been considered by Council in May and that their decision had been to forego any increase at that time because of the projected increase later in the year. Coun. Deines suggested that the increase experienced by Crown Zellerbach was probably due to some change in services. Staff was asked to investigate the matter for Mr. Witkovsky.

There being no other persons present who wished to testify on this matter, the public hearing was closed.

Coun. Rhodes read a letter from Portland City Commissioner Mike Lindberg stating that the City of Portland's Department of Public Works had reviewed the rate study and found no objections to the recommendations presented therein.

5.2 PUBLIC HEARING on Ordinance No. 80-101, For the Purpose of Amending Ordinance 80-82 and Transferring Appropriations within Funds for the Fiscal Year 1981 Metropolitan Service District Budget (First Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-101 for the first time by title only.

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, that Ord. No. 80-101 be adopted.

Mr. Kent summarized the staff report, explaining that the purpose of the proposed actions was to transfer funds to personnel services. He added that a further action would be considered at the Coordinating Committee, with the intention of adding it as a formal amendment to the ordinance at the second reading.

The public hearing was opened. There being no persons present who wished to testify on this matter, the public hearing was closed.

5.3 Ordinance No. 80-98, An Ordinance Adopting Housing Goals and Objectives and Providing for Implementation Thereof (Second Reading)

Coun. Burton summarized the Committee report, adding that the document submitted by the Regional Planning Committee represented a majority viewpoint rather than unanimity. He outlined the areas in which there was disagreement, emphasizing, however, the the Committee urged adoption.

Coun. Burton moved, seconded by Coun. Williamson, that Ord. No. 80-98 be amended by substituting the pink sheet for the ordinance in the agenda packet.

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Mr. Sitzman presented the staff report, explaining the reasons for the changes indicated in the pink sheet. Coun. Berkman entered the meeting.

Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Coun. Williamson moved, seconded by Coun. Schedeen, to amend the Housing Goals and Objectives by adding a section entitled "Scope of the Housing Problem.

Several Councilors objected strongly to the large volume of material being presented to the Council at the last minute. A brief recess was called to give Councilors an opportunity to examine the new material.

Coun. Burton moved, seconded by Coun. Deines, that the matter be referred back to the Regional Planning Committee, to be reported to Council at their September 4 meeting.

It was agreed that the Regional Planning Committee would meet at 6:00 p.m. on September 2 to consider the latest proposals on Housing Goals and Objectives; that special efforts would be made to inform local jurisdictions of the meeting and provide them with the material under consideration; and that further changes would be accepted only from the Committee or members of the Council.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

5.4 PUBLIC HEARING on Rule No. CRB 80-5, For the Purpose of Adopting a Rule to Allow Negotiated Bid for Resource Recovery Facility

For purposes of considering this matter, the Council declared that they were sitting in their capacity as the Contract Review Board.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Rule No. CRB 80-5 by title only.

Coun. Rhodes moved, seconded by Coun. Schedeen, that Rule No. CRB 80-5 be adopted.

Coun. Rhodes explained that the purpose of this Rule was to replace Temporary Rule No. CRB 80-4 with permanent, identical language.

The public hearing was opened. There being no persons present who wished to testify on this matter, the public hearing was closed.

Coun. Williamson felt that on a contract of this magnitude, Council approval should be sought before signing. Following discussion of this point, Coun. Williamson moved, seconded by Coun. Bonner, to postpone consideration of this matter to the next meeting.

It was pointed out that there were mechanisms through which Council could control the issuance of the contract other than review and approval prior to signing. Following discussion, a vote was taken on the motion. All Councilors present voting no, the motion failed.

A vote was taken on the motion to adopt Rule No. CRB 80-5. All Councilors present voting aye, the motion carried.

There was a short recess, during which Coun. Berkman left the meeting.

6. RESOLUTIONS

6.1 Resolution No. 80-174, For the Purpose of Recommending the City of Johnson City's Request for Acknowledgment of Compliance with the LCDC Goals

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that Res. No. 80-174 be adopted.

Mr. Butts summarized the staff report, explaining that Johnson City was a smaller city, consisting entirely of mobile homes, that wished to accommodate more commercial and industrial development. He reported that while there was objection to the Johnson City plan from the State Housing Division, staff did not concur with those findings.

Coun. Rhodes remarked that Johnson City was within her district and its citizens were permanent residents who were interested in their community. She strongly recommended approval.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

6.2 Resolution No. 80-176, For the Purpose of Authorizing Funds for Transit Projects

Coun. Bonner moved, seconded by Coun. Schedeen, that Res. No. 80-176 be adopted.

Coun. Bonner outlined the various funding proposals covered by this item, reporting that JPACT had recommended approval.

Coun. Kirkpatrick expressed serious doubts about the self service fare collection demonstration project and asked Mr. Bay to discuss the subject in detail. Mr. Bay described the project and explained the necessity for timely action, adding that the Tri-Met union and UMTA strongly supported this proposal.

Coun. Kirkpatrick moved, seconded by Coun. Deines, that Res. No. 80-176 be amended by adding at the end of Item 1 the words "with the exception of self service fare collection."

Following discussion, a vote was taken on the motion. Coun. Kirkpatrick voted aye; all other Councilors present voting no, the motion failed.

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A vote was taken on the motion to adopt the resolution. Coun. Kirkpatrick voted no; all other Councilors present voting aye, the motion carried.

6.3 Resolution No. 80-177, For the Purpose of Confirming the Appointment of the Legislative Liaison Candidate

Coun. Deines reported that the Coordinating Committee had interviewed Mr. Isaac Regenstreif and unanimously recommended that he be confirmed for the position. He then moved, seconded by Coun. Rhodes, that Res. No. 80-177 be adopted.

Mr. Gustafson described the process by which the candidate had been selected and outlined Mr. Regenstreif's qualifications.

Mr. Regenstreif responded to questions from Council.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

6.4 Resolution No. 80-178, For the Purpose of Providing a Cost of Living Adjustment for FY 1981

Coun. Deines reported that the Coordinating Committee was recommending a 10% COLA retroactive to July 1, 1980, and that the 10% figure was acceptable to the Employees Association. He explained that the \$40,000 net budget impact (the difference between the 8% budgeted and the 10% recommended) would come out of contingency funds. Coun. Deines moved, seconded by Coun. Kirkpatrick, that Res. No. 80-177 be adopted.

Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Mr. Gustafson informed the Council that this was the last meeting for Mr. Bill Ockert, who had accepted another position, and outlined Mr. Ockert's accomplishments during his time at Metro. The Council noted a strong sense of debt and gratitude to Mr. Ockert.

7. MOTIONS

7.1 Motion confirming the Procedure for filling District 1 Council Vacancy

During discussion, the Council agreed by consensus to amend the proposed procedure, which had been used by the Council to fill a previous vacancy, by (1) specifying the time and date by which applications must be received at Metro (5:00 p.m. on September 17); and (2) striking item 4.c., which prevented elected officials or candidates for public office from qualifying for the appointment. It was felt that such persons should be permitted the option of resigning a present commitment in favor of sitting on the Metro Council.

Coun. Williamson moved, seconded by Coun. Deines, to adopt the draft of the appointment procedure as amended. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

Council Committee Appointments

Presiding Officer Kafoury asked for Council confirmation of her appointments of Coun. Williamson as Chair and Coun. Banzer as Vice Chair of the Regional Planning Committee, and of Coun. Bonner as Chair and Coun. Williamson as alternate of JPACT.

Coun. Rhodes moved, seconded by Coun. Schedeen, that the appointments be confirmed. All Councilors present voting aye, the motion carried.

8. REPORTS

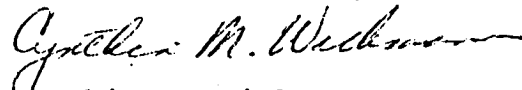
Executive Officer Report - Mr. Gustafson's report covered the following items:

- 1) The Housing Forum was very successful.
- 2) Response to the newsletter has been extremely heavy, including a number of phone calls. Survey results are being tabulated.
- 3) The District Court has rewritten the ballot title to delete the words "provides homeowner tax relief."
- 4) A date should be set for a Council retreat; Councilors will be polled for possible dates and topics of discussion.

Regional Services Committee - Coun. Rhodes reported on the status of the southeast recycling center, informing Council that they would be asked at the next meeting for a motion approving selection of the site at 39th and Powell.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cynthia M. Wichmann
Clerk of the Council

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

September 4, 1980

Councilors in Attendance

Presiding Officer Marge Kafoury
Vice Presiding Officer Jack Deines
Coun. Gene Peterson
Coun. Mike Burton
Coun. Charles Williamson
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Ernie Bonner

Others in Attendance

Duncan Brown
Greg Flakus
Margaret Horning
Ken Bunker
Linda Macpherson
Paul Bay
George Baldwin
Pam Hulse

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Mr. Denton Kent
Mr. Andrew Jordan
Mr. Steve Siegel
Ms. Leigh Zimmermann
Mr. Tom Miller
Mr. Doug Drennan
Mr. Mike Holstun
Mr. Andrew Cotugno
Ms. Caryl Waters
Ms. Paula Godwin
Mr. Merle Irvine
Ms. Sonnie Russill
Ms. Judy Roumpf
Mr. Tom O'Connor
Mr. Jim Sitzman
Ms. Peg Henwood
Ms. Cynthia Wichmann

Metro Council
Minutes of September 4, 1980

CALL TO ORDER

After declaration of a quorum, the meeting was called to order by Presiding Officer Kafoury at 7:30 p.m. in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon 97201.

1. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

Presiding Officer Kafoury announced that Housing Goals and Objectives would be considered as item 3.3 on the agenda.

2. CONSENT AGENDA

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, that the Consent Agenda be approved as distributed. The motion passed unanimously.

3. ORDINANCES

- 3.1 PUBLIC HEARING on Ordinance No. 80-100, For the Purpose of Establishing Disposal Charges to be Collected at the St. Johns Landfill and Repealing Section 2 of Ordinance No. 80-96 (Second Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-100 for the second time by title only.

The matter was opened for public testimony.

Mr. George Baldwin, president of Baldwin Sanitary Service, expressed concern regarding charging on a weight basis. He pointed out that there was a substantial difference in tonnage during wet weather versus dry weather, and suggested that there should be some way of adjusting rates to reflect water weight.

There being no other persons who wished to testify on this matter, the public hearing was closed.

Coun. Deines reported that representatives of the hauling industry had suggested waiting until October 1, 1981 before converting to weight from yardage, in order to obtain the benefit of a full year's experience of wet versus dry weather. Haulers had also asked about waterproofing containers in winter.

Coun. Kirkpatrick reported that the Waste Reduction Task Force would be proposing a plan for encouraging waste separation at the site, and that she would be suggesting an amendment to this ordinance at that time.

After further discussion, a vote was taken on the motion to adopt

Metro Council
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Ord. No. 80-100. All Councilors present voting aye, the motion carried.

3.2 Ordinance No. 80-101, For the Purpose of Amending Ordinance No. 80-82 and Transferring Appropriations Within Funds for the Fiscal Year 1981 Metropolitan Service District Budget (Second Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-101 for the second time by title only.

Mr. Kent presented the staff report, calling particular attention to the proposed amendment providing for a temporary assistant in the Public Information office.

Coun. Rhodes moved, seconded by Coun. Deines, to amend Ord. No. 80-101 by adding the following language to Section 1:

"b. Contingency

\$12,300 from Contingency to the Public Information budget as follows:

\$10,000 to Personnel Services
\$300 to Capital Outlay
\$2,000 to Materials and Services."

The motion passed unanimously.

A vote was then taken on the motion to adopt Ord. No. 80-101 as amended. All Councilors present voting aye, the motion carried.

3.3 Ordinance No. 80-98, An Ordinance Adopting Housing Goals and Objectives and Providing for Implementation Thereof

Presiding Officer Kafoury pointed out that this was a continuation of the second reading of this ordinance.

Coun. Burton reported on the amendments to the document made by the Regional Planning Committee at their meeting of September 2, explaining that the major changes were the revision of the Implementation section and the addition of the section on Scope of the Housing Problem.

Coun. Williamson pointed out that the Committee had made a further amendment to the ordinance which was not incorporated into the pink sheet, i.e., Section 3(a) should read "The Metro Housing Goals and Objectives adopted herein are considered interim and shall be implemented as provided in the Introduction and Background section of the Goals and Objectives document referred to in Section 2 of this ordinance."

Coun. Peterson called attention to the addition of Goal 23, Protecting Livability of Communities and Neighborhoods.

Metro Council
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Coun. Bonner questioned whether the figures used in paragraph 4 of Scope of the Housing Problem were accurate, and moved, seconded by Coun. Peterson, that the paragraph be amended as follows:

"Of greatest concern is the spiraling cost of housing and the likelihood that the end of inflationary trends are not in sight during the 1980's. For example, the The last seven years have witnessed a decline ~~(from 48 percent to 19 percent)~~ in the number of households which can afford an average priced new house. ~~The percentage of households able to purchase an average priced used house has dropped from 63 to 29 percent. These figures have an especially severe impact on first-time home buyers.~~ We are as a result witnessing a heightened interest in alternative home ownership opportunities such as common-wall construction units and mobile homes."

Following discussion, a vote was taken on the motion. Couns. Rhodes and Kafoury voted no; all other Councilors present voting aye, the motion carried.

Coun. Burton moved, seconded by Coun. Bonner, that Goal 22, ACCESS TO HOUSING, and Objective b under Goal 22, be amended by adding after the word "society" in each, the following language:

"including but not limited to people of all races, color, age, sex, religion, national origin, mental or physical handicap, income, marital status, family size, sexual preference or household composition."

Coun. Burton argued that the existing language was insufficient to make clear the kinds of inequities addressed by Goal 22, and saw no reason not to make a specific statement.

Coun. Bonner concurred, adding that the groups listed in the amendment are particularly subject to inequities and that a clear statement on behalf of tolerance should be made.

Coun. Williamson reminded the Council that the language being proposed had been previously deleted because of sexual preference, and pointed out that no other jurisdiction in the state had such a statute. He was uncomfortable with the possibility that Metro could find itself in the position of requiring local jurisdictions to adopt similar language. While he favored the concept of the amendment, he felt it inadvisable to take such action at this time.

Coun. Deines agreed with Coun. Williamson, adding that he would prefer that Metro play an active role in enforcing equal access to housing.

Coun. Kafoury expressed strong support for the motion.

Coun. Peterson felt that since the Goals are fairly general in nature and are being considered interim so far as local governments are concerned, the issue could better be addressed during the coming months.

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Coun. Banzer remarked that the Goals were simple statements and felt that the amendment would have a weakening effect.

A vote was taken on the motion. Couns. Deines, Peterson and Williamson voted no; Coun. Schedeen abstained. All other Councilors present voting aye, the motion carried.

Coun. Kirkpatrick moved, seconded by Coun. Schedeen, that Goal 14, Objective a, be amended as follows:

"a. To ensure that cities and counties adopt cost effective policies and programs that provide opportunities to improve sanitation, weatherization or energy conservation of deficient existing housing."

Following discussion, a vote was taken on the motion. Couns. Rhodes and Burton voted no; all other Councilors present voting aye, the motion carried.

Coun. Rhodes moved, seconded by Coun. Burton, that the committee report be accepted as amended.

Coun. Bonner asked for recommendations from staff as to 1) future composition of HPAC, if any changes should be made; and 2) what process should be followed to arrive at suggested implementations and strategies. He asked that options and alternatives be provided.

A vote was taken on the motion. Coun. Deines voted no; all other Councilors present voting aye, the motion carried.

Coun. Williamson moved, seconded by Coun. Bonner, that Section 3(a) of the ordinance be amended by inserting the words "adopted herein are considered interim and" following the word "Objectives." A vote was taken on the motion. Coun. Deines voted no; all other Councilors present voting aye, the motion carried.

A vote was taken on the motion to adopt Ord. No. 80-98 as amended. Coun. Deines voted no; all other Councilors present voting aye, the motion carried.

4. RESOLUTIONS

4.1 Resolution No. 80-179, For the Purpose of Adding Eight Transit Stations to the Transportation Improvement Program

Coun. Deines moved, seconded by Coun. Bonner, that Res. No. 80-179 be adopted.

Mr. Paul Bay, representing Tri-Met, explained the necessity for Council action on this matter and responded to questions.

Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

5. GENERAL DISCUSSION

Regional Transportation Plan - Coun. Williamson spoke about the desirability of having maximum Council involvement in the Regional Transportation Plan from this point on, announcing a number of meetings which had been scheduled and which Council members were urged to attend.

Mr. Kent explained the schedule of preparation of the RTP and the reasons for the procedure used.

Waste Reduction Task Force Report - Coun. Kirkpatrick discussed the background of the report and outlined its major points, explaining that the present draft would be finalized for presentation to the Council at the end of the month.

There was discussion of how the report should be handled from that point on. Coun. Rhodes moved, seconded by Coun. Bonner, that the document be submitted to the Regional Services Committee for study and public hearings, and that a second series of public hearings be held before the full Council following the Services Committee recommendation on the report.

There was discussion of how this report related to the solid waste management plan. Following this, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Coun. Burton commented that there was no clearly defined process for dealing with task force reports and asked staff to study the matter.

Recycling - Coun. Rhodes described the difficulties that were being encountered with the southeast recycling center project, asking members of the Council to attend the Regional Services Committee meeting on September 9 or otherwise let committee members know what their feelings were on the subject.

Tax Base Campaign. Ms. Hulse and Ms. Macpherson outlined the campaign calendar and described various projects connected with the campaign. Council members were encouraged to participate in the campaign effort and asked to provide items for the auction to be held October 16.

Executive Officer Gustafson reported on attempts to gain endorsements of the tax base from various organizations.

Legislative Concerns - Executive Officer Gustafson discussed the importance of establishing a process for dealing with the legislative program, recommending that legislative concerns and the status of the program be reviewed in informal sessions each month. He stressed the importance of developing a sense of priorities and of working with other lobbying interests, local government officials, and legislators.

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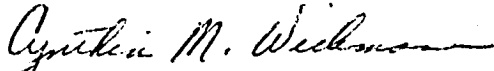
There was extensive discussion of potential areas of interest, with land use, Boundary Commission and ability to refer actions to voters being mentioned as of particular concern.

Coun. Deines suggested that legislative concerns be discussed at the Planning and Services Committee meetings the following week, as well as at the Council retreat on September 28.

Council Retreat - Coun. Deines announced that the schedule and agenda for the Council retreat would be discussed at the Coordinating Committee meeting on September 15, and asked members of the Council to make suggestions for agenda items.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cynthia M. Wichmann
Clerk of the Council



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: October 14, 1980
To: Metro Council
From: Executive Officer
Regarding: Contracts with Publishers Paper Co. and
Rose City Pre-Cut Buildings, Inc.

At their meeting of October 13, 1980, the Coordinating Committee reviewed the contracts described in the attached Agenda Management Summaries and agreed to recommend that these contracts be approved by the Council.

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Energy Sales Agreement with Publishers Paper Co

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Authorization to enter into a 25-year agreement for the sale of steam from the proposed Resource Recovery Facility to Publishers Paper Co.
- B. POLICY IMPACT: Confirmation of an existing policy to build a resource recovery facility to burn waste and produce energy. Secondary impact is that the facility must be built in Oregon City to coordinate with the sale to Publishers.
- C. BUDGET IMPACT: The proposed resource recovery facility will be financed through the issuance of industrial development (revenue) bonds, a State loan and a private equity contribution. These amortized capital costs are then combined with the annual operation and maintenance costs to give the annual expenses of the facility. The money from the sale of the energy to Publishers is revenue on the income side of the ledger. The estimated annual steam sales contract generated revenues will be more than the annual capital costs and approximately 50-60 percent of the total annual expenses.

II. ANALYSIS:

- A. CONTRACT CONTENT:
 - 1.2 Metro's intent is to supply 250,000 - 300,000 lbs/hour of steam, 24 hours/day, 350 days a year at Publishers' mill at 650 psig and 700°F.
 - 4.1 Term of agreement -- 25 years from the date of the sale of bonds.
 - 4.2 Under certain circumstances Publishers has the option to renew the agreement.
 - 5.3 Steam flow conditions to be agreed upon by Metro and Publishers prior to execution of construction contract or sales agreement terminated.
 - 6.6 Publishers agrees to purchase all steam delivered 350 days a year.
 - 6.8 Metro must use back-up fossil fuels to meet annual quantity.

- 7.2 Base Price as of January 1, 1980, \$4.35 per thousand pounds/hour spec steam. Escalator equals = CPI plus half the "real" increase in the value of energy, but never greater than \$4.72, as of January 1, 1980, escalated according to the energy index.
- 8.4 Energy to be used by Publishers or other Time/Mirror Division. Any other use requires written notice to Metro and Metro sharing in any profits.
- 10.1 and 10.2 Metro will pay actual damages proximately resulting from failure to supply spec steam, if six (6) hours notice of interruption is not given.
- 10.3 If six (6) hours notice is given, then Metro pays the difference in fuel costs to make up the lost energy to Publishers.
- 11.1 Prior to the sale of bonds, Metro may terminate the agreement if Metro has not secured satisfactory financing, permits, a builder and an owner.
- 11.2 Prior to the sale of bonds, Publishers may terminate if certain time schedules are not met or if in their engineering judgment the facility will not produce steam in accordance with the agreement.
- 12.0 Each party is excused from performance for sixty (60) days in case of a force majeure event.
- B. ALTERNATIVES CONSIDERED: Preliminary negotiations were conducted with PGE and PP&L, and other steam users in the region were surveyed. The Publishers alternative was chosen on the strength of the selling price and because it dovetailed with the rest of the project.
- C. CONCLUSION: Approval of the energy sales agreement is warranted.

CJ/g1
727B/81

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Beaverton Recycling Center - Site Construction Contract

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Recommend approval of award of contract to Rose City Pre-Cut Buildings, Inc., for design and construction of the Beaverton Recycling Center.
- B. POLICY IMPACT: Awarding the contract to Rose City Pre-Cut Buildings, Inc. will allow the development of a site for a recycling center in Beaverton. This is the process for implementing the Council approved Recycling Drop Center Program adopted in September 1979.
- C. BUDGET IMPACT: The amount of the bid is \$61,777.00. There are sufficient funds allocated in the Solid Waste budget for this project.

II. ANALYSIS:

- A. BACKGROUND: The Metro Council approved, by resolution, the program for establishing two recycling drop centers, one in Beaverton and one in southeast Portland. The city of Beaverton offered a city-owned site for use as a recycling drop center for a \$1 per year lease, which was accepted by Metro. The site is currently undeveloped. Metro called for bids to design and construct the Beaverton Recycling Center in July 1980. Rose City Pre-Cut Buildings, Inc. submitted the lowest bid proposal. Metro accepted the bid and will finalize the award of the bid upon approval by Metro Council. Construction of the site will be delayed until legal problems concerning the property ownership are resolved.
- B. ALTERNATIVES CONSIDERED: The alternatives to selection of this particular site are minimal. The Beaverton Urban Renewal Agency (BURA) and the city of Beaverton reviewed other possible locations and determined that there is no vacant property available which is suitable for this project.
- C. CONCLUSION: The Council approve the award of the contract of designing and constructing the Beaverton Recycling Center to Rose City Pre-Cut Buildings, Inc.

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: In the Matter of Clackamas County's Request for an Urban Growth Boundary Change West of Marylhurst

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of Order No. 80-1, accepting the Findings and Recommendations of the Hearings Officer to deny the petition of Clackamas County for amendment of the Urban Growth Boundary (UGB) west of Marylhurst.
- B. POLICY IMPACT: Acceptance of the Hearings Officer's report means that the UGB will remain unchanged. Clackamas County will have to amend its comprehensive plan to reflect this, but the current difference relative to the location of the UGB should not affect its acknowledgment request. Since Metro will act on the County's request after the County has submitted its plan for acknowledgment, the correction is appropriately undertaken as a "re-opening" of the plan to achieve consistency with regional plans. The County's plan contains a policy to "coordinate with Metro in designating urban areas..."; should this policy not be implemented by means of a voluntary plan change, Metro has the authority to order the County to change its plan to be consistent with the regional UGB.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: When Clackamas County petitioned Metro for a comprehensive UGB amendment last March, their petition included the requested addition of approximately 28 acres of land in the area described as the southern subarea west of Marylhurst.

The staff recommendation to the Regional Planning Committee was that this portion of the petition be denied. The Regional Planning Committee overturned the staff recommendations and recommended to the Council that an urban designation for the southern lots in this portion of the petition be approved. The full Council split six-six in the final vote on this matter, then voted to accept the Executive Officer's recommendation that the requested amendment in this area be separated from the rest of Clackamas County's petition to be heard by a Hearings Officer as a contested case.

The Hearings Officer heard the case on August 11. His Findings and Recommendations, copies of suggested Findings and Recommendations proposed by each of the parties, written testimony received and exhibits submitted are available upon request.

Section 5.02.035(6) of the Metro Code provides that parties to a contested case proceeding be given the opportunity to file exceptions to the Hearings Officer's report and to present argument to the Council on any exceptions filed. Exceptions filed by the parties are attached. Staff recommends that oral testimony be limited to arguments on the exceptions. Metro Counsel will comment on the exceptions at that time, and the Hearings Officer will be available for questions. After considering the arguments, the Council can: 1) adopt the order as written; or 2) direct staff or the Hearings Officer to modify the order in a manner specified, and, if needed, to prepare an ordinance to amend a UGB in the manner specified.

- B. ALTERNATIVES CONSIDERED: The alternatives of granting all or part of the County's petition are discussed in the Hearings Officer's report.
- C. CONCLUSION: The Council should adopt the attached Order accepting the Hearings Officer's Findings and Recommendations.

JH:ss
530/170

1 4. That this shall be a final Order subject to judicial
2 review.

3 SO ORDERED this _____ day of _____, 1980.
4

5
6 Marge Kafoury, Presiding Officer

7 ATTEST:

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9 Clerk of the Council

10 AJ/gl
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1 HEARING BEFORE THE HEARINGS OFFICER
2 OF THE METROPOLITAN SERVICE DISTRICT

3 CLACKAMAS COUNTY - Request for)
4 Urban Growth Boundary Change West) FINDINGS, CONCLUSIONS AND
5 of Marylhurst in the Southern) RECOMMENDATIONS OF HEARINGS
6 Subarea.) OFFICER

7 INTRODUCTION

8 This matter involves a proposed expansion of the Urban Growth
9 Boundary and came before the Hearings Officer on the order of the
10 Metropolitan Service District (Metro) Council pursuant to Section
11 1.a.6 of Rule 79-3. Clackamas County, on March 13, 1980,
12 petitioned Metro to make eight major amendments and ten minor
13 adjustments to Metro's acknowledged Urban Growth Boundary.
14 Included in this petition was a proposal to bring approximately 28
15 acres referred to as the "West of Marylhurst Southern Subarea"
16 (Southern Subarea) into the Urban Growth Boundary. On April 24,
17 1980, Metro enacted Ordinance No. 80-89 implementing the majority
18 of Clackamas County's request, but with respect to the subject
19 property, after considerable debate on the matter, Metro elected to
20 separate this portion of Clackamas County's request from the rest
21 of the County's petition and to schedule a quasi-judicial hearing
22 before a Hearings Officer.

23 The quasi-judicial hearing was held on August 11, 1980, in
24 Metro's office. Clackamas County, by and through its planning staff
25 and legal counsel, Scott Parker, presented written and oral
26 argument as to why the Southern Subarea of the West of Marylhurst
area should be added to Metro's Urban Growth Boundary. Mr. Dennis
O'Neel, who owns property in the Southern Subarea, also appeared in

1 person and through his legal counsel, Larry Derr, and argued in
2 favor of adding this area to the Boundary. Clackamas County and
3 Mr. O'Neel are referred to as "Proponents." Messrs. Ted Achilles,
4 Stephen Kearney, Erik Eselius and John Lee appeared by and through
5 their legal counsel, Joe Voboril, and presented both written and
6 oral argument as to why the Southern Subarea should not be added to
7 Metro's Urban Growth Boundary. All of these gentlemen own property
8 in the Southern Subarea. These property owners are referred to as
9 "Opponents" in the Findings of Fact and Conclusions below.

10 On August 20, 1980, the ^{Opponents}~~Proponents~~ presented to the Hearings
11 Officer Proposed Findings of Fact and Conclusions of Law, and
12 Order. On September 12, 1980, the Proponents submitted to the
13 Hearings Officer Proposed Findings, Conclusions and Recommendations
14 of Hearings Officer.

15 EXHIBITS

16 The following Exhibits were offered and admitted into evidence
17 without objection, except as to the ultimate conclusions contained
18 therein.

19 Metro and Clackamas County Exhibits

- 20 1. Letter of March 24, 1980 to Rick Gustafson from Ardis
21 Stevenson - Metro.
- 22 2. Clackamas County Goal 14 "Urbanization" Report
23 Comprehensive Plan, March 13, 1980 - Metro.
- 24 3. Additional Comments on UGB Additions - Metro.
- 25 4. Letter of April 7, 1980 to Rick Gustafson from David
26 Abraham - Metro.

- 1 5. Memorandum to Jill Hinckley from Gary Bradshaw - Metro.
- 2 6. Summary of Public Comments - Monday, April 7, 1980 -
- 3 Metro.
- 4 7. Letter to Metro from Ted Achilles - Metro.
- 5 8. Letter of April 14, 1980 to Metro from Dennis O'Neel -
- 6 Metro.
- 7 9. Minutes of Metro Hearing on April 10, 1980 - Metro.
- 8 10. Excerpts from report to Regional Planning Committee of
- 9 April 21, 1980 - Metro.
- 10 11. Meeting Report of April 21, 1980 - Metro.
- 11 12. Excerpts from report to Council of April 24, 1980 - Metro.
- 12 13. Minutes of Metro Hearing of April 24, 1980 - Metro.
- 13 14. Ordinance No. 80-89 dated April 24, 1980 - Metro.
- 14 15. Notice of Contested Case Hearing - Metro.
- 15 16. Clackamas County Urban Growth Boundary Amendment - with
- 16 attached Exhibits No. 1 - 7 - Clackamas County.
- 17 17. West of Marylhurst Area Map - Clackamas County.
- 18 18. Map of Land Inside UGB Outside Natural Drainage Basin -
- 19 Clackamas County.
- 20 19. Area Map - Clackamas County.

21 Opponents' Exhibits

- 22 1. Memorandum in Opposition with attached Exhibits A - F.
- 23 2. Comprehensive Plan, Clackamas County, Oregon, with pocket
- 24 parts.

25 FINDINGS OF FACT

- 26 1. The Southern Subarea, which is the subject of this

1 proceeding, is comprised of three parcels approximately 2.66 acres
2 each, a parcel less than one acre, and two parcels approximately 10
3 acres each. Stephen Kearney, Erik Eselius and John Lee each own
4 2.66 acre parcels in the northern portion and each parcel supports
5 a single family residence. Ted Achilles owns a vacant strip south
6 of the three parcels of less than one acre. These owners oppose
7 the inclusion of the Southern Subarea in the UGB. Sophie Skoko and
8 Dennis O'Neel each own parcels of slightly less than ten acres in
9 the southern portion. The Skoko parcel is north of O'Neel's and is
10 undeveloped. It adjoins Marylhurst Drive on the south and has no
11 other access. The O'Neel property has one single family residence
12 and similarly adjoins Marylhurst Drive on the east without other
13 access. Mr. O'Neel testified in favor of the proposal as did the
14 owner of a large parcel to the south of the Southern Subarea.

15 2. The Southern Subarea has predominantly Class III soils.
16 The soil suitability for agricultural use is indicated as 82
17 percent Class III and 18 percent Class IV and V. The soil
18 suitability for Douglas fir forest use is 19 percent Class II and
19 81 percent Class III. The southern two-thirds of the Southern
20 Subarea consists of forested land.

21 3. The land to the north and east of the Southern Subarea
22 consists of medium to low density residential subdivisions. The
23 land to the west and south is currently devoted to agricultural
24 use, most of which is zoned EFU-20 and is in farm deferral. The
25 recently adopted Clackamas County Comprehensive Plan designates
26 the land to the west and the south for agriculture use.

1 4. The land immediately to the west of the Southern Subarea
2 consists of two farms -- one owned by Mr. Achilles and one rented
3 by the Wynn family. Dairy cows, goats, horses and sheep are now
4 cared for and raised on these farms. Within the last few years,
5 Mr. Achilles has lost a number of sheep and goats to pet dogs
6 belonging to homeowners in the subdivision located to the east of
7 the Southern Subarea. Part of the farm area is used for growing
8 hay, and another part contains a small vineyard.

9 5. The easterly 200 feet of Tax Lot 300 (O'Neel's property)
10 could be served by gravity sewers existing in Marylhurst Drive and
11 Marylhurst Circle, except for the fact that the City of West Linn
12 has imposed a moratorium on hookups until the treatment plant of
13 the Bolton sewer system is expanded. There is no indication in the
14 records as to when, if ever, the expansion will take place.
15 Exhibit No. 17 demonstrates that a portion of the Southern Subarea
16 could be served by a new proposed trunk line if this Southern
17 Subarea is included within the Urban Growth Boundary and
18 subsequently annexed to West Linn and added to the Tri-Cities
19 Service District. As of this date, the Tri-Cities Service District
20 is formed but not yet funded. Because of a ridge which runs in a
21 north-south direction across the Southern Subarea, approximately 35
22 percent of the Southern Subarea could not be served by gravity
23 sewers and a pumping station will be necessary if this portion of
24 the Southern Subarea is to be developed.

25 6. Water is available to the site.

26 7. Public roads exist to serve the southern portion of the

1 Southern Subarea. Development of the adjoining land within the UGB
2 will bring additional roads so that the northern portion can be
3 served both by extension of Marylhurst Drive and by these new
4 roads. There are no road connections to the west.

5 CONCLUSIONS

6 1. The Opponents and Proponents agree that the substantive
7 criteria for a change in the Urban Growth Boundary are set forth as
8 seven factors in LCDC Goal No. 14 - Urbanization. They also agree
9 that the procedure for changing the Urban Growth Boundary is set
10 forth in Goal No. 2. However, they disagree as to whether a change
11 in the Urban Growth Boundary, which includes agricultural or forest
12 land, requires a Goal No. 2 exception to LCDC Goal No. 3 -
13 Agricultural Lands, or Goal No. 4 - Forest Lands. The Goals
14 themselves are unclear as to whether a Goal 2 exception to Goal No.
15 3 and 4 is required in addition to a Goal 14 analysis. It is also
16 unclear whether the "Compelling Reasons and Facts" required for a
17 Goal No. 2 exception imposes a higher burden of proof on a
18 proponent of change than the burden of proof required under Goal
19 No. 14.

20 2. The Proponents and Opponents agree that any change in the
21 Urban Growth Boundary must be based upon considerations of the
22 seven factors set forth in LCDC Goal No. 14. An analysis of these
23 factors follows:

24 (1) Demonstrated need to accommodate long-range urban
25 population growth requirements consistent with LCDC Goals.

26 The methodology and data available to the Hearings Officer

1 and to the Urban Growth Boundary planning process does not
2 permit a conclusive finding of need or lack thereof for
3 additional residential land in increments of 28 acres or less.
4 Twenty-eight acres, if fully-developed with 6.32 units per acre
5 and 2.5 people per unit, would accommodate 436 people, which is
6 one-sixth of the 3,000 people that a reasonable 0.2 error
7 factor, applied to the total projected year 2000 population,
8 produces. In other words, it is impossible to document a need
9 with any statistical reliability for 28 acres of additional
10 residential land. In the instant case, this criteria cannot be
11 dispositive in and of itself, but must be considered in
12 relation to the other six criteria of Goal No. 14.

13 (2) Need for housing, employment opportunities and
14 livability.

15 Again, for the reasons stated above, there is insufficient
16 data to state conclusively that either this requirement has
17 been met or not met. However, to the extent that this
18 requirement requires a showing that the particular property is
19 needed, the Proponents have not made a showing as to why this
20 particular property is needed as compared to other property
21 within the Urban Growth Boundary or even within Clackamas
22 County.

23 (3) Orderly and economic provision for public facilities
24 and services.

25 If the property is to be developed to urban densities,
26 streets and water facilities will have to be provided by the

1 City of West Linn. Sewer service will become available only if
2 the treatment plant which serves the Bolton sewer system is
3 expanded or if the property is added to the Tri-Cities Service
4 District and this District is funded. At the present time,
5 however, no local jurisdiction or service district is in a
6 position to provide sewer service to the Southern Subarea.
7 Furthermore, the fact that the Southern Subarea possibly could
8 at some point in the near future be serviced does not in itself
9 prove it is "orderly and economic" to do so.

10 It is possible that an extension of sewer service to the
11 Southern Subarea will more fully utilize the new proposed trunk
12 line or the existing sewer facilities and reduce the cost per
13 dwelling to users already within the Urban Growth Boundary, and
14 perhaps reduce it to such a level that providing sewers to
15 areas already within the Urban Growth Boundary becomes
16 feasible; however, there is no evidence in the record to
17 indicate that this is the case. Furthermore, the fact that
18 services could be provided to areas outside the Urban Growth
19 Boundary by merely connecting to existing services inside the
20 Boundary does not prove that it is orderly and economical to do
21 so.

22 (4) Maximum efficiency of land uses within and on the
23 fringe of the existing urban area.

24 A good part of the Southern Subarea is already developed
25 at rural densities. Messrs. Eselius, Kearney and Lee have
26 already built homes on lots larger than 2-1/2 acres; Mr. O'Neel

1 has already built a home on the western edge of Tax Lot 300.
2 Clackamas County concedes that approximately five acres should
3 not be developed because of slopes. Of the portion of the
4 Southern Subarea that remains undeveloped, only approximately
5 65 percent of that can be served by gravity sewer. In short,
6 because of the existing pattern of rural development and the
7 terrain, this property does not provide the "maximum
8 efficiency" required by this factor.

9 (5) Environmental, energy, economic and social
10 consequences.

11 Because of the relatively small parcel of land under
12 consideration, it is difficult to evaluate these consequences.
13 The elimination of forest land and destruction of the natural
14 urban buffer would have some negative environmental
15 consequences. The adverse effect which urbanization would have
16 on the adjacent farming practices could also create a negative
17 economic consequence. If a sewerage pumping station or
18 stations will be necessary to serve the western part of the
19 Subarea, then an adverse energy consequence will result.

20 (6) Retention of agricultural land as defined, with Class
21 I being the highest priority for retention and Class VI the
22 lowest priority.

23 The soil suitability for agricultural use is shown as 82
24 percent. The fact that the property is currently wooded and
25 has never been in agricultural production is not determinative.
26 As noted by Opponents, some of the agricultural land to the

1 west is still being cleared for conversion to agricultural use
2 (Opponents' Exhibit 1, p. 4, and Exhibit B, picture No. 8).

3 (7) Compatibility of the proposed urban uses with nearby
4 agricultural activities.

5 The Opponents have argued vigorously that development of
6 the Southern Subarea at urban densities will be incompatible
7 with the nearby agricultural activities. The Opponents
8 presented specific examples of prior conflict (Opponents'
9 Exhibit 1, pp. 2, 3). The Opponents also emphasized the
10 importance of the "natural buffer" which this property provides
11 between the agricultural uses to the west and south, and the
12 urban uses to the north and east.

13 The Opponents' arguments are well taken and the
14 Proponents' responses do not address the question of
15 compatibility of proposed urban uses with nearby agricultural
16 uses. The Proponents offered two responses: first, they noted
17 that there will be no access through the agricultural land;
18 second, they suggest that the land would likely be designated
19 as rural if it is not included within the Boundary.

20 It is not only access ways -- or lack thereof -- which
21 creates the incompatibility, it is also the location of people
22 at urban densities in close proximity to farming practices
23 which causes the problems. As for the second response, i.e.,
24 that the Southern Subarea may be designated rural, the County
25 may well be correct. Such a designation, however, would only
26 provide the kind of buffer Opponents seek to retain.

1 Not only have the Proponents failed to produce any
2 evidence to show the proposed urban use would be compatible
3 with the adjacent agricultural use, the facts clearly indicate
4 that urban uses would conflict with the agricultural
5 activities.

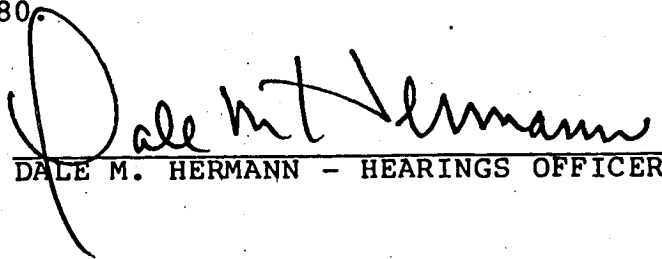
6 3. On balance, an analysis of the above Goal No. 14 factors
7 leads to the conclusion that the proposed change in the Urban
8 Growth Boundary should not be granted.

9 4. Based on the above analysis, it is not necessary to
10 consider whether a Goal 2 exception is necessary.

11 RECOMMENDATION

12 It is recommended the Urban Growth Boundary not be changed to
13 include the land designated as the Southern Subarea West of
14 Marylhurst, based upon the fact that the Petitioner has not
15 demonstrated compliance with LCDC Goal No. 14.

16 DATED: September 21, 1980.

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20 DALE M. HERMANN - HEARINGS OFFICER
21
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26

CONTESTED CASE NO. 80-1

EXCEPTIONS FROM PROPONENTS

1 CLACKAMAS COUNTY EXCEPTIONS TO HEARINGS OFFICER RECOMMENDATION

2 on

3 WEST OF MARYLHURST UGB AMENDMENT REQUEST
4

5 Clackamas County takes exception to the Hearings Officer's
6 findings, conclusions and recommendations because, since the time
7 of the evidentiary hearing, important new events have made new evi-
8 dence available which invalidate his recommendation. Clackamas
9 County also excepts to the conclusion and recommendation of the
10 Hearings Officer because he misinterpreted and misemphasized the
11 evidence in reaching his conclusion.

12 A series of actions by Clackamas County, the City of West
13 Linn, the Department of Environmental Quality, and the voters alter
14 the facts on which the Hearings Officer opinion is based. This new
15 evidence, together with a more careful assessment of some of the
16 facts presented at the August hearing, dictate that the West of
17 Marylhurst area be added to the regional urban growth boundary.

18 Crucial new evidence since the August 11 hearing includes:

19 1. On August 14, the City of West Linn notified Metro of
20 the city council's formal action declaring both the need for inclusion
21 of this area within the UGB and the city's commitment to provide
22 urban services. This city action substantiates the Dual Interest
23 Area Agreement signed by both the city and the County in June which
24 identified the West of Marylhurst site as within the City of West
25 Linn urban service area. A copy of this letter is attached.

26 / / / / /

1 2. The Department of Environmental Quality Director,
2 William H. Young, notified elected officials of Clackamas County and
3 West Linn on August 29 of his department's commitment to use state
4 pollution control bond funds to purchase approximately \$10 million
5 in bonds for the Tri-City Sewer District. This commitment insured
6 that funds would be available for implementing public service pro-
7 vision to the tri-city area in accord with engineering studies which
8 include the West of Marylhurst area. A copy of this letter is
9 attached.

10 3. Voters on September 16 approved the sale of \$25 million
11 in bonds for sewers in the Tri-City Sewer District.

12 4. The Board of County Commissioners on October 2 adopted
13 Order No. 80-2050 declaring bond issue approval, copy attached.

14 These new actions, together with a review of the record,
15 negate basic Hearings Officer's findings and conclusions.

16 I. Provision of urban services

17 Hearings Officer's conclusions

18 On page 5, finding 5, he states "there is no indication in
19 the records as to when, if ever, the expansion (of the sewer system)
20 will take place.", and "the Tri-City's Sewer District is formed but
21 not yet funded."

22 On page 8, conclusion 3, the opinion states "at the present
23 time, however, no local jurisdiction or service district is in a
24 position to provide sewer service to the southern subarea."

25 // // // //

26 // // // //

1 County's exceptions

2 The following facts show these conclusions to be wrong:

3 1. Clackamas County testimony and map exhibit 17 show
4 this area to be included in the Metro 208 planning area and also
5 show the location of the proposed sewer trunk designed to serve this
6 area;

7 2. Orderly and economic provision of public facilities
8 does not mean providing services "at the present time." The UGB
9 is a "20-year need" boundary. Literally thousands of acres of
10 land are included inside Metro's UGB that do not meet the criteria
11 of "services at the present time."

12 3. The West Linn City Council letter, the voter approval
13 of Tri-City Sewer District funding, the DEQ commitment of state funds
14 to purchase bonds, and the County Order declaring bond issue approval
15 demonstrate not only jurisdictional responsibility and commitment to
16 provide urban services to the subject area, but also that implementa-
17 tion of that commitment can occur quickly!

18 II. Demonstration of need

19 Hearings Officer's conclusions

20 The Hearings Officer's report states on pages 6 and 7,
21 conclusion 1, that it is impossible, given the magnitude of the UGB,
22 to determine whether or not this 28 acres is needed to meet long-
23 range growth needs. On page 7, conclusion 2, the Hearings Officer's
24 report states "the proponents have not made a showing as to why this
25 particular property is needed as compared to other property within
26 the UGB or even within Clackamas County."

1 County's exceptions

2 1. These two statements are contradictory. The first
3 states that need at this scale is impossible to demonstrate; the
4 second states that we must demonstrate why this particular piece of
5 property is needed. The record shows that Metro's process for the
6 Clackamas County petition for UGB amendment was legislative. This
7 28 acres was considered in a large, statistically-justifiable
8 amendment request.

9 2. To justify that this 28 acres "is needed as compared to
10 other property within the UGB is an impossible burden for Clackamas
11 County or Metro. Clackamas County and Metro should not be placed in
12 a position of having to justify that this 28 acres is more acceptable
13 than all other land on the fringe of the UGB. If this test were to
14 be applied by Metro, then Clackamas County would be compelled to
15 request that Metro demonstrate why this 28 acres is less suitable for
16 inclusion inside the UGB than all of the "agricultural soft areas"
17 included inside the UGB in Washington County.

18 III. Maximum efficiency

19 Hearings Officer's conclusions

20 The Hearings Officer concludes on pages 8 and 9 that "this
21 property does not provide the maximum efficiency required" because
22 four homes exist within the area, and "only approximately 65% of
23 (the undeveloped land) can be served by gravity sewer."

24 County's exceptions

25 This conclusion ignores significant facts. Clackamas County
26 Exhibit 17 and oral testimony show that the subarea represents a

1 full 25% of the developable area which can be served by the proposed
2 sewer trunks inside the UGB to the east.

3 2. The property line specific UGB for the region of
4 necessity includes within it some small amount of undevelopable land.
5 To insure that 100% of the proposed site could be served by gravity
6 sewers would require deviation from present Metro and LCDC policies
7 for property line specific boundaries.

8 IV. Environmental and Energy Consequences

9 Hearings Officer's conclusion

10 In conclusion 5 on page 9, the report states "if a sewerage
11 pumping station will be necessary: . . ., then an adverse energy
12 consequence will result."

13 County's exception

14 This is clearly irrelevant. Evidence in the record shows
15 that the steep sloped area facing west that cannot be served by
16 gravity sewers would not be developed but would serve as part of the
17 open space requirements under a Planned Unit Development approval
18 by the County.

19 V. Compatibility with nearby agricultural activities

20 Hearings Officer's conclusions

21 The Hearings Officer conclusion 7 on page 10 discusses two
22 issues -- compatibility of urban densities near agricultural
23 activities and opponents' argument for a "natural buffer."

24 The Hearings Officer's report makes several references to
25 compatibility with nearby agriculture and the need for a buffer
26 between urban and agricultural uses:

1 "The elimination of forest land and destruction of
2 the natural urban buffer would have some negative environ-
3 mental consequences." Page 9, conclusion 5.

4 "The fact that the property is currently wooded and
5 has never been in agricultural production is not deter-
6 minative. As noted by opponents, some agricultural land
7 to the west is still being cleared for conversion to
8 agricultural use." Page 9, conclusion 6.

9 "The opponents presented specific examples of prior
10 conflict (between urban and agricultural uses). . . the
11 opponents' arguments are well taken and the proponents'
12 responses do not address the question of compatibility. . .".
13 Page 10, conclusion 7.

14 ". . .it is also the location of people at urban
15 densities in close proximity to farming practices which
16 causes problems." Page 10, conclusion 7.

17 "such a designation (rural), however, would only
18 provide the kinds of buffer opponents seek to retain."
19 Page 10, conclusion 7.

20 "The facts clearly indicate that urban uses would
21 conflict with the agricultural activities." Page 11,
22 conclusion 7.

23 County's exceptions

24 1. Examination of the record provides no proof that the
25 incompatibility problems experienced by the opponents were a result
26 of urban uses. No connection between dogs killing sheep and the

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR CLACKAMAS COUNTY, OREGON

In the Matter of an Election Held)
in Tri-City Service District,)
Clackamas County, Oregon, on the)
Subject of the Issuance of General)
Obligation Bonds.)

No. 80-2055

ORDER DECLARING BOND
ISSUE APPROVED

It appearing to the Board of County Commissioners as the governing body for Tri-City Service District, Clackamas County, Oregon, that on July 31, 1980, pursuant to its order number 80-1609 and an amending order of August 7, 1980, number 80-1667 the Board of County Commissioners called a special election to be held September 16, 1980, for the purpose of submitting to the qualified voters of the Tri-City Service District the question of whether or not there would be contracted an indebtedness of not to exceed \$25,000,000 in general obligation bonds as in said order specified and that on said September 16, 1980, the election was held at which the qualified legal voters of said service district cast 1,667 votes in favor of the issuance of said bonds and 1,206 votes against the issuance of said bonds and it appearing therefore that the voters have, at said election, affirmatively approved the issuance of said bonds and being fully advised, it is

ORDERED AND HEREBY DECLARED that at the special election of September 16, 1980, called for the foregoing purpose the qualified voters within Tri-City Service District have

affirmatively approved the issuance of \$25,000,000 general obligation bonds to mature in not to exceed 30 years with a maximum net effective interest rate of ten percent (10%) per annum payable semi-annually to be sold at not less than 98% of par value for the purpose of providing sewage works for collecting, pumping, treating and disposing of sanitary and/or storm sewage and installing drainage works for disposing of storm and surface water within Tri-City Service District, Clackamas County, Oregon, and it is so declared.

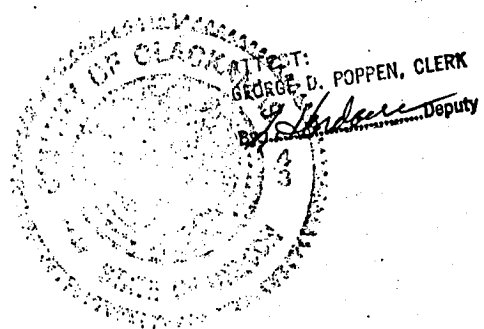
DATED this 2nd day of October, 1980.

BOARD OF COUNTY COMMISSIONERS

by *[Signature]*

by *[Signature]*

by *[Signature]*





Department of Environmental Quality

522 S.W. 5th AVENUE, P.O. BOX 1760, PORTLAND, OREGON 97207 PHONE (503) 229-5300

May 21, 1980

RECEIVED
OCT 13 1980
COUNTY COUNSEL

TO: Elected Officials of Gladstone, Oregon City,
West Linn and Clackamas County

Dear Friends:

Your constituencies will soon be voting on the formation of the Tri-City Service District, a district that could eventually result in improved sewerage service for the three communities. I'd like to express my support for the project.

The cities of Gladstone, Oregon City and West Linn were early leaders in providing needed treatment of domestic sewage. Now these treatment plants are antiquated, nearing or at capacity and unable to provide the degree of treatment needed to preserve and improve water quality of the Willamette River. In addition, the problem of raw sewage entering the Clackamas and Willamette Rivers from the 27 outfalls in the Tri-City area, during periods of rainfall, is still of serious concern. The seriousness of these problems has required that the Department establish a moratorium on sewer connections in Oregon City and Gladstone. These problems will have to be solved as soon as possible in one manner or the other.

The regional plan you are proposing is the least expensive, the most cost effective and beneficial approach for collection, treatment and disposal of sanitary wastes in your area. Because of this, such a district, if formed, could receive 75% of the eligible costs as a grant from the Environmental Protection Agency. It appears that no other alternative would qualify for federal funding.

The citizens and industries of the Willamette Valley have expended a vast amount of effort and resources returning the Willamette River to one of quality in which we can again swim and fish. The maintenance of the present quality, however, is dependent upon the upgrading of the treatment systems and the Tri-City service district approach here seems best.

It is my hope that the people of your area will support the formation of this much needed district.

Sincerely,

WILLIAM H. YOUNG
Director

WHY/mb



Contains
Recycled
Materials



DDW/DIC
City of West Linn

CITY HALL
WEST LINN OREGON
97068

August 14, 1980

Metro Council
527 S.W. Hall Street
Portland, Oregon 97201

Ladies and Gentlemen,

On August 13, 1980, the West Linn City Council considered the issue of the amount of land contained within the West Linn Urban Growth Boundary in the vicinity of Marylhurst Heights. The Council recognized the need for cities to accommodate urban residential growth and passed a formal motion made by Councilman Koellermeier and seconded by Councilman Druback stating that they supported the Urban Growth Boundary proposal containing the larger land area.

We hope that this action will assist you in resolving the issue of the U.G.B. location.

Sincerely,
City of West Linn

DAVID M. RICHEY
City Planner

/kj

cc: Clackamas County Planning Division

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BEFORE THE

METROPOLITAN SERVICE DISTRICT COUNCIL

CLACKAMAS COUNTY - Request for) EXCEPTIONS OF DENNIS O'NEEL
Urban Growth Boundary Change) TO THE FINDINGS, CONCLUSIONS
West of Marylhurst in the) AND RECOMMENDATIONS OF THE
Southern Subarea.) HEARINGS OFFICER

GENERAL

This exceptions statement is submitted on behalf of Mr. Dennis O'Neel, who is a party to the proceeding and an owner of a portion of the subject property. Mr. O'Neel concurs with the exceptions statement and new evidence submitted by Clackamas County. Mr. O'Neel intends to rely upon the same additional evidence that is identified in the Clackamas County statement, and adopts the Clackamas County statement by reference as a portion of this exceptions statement.

NEW EVIDENCE

Several factual matters relevant to this proceeding developed following the evidentiary hearing before the Hearings Officer. Those matters are set forth fully in the Clackamas County exceptions statement. They are set forth briefly here for purpose of reference in the following exceptions statement.

1. On August 14, 1980, the West Linn City Council formally approved of including the Southern Subarea within the Urban Growth Boundary and expressed a commitment to annex the property and provide full City services to it.

2. On August 29, 1980, the Department of Environmental Quality issued a commitment to purchase \$10,000,000 of sewerage

WEISS, DEBR & DeCAMP
Lawyers
33 N. W. First Avenue
Portland, Oregon 97209
(503) 227-3331

1 bonds of the Tri-City Service District.

2 3. On September 16, 1980, voters approved funding for
3 the Tri-City Service District in the form of a \$25,000,000 bond
4 authorization. Construction pursuant to the bond sale will
5 provide sewerage for the Southern Subarea through the adjoining
6 unsewered portion of the present Urban Growth Boundary.

7 4. On October 2, 1980, the Clackamas County Board of
8 Commissioners issued an order declaring approval of the bond
9 sale.

10 5. MSD has filed a petition for review to LUBA which
11 expressed an MSD policy against small acreage, rural develop-
12 ment on the fringe of the Urban Growth Boundary.

13 EXCEPTIONS

14 1. FINDINGS OF FACT 5. The Hearings Officer found that
15 if the property is annexed to the City of West Linn and if
16 the Tri-City Service District is funded, that sewer service
17 could be provided by a new trunkline which will be necessary
18 to serve property already within the Urban Growth Boundary.
19 At the time of the evidentiary hearing before the Hearings
20 Officer, the Service District was not yet funded. It has now
21 received voter approval for funding, and an initial \$10,000,000
22 bond purchase commitment from DEQ. The City of West Linn has
23 formally agreed to annex the property.

24 2. CONCLUSIONS 2.(1), (2). The Hearings Officer
25 correctly concludes that the statistical data and methodology
26 available is not adequate to establish with any statistical

1 reliability a need for 28 acres of additional residential
2 land in the Metropolitan Urban Growth Boundary. He fails to
3 express the fact, however, that the MSD Council, in reviewing
4 the total Clackamas County Urban Growth Boundary submission,
5 found a need for additional property and separated this portion
6 of the application for a closer review of the locational
7 criteria. The record supports an affirmative finding that a
8 demonstrated need exists for at least an additional 28 acres
9 of land to be included within the Urban Growth Boundary. The
10 Hearings Officer incorrectly concludes that it is necessary
11 to compare the proposed property to property already within
12 the Urban Growth Boundary to demonstrate a need for the par-
13 ticular proposed additional property. Once a need is established
14 for additional property, it becomes irrelevant to compare the
15 proposed additional property with property already within the
16 Urban Growth Boundary. The proper comparison is with other
17 property outside of the Urban Growth Boundary that might be
18 a candidate for inclusion. The evidence shows that there is
19 no other property in the area between West Linn and Lake Oswego
20 on the fringe of the existing Urban Growth Boundary that is
21 better suited for inclusion than the subject property. This
22 is so because of its contiguity to the City of West Linn, the
23 availability of all necessary public services, the partially
24 developed nature of the property and those other matters set
25 forth in Mr. O'Neel's and the County's submissions to the
26 Hearings Officer and the Council.

1 3. CONCLUSIONS 2.(3). The new evidence noted above
2 requires a conclusion that the Southern Subarea has sewer service
3 available to it. It would be unreasonable not to conclude that
4 servicing all of an available drainage basin is more economical
5 than providing a trunkline for only a portion of it. Now that
6 the Service District is funded, Clackamas County can provide
7 specific financial information to show that this conclusion
8 is accurate. It is clearly economical to utilize the other
9 necessary public services because those are in existence to the
10 subject property and would require no further public expenditures.

11 4. CONCLUSIONS 2.(4). The Hearings Officer concludes
12 that the Southern Subarea does not provide an opportunity for
13 maximum efficiency of development because 35% of the property
14 would not be serviced by gravity sewer and would remain un-
15 developed. There are several errors in this conclusion. The
16 the assumption
16 first is/that maximum efficiency requires that all of the
17 ground surface be covered by houses, streets and driveways.
18 If such a conclusion were justified, there would be no open
19 space within the Urban Areas. Second, the conclusion overlooks
20 the testimony of the County that a planned development would
21 be permitted and encouraged on the property that would cluster
22 urban-level density on the developable portion, leaving the
23 35% in its present forested state, and produce the same net
24 density as if the entire property were developed in a grid
25 pattern subdivision. Finally, the conclusion ignores the option
26 proposed by Mr. O'Neel to include within the Urban Growth Boundary

1 only that portion of the Southern Subarea which is developable
2 and readily serviceable.

3 5. CONCLUSIONS 2.(5). Development of the Southern
4 Subarea can and will be done in a manner to preserve the exist-
5 ing forest uses. Thus, the buffer to agricultural uses provided
6 by the forest would remain. However, the Hearings Officer's
7 conclusions imply that large-lot rural development should exist
8 on the fringe of the Urban Growth area as a buffer to agri-
9 cultural uses. For rational reasons, MSD has taken a contrary
10 position in the petition involving Carmel Estates, Inc. noted
11 above. The Urban Growth Boundary is only intended to provide
12 an adequate supply of urban land for 20 years. The structures
13 and land uses associated with large-lot rural development on
14 the fringe of the Urban Growth Boundary will have a useful life
15 much longer than that and would preclude the expansion of the
16 Urban Growth Boundary in the future. Such expansion may become
17 necessary in less than 20 years, but by definition will be
18 necessary at the end of the 20 years unless the region exper-
19 iences a zero growth rate.

20 6. CONCLUSIONS 2.(6). The Hearings Officer fails to
21 note that Criterion 6 under Goal 14 does not prohibit the
22 conversion of agricultural land, but establishes a prioritization
23 based upon soil class. The subject property contains Class 3,
24 4 and 5 soils, which are at the least productive end of the
25 Class 1-4 range identified as agricultural land in western
26 Oregon.

1 7. CONCLUSIONS 2.(7). The Hearings Officer is incorrect
2 in concluding both that the conversion of the Southern Subarea
3 to urban use would have a negative effect upon the adjacent
4 agricultural uses, and that a buffer of large-lot residential
5 development is appropriate to prevent imagined negative impacts.
6 The northern portion of the Southern Subarea is already developed
7 with three residences so that a change in use, if any, would
8 be minor. The southern portion of the Southern Subarea is
9 uniquely suited to providing separation from the agricultural
10 uses while maintaining the requisite urban densities because
11 of the forested area which is also within an area not readily
12 serviceable by gravity sewer. The only negative impact of
13 nearby urban use cited by the Hearings Officer upon the agri-
14 cultural uses is the problem of dogs killing farm animals.
15 The existing Urban Growth Boundary, and at one point the
16 boundary of the City of West Linn, is 700 feet or less from
17 the property alleged to be in agricultural use. If the presence
18 of dogs within an urban developed area is indeed a problem, it
19 is inconceivable that moving the Boundary 700 feet would have
20 any substantial effect upon the scope of the problem.


21 Urban development in the Southern Subarea would have either
22 no negative impacts or negligible negative impact upon agri-
23 cultural use of the surrounding property. The Hearings Officer
24 failed to take into account the MSD policy, which is, in effect,
25 a balancing of those negligible negative impacts, if any,
26 against the need to facilitate future orderly expansion of the

1 Urban Growth Boundary. That is, the Hearings Officer improperly
2 based his decision upon a desire to provide a rural buffer
3 area of acreage residential lots on the fringe of the Urban
4 Growth Boundary.

5 8. CONCLUSIONS 4. Based upon the evidence in the record
6 and the additional evidence occurring subsequent to the
7 evidentiary hearing, the MSD Council should conclude that the
8 seven factors of Goal 14 for change in an Urban Growth Boundary
9 are satisfied. Having fully reviewed the seven factors in a
10 public hearing for which adequate notice was given, a Goal 2
11 exception is neither necessary nor required by the LCDC Goals.

12 CONCLUSION

13 The applicant has more than adequately demonstrated
14 through a review of the locational criteria of Goal 14 and the
15 previously established need for additional land in the Urban
16 Growth Boundary that the Southern Subarea should be included
17 within the Regional Urban Growth Boundary. If the Council
18 believes that only a portion of the Southern Subarea is appro-
19 priate for inclusion, it should adopt one of the three alterna-
20 tives expressed in Mr. O'Neel's letter to the Hearings Officer
21 dated September 12, 1980, each of which has a rational basis
22 in fact and policy.

23
24 
25 Lawrence R. Derr, of Attorneys
26 for Dennis O'Neel

WEISS, DERR & DeCAMP
Lawyers
33 N. W. First Avenue
Portland, Oregon 97209
(503) 227-3331

CONTESTED CASE NO. 80-1

EXCEPTIONS FROM OPPONENTS

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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF)	Contested Case No. 80-1
)	
CLACKAMAS COUNTY'S REQUEST	)	EXCEPTIONS FILED ON BEHALF OF
FOR AN URBAN GROWTH BOUNDARY	)	TED C. ACHILLES, JR., DR. ERIK
CHANGE WEST OF MARYLHURST	)	ESELIUS, STEPHEN E. KEARNEY AND
	)	JOHN A. LEE

Messrs. Achilles, Kearney, Eselius and Lee ("The Opponents") agree with the Recommendation of the Hearings Officer as stated in the Findings, Conclusions and Recommendations of the Hearings Officer dated September 21, 1980 ("the H.O. Report"). The Opponents are also in agreement with the Hearings Officer's Findings of Fact found on pages 3 through 6 of the H.O. Report. The Opponents agree with the Conclusions found on pages 6 through 11 of the H.O. Report except for the following:

Exception No. 1. In analyzing Factor (1) of LCDC Goal No. 14, the Hearings Officer concludes (at the bottom of page 6, top of page 7, H.O. Report) that the methodology and data available do not permit a conclusive finding of need or lack thereof. The Opponents disagree. As explained in Opponents' Exhibit 1, pp. 9-11, Metro has already granted amendments to the Urban Growth Boundary which will accommodate more than the demonstrated need as established by Clackamas County's Urbanization Report.

1 In any event, the burden is not on the Opponents
2 to demonstrate a lack of need. Factor (1) of LCDC Goal
3 No. 14 places the burden on the Proponents of the change to
4 show a "demonstrated need." Also, Metro Rule No. 79-3
5 places this burden squarely on the Proponents. See §5.02.030(e),
6 Procedure For Contested Cases. In recognizing, as he does,
7 that the methodology and data do not permit a finding of
8 need, we submit that the Hearings Officer should have
9 concluded that the Proponents have not met the burden of
10 Factor (1).

11 Exception No. 2. The Hearings Officer concludes (on
12 lines 9 and 10, page 11, H.O. Report), that it is not necessary
13 to consider whether a Goal 2 exception is necessary. He
14 reaches this conclusion by concluding that an analysis of
15 the seven factors of Goal No. 14 indicates that the proposed
16 change should not be granted. While we agree with the
17 Hearings Officer that it was not necessary for him to make a
18 conclusion of law on this point, the Opponents wish to
19 continue their contention that this change can be granted
20 only if exceptions to LCDC Goals 3 and 4 are taken and the
21 "compelling reasons and facts" as required by LCDC Goal 2
22 are set forth. Accordingly, even if the Council disagrees
23 with the Hearings Officer 's analysis of the seven factors
24 of Goal 14, the change can not be granted because the exceptions
25 to LCDC Goals 3 and 4 have not been properly taken; nor have
26 any "compelling reasons and facts" been set forth.

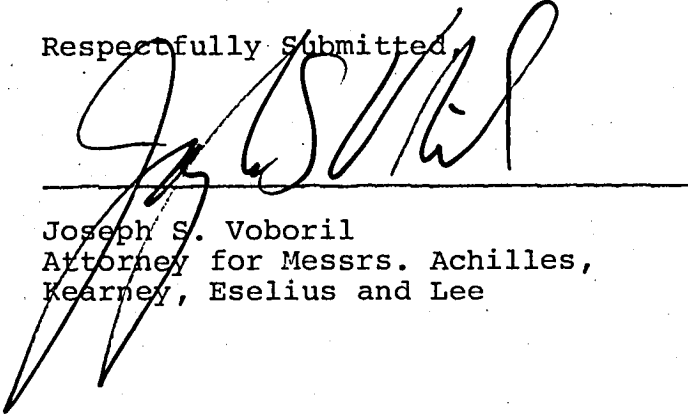
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CONCLUSION

The Hearings Officer has presented the Council with a straightforward analysis of LCDC Goal 14 and recommends that the request should be denied. We encourage the Council to accept and adopt the Recommendation of the Hearings Officer.

Dated , October 6, 1980.

Respectfully Submitted,



Joseph S. Voboril
Attorney for Messrs. Achilles,
Kearney, Eselius and Lee

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Recommending a Continuance of Clackamas County's Request
for Acknowledgment of Compliance with LCDC Goals

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Amendment and adoption of the attached Resolution No. 80-188 recommending that LCDC grant a continuance of Clackamas County's request for compliance. The Council should act on this item at its October 23 meeting in order to ensure that its recommendation is considered by LCDC (see background).
- B. POLICY IMPACT: This acknowledgment recommendation was developed under the "Metro Plan Acknowledgment Review Schedule," June 20, 1980. This process provides jurisdictions an opportunity to work with Metro staff and interested parties to discuss and clarify acknowledgment issues prior to Regional Planning Committee action.
- C. BUDGET IMPACT: None

II. ANALYSIS:

- A. BACKGROUND: Clackamas County submitted its plan to LCDC for acknowledgment in June, 1980. LCDC's hearing on the County's request for acknowledgment is scheduled for December 4-5, 1980, with a comment deadline set for October 24, 1980.

Metro conducted a draft review of the County's plan in October, 1980, and a review of their implementing ordinances in June, 1980. Most of the deficiencies identified in these reviews have been corrected through subsequent amendments.

Clackamas County's present population is 220,000. The northwest unincorporated urban area, which is of primary concern to Metro, has a population of 67,000 with an expected population of 142,000 by the year 2000.

Overall, the County's plan is one of the best in the region. The deficiencies which remain center on rural area policies and implementing measures (Goals #2, #3, #10, #14 and, depending on Council action, on the staff recommended Amendment, #11).

On October 6, the Regional Planning Committee reviewed the "Acknowledgment Issues Summary" prepared by staff in

accordance with current plan review procedures. Based on discussion with County and Metro staff, the Committee recommended the following changes to the issues list:

1. An issue relative to the County's Urban Planning Area Agreement (UPAA) with Lake Oswego was eliminated upon evidence that the UPAA had in fact been signed.
2. An issue relating to the use of urban commercial and industrial zones in rural areas was determined to be adequately addressed through amendments of plan policy alone, rather than through requiring the actual adoption and application of rural commercial and industrial zones prior to acknowledgment, as originally recommended by staff.
3. An issue relating to the use of PUDs in rural areas was determined not to entail any goal violations. Development of special provisions for rural PUDs is, however, encouraged as part of the County's plan update process.
4. An issue relating to sewers in rural areas was eliminated based on an understanding that the County had statutory authority to require sewers to alleviate a health hazard.

The Resolution and Exhibit "A" incorporate each of these recommendations. However, further investigation leads staff to recommend that these materials be amended to include the fourth issue as a goal violation, since the County does not in fact have the authority the Committee believed it had at the time it made its recommendation. An explanation of this issue and the staff recommended amendments are included as Attachment 2.

- B. ALTERNATIVES CONSIDERED: Metro staff did not find any issues which warranted serious consideration of an alternative recommendation (i.e., for denial).
- C. CONCLUSION: Metro's recommendation for a continuance will support local planning efforts while protecting regional interests. The items to be addressed in the continuance should include the amendment of plan policy on sewers in rural areas, as recommended by staff in Attachment 2.

MB:bb
504B/81

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING A	)	RESOLUTION NO. 80-188
CONTINUANCE OF CLACKAMAS COUNTY'S)	
REQUEST FOR ACKNOWLEDGMENT OF	)	Introduced by the Regional
COMPLIANCE WITH THE LCDC GOALS	)	Planning Committee

WHEREAS, Metro is the designated planning coordination body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, Clackamas County is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Clackamas County's Comprehensive Plan has been evaluated for compliance with LCDC goals and regional plans adopted by CRAG or Metro prior to June, 1980, in accordance with the criteria and procedures contained in the "Metro Plan Review Manual" as summarized in the staff reports attached as Exhibit "A" and "B"; and

WHEREAS, Metro finds that Clackamas County's Comprehensive Plan does not comply with the LCDC Goals #2, #3, #10 and #14; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Clackamas County's request for compliance acknowledgment be continued to correct deficiencies under Goals #2, #3, #10 and #14, as identified in Exhibit "A."

2. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibits "A" and "B" to LCDC, Clackamas County and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after June, 1980, the Council will again review Clackamas County's plan for consistency with regional plans and notify the County of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District
this day of October, 1980.

Presiding Officer

MB:ss
496B/135

CLACKAMAS COUNTY ACKNOWLEDGMENT REVIEW
PART I, NORTHWEST UNINCORPORATED URBAN AREA

Clackamas County encompasses 1,893 square miles, of which 71 square miles are located within the northwest urban area contained (almost entirely) by Metro's Urban Growth Boundary. Within the northwest urban area, 36 square miles remain unincorporated of which 12,000 acres are now vacant.

Presently, the County's population is 220,000 people. The northwest urban area has a population of 147,000, with a population of 256,000 expected by the year 2000. The northwest unincorporated urban area will experience growth from its present 67,000 population to 142,000 by the year 2000.

Overall, the Clackamas County Plan is very well organized, thorough, comprehensive and innovative.

Metro's acknowledgment review report includes a draft review of the County's plan and implementing ordinances prepared on October 3, 1979 and June 5, 1980, respectively (marked Exhibit "B"), and a final plan review focusing on issues of regional significance (marked Exhibit "A"). The final or "Acknowledgment Review" is in two parts: 1) Northwest Unincorporated Urban Area, and 2) Rural Plan Amendment.

Metro's Draft Review of Clackamas County's plan identified several plan deficiencies under the State Goals. A copy of this draft review is incorporated herein. It is recommended that the Department of Land Conservation and Development (DLCD) focus its review on the adequacy of Clackamas County's final submittal regarding the subjects of draft plan deficiencies not covered in the "Acknowledgment Review."

Issues of regional significance were identified by 1) utilizing the Metro Plan Review Manual where regional issues (criteria) are italicized on the Plan Review Checklist Worksheets; and 2) an abbreviated version of Metro's December, 1979, document titled, "A Process for Defining the Regional Role in the Portland Metropolitan Area."

Metro recommends Clackamas County's request for acknowledgment of compliance with Statewide Planning Goals be continued to correct deficiencies identified under Goals #2, #3, #10 and #14.

General Requirements

All general requirements have been included in the comprehensive plan package submitted to Metro for acknowledgment.

Within the Amendment and Implementation section of the plan, the County has provided the following "opening language" which satisfies Metro's needs:

"4.0 Coordinate the plan with regional policies by allowing the acknowledged County plan to be "opened" periodically for amendments that specifically consider compliance with regional goals and objectives and functional elements.

4.1 "Open" the plan, each of its elements, and the implementing ordinances for amendments that consider compliance with the goals and objectives and functional plans of the MSD on an annual basis or more often than annually if deemed necessary by the County Commissioners. Annual amendment and revision for compliance with the above regional goals, objectives and plans shall be consistent with any schedule for reopening of local plans approved by the LCDC.

4.2 Recognize that this provision is not to be construed as waiving any legal rights which the County may have to challenge the legality of a regional goal, objective or plan revision.

4.3 Annually "open" the Clackamas County Acknowledged Comprehensive Plan beginning in 1981 to achieve the previously stated purposes." (p. 171)

"Dual Interest Area Agreements" have been signed with all fifteen cities within the County and all eighteen special districts.

While the County's plan does project a 364,900 population for the year 2000, consistent with Metro's "208" projections, the County has revised the "208" figures for areas within the urban and rural designated lands and also within incorporated and unincorporated lands within the County. The northwest unincorporated urban area is projected (by the County) to reach a population of 142,000 by the year 2000.

The justification for varying from the "208" population projections has been presented in the plan ("Population and Housing," pp. 1-13 and "Clackamas County Goal #14 Urbanization Report," pp. 6-8). To summarize, while the plan's Countywide, and Metro area Urban Growth Boundary (UGB) projections are generally consistent with "208," adjustments within the outlying cities and northwest urban area have been made. The County argues that due to the fact that the "208" projections were developed prior to adoption of rural city UGB's and the implementation of the agricultural and forestry preservation goals, a population reallocation is needed whereby rural populations are focused within the outlying cities and northwest urban area. Metro finds this reallocation justified.

Conclusion: The County adequately satisfies the general requirements.

Goal #1 Citizen Involvement

Clackamas County has developed and implemented a most laudable Citizen and Agency Involvement Program (CIP). The CIP was approved by the Land Conservation and Development Commission (LCDC) in April, 1976. The program focuses on the County's Community Planning Organizations (CPO's) as well as special interest groups and individuals. The Citizen Involvement Advisory Committee (CIAC) was appointed to assist the County in implementing the CIP and evaluating its effectiveness over time. A CIAC evaluation of the CIP was conducted in April, 1980.

Plan policies call for the continued support of the County's Citizen Involvement Program.

Metro has not received any Goal #1 violation complaints which have not been satisfactorily resolved.

Conclusion: The County complies with the regional requirements under Goal #1.

Goal #2 Land Use Planning

The Clackamas County plan is contained within a number of documents submitted for acknowledgment. Generally, the inventories and analysis are contained within a series of "planning background reports" organized by topic areas (e.g., transportation, energy, rivers, etc.). The goals and policies are found in the "Comprehensive Plan Clackamas County Oregon," the "Mt. Hood Community Plan" and the "Overall Economic Development Plan Update 1978-80." The goals and policies are implemented through the County's Zoning, Subdivision and Partitioning Ordinances.

All cities and special districts within Clackamas County have signed "Dual Interest Area Agreements" (DIAA) with the County. Of the 15 cities in the County, 11 are within Metro's UGB. All DIAA's have the County plan controlling land use on unincorporated urban lands.

The County plan calls for a continuous plan review and update process with a formal review of the comprehensive plan to be conducted at least every five years (p. 170).

Deficiencies contained within the rural area plan have been identified in Part II of this review.

Conclusion: The County does not comply with the regional requirements under Goal #2. In order to comply, see Clackamas County Acknowledgment Review Part II of this review.

Goal #3 Agricultural Lands

Not applicable for lands within an adopted Urban Growth Boundary (i.e., lands within the northwest urban area of the County).

Deficiencies contained within the rural area plan have been identified in Part II of this review.

Conclusion: The County does not comply with the regional requirements under Goal #3. In order to comply, see Part II of this review.

Goal #4 Forest Lands

There are no issues of regional significance identified under Goal #4.

Conclusion: The County complies with the regional requirements under Goal #4.

Goal #5 Open Space, Scenic and Historic Areas and Natural Resources

Clackamas County has identified two aggregate resource sites within the northwest urban area consistent with the Oregon Department of Geology and Mineral Industries (ODGMI) 1978 report. Also identified, are aggregate resources located within the County's waterways. Plan policy establishes a framework by which these resources will be protected for extraction purposes while minimizing the negative impacts of extraction activities. Policy also requires that plans be submitted for reuse of the land once the resource is expended (pp. 30-33). Policies are implemented through the Zoning Ordinance (Section 818, Surface Mining).

A comparison was conducted to determine consistency between the County plan and the "Urban Outdoors" CRAG, 1971 report. The County has adopted "Design Plans" for each major water course to include the Clackamas River, Sandy/Salmon River, Molalla River, Tualatin River and Willamette River (Greenway). Policies address a wide range of concerns such as erosion and hazard problems, water quality, fish and wildlife habitat protection and more. A minimum setback of 100 feet from the mean low water level for development except water-related activities is required, with a "Conservation Area" extending one-quarter mile on either side of the river. (re: C.P. pp. 14-37)

Other "Greenways" designated within the "Urban Outdoors" are protected through an open space designation on the county plan map. Portions of the Sandy River (from Dodge Park downstream to the Multnomah/Clackamas County line -- two miles) and Clackamas River (from the River Mill Dam near Estacada downstream to Carver -- 15 miles) are identified as being protected under the Oregon Scenic Waterways Act (re: "Rivers" planning background report, p.10). Plan policies are implemented primarily through the County's Zoning Ordinance (Sections 203-205, 1002.05, 1008 and 1102).

The County Urban Area Bikeway Plan is generally consistent with the "Urban Outdoor" bikeway designations.

Conclusion: The County complies with the regional requirements under Goal #5.

Goal #6 Air, Water and Land Resources Quality

A good description of air pollution problems within the Portland/Vancouver Interstate Air Quality Maintenance Area (AQMA) is presented in the "Natural Resources" and "Transportation" planning background reports. The State Implementation Plan (SIP) is referenced with the County data generally consistent with the SIP. Metro's role in maintaining and/or improving air quality in the region is not recognized directly. However, plan policy does commit the County to cooperating with regional agencies to maintain and/or improve air quality.

"Air Quality

- 3.0 Cooperate with local, state, regional and federal agencies and industry to maintain and/or improve local air quality.
- 4.0 Consider the potential air quality impacts of proposed major residential, commercial, industrial and public facility uses prior to any approval." (CD, p. 121)

Industry which may generate air pollutants are allowed in the General Industrial District (I-3) as a conditional use where:

"...associated odors, smoke, dust and noise will be controlled, explosive and incinerary materials will be stored and treated in such a way as to not pose a danger to surrounding uses, and the use will meet all requirements and provisions of the Oregon Department of Environmental Quality." (Z.O., Section 603.05)

An excellent discussion of water quality in the County's rivers and creeks is included in the "Rivers" document. The "Public Facilities and Services Inventory" (pp. 1-4) references Metro's "208" Wastewater Treatment Mangement Plan and the role Metro must play in the implementation of that plan. Groundwater quality is adequately addressed in the "Natural Resources" report (pp. 139-149).

Water resources are protected through a set of general policies which apply to all river and stream corridors. In addition, Principal River Conservation Areas have been established, subject to a special set of policies, standards and design plans specific to each river in the County. Separate policies are established for wetlands and groundwater (C.P. pp. 14-23). The following policies pertain to the County's responsibility to the "208" plan.

"Recognize County responsibility for operating, planning and regulating wastewater systems as designated in the regional Wastewater Treatment Management (208) Plan.

"Require all agencies involved in the provision of sanitary facilities to locate and stage sewer treatment and collection systems in Clackamas County to be consistent with the regional Wastewater Treatment Management (208) Plan or an approved Facility Plan (201)." (C.P. p 135)

Conclusion: The County complies with the regional requirements under Goal #6.

Goal #7 Lands Subject to Natural Hazards

An extensive analysis of natural hazards and their potential impacts on development is contained within the "Natural Hazards" planning background report. Plan policy calls for protection measures for developments in hazard areas with an emphasis on developing an open space network incorporating those hazard areas.

Policies are implemented through several provisions within the Plan and Zoning Ordinance. As an example, soils, slope and drainage characteristics were used as locational criteria for the various low density zones (C.P. p. 52). The Open space designation on the plan map includes major hazard areas. The Zoning Ordinance contains a Floodplain Management District, Principal River Conservation Area and Hazards to Safety section, all of which contain standards adequate to carry out the policies.

Consistency with the "Interim Johnson Creek Basin Stormwater Runoff Plan"

On January 24, 1980, the Metro Council adopted the "Interim Johnson Creek Basin Stormwater Runoff Plan" which applies to the Johnson Creek Drainage Basin. Under this plan, Clackamas County is required to adopt plan provisions and implementing measures sufficient to carry out the terms of the "Guidelines" by July 1, 1980. The extent to which the County's plan carries out the policies and standards contained within the "Guidelines" is discussed below:

- A. Floodplain and Floodway Policies: Clackamas County is a participant in the National Flood Insurance Program and consequently meets most of the policies listed under this section of the "Guideline." The County has a strong open space preservation/park dedication and acquisition program which encourages open space and recreational uses within the floodplain (Z.O. Section 1011 and 1012).

- B. Drainage Policies: A storm drainage and erosion control plan is required for all significant developments and all proposals in or adjacent to an "Open Space" designated area (e.g., Johnson Creek Basin). The storm drainage plan must be consistent with "the specific drainage basin or subbasin plan" (Z.O. Section 1008.02). While the "Interim Johnson Creek Basin Stormwater Runoff Plan" is referenced in the comprehensive plan (p. 177), ideally, the Johnson Creek Plan should also be referenced in the Zoning Ordinance. Other provisions in the County's Zoning Ordinance (i.e., Sections 1008 and 1002) address adequately the "Drainage Policies."
- C. Vegetation Policies: The Zoning Ordinance, Section 1002.05 entitled "River and Stream Corridors" together with Section 1008.02 discussed above, addresses adequately the need for riparian vegetation.

Conclusion: The County complies with the regional requirements under Goal #7.

Goal #8 Recreational Needs

Clackamas County has prepared an extremely thorough inventory of existing recreational opportunities and facilities. The park/recreation needs analysis is organized on a subarea basis which looks at specific acreage needs for local neighborhood, community, metropolitan and regional level parks. Overall, the County needs about 1,400 acres of additional park land by the year 2000. The northwest urban area is noted as being significantly deficient in public park land, especially local and neighborhood type parks.

Plan policy commits the County to providing an adequate level of park and recreational facilities for all County residents and visitors. Specific objectives have been established for each subarea (e.g., develop three neighborhood parks in subarea A) with acquisition and development priorities established for the County.

A variety of implementing strategies are presented which include the formation of a park and recreation district for the urban area, donation of park land by developers of new residential developments, density transfers to create open space and work cooperatively with other units of government to jointly sponsor park and recreational facilities and programs.

As discussed under Goal #5 of this review, the County's parks and recreation plans are generally consistent with the 1971 "Urban Outdoors" study by CRAG.

Conclusion: The County complies with the regional requirements under Goal #8.

Goal #9 Economy of the State

The economics inventory and analysis is contained within two documents: The "Overall Economic Development Plan (OEDP) Update, 1979-80" and the "Economics Planning Background Report." As summarized in the "Goal #14 report," the analysis shows a need for approximately 1,500 - 2,600 acres of vacant industrial and commercial land. While the County has allocated 2,341 acres for new industrial/ commercial development, a further breakdown reveals a shortage for commercial lands. The plan shows a need for 1,500 - 2,300 acres to be allotted for new commercial development, yet, only 424 acres have been designated for that purpose ("Economics" report pp.62 and 64). However, the primary purpose of the Campus Industrial (CI) District is to allow offices and other commercial uses. Commercial uses such as restaurants are permitted within other industrial districts as well. Thus, the commercial land needs will be met within the commercial district and in part, within the industrial districts.

Limitations to new industrial development due to air and water quality standards are discussed in the "Economics" report (p. 32).

Plan policy calls for an expansion of the County's economic base while protecting environmental quality and community livability. The following policy addresses the need to cooperate with affected agencies in order to carry out economic policies:

"Cooperate with the Metropolitan Service District, Port of Portland and Oregon Department of Economic Development in economic development planning and implementation efforts." (p. 147)

The plan is implemented primarily through the Zoning Ordinance.

Conclusion: The County complies with the regional requirements under Goal #9.

Goal #10 Housing

Clackamas County has prepared a fine housing inventory and analysis. In addition to the basic demographic analysis, a housing needs/demand analysis by renter/owner and income range is included. Housing issues such as affordability, housing mix and density, etc., have been discussed as well.

As indicated under the "General Requirements" section of this review, the County has adjusted the "208" population projections for the northwest unincorporated urban area. The County projects this area will reach a population of 142,000 by the year 2000. ("Population and Housing" report pp. 1

The "constrained" lands are defined generally as those over 20 percent slope or in the floodplain. The table below shows the County has 5,218.9 acres of vacant buildable residential land with 369.2 acres identified as having potential for redevelopment, for a total 5,588.1 acres of buildable land.

Northwest Unincorporated Urban Area
Land Supply and Housing Potential

	<u>Existing Units (1977)</u>		<u>Buildable Land (acres)</u>	<u>New Housing Units</u>	
SF	19,910*	(80.5%)	4,558.3**	15,444***	(51.5%)
MF	4,810	(19.5%)	1,029.8	14,542	(48.5%)
(Vacant)			(660.6)	(10,038)	
(Redevelopment)			(369.2)	(4,504)	
	<u>24,720</u>	<u>(100%)</u>	<u>5,588.1</u>	<u>29,986</u>	<u>(100.%)</u>

*Includes 2,180 mobile homes.

**Does not include 1,422.2 acres of "constrained" land.

***Does not include 2,409 housing units on constrained land.

Source: "Population and Housing," Table 17, p. 33 and "Urbanization," Table 6, p. 15.

The above figures were based on a set of assumptions, three of which warrant examination. The first assumption is that 30 percent of vacant residential land will be used by public and semi-public uses (i.e., churches, schools, parks and roads). While this percentage is somewhat higher than assumed by most other jurisdictions (e.g., normally 20-25 percent) it is justified, in that a significant shortage of park land in the residential area exists and further, this figure is consistent with the assumptions contained within the CRAG Housing Task Force report titled, "Methodology and Criteria for Determining Amount of Buildable Land Within Urban Growth Boundaries."

The second assumption concerns the average number of persons per household. The Metro UGB Findings assume the year 2000 household size to average 2.5, which is a decrease from its 1977 household size of 2.6. The County has assumed the same relative decrease from its 1977 household size of 2.8 to 2.7 in the year 2000. Metro finds this assumption to be reasonable.

The third assumption which requires special examination, concerns the redevelopment potential. Lands with redevelopment potential include those which are presently of low intensive use with low quality structures. The redevelopment percentages were based upon the density provided under the plan. It is assumed that Medium, High and Special High Density areas will redevelop at 50 percent, 75 percent and 100 percent, respectively. Metro finds these assumptions to be reasonable.

Utilizing the preceding table and the 30 percent assumption for public and semi-public use, calculations show the County to have 3,912 net residential acres available for development. This results in a 7.7 units per net acre (UNA) overall density. This is more than adequate to meet the regional expectation of about 8 UNA when one considers the numerous options by which densities can be increased (e.g., density bonuses for common-wall construction in the low density zone, low-income housing provisions, park land dedication and energy efficient or innovative design and density transfers from constrained land and more).

Plan policies center on providing housing choice by type, density and price/rent range, neighborhood maintenance and upgrading, urban infill, design aimed at energy efficiency and conservation, crime prevention and noise abatement and encouraging special housing features through the provision of density bonuses.

The County is a participant in the Areawide Housing Opportunity Plan (AHOP).

The housing policies are implemented primarily through the Zoning Ordinance. The County has established four residential districts which include: Urban Low Density Residential (R-7, R-8.5, R-10, R-15, R-20 and R-30), Medium Density Residential (MR-1), High Density Residential (HDR) and Special High Density (SHD). High density housing is also allowed in the Campus Industrial (C-I) district as well.

The Zoning Ordinance does include a Planned Medium Density Residential (PMD) category which has been carried over from the previous Zoning Ordinance. The PMD district is applicable only to a few previously approved developments and thus not supported by plan policy nor designated on the County's Land Use Map.

Multi-family developments are permitted outright in the multi-family and Campus Industrial zones, but subject to design review. The design review standards are clear and objective. As per Section 1102.04 of the Zoning Ordinance, design review may be administered by the staff, subject to appeal to the Design Review Committee.

Mobile homes are allowed outright in the Urban Low Density Residential Districts within a mobile home subdivision (minimum three-acre site).

A Planned Unit Development (PUD) is required for all developments consisting of fifty (50) or more lots or dwelling units (re Z.O., Section 1013). The PUD approval standards are clear and objective. The Home Builders Association of Metropolitan Portland (letter dated 9/24/80, to Mike Butts, Metro Plan Reviewer) has objected to the mandatory PUD provision because it may add unnecessarily to the costs of housing. Metro does not concur. In fact, the PUD requirement could substantially reduce the costs of housing through clustered parking, common-wall construction, shared open space, etc.

For those developments which will encompass lands designated as open space on the plan map, an open space site plan is required and a special review process followed (re: Z.O. Section 1103, Open Space Review).

All lands designated Future Urban on the Land Use Map have been zoned for 10-acre minimum lot sizes. Nearly all lands located within the Immediate Urban area have been zoned consistent with the Land Use Map. The exceptions to plan/zone map consistency in the residential districts include: 1) parcel(s) located east of 99E and Vineyard are planned MDR and zoned R-7; 2) parcel(s) located west of 99E and Vineyard are planned MDR and zoned R-7; and 3) parcel(s) located in the area of 82nd Avenue and Orchard Lane are planned MR and zoned R-10. Inadequate public facilities (e.g., roads) have been sited as the reason these parcels have not been upzoned at this point in time (conversation with Gary Cook, Clackamas County Planner, 10/6/80). This zoning strategy is supported by plan policy (C.P. p. 56, Policy 20.0) and carried out by Section 1202 of the Zoning Ordinance where "adequate public facilities" is one of the criteria which must be met before a zone change is approved.

Although the zone change approval standards are clear and objective, Section 1202.02 (see below) suggests the hearings officer may substitute a single family zone for a multi-family zone (both are within the "Residential" classification) and consequently the County would not meet its identified housing needs.

"1202.02 Alternate recommendation for zoning map change may be substituted by the Hearings Officer for the applicant's petition request subject to the following:

- A. The alternate zone is in the same general classification (i.e., Rural, Residential, Commercial, Industrial); and
- B. Public Hearing Notice shall include notification of additional consideration as required by Section 1300."

Although such a reclassification (i.e., from multi-family to single family) would be inconsistent with the comprehensive plan and, therefore, not allowed, the County should amend Section 1202.02 during the first update of the plan to more clearly state the options available to the Hearings Officer.

Deficiencies contained within the rural area plan have been identified in Part II of this review.

Conclusion: The County does not comply with the regional requirements under Goal #10. In order to comply, see Part II of this review.

Goal #11 Public Facilities and Services

The "Public Facilities and Services Inventory" report identifies the various sewerage treatment service providers, their respective service areas, current and projected facility capacities and major collection and treatment facility problems.

The Metro "208" service area boundary is being revised to be consistent with the recently amended Urban Growth Boundary (i.e., Clackamas County service districts are generally consistent with "208").

Plant development/expansions for service to the year 2000 are necessary at the Tri-City (Oregon City, West Linn and Gladstone), Wilsonville and Clackamas County Service District #1 plants.

The following policies ensure the County's responsibility to provide sewerage service consistent with the "208" plan.

- "1.0 Recognize County responsibility for operating, planning and regulating wastewater systems as designated in the regional Wastewater Treatment Management (208) Plan.
- "2.0 Require all agencies involved in the provision of sanitary facilities to locate and stage treatment and collection systems in Clackamas County to be consistent with the regional Wastewater Treatment Management (208) Plan or an approved Facility Plan (201)." (p. 135)

Subsurface disposal systems are prohibited within the Urban Growth Boundary except for the following:

- "a. A lot of record legally recorded prior to adoption of this plan.
- b. Parcels of ten acres or larger in Future Urbanizable areas inside MSD, and outside MSD on lots that conform to the minimum lot size of the zone. Non-farm and non-forest lot divisions are prohibited inside UGBs.
- c. Parcels inside the urban area which have unique topographic or other natural features which make sewer extensions impractical as determined on a case by case basis.

- d. Areas under a sewer moratorium with sewer services five years or more away if the area is annexed into a city which can assure that future delivery of sewerage service is planned. Once an area qualifies, development should be allowed to the time sewer services are provided." (C.P. p. 136)

Plan policies for sewerage disposal, to include the above exceptions for use of subsurface disposal systems are adequate to comply with Metro's "Policy Guidelines for the Control of Sprawl." (This issue is discussed in detail under goal #14 of this review.)

The planning background report includes not only a discussion of the primary water sources and facility problems of each water purveyor in the County, but also the alternative water sources available. The "Regional Water Supply Plan" prepared by the Army Corps of Engineers is heavily relied upon in the background document. Plan policies generally call for the provision of water service consistent with the land use plan.

Urban storm drainage plans have been completed for the Kellogg Creek, Oak Lodge area, the cities of Milwaukie, Lake Oswego and Wilsonville and Multnomah County (includes portions of Clackamas County). The "Interim Johnson Creek Basin Stormwater Runoff Plan" is identified on the comprehensive plan list of supporting documents (p. 177).

The Johnson Creek, Mt. Scott and Kellogg and Jennings Lodge areas are noted as having serious drainage problems. Future storm drainage problem areas include the unincorporated lands south of Oregon City and lands west of West Linn, both of which are within the UGB.

A number of storm drainage and erosion control policies and standards have been developed to ensure new development is consistent with adopted drainage plans. As an example, a storm drainage and erosion control plan is required for all significant developments prior to permit approval.

A discussion on solid waste problems within the region is included. Expansion of the Rossman Landfill was authorized by the County in April, 1979. The landfill is expected to reach capacity by mid-1982. It is presently accepting about 260,000 tons of garbage a year. Mention is made of the solid waste resource recovery facility near the Rossman Landfill site and the role of Metro and Publishers Paper Co. in this project.

The plan contains the following policies relative to solid waste:

"Solid Waste

- 23.0 Coordinate with MSD in the proper siting of solid waste facilities in Clackamas County.
- 24.0 Require future sanitary landfill sites to meet appropriate DEQ and MSD siting criteria and regulations.
- 25.0 Insure that the control of solid waste facilities and services is consistent with County Solid Waste and Waste Management Ordinances." (p. 138)

Sanitary landfills are allowed as a conditional use in the Urban Low Density, Recreation Residential, Planned Resort and all farm and forest districts. Recycling collection depots and transfer station (to include solid waste as defined per Section 201-14 of the Zoning Ordinance) are allowed as a conditional use in the Recreation Residential Planned Report, Rural Area Single Family (RA-1 and RA-2) and Rural Residential Farm Forest (RRFF-5 and RRFF-10) districts and outright in the General Industrial (I-3) District.

In addition to the County's conditional use approval standards, which are clear and objective, sanitary landfills must comply with the Clackamas County Solid Waste and Waste Management Ordinance (re: Z.O. Section 819.01.A.). The Metro Solid Waste staff finds no problems relative to complying with this "Solid Waste" Ordinance.

Conclusion: The County complies with this regional requirements under Goal #11.

Goal #12 Transportation

Using 1977 as the base year, the County's transportation report includes an inventory of existing facilities, identifies system problems and presents planned facility/system improvements. Also included is a discussion on transportation issues which focus on air and noise pollution, transportation financing and behavioral factors related to mode choice.

Policies focus on the maintenance and upgrading of existing roadways and development of transit and park and ride centers. Policies are implemented through the County's ordinance and cooperative efforts with ODOT, Tri-Met and Metro.

Conclusions: The County complies with the regional requirements under Goal #12.

Goal #13 Energy Conservation

Clackamas County has prepared an extensive inventory and analysis on energy supply and consumption by land use category. The potential for alternative energy sources such as solar, wind, geothermal and

solid waste are discussed. The County's strategies to conserve energy center on 1) land use patterns which support mass transit, 2) site and building design review of new developments for energy efficiency, and 3) a Countywide energy conservation program with an emphasis on education. Additionally, the County commits itself to working cooperatively with Metro to develop solid waste recycling and refuse derived fuel facilities.

Energy conservation policies are implemented primarily through the adopted Land Use Map and Zoning Ordinance (e.g., Section 1005 Building Siting and Design).

Conclusion: The County complies with the regional requirements under Goal #13.

Goal #14 Urbanization

Although the Urban Growth Boundary is located on the County's plan map, a few inconsistencies with Metro's UGB remain. Specifically, about a 30-acre parcel(s) of land west of Marylhurst was not included in the UGB amendment of April, 1980, by the Metro Council, but rather held over for further deliberation. Upon final action by the Council on this matter, the County has ninety (90) days within which to amend their plan and zone maps accordingly. There are also a number of variances from the Metro UGB where the County has indicated a need to include parcels (totalling approximately 100 acres) which are outside Metro's UGB and service district boundary. As noted below, these latter parcels will remain "future urban" until annexed to Metro and the UGB:

"Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Land within the UGB shown on the County Plan Land Use Map but outside the MSD jurisdiction shall be "future urbanizable" until annexed to MSD and to the regional UGB. When annexed to a special district capable of public sewer, zoning compatible with the plan shall be initiated by the County." (p. 49)

Clackamas County is required to recognize Metro's role in the amendment of the regional UGB. The following policy speaks to this requirement:

"Coordinate with MSD in designating urban areas within MSD's jurisdiction and coordinate with affected cities in designating urban areas outside of MSD." (p. 48)

The County's plan map IV-1 on page 47 distinguishes between "Immediate Urban" and "Future Urbanizable" lands within the UGB. For lands designated as "Future Urbanizable" and inside the UGB, a

ten-acre minimum lot size is established where residential subdivisions are prohibited and partitions are reviewed to ensure proper locations of roads, structures, etc. so as to facilitate future urban development at urban densities.

As indicated above, the conversions from "Future Urbanizable" to "Immediate Urban" will take place upon annexation to either a city or special service district. The following County guidelines apply to such annexation:

- "a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
- b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
- c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
- d. Policies adopted in this plan for Dual Interest Areas and provisions in signed Dual Interest Agreements should be met (see Planning Process Chapter)." (pp. 49-50)

An analysis was conducted relative to the County's compliance with Metro's Policy Guidelines for the Control of Sprawl. The following concludes that the County has adequately satisfied Metro Guidelines.

"Clackamas County

GENERAL STRATEGY: The County's plan designates as "Future Urban" all undeveloped areas to which sewer service is not currently available or planned. Future Urban lands can be converted for Immediate Urban Use only through annexation to a sewer service district or a city. The County will support such annexations only when urban services can be provided in an orderly and economic manner. The County's plan also requires the coordinated extension of public sewer and water concurrent with development. Development in Future Urban Areas is restricted to lots of record and partitions of ten acres or larger.

"EVALUATION OF COMPLIANCE:

Policy Guideline #1 (Contiguity/Efficient Service Provision): The requirement that land be annexed to a service district or a city before conversion ensures compliance with this policy, since the County will not support, nor the Boundary Commission approve, annexations which allow development which cannot be served efficiently.

Policy Guideline #2 (10-Acre Minimum Lot Size Prior to Conversion): The County's "Future Urban" designation covers all undeveloped lands which cannot be developed at urban densities on urban services as required by Policy Guideline #3. The regulations in Future Urban Areas not only establish a ten acre minimum lot size for partitions, but prohibit all residential subdivisions. Review of partitions includes a review of site plan to ensure design consistent with future redevelopment. These provisions provide ample protection of future urban lands.

Policy Guideline #3 (Urban Densities and Services): All land designated Immediate Urban can be developed with urban services at the densities provided for in the County's plan. Plan policies supports connection to both public sewer and public water concurrent with development. This policy guideline will be complied with if the Council determines that the densities provided for in the County's plan are consistent with Goal #10 requirements and the assumptions in the UGB Findings. This determination is best made in conjunction with the Council's recommendation to LCDC on compliance acknowledgment of the County's comprehensive plan, submitted June 30.

Policy Guideline #4 (Restrictions on Septic Tanks): Septic tanks are prohibited within the urban area except for lots of record, recorded prior to the plan adoption; cases where natural features make sewers impractical; development of ten-acre lots in the Future Urban Area; and development in areas subject to a sewer moratorium if the land is first annexed to a city. These

provisions are consistent with the conditions for issuance of septic tank permits established in the guidelines. Although plan policy on development on less than ten acre lots on septic tanks in the area subject to a sewer moratorium does not address all the elements provided for by the guidelines, all such development would occur only after annexation to Oregon City. The adequacy of provisions for development in these circumstances was, therefore, addressed as part of the Metro recommendation on Oregon City's compliance acknowledgment request.

"CONCLUSION: Clackamas County has done an excellent job of developing and applying sensible and effective policies for the conversion or urbanizable land to urban use, and clearly complies with Policy Guidelines #1, #2 and #4. Compliance with Policy Guideline #3 relative to urban densities is best addressed as part of Metro's acknowledgement review of the County's plan." (Status Report: Compliance With Metro Policy Guidelines for the Control of Sprawl in Clackamas and Multnomah Counties, pp. 1-2).

Deficiencies contained within the rural area plan have been identified in Part II of this review.

Conclusion: The County does not comply with the regional requirements under Goal #14. In order to comply, see Part II of this review.

Goal #15 Willamette River Greenway

Issues of regional significance relative to the Willamette River have been addressed under Goals #5 and #6 in this review.

Conclusion: The County complies with the regional requirements under Goal #15.

MB:bb
133B/170

PART II : RURAL PLAN AMENDMENT

The County has planned for its non-urban land in a three-staged process called the Rural Plan Amendment (RUPA). RUPA I, adopted in October 1978, contained both plan policies for each type of rural designation and the application and implementation of these policies in the Southern portion of the County. RUPA II, completed in January 1980 but adopted in June, contained the plan designations and zoning for most of the remaining non-urban portions of the County, including much of the non-urban land which lies within Metro's jurisdiction. RUPA III assigned plan and zone designations to the few remaining areas not covered in RUPA I or II, including decisions on the Rock Creek area which had been proposed for urban use in earlier drafts of the plan.

When RUPA I was adopted, the County petitioned CRAG to amend the affected Natural Resource and Rural designations on The Land Use Framework Element Map to be consistent with the County's. As a result of some concerns about the character and application of RUPA policies, the CRAG Board gave only conditional approval of the County's petition. The four conditions on which approval was contingent related to: (1) the use of two-acre zoning close to the UGB; (2) the extent of application of one- and two-acre zones generally; (3) the use of urban commercial and industrial zones in rural areas; and (4) policies on expansion of rural centers or rural areas in the future.

Although CRAG did not take further action on RUPA I, 1000 Friends of Oregon appealed a number of the specific designations on the grounds that an exception to Goal #3 (Agricultural Lands) had not been adequately justified. LCDC found in 1000 Friends' favor and the County reviewed the affected areas and either re-designated them for farm or forest use or re-justified their commitment to rural use. The resolution of the RUPA I Contested Areas was adopted in June 1980 and appealed to the Land Use Board of Appeals (LUBA) by 1000 Friends and an affected neighborhood group.

Metro reviewed RUPA II proposals and submitted written and oral testimony, but could not make a judgement on the adequacy of the plan in its final form until the findings for the decision became available in June 1980.

At this time Metro joined with the city of Sandy and 1000 Friends of Oregon in an appeal of RUPA II to contest commercial zoning to allow the shopping center development known as Carmel Estates, which Metro has twice before successfully contested. In addition, Metro's RUPA II appeal included more general objections to the too generous application of each of the rural designations in that portion of RUPA II within the Metro district, and objections to the application of two-acre zoning adjacent to the UGB wherever it occurred.

Metro appealed RUPA III to contest zoning for two specific developments to which it has long been opposed: one a 200-acre tract of land known as Waldow Acres abutting the UGB for which two-acre

zoning had been approved and one the Beaverlake Subdivision for which a 1000-unit development including some 400 condominiums had been approved.

Metro's reviews of and actions on the County's Rural Plan Amendments have been limited to issues of regional interest. This interest may generally be defined as an interest in limiting rural development in such a way that it does not undermine the effectiveness of the UGB, either directly through non-urban zoning which would provide housing in competition with urban housing, or indirectly, through zoning which allows for increased rural development in a pattern of rural sprawl, contrary to the principles of land use and service efficiency which the UGB was adopted to promote.

LCDC itself has recognized the importance of these issues. In Clackamas County's 1979 progress review, DLCD Director Wes Kvarsten noted that "The (LCDC) Commission believes that it is imperative that resource lands close to the regional UGB be protected to preserve the integrity of the Urban Growth Boundary."

The extent of the threat to this integrity is indicated by the fact that since the UGB was adopted in 1976, the proportion of building permits issued in rural areas in Clackamas County has been about ten times higher than in the other two metropolitan Counties - averaging about 20% of all building permits issued in the County, as compared with an average of about 2% elsewhere.

Given this pattern, it is critical that Metro insure that rural zoning be strictly based on clear demonstrations of need for or commitment to the level of development allowed.

In determining whether or not the level of development allowed is justified, reference is made to policy in the regional Land Use Framework Element (LUF), as well as to the County's own plan goals and policies where appropriate.

Because each of the acknowledgement issues in RUPA affects compliance with several goals, the issues are discussed by plan policy, rather than by goal. A summary of the goal violations related to each policy discussed is presented on the following page. A summary of changes needed to correct identified goal violations appears at the end of this report.

Rural Centers

CRITERIA FOR DESIGNATING AND EXPANDING RURAL CENTERS: The County's policies for designating rural centers are as follows:

1. The following areas may be designated Rural Centers:
 - a. Communities which are presently developed, built up or committed to residential, industrial, or commercial uses.

SUMMARY OF RURAL ACKNOWLEDGMENT ISSUES BY GOAL

Plan Element	Goal Requirement Violated				
	GOAL #2	GOAL #2	GOAL #3	GOAL #10	GOAL #14
	Regional coordination (consistency with LUFÉ)	Adequacy/consistency of implementing measures	Agricultural lands protected unless adequate exception	Housing needs met on buildable urban land	Urban development contained in UGBs
<u>Rural Centers</u>					
Criteria for designating rural centers (1.0)	✓				✓
Application of criteria for rural centers	✓	✓			✓
Use of urban commercial and industrial zones	✓	✓			✓
Application of commercial and industrial zones	✓	✓			✓
<u>Rural Areas</u>					
Expansion based on need (2.0)				✓	✓
Criteria for two-acre zoning	✓				✓
Application of two acre zoning	✓	✓			✓
Application of five acre zoning	✓	✓			✓
Criteria for ten acre zoning	✓	✓			✓
Application of ten acre zoning	✓	✓	✓		

- b. Areas in which topography, soil conditions and road networks will support development and in which parcel sizes are generally less than five acres.
- c. Areas where public water is available.

A rural center designation is implemented by means of the RA-1 Zone for residential use, allowing a one-acre minimum lot size.

Metro accepts that such relatively dense rural development may be appropriate in existing rural centers of the type this designation is designed to recognize. Such densities do come close to being urban in character, however, and there is a real danger that rural centers developed at such densities will, indeed, eventually become the type of unplanned, sprawling cities which inevitably require but can't afford to be sewerred - a situation the Goals were established in part to avoid. Metro believes, therefore, that one-acre zoning in rural areas must be used only for the purpose of recognizing existing uses and allowing new parcelization only on lots that are clearly contained within the rural centers and that can physically accommodate rural center density.

The County's policy on designating rural is generally consistent with this view with two exceptions: (1) Policy 1.0 should clearly state that all criteria must be met for an area to qualify as a rural center and (2) parcel sizes which help justify rural centers in (b) should have a lower upper limit than five acres - e.g. parcels should be generally less than two acres, or no parcels greater than five acres should be included unless surrounded by developed parcels two acres or smaller.

Although County staff have indicated their intention to require that all criteria be met to justify rural center designation, the actual use of this designation, discussed below, has been to include more land in rural centers than the built-up core area, often lands where the average parcel size is larger than two acres. Changes in policy are, therefore, needed to insure that if the County's actual rural designation contested by Metro are found invalid, the new designations required will be identified consistent with regional policy. County staff have indicated the County's willingness to undertake the recommended amendments.

The County's plan also contains policies for the future expansion of rural centers, which provide that rural centers may be expanded based on "documented public need." To the extent that this policy would allow for rural center expansion in cases where the need could be met either within the contiguous UGB or by creation of a new UGB at the rural center, it would violate Goals #10 and #14. However, Metro believes that County's goals for rural centers provide a sufficiently circumscribed basis for defining need for rural center expansion to avoid this outcome. In addition, the County states that it has included in its current work program the preparation of Community Plans for Rural Centers which will identify in detail the appropriate future for each center. Metro believes, therefore, that

although completion of this work should be encouraged as a recommended plan update, the plan's goals and policies together are sufficiently limiting to avoid goal violations which would preclude acknowledgment.

APPLICATION OF RURAL CENTER DESIGNATION: In its appeal of RUPA II, Metro has contested the extent of the rural centers designation in the following areas:

<u>Area No.</u>	<u>Acres</u>	<u>Name</u>	<u>Average Acres per unit</u>	<u>Approx. % in ownership 5 acres or greater</u>
Y-4	450	Damascus Rural Center	2.23	25%
Y-8	109	West Boring Rural Center	1.81	25%
Y-9	310	East Boring Rural Center	2.03	34%

Although Metro recognizes the appropriateness of some rural center designations for Damascus and Boring, we believe more land has been included than necessary to recognize and support the existing center.

COMMERCIAL AND INDUSTRIAL USES IN RURAL CENTERS: The County's goals and policies are generally consistent with state and regional requirements. Plan policies provide that:

8.0 Industrial uses should be limited to those which support the natural resource base, including processing, storing and transporting products.

9.0 Commercial uses should be limited to those which provide services to the Rural Center and the surrounding area.

To be strictly consistent with the LUFÉ, the latter policy should read, "Commercial uses should be limited to those necessary to provide services ...". However, since the plan goals do limit such uses to those "necessary to serve the surrounding Agricultural, Forest and Rural Areas", the intent of this policy is sufficiently clear.

There is a problem, however, in that plan policy 17.0 provides that the County's existing commercial and industrial zones, including those used in urban areas, are adequate to implement the policies quoted above. Since these zones do not in any way restrict development to industrial uses which support the natural resource base or commercial uses needed to serve the surrounding area, they do not adequately implement plan policy.

The County's work program for this year includes the development and application of appropriate zones for rural commercial and industrial

development. Metro recommends that the plan not be acknowledged until Rural Policy 17.0 of the plan is amended to recognize that new zones are needed to limit the types of commercial and industrial uses allowed in rural areas to those necessary to serve the surrounding rural area and to commit to adopt and apply such zones following public hearings to be held by July, 1981.

APPLICATION OF COMMERCIAL AND INDUSTRIAL DESIGNATIONS: Metro has appealed the following commercial or industrial plan and zone designations in RUPA II:

- Y-14 -- Carmel Estates (Commercial)
- Y-16 -- Damascus Industrial
- Y-11 -- South Boring Industrial
- Y-12 -- West Boring Industrial Expansion.

These areas include a total of 146 acres of land. Amendment of plan policy on zoning for rural commercial and industrial areas, as recommended above, will not be adequate to remedy the problem with these designations, since the plan designations themselves are not justified either by commitment to these uses or by a need for new uses of a type necessary to serve the surrounding rural area.

Rural Areas

Rural areas are those lands outside rural centers which have not been designated for resource protection though exclusive farm or forest zoning. The County's plan contains general policies for designating rural areas, followed by policies governing when an area should be zoned for two-, five- or ten-acre lots.

CRITERIA FOR DESIGNATING RURAL AREAS: Criteria for designating rural areas provide for the designation of areas not currently committed to nonfarm or forest use, based upon "documented public need" (policy 2.0). Although the language in this policy is consistent with the general requirements listed in Goal #2 for goal exceptions it is not consistent with the subsequent interpretation of these requirements handed down by the Court of Appeals in Still v. Marion County. This interpretation further specifies that, in cases involving an identified housing need, the required "evaluation of alternatives" explicitly include a finding that the need cannot be met within an Urban Growth Boundary before the conversion of farm or forest land for rural use can be justified.

The need for such a finding is not explicit in the County's policy and, in fact, the County's goals for rural areas suggest that such a finding need not be made. These plan goals include "to provide rural housing choices as an alternative lifestyle to urban living." If acknowledged without revision, therefore, the County's plan would allow for the use of rural lands to meet housing needs which the goals require be met instead in identified urban areas. To remedy this problem, the County must either revise its own plan goals to limit the circumstances in which rural housing may be considered needed, or revise or eliminate the policy which allows for the expansion of rural areas based simply on a "need to provide rural housing choices."

County staff recognize that a plan policy which may have been appropriate when first adopted may now be, at best, unclear and do not object to undertaking the clarification requested.

POLICY ON PLANNED UNIT DEVELOPMENTS (PUDs): Policy 11.0 provides that:

The County shall encourage grouping of dwelling units with lot sizes less than the minimum allowed by the zoning district, when such cluster development is compatible with the policies in this plan and the overall density of the zoning district.

This policy is implemented through PUD provisions in the zoning ordinance which do not distinguish between its application in rural and urban areas, in terms of separate standards governing when a PUD should be approved and what conditions, if any, should apply to the lot sizes allowed.

In considering whether and under what circumstances PUDs were appropriate in rural areas, the Regional Planning Committee concluded that: 1) there was insufficient evidence that PUDs would reduce the per unit cost of rural housing in a way which might make such units competitive with housing available in the urban area; 2) the overall density of development on a site was more relevant to goal compliance than the size of the individual lots within it; and 3) the advantages of clustered home sites relative to the efficiency of possible future urbanization was sufficient to outweigh such disadvantages as might result from allowing individual lots smaller than provided for by the relevant zone.

The Committee concluded that the County's provisions for PUDs in rural areas do not, therefore, violate any State goals or LUFÉ policies.

The County is nonetheless encouraged, as part of its plan update process, to prepare and adopt special approval standards for rural PUDs, as provided for in Rural Policy 14.0 of the plan.

CRITERIA FOR APPLYING FOR TWO-ACRE ZONING: Criteria for the application of two-acre zoning include that parcels should be "generally five acres or smaller" and the area should be adjacent to a rural center or "incorporated city." Metro believes that two-acre lots adjacent to urban areas compete with urban lots and are, therefore, urban in character. While two-acre lots may be an appropriate lot size close to rural centers, they should be limited to areas that are already largely parcelized to that level. Applying such a zone where parcels are generally five acres is not justified in the terms required by LUFÉ policy and allows substantial new development which could create pressure for urbanization.

CRITERIA FOR APPLYING TEN-ACRE ZONING: As with the criteria for rural centers, the plan is not clear whether all or only one of the

criteria must be met for a particular zone to be applied. In this case, however, the zoning ordinance clearly specifies that all criteria must be met in each category. While this is appropriate and desirable for the two- and five-acre zones, it is not appropriate for the 10-acre zone, which should be applied to whatever land does not meet the criteria for two- and five-acre zoning. Requiring that all criteria for the ten-acre zone must be met creates a necessary inconsistency between plan and zoning, since there will necessarily be some land which does not fall in any category. County staff have indicated that the use of "and" rather than "or" in the 10-acre zone was an oversight which the County is willing to correct.

APPLICATION OF CRITERIA FOR TWO-, FIVE- AND TEN-ACRE ZONES: Metro has appealed the application of two-acre zoning in areas where it has been applied adjacent to the UGB or to lands not committed to that level of development (i.e., based on parcel sizes generally two-acres or less, not five). These areas are: RUPA II areas R-12, R-37, R-46 and R-42, and RUPA III area 6.

These areas encompass more than 700 acres. With the exception of R-12, an area immediately south of the UGB around Oregon City, two-acre zoning for these areas violates the County's own adopted criteria for the application of this zone. While Metro recognizes that two-acre zoning may be appropriate in some portions of R-37 and R-46, it believes these areas also include land more suitably zoned for a five- or ten-acre minimum lot size.

Similarly, Metro has appealed five-acre zoning in the following areas where, based on the County's own criteria, it would appear that some or all of the land should be zoned for ten-acre lots or larger: RUPA II areas R-7, R-29, R-32, R-39, R-41, R-44, R-47; and RUPA III area 8.

These areas encompass almost five thousand acres of land.

Finally, Metro has appealed the application of ten-acre zoning in a few areas where it appears that some or all of the land can still be protected for farm or forest use. These areas, all in RUPA II, are R-9, R-34, R-42 and R-43, totalling over 2,000 acres.

Summary of Plan Changes Needed

The table on the page 21 relates each of the deficiencies identified to the applicable goal requirements. Following is a summary of changes that would be adequate to comply with regional interests relating to each of the applicable goals, as shown:

Goals #2 (Land Use Planning and #14 (Urbanization)

1. Amend policy 1.0 for Rural Centers to (a) require that all criteria must be met for a rural designation to be justified and (b) establish a more restrictive test for parcel size than "generally less than five-acres."

2. Redesignate or rejustify those portions of areas Y-4, Y-6, Y-8, Y-9, Y-11, Y-12 and Y-14 which have not been justified by findings consistent with the LUFÉ and with County plan criteria. (An adequate exception statement is needed to remedy a Goal #3 violation for Y-14 as well.)
3. Amend Rural Center Policy 17.0 to provide for the preparation and adoption of new zones to implement County plan policies for rural commercial and industrial use.
4. Amend Rural Policy 13.1(a) and the corresponding sections of the Zoning Ordinances to read "generally two-acres or smaller" and 13.1(c) to delete "or incorporated city."
5. Rezone or rejustify lands zoned for two-acre lots in RUPA II areas R-12, R-37, R-46 and Area 6 of RUPA III.
6. Rezone or rejustify lands zoned for five-acre lots in RUPA II area R-7, R-29, R-32, R-41, R-39, R-44, R-47 and in Area 8 of RUPA III.
7. Amend Rural policy 13.3 and corresponding sections of the Zoning Ordinance to provide that only one of the listed criteria must be met to justify ten-acre zoning.

Goals #2 and #3 (Agricultural Lands)

8. Redesignate for farm or forest use or rejustify ten-acre zoning in RUPA II areas R-9, R-34, R-38, R-42 and R-43.

Goals #10 (Housing) and #14

9. Amend Rural Goals and/or Rural Policy 2.0 to provide that rural areas shall be designated to meet housing or employment needs only when justified by compelling reasons and facts demonstrating why such uses cannot be provided with an urban area.

In addition, as part of its next plan update, the County is encouraged to (a) Prepare and adopt special standards for rural PUDs as part of its next plan update; and (b) complete community plans for the Rural Centers of Boring and Damascus which identify: 1) if, when, and how it may be necessary to provide for incorporation and urbanization of these areas; and 2) the appropriate limits on the growth that can be tolerated in these areas in lieu of or prior to a decision to urbanize.

JH:ss
655B/177

Metropolitan Service District

527 SW Hall Portland, Oregon 97201 503/221-1646

Memorandum

Date: October 3, 1979
To: David Seigneur, Planning Director
From: Michael Butts, Metro Plan Review
Subject: Draft Review of Clackamas County's Comprehensive Plan

Following is a summary of Metro's comments regarding the review of Clackamas County's Comprehensive Plan. The review is limited to the urban area (i.e., lands within the UGB). In general the plan is both thorough and imaginative. Congratulations are extended to you and your staff for a fine job.

The summary includes those issues raised at our September 14, 1979, meeting as well as other issues identified through the review process. The review is based on a goal-by-goal format with numbers referring to the evaluation criteria of the "Metro Plan Review Manual" checklist.

0. General Requirements

The following items are missing from your Plan package and should be submitted prior to final plan review.

0.1.5.1. Brief Description of Contents of supporting documents;

0.1.6. List of affected agencies;

0.1.7. Names of CCI and CAC Chairperson; and

0.1.8. Urban Planning Area Agreements.

As discussed, items 0.2. Population Projections and 0.2.1. Consistency with "208" will be evaluated when your population analysis is available.

Goal #1 Citizen Involvement

Although you appear to comply with goal requirements, we would encourage your CCI to conduct a final evaluation addressing the six goal requirements and submit it with your final review package.

Goal #2 Land Use Planning

Most of the requirements of Goal #2 will be satisfied if changes are made which reflect the comments on the following pages. Items which relate particularly to this section and still need to be included are:

2.1.2.2. Zoning Map.

2.2.1 List and location of plan documents on file.

2.2.2.1. Urban Planning Area Agreements.

2.2.2.2 Documentation of opportunity for agency review and comment during planning process.

In addition, all supportive maps (i.e., soils, landslide, poor drainage, etc.) should be referenced in the inventory or listed as a source wherever applicable and the location identified (i.e., Planning Department).

Goal #3 Agricultural Lands

Not applicable for the urban area.

Goal #4 Forest Lands

4.1.1. Existing forest lands have been well documented. To complete the requirements of this goal, "potential" commercial forest lands must be identified as well.

Item 4.1.5 will be completed after RUPA II, as noted.

#5 Open Space, Scenic and Historic Areas and Natural Resources

5.1.5. and 5.1.6. The Discussion Draft, page 33, policy 1.0, refers to the need to complete an inventory of significant natural areas and scenic views and sites. This inventory should be completed for the urban areas prior to final plan review. The rural area inventory appears to be complete as shown on the "Scenic and Distinctive Natural Areas" map opposite page 33. However, the "Oregon Natural Areas, Clackamas County Data Summary," Oregon Natural Heritage Program, has identified a number of Natural areas not identified on the "Scenic and Distinctive Natural Areas" map. These inconsistencies should be resolved.

5.1.8. The Mt. Hood Wilderness Area is identified on the map mentioned above, yet it is not discussed in the text. The

Mt. Hood Community Plan probably contains this discussion, and if submitted as a supporting document, would likely meet this criteria.

5.1.9. According to our discussion, the Historic Sites Inventory is complete but needs further refinement in terms of classification. A historic site inventory is naturally an ongoing project, however, the language on page 178 of the Discussion Draft tends to make the reader believe that the base data inventory is not complete. It would be helpful if this language was revised.

5.1.11. All "Oregon Recreational Trails," as identified in the "Urban Outdoors Study," should be identified on the "Open Space Network and Recreation Needs" map of the Discussion Draft as official state trails.

5.2.2. As noted in the self-evaluation, the economic, social, environmental and energy consequences should be discussed regarding the various plan policies of this goal. This discussion could encompass item 5.2.3.2, where conflicting uses, if any, are identified.

5.2.4. The inventory has indicated that 20% of the total land area should be reserved for Open Space. The total area planned (land use and vacant land inventory, 1977) approaches 23% and is, therefore, reasonably consistent. It would be helpful if these facts were evident in the Discussion Draft under findings.

5.3.1. The "Historic Preservation Ordinances" or similar preservation mechanism should be developed prior to final plan review, in order to ensure preservation.

As a concluding note, we have reviewed the comments of the Department of Fish and Wildlife in a letter dated September 13, 1979. We have addressed above some of the concerns, but only those we feel are critical for compliance. We would encourage your department to contact the Fish and Wildlife agency to discuss their concerns.

Goal #6 Air, Water and Land Resources Quality

6.1.1. A number of tables and figures referenced in the Natural Resources text on Air Quality are missing.

6.1.1.4. Ideally, Air Quality data and findings should be updated to incorporate the results of the Air Quality Implementation Plan (SIP) completed in April, 1979. This study is available at the Metro offices. At a minimum, the chapter

should include an addendum identifying the County as a non-attainment area and recognizing the need to update this data utilizing current DEQ and Metro data in subsequent plan update.

6.1.3.2. The "Road to Compliance" memorandum, item #5 under performance, has recognized the need to address this requirement. In addition to the threats mentioned, the leaching problems associated with the Rossman's Landfill should be discussed.

6.3.1.1. Storm Drainage and Erosion Control plans are required for all significant new developments. The implementation mechanism for this policy is carried out through the subdivision ordinance. There appears to be no review mechanism for development which may not require the division of land (i.e., lots of record). This problem should be addressed.

Goal #7 Areas Subject to Natural Hazards

7.1. As noted under the Land Use Planning Goal #2, supportive maps need to be identified by title and location. It is especially pertinent in this section.

7.1.1. The Clackams County Commission recently adopted the Johnson Creek Development Guidelines. This should be noted in the Natural Hazards document under "Flooding and Stormwater Runoff."

7.1.4. Although the self-evaluation shows this item was not addressed, erosion and deposition is adequately addressed in the "Rivers" document. If significant erosion and deposition exist outside the river corridor, they should be identified.

7.3.1. As stated in our meeting of September 14, 1979, the subdivision ordinance is the tool to implement the policies of this goal. We will assume this to be true at this time, as we do not have a copy of your subdivision ordinances.

Ideally, the total acres designated as Hazard Areas, as indicated in the "Land Use and Vacant Land Inventory," 1977, should be stated as a finding in the Natural Hazards section of the Discussion Draft.

Goal #8 Recreational Needs

As noted under Item 5.2.4., the total acres planned for parks and recreation should be identified as a finding in the Discussion Draft.

Goal #9 Economy of the State

9.1.7. The chapter titled "Strategies for Economic Development" in the OEDP has identified existing air pollution as a constraint to the type of new industry which can locate in the area. It would be helpful if the "constraints" were further defined and the accompanying impacts identified.

9.2.1. Chapter V "Strategies for Economic Development" in the OEDP, together with preceding chapters, adequately identifies the constraints and potentials for economic development, and thus the economic alternatives.

9.2.2. The OEDP Table IV 1 pg 65, has identified existing and planned commercial and industrial land uses. However, these figures do not coincide with the "Land Use and Vacant Land Inventory, 1977." In addition to resolving this inconsistency, the allocations must be adequately justified in terms of vacant available land and projected need. Need may be based on employment projections or forecasts, comparative studies with other counties, accepted standards, etc.

9.3.1. The zoning, subdivision and design review ordinances appear to implement the economic policies. The Clackamas County Zoning Map will need to be submitted to complete the requirements of this goal. Any of the 38 industrial sites needing zone changes as identified in the OEDP, page 70, which are not now designated for industrial and will not be rezoned should be discussed.

Finally, we have reviewed the comments of the Department of Economic Development in a letter dated September 7, 1979. We have addressed above some of their concerns, but only those we feel are critical for compliance. We urge you to contact the DED to discuss with them their concerns.

Goal #10 Housing

Plan review of the County's Housing Element will take place upon receipt of the Housing/Population inventory and analysis sections. We anticipate the analysis will identify, at a minimum, present and projected year 2000 population figures, buildable lands, and present and projected total housing units by type. In a cursory review, the housing policies in the Discussion Draft appear to meet the requirements of Goal #10. In revising your implementation ordinances, we urge you to address item 10.3 which would require language in the zoning ordinance, section 8.1.A Conditional Use to be revised. The following language...."detrimental to the....surrounding

property" is vague and, therefore, does not meet the requirements of this criteria.

Finally, "Facts and Figures" at the beginning of the Discussion Draft are confusing to the reader and need revision. These revisions were discussed at our September 14, 1979 meeting.

Goal #11 Public Facilities and Services

11.1.4. The chapter on "School Facilities" should be expanded to include current and projected capacities for each school. It is through this inventory that deficiencies can be identified. The school district map should be included in the text or referenced in order to identify service areas.

If you are unable to complete this inventory due to lack of cooperation with the various school districts, we recommend you simply document your efforts to complete this task.

11.1.6 and 11.1.7 The Public Safety chapter of the Public Facilities and Service Inventory should be expanded to meet the requirements of Goal #11. The current and projected facilities of each police and fire department should be identified and any potential problems such as shortages of manpower, facilities or equipment should be discussed.

11.1.8.1. Ambulance and Rescue Operations have been addressed briefly under Fire Protection, page 141, in the Public Facilities document. It would be appropriate to expand this discussion to identify capacity and need, and some policy development to complete the "Public Safety" chapter.

11.1.10. The "Facility Master Plan" should be submitted with the plan to address "General Government."

Goal #12 Transportation

12.2.1. Existing roadway capacity problems and needs have been identified. To complete the requirements of this goal, there should be some discussion of future capacity problems as well.

12.2.1.1.a. The term "Transportation Disadvantaged" should be defined. Additionally, the current and projected number of transportation disadvantaged should be identified. This may be based on a percentage of total population.

12.2.1.3. and 12.2.2.1. The Metro Transportation Department will be reviewing functional classes for consistency with regional plans during the following month. Their comments will be made available prior to your final plan review by our department.

12.3. It is not clear how the proposed express bus system is to be implemented. At a minimum, policy regarding coordination with Tri-Met should be included. A list of needed improvements and a schedule for accomplishing them, such as was mentioned in our meeting, would be helpful.

Goal #13 Energy Conservation

13.2.2. As noted in the self-evaluation, the implementation requirements are not complete.

Goal #14 Urbanization

The UGB issues will be addressed as part of the annual amendment process of the Framework Plan and must be resolved prior to submittal for plan compliance.

14.2.2.2. The County's process for amending the UGB will not, in total, meet Metro's requirements. Language needs to be added which spell out that the County shall make application to Metro to amend the UGB and comply with its policies and process for amendment.

14.2.3.2.f. The Discussion Draft, Chapter X, pages 51-52, lacks any language dealing with "contiguous new urban development." This should be added to meet the requirements of the Framework Plan. This requirement is applicable only to item 2.0.c of Chapter #4 Land Use. If, as discussed, this provision regarding amendment to the Comprehensive Plan is deleted, then this requirement will not apply.

Goal #15 Willamette River Greenway

Adequate.

cc: Jim Knight
Linda Macpherson

Tom O'Conner

MB:ss
5258A
0061A

Attachment 2: Staff recommended amendments to Resolution NO.80-188 and Exhibit "A."

The issues presented to the Regional Planning Committee included concern about County plan policies on sewers in rural areas which allow sewers where needed to alleviate a health hazard identified by the State or Clackamas County. Staff recommended that in order to be consistent with the Land Use Framework Element and with LCDC Goals #11 and #14, this policy should be amended prior to acknowledgment to read "the State and Clackamas County."

County Counsel commented at the meeting that the change recommended by staff was inappropriate, since ORS 431.530 assigns the County authority to declare a health hazard. Metro staff concurred that if the County had such authority, the recommended change was unnecessary and inappropriate, and the Committee voted to remove this issue from the list of goal violations. Exhibit "A," the acknowledgment review, accordingly deleted mention of this matter, and the violation of Goal #11, of which this was the only alleged instance, was deleted from the resolution.

Subsequently, however, staff reviewed the statute cited and discovered that it did not properly give the County authority to declare a health hazard for the purpose of requiring sewers in an area of failing septic tanks.

The statutes do not assign the County a general grant of authority related to health hazards. The section cited provides only an extraordinary grant of authority to the County Health Officer to act for the State in an emergency when the State itself cannot act in the time required.

A health hazard resulting from failing septic tanks, to be remedied over the course of months or years through the provision of sewers, is not an emergency of this type and the County does not, therefore, have the authority to declare a health hazard for the purpose of requiring sewers. Other sections of the statutes (ORS 431.705 - 431.760) make it expressly clear that the County has only the authority to recommend, and the State the only authority to require, that sewers be provided to alleviate a health hazard.

Staff believes that the Committee acted on the understanding that the County properly did have this authority, and recommends, therefore, that the Resolution and Exhibit "A" be amended to be consistent with both the intent of the Committee and with State and regional requirements.

Although the wording change in the policy in question is minor in nature, the consequences of a failure to amend could be major. Since the County must undergo a plan amendment process to remedy other identified deficiencies, this correction can be easily made.

Staff recommends that the Council vote to approve the following amendments to Attachment 1:

- Amend Resolution No. 80-188 to add Goal #11 to the list of goal violations identified in the last "whereas" and the first "resolve;"

- Amend Exhibit "A" as follows:

- Add the following immediately preceding the section entitled "Summary of Plan Changes Needed" (p. 26):

"Sewers Outside the UGB

"Policy 14.0 for Rural Centers and Policy 9.0 for Rural Areas allow sewers where needed to alleviate a health hazard identified by the State or Clackamas County. To be consistent with the LUFEE and with LCDC Goals #11 and #14, this should read the State and the County. Although only a small difference in wording, it must be remedied prior to acknowledgment to preclude the possibility of the County extending or allowing sewers outside the UGB in areas which have not been declared by DEQ as subject to a health hazard."

- Add the following after Item #9 in the list of plan changes needed (p. 27):

"Goals #2, #11 (Public Facilities and Services) and #14

"10. Amend Rural Center policy 14.0 and Rural policy 9.0 to read 'the State of Oregon and Clackamas County.'"

- Add "sewers in rural areas" to the "Summary of Rural Acknowledgment Issues by Goal," (p. 21) as a violation of the LUFEE, Goal #11 and Goal #14.

JH:bb
669B/117

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Regional Planning Committee
SUBJECT: For the Purpose of Amending the By-Laws of the Housing Policy Alternatives Committee

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: A restructuring of the Housing Policy Alternatives Committee (HPAC) by adding to the current representation on HPAC 12 new voting members and reducing to 12 voting members the current membership. Thus each of the current HPAC interest group categories 1) (Cities and Counties, 2) the Housing Industry, and 3) Public Advocacy or Other Interest Groups) would be represented by four voting members instead of the current eight. The four voting representatives of each of the categories will be selected by and among those categories currently represented on HPAC.

Further, each Councilor would appoint one at-large citizen representative who must reside within the boundaries of the Metropolitan Service District, but not necessarily within the boundaries of the Councilor's home district.

- B. POLICY IMPACT: The recommendation by the Regional Planning Committee is intended to strengthen citizen input in the early stages of regional housing policy decisions. This recommendation, however, is not meant to preclude wider citizen involvement in any housing issue. Nor is this recommendation meant to undercut the essential involvement by representatives of advocacy groups, local jurisdictions or the housing industry.

This action, if approved by Council, would require a revision of the HPAC By-Laws, which became effective June 20, 1980. A resolution making necessary amendments to the text of the HPAC By-Laws is attached.

- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: Throughout the adoption process of the Housing Goals and Objectives, several Councilors expressed dissatisfaction with the perceived influence of special interest representation as reflected in the thrust of the Goals and Objectives. Public testimony, to a greater or lesser extent, indicated that the formulation of the Goals and Objectives occurred without benefit of thorough public exposure. In response to this criticism, Councilor Bonner

placed before the Regional Planning Committee the proposal for restructuring HPAC which is described above. This proposal is intended to encourage early citizen input and to balance special interest group influence on the Committee.

- B. ALTERNATIVES CONSIDERED: Metro staff presented the Regional Planning Committee with three alternative proposals for modifying HPAC membership. Briefly summarized, these were to (1) retain the present HPAC structure and fill all vacancies; (2) retain the present HPAC structure, fill all vacancies, and institute regularly scheduled community workshops with outside groups; (3) overhaul the membership of HPAC to include representatives of neighborhood groups or non-affiliated citizens on a co-equal basis with other special interest groups.

- C. CONCLUSION: The Regional Planning Committee rejected the staff options in favor of Councilor Bonner's proposal. Pursuant to Article VII (Amendments) of the HPAC By-Laws, this proposal can be implemented by approval of a Council resolution to amend the HPAC By-Laws, a draft of which is attached.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 80-189
BY-LAWS OF THE HOUSING POLICY)
ALTERNATIVES COMMITTEE) Introduced by the Regional
) Planning Committee

WHEREAS, the Metro Council accepted By-Laws for the Policy Alternatives Committees that became effective June 20, 1980, as provided in a memorandum to the Council dated May 29, 1980; and

WHEREAS, the Council has determined that the By-Laws for the Housing Policy Alternatives Committee so accepted and made effective should be amended; now, therefore,

BE IT RESOLVED,

1. That Article III, Sections 1 and 2 of the By-Laws of the Housing Policy Alternatives Committee be amended to read as follows:

ARTICLE III

MEMBERSHIP, VOTING, MEETINGS

SECTION 1. Membership of the Committee

(a) The Committee shall be representative of persons involved in the production, financing, planning, management, sales, purchase or rental of housing as well as other persons representing the general citizenry.

(b) Membership shall include:

FOR CITIES AND COUNTIES

-Four voting representatives

FOR THE HOUSING INDUSTRY

-Four voting representatives

FOR PUBLIC ADVOCACY OR OTHER INTERESTS

-Four voting representatives

AT-LARGE CITIZEN REPRESENTATIVES

-Twelve citizens residing in the Metro district

NON-VOTING EX OFFICIO

-Other representatives of the interests listed above

SECTION 2. Appointment and Tenure

(a) Each of the twelve voting members representing the Cities and Counties, the Housing Industry, and Public Advocacy or Other Interest Groups shall be selected by each group from the membership of the Committee as constituted on October 23, 1980.

(b) The remaining members of the Committee as presently constituted shall become non-voting exofficio members.

(c) Each Metro Councilor shall appoint one at-large citizen representative who resides within the Metropolitan Service District boundaries. There are to be no further restrictions on the appointment of at-large citizen representatives.

(d) Members shall be appointed for initial terms of two or three years with approximately half of the appointments, as determined by the Metro Presiding Officer, for two years and the remaining for three years. Upon conclusion of initial terms, reappointments or replacements shall be for two year terms.

(e) Absence unexcused by the Committee Chairman from three consecutive regularly scheduled meetings shall constitute removal of the member from the Committee.

(f) The Director of the Metro Metropolitan Development Department shall be responsible for the coordinative supervision of all staff assigned to the Housing Work Program.

ADOPTED by the Council of the Metropolitan Service District
this day of October, 1980.

Presiding Officer

HB:ss
670B/135

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Authorizing Transfer of City of Portland Reserve Funds ((e)(4)) to the Portland/Vancouver Corridor Analysis (Bi-State Task Force Project)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Council adoption of the attached Resolution No. 80-190 authorizing the transfer of \$170,000 from the City of Portland (e)(4) Reserve to the Portland/Vancouver Corridor Analysis.
- B. POLICY IMPACT: This action will supplement the shortage of funds existing in the Unified Work Program (UWP) for the Bi-State Transportation Analysis. Because of funding shortages at the federal level, only \$50,000 in the UWP was approved by the U.S. Department of Transportation (USDOT) for the study. The requested funds will make up the shortfall.
- C. BUDGET IMPACT: The funds requested will be specifically assigned to the Portland/Vancouver Corridor Analysis for use by Metro, the Clark County Regional Planning Council (RPC) and consultants. Without the allocation of these funds, Metro will face a budget shortfall. Metro has been requested to provide \$3,000 as its share of local funds needed to match the \$170,000. Staff recommends that this funding be made available at the time of the mid-year budget adjustment. TPAC and JPACT have reviewed and approved the transfer of funds.

II. ANALYSIS:

- A. BACKGROUND: The Governors of the states of Oregon and Washington have established a Bi-State Task Force to address metropolitan transportation issues affecting the two states. To responsibly carry this out, the Task Force will need a large amount of quality information. The Portland/Vancouver Corridor Analysis will be used to generate much of the needed information.

The primary purpose of the Corridor analysis is to provide objective and analytically sound information which, when combined with information generated by the study financed by the state of Washington, can be used as a basis for policy recommendations of the Task Force. This combined information base will be used by the Task Force to answer a number of issues concerning the Portland/Vancouver Corridor and result in recommendations for specific transportation improvements in the Corridor.

Regional transportation planning is carried out in the Portland/Vancouver Urbanized Area by two Metropolitan Planning Organizations (MPOs) - The Metropolitan Service District (Metro) and the Clark County RPC. The Bi-State Task Force's efforts will complement these regional efforts by focusing on specific issues in the I-5/I-205 Northern Corridor. While a number of corridor improvements have been recommended in the plans produced by the MPOs, there continues to be a question about the adequacy of these improvements over the longer-range future. The Bi-State Task Force will specifically address this question. If additional corridor improvements are found to be needed, the Task Force will prepare recommendations to be considered by the MPOs for inclusion in regional plans and improvement programs. The basic technical information on urban growth and travel patterns used by the Bi-State Task Force is produced by Metro. Clark County RPC is involved in the production and review of this basic information base. The staff from Metro and Clark County RPC will be directly involved in the Corridor analysis by carrying out various technical tasks. In addition, the MPOs are represented on both the Bi-State Technical Subcommittee and the Bi-State Task Force.

A general description of the Portland/Vancouver Corridor Analysis has been included in the FY 1981 Unified Work Program (UWP) and calls for some \$250,000 to accomplish the study. A more detailed program will be developed for approval by the Bi-State Task Force for submittal to USDOT. USDOT, because of a shortage of federal funds, will only grant \$50,000 under the UWP, thereby necessitating a supplementary source of funds. This supplementary source is proposed to be made up from Interstate Transfer funds and local match. The City of Portland has agreed to transfer \$170,000 from its (e) (4) City Reserve to supplement the necessary funds; \$30,000 of local match will be provided by the local jurisdiction.

- B. ALTERNATIVES CONSIDERED: 1) Tailor the study to the available \$50,000 grant (requires USDOT approval); 2) seek a totally new source of funds; or 3) delay or cancel the study.
- C. CONCLUSION: Metro staff recommends authorization of the transfer of \$170,000 (federal) from the City Reserve to the Portland/Vancouver Corridor Analysis.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING) RESOLUTION NO. 80-190
THE TRANSFER OF CITY OF PORTLAND)
RESERVE FUNDS (e) (4) TO THE) Introduced by JPACT
PORTLAND/VANCOUVER CORRIDOR)
ANALYSIS)

WHEREAS, The Govenors of Oregon and Washington have created a Bi-State Task Force; and

WHEREAS, This Task Force has the responsibility of studying and recommending solutions in the I-5 North Corridor; and

WHEREAS, A work program in the amount of \$250,000 to carry out the Bi-State Transportation Study has been included in the FY 1981 Unified Work Program (UWP); and

WHEREAS, U. S. Department of Transportation (USDOT) will grant only \$50,000 towards the study thereby necessitating an alternate source of funds; and

WHEREAS, The City of Portland has agreed to transfer \$170,000 of (e) (4) funds from the City Reserve to the Bi-State efforts to analyze alternative Corridor improvements; and

WHEREAS, The local jurisdiction will provide the local matching funds of \$30,000; and

WHEREAS, These cooperative efforts will make up the shortfall; now, therefore,

BE IT RESOLVED,

1. That \$170,000 of Interstate Transfer funds be transferred from the City Reserve to the Portland/Vancouver Corridor Analysis.

2. That the Transportation Improvement Program (TIP) and its Annual Element be amended to reflect the authorization set forth herein.

3. That the Metro Council finds the project in accordance with the region's continuing cooperative, comprehensive planning process and hereby gives affirmative A-95 Review approval.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of October, 1980.

Presiding Officer

BP/gl
425B/81

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Commenting on the Transportation Improvement Program and
on the Determination of Air Quality Consistency for the
Urban Areas of Clark County

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Recommend Council concurrence of a resolution commenting on the Clark County Transportation Improvement Program (TIP) and the accompanying determination of air quality consistency.
- B. POLICY IMPACT: Partial fulfillment of the Metro/Clark County Regional Planning Council (RPC) Memorandum of Agreement setting forth interstate coordination requirements.
- C. BUDGET IMPACT: The approved Metro budget funds staff coordination activities with the RPC. TPAC and JPACT have reviewed and approved this report.

II. ANALYSIS:

- A. BACKGROUND: Each Metropolitan Planning Organization (MPO) prepares a TIP describing projects programmed for its planning area. Coordination of these documents is set forth in the Metro/RPC Memorandum of Agreement.
- B. ALTERNATIVES CONSIDERED: None.
- C. CONCLUSION: Staff has reviewed the documents and finds that the projects proposed to be undertaken in Clark County are consistent with the policies, plans and programs of Metro.

A copy of the Clark County TIP report is available in the Transportation Department

KT/gl
414B/92

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF COMMENTING ON) RESOLUTION NO. 80-191
THE TRANSPORTATION IMPROVEMENT)
PROGRAM AND ON THE DETERMINATION) Introduced by JPACT
OF AIR QUALITY CONSISTENCY FOR THE)
URBAN AREAS OF CLARK COUNTY)

WHEREAS, The Metropolitan Service District (Metro) is the designated Metropolitan Planning Organization (MPO) for the Oregon portion of the Portland/Vancouver urbanized area, and the Clark County Regional Planning Council (RPC) is the designated MPO for the Washington portion; and

WHEREAS, Metro and the RPC have entered into a Memorandum of Agreement specifying mechanisms to ensure adequate coordination of transportation policies, plans and programs; and

WHEREAS, In accordance with the Metro and RPC Memorandum of Agreement, the RPC has requested comments from Metro on its TIP and Determination of Air Quality Consistency statement; and

WHEREAS, Metro staff has reviewed the FY 1981 TIP for the urban areas of Clark County and the Determination of Air Quality Consistency; now, therefore,

BE IT RESOLVED,

1. That the projects and programs described in the FY 1981 TIP for the urban areas of Clark County and the Determination of Air Quality Consistency are found by Metro Council to be consistent with the policies, plans and programs of the Metropolitan Service District.

2. That the Clark County RPC be advised of this
concurrence.

ADOPTED by the Council of the Metropolitan Service District
this day of October, 1980.

Presiding Officer

KT/gl
415B/92

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
 FROM: Executive Officer
 SUBJECT: Criteria for Determining the Amount of Corporate Surety Bonds for Solid Waste Disposal Sites

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Approval of the criteria and staff function shown below:

CRITERIA FOR DETERMINING AMOUNTS OF CORPORATE SURETY BONDS FOR SOLID WASTE DISPOSAL SITES REGULATED BY METRO

The amount of a corporate surety bond required by Metro Code, Section 4.02.090, would be the sum of the MOBILIZATION COST¹ and the FINAL CLOSING COST² (based on current estimates).

Based on these criteria the Metro staff would prepare estimates of mobilization and closing costs and then set each bond amount.

- B. POLICY IMPACT: This action will allow Metro to determine amounts of corporate surety bonds required from operators of future solid waste disposal sites regulated by Metro.
- C. BUDGET IMPACT: None

II. ANALYSIS:

- A. BACKGROUND: The Metro Code, Section 4.02.090(d), requires that applicants for solid waste disposal site Certificates must submit a corporate surety bond in an amount established by the Council. This bond guarantees full and faithful performance of the duties and obligations listed in the Certificate. A bond already issued to a governmental agency is acceptable as long as it meets the requirements of Chapter 4 and names Metro as beneficiary.

¹Mobilization Cost -- If a solid waste disposal site suddenly closed, a new operator could be called in by Metro to continue operating the site. The costs for transporting equipment to the site, setting up facilities, etc. would be mobilization costs.

²Final Closing Costs would include purchase and spreading of final cover, final drainage, temporary roads, seeding and erosion control. Final Closing Cost would be on a per acre basis. The acreage would be total acres already filled with waste but without final cover at the time the bond is issued (or renewed) plus additional acreage expected to be filled during the term of the bond. This additional acreage would be specified in an operation plan approved by Metro.

This Code requirement did not include solid waste disposal sites already in operation when the ordinance was passed (1977). However, several operators are now applying for Certificates for future disposal sites. The situation requires that surety bond amounts be set by Metro.

Metro staff proposes that the dollar amount of each bond be the sum of two estimated costs. One cost is an estimate of the cost that could be incurred by Metro to pay a new operator to mobilize equipment, facilities, etc., to continue operating a disposal site if a previous operator was no longer willing or able to continue operating a site. The other cost is the sum of current estimates of costs incurred by Metro if it were necessary to permanently close a landfill site in a manner that minimizes future environmental impact. Such costs include purchase and spreading of cover material, installation of drainage facilities, temporary roads needed for the closing operation and post-closure monitoring, and seeding and other measures for erosion control.

Metro staff contacted bond underwriters for several insurance companies to learn their reaction to the above criteria for bonding solid waste disposal sites. Although reluctant to give precise answers to hypothetical questions, they did outline general policies which might apply to this situation. They call this a type of performance bond known as a reclamation bond. The higher the amount of the bond and the longer the time period, the fewer organizations or individuals could qualify. Short period, potentially renewable bonds are preferred over long-term (five-year) bonds. Bond premiums could be about \$6 to \$20 per \$1,000 face value.

After reviewing the above criteria and the insurance industry views, the Solid Waste Policy Alternatives Committee recommended that:

1. A minimum acreage for mobilization costs should be determined.
2. Criteria should not specify dollar amounts since these can change with time.
3. The initial or renewed bond amount should be based on an operations plan submitted to and approved by Metro.
4. If a sinking fund for site closure were set up for a landfill site by Metro, such a fund could be used to reduce or eliminate the bond requirement.

Example

Assumptions -- 20-acre site; initial bond term of two years during which five acres will be landfilled with solid waste.

Current cost estimates by Metro engineering staff:

Mobilization Cost	\$25,000
Final Closing Cost	\$80,000
(\$16,000/acre x 5 acres)	

Therefore, initial bond amount would be \$105,000.

B. ALTERNATIVES CONSIDERED:

1. Calculation of closing costs based on total acreage of the site. The Solid Waste Policy Alternatives Committee believed this cost would be too high during the initial stages of site operation when only a few acres are being filled.
2. Bond amount to be either the mobilization cost or the closing costs. However, this alternative would not cover the situation where Metro had to pay for mobilization of a new operator at the site and also pay for final cover of areas not properly covered by the previous operator.
3. Metro Council sets criteria and approves each bond amount.
4. Metro Council authorizes a code change to allow the Executive Officer to set bonds.

- C. CONCLUSION: Determine the amount of a corporate surety bond based on a current engineering estimate of the mobilization cost plus the final closing cost. As filling of a solid waste disposal site progressed, the operator would be encouraged and required to complete as much final closing work as possible on sections already filled. This would reduce the amount of future renewed bonds and thus reduce the operator's premium cost.

DO:bb
540B/81

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING) RESOLUTION NO. 80-192
CRITERIA FOR DETERMINING THE)
AMOUNT OF CORPORATE SURETY)
BONDS FOR SOLID WASTE DISPOSAL) Introduced by the
SITES REGULATED BY METRO) Regional Services Committee

WHEREAS, Section 4.02.090(d) of the Metro Code requires that applicants for solid waste disposal site Certificates must submit a corporate surety bond in an amount established by the Council; and

WHEREAS, the formula for the amount of a corporate surety bond is determined to be the sum of the Mobilization Cost¹ and the Final Closing Cost² (based on current estimates by Metro staff); and

¹Mobilization Cost -- If a solid waste disposal site suddenly closed, a new operator could be called in by Metro to continue operating the site. The costs for transporting equipment to the site, setting up facilities, etc. would be mobilization costs.

²Final Closing Costs would include purchase and spreading of final cover, final drainage, temporary roads, seeding and erosion control. Final Closing Cost would be on a per acre basis. Calculated total acreage for closing costs would include acres already filled with waste but without final cover at the time the bond is issued (or renewed) plus additional acreage expected to be filled during the term of the bond. This additional acreage would be specified in an operation plan approved by Metro.

WHEREAS, this formula is determined to be an efficient and equitable method for determining the amount of a corporate surety bond; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District adopts the above formula and directs Metro staff to prepare cost estimates and set bond amounts in accordance therewith.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of October, 1980.

Presiding Officer

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
 FROM: Executive Officer
 SUBJECT: Status Report: Metro Criminal Justice Planning
 and Coordination

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Continue Program through June 30, 1981.
- B. POLICY IMPACT: Approval of the recommendation continues the existing policy of providing service to local jurisdictions by receiving, awarding, and managing federal funds.
- C. BUDGET IMPACT: Implements Criminal Justice Planning and Coordination within the approved budget.

II. ANALYSIS:

- A. BACKGROUND: Since April 1980, the federal funds normally available to Metro for providing Criminal Justice Planning and Coordination have been doubtful. The program was re-authorized for four additional years in 1979; however, except in Juvenile Justice, no money has been appropriated either for action programs or planning at the state or local level. The Oregon Law Enforcement Council staff has informed Metro staff that unobligated federal funds have been re-programmed for use by local agencies such as Metro for the criminal justice program through September 1981. This will fund the continuation of Metro's coordination, financial and project administration for 24 criminal justice improvement programs which have or will be awarded almost two million dollars in federal, state and local funds.
- B. ALTERNATIVES CONSIDERED:
 - 1) Consideration was given to returning responsibility to the state; however, it is clear that there would have been some disruption in local projects.
 - 2) A per grant charge for administration was also under consideration and was given no further consideration after notification of the availability of administrative funds.
- C. CONCLUSION: The Criminal Justice Program function should be continued at Metro consistent with funds provided for that purpose.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CONTINUING) RESOLUTION NO. 80-193
CRIMINAL JUSTICE PLANNING,)
COORDINATION AND ADMINISTRATION) Introduced by the Council
) Coordinating Committee

WHEREAS, Metro has been designated as the responsible agency to receive and administer Law Enforcement and Juvenile Justice System Improvement Funds; and

WHEREAS, Metro is currently administering some twenty-three (23) local criminal justice improvement projects which will expend 1.7 million dollars in federal, State and local funds; and

WHEREAS, The federal and State Law Enforcement Assistance Agencies have identified funds to enable Metro to continue to provide coordination and administration services; and

WHEREAS, It is deemed appropriate that Metro continue to provide criminal justice services to local jurisdictions; now, therefore,

BE IT RESOLVED,

That Metro will continue the criminal justice planning and coordination service through June 30, 1981.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of October, 1980.

Presiding Officer

JB:bb
718B/81

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Executive Officer
SUBJECT: Clackamas County Resolution Requesting Development
of a Criminal Justice Information System Plan

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Metro Council instruct staff to undertake the planning effort as requested within the constraints of the Criminal Justice Planning staff time available.
- B. POLICY IMPACT: Continues the Metro Criminal Justice policy of providing planning assistance to local criminal justice agencies.
- C. BUDGET IMPACT: Adoption of the action requested will not impact the current budget.

II. ANALYSIS:

- A. BACKGROUND: The cited resolution proposes that Metro undertake whatever work is necessary to develop a system plan for providing local agencies with automated criminal justice information necessary for day-to-day operations as well as long-range planning.

Metro staff are currently managing studies funded by federal and local money for design and implementation of information systems for three juvenile departments, two local corrections systems, and one circuit court. Many other local jurisdictions have either existing or planned information systems. Some of the existing information systems do not meet the needs of managers for evaluation and resource allocation information. Some of the local systems plan only to address the general needs of local government with no specific plan to address justice system needs. Additionally, except for the juvenile and corrections systems development occurring at Metro, none of the systems operating or being planned are structured in a manner that permits interaction across jurisdictional lines. Clearly then, there is a need for a comprehensive system plan which addresses the concerns identified in the Clackamas County request.

The request is within the Metro Mission in that an adopted system plan would affect the efficient delivery of public safety and justice service in a substantial part of the Metro service area.

Further, although an information system plan as such does not have a specific priority, the 1980 Criminal Justice Improvement Plan for the area established long-range planning as the first priority of systemwide goals to be achieved. Due to the number of transactions that occur within the system components, it is imperative that data be automated before reasonably accurate planning decisions can be made. The interdependence of each part of the system as well as the proximity of other jurisdictions also become important considerations.

Given agreement that a system plan is needed to guide development towards the most efficient system possible within fiscal and political constraints, the next issue to be addressed is the amount of and the availability of resources to develop the plan.

Because of Metro's current involvement in managing the development of juvenile, jail and corrections information systems, some of the information needed to develop a system plan is already at hand. With the cooperation from local data centers, and depending upon the number of jurisdictions involved in the effort, it is estimated that a plan could be completed with two to three months full time effort if done by Metro Criminal Justice Planning.

Ordinarily if Metro Criminal Justice staff were called upon to develop a plan as requested in the resolution, other work would be displaced. However, it appears that there will be no federal appropriation of funds for local criminal justice system improvement projects for federal FY'81. Therefore, there is no requirement to develop a plan complete with projects during the fiscal 1981 cycle. That being the case, about two and one-half months of the criminal justice office's staff or one FTE of five month's time is uncommitted to a specific priority even though revenue for that period has been identified. The staff time available can be committed by Metro to virtually any criminal justice study or planning issue.

- B. ALTERNATIVES CONSIDERED: The following alternatives for the use of at least part of the time available were being discussed by staff:
- a) Study of court policies as they affect local jails in Clackamas and Washington Counties.

- b) Continue financing and study efforts relating to removing juveniles from adult jails.
- c) developing a plan for implementing consolidated communications in Washington County.
- d) Committing more staff effort to a Clackamas County "911" system.

C. CONCLUSION:

- 1. Metro is the designated Regional Criminal Justice Planning Agency.
- 2. The request by the Clackamas Commission is within the scope and capability of the Criminal Justice Planning Division.
- 3. Metro has the authority to direct the effort.
- 4. There is currently some staff time available.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DEVELOPING) RESOLUTION NO. 80-194
A CRIMINAL JUSTICE INFORMATION)
SYSTEM PLAN) Introduced by the Council
) Coordinating Committee

WHEREAS, Local and State criminal justice information systems are being developed and implemented without regard for the need to exchange information and eliminate unnecessary duplication; and

WHEREAS, Uncoordinated and unplanned information systems have historically been unnecessarily expensive and have at times failed to serve the information needs of the justice system; and

WHEREAS, Metro is currently managing studies to develop information systems for corrections, jails and juvenile departments; and

WHEREAS, Local agencies have requested that Metro develop a comprehensive criminal justice information system plan for agencies in Clackamas and Washington Counties; and

WHEREAS, Metro is the designated Regional Criminal Justice Planning Agency and has identified some staff time that could be devoted to such an undertaking; now, therefore,

BE IT RESOLVED,

That consistent with resources available and depending upon cooperation from local involved agencies, Metro will develop a Comprehensive Criminal Justice Information System Plan by June 1981.

ADOPTED by the Council of the Metropolitan Service District this 23rd day of October, 1980.

Presiding Officer

A G E N D A M A N A G E M E N T S U M M A R Y

TO: Metro Council
FROM: Council Coordinating Committee
SUBJECT: Minority Business Enterprise Program

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: The Council is requested to approve Resolution No. 80-195 establishing a policy to provide opportunities for Minority Business Enterprise (MBE) participation in Metro contracting and procurement. The policy statement includes specific MBE and Women-owned Business Enterprise (WBE) goals for FY 1981.
- B. POLICY IMPACT: Metro, and formerly CRAG, have been subject to MBE participation requirements as a condition for receipt of federal funds. This action will broaden Metro's policy to include all contracting and procurement activities, regardless of source of funds. Also, specific goals for construction, consulting and procurement will be set for this fiscal year.
- C. BUDGET IMPACT: The City of Portland has tentatively agreed to conduct the MBE certification process for Metro. This will be arranged through an intergovernmental agreement for about \$3,000. A budget transfer from contingency for this amount will be presented for Council action with the supplemental budget.

About 25 percent of one staff person's time will be required to administer the MBE program for all Metro departments. This responsibility will be assigned to the Management Services Department and implemented on an incremental basis.

II. ANALYSIS:

- A. BACKGROUND: Metro is subject to MBE requirements as a condition for receipt of federal funds. A recent federal emphasis on increasing MBE involvement has resulted in new regulations from the U.S. Department of Transportation (DOT) and new goals from the Environmental Protection Agency (EPA). Similar requirements to set goals and establish an MBE program will be issued by other federal agencies within the next year. The new regulations require a substantially greater effort by Metro to involve MBEs and WBEs.

The primary issue in implementing the required program is whether to limit efforts to federally funded work or apply the program to all Metro programs and projects.

A full-scale application significantly increases staff requirements because the Solid Waste and Zoo Departments have the highest level of contracting and procurement activity. It appears that a full-scale application is the most appropriate in that it would require only one set of contracting procedures and more adequately address the intent of such a program.

- B. ALTERNATIVES CONSIDERED: Application of the MBE program to federally funded work only or to all Metro programs and projects were considered as alternatives. Full responsibility for implementation by Metro or implementation by Metro with certification assistance from the City of Portland were evaluated as options.
- C. CONCLUSION: The Council should approve the attached resolution establishing an MBE policy and FY 1981 goals. The policy will be applied to all departments and implemented with assistance from the City of Portland.

716B/81

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF INVOLVING	)	RESOLUTION NO. 80-195
MINORITY BUSINESS ENTERPRISES IN)	
CONTRACTING AND PROCUREMENT	)	Introduced by the Council
ACTIVITIES AND SETTING FY 1981	)	Coordinating Committee
PARTICIPATION GOALS)	

WHEREAS, Metro is strongly committed to using Minority and Women-owned Business Enterprises in all aspects of contracting and procurement; and

WHEREAS, Federal regulations require that a policy statement be made, annual goals be set and a program be implemented; now, therefore,

BE IT RESOLVED,

1. That Attachment A be adopted as Metro's policy statement on Minority and Women-owned Business Enterprise participation in contracting and procurement.
2. That a program will be developed to implement this policy in conformance with State and federal regulations.
3. That this policy statement, a program and other necessary documents will be forwarded to all appropriate agencies for their approval.

ADOPTED by the Council of the Metropolitan Service District
this 23rd day of October, 1980.

Presiding Officer

JS:bb
715B/81

ATTACHMENT A

Minority Business Enterprise Policy Statement

Through a Minority Business Enterprise (MBE) Program, the Metropolitan Service District (Metro):

- . expresses its strong commitment to using MBEs in all aspects of contracting and procurement to the maximum extent feasible;
- . informs all employees, governmental agencies and the general public of its policy and program to implement this policy; and
- . assures conformity with current, applicable federal regulations or as they may be amended.

It is the policy of Metro to provide equal opportunity to all persons to participate in and access the benefits and services provided through activities, projects and programs within the District's jurisdiction.

Metro and any recipient of a contract will not discriminate against any person or firm on the basis of race, color, national origin, sex, age, religion, mental or physical handicap, political affiliation or marital status.

The general policy and procedures established under this program apply to all Metro departments and program areas.

Objectives of this program are to:

- . assure that provisions of this policy are adhered to by all Metro organizational units, by employees and supervisory personnel and by all recipients of financial assistance from or through Metro;
- . initiate and maintain efforts to increase participation by Minority and Women-owned Business Enterprises in Metro programs;
- . strengthen already known Minority Business Enterprises;
- . seek out and assist in developing additional Minority Business Enterprise resources;
- . identify barriers to participation in and access to the benefits and services provided by Metro activities, projects and programs, and develop ways to remove or modify the effect of said barriers.

Primary administrative responsibility for the MBE Program, including

implementation of necessary amendments to policies, procedures, guidelines and other resource materials and review, monitoring and evaluation of the program rests with the Management Services Department. The Director of Management Services will serve as the designated liaison officer with support from the Senior Accountant, Administrative Assistants and program managers from each Metro department. All department heads and program managers have responsibility for assuring implementation of the MBE Program.

In addition, this policy and program apply to all who receive financial assistance from or through Metro, including:

- . cities, counties and special districts;
- . private individuals, organizations and/or firms including MBEs qualified for contractual agreements with Metro.

The procedures for carrying out this commitment are described in Metro's MBE Program, which is available for inspection through the designated MBE liaison officer.

FY 1981 Goals

The activities which involve MBE participation occur in three major areas for FY 1980-81:

1. Construction Contracts

An overall goal of 10 percent MBE participation is established for construction contracts based on expected expenditures and present and anticipated MBE capacity. No Women-Owned Business Enterprise (WBE) participation is anticipated for construction work, though efforts will be made to identify and involve women contractors. All prime contractors, regardless of ethnicity, are subject to this requirement. Examples of construction services are site preparation, building construction, demolition, structural improvements and landscaping.

2. Consultant Contracts

An overall goal of 10 percent participation is established for all consultant contracts. Subgoals are nine percent for MBE and one percent for WBE participation. Examples of consultant services are management development, architecture, engineering, planning, accounting, graphics and legal services.

3. Procurement

An overall goal of six percent participation is established for procurement of supplies and services. Subgoals are five percent for MBE and one percent for WBE participation.

Examples of supplier/vendor services are banks, chemical products, computer services, general office supplies, equipment, insurance and travel agents.

Marjorie Murlin Kafoury
Metro Presiding Officer

Date: _____

JS:gl
716B/81



METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: October 10, 1980
To: Metro Council
From: Executive Officer
Regarding: Clackamas County Subdivisions

Several months ago, Clackamas County approved three urban subdivisions outside the Metro UGB. The Council authorized the Executive Officer to appeal to the Land Use Board of Appeals. After the first appeal was filed, the County repealed all three subdivisions and the appeal was withdrawn.

The County has now re-approved two of the three subdivisions. If Metro is to appeal again, such appeals must be filed by October 24, 1980. This memo is to seek Council approval of such appeals.

We believe that both subdivisions violate Statewide Goals 2, 3, and 14, and are inconsistent with the UGB. Since both of the subdivisions were originally approved some time ago, it would be difficult to challenge them in the pending acknowledgment process. Therefore, LUBA appeals are the only effective remedy available to prevent these developments.

RG:AJ:cw



METRO

METROPOLITAN SERVICE DISTRICT
527 S.W. HALL ST., PORTLAND, OR. 97201, 503 221-1646

17 October 1980

Rick Gustafson
EXECUTIVE OFFICER

Metro Council
Marge Kafoury
PRESIDING OFFICER
DISTRICT 11

Jack Deines
DEPUTY PRESIDING
OFFICER
DISTRICT 5

Donna Stuhr
DISTRICT 1

Charles Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Cindy Banzer
DISTRICT 9

Gene Peterson
DISTRICT 10

Mike Burton
DISTRICT 12

Marge Kafoury
Presiding Officer
1800 N.E. 17th
Portland, OR 97212

Dear Councilor Kafoury:

On October 14, the members of the Housing Policy Alternatives Committee (HPAC) voted unanimously to oppose the proposal by Councilor Bonner to add twelve citizen-at-large positions to the HPAC. The Committee members opposed the restructuring of the HPAC for the following reasons:

- The proposal fails to respond to probably the most important criticism of the HPAC made during the Housing Policies Hearing - the need to have representatives from small cities on the Committee
- A restructuring of the Committee at this time would require a significant delay in the work program of HPAC
- True citizen involvement requires more than appointments to the Committee. The most pressing need is for an active workshop and information program on the Housing Policies.

The Committee would also point out to the Council that the existing positions of representatives from cities in Multnomah, Clackamas and Washington Counties have never been filled on the Committee, as well as four other positions that are presently vacant. If the Council feels the need to add to the Committee it would seem most appropriate to make the seven appointments allowed under the current Committee structure. The HPAC has previously requested Council action to fill the vacancies, and requested that individuals who testified at the Hearings be given priority consideration for appointment.

(next page, please)

For these reasons, the Committee urges the Council to reject Councilor Bonner's proposal and to take positive action instead by filling the existing vacancies. We appreciate your continued interest and support of our work.

On Behalf of HPAC,

A handwritten signature in black ink, appearing to read "Burton Weast", written in a cursive style.

Burton Weast
Chairman

BW:tj

MEMBERS PRESENT AT THE HPAC
MEETING ON OCTOBER 14, 1980

Neil Kelly	-	Rehab Industry Rep.
Richard Kuczek	-	Metro Human Relations Comm.
Jonathan Moore	-	Savings and Loan Industry
Marjorie Ille	-	Citizen Rep. Multnomah County
Mel Smith	-	Commercial Banking
Jan Childs	-	Portland, City of
Duncan Brown	-	Multnomah County
Don Miner	-	Mobile Home Industry
Lyn Musolf	-	Housing Authority, Portland
Gail Chandler	-	Real Estate Rep.

RICHARD M. BOTTERI
ATTORNEY AT LAW
1215 OREGON NATIONAL BUILDING
610 S.W. ALDER
PORTLAND, OREGON 97205
TELEPHONE: 224-9675

September 29, 1980

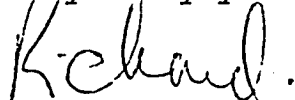
Ms. Marge Kafoury
Presiding Officer
METRO Council
Metropolitan Service District
527 S.W. Hall Street
Portland, Oregon 97201

Dear Marge:

I was pleased to learn that the METRO Council appointed Bob Oleson as Councilor for District 1.

I have known Bob for several years and have worked with him on a number of matters for the Oregon State Bar. I think he is an excellent addition to the METRO Council and I hope that you express to the other councilors that I believe they made an excellent choice.

Very truly yours,



Richard M. Botteri

RMB:rbw
cc: Bob Oleson

LES AUCOIN
1ST DISTRICT, OREGON



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515
October 6, 1980

Ms. Marge Kafoury
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Marge:

Thank you very much for your letter endorsing the Cleveland amendment to H.R. 6417, the Surface Transportation Act of 1980.

As you probably know, the Senate passed its version of this legislation in S. 2720 with a similar amendment offered by Senator Zorinski. This language is also in the FY 1981 appropriations bill for the Department of Transportation, stating that implementation of Standard 504 will be guided by the philosophy of the Cleveland amendment until Congress passes the authorizing legislation for UMTA. The DOT Appropriations bill will soon become law. The House has yet to vote on the Surface Transportation Act, so this authorizing step is postponed until mid-November when Congress reconvenes.

I appreciate learning of Metro's endorsement. Thank you very much for sharing this opinion and support with me. I look forward to your continued communications.

With best wishes,

Sincerely,

A handwritten signature in dark ink, appearing to be 'L. AuCoin'.

LES AUCOIN
Member of Congress

LA/cfs

AL ULLMAN
2D DISTRICT, OREGON

CHAIRMAN, COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE ON TAXATION

Congress of the United States
House of Representatives
Washington, D.C. 20515

October 4, 1980

Council Members
Metropolitan Service District
527 S.W. Hall Street
Portland, Oregon 97201

Dear Council Members:

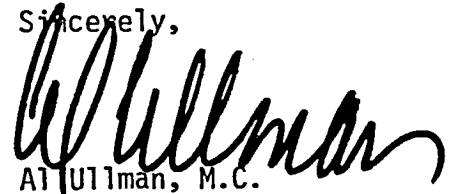
Thank you very much for writing to apprise me of your support for the 'Cleveland amendment' to H.R. 6417, the Surface Transportation Act of 1980. I can certainly understand your concern over the need to preserve a modicum of flexibility in the ability of jurisdictions to provide service to persons with varying needs.

Currently, this legislation has been reported from the Committee on Public Works and Transportation, but has not been acted upon by the House. I will be sure, however, to bear your position on this issue in mind should the House move to consider this bill before the close of the 96th Congress.

Again, many thanks for giving me the benefit of your views.

With best wishes,

Sincerely,



Al Ullman, M.C.

AU/chn

HON MARK HATFIELD
US SENATE RM 463
WASHINGTON DC 20510



1-056276U277003 10/03/80 ICS WA16614
00726 MLTN VA 10/03/80

PTLA

MARGE KAFOURY AND FRIENDS
METRO SERVICE DIST.
527 HALL
PORTLAND OR 97201

THANK YOU FOR YOUR RECENT LETTER CONCERNING SECTION 504 OF THE REHABILITATION ACT OF 1973 AS IT APPLIES TO THE UMTA APPROPRIATIONS BILL. THE SECTION 504 REGS ARE THE SUBJECT OF TREMENDOUS CONTROVERSY IN BOTH HOUSES OF CONGRESS AT PRESENT. I FAVOR THE "LOCAL OPTION" APPROACH, THOUGH THERE IS NO GUARANTEE OF ITS SURVIVAL IN THE HOUSE OF REPRESENTATIVES. I WILL DO WHAT I CAN TO REPRESENT YOUR CONCERNS AS THIS MATTER IS BEING CONSIDERED. THANK YOU AGAIN FOR WRITING. IF I CAN BE OF FURTHER ASSISTANCE TO YOU, PLEASE LET ME KNOW. KIND REGARDS, MARK O. HATFIELD, U.S.S.

9134.
1909 EST

MG MCOMP MG M

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON

In the Matter of Considering
Comprehensive Plan and
Zoning Ordinance Revisions
for Rural Areas

ORDER NO. 80- 2249

This matter coming on regularly before the Board of County Commissioners, and

It appearing to the Board that Clackamas County's Comprehensive Plan and Zoning Ordinance are being reviewed for compliance with the statewide planning goals and that review, particularly by the Metropolitan Service District, has pointed out areas in the Plan and Ordinances which could be clarified to best serve the residents of Clackamas County, and

It appearing that the particular areas of clarification which appear to need consideration are:

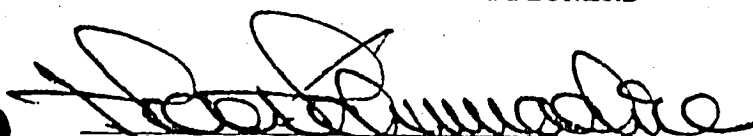
1. Criteria for Rural Centers - consider adding punctuation which clarifies that all criteria must be met and that the criteria for existing parcel sizes more accurately reflects County use of this provision.
2. Rural Commercial and Industrial Uses - clarify Plan policy to indicate that non-urban zones apply to these areas.
3. Rural Lot Sizes - clarify criteria for the application of 2-acre, 5-acre and 10-acre zones and corresponding Zoning Ordinance provisions to indicate that all criteria are met for the 2 and 5 acre zones and only one of the criteria must be met for 10-acre zones.
4. Amend rural goals to clarify their purpose and eliminate confusion about "housing needs",

County Counsel Scott Parker and Environmental Services Coordinator Ardis Stevenson discussed these possible changes with the Metropolitan Service District Regional Planning Committee and indicated that all were considerations which the County expected to review,

NOW THEREFORE this Board directs the Department of Environmental Services to schedule appropriate public hearings and proper public notice for both Planning Commission and Board of County Commissioner consideration of these changes.

DATED this 23rd day of October, 1980.

BOARD OF COUNTY COMMISSIONERS


Chairman Robert Schumacher

Commissioner Stan Skoko


Commissioner Ralph Groener

AS:to

18

WORK SCHEDULE

METRO CRIMINAL JUSTICE INFORMATION SYSTEM PLAN

GOAL: To ensure that local Justice and Public Safety agencies are able to meet their needs for timely information for management, resource allocation and evaluation in the most cost effective manner possible.

OBJECTIVE: To develop a comprehensive and implementable Criminal Justice Information System Plan for Clackamas and Washington Counties by May 1981.

RESPONSIBILITIES OF LOCAL PARTICIPATING JURISDICTIONS:

1. Provide support for Plan development.
2. Review documents and recommendations.
3. Present progress and Plan information to respective elected officials.
4. Provide support to Metro Council on the plan selected by the Council.

METRO STAFF ACTIVITIES:

1. Week 1
Document existing and planned criminal justice information systems and their costs, both present and projected. Determine five year costs.
2. Week 4
Document equipment capacity for serving justice system needs and determine costs.
3. Week 5
Review of documentation by local jurisdictions.
4. Week 6
Document and analyze potential alternative systems.
5. Week 7
Formulate recommendations for system, including financing and management.
6. Week 8
Review recommendations with local jurisdictions.
7. Week 9
Review and recommend implementation plan, including time schedule.

MEETING TITLE Regular Council Meeting
DATE October 23, 1980

NAME

AFFILIATION/ADDRESS

Beth Bunt

League Women Voters Observ-

Bob Bunt

" " "

Michelle Wilder

STAFF

Jack Bails

"

Tom O'Connor

Metro

J. Sims

Metro

Dudley Biggs

Theodore Barry & Assoc.

Bob Will

Yusef Saba

Metro

Berta Dehua

"

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Roll Call

10-23-80

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 7</u> Betty Schedeen	<u>✓</u>	<u>_____</u>
<u>DISTRICT 8</u> Ernie Bonner	<u>8:25</u>	<u>_____</u>
<u>DISTRICT 9</u> Cindy Banzer	<u>8:00</u>	<u>_____</u>
<u>DISTRICT 10</u> Gene Peterson	<u>_____</u>	<u>_____</u>
<u>DISTRICT 12</u> Mike Burton	<u>✓</u>	<u>_____</u>
<u>DISTRICT 1</u> Donna Stuhr OLESON	<u>✓</u>	<u>_____</u>
<u>DISTRICT 2</u> Charles Williamson	<u>✓</u>	<u>_____</u>
<u>DISTRICT 3</u> Craig Berkman	<u>✓</u>	<u>_____</u>
<u>DISTRICT 4</u> Corky Kirkpatrick	<u>✓</u>	<u>_____</u>
<u>DISTRICT 5</u> Jack Deines	<u>✓</u>	<u>_____</u>
<u>DISTRICT 6</u> Jane Rhodes	<u>✓</u>	<u>_____</u>
<u>DISTRICT 11</u> Marge Kafoury	<u>✓</u>	<u>_____</u>
TOTAL	<u>_____</u>	<u>_____</u>

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

*1 5.1 (P.11)

10-23-80

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 8</u> Ernie Bonner	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 9</u> Cindy Banzer	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>DISTRICT 10</u> Gene Peterson	<input type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 12</u> Mike Burton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 1</u> Donna Stuhr OLESON	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>DISTRICT 2</u> Charles Williamson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 3</u> Craig Berkman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 4</u> Corky Kirkpatrick	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>DISTRICT 5</u> Jack Deines	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>DISTRICT 6</u> Jane Rhodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 7</u> Betty Schedeen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 11</u> Marge Kafoury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>7</u>	<u>4</u>

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

*2 6.1 p. 12

10-23-80

AYE

NAY

DISTRICT 12

Mike Burton

DISTRICT 1

~~Donna Stuhr~~ OLESON

DISTRICT 2

Charles Williamson

DISTRICT 3

Craig Berkman

DISTRICT 4

Corky Kirkpatrick

DISTRICT 5

Jack Deines

DISTRICT 6

Jane Rhodes

DISTRICT 7

Betty Schedeen

DISTRICT 8

Ernie Bonner

DISTRICT 9

Cindy Banzer

DISTRICT 10

Gene Peterson

DISTRICT 11

Marge Kafoury

TOTAL

X

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

*#3 EB amendment to #2
re 6.1
p. 15*

10-23-80

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 9</u> Cindy Banzer	_____	_____
<u>DISTRICT 10</u> Gene Peterson	_____	_____
<u>DISTRICT 12</u> Mike Burton	_____	_____
<u>DISTRICT 1</u> Donna Stuhr <i>OLESON</i>	_____	_____
<u>DISTRICT 2</u> Charles Williamson	_____	<i>X</i>
<u>DISTRICT 3</u> Craig Berkman	_____	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	_____
<u>DISTRICT 5</u> Jack Deines	_____	_____
<u>DISTRICT 6</u> Jane Rhodes	_____	_____
<u>DISTRICT 7</u> Betty Schedeen	_____	_____
<u>DISTRICT 8</u> Ernie Bonner	_____	_____
<u>DISTRICT 11</u> Marge Kafoury	_____	<i>X</i>
TOTAL	_____	_____