



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

A G E N D A

REGULAR COUNCIL MEETING

Date: July 1, 1982
Day: Thursday
Time: 5:45 PM - Contract Review Board
6:15 PM - Informal Session - Energy Recovery
7:30 PM - Regular Council Meeting
Place: Metro Offices

CALL TO ORDER (7:30)*

ROLL CALL

1. Introductions.
2. Written Communications to Council.
3. Citizen Communications to Council on Non-Agenda Items.
4. Councilor Communications. (7:40)*
5. Consent Agenda (Item 5.1) (7:55)*
 - 5.1 Minutes of 3/25/82 and 4/1/82 Council Meetings.
6. Ordinances:
 - 6.1 Public Hearing on Ordinance No. 82-133, An Ordinance Amending Ordinance No. 81-105, Establishing Procedures for Locational Adjustment of the Metropolitan Service District's (Metro) Urban Growth Boundary. (First Reading) (8:00)*
 - 6.2 Ordinance No. 82-135, For the Purpose of Adopting the Regional Transportation Plan. (Second Reading) (8:15)*
 - 6.3 Ordinance No. 82-137, An Ordinance Relating to Contested Case Procedures and Amending Metro Code Chapter 5.02. (Second Reading) (8:25)*

*Times listed are approximate.

7 Reports:

7.1 Executive Officer's Report. (8:35)*

7.2 Committee Reports. (8:50)*

ADJOURN (9:05)*

*Times listed are approximate.



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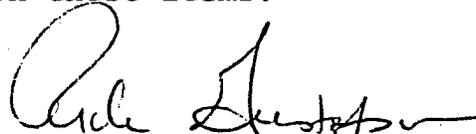
A G E N D A

REGULAR COUNCIL MEETING

Date: July 1, 1982
Day: Thursday
Time: 7:30 PM
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 with the Consent List Criteria established by the Rules and Procedures of the Council. The Council is requested to approve the recommendations presented on these items.



Rick Gustafson
Executive Officer

5.1 Minutes of 3/25/82 and 4/1/82 Council Meetings.

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

MARCH 25, 1982

Members present: Couns. Banzer, Berkman, Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes and Schedeen.

Members absent: Coun. Williamson.

In attendance: Rick Gustafson, Executive Officer.

Staff present: Richard Brandman, Andy Cotugno, Jill Hinckley, Mike Holstun, Sue Klobertanz, Dan LaGrande, Keith Lawton, Tom O'Connor, Dennis O'Neil, Kay Rich, Sonnie Russill, Ethan Seltzer, Jennifer Sims and Caryl Waters.

Visitors present: Rex Bybee, Hank Laun and Don Williams of the Council Special Task Force on Fiscal Management;
Ann Wiselogle, 6025 SE Woodstock;
Sherman Coventry, 926 SE Umatilla;
Bill Barber, 1925 SE Ash;
Gretchen Bennett, 3649 SE Knapp;
Elizabeth Lucas, 5615 SE Jenne Lane;
Dorothy Reese, 5720 SE Jenne Road;
Bonnie Brunkow, 5509 SE Circle Avenue;
Lois Campbell, 5465 SE Circle Avenue;
Frances Hyson, 16507 SE Mill;
Bruce & Jan Burmeister, 5926 SE Jenne Road;
Shyla Ragan, 5808 SE Jenne Road;
A. E. Stewart, Southeast Times;
Howard Neufeld, 5916 SE Jenne Road;
Floyd & Virginia McKechnie, 5349 SE 174th;
Roberta Lady, 17036 SE McKinley;
Douglas Fowler, City of Portland;
Roxanne Nelson, City of Portland;
Leonard Anderson, 16711 SE McKinley.

The meeting was called to order by Presiding Officer Banzer at 7:30 PM. There were no introductions or written communications to Council.

3. Citizen Communications to Council on Non-agenda Items.

Bill Barber expressed his support for the bike program that Metro is co-sponsoring.

Coun. Bonner invited all those interested in the bike program to attend the April 5 Development Committee meeting where this subject will be discussed.

Sherman Coventry also stated he was in favor of the public education program, as did Ann Wiselogle.

General discussion of the bike program.

Gretchen Bennett read a prepared statement regarding the fiscal problems of

Metro.

4. Councilor Communications.

Presiding Officer Banzer recommended that Council adopt a policy whereby the Councilors may be recorded as "excused" or "unexcused" if absent from a Council meeting.

Couns. Rhodes, Schedeen and Berkman opposed the policy since each feels the responsibility lies with their constituents and not with their peers.

Coun. Bonner stated he felt this policy should be adopted for the record.

Coun. Kafoury asked that such a policy be optional.

Coun. Burton stated that this policy is a result of reacting to the press, with whom Metro will not win anyway.

There was no action taken on the matter.

5. Report from Task Force on Fiscal Management.

Rex Bybee, Chairman of the Task Force, reviewed the report with the Council.

Coun. Burton asked if an outside auditing firm would review the financial situation to assure that Metro will not get into the same situation.

Executive Officer stated that a plan for supplying the Accounting Dept. with temporary assistance to carry out the recommendations of the Task Force would be forthcoming and after their task is completed, the situation will be reevaluated.

General discussion of the position of Chief Financial Officer recommended by the Task Force, as well as other recommendations.

Executive Officer thanked the members of the Task Force for their participation in the process.

There was a brief recess at 9:30 PM and the Council reconvened at 9:45 PM.

8.1 Contested Case No. 81-6, In the Matter of a Petition by the City of Portland for a Locational Adjustment to the Urban Growth Boundary (UGB) to Add Jenne Lynd Acres and Remove Schoppe Acres.

Presiding Officer reviewed the procedures for this case. She stated that the matter has been discussed thoroughly before two hearings conducted by Metro's hearings officer. The hearings officer issued his recommendation and order in December, 1981. Parties were then allowed to file written exceptions to the proposed order and then to argue those exceptions to the Regional Development Committee on January 19, 1982. The Development Committee has adopted a different recommendation from that of the hearings officer. The parties have, therefore, been permitted to file additional written exceptions to the decision of the Development Committee. The hearings' record of both the hearings officer and the Development Committee are before the Council at this time as well as the recommendations resulting from both hearings. The Council must now determine which of the recommendations to adopt or to adopt a third alternative decision

of their own. The Contested Case procedures provide that anyone filing exceptions to either decision be permitted to argue those exceptions to the Council. No new evidence or testimony will be accepted. The parties filing the exceptions should verbally explain why the Council should accept the arguments presented in the written exceptions. Bruce Burmeister had requested up to two hours to present the case for the Jenne Lynd neighbors. Presiding Officer asked Councilor Bonner, Chairman of the Development Committee, for his opinion as to how to proceed with the request for oral argument.

Coun. Bonner stated that the purpose of the meeting tonite is not to allow the Council to hear the same testimony as heard by the Development Committee, but to review the conclusions reached, listen to arguments from both sides on the question of whether or not those conclusions are supported by the testimony which is already in the record, and to decide to accept the Committee's recommendation or some other recommendation. He proposed to give each side one-half hour and those who have not presented any opinion 15 minutes to keep the amount of testimony limited. The proponents should also be allowed five minutes for rebuttal to opponents' testimony.

Presiding Officer stated that written exceptions have been received from the following people:

Roxanne Nelson, representing the petitioner, City of Portland;
Leonard Nelson, co-petitioner;
Douglas Fowler, representing Mr. Anderson;
Bruce Burmeister, representing the Jenne Lynd neighbors.

Presiding Officer stated she, as well as other members of the Council, had received letters from Elizabeth Lucas, Bonnie Brunkow, and Virginia McKechnie regarding this case. The letters were not filed as exceptions and therefore must be considered ex parte contact, communications outside the procedures the Council is reviewing. Presiding Officer asked members of the Council to declare any other ex parte contact at this time.

Coun. Rhodes stated she had visited the site and had worked with people in the neighborhood for several years. However, she stated that this would not prejudice her decision.

Coun. Burton stated he had telephonic contact with a party in the area but this contact would not affect his decision.

Coun. Etlinger stated he had a telephone conversation, visited the area, but these contacts would not affect his decision.

Coun. Bonner stated he had been contacted by telephone and had visited the area several times, but his contacts would not affect his decision.

Presiding Officer stated that letters had been received by the staff from Roberta Lady and Lonnie Russell, but the letters have not been forwarded to the Council. Presiding Officer asked if there were anything that Legal Counsel would like to add.

Mike Holstun stated that counsel for Mr. Anderson had informed him that some time during his testimony, a letter from the Mayor of Portland would be

introduced. Mr. Holstun advised that the letter from the Mayor be placed in the same context as those received by the Council after the close of the hearing, that the Council should feel free to look at the letter and that the opponents should address their exceptions to that letter during their allotted time.

Coun. Bonner asked that Council not accept this letter since it may constitute new evidence and thus lengthen the hearing procedure.

Coun. Kafoury stated that the Council had the opportunity to read other letters which were not exceptions to the hearings' evidence or decisions and that the Mayor's letter should be considered in the same category.

Coun. Etlinger stated that the present procedure for handling contested cases will be changed for next year and that the Council should proceed with the existing procedure and accept the Mayor's letter.

Coun. Bonner then concurred with Couns. Etlinger and Kafoury.

Couns. Oleson and Schedeen arrived at this time. Presiding Officer asked if either had ex parte contacts to declare.

Coun. Oleson stated he had none.

Coun. Schedeen stated she would abstain from voting since some of the opponents and/or proponents felt she may be biased.

Roxanne Nelson, representing the City of Portland, stated her presentation of the City of Portland's position would take approximately 10-15 minutes, then Douglas Fowler (representing Mr. Anderson) would take approximately 5 minutes and the remainder of the time would be reserved for rebuttal, if necessary.

Ms. Nelson briefly reviewed the contested case. She stated that the City's position agrees with the Regional Development Committee's conclusion and that Metro's standards for approval have been met. Schoppe Acres has relatively no urban services and has no potential for development. Urbanization in Jenne Lynd is already partially developed. Schoppe Acres will not provide housing for the metropolitan area and therefore does not meet with the intent of the UGB. Within present County zoning regulations, the Jenne Lynd area could develop to a density of 85 units on septic tanks, rather than sewers available in the City. Nineteen property owners in the area have petitioned the City for annexation and the City Council has determined that a triple majority in favor of annexation exists in 70% of the area. Because of location and parcelization, the area cannot escape urbanization. The Development Committee reviewed the criteria necessary for a favorable decision on this petition, and concluded that all urban services can be provided to the area in an efficient and economical manner:

Jenne Lynd area is in Johnson Creek Interceptor Sanitary Sewer Service area and was included in the design for the laterals adjacent to the area; no additional public capital investments will be required to extend that service.

Approval of the City's petition will prohibit the issuance of septic tank permits in the area since the City will have the ability to

supply sewer service.

The City's 12" water main lies in Jenne Road and services 13 homes in the area, mostly because of failures in private water supplies. Line is immediately available to supply additional development.

An unfavorable decision will render Jenne Road to remain a rural road carrying urban levels of traffic; approval of the City's petition will bring the road into the scope of the Mt. Hood-Powell Butte transportation study.

City policies and regulations provide that adequate storm drainage be provided as determined by the City Engineer. Metro's stormwater management guidelines will be adhered to.

Installation of fire hydrants by the City will enhance fire protection. Fire protection will continue to be provided by Fire District #10 under terms of its contract with the City.

The standards for agriculture were rendered not applicable since the County has determined this area is committed to non-farm use.

Ms. Nelson then addressed the condition placed upon approval of the petition-- that of requiring annexation of the entire area within two years. She stated that the condition is unworkable; if the area is given the urban designation it merits, the Boundary Commission and the City can then manage the phasing of annexation of the remaining parcels as provided by State law. The City, therefore, requests that the condition be dropped.

Douglas Fowler, attorney representing property owners in favor of the UGB change in Jenne Lynd, stated he agreed with the findings of the Development Committee but also requested the condition of annexation of the entire parcel be eliminated. The findings identify the land use deficiencies in the area, but the condition may preclude correction of those deficiencies. It is his opinion that Metro acted without legal authority in imposing that condition; according to state law, the Boundary Commission has the authority for timing and phasing of annexations and services.

Coun. Burton asked Asst. Legal Counsel Holstun for clarification of Mr. Fowler's statement about the legality of Metro's imposing this condition.

Mike Holstun explained that in their exceptions, the proponents have made the argument that Metro is usurping the authority of the Boundary Commission by imposing that condition. It is his opinion and that of the Legal Counsel that the correction of the land use deficiencies is the condition imposed, not the annexation itself.

Mr. Anderson chose not to speak at this time.

Bruce Burmeister, representing the petition's opponents in the Jenne Lynd area, reviewed the list of property owners opposed to the change in the UGB and those in favor of the change.

Mr. Fowler objected to the presentation of the lists as irrelevant to the

exceptions, the ordinance, or to the Committee's recommendations.

Mike Holstun stated it will be acceptable for Mr. Burmeister to continue provided he link up his statements with his exceptions at some time during his presentation. If Mr. Burmeister does not, then Mr. Fowler may feel free to restate his objection.

Mr. Burmeister continued with a series of maps and overlays illustrating the property owners, resident and non-resident, and the area where triple majority has been attained for annexation to the City. Mr. Burmeister stated that the property owners feel that Mr. Anderson wishes to develop his property at the expense of his neighbors. Mr. Burmeister stated the following exceptions:

- 1) Lack of notification for hearings.
- 2) Faulty tapes at first hearing before hearings officer, making another hearing necessary.
- 3) City and Mr. Anderson presenting much more testimony at the second hearing than the first.
- 4) Hearing held at Development Committee level and decision was postponed until a future meeting; then, no additional testimony was to be taken. However, the City was allowed to file exceptions on the testimony presented at the hearing.

Mr. Burmeister continued that the requirement of a vote for annexation is a favorable decision to the neighbors he represents, but does not agree that the area should be brought into the City for the benefit of Mr. Anderson. Mr. Burmeister insists that the property owners opposed to annexation are the majority, contrary to a letter from Roxanne Nelson. He also stated that with annexation of the area in which a triple majority is reported to be attained will result in an "island" of property surrounded by the City--a condition that may be remedied without consent of property owners. Mr. Burmeister also maintains that the triple majority has not been attained in the area as reported by the City and that there are more than 25 resident property owners who are opposed to the UGB amendment. Mr. Anderson states in his letter that he intends to develop his property (40 acres) with over 200 homes. Mr. Burmeister states this exceeds the capacity of the Johnson Creek Interceptor. He concluded that the residents are in favor of an election for annexation and reminded the Council of the decision of the hearings officer opposing the change in the UGB.

Jan Burmeister stated the concern of the property is the appropriateness of the land use and they do not feel it is efficient or economical to try to urbanize Jenne Lynd because of the flood plain, the railroad right-of-way, the steep hillsides and the hodge-podge development that presently exists.

Coun. Burton asked Mrs. Burmeister to explain her statement about the current properties being incompatible with denser development in the area.

Mrs. Burmeister stated the cost of extending the sewer and water lines from their source in Jenne Road to the existing houses would be an expensive proposition for the property owners.

Coun. Uleson asked if the property owners support the recommendation of the Development Committee.

Mrs. Burmeister stated to the affirmative, providing for an election on the question of annexation, but they would prefer an outright denial.

The Council asked to see the aerial photograph of the area and Mr. Burmeister illustrated the points of interest on the photo.

Presiding Officer stated that those who have filed written exceptions have had the opportunity to present those exceptions orally and those who have not filed written exceptions would now be permitted to make statements about testimony received this evening, not to re-state exceptions made at the previous hearings or to introduce new testimony.

Elizabeth Lucas objected to statements that agricultural considerations are not applicable in this case. She stated that when Multnomah County granted permission for a stable in the area, their decision to zone for it were based on the land's rural and agricultural use. Mrs. Lucas also presented photographs of flooding that has occurred in the area.

Mike Holstun cautioned Mrs. Lucas that the photos would only be permitted to be introduced if they helped her to make her statement of exception; otherwise, the Council should not accept them as part of the record.

Frances Hyson stated she bought the property in the area for use as a agricultural purposes and objected to the Mayor's letter to the Council that was introduced tonite.

Virginia McKechnie stated her objections to development in the area due to the additional traffic that will travel on Jenne Road, which is already a traffic hazard.

Floyd McKechnie stated his objection to drainage problems being increased by additional development in the area. He also objected to taxes being increased for fire and police protection, which will be provided by the same agencies through contracts with the City at a higher cost.

Howard Neufeld challenged some findings of soil studies submitted as evidence in the case. He doesn't feel that the City will be able to provide solutions to the landslide and flooding problems in the area.

Roxanne Nelson summarized her rebuttal with the following statements:

- 1) The two commissioners mentioned by Mr. Burmeister who were concerned about the UGB change did not vote in opposition to the amendment.
- 2) The City did not intentionally "island" any properties.
- 3) There is no procedure provided for an annexation election.
- 4) There are two sewer lines (not only one) serving the area--one at Circle Avenue and one at 162nd Avenue.
- 5) There will be no change in agencies for fire and police protection.

- 6) Fire hydrants will be installed, thus improving the fire protection in the area.

Ms. Nelson requested Council's withdrawal of the condition requiring annexation of the entire area within two years.

Douglas Fowler reiterated his opinion that approval of the amendment would make corrective measures available for the inefficiencies in service that already exist.

Leonard Anderson pointed out (on the map) locations of storm drains available to the area and stated that if the amendment were denied, he would have no choice but to divide his property and add to the hodge-podge already existing. Sewer connections are available for his 40 acres and an adjoining 50 acres without involving any other property owners.

Coun. Rhodes stated that the annexation decision is not Metro's to make. The question is should or should not this area be urbanized. She agreed that the services are available, but disagreed that the hazards are not important. Coun. Rhodes continued that development in the area will only increase the flood hazard in Johnson Creek. The Metro Stormwater Management Plan requires that any additional floodwater runoff in excess of the 25-year floodwater will require a catch basin. When this provision was communicated to the City of Portland's Engineer, his response was that such a requirement to a 170-acre parcel to solve a regional problem would be unreasonable.

Coun. Rhodes continued, "Because I believe the flooding hazard and the influence of development in the area will prevent the area from urbanizing and furthermore provide a hazard that cannot be ignored, I move to approve Contested Case Order No. 81-6, which supports the hearing's officer recommendation to deny the petition."

Coun. Kafoury seconded the motion. She continued that her concerns were the increased floodwater caused by development as opposed to continued development on septic tanks.

General discussion of stormwater management and septic tanks.

Coun. Bonner stated that it has been determined and is evident that there will be development in this area and he is not assured that the problems being discussed will be solved if a decision is made either way.

General discussion. It was determined that the City's position that either outright denial or the recommendation from the Development Committee requiring annexation of the entire area within two years both result in the same decision-- that of denying the petition, since the condition is unworkable.

Mike Holstun advised that it is his opinion that the resolution drawn up to adopt the Development Committee's position is not a final order; but the recommendation for denial would be a final order.

Coun. Etlinger stated he sees no argument that shows a definite net improvement in land. And he does not see that the City needs the area for development.

Coun. Burton stated he feels that the land will be developed, but should be developed where there will be availability of services or we will continue to have poor utilization of land.

Presiding Officer stated her concern is with drainage management and that problem has been exasperated with development over the years and it is contradictory to the policies adopted for that drainage basin.

The motion passed by the following roll call vote:

YEAS: Rhodes, Kafoury, Banzer, Etlinger
NAYS: Burton, Oleson, Bonner
ABSENT: Berkman, Deines, Kirkpatrick, Schedeen, Williamson.

Coun. Kafoury stated that her concern is with septic tanks allowed in the area; she supported the motion because in doing so, perhaps DEQ will soon prohibit septic tanks in the area because of the flooding.

Presiding Officer stated the remainder of the items on the agenda would be carried over to the next regular meeting, April 1, if Council had no objections. It was the consensus of the Council to do so.

Presiding Officer stated she had received a request to pull three items from the consent agenda:

- 6.1 Resolution No. 82-312, Amending the Transportation Improvement Program (TIP) to Incorporate Oregon Department of Transportation's (ODOT) Six-Year Highway Improvement Program of Projects in Urbanized Areas.
- 6.4 Resolution No. 82-303, Authorizing the Executive Officer to Review and Approve Metro's Recommendation to the Land Conservation and Development Commission (LCDC) on Requests for Compliance Acknowledgment.
- 6.5 Resolution No. 82-315, Granting a Franchise to Marine Drop Box Corporation for the Purpose of Operating a Solid Waste Processing Facility.

The meeting adjourned at 11:30 PM.

Respectfully submitted,

Sue Haynes
Clerk of the Council

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

April 1, 1982

- Members present: Couns. Banzer, Berkman, Bonner, Burton, Deines, Etlinger, Kafoury, Kirkpatrick, Oleson, Rhodes, Schedeen and Williamson.
- Staff present: Andy Jordan, Jill Hinckley, Don Carlson, Dennis O'Neil, Andy Cotugno, Sonnie Russill, Norm Wietting, Kay Rich, Jennifer Sims, Mike Holstun, Mel Huie and Caryl Waters.
- Visitors present: Dean Gisvold, Metro's consulting attorney for ERF contract negotiations;
Beth Blunt, League of Women Voters;
Jim Murphy and Ed Loeb, Clifton and Company, insurance broker for the ERF.

The meeting was called to order by Presiding Officer Banzer at 7:30 PM.

Consent Agenda of 3/25/82.

Action on the consent agenda of 3/25/82 had been postponed due to a lengthy meeting. It consisted of:

- 6.2 Resolution No. 82-313, Amending the FY '82 Unified Work Program.
- 6.3 Resolution No. 82-314, Extending the July 1 Deadline for Petitions for Locational Adjustments to Metro's Urban Growth Boundary.
- 6.6 Resolution No. 82-319, Amending the Solid Waste Polic Alternatives Committee Bylaws and Appointing Members.
- 6.7 Resolution No. 82-317, Establishing a New Classification of Educational Services Aide at the Washington Park Zoo.
- 6.8 Resolution No. 82-318, Establishing a New Classification of Animal Hospital Attendant at the Washington Park Zoo.

Motion that the consent agenda carried over from 3/25/82 be adopted; carried unanimously. (Kirkpatrick/Kafoury)

Recommendations on Establishing Council Work Sessions on Energy Recovery.

Coun. Rhodes explained her memo to the Council regarding the Energy Recovery Facility. A motion at the Services Committee was passed unanimously and reads as follows:

"Motion to:

1. Recommend Council work sessions to be held on the second Thursday of each month at 7:00 PM;
2. All contracts and decisions relating to the Energy Recovery Facility will be handled through the established procedures;
3. Those issues which need to be handled in Executive Session will be handled prior to any regularly scheduled Council meeting;
4. Council will be notified of all task force meetings;

5. Individual sessions on the Energy Recovery Facility and process will be made available to all Councilors through Tom O'Connor; and
6. Presiding Officer will call a Committee of the Whole meeting between March 9 and March 25, 1982, to discuss the Energy Recovery process;

carried unanimously. (Rhodes/Oleson)"

Coun. Rhodes stated that since two ERF sessions had already been held, #6 of her motion should be eliminated from this action.

Motion to adopt the recommendation from the Services Committee on the informal meetings on Energy Recovery; carried unanimously. (Rhodes/Deines)

Coun. Bonner stated he hoped the Council will be considering an effort to inform the public that Energy Recovery is not a foregone conclusion, but a decision to be made in the future.

Coun. Etlinger stated he would support an independent group of people to assist in the evaluation of the Energy Recovery Facility and help the Council in making a decision. He stated that because of the nature of this project, the largest capital project in the State's history, he does not feel that the Staff has provided an independent, objective analysis.

Coun. Berkman defended the Staff's position, stating that many sessions had been held on the Energy Recovery Facility. He also stated that if the Council wished to have independent committees studying this issue, the budgetary items and the means of support for these committees should be brought to the Council. He feels it is an injustice to make accusations of professional people who have their reputations on the line and have already spent countless hours in providing the information necessary for Council to make a decision.

Coun. Oleson asked about the status of Coun. Berkman's suggestion for an ERF Blue Ribbon Commission.

Coun. Berkman responded that the Executive Officer is in the process of contacting potential people to see if they are available and he will be bringing some recommendations to the Council, to be added to by the Council, in order to provide the citizen overview and input.

Coun. Oleson asked if Coun. Etlinger's statements would be in agreement with Coun. Berkman's intent of the Blue Ribbon Commission.

Coun. Etlinger objected, stating he would like a review of the "build" and "no-build" and smaller options than the Energy Recovery Facility and its impact on solid waste over the next 30 years.

Coun. Rhodes stated these discussions are important but irrelevant to the motion at hand.

Presiding Officer Banzer stated that she was distressed that the Executive Officer is proceeding with recruiting for the Blue Ribbon Commission while the Council still has not determined the form or the charge of such a committee.

Coun. Berkman responded that the Executive Officer is polling members of

the community who have the respect of the Councilors and going to bring a recommendation after consultations with the Presiding Officer and other members of the Council. Coun. Berkman continued that the Executive Officer is responding to a memo from him on the matter and Coun. Berkman is satisfied that the Executive Officer is trying to find out if some competent people would be interested in serving on such a committee if asked.

A vote on the motion was taken and it passed unanimously.

Presiding Officer stated she has been working on the staffing and formation of committees relating to the ERF and has talked to some Councilors about same. She asked that other Councilors be prepared in the next couple of days with their suggestions.

Resolution No. 82-315, Granting a Franchise to Marine Drop Box Corp. for the Purpose of Operating a Solid Waste Processing Facility.

Coun. Burton asked that this resolution be tabled. There were no objections.

Resolution No. 82-303, Authorizing the Executive Officer to Review and Approve Metro's Recommendations to the Land Conservation and Development Commission (LCDC) on Requests for Compliance Acknowledgement.

Coun. Burton introduced the following amendment to the fifth paragraph of the resolution:

"WHEREAS, Metro Council policy on the review of Compliance Acknowledgement requests has been established through action on past reviews and appropriate future review may be accomplished at the request of local governments, now, therefore:

BE IT RESOLVED:

1. That the Council requests of the Land Conservation and Development Commission that local jurisdictions in the Metro area be allowed to forward compliance acknowledgements requests directly to the Department of Land Conservation and Development (DLCD).

2. That Metro encourages local jurisdictions to use the services of Metro for review of their plans or plan amendments."

Motion to amend the resolution as stated (Burton/Deines).

Coun. Burton explained that legislation passed during the last legislative session and LCDC was faced with a shorter compliance time to match local changes in comprehensive plans. The resolution, as stated, takes the review process from the Council and gives it to the Executive Officer. His amendment takes Metro out of the review process altogether, thereby doing away with an unnecessary layer of government review.

Coun. Deines stated sees it as dual responsibility and authority that Metro shares with the State, and if the State has the ultimate authority in approving, Metro should simply comment that the change is not in violation of

the UGB or its requirements.

Coun. Rhodes asked for staff comments on both the resolution and the amendment.

Jill Hinckley stated the resolution was initiated in response to some changes in legislation that occurred during the last session. Regarding the amendment, Metro does have a statutory obligation to advise LCDC on goal compliance, whether local jurisdictions are complying with goals; and the State does provide coordination money. Metro acts as mediator between the local and state level.

General Counsel Jordan stated that aside from the State goals, Metro also reviews for regional compliance with goals, plans and policies--Solid Waste Management Plan, Urban Growth Boundary, "208" Plan, Drainage Management Plan, etc. In reviewing a plan for compliance with State goals, one of the goals is that the local plans be coordinated.

Coun. Kirkpatrick stated that as Metro adopts functional plans, then each time a local comprehensive plan is reviewed, it must be in compliance with regional functional plans.

Coun. Burton stated that if there is a significant role for Metro to play in reviewing comprehensive plans, then the review should be done at the Council level.

Coun. Williamson stated that the Regional Transportation Plan is another plan that should be part of the compliance review process. He agreed with Coun. Burton that the Council should not be taken out of the process, but disagreed with the amendment.

Coun. Deines stated that if the desire of the Council is to remain as part of the review process, then voting no on both the amendment and the resolution would accomplish that.

Coun. Burton stated he was convinced by Coun. Deines' arguments.

Coun. Bonner stated as the process stands now, there seems to be a duplication of effort by Metro and the State. He continued that, ideally, there would be some way for Metro to review for compliance with its regional functional plans and not spend time reviewing for compliance with State goals.

Coun. Williamson stated that major comprehensive plan amendments for Washington County will be coming through next year and the Council should not be removed from the review process, since that one plan covers approximately one-third of the region.

A vote on the motion to amend the resolution was taken and failed to pass. (3 votes yes; 7 votes no; 2 absent)

Coun. Burton urged the Council to vote in opposition to the Resolution in order that the Council will remain part of the review process.

Motion to approve Resolution No. 82-303. (Rhodes/Schedeen)

Motion to table Resolution No. 82-303; carried. (Williamson/Schedeen, Rhodes voting "no")

Resolution No. 82-315, Granting a Franchise to Marine Drop Box Corporation for the Purpose of Operating a Solid Waste Processing Facility.

At the request of Coun. Burton, Chairman of the Services Committee, the Presiding Officer referred this resolution to the Services Committee. There were no objections.

Resolution No. 82-312, Amending the Transportation Improvement Program (TIP) to Incorporate Oregon Department of Transportation's (ODOT) Six-Year Highway Improvement Program of Projects in Urbanized Areas.

Coun. Oleson stated he had some questions regarding this resolution previously and that staff had answered them. He now recommends approval of the resolution.

Motion to approve Resolution No. 82-312; carried unanimously. (Oleson/Rhodes)

5. Consent Agenda (for 4/1/82 meeting)

The consent agenda for the 4/1/82 meeting consisted of the following:

5.1 A-95 Review.

5.2 Minutes of 2/25/82 and 3/4/82 Council Meetings.

Motion to approve the consent agenda; carried unanimously. (Kirkpatrick/Bonner)

Resolution No. 82-322, Authorizing the Executive Officer to Enter into a Contract with Clifton and Company for their Services as Agent of Record for the Energy Recovery Project to Conduct Risk Analysis and Insurance Needs Assessment and Placement.

Coun. Oleson stated that the Contract Review Board has reviewed this contract and since the dollar amount is over \$50,000, it is before the Council for approval.

Mike Holstun stated that on the Grant/Contract Summary page in the package, there is a typographical error on line 6 and line 7 which should be changed to read "not to exceed \$66,500" instead of "not to exceed \$62,500". Mr. Holstun explained that the contract is divided into phases. The first phase is the risk analysis which will be reported to Council and staff. That phase is the only phase that will be completed this fiscal year.

Coun. Oleson stated that Clifton and Co. was chosen because of their experience and the work done in submitting their proposal; also, Clifton's estimate for the scope of work was lowest of the qualified bidders.

Dean Gisvold, Chairman of the Insurance Task Force, reviewed the evaluation process that the Task Force used and the qualifications of Clifton and Company. He introduced Ed Loeb and Jim Murphy.

Mr. Gisvold continued his statements by explaining that the contract is in three phases:

Phase 1 - Risk Analysis (Establishing Metro and Wheelabrator-Frye responsibilities)

Phase 2 - Placement of Insurance (separately by Metro or in conjunction with Wheelabrator-Frye)

Phase 3 - Insurance for Construction and Operation of the Facility (claims management, monitoring of insurance coverage, etc.)

Mr. Gisvold stressed that there are checkpoints provided in the contract for the Council. There is a provision in the contract that it may be terminated with five days notice. Also, between phases, written notice to proceed is required before Clifton and Company can proceed with the next phase.

Mr. Gisvold stated that, in the opinion of the Task Force, the reason for this contract coming to the Council and bypassing the Coordinating Committee was due to time restraints. The next Council meeting is in approximately a month and delaying this contract a month would therefore delay Clifton and Company's work by a month and delay the overall momentum of the project.

Motion to approve Resolution No. 82-322. (Olson/Schedeen)

Motion to amend Resolution No. 82-322, the last paragraph, to read:

"That the Council authorizes the Executive Officer to enter into the contract for Phase 1 of the services of Clifton and Company for an amount not to exceed \$16,500."

(Bonner/Etlinger)

Coun. Bonner stated that his reason for amending the resolution is that the information to be provided in Phase 1 of the contract will be the information necessary for the Council to make a decision on the ERF. He objects to contracting for services that Metro may not ever need.

Dean Gisvold explained the reason for insurance contract services as a package rather than separating it in phases. He stated that it will be helpful for Council to have this contract in place when the decision is made in order to proceed with the implementation of its decision.

Coun. Bonner stated he is concerned with making a statement that the Council has not made a decision on the ERF and that the Council need the information to be provided in Phase 1 to make the decision.

Coun. Rhodes stated Coun. Bonner's amendment would increase not only time, but also expense, although she agreed with Coun. Bonner's intent. The other consideration is that the company may choose not to enter into the contract for Phase 1 only because they are assured that if Council makes a favorable decision

to proceed with ERF, the company is guaranteed to have the contract.

Coun. Bonner stated he would be willing to change the motion to indicate that if Council makes a decision to go ahead with the ERF, it will contract with Clifton and Company, but that now the Council is only contracting for \$16,500.

Mike Holstun stated that Metro's contract procedures have come under scrutiny lately and the package presented is a contract covering all phases of the proposed project. To address Coun. Bonner's objection, the wording of the contract could be changed to make it clearer.

Coun. Bonner stated that the advantage to the contract for the entire process is to have the ability to implement it quickly once a decision is made. However, his concern remains with the fact that it will appear, from the record of the proceedings, that Metro has made a decision for a contract in the amount of \$66,500 for the entire project, not \$16,500 for Phase 1 only.

Mr. Gisvold suggested rewording the first part of the contract to reflect Coun. Bonner's intention, that Phase 1 is authorized immediately and that Phases 2 and 3 will not be authorized without written notification from the Metro Council.

Coun. Deines stated that the Council has requested outside people with expertise to give advice to the Council. What the Task Force has done is present a contract for Phase 1, but also allows for proceeding with Phases 2 and 3 when and if the Council so decides.

Motion to end debate; carried. (Williamson/Deines, Banzer voting "no")

A vote on the motion to amend the resolution and the contract to provide for Phase 1 only failed to pass. (3 yes; 8 no; 1 absent)

Presiding Officer Banzer stated she could not act on behalf of the public if she had not been given the opportunity to review items such as these before voting on them.

Coun. Schedeen stated that she is satisfied with the competence of the people the Council chose to serve on this committee and has no problem with approving their recommendation.

Coun. Berkman objected to Council's asking people with demonstrated expertise and to have them bring a contract that protects the Council, which will terminate unless the Council votes to proceed, only to have their recommendations disapproved.

The motion to adopt Resolution No. 82-322 as presented passed by the following roll call vote:

YEAS: Berkman, Deines, Etlinger, Kirkpatrick, Oleson, Rhodes, Schedeen, and Williamson.

NAYS: Banzer and Bonner.

ABSENT: Burton and Kafoury.

There was a five-minute recess.

6.1 Public Hearing on Ordinance No. 82-131, For the Purpose of Amending Appropriations and Adopting a Supplemental Budget. (First Reading)

Jennifer Sims stated that the Council is convened as the Budget Committee to receive the Supplemental Budget for FY '82 and also convened as the Council to consider the ordinance. Ms. Sims explained the budget process and the tables of the Supplemental Budget.

General discussion of the Supplemental Budget.

Motion that Ordinance No. 82-131 be adopted. (Kirkpatrick/Williamson)

General Counsel Jordan stated that two amendments should be made to the ordinance as presented. "Be It Resolved" should be changed to read "The Council of the Metropolitan Service District Does Hereby Ordain". The second change is to paragraph two of the ordinance after "indicated in Exhibit 'C'" add the words "of this ordinance".

Motion to approve the amendments stated by the General Counsel; carried by the following vote:

YEAS: Williamson, Rhodes, Etlinger, Deines, Oleson, Berkman, Kirkpatrick.

NAYS: None

ABSENT: Banzer, Bonner, Kafoury, Schedeen.

7.1 Resolution No. 82-321, Transmitting the Fiscal Year 1982 Supplemental Budget to the Tax Supervising and Conservation Commission.

Motion to adopt Resolution No. 82-131; carried unanimously. (Kirkpatrick/Rhodes)

8.1 Executive Officer's Report.

There was no report from the Executive Officer.

8.2 Committee Reports.

Coun. Deines reminded all Councilors present of the upcoming Coordinating Committee meeting a week from Monday.

Coun. Etlinger stated the Development Committee would be discussing the bike program on Monday 4/5.

The meeting adjourned at 9:45 PM.

Respectfully submitted,

Sue Haynes
Clerk of 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: Regional Development Committee
SUBJECT: An Ordinance Amending Ordinance No. 81-105, Establishing
Procedures for Locational Adjustment of Metro's Urban
Growth Boundary (UGB)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Approval of release of Ordinance No. 82-133, an ordinance amending Ordinance No. 81-105, for public hearing and first reading by the Metro Council.
- B. POLICY IMPACT: Release of the ordinance for hearing will authorize staff to issue the 45-day notice required for land use actions post-acknowledgment. The amendments recommended are designed to make minor changes necessary in the locational adjustment process, rather than to undertake any significant change in UGB amendment policy or procedure.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: Since adoption of Metro's UGB locational adjustment ordinance, experience has demonstrated a need for alteration of certain procedures and standards contained in the ordinance. Though a comprehensive revision of the ordinance has been discussed, the staff recommends a more limited revision to resolve particular problems. In addition, staff intends to provide the Council and petitioners with a written explanation of the standards and procedures in the ordinance. This explanation should serve to simplify the process as well as a comprehensive revision to the ordinance. Staff will also be proposing changes to the fee schedule and contested case rules which apply to locational adjustments.

The amendments proposed are changes to the procedural requirements, plus a revision of the trade standards to allow more flexibility in comparing the area to be added with the area to be removed.

Exhibit A of the attached ordinance, containing the recommended amendments, also includes for Committee and public reference a brief explanation of each proposed changes. This explanation will be deleted from this Exhibit prior to its adoption.

- B. ALTERNATIVES CONSIDERED: As indicated above, a more comprehensive revision of the locational adjustment ordinance is deemed by the staff to be impractical at this time. Satisfactory results should be achieved from minor alterations in the ordinance and contested case rules plus a narrative description of the standards and procedures.
- C. CONCLUSION: A narrative explanation of the standards, together with the changes proposed in the attached ordinance, appears the most practical and least confusing way to achieve immediate improvement to the locational adjustment process.

JH/srb
5848B/107
06/18/82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE)
NO. 81-105, ESTABLISHING PROCEDURES)
FOR LOCATIONAL ADJUSTMENT OF THE)
METROPOLITAN SERVICE DISTRICT'S)
(METRO) URBAN GROWTH BOUNDARY)

ORDINANCE NO. 82-133

Introduced by

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Ordinance No. 81-105 is hereby amended to add the language underlined and delete the language in brackets in the "Amendments to Ordinance No. 81-105" attached as Exhibit A and incorporated herein by this reference.

Section 2. The amendments adopted in Section 1 of this Ordinance shall become effective immediately and shall apply to all petitions filed following the date of adoption.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1982.

Presiding Officer

ATTEST:

Clerk of the Council

JH/srb
5843B/107
06/18/82

EXHIBIT A

AMENDMENTS TO ORDINANCE NO. 81-105

AMEND SECTION 4(d) TO READ:

(d) No petition will be accepted under this ordinance if the proposed amendment to the UGB would result in [a UGB not contiguous to the existing UGB.] an island of urban land outside the contiguous UGB or would create an island of non-urban land within the UGB.

Explanation: The current language precludes only urban islands outside the UGB; the intent was to preclude non-urban islands within the UGB as well. The proposed amendment to subsection 4(d) would provide for this.

AMEND SECTION 7 TO READ:

(a) A petition may be filed by:

(1) a county with jurisdiction over the property or a city with a planning area that includes or is contiguous to the property; or

(2) the owners of the property included in the petition or a group of more than 50 percent of the property owners who own [not less than] more than 50 percent of the [property] land area in each area included in the petition.

(b) A petition from a city or county pursuant to subsection (a)(1) of this section shall be accepted only if:

(1) the city or county is co-petitioner with a property owner or group of property owners meeting the requirements of subsection (a)(2) of this section; or

(2) the city or county has held a public hearing on its action to initiate a petition, for which notice has been mailed to all property owners in and within 250 feet of the area affected, and has adopted findings that the petition satisfies all applicable standards in Section 8 of this ordinance.

(c) Petitions to extend the UGB to include land outside the District shall not be accepted unless accompanied by:

(1) A copy of a petition for annexation to the District to be submitted to the Portland Metropolitan Area Local Government Boundary Commission pursuant to ORS chapter 199; and

(2) A statement of intent to file the petition for annexation within ninety (90) days of Metro action to approve the petition for UGB amendment, under Section [15] 14(d) of this ordinance.

Explanation: The main changes to this section are: (1) to require a higher proportion of property owner support for petitions; or (2) to add some additional requirements for petitions from local governments. Both changes are generally designed to recognize that Metro has made a commitment, in the form of UGB adoption, on which property owners both inside and outside the UGB are encouraged to rely and that this commitment should be modified, in the form of UGB amendment, only with substantial support from affected property owners or in circumstances sufficiently compelling to warrant a local government decision to override the wishes of affected property owners.

AMEND SUBSECTION 8(c)(2) TO READ:

(2) Consideration of the factors in subsection (a) of this section demonstrate that [it is appropriate that] the land to be added [should be included within the UGB] is more suitable for urbanization than the land to be removed. In making this evaluation, the requirements of subsection (a)(4) of this section may be waived if the land proposed for removal contains an equal or greater amount of Class I-IV soils and is found to have an equal or greater suitability for agricultural use.

AMEND SUBSECTION 8(c)(4) TO READ:

(4) Any amount of land may be added or removed as a result of a petition under this subsection but the net amount of vacant land added [or removed] as a result of a petition shall not exceed 10 acres nor shall the total net amount removed exceed 50 acres. Any area in addition to a 10 acre net addition must be identified and justified under the standards for an addition under subsection (d) of this section.

Explanation: Trades were intended to recognize that UGB amendments that would not negatively impact the overall efficiency or effectiveness of the boundary by adding to the size of urban area should be reviewed under different and less stringent standards than those that would. As the ordinance is now written, this is accomplished only by: (1) allowing for consideration of additions of more than fifty acres when proposed as part of a trade; and (2) requiring only that, for trades, consideration of the same standards as used to evaluate additions must demonstrate that it is "appropriate that the land to be added should be included within the UGB" while for additions this consideration must demonstrate that "the proposed UGB [is] superior to the UGB as presently located." This last nuance of difference and the slightly lighter burden of proof it provides, does not make it significantly easier to add less than fifty acres when proposed as part of a trade than when proposed simply as an addition. The change recommended addresses this problem by revising the standards for trades to place less emphasis on the effect of the proposed addition on the efficiency of development of adjacent urban lands and more

emphasis on the effect on overall efficiency resulting from development of the area proposed for addition instead of the area proposed for removal.

AMEND THE LAST SENTENCE OF SUBSECTION 11(a) TO READ:

These notice provisions shall be in addition to the District notice provisions for contested case hearings contained in the District Code Section 5.02.005 and to the notice requirements of OAR 660-18-000.

AMEND SUBSECTION 11(c) TO READ:

(c) Not [more than 20 nor] less than 10 days before the hearing, notice shall be mailed to the following persons:

(1) The petitioner(s).

(2) All property owners of record within 250 feet of the property subject to petition. For purposes of this subsection, only those property owners of record within 250 feet of the subject property as determined from the maps and records in the county departments of taxation and assessment are entitled to notice by mail. Failure of a property owner to receive actual notice will not invalidate the action if there was a reasonable effort to notify record owners.

(3) All cities and counties in the District and affected agencies as determined by the Executive Officer.

Explanation: These changes achieve consistency with the requirements of OAR 660-18-000 regarding 45-day notice to DLCD of proposed amendments of the Urban Growth Boundary.

AMEND SECTION 14 TO READ AS FOLLOWS:

(a) Following public hearings on all petitions for UGB changes, the Council shall act to approve or deny the petitions in whole or in part or approve the petitions [as modified] in whole or in part subject to conditions consistent with the applicable standards in sections 8 through 10 of this ordinance.

(b) Final Council action following a [quasi-judicial] hearing shall be as provided in Code section 5.02.045. Parties shall be notified of their right to review before the Land Use Board of Appeals pursuant to 1979 Oregon Laws, ch 772.

[(c) Final Council action following a legislative hearing shall be by ordinance.]

(c) [(d)] When the Council acts to approve in whole or in part a petition affecting land outside the District:

(1) Such action shall be by resolution expressing intent to amend the UGB if and when the affected property is annexed to the District within six months of the date of adoption of the Resolution.

(2) The Council shall take final action, as provided for in paragraphs (b) and (c) of this section, within thirty (30) days of notice from the Boundary Commission that annexation to the District has been approved.

Explanation: The addition to section (a) is designed to recognize and provide for past Council practice regarding conditions. The deletion of the phrase "as modified" is intended to preclude Council action to modify a petition other than through denial in part and approval in part (i.e., to preclude acting on land not included in the original petition). The remaining deletions remove unnecessary language.

JH/gl
5318B/87
4/30/82

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: Adopting Regional Transportation Plan (RTP)

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adopt ordinance adopting RTP as amended (see attached memo).
- B. POLICY IMPACT: The adoption of the RTP will provide the region with a coordinated strategy of improvements and policies to serve the year 2000 travel needs and promote economic development through a cost-effective combination of highway improvements, transit expansion and demand management programs.
- TPAC, JPACT and the Regional Development Committee have reviewed and recommended adoption of the RTP with changes outlined on the attached memo.
- C. BUDGET IMPACT: None.

II. ANALYSIS:

- A. BACKGROUND: The recommended RTP represents many years of cooperative transportation planning efforts among Metro, Tri-Met, ODOT, the Port of Portland and local jurisdictions to achieve consensus on a cost-effective transportation improvement strategy to meet the year 2000 travel needs for the region.
- B. ALTERNATIVES CONSIDERED: Not adopting the Plan. Without an adopted RTP, the USDOT has the authority to decertify the region's transportation planning program. Such an action could result in a moratorium on the granting of federal transportation funds.
- C. CONCLUSION: Adoption of Ordinance.

JG/srb
6013B/107
06/10/82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING
THE REGIONAL TRANSPORTATION
PLAN

) ORDINANCE NO. 82-135
)
) Introduced by the Joint
) Policy Advisory Committee
) on Transportation

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

1. The Metropolitan Service District Regional Transportation Plan, dated July, 1982, a copy of which is on file with the Clerk of the Council, is hereby adopted effective July 1, 1982.

2. In support of the above Plan, the Findings attached hereto as Attachment "A" are hereby approved.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1982.

Presiding Officer

ATTEST:

Clerk of the Council

JG/gl
6014B/107
5/21/82

ATTACHMENT A

FINDINGS

1. In 1979, Metro was designated by the Governor as the Metropolitan Planning Organization for the Oregon urban portion of the Portland metropolitan area to receive and disburse federal funds for transportation projects pursuant to Title 23 (Highways) and Title 49 (Transportation) Code of Federal Regulations and Oregon Revised Statutes - Chapter 268.
2. Metro staff has completed a comprehensive effort to develop a Regional Transportation Plan (RTP) for adoption by the Metro Council.
3. Adoption of a functional plan for transportation by Metro is required by State law to establish the relation to local comprehensive plans and necessary by federal regulations to maintain the eligibility of the region to receive federal transportation funds.
4. The RTP as adopted by the accompanying Ordinance is consistent with the Statewide Land Use Planning Goals as is indicated by the following paragraphs:

Goal #1 - Citizen Participation. The Joint Policy Advisory Committee on Transportation (JPACT) provided a forum for elected officials and representatives of agencies involved in transportation projects to evaluate the transportation needs in this region and to oversee the development of the RTP. JPACT's membership includes nine elected officials from local governments within the region, two Metro Councilors, representatives of the agencies involved in regional transportation issues (Port of Portland, Oregon Department of Transportation, Tri-Met and Oregon Department of Environmental Quality), and representatives from governments and agencies of Clark County, Washington and the State of Washington.

While JPACT provided a forum for input to the RTP on a policy level, the Transportation Policy Alternatives Committee (TPAC) provided the opportunity for input on a technical level for staff from the same agencies and governments represented in JPACT plus representatives of the Federal Highway Administration (FHWA), Federal Aviation Administration (FAA), Urban Mass Transportation Administration (UMTA), the Regional Planning Council of Clark County and five citizen representatives appointed to TPAC by the Metro Presiding Officer.

In addition to these standing Metro committees, considerable input was also received directly from local jurisdictions and two local transportation committees--the East Multnomah County Transportation Committee and the Washington County Transportation Committee.

In addition, since July 1980, a significant effort has been made to involve the region's citizenry in the development of the Plan. The following list details the meetings held to receive citizen input for the document:

Clackamas County Community	
Planning Organization Leaders	50
Air Quality Advisory Committee	25
Neighbors North	16
Southeast Uplift	25
Hosford-Abernathy Neighborhood	17
Oregon Association of Rail Passengers	23
Southeast Gray Panthers	18
Humboldt Neighborhood Association	21
Tigard Loaves and Fishes	25
Women in Public Management	18
Peninsula Optimist Club	22
Parkrose Community Planning Group	20
Commission on Aging	16
Washington County Public Officials' Caucus	27
Northwest Industrial Neighborhood Association	15
Cleveland High School (3 classes)	90
Gresham Transit Corridor Task Force	23
Washington County CPO #3	19
Inter-Southeast Neighborhood Coalition	10
Omark Industries	9
Sullivan Gulch Neighborhood Association	16
Buckman Neighborhood Association	17
Public Hearing Draft Two - Metro	37
Wilkes Community Citizens	26
Portland Energy Commission	3
Rideshare Advisory Subcommittee	17
Tigard Chamber of Commerce	45
North Clackamas Chamber	9
League of Women Voters	40
League of Women Voters	22
Parkrose Community Planning Organization	15
Wellington Park Lions Club	22

Oregon Federation of Highway Users	11
Forest Grove Chamber of Commerce	31
Lower Tualatin Valley Home Owners Preservation League, Inc.	10
Beaverton Chamber of Commerce- Transportation Committee	10
Portland City Club-Transportation Committee	7
Association for Portland Progress	11
82nd Avenue Business Association	35
Downtown Portland Lions	24
Portland Wheel and Touring Club	35
Northeast Business Association	30
City Club-Transportation Committee evening panel	50
Regional Media Briefing-Recommended Plan	20
Public Meeting-Recommended Plan	25

Notice of the public meeting was mailed to 550 elected officials, citizen groups, and interested persons. Related news articles on the RTP have appeared in the following publications: The Oregonian, the Oregon Journal, the Valley Times, the Lake Oswego Review, the Hillsboro Argus and the Gresham Outlook.

Goal #2 - Land Use Planning. The RTP is based on a population and employment growth forecast to the year 2000 using the adopted local comprehensive land use plans of the region's jurisdictions. The forecasts were developed in a cooperative manner through a series of workshops attended by representatives from the cities and counties in the region as well as other interested agencies.

Goals #3 and #4 - Agricultural Lands and Forest Lands. This action is not inconsistent with Goals #3 and #4. Efficient provision of transportation services within the Urban Growth Boundary (UGB) is essential to reduce premature pressures to develop rural agricultural and forest land.

Goal #5 - Open Spaces, Scenic and Historic Areas, and Natural Resources. This action is not inconsistent with Goal #5. Projects recommended in the plan that significantly impact these resources are required by federal law to prepare detailed environmental impact documentation to determine potential adverse effects and outline actions to mitigate the unavoidable effects.

Goal #6 - Air, Land and Water Resources Quality. The air quality impacts of transportation will be lessened by the

implementation of the RTP. In addition, the RTP is in conformance with plans adopted to meet federal carbon monoxide and ozone standards. The adoption of the RTP is not inconsistent with the land and water resources aspects of Goal #6.

Goal #7 - Areas Subject to Natural Disasters and Hazards. The RTP is based on the inventory of known areas of natural disaster and hazard contained in the local comprehensive plans and is not inconsistent with Goal #7.

Goal #8 - Recreational Needs. This plan is consistent with Goal #8 in that the accessibility to developed recreational areas in the region will be improved.

Goal #9 - Economy of the State. Adoption of an RTP is necessary for certification of the region and continued receipt of federal transportation construction funding. The receipt of these funds is essential to the ability of the region to service expected urban development. In addition, numerous development opportunities in the region are significantly dependent on the improved access provided by projects in the RTP.

Goal #10 - Housing. One of the key limiting factors in the residential development called for in the local comprehensive plans is an adequate urban infrastructure of streets to serve that development. The implementation of the RTP would provide that urban infrastructure.

Goal #11 - Public Facilities and Services. This plan establishes a framework whereby local jurisdictions, the ODOT and Tri-Met can provide necessary transportation services in a coordinated and cost-effective manner. This action satisfies the Goal #11 dictate "to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban...development."

Goal #12 - Transportation. The adoption of the RTP represents the establishment of the region's functional transportation plan required by Goal #12.

Goal #13 - Energy Conservation. The implementation of the RTP will reduce the transportation-related energy consumed in the region from what will occur without implementation of the Plan.

Goal #14 - Urbanization. Efficient provision of transportation services is essential if the planned urbanization of land within the UGB is to occur. The adoption of the RTP will provide the framework for the provision of those transportation services.

JG/srb
6088B/308



METRO

METROPOLITAN SERVICE DISTRICT

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

MEMORANDUM

Date: June 10, 1982
To: Metro Council
From: Executive Officer
Regarding: Proposed Changes to the Recommended Regional Transportation Plan

Several RTP presentations have been made to local jurisdictional policy-making bodies in order to secure endorsements for the Plan. In addition to the letters attached to this memo, endorsements have been secured from the Portland City Council and the Washington County Transportation Coordinating Committee. Subsequent to Metro Council adoption, the Oregon Transportation Commission will adopt the RTP as the metropolitan element of the Statewide Transportation Plan.

During the endorsement process, the following proposed changes to the document have emerged:

New Appendix (A)

1. The addition of Appendix A (attached) consisting of a detailed description of the local comprehensive plan compliance aspects of the RTP is proposed. This was deemed necessary to provide local policy-makers a concise statement of the implementation aspects of the Plan as it affected their local plans, without the need to cross reference portions of the full document. (Washington County Transportation Coordinating Committee Technical Group)

Summary: Economic Development

1. Include Figure 6-10, page 6-19, showing affected economic developments in the Summary of the RTP to emphasize this aspect of the Plan. Reference the figure at the end of the Economic Development paragraph on page 7. (Staff)

Principal Routes and Major Arterials Map

(Figure 1, page 2) (Figure 4-1, page 4-6) and (Figure 4-1, page 2 of proposed Appendix A)

1. Downgrade Highway 213 south of Oregon City from a principal to a major arterial in order to remain consistent with the highway functional class criteria detailed in the RTP. (Staff)
2. Add overcrossing from Yeon to Front Avenue as a major arterial. (Port of Portland)

3. Potential major arterial routes: In order to indicate the unresolved nature of the potential major arterial routes designated on the map, footnote legend to read: "need and alignment to be determined". (Washington County Transportation Coordinating Committee Technical Group)

Highway Functional Classification Criteria: Major Arterials

1. Add the following sentence to the first paragraph on page 1-8, Section 2, to indicate access function of major arterials to major port facilities: Access to major port facilities should be provided by major arterials. (Staff)

Minimum Levels of Highway Service: Minor Arterials and Collectors

1. Using the arterial level-of-service criteria as a minimum required on the local system would prove to be unworkable. Using these criteria as target project objectives, however, is desirable. Rewrite text following table reference in last paragraph of page 8-3 to read: Project objectives for these investments should include at least the arterial level-of-service defined as minimum desired in the RTP (page 1-6). (Washington County Transportation Coordinating Committee Technical Group)

The RTP technical appendix on travel forecasting will include documentation on how to calculate and apply these criteria.

Highway Functional Classification Criteria: Federal Aid System

1. To more clearly specify the intended composition of the Federal Aid Urban system designated in the RTP, rewrite the current definition on page 1-7 to read: Metro's adopted functional classification system within the urban area will consist of the Principal and Major Arterial routes designated in this Plan (Figure 4-1, page 4-6) plus a) the Minor Arterial and Collectors and b) streets designated for transit service derived from the adopted local comprehensive plans. This will constitute the Federal Aid Urban system and, as such, will provide the basis for federal funding eligibility. (Staff)

In addition, reword the first sentence on page 8-3 to be consistent with the preceding language.

Regional Transit Trunk Routes

(Figure 2, page 3) (Figure 4-2, page 4-12) and (Figure 4-2, page 6 of proposed Appendix A)

1. Delete transit center notations from Beaverton-Hillsdale Highway/Scholls and Sunset Highway/Sylvan due to the small

size of these transit transfer opportunities. (Washington County Transportation Coordinating Committee Technical Group).

2. Revise legend to specify the following types of transit improvements: LRT, Buslane(s), and Transitway. Designate the Banfield and Westside insets as LRT, add an inset showing a Sunset Busway alternative, denote Barbur Boulevard and the Clackamas Town Center to I-205 improvement as Buslane(s), and designate the McLoughlin improvement as a Transitway. (TPAC)

Long-Range Regional Transitway System

(Figure 3, page 4) (Figure 4-4, page 4-14) and (Figure 4-4, page 7 of the proposed Appendix A)

1. Add the Burlington Northern and Tualatin Valley Highway alignments west of Beaverton to Hillsboro as transitway alternatives to ensure sufficient options for the Beaverton-Hillsboro connection. (Washington County, Westside Corridor Project Planning Management Group, Washington County Transportation Coordinating Committee Technical Group)
2. I-205 should be designated a Transitway between Foster Road and the Washington side of the Columbia River and between I-205 and the PIA passenger terminal in order to be consistent with the Multnomah County Plan. The right-of-way has already been reserved, construction is underway, and the extremely cost-effective nature should be recognized by this designation. (Multnomah County)

Regional Transitway Policies

1. In order to more clearly indicate that not all regional trunk route corridors are necessarily suitable for transitway conversion, rewrite sentence following first bullet on page 1-12, Section 6, to read: Regional transitways will be considered for individual regional trunk route corridors as appropriate to economically provide required high speed and/or high capacity transit service. (Washington County Transportation Coordinating Committee Technical Group)

Transitway Implementation

1. The staff resource difficulty associated with pursuing multiple transitway corridors simultaneously is specifically related to the preparation of the environmental documentation. Rewrite the last sentence of Section 5, page 8-5,

to read: Due to limited staff resources, it is impractical to pursue the preparation of Environmental Impact Statements on several transitway corridors simultaneously. (Public Meeting - John Frewing, Tri-Met)

Demand Management Program Criteria: Land Use

1. In order to more clearly indicate the need for the consideration of higher densities that support transit service along routes other than just regional trunk routes, rewrite the last sentence following the second bullet on page 1-15 to read: Employment, commercial and residential densities should be maximized around planned transit stations and regional transit trunk route stops compatible with other local objectives. Compatible increases in density should be considered along sub-regional and local transit routes. (Staff)

Outstanding Issues

1. The addition, as #22 on page 8-12, of the following: I-205/ Powell Boulevard east of I-205 Circulation - Issues surrounding the functional classification and I-205 freeway access in the area of Division and Powell need to be resolved. The specification of this issue responds to concerns expressed about the difficulty and confusion for the East County user in accessing the I-205 freeway in this area. (Gresham Planning Commission and the Gresham City Council)
2. Goods Movement (#7): In order to more clearly emphasize the importance of goods movement on the transportation system, add the following phrase prior to the first sentence after the Goods Movement heading on page 8-10: "Recognizing that freight movement is equally as important as people movement in an effective transportation system,....." (Central East-side Industrial Council)

The meeting report from the April 28, 1982 public meeting on the RTP is attached.

AC:JG:lmk

Enclosures



Department of Transportation
HIGHWAY DIVISION
TRANSPORTATION BUILDING, SALEM, OREGON 97310

RECEIVED
JUN 8 1982

METRO SERVICE DISTRICT

June 3, 1982

In Reply Refer to
File No.:

LOC

Rick Gustafson, Executive Officer
Metropolitan Service District
527 S.W. Hall Street
Portland, OR 97201

I would like to express to you my sincere appreciation for the excellent presentation by Mr. Andy Cotugno of your office to the Oregon Transportation Commission at its May meeting concerning the proposed Portland Region Transportation Plan.

Following the presentation, the Commission instructed that a letter be forwarded indicating its general support of the Plan, and intent to include it as part of the Statewide Transportation Plan, following its adoption by the agencies affected.

It should be understood that support of the Plan is contingent upon availability of funds, and the continued updating of it to resolve outstanding issues.

The Metropolitan Service District and local jurisdictions involved in the development of this coordinated effort are to be congratulated for an outstanding accomplishment.

Again, my thanks for Andy's presentation of the Plan and his informational report on the Westside Transit Study.

H. S. Coulter, P.E.
State Highway Engineer

HSC:ia

cc Transportation Commission

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

**In the Matter of Endorsing
the Adoption of a Regional
Transportation Plan for the
Portland Metropolitan Area**

ORDER NO. 82-597

This matter coming before the Board as a result of Clackamas County's participation in the development of a Regional Transportation Plan, and

It further appearing that federal government policy requires the adoption of a Regional Transportation Plan in order to qualify for federal funding, and

It further appearing that the Metropolitan region has been working through its Transportation Technical Advisory Committee and Joint Policy Advisory Committee for many years to develop a Regional Transportation Plan, and

It further appearing that a public hearing will be held on this plan during April and formal adoption is planned for in May of 1982 by the Joint Policy Advisory Board of Metro.

NOW THEREFORE, IT IS HEREBY RESOLVED that Clackamas County endorses the adoption of the Regional Transportation Plan.

DATED this 8th day of April, 1982.

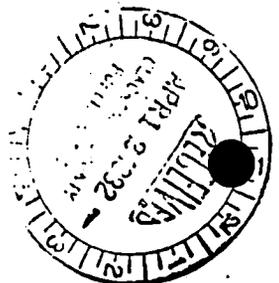
BOARD OF COUNTY COMMISSIONERS

Ralph Groener, Chairman

Robert Schumacher, Commissioner

Stan Skoko, Commissioner

CO.	DISTRICT	DATE	INIT.
	Director		
/	County Director		
	Asst. Director		
	Commissioner 1		
	Commissioner 2		
	Commissioner 3		
	Planning		
	Development		
	Public Works		
	Public Health		
	Public Safety		
	Public Utilities		
	Public Works		
	Public Works		



East Multnomah County Transportation Committee

RESOLUTION

Whereas, the Metropolitan Service District has submitted to the Committee a draft Recommended Regional Transportation Plan, and

Whereas, the draft plan was presented to the Committee on January 13, 1982, by MSD staff, and

Whereas, Committee members have reviewed the draft Plan,

BE IT RESOLVED the East Multnomah County Transportation Committee endorses the Recommended Regional Transportation Plan dated January, 1982.



Gordon Shadburne, Chairman

2/22/82

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Endorsing the Recommended }
Regional Transportation Plan } RESOLUTION

WHEREAS, the Metropolitan Service District has submitted to the County the Recommended Regional Transportation Plan dated March, 1982, and

WHEREAS, the plan dated March, 1982, has been reviewed by the County and that review finds that I-205 should be designated as a Transitway on Figure 3 and Figure 4-4 between Foster Road and the Washington side of the Columbia River and between I-205 and the Portland International Airport passenger terminal, and

WHEREAS, the previous plan draft dated January, 1982, was reviewed and endorsed by the East Multnomah County Transportation Committee on February 22, 1982, NOW THEREFORE

BE IT RESOLVED that the Multnomah County Board of Commissioners endorses the Recommended Regional Transportation Plan dated March, 1982, with the I-205 Transitway designation change listed above and with the reservation that all project lists included in the document are subject to change. Any subsequent changes in the plan necessitate County review before endorsement of those changes.

DATED this 22nd day of April, 1982.

SEAL

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

BY Carolyn M. M. M.
Presiding Officer

APPROVED AS TO FORM:

JOHN B. LEAHY
County Counsel
for Multnomah County, Oregon

By John B. Leahy

RESOLUTION NO. 1032

A RESOLUTION SUPPORTING THE ADOPTION BY THE METROPOLITAN SERVICE DISTRICT OF THE RECOMMENDED REGIONAL TRANSPORTATION PLAN WITH AN ADDITION TO THE PROJECTS REQUIRING FURTHER REVIEW

The City of Gresham Finds:

- a. The Metropolitan Service District presented its Recommended Regional Transportation Plan, dated March 1982, to the City of Gresham for review.
- b. The Gresham Planning Commission reviewed the plan at its regularly scheduled meeting of April 13, 1982.
- c. The Plan fails to address the I-205/Powell Blvd./Division Street circulation and access program.
- d. The Planning Commission endorsed the Plan with the following addition to the projects (listed on pages 8-11 and 8-12 of the Plan) which require further review and consensus-building prior to inclusion in the Plan:

The I-205/Powell Blvd./Division Street Circulation and Access Program

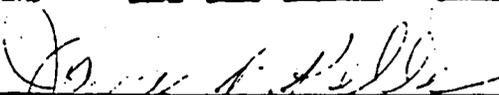
THE GRESHAM CITY COUNCIL RESOLVES:

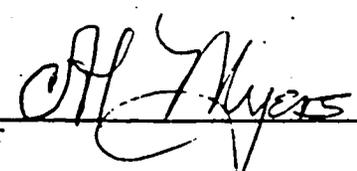
The City Council supports the adoption by the Metropolitan Service District of the Recommended Regional Transportation Plan dated March 1982, with the following addition to the projects (listed on pages 8-11 and 8-12 of the Plan) which require further review and consensus-building prior to inclusion in the Plan:

The I-205/Powell Blvd./Division Street Circulation and Access Program.

Passed by the Gresham City Council on May 4, 1982.

	AYE	NAY	ABSENT	ABSTAIN
BECKER	X	—	—	—
BROWN	X	—	—	—
FOUNSLER	X	—	—	—
HUTCHENS	X	—	—	—
MARSH	X	—	—	—
PETERSON	X	—	—	—
WEIL	X	—	—	—


City Manager


Mayor

RECEIVED MAR 4 1982



March 2, 1982

Clark County

**BOARD OF COUNTY
COMMISSIONERS**

P. O. Box 5000
Vancouver, Wa. 98668
(206) 699-2232

Vernon Veysey
District 1

David Sturdevant
District 2

John McKibbin
District 3

Mr. Andrew Cotugno
Transportation Director
Metropolitan Service District
527 SW Hall Street
Portland, OR 97201

Dear Mr. Cotugno:

I have reviewed with interest Metro's Regional Transportation Plan, particularly with regard to travel to and from Clark County on I-5 and I-205. The Plan is comprehensive and well documented. I have only two specific comments. First, the population and employment figures for the year 2000 forecast are consistent with our figures. Second, the statement in paragraph two on page 6 of the plan summary is a subjective interpretation of Clark County land use controls. The statement about Clark County development should be ended after the word "development," striking out the words "fewer land use controls."

As evidenced in the RTP, the safe and efficient travel on I-5 and I-205 is important to the economic prosperity of the region. During the past several months, two regional projects of particular importance to Clark County were moved ahead in construction scheduling, and will result in region-wide economic benefits. The FY84 and FY87 scheduled reconstruction of the Slough Bridge and the 1982 early opening of the I-205 Bridge are projects which will significantly improve interstate travel for people and goods.

I want to thank Metro for their support of these two projects.

Sincerely,

Vern Veysey
Commissioner

VV/bu



STATE OF OREGON

INTEROFFICE MEMO

7 RECEIVED DEC 15 1981

J.G.
K.B.

TO: Andrew Cotugno

DATE: December 15, 1981

FROM: William H. Young *why*

SUBJECT: Comments on Preliminary Draft of the METRO Recommended Regional Transportation Plan (RTP)

The Department commends METRO for developing a progressive long-range transportation plan which not only serves the expected growth in regional population and employment, but also contains maximum benefits for air quality. We recognize the funding difficulties associated with the RTP and will support your efforts to find the necessary financial resources to implement the plan.

For improvement to the draft document, the Department recommends that some language should be inserted in Chapter 8, briefly addressing the Carbon Monoxide State Implementation Plan. Specifically, after item 12 on page 8-9, we suggest that the following new paragraph be inserted.

Carbon Monoxide (CO) State Implementation Plan - Early in 1982 Metro will adopt a plan to meet federal CO standards by 1985. This plan is primarily dependent upon the Downtown Portland Parking and Circulation Plan which is incorporated as part of the RTP. Long-range implications of the RTP on CO air quality will be examined to ensure the region stays in attainment with the federal CO standards.

Thank you for the opportunity to comment on this important document. I hope our comments prove useful.

ahe

APPENDIX A

LOCAL COMPREHENSIVE PLAN COMPLIANCE WITH THE REGIONAL TRANSPORTATION PLAN (RTP)

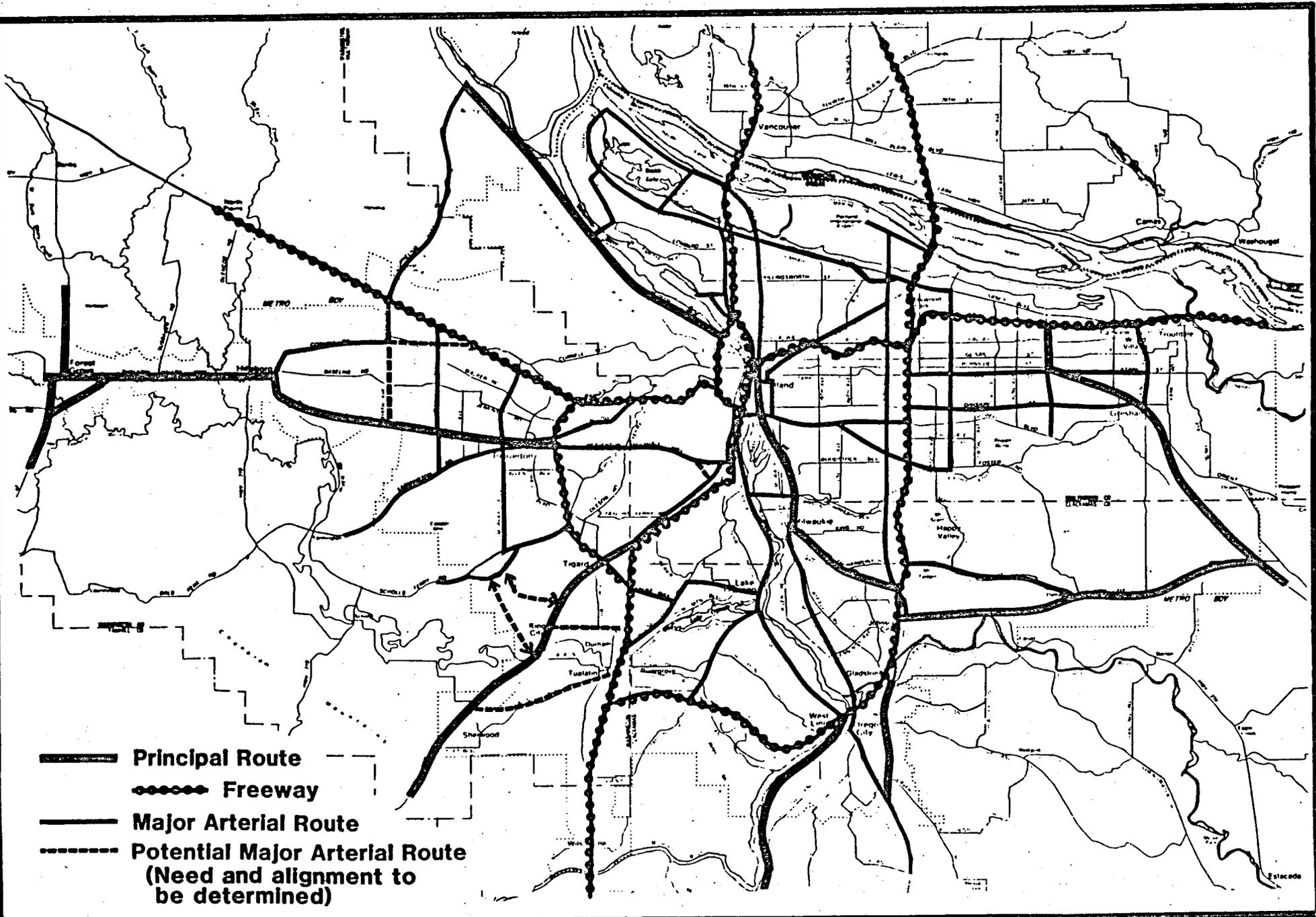
The comprehensive plan, adopted by the cities and counties within the Metro area, is the mechanism used by local jurisdictions to implement a number of elements of the RTP. It is the local plans which identify future development patterns that must be served by the transportation system. In addition, the local plans define the configuration of the highway system and identify needed investments.

A. REQUIRED ACTIVITIES

Local comprehensive plans and future amendments to local plans should be consistent with all RTP policies and guidelines for highway and transit system improvements and demand management programs described in this appendix. Specific items in the RTP that require local comprehensive plan compliance are as follows:

1. Highway System Design - It is essential for Metro and the local jurisdictions to designate the full arterial and collector system necessary to serve development of local comprehensive plans anticipated to the year 2000. The RTP includes criteria for a highway classification system (Attachment A) and adopts a map (Figure 1) delineating the principal and major arterial components of such a system. In accordance with this, local jurisdictions are required to adopt a map delineating these highways in their jurisdiction and in so doing, are recommended to adopt Metro's classification categories and definitions. If, however, the jurisdiction elects to retain their own classification categories, they must provide for Metro's adopted principal routes and major arterials as shown in Figure 1. In addition, local jurisdictions are required to designate an adequate Minor Arterial and Collector system to meet two objectives of regional interest:
 - the minor arterial/collector system must adequately serve the local travel demands expected from development of the land use plan to the year 2000 to ensure that the Principal and Major Arterial system is not overburdened with local traffic; and
 - the system should provide continuity between adjacent and affected jurisdictions (i.e., consistency between neighboring jurisdictions, consistency between city and county plans for county facilities within city boundaries and consistency between local jurisdiction and ODOT plans).

Metro's Classified Highway System map will consist of the Principal and Major Arterials defined in the RTP and the Minor Arterials and Collectors derived from the adopted local comprehensive plans.



-  Principal Route
-  Freeway
-  Major Arterial Route
-  Potential Major Arterial Route
(Need and alignment to be determined)

2. Highway Projects - The RTP includes a large number of individual highway projects, primarily targeted at enabling the Principal and Major arterial system to provide the desired level of service and effectively serve travel demands expected by the year 2000. Those projects will be implemented by local jurisdictions and ODOT based upon the availability of funds.

Local jurisdictions must identify in their comprehensive plan (or the appropriate implementation program) sufficient investments in transportation capacity to ensure its arterial system can adequately serve at least the travel demand associated with Metro's year 2000 population and employment forecast (Table 2). Metro will review its forecasts annually and consider amendments to these forecasts to account for significant changes in growth rates, development patterns, and/or local comprehensive land use plans.

Table 2

1980-2000 20-DISTRICT
POPULATION AND EMPLOYMENT GROWTH

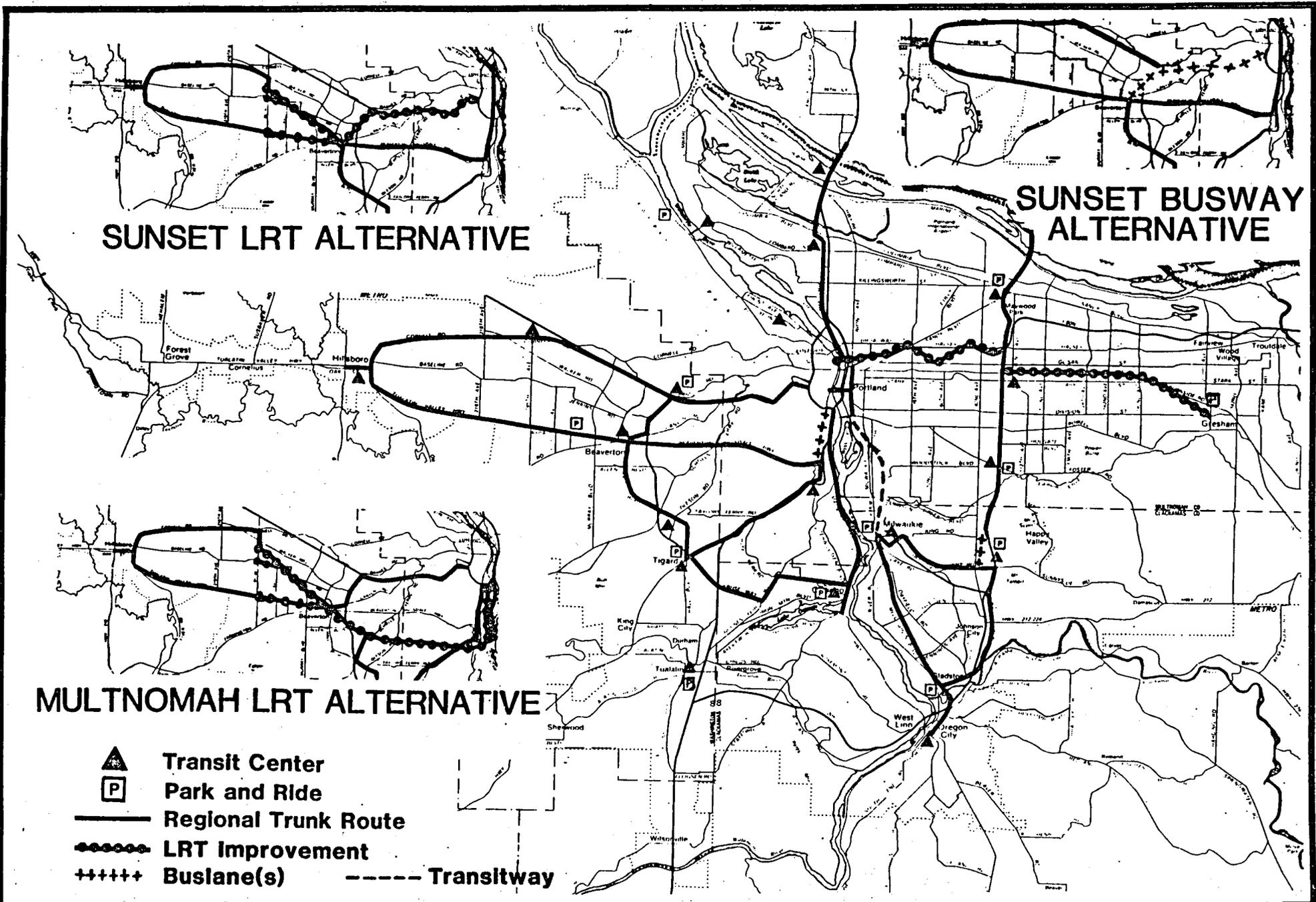
	Population			Employment		
	1980	2000	Change	1980	2000	Change
District 1	10,690	14,890	+4,200	82,140	128,450	+46,310
District 2	314,500	329,710	+15,210	175,560	210,400	+34,840
District 3	79,400	102,170	+22,770	70,160	80,430	+10,270
District 4	76,950	93,670	+16,720	24,750	38,350	+13,600
District 5	77,970	134,270	+56,300	19,500	39,180	+19,680
District 20	5,840	6,330	+490	800	930	+130
Total						
Mult. Co.	565,350	681,040	+115,690	372,910	497,740	+124,830
District 6	64,300	67,930	+3,630	26,990	36,890	+9,900
District 7	17,650	41,050	+23,400	13,410	36,980	+23,570
District 8	43,390	70,060	+26,670	10,290	22,330	+12,040
District 9	24,560	40,730	+16,170	10,120	15,730	+5,610
District 10	19,450	40,290	+20,840	74,00	21,280	+13,880
District 19	72,590	104,810	+32,220	11,100	18,340	+7,240
Total						
Clack. Co.	241,940	364,870	+122,930	79,310	151,550	+72,240
District 11	13,270	29,950	+16,680	7,450	15,980	+8,530
District 12	29,470	46,020	+16,550	21,350	32,860	+11,510
District 13	72,910	84,330	+11,420	48,330	72,710	+24,380
District 14	57,720	104,740	+47,020	10,040	33,760	+23,720
District 15	30,970	59,320	+28,550	11,790	27,570	+15,780
District 16	19,440	30,750	+11,310	5,530	10,100	+4,570
District 18	21,650	28,500	+6,850	2,970	4,890	+1,920
Total						
Wash. Co.	245,420	383,610	+138,180	107,460	197,870	+90,410
Total						
Clark Co.	192,300	310,410	+118,110	59,140	122,830	+63,690
SMSA Total	1,245,020	1,739,930	+494,910	618,820	969,990	+351,170

In addition, project objectives for these investments in transportation capacity should include the following:

- Peak-hour average signal delay on the arterial system should be no longer than 35 seconds during the peak 90 minutes (equivalent to level of service "D") and no longer than an average of 40 seconds (level of service "E") during the peak 20 minutes of the morning and evening 90-minute peak.
- Average signal delay on the arterial system during the off-peak periods should be no longer than 25 seconds during the highest volume typical mid-day hour (equivalent to level of service "C").

Further improvements in transportation capacity consistent with the policies of the RTP that serve more than Metro's year 2000 population and employment forecast and/or to provide a higher level of traffic service can be provided at the option of the local jurisdiction. This identification of transportation capacity must be consistent with the level of transit ridership and ridesharing delineated in the RTP for the particular area, but may include actions to further expand the use of these modes, thereby reducing the need for additional highway capacity. These improvements should be designed to serve the designated function for the street and should first consider low cost actions (such as additional transit expansion, ridesharing, flextime, signal modifications, channelization, etc.) before consideration of a major widening investment.

3. Transit System Designation - The delineation of the transit system must be coordinated between Metro, Tri-Met and the local jurisdictions. Metro's adopted regional transit trunk route system provides direction to Tri-Met on where to target high speed, high capacity service for long distance travel and provides direction to local jurisdictions on where to target high density land uses. Local jurisdictions are required to include Metro's regional trunk routes, transit centers and park and ride lots (Figure 4-2) in their comprehensive plan and identify other streets suitable for subregional trunk routes and local transit service as a guide to Tri-Met.
4. Transitway Implementation - Transitways have been identified as the long-range method to provide regional trunk route service in the radial travel corridors (Figure 4-4). Local jurisdictions are required to identify these alignments in their local comprehensive plans for future consideration.

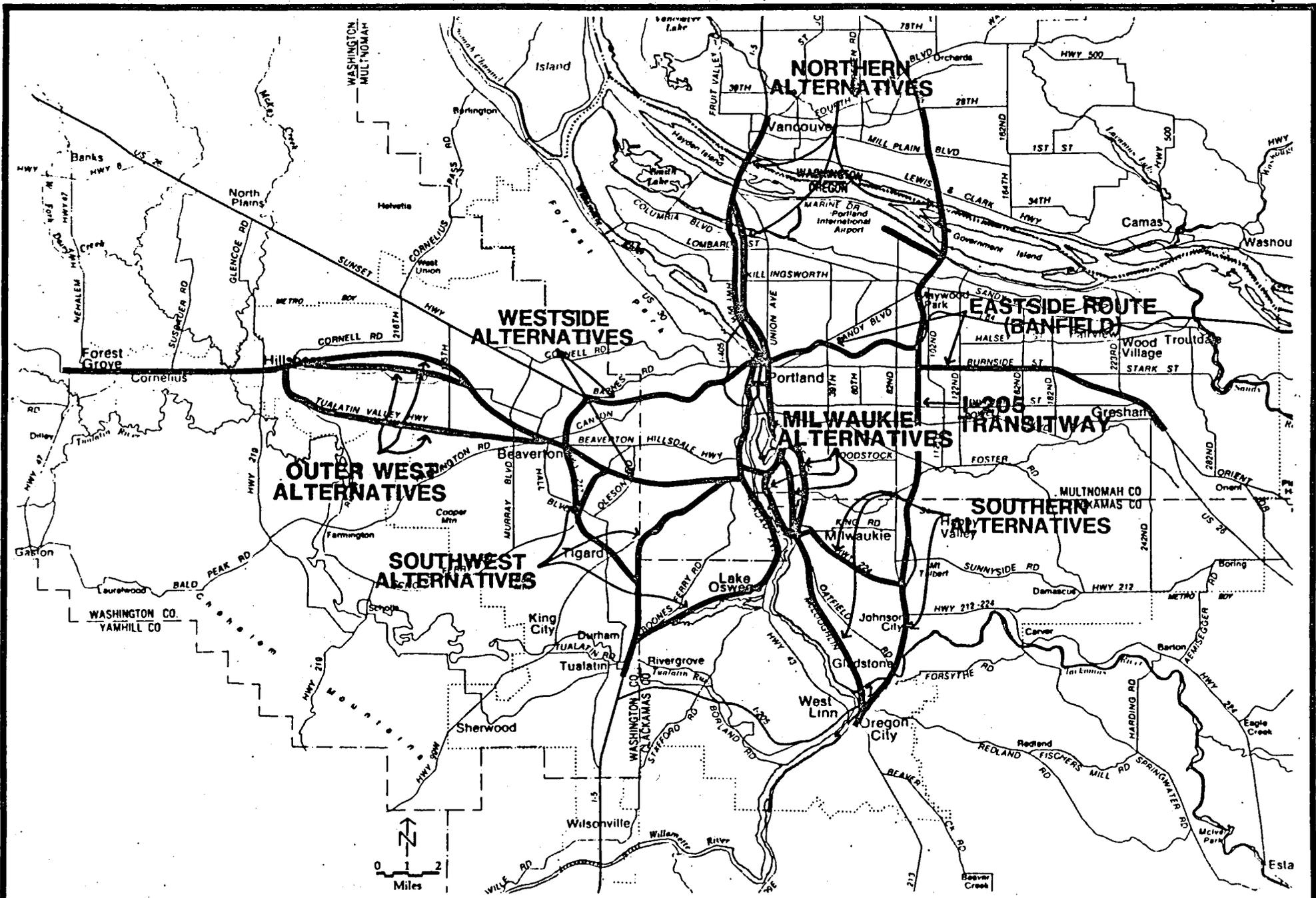


SUNSET LRT ALTERNATIVE

SUNSET BUSWAY ALTERNATIVE

MULTNOMAH LRT ALTERNATIVE

- Transit Center
- Park and Ride
- Regional Trunk Route
- LRT Improvement
- Buslane(s)
- Transitway



4-14

B. Encouraged Activities

Activities described in the RTP that local jurisdictions are encouraged to pursue are:

1. Rideshare Programs - An attractive way to lessen peak period vehicle travel is to increase the percentage of commuters that rideshare. This serves to increase person-carrying capacity without increasing vehicle demand on the highways. Because of the relatively constant and repetitive nature, individuals can make shared ride arrangements of work trips in advance. Other trip purposes, such as shopping and recreational trips, have proven much less responsive to instituted rideshare programs and are, therefore, not addressed.

Currently, approximately 23 percent of those traveling to work by auto rideshare in groups of two or more on any given day. A few large firms in the region with aggressive rideshare programs have upwards of 30 percent of their employees ridesharing. Looking at the rideshare goals of some large firms in the region and at experiences in other cities, a regional objective of 35 percent of all individuals traveling to work by auto in the rideshare mode appears reasonable and achievable by the year 2000. If this goal is met, there would be a nine percent reduction in auto work trips in the year 2000 from what would be expected using the 1980 rideshare rate and an accompanying reduction in vehicle travel of 538,000 miles per day. This shift to ridesharing represents 16 percent fewer persons driving to work alone and 50 percent more persons traveling to work in carpools or vanpools.

Local jurisdictions are encouraged to adopt policies supporting the 35% rideshare target for work trips, such as:

- Concentrate rideshare efforts on work trips to large employers or employment centers and in congested traffic corridors.
 - Encourage ridesharing through incentives (such as preferential parking locations and price and preferential traffic lanes) and through marketing programs to advertise the benefits of ridesharing and to increase the convenience of ridesharing.
2. Parking Management - The mode of travel used to make a trip is directly influenced by the convenience and cost of parking. As parking in densely developed areas becomes less convenient and more costly, alternative modes of travel become more attractive. In addition, as alternative modes of travel are increasingly used for work trips, scarce parking spaces are released for shopping trips. Parking management is particularly important in

areas that are currently developed at high densities and in areas planned for new high density development. Parking management programs can be targeted at increasing both ridesharing and transit use depending upon the circumstances.

- Local jurisdictions are encouraged to limit the number of parking spaces in high density areas with direct service to regional transit trunk routes. The limit should be based upon the type and density of development and can be accomplished through a parking management program covering a general area or specific parking requirements for individual developments.
 - Local jurisdictions are encouraged to manage the price and location of parking to favor the rideshare and transit traveler and shopping trips rather than work trips by single-occupant autos.
 - Park-and-pool lot development is encouraged to aid in formation of carpools.
3. Land Use - Local jurisdictions are encouraged to initiate the following land use actions to support demand management programs:
- New development should achieve a balance of employment, shopping and housing to reduce the need for long trips and to make bicycle and pedestrian travel more attractive.
 - Employment opportunities should be developed throughout the metropolitan area in both urban and suburban locations. This development should be concentrated and located to maximize the feasibility of being served by transit or located along regional transit trunk routes. Employment, commercial and residential densities should be maximized around planned transit stations and regional transit trunk route stops and compatible high density land uses considered along sub-regional and local transit routes.
 - Pedestrian movements should be encouraged within major activity centers by clustering hotel, entertainment, residential, retail and office services to utilize common parking areas.
 - Land development patterns, site standards and densities which make transit, bicycle and pedestrian travel more attractive should be promoted.
 - Local jurisdictions should seek to improve the streetside environment affecting the transit user, bicyclist and pedestrian.
4. Flexitime/Staggered Work Hours/Four-Day Work Week - Local jurisdictions are encouraged to support the following activities:

- Flexible work schedules are encouraged at all places of employment where such programs would not interfere with the productivity or effectiveness of the employee.
- Flexible work schedules are particularly encouraged at large employment centers, in central business districts and in areas experiencing traffic and circulation problems.

5. Transitway Right-of-Way Reservation - Until such time as a definite decision to construct a transitway is made as a result of the EIS decision process described above, local jurisdictions are encouraged to work with developers to protect logical right-of-way opportunities from encroachment. Parcels that cannot be protected in this manner should be identified to Tri-Met for acquisition on a case by case basis.

C. Compliance Criteria

All local plans must demonstrate consistency with the RTP by December 31, 1983 or as part of their normal process of completing their plan or during the next regularly scheduled update. It is Metro's intent to work closely with jurisdictions over the two-year period to obtain consistency in a cooperative manner. A local plan shall be considered in compliance with the RTP if the following criteria are met:

1. It contains the specific items listed above as required for compliance; and
2. It does not contain any policies that directly conflict with those adopted in the RTP; and
3. It contains either:
 - a. policies which support, encourage or implement one or more of the activities listed above that local jurisdictions are encouraged to pursue; or
 - b. the local plan or the background materials adopted to support it contain an explanation of why none of the listed activities were considered feasible or appropriate for that jurisdiction.

After December 31, 1983 Metro's Regional Development Committee will review local plans for consistency. In specific cases where local plans (or future amendments) are determined to be inconsistent with the RTP, the specific inconsistency will be referred to JPACT for a recommendation. The subsequent Metro Council action could consist of any of the following recommendations:

1. a recommendation or requirement to change the local comprehensive plan's land use or transportation elements; and/or
2. an amendment to the Regional Transportation Plan; and/or
3. a recognition that the inconsistency exists, but that extenuating circumstances indicate that a plan change is not justified.

ATTACHMENT A

Highway Functional Classification Criteria

Metro's adopted functional classification system establishes the Major Arterials and Principal Routes and serves as the framework for endorsement of the local jurisdictions.

Metro's adopted functional classification system within the urban area will consist of these routes plus the Minor Arterials and Collectors derived from the adopted local comprehensive plans. This will constitute the Federal-Aid Urban system and, as such, will provide the basis for federal funding eligibility.

1. Principal Routes - This system provides the backbone for the roadway network. It serves through trips entering and leaving the urban area, as well as the majority of movements bypassing the central city. This system includes interstates, freeways, expressways and other principal arterials.

System Design Criteria

- An integrated system which is continuous throughout the urbanized area and also provides for statewide continuity of the rural arterial system.
- A principal arterial or freeway route should provide direct service 1) from each entry point to each exit point or 2) from each entry point to the I-405 loop (i.e., downtown). If more than one road is available, the most direct will be designated as the principal unless through traffic is incompatible with surrounding properties. Off-peak travel times should not be significantly increased through use of indirect routes.
- Freeways should be grade separated and other principal routes should provide a minimum of direct property access (driveways) to avoid conflicts between higher speed through travel and local access movements. Existing and proposed driveways should be consolidated on access frontage roads or side streets to the greatest extent possible.
- The principal route system inside the I-205/Hwy. 217 loop should be upgraded to freeway standards where feasible, with the exception of the McLoughlin Boulevard and I-505 Alternative routes, where adjacent land uses are not compatible with this treatment.
- In general, freeways should not connect to collectors or local streets.

- The principal system should serve the major centers of activity (trip generators), the highest traffic volume corridors and the longest trip desires.
 - No restrictions on truck traffic.
2. Major Arterials - These facilities are the supporting elements of both the principal routes and collector systems. Major arterials, in combination with principal routes, are intended to provide a high level of mobility for travel within the region. All trips from one subarea through an adjacent subarea traveling to other points in the region should occur on a major arterial or principal route. Access to major port facilities should be provided by major arterials.

System Design Criteria

- Linkage with principal arterials, collectors and other major arterials.
 - Land access should be restricted to major traffic generators to the greatest extent possible; minor driveways should be consolidated on access frontage roads or side streets.
 - Signalized intersections should maintain high capacity for the major arterial with grade separations as needed.
 - A major arterial or principal route should provide direct service from one subarea through another to reach the next subarea. If more than one route is available, the more direct route will be designated unless through traffic is incompatible with surrounding properties. Peak travel times should not be significantly increased through use of indirect routes.
 - Truck route.
 - The principal routes and major arterial systems in total should comprise 5-10 percent of the total mileage and carry 40-65 percent of the total vehicle miles traveled.
3. Minor Arterials - The minor arterial system complements and supports the principal and major systems, but is primarily oriented toward travel within and between adjacent subareas. An adequate minor arterial system is needed to ensure that these movements do not occur on principal routes or major arterials. These facilities provide connections to major activity centers and provide access from the principal and major arterial systems into each subarea.

System Design Criteria

- Any land access should be oriented to public streets and major traffic generators; access to single family dwellings should be discouraged.

- Minor arterials should generally not be continuous across two or more subareas.
 - Linkage with collectors and major arterials.
 - The full freeway and arterial system (principal, major and minor) should comprise 15 - 25 percent of the total mileage and carry 65 - 80 percent of the total vehicle miles traveled.
4. Collectors - The collector system is deployed nearly entirely within subregions to provide mobility between communities and neighborhoods or from neighborhoods to the minor and major arterial systems. An adequate collector system is needed to ensure these movements do not occur on principal routes or major arterials. Land is directly accessible with emphasis on collection and distribution of trips within an arterial grid.

System Design Criteria

- System access to minor and major arterials and other collectors, as well as local streets.
 - Intersections with collectors and above consist of stop sign control and some signalization.
 - Parking is generally unrestricted.
 - Access should generally not be provided to freeways and principal arterials.
 - The collector system should comprise 5-10 percent of the total mileage and carry 5-10 percent of the total vehicle miles traveled.
5. Local Streets - The local street system is used throughout developed areas to provide for local circulation and direct land access. It provides mobility within neighborhoods and other homogeneous land uses, and comprises the largest percentage of total street mileage. In general, local traffic should not occur on Major Arterials and Principal Routes.

System Design Criteria

- Linkage to collectors and other local streets.
- Usually unrestricted parking.
- Trips are short and at low speeds.
- Service is almost exclusively direct property access.
- Access should not be provided to freeways and generally not to major arterials.
- Local streets should comprise 65-80 percent of the total mileage and carry 10-30 percent of the total vehicle miles traveled.

MEETING REPORT

DATE OF MEETING: April 28, 1982
7:30 p.m. at Metro

GROUP/SUBJECT: Regional Transportation Plan Public Meeting

PERSONS ATTENDING: Andy Cotugno, Terry Bolstad, James Giesecking, Peg Henwood, Metro.

Metro Councilors Charlie Williamson and Corky Kirkpatrick.

Sign up sheet attached.

MEDIA: None

SUMMARY:

Metro Councilors Charlie Williamson and Corky Kirkpatrick assisted Andy Cotugno in making the presentation on the RTP.

Questions and Issues:

- How did you compute gas consumption in the gas tax measure while gas consumption is decreasing with people driving small cars?
- When have gas tax increases ever passed? I would not assume Oregon's economic growth will increase in the near future. How much of the RTP involves increasing capacity on McLoughlin?
- Is the proposed gas tax increase to be used for maintenance only?
- Why doesn't the RTP address a plan for the flow of freight or access to rail yards?
- Isn't ODOT in charge of all highway projects? Why is Metro doing the RTP?
- What corridors are under study in the Westside and what is the expectation that either of the corridors will be needed in the next 20 years? I think Washington County will be the growth area and maybe they should have had the first light rail transit system.
- In costing out bus replacements, did you cost out electric buses versus diesel buses?
- Why is very little money being spent in the east Portland area? East Portland is getting slighted from your taking money from the Mt. Hood Freeway to make improvements on the west side.

- Why bring Hwy. 26 into 181st Avenue? (Bebe Rucker responded from Multnomah County)
- What is being done in Tigard from I-5 to King City?
- If you spend money on transit rather than enlarging McLoughlin Blvd. it would be more positive, people won't be able to drive cars forever.
- I think the Banfield should be extended to connect with the Westside proposed light rail.
- With the possibility of a new city in East Multnomah County will they have an opportunity to comment on transportation projects for the region?
- How much of a sales tax would be required to finance the RTP?
- We need to justify light rail on cost rather than ridership.
- Could Metro take over Tri-Met?
- John Frewing ~~referred~~ referred to p. 8-4 and 8-5 paragraph 5, stating that the statement was too simple and we needed to elaborate more.
- Doug Allan submitted a written statement (attached).
- A written statement was submitted by the East Side Central Club (attached).

REPORT WRITTEN BY: Peg Henwood

COPIES TO: Andy Cotugno

PH/gl
5903B/D3

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: Contested Case Procedures

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Approval of attached ordinance amending existing contested case procedures.
- B. POLICY IMPACT: The amendments are intended to correct inefficiencies in existing contested case procedures.
- C. BUDGET IMPACT: The amendments require, among other things, that all contested cases on Urban Growth Boundary (UGB) amendments be referred to a Hearings Officer. This requirement may necessitate additional funding for Hearings Officers, most of which should be provided by filing fees. The requirement also relieves the staff of much of the work associated with UGB amendments.

II. ANALYSIS:

- A. BACKGROUND: Metro's contested case procedures were originally adopted in 1979. Since then, we have gained experience in UGB amendment proceedings which indicate the advisability of streamlining procedures. The proposed amendments, other than editorial changes, are as follows:
 - 1. Addition of a requirement that cross-examination of witnesses by parties be by submission of written questions to the Hearings Officer, but may be oral at Hearings Officer's discretion.
 - 2. Addition of a procedure for consideration of new evidence by the Hearings Officer, and a requirement that new evidence submitted to the Council be either rejected or remanded to the Hearings Officer.
 - 3. A requirement that oral argument on exceptions to the Hearings Officer's report be allowed only upon Council approval.
 - 4. A requirement that UGB amendments can be approved only by an affirmative vote of six (6) members of the Council rather than a majority of a quorum.
 - 5. Allowance of oral or written argument on petitions for reconsideration.

6. A requirement that rehearings must be before the Hearings Officer.
7. A requirement that all UGB amendment contested cases be heard by a Hearings Officer.

It should also be noted that present procedures do not provide for contested case hearings before Council committees; only the Council or a Hearings Officer. A minor amendment has been proposed which reinforces that provision. Staff continues to believe that Hearings Officer's reports should go directly to the Council for decision rather than being submitted first to a Committee hearing or review.

- B. ALTERNATIVES CONSIDERED: Though a myriad of procedural configurations exist, staff feels those proposed most suitably correct procedural deficiencies noted in prior cases.
- C. CONCLUSION: Approval of attached Ordinance.

AJ/gl
6144B/252
6/11/82

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE RELATING TO CONTESTED) ORDINANCE NO. 82-137
CASE PROCEDURES AND AMENDING METRO)
CODE CHAPTER 5.02) Submitted by the Regional
) Development Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code section 5.02.005 is amended to read:

"5.02.005 Contested Case Defined, Notice of
Opportunity for Hearing, Service:

- (a) A contested case exists whenever:
- (1) Individual legal rights, duties or privileges of specific parties are required by statute or Constitution to be determined only after a hearing at which specific parties are entitled to appear and be heard.
 - (2) The District has discretion to suspend or revoke a right or privilege of a person; or
 - (3) There is a proceeding regarding a license, franchise or permit required to pursue any activity governed or regulated by the District; or
 - (4) There is a discharge of a District employee; or
 - (5) The District proposes to require a county, city or special district to change a plan pursuant to ORS 268.380 or 268.390; or
 - (6) There is a proceeding in which the District has directed by ordinance, rule or otherwise that the proceeding be conducted in accordance with contested case procedures.
- (b) A contested case does not exist when a District action rests solely on the results of a test or inspection.
- (c) The District shall give notice to all parties in a contested case. The notice shall include:

- (1) A statement of the party's right to request a hearing, or a statement of the time and place of the hearing;
 - (2) A statement of the authority and jurisdiction under which the hearing is to be held;
 - (3) A reference to the particular sections of the statutes, ordinances or rules involved;
 - (4) A short and plain statement of the matters asserted, charged or proposed;
 - (5) A statement that the party may be represented by counsel at the hearing;
 - (6) When applicable, a statement that if the party desires a hearing, the District must be notified within a specified number of days; and
 - [(7) A statement that if a hearing is held, each party to the hearing will be given the information on the procedures, right of representation, and other rights of the parties relating to the conduct of hearings as required under ORS 183.413(2).]
- (d) Unless the Council provides otherwise, the number of days within which the District must be notified that the party desires a hearing shall be as follows:
- (1) Within thirty (30) days of the date of mailing of notice; or
 - (2) Within sixty (60) days of the notification of refusal to issue a license, franchise or permit required to pursue any activity governed or regulated by the District, if the refusal is based on grounds other than the results of a test or inspection; or
 - (3) Within ninety (90) days of an immediate suspension or refusal to renew a license or franchise pursuant to [ORS 183.430(2) and] section 5.02.010 of these rules.
 - (4) In the case of a personnel discharge, within fourteen (14) days of the employee's receipt of the Notice of Discharge.
- (e) The notice shall be served personally or by registered or certified mail.

- (f) The District may provide that notice in addition to that required by this section be given for specific types of contested case."

Section 2. Metro Code section 5.02.007 is amended to read:

"5.02.007 Rights of Parties in Contested Cases:

- (a) The following [written or oral] information shall be given to the parties [required to be given under ORS 183.413(2)] before commencement of a contested case hearing [shall include]:
- (1) If a party is not represented by an attorney, a general description of the hearing procedure [including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence, and what kind of objections may be made and an explanation of the burdens of proof or burdens of going forward with evidence].
 - (2) Whether a record will be made of the proceeding and the manner of making the record and its availability to the parties.
 - [(3) The function of the record making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the District.]
 - (3) [(4)] Whether an attorney will represent the District in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.
 - (4) [(5)] The title and function of the person presiding at the hearing with respect to the decision process, including, but not limited to, the manner in which the testimony and evidence taken by the person presiding at the hearing are reviewed, the effect of that person's determination, who makes the final determination on behalf of the District, whether the person presiding at the hearing is or is not an employee, officer, or other representative of the District and whether that person has the authority

to make a final independent determination.

- [(6) In the event a party is not represented by an attorney, whether the party may during the course of the proceedings request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.]
- [(7) Whether there exists an opportunity for an adjournment at the end of the hearing if the party then determines that additional evidence should be brought to the attention of the District and the hearing reopened.]
- (5) [(8)] Whether there exists an opportunity after the hearing and prior to the final determination or order of the agency to review and object to any proposed findings of fact, conclusions of law, summary of evidence or recommendations of the officer presiding at the hearing.
- (6) [(9)] A description of the appeal process from the determination or order of the District.
- (b) The information required in subsection (a) may be given in writing or orally before the commencement of the hearing."

Section 3. Metro Code sections 5.02.020 and 5.02.044 are repealed.

Section 4. Metro Code section 5.02.025 is amended to read:

"5.02.025 Hearing:

- (a) The hearing shall be conducted by, and shall be under the control of, the Council Presiding Officer or a hearings officer. [The hearings officer may be the Presiding Officer of the Council, if the hearing is to be before the Council, or any other person designated or approved by the Council.] Contested case hearings on amendments to the regional Urban Growth Boundary shall be before a hearings officer. [In addition to the requirements of subsection (c) of this section,] The Council may from time to time approve and provide to the

Executive Officer a list of prospective hearings officers from which hearings officers may be appointed by the Executive Officer. Unless the hearing is to be held before the Council, the hearings officer in a contested case shall be a member of the Oregon State Bar.

- (b) In the case of a hearing on a personnel discharge, the employee shall be given the opportunity to select the hearings officer from a list of at least three (3) prospective hearings officers approved by the Council.
- (c) At the discretion of the Presiding Officer or the hearings officer, the hearing shall be conducted in the following order:
 - (1) Staff report, if any.
 - (2) [(1)] Statement and evidence by the District in support of its action, or by the petitioner in support of a petition.
 - (3) [(2)] Statement and evidence of affected persons disputing the District action or petition.
 - (4) [(3)] Rebuttal testimony.
- (d) The hearings officer, a Council member, the Executive Officer or his/her designee, the General Counsel, and the affected parties shall have the right to question any witnesses. Cross-examination by parties shall be by submission of written questions to the Presiding Officer or hearings officer; provided however that cross-examination by parties may be oral, at the discretion of the Presiding Officer or hearings officer, if such questioning will not disrupt the proceedings.
- (e) The hearing may be continued for a reasonable period as determined by the Presiding Officer or hearings officer.
- (f) The Presiding Officer or hearings officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony.
- (g) Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be preserved by the District as part of the record of the proceedings.

- (h) A verbatim oral, written, or mechanical record shall be made of all the proceedings. Such verbatim record need not be transcribed unless necessary for Council or judicial review.
- (i) Upon conclusion of the hearing, the record shall be closed and new evidence shall not be admissible thereafter; provided, however, that upon proper showing, the Presiding Officer or hearings officer may reopen the hearing for receipt of new evidence which could not have been introduced earlier and which is otherwise admissible under section 5.02.030."

Section 5. Metro Code section 5.02.035 is amended to read:

"5.02.035 Proposed Orders in Contested Case Other Than Personnel Discharges:

- (a) Within thirty (30) days of a hearing before a hearings officer in a contested case other than a personnel discharge, the hearings officer shall prepare and submit a proposed order together with the record compiled in the hearing, [including all the items listed in ORS 183.415(9),] to the Council. [If a majority of the Council members who are to render the final order were not present at the hearing or have not reviewed and considered the record, and the proposed order is adverse to a party other than the District,] The proposed order, including findings of fact and conclusions of law, shall be served upon the parties.
- (b) The parties shall be given the opportunity to file with the Council written exceptions to the proposed order and, upon approval of the Council, present oral argument regarding the exceptions to the Council. Argument before the Council shall be limited to parties who have filed written exceptions to the proposed order pursuant to this section, and shall be limited to argument on the written exceptions and argument in rebuttal of the argument on written exceptions.
- (c) A party may, in addition to filing written exceptions, file a written request to submit to the Council additional evidence that was not available or offered at the hearing provided for in 5.02.025 [5.02.045]. A written request to submit additional evidence must explain why the information was not provided at the hearing, and must demonstrate that such evidence would likely

result in a different decision. Upon receipt of a written request to submit additional evidence, the Council shall within a reasonable time:

- (1) Refuse the request; or
 - (2) Remand the proceeding to the hearings officer [Grant a new hearing under 5.02.025] for the limited purpose of receiving the new evidence and oral argument and rebuttal argument by the parties on the new evidence.
- (d) If a new hearing is granted in accordance with subsection (c)(2) of this section, the hearings officer shall within seven (7) days of the hearing serve upon all of the parties and forward to the Council[:] a new proposed order in accordance with the provisions of Code section 5.02.035(a).
- [(1) a new proposed order in accordance with the requirements of 5.02.035[.]; or]
 - [(2) Recommended changes in the original proposed order and findings of fact and conclusions of law based on the new evidence; or]
 - [(3) A recommendation that the original proposed order and findings of fact and conclusions of law not be changed based on the new evidence."]

Section 6. Metro Code section 5.02.040 is amended to read:

"5.02.040 Proposed Orders In Contested Cases on Personnel Discharges:

- (a) Within seven (7) days of a hearing on a personnel discharge, the hearings officer shall prepare and submit a proposed order together with the record compiled in the hearing [including all the items listed in ORS 183.415(9)] to the Executive Officer. Said proposed order shall include rulings on evidence, findings of fact, conclusions of law and a proposed action.
- (b) Within seven (7) days of receipt of the proposed order, the Executive Officer shall issue a final order pursuant to Section 5.02.045 of these Rules."

Section 7. Metro Code section 5.02.042 is amended to read:

"5.02.042 Ex Parte Communications to the Hearings Officer:

- (a) The hearings officer shall place on the record a statement of the substance of any written or oral ex parte communication on a fact in issue made to the officer during the pendency of the proceeding. Parties shall, upon request, be given a reasonable opportunity to rebut such ex parte communications.
- [(b) The hearings officer shall give notice to all parties of ex parte communications. The notice shall include:
- (1) The substance of the communication if oral; if in writing, a copy of the communication.
 - (2) Whether or not the officer will consider the ex parte communication in making a recommendation to the agency or in deciding the case.]
- [(c) If the hearings officer gives notice that the ex parte communication will be considered in making a recommendation to the Council or in deciding the case, the officer shall either (1) set a date when the other parties may rebut the substance of the ex parte communication in writing; or (2) schedule a hearing for the limited purpose of receiving evidence relating to the ex parte communication.]"

Section 8. Metro Code section 5.02.043 is amended to read:

"5.02.043 Ex Parte Communications to the Councilors:

- (a) Councilors shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to a Councilor during review of a contested case. Parties shall, upon request, be given a reasonable opportunity to rebut such ex parte communications.
- [(b) The Councilors shall give notice to all parties of ex parte communications. The notice shall include:
- (1) The substance of the communication if oral; if in writing, a copy of the communication.

(2) Whether or not the Councilor(s) will consider the ex parte communication in deciding the case.]

[(c) If one or more Councilors gives notice that an ex parte communication will be considered in deciding the case, the Council at its discretion shall: (1) set a date when the other parties may rebut the substance of the ex parte communication in writing; (2) schedule a hearing for the limited purpose of receiving evidence relating to the ex parte communication; or if all parties are present and before the Council, receive evidence relating to any ex parte communication.]

[(d) If the Council schedules a hearing it may remand the matter to a hearings officer.]"

Section 9. Metro Code section 5.02.045 is amended to read:

"5.02.045 Final Orders In Contested Cases, Notification, Review:

(a) Except as provided in subsection [(b)] (c) of this section, the Council or Executive Officer decision in a contested case shall be adopted by a final order. Final orders in contested cases shall be in writing and shall include the following:

- (1) Rulings on admissibility of offered evidence.
- (2) Findings of Fact--those matters which are either agreed upon as fact or which, when disputed, are determined by the fact finder, on substantial evidence, to be fact over contentions to the contrary.
- (3) Conclusion(s) of Law--applications of the controlling law to the facts found and legal results arising therefrom.
- (4) The action taken by the District as a result of the Findings of Fact and Conclusions of Law.

(b) Upon receipt of a proposed order and consideration of exceptions, the Council shall either adopt the proposed order or remand the matter to the hearings officer with instructions to change the order or its findings or conclusions and to provide an amended order. No

exceptions will be received or heard on an amended order.

- (c) [(b)] When the Council's decision in a contested case necessitates the adoption of an ordinance, the Council shall direct that an ordinance be prepared for Council adoption. The ordinance shall incorporate the rulings, findings and conclusions required by subsection (a) or (b) of this section. An ordinance adopted pursuant to this subsection shall, upon adoption, be considered the final order subject to judicial review.
- (d) [(c)] Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.
- (e) [(d)] The final order shall include a citation of the statute(s) under which the order may be appealed.
- (f) Final orders in contested cases before the Council shall be approved by a majority of a quorum of the Council; except, however, that approval of a final order amending the regional Urban Growth Boundary shall require approval of at least six (6) members of the Council."

Section 10. Metro Code section 5.02.050 is amended to read:

"5.02.050 Reconsideration, Rehearing:

- (a) A party may file a petition for reconsideration or rehearing on a final order with the District within ten (10) days after the order is issued. In the case of a personnel discharge, such petition shall be submitted to the Executive Officer. Other petitions shall be referred to the Council.
- (b) The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by a written argument.
- (c) The District may grant a reconsideration petition if sufficient reason therefore is made to appear. If the petition is granted, an amended order shall be entered. The Council may allow oral or written argument by the parties on the reconsideration petition.

- (d) The District may grant a rehearing petition if sufficient reason therefor is made to appear. The rehearing may be limited by the District to specific matters. If a rehearing is held an amended order shall be entered. Rehearings shall be held before the hearing officer who conducted the original hearing.
- (e) If the District does not act on the petition within the sixtieth (60) day following the date the petition was filed, the petition shall be deemed denied.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1982.

Presiding Officer

ATTEST:

Clerk of the Council

AJ/gl
6094B/252

FROM THE DESK OF

Cindy Banzer

COUNCILOR, DISTRICT 9
7017 S.E. PINE/PORTLAND, OR. 97215
253-2915

Don -

here's revised

charge based
on our dinner

CB



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



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

Rick Gustafson
EXECUTIVE OFFICER

Metro Council
Cindy Banzer
PRESIDING OFFICER
DISTRICT 9

Bob Oleson
DEPUTY PRESIDING
OFFICER
DISTRICT 1

Charlie Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jack Deines
DISTRICT 5

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Bruce Etlinger
DISTRICT 10

Marge Kafoury
DISTRICT 11

Mike Burton
DISTRICT 12

Metro Energy Recovery Review Task Force

The Council Policy Issue:

How to dispose of the region's solid waste in a reliable, cost-efficient, environmentally sound manner.

Purpose of Energy Recovery Review Task Force:

To assist the Council and the Executive Officer in addressing the above policy by providing an independent community review of the energy recovery facility project proposal as it relates to alternative means of garbage disposal.

The Task Force should analyze the ERF proposal as opposed to landfilling in the following areas:

- financing
- accountability (risks to Metro)
- environment
- long range impact on the community

Task Force Timeframe:

45-60 days beginning July 1st.

Hardy Meyers, Chair

BLUE RIBBON COMMISSION

Bob Mitchell

President
U.S. National Bank

225-5781

Mr. Mitchell is currently President of U. S. National Bank. He has served as director for various organizations such as VISA, Northwest International Bank School and Oregon Health Sciences University.

Loren Wyss

Financial Consultant

224-0253

Mr. Wyss is currently a financial consultant and was previously Vice President of Columbia Daily Income. Member of State Board of Higher Education.

Rebecca Marshall

Financial Counsel
Clements and Marshall

241-7243

Ms. Marshall is currently a financial counselor for the firm of Clements and Marshall, and is a recognized expert in public bonding. She was previously Deputy Treasurer of the State of Oregon, and Assistant Vice President for the First Interstate Bank.

Phil Bogue

Managing Partner, Retired
Arthur Anderson

226-1331

Mr. Bogue, CPA, was Managing Partner for Arthur Anderson for 21 years. He is also a past president of the Portland Chamber of Commerce.

Art Tarlow

Partner
Bolliger Hampton & Tarlow - Attorneys

641-7171

Mr. Tarlow is currently an attorney and shareholder for the law offices of Bolliger Hampton and Tarlow. He is active in the Washington County community and was previously President and Director of the Washington County Public Affairs Forum and Director of the Beaverton Area Chamber of Commerce.

Jim Durham Sr. Vice President & General Counsel 226-8814
Portland General Electric

Mr. Durham is currently Senior Vice President and General Counsel for Portland General Electric. He was previously Deputy Attorney General and Senior Chief Counsel for the State of Oregon.

Bob Elfers Executive Director 224-4280
Oregon State Bar

Mr. Elfers is currently the Executive Director of the Oregon State Bar Association. He was previously president of a management and financial consulting firm and formerly Chief Administrative Officer of Lane County.

Dr. Bill Holden Oregon Health Sciences Center 225-7680
Chest Division

Dr. Holden is a specialist in the Chest Division at the Oregon Health Sciences Center and a noted person in this field.

Vern Rifer Manager - Development 228-8669
Moran Construction Company

Mr. Rifer is Manager of Development for Moran Construction Company and was previously with Straam Engineers. He is past president of the Oregon Environmental Council and was Chairman of the Citizens' Committee which drafted the City of Portland's Energy Policy.

Bill Ryan Administrative Dean - Clackamas 657-8400
Community College

Mr. Ryan is the Administrative Dean of College Service and Planning for Clackamas Community College.

RG/gl
6212B/305

G. L. Ball
11515 S. W. 91st Ave.
Tigard, Oregon 97223

Re: Ord. 82-135

HAND DELIVERED
July 1, 1982

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

Madam Chairman and Councilors:

I appreciated very much the opportunity of appearing before you on June 24, 1982.

I especially want to thank and commend Mr. Andy Catugno for his efforts in contacting the Right-of-Way Dept. of the Dept. of Transportation, Highway Division, and being advised by them that they plan to use the Alternate 2 design for the South Tigard portion of the N. Tigard-S. Tigard Interchange, on which hearing was held, and not move the Interchange further south as shown on the map that I saw at the Highway Division on June 8, 1982, on which no hearing was held.

Mr. Jack L. Sallis, Assistant Attorney General and Attorney-In-Charge, confirmed this information in a letter dated June 29, 1982 to my attorney, Mr. Fred Anderson. Mr. Sallis attached map showing property acquired for Alternate 2 design.

Please make this communication part of the Metropolitan Service District Council record, ..as well as the copy of map attached which was received from Mr. Jack L. Sallis.

Sincerely,

G. L. Ball

GLB:l

STATEMENT IN OPPOSITION TO
THE REGIONAL TRANSPORTATION PLAN

before the
Metropolitan Service District

July 1, 1982

To the members of the council:

I object to adoption of the Regional Transportation Plan and the heavy expenses that would be required for implementation of the improvements called for in the plan. In particular, I object to the plans for spending up to \$1 billion beyond those expected to be made for mass transit under the so-called "committed system." The Regional Transportation Plan not only calls for additional federal and state funds at a time when these resources are increasingly difficult to obtain, but the ^{plan} further further proposes to seek additional local funding of \$11 million to \$14 million annually over the remainder of this century. No discussion is given in the plan for where the money might come from, but as a citizen and taxpayer I am concerned that additional taxes may be levied arbitrarily and without consent of the voters. Additional taxing authority already has been given to Tri-Met, which because of the mandate of the Regional Transportation Plan may be pressured into levying these taxes. Funding powers already granted by the Oregon Legislature in 1969 include the right to levy taxes on payrolls, self-employment, income, business licenses and property. Payroll and self-employment taxes already have been levied by Tri-Met, which still has the authority to levy both income and business licenses taxes. Only the right to levy a sales tax, also granted by the 1969 Legislature, has since been repealed.

I am also concerned that the projections in employment and population for the Metropolitan region appear to be greatly at variance with information coming from other sources. Projections in the Transportation Plan indicate continued economic growth, while other sources almost unanimously agree that real economic growth for the state as a whole has declined sharply since early 1980. A chart on Page 6, Chapter of the plan shows only continued growth and no decline whatever in this same time frame, while other figures also indicate unaccounted-for growth. Figures recently compiled by the Budget and Management Division of the State of Oregon Executive Department, which uses these figures to project revenue for the state government, indicate that Oregon's highest employment level, 1,072,000 persons employed, was reached in the fourth quarter of 1979, but we will not reach that point again until the second quarter of 1984. The 1982 level of 987,800 employed is a five-year low. Similar statistics are being reported almost daily by other sources. The Regional Transportation Plan, however, makes only passing reference to "the current economic slowdown" and appears to base its glowing projections on a series of workshops attended by public officials -- a most unscientific and questionable method. The population forecast, according to Chapter 2, Page 5, "was developed by estimating the ratio of the level of job participation (employment) to population..."

Good projections beyond 1985 may not be easily obtainable at this moment, but the Bonneville Power Administration through its Forecasting Department, a source recommended even by Portland State University's Center for Population Research, is expected to have long-range population and employment projections available by the end of this year. Considering the serious blow which the current recession has dealt to capital investment and expansion plans from which economic growth occurs, the new BPA projections almost certainly will be greatly at odds with those of the Regional Transportation Plan.

Even the projections based on activity occurring in the 1970s, before the current recession began, must be questioned. The Regional Transportation Plan in Chapter 4, Page 1, refers to "development trends over the last 10 years" to support the projected growth. According to Table 2-1 (Chapter 2, Page 11) of the plan, Multnomah County over the next two decades is expected to grow from 565,350 to 681,040, an increase of 20.46 percent. Actual population growth for Multnomah County in the 1970s, however, as confirmed by U.S. Census Bureau figures, was only 7,972 residents, or 1.44 percent, while the City of Portland actually lost 13,584 residents, a decline of 3.58 percent. All of this occurred in a time of general prosperity. Population researchers now indicate that an exodus of people from the state has begun, compared with a previous in-migration before the recession began. If Multnomah County grew only a little over 1 percent in the 1970s, how will it grow by twenty times that amount in two decades with such a poor beginning?

I further object to the effect of the Regional Transportation Plan to "lock in" or otherwise solidify land-use planning trends which are being imposed in this region against the wishes and the best interests of the residents already here. I refer specifically to the forced higher residential densities promoted by the City of Portland, the Land Conservation and Development Commission and even Metro itself. Such densification is not mandated by the state Land Use Goals but, in the view of a growing opposition movement, is only encouraged -- and only with consideration for economic, social and environmental consequences. The Regional Transportation Plan supposedly comprises the local comprehensive plans in the Metro region, but this leaves holes in the Transportation Plan since Washington County does not yet have a comprehensive plan; Portland's was imposed over the objections of many who still resist its implementation, and even tiny Happy Valley's appears headed for the courts. Policies objected to by many local citizens will be even harder to reverse when further incorporated into a larger plan such as the Regional Transportation Plan.

Other points I would like to raise include the following:

- 1) Involvement of citizens in this plan appears to be minimal. Two advisory committees involved with the preparation of this plan, the Joint Policy Advisory Committee on Transportation and the Transportation Policy Alternatives Committee, are dominated by representatives of government, including three from the State of Washington. Only five citizens appear to be members of these two committees. The citizen involvement cited in support of the Regional Transportation Plan indicates a series of appearances by Metro representatives, reaching approximately 1,057 members of some 45 civic and business groups, and the mailing of notices to 550 elected officials, citizen

groups and interested persons. This does not account for even 1 percent of the total population of the Metro region and in fact does not even represent the number of persons employed by the larger public agencies to be affected directly by the Regional Transportation Plan. Further, the parade of witnesses at last week's hearing, almost all representing government agencies, did not have a single citizen actually testifying individually for the plan.

2) The Regional Transportation Plan does not appear to meet Goal 12 of the Oregon Land Use Goals in that it does not consider marine, air, pipeline or rail transportation, except for the light-rail projects to be operated by Tri-Met. Portland's position as an important port city, with related rail and air activity, requires that all forms of transportation be considered in a transportation plan.

3) The Regional Transportation Plan's call for an "aggressive program" to increase ridesharing, while commendable, appears to depend too heavily on the cooperation of natural adversaries, Tri-Met and the district's employers, and possibly even expects them to act against their own immediate best interests. Tri-Met, which employs professional drivers to transport passengers, is expected to actively encourage automobile and van ridesharing, which could reduce potential fare-box revenue and employment opportunities for its drivers. Local employers are expected to work closely with a government agency which many feel has unfairly singled them out to subsidize the transit agency, and the employers are further expected to encourage a form of transportation which, if it reduced transit farebox revenue, could make Tri-Met even more dependent on the employment tax.

4) Despite the appearance at last week's hearing and in the accompanying agenda of endorsement of the Regional Transportation Plan by other government agencies, no representative of Tri-Met came forth to endorse the plan, nor did the agency indicate written support, as others did in the agenda. This becomes significant in light of Tri-Met's recent scaling-down of its own spending plans, indicating that Tri-Met has finally begun to show restraint and moderation in this area. Cost-of-living raises have been frozen; an executive hiring freeze has been instituted, and some service expansion plans have been postponed because of revenue and ridership problems. The Regional Transportation Plan, however, commits the transit agency to spend even greater amounts. If Tri-Met has any doubts about commitments under the Regional Transportation Plan, these should be aired prior to adoption of this plan. Adequate discussion also should be given to the funding sources, including Tri-Met's authority to levy an income tax and business license fees. Metro's failure to discuss this source in the Regional Transportation Plan constitutes either a serious omission or, even worse, the concealment of a political time bomb.

While I do not believe my objections will postpone the adoption of the Regional Transportation Plan, I would like to make these suggestions:

1) I urge that the Metro staff immediately begin updating employment and population forecasts from the best available sources, including the previously mentioned Bonneville Power Administration projections expected by the end of this year.

2) I urge that public discussion be conducted tonight, as part of the

council's deliberation, on where the local funding is likely to come from for the improvements outlined in the plan. Particular attention should be given to Tri-Met's taxing authority.

3) I urge that Metro improve its citizen input opportunities generally so that citizens as well as government representatives not only are encouraged to participate but also are listened to. Metro needs to show clearly that opposing viewpoints will be given proper consideration.

4) Rather than attempt to "educate the public" on the importance of Metro's goals and the need for funding, as was suggested at last week's hearing, I suggest that the officials of Metro are the ones who are in need of education. There is growing resistance not only to increased taxation but also to larger, less efficient, less responsive government. Requests for new taxes are having more and more difficulties at the polls. Some local governments already are making contingency plans in case the property tax limitation is approved at the polls in November.

Are you people actually listening?

(This statement was submitted July 1, 1982, before the Metropolitan Service District Council by Tom Pry, publisher of the Sellwood Bee, 8113 S.E. 13th Ave., Portland, Ore. 97202; residence at 2736 S.W. Montgomery Drive, Portland, Ore. 97201.)



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

MEMORANDUM

Date: June 29, 1982
To: Metro Council
From: Andy Cotugno/James Giesecking
Regarding: Summary of Testimony on RTP

Received at public hearing on Ordinance No. 82-135, for the purpose of adopting the Regional Transportation Plan, June 24, 1982.

Written testimony in support of the adoption of the ordinance was received from:

The Honorable Jane Cease,
Representative of the Oregon State Legislature
and Chairwoman of the House Transportation
Committee;

Mr. Vern Ryles,
Chairman of the Board of the Central Eastside
Industrial Council; and

The Honorable Mildred Schwab,
Commissioner, Public Affairs
Portland City Council.

The Honorable Charles Williamson, Metro Councilor, had this testimony placed into the record.

Eight people presented verbal testimony before the Council, seven of whom supported adoption of the RTP, and one individual who did not indicate a position.

Persons Testifying in Support of Ordinance No. 82-135

The Honorable Larry Cole, Councilor of Beaverton, representing the Washington County Transportation Coordinating Committee;

Mr. Tom Walsh, Vice Chairman, Oregon Transportation Commission;

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- Mr. Steve Dotterer, Chief Transportation Planner, City of Portland, representing The Honorable Mildred Schwab, Commissioner;
- Mr. Lloyd Anderson, Executive Director, Port of Portland;
- Mr. Walter Monasch, representing The Honorable Al Myers, City of Gresham;
- Mr. Winston Kurth, Deputy Director, Clackamas County Department of Environmental Services, representing The Honorable Robert Schumacher, County Commissioner; and
- Ms. Caroline Miller, Chairwoman, Multnomah County Commission.

Persons Testifying Without Indicating Position
on Ordinance No. 82-135

Mrs. Geraldine Ball, representing herself and DJB, Inc.

Issues Raised by Testimony in Support
of Resolution No. 82-135

Transportation Financing (Messrs. Cole, Walsh, Anderson and Monasch)

Financing the improvements called for in the recommended Plan is a paramount issue, and should be aggressively investigated by the Metro Council.

Staff Response

Adoption of the recommended RTP clearly recognizes the need to investigate and pursue additional sources of revenue for transportation financing, and is explicitly stated as the principal outstanding issue in the Plan (p. 8-9). In addition, the recently adopted (May 1982) Unified Work Program for Transportation Planning in the Portland-Vancouver Metropolitan Area for FY 1983 commits nearly \$80,000 to a Transportation Project Financing effort in the upcoming fiscal year.

Other Issues

The following issues were mentioned in testimony in support of the adoption of the RTP and are resolved by the amendments proposed in the memorandum from the Metro Executive Officer to the Council.

1. The addition of an appendix clearly identifying RTP policies which are necessary for local comprehensive plan compliance with the RTP (Commissioner Cole).
2. The designation of the Metro Council as the decision-making body on local plan compliance with the RTP, using JPACT as a forum for discussion and recommendations (Commissioner Cole).
3. The designation of arterial level-of-service criteria as project objectives rather than firm requirements (Commissioner Cole).
4. The addition of the Burlington Northern and Tualatin Valley Highway rights-of-way as possible LRT routes west of Beaverton in the Long-Range Transitway System (Commissioner Cole).
5. The consideration of transit trunk route conversion to transitways only if they are determined to provide suitable potential in terms of economic, technical and policy considerations.
6. An alteration in the legend of the map depicting the Regional Highway System to indicate that the need and alignment are yet to be determined for "potential" major arterials (Commissioner Cole).
7. A specific recognition of the undecided nature of the potential major arterial route from Hwy. 99W to Scholls Ferry Road south of Tigard in the Southwest Corridor by the use of two broad arrows on the Regional Highway System map (Commissioner Cole).
8. A designation of circulation and access issues in the I-205/Powell/Division area as an outstanding issue requiring further study (Mr. Monasch).
9. The designation of I-205 north of Powell Blvd. to the Columbia River as a transitway on the Long-Range Regional Transitway map (Ms. Miller).

Issues Raised by Testimony Indicating No Position
on Resolution No. 82-135

Design of North Tigard/South Tigard Interchange Project

Due to an adverse impact on personal property, an objection was raised to an alleged change in design in the

Memorandum
June 29, 1982
Page 4

South Tigard I-5 on-ramp from the Alternative (No. 2) presented at the public hearing on the project on the part of the Oregon Department of Transportation (ODOT), Highway Division (Mrs. Ball).

Staff Response

The written information supplied by Mrs. Ball was transmitted to appropriate ODOT personnel for further investigation and resolution. The RTP is intended to identify whether or not to build the interchange, not to actually determine the design of the project. Design details that affect individual property owners fall under the jurisdiction of ODOT.

Issues Raised by Metro Councilors

Councilor Rhodes requested that clarification be forwarded to Council prior to the second reading of the ordinance concerning the need to amend Ordinance No. 82-135 to reflect the amendments contained in the memorandum from the Executive Officer to Council.

Staff Response

As currently worded, Ordinance No. 82-135 calls for the adoption of the RTP dated July, 1982. It is the intent of staff to produce, upon Council approval of the said ordinance, a document dated July, 1982, which consists of the plan dated March, 1982, plus the amendments contained in the memorandum to Council from the Executive Officer dated June 10, 1982. To clarify this situation, it is now proposed that Section 1 of Ordinance No. 82-135 be amended to read as follows:

- "1. The Metropolitan Service District Regional Transportation Plan, dated March, 1982, with the amendments set forth in a memorandum to Council from the Executive Officer dated June 10, 1982, copies of which are on file with the Clerk of the Council, is hereby adopted effective July 1, 1982."

AC/JG/gl
6260B/D5



824 S.W. Fifth Avenue • Portland, OR 97204 • (503) 228-9411

July 1, 1982

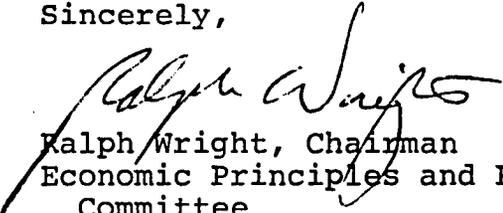
Ms. Cindy Banzer
Presiding Officer
Metropolitan Service District Council
527 S.W. Hall St.
Portland, OR 97201

Dear Ms. Banzer:

In September 1981, the Portland Chamber of Commerce Board of Directors charged the Economic Principles and Policies Committee with the responsibility of monitoring Tri-Met related activities. The Committee has just finished it's review of the 1982-83 Tri-Met budget, and recognizes that an extension of it's Tri-Met charge must include reviewing the recommended Regional Transportation Plan. Due to the lateness of the Committee's ability to finally begin reviewing this plan, the Committee, and hence, the Chamber cannot make formal comment on the plan or it's components at the present time. The Committee, of course, would like to reserve the right to make substantive comments as soon as it is fully prepared to do so.

This intention is in line with the plan's refinement, update and amendment section. However, the Committee would like to point out that there is nothing in the summary/overview section of the plan to inform the public that this plan is subject to annual review and change. The Committee would very much like to see this qualifier (which is implicit in the body of the plan) inserted in the summary section so that the update process becomes more apparent as a living part of the plan.

Sincerely,


Ralph Wright, Chairman
Economic Principles and Policies
Committee



7/1/02

Cindy

The Portland Chamber Economic Principles & Policies Committee reviewed the plan & met w/ me several times this week to discuss it. They are generally supportive of the need for transportation investments but are concerned about how much transit will cost and how it will be paid for. It appears, there will be continuing dialogue with this committee as we pursue the question of financing the RTP.

They did request a better "front page" recognition of the need to update the plan as needed to reflect changing conditions (per the attached letter).

I recommend adding to pg. 1 of the document in the list of items that adoption of the RTP represents, the following

- Recognition of the need to update the Regional Transportation Plan to respond to changing growth trends, public attitudes, financial resources and other socio-economic conditions.

Andy C.



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

MEMORANDUM

Date: July 1, 1982
To: Metro Council
From: Executive Officer
Regarding: Waiver of Personnel Rules

I have approved two variances to Metro's Personnel Rules as allowed under Section 5 (See below). Your ratification of these variances is requested.

The first variance is to waive the required in-house posting for the Council Assistant position. In-house applicants and layed-off employees could still apply during outside recruitment. The variance would facilitate hiring.

The second variance is to allow an extension of temporary employment for Gus Rivera to September 30, 1982. The Personnel Rules limit temporary employment to one year. This extension would allow Mr. Rivera to manage the Waste Reduction Program and complete the Yard Debris Program while recruitment proceeds for the position of Waste Reduction Program Manager.

Section 5 Variances: The Executive Officer shall have the power to vary or to modify the strict application of the provisions of this ordinance in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships on either the agency or employee or both. All approved variances shall be subject to Council ratification, and shall be reported to the Council in written summary form at the next regular meeting following the date of approval. The chairperson of the Employees' Advisory Committee shall receive a written summary of the variance prior to this meeting.

RG/cjv



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

MEMORANDUM

Date: June 30, 1982
To: Metro Council
From: Cindy Banzer, Presiding Officer
Regarding: Appointment to Metro Energy Recovery Review Task Force

Attached are the names of people that Executive Officer Rick Gustafson and I have agreed on to serve on the Metro Energy Recovery Review Task Force.

Also included is the charge to the Task Force.

I would ask your confirmation of these names at our July 1st Council meeting.

Additionally, please find attached a timeline that I propose we follow in our deliberations on how to best dispose of the region's garbage.

cc: Rick Gustafson
Attachments

METRO ENERGY RECOVERY REVIEW TASK FORCE

John Anthony Chairman	President, Portland Community College	244-6111
	Mr. Anthony is currently President of PCC. He is a member of the Private Industry Council, the Governor's High Tech Task Force, and on the Board of the Oregon Council on Economic Education.	
Bob Mitchell	President U.S. National Bank	225-5781
	Mr. Mitchell is currently President of U. S. National Bank. He has served as director for various organizations such as VISA, Northwest International Bank School and Oregon Health Sciences University.	
Rebecca Marshall	Financial Counsel Clements and Marshall	241-7243
	Ms. Marshall is currently a financial counselor for the firm of Clements and Marshall, and is a recognized expert in public bonding. She was previously Deputy Treasurer of the State of Oregon, and Assistant Vice President for the First Interstate Bank.	
Phil Bogue	Managing Partner, Retired Arthur Anderson	226-1331
	Mr. Bogue, CPA, was Managing Partner for Arthur Anderson for 21 years. He is also a past president of the Portland Chamber of Commerce.	
Art Tarlow	Partner Bolliger Hampton & Tarlow - Attorneys	641-7171
	Mr. Tarlow is currently an attorney and shareholder for the law offices of Bolliger Hampton and Tarlow. He is active in the Washington County community and was previously President and Director of the Washington County Public Affairs Forum and Director of the Beaverton Area Chamber of Commerce.	



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

Rick Gustafson
EXECUTIVE OFFICER

Metro Council

Cindy Banzer
PRESIDING OFFICER
DISTRICT 9

Bob Oleson
DEPUTY PRESIDING
OFFICER
DISTRICT 1

Charlie Williamson
DISTRICT 2

Craig Berkman
DISTRICT 3

Corky Kirkpatrick
DISTRICT 4

Jack Deines
DISTRICT 5

Jane Rhodes
DISTRICT 6

Betty Schedeen
DISTRICT 7

Ernie Bonner
DISTRICT 8

Bruce Etlinger
DISTRICT 10

Marge Kafoury
DISTRICT 11

Mike Burton
DISTRICT 12

METRO ENERGY RECOVERY REVIEW TASK FORCE

The Council Policy Issue:

How to dispose of the region's solid waste in a reliable, cost-efficient, environmentally sound manner.

Purpose of Energy Recovery Review Task Force:

To assist the Council and the Executive Officer in addressing the above policy by providing an independent community review of the energy recovery facility project proposal as it relates to alternative means of garbage disposal.

The Task Force should analyze the ERF proposal as opposed to landfilling in the following areas:

- financing
- accountability
- environment
- long range impact on the community (including benefits of garbage conversion to energy)

Task Force Timeframe:

45-60 days beginning July 1st

METRO COUNCIL

Deliberations on Solid Waste Disposal

Time Frame
(Tentative)

<u>TIME FRAME</u>	<u>ACTIVITY</u>
mid-July	- ERF proposal finalized and released by Executive Officer
July - August	- Energy Recovery Review Task Force conducts review
	- Council's solid waste management consultant conducts review
	- Council Services Committee
	- Review and solidify disposal alternatives
	- Conduct public forums and workshops
	- Air Quality permit - DEQ
	- Independent engineering analysis for potential bond sale
September - mid-October	- Formal Council review/public hearings
October 15	- Decision
<u>If appropriate</u>	
- mid-October - mid-December	- Preparation of Bond prospectus
- December	- Bond sale



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

MEMORANDUM

Date: June 30, 1982
To: Metro Council
From: Joe Cortright, Planner

Regarding: Staff Proposed Amendments to Ordinance 82-133

Following the instructions of the Regional Development Committee, staff met with interested parties to discuss Ordinance 82-133, which modifies Metro's standards for approving locational adjustments of the Urban Growth Boundary. This meeting produced several comments on the Ordinance which are summarized on the attached chart. Based on these comments, staff recommends two changes to Ordinance 82-133.

First, staff proposes that the requirement that local governments submitting petitions to amend the UGB not be required to follow Metro-specified notice and hearing requirements. Local planners pointed out that planning commissions and governing bodies already go through locally required procedures before undertaking such land use actions. Any Metro requirements would, therefore, duplicate local practice.

Second, 1000 Friends of Oregon objected to the revised "trade" provisions, maintaining that they inadequately protected agricultural land. Staff proposes to change the Ordinance to provide that land added in trades generally be required to be "committed to non-farm use." The balancing test then applies to the remaining criteria: land use efficiency, service provision, economic, social and environmental consequences and compatibility with farm use. 1000 Friends is satisfied that the proposed language is consistent with LCDC goals. The changes are spelled out in Attachment B.

Attachments

JC:lz

ATTACHMENT A

SUMMARY OF COMMENTS AND STAFF RESPONSE
MEETING OF JUNE 23, 1982

ISSUE RAISED BY COMMENTER

"Islands" of rural land within the UGB may make good planning sense in some circumstances. (Section 4(d))

Vacant land is not defined in the ordinance. This could lead to some confusion (Section 8)

Party status should be automatic for counties affected by proposed UGB amendments. (Sections 5 and 7)

Metro's ordinance is poorly organized and could benefit from renumbering. (General)

The provision for trades does not meet Goal 2. (Section 8(d))

Local governments should not have to meet strict hearing and notice requirements when they sponsor petitions. Such requirements duplicate usual local practice, and are unnecessary. (Section 7(b))

STAFF RESPONSE

Existing policy precludes "islands"; the new language simply clarifies this provision. If necessary, the "islands" policy should be re-examined in a legislative, rather than a quasi-judicial process.

Staff is preparing a definition and a method for calculating "vacant" land to be included in the ordinance.

Metro notified all affected local governments of UGB adjustment petitions. It is their responsibility to participate in the process.

Clearer organization and renumbering will be considered when the ordinance is codified.

See attached amendment. Goal 2 requirement for assessment of alternatives is obviated by the general requirement that land added to the UGB be found to be "committed to non-farm use."

This provision has been deleted from the proposed amendments.

ATTACHMENT B

1. Delete the proposed new Section 7(b), retaining the existing Section 7(b) without renumbering.

2. Delete the proposed amendments to Section 8(c)(2) and 8(c)(4), and replace all of the existing Section 8(c) with the following language:

(c) A petition to remove land from the UGB in one location and add land to the UGB in another location (trades) may be approved if it meets the following criteria:

- (1) Petitions proposing to add any Class I to IV soils not irrevocably committed to nonfarm use shall not be approved unless:
 - (a) the addition is needed to remedy severe service provision or land use efficiency problems in the adjacent urban area; and
 - (b) there are no practical alternatives to the proposed boundary change to solve such problems.

- (2) The net amount of vacant land proposed to be added may not exceed 10 acres; nor may the net amount of vacant land removed exceed 50 acres.

- (3) The land proposed to be added is more suitable for urbanization than the land to be removed, based on a consideration of each of factors (1), (2), (3) and (5) of Section (8)(a).