



METRO

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

Agenda

Meeting: Council Meeting

Date: July 10, 1986

Day: Thursday

Time: 5:30 p.m.

Place: Council Chamber

Approx.
Time*

Presented By

5:30 CALL TO ORDER
ROLL CALL

1. Introductions
2. Councilor Communications
 - 2.1 Election of Councilor for the District 9 Council Position
3. Executive Officer Communications
4. Written Communications to Council on Non-Agenda Items
5. Citizen Communications to Council on Non-Agenda Items

6:00 6. APPROVAL OF MINUTES of May 15, 1986
7. ORDINANCES AND ORDERS

6:05 7.1 Consideration of Ordinance No. 86-203, Amending Hinckley
(10 min) Metro's Code Section 2.05 regarding Deadlines
and New Evidence and Exceptions to Revised Orders
(Second Reading) (Action Requested: Adoption of Ordinance)

6:15 7.2 Consideration of Ordinance No. 86-204, Amending Hinckley
(10 min) Ordinance No. 85-189 (Temporary Procedures for
Hearing Petitions for Major Amendment of the
Urban Growth Boundary) (Second Reading)
(Action Requested: Adoption of Ordinance)

6:25 7.3 Consideration of Order No. 86-10, in the Matter Hinckley
(35 min.) of Contested Case No. 84-3, a Petition for an
Urban Growth Boundary Locational Adjustment by
Larry Burright, et al (Action Requested: Remand
the Order to the Hearings Officer for a Written
Response to the Petitioners' Exception)

* All times listed on this agenda are approximate. Items may not be considered in the exact order listed.

(continued)

Approx.
Time*

Presented By

8. RESOLUTIONS

- | | | |
|-------------------|---|-----------|
| 7:00
(10 min.) | 8.1 <u>Consideration of Resolution No. 86-665, for the Purpose of Granting a Variance From the Requirement for a Solid Waste Disposal Franchise Surety Bond to Sunflower Recycling (Action Requested: Adoption of Resolution)</u> | McConaghy |
| 7:10
(5 min.) | 8.2 <u>Consideration of Resolution No. 86-661, for the Purpose of Amending the Pay Plan for a 3% Cost of Living Adjustment and for Amending Resolution No. 86-659 (Action Requested: Adoption of Resolution)</u> | Boose |
| 7:15
(15 min) | 8.3 <u>Consideration of Resolution No. 86-664, for the Purpose of Calling a Special Election to Submit to the Voters on November 4, 1986, the Questions of Contracting a General Obligation Bonded Indebtedness in the Amount of \$67 Million and the Financing of a Regional Convention and Trade Show Facility for the District (Action Requested: Motion for Adoption)</u> | Wilson |

7:30 ADJOURN

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5825C/313-5
07/02/86

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

May 15, 1986

Councilors Present: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Also Present: Rick Gustafson, Executive Officer

Staff Present: Donald Carlson, Eleanore Baxendale, Sonnie Russill, Steve Siegel, Gwen Ware-Barrett, Judy Munro, Doug Drennen, Dennis O'Neil, Dennis Mulvihill, Randy Boose, Neal McFarlane, Jill Hinckley, Vickie Rocker and Steve Rapp

Presiding Officer Waker called the meeting to order at 5:55 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

2.1 Update from the Hazardous Waste Task Force

Councilor Frewing, Chairperson, and Dennis O'Neil, Solid Waste Analyst, reported on the work of the Hazardous Waste Task Force to date. Samples of waste disposed in St. Johns Landfill and Clackamas Transfer & Recycling Center had been sampled for quantities of household and other hazardous types of waste. It was found that much of the waste sampled contained small quantities of solvent based paints and cleaners and pesticides. Self-haulers seemed to dispose of the highest quantities of household hazardous wastes. Councilor Frewing and Mr. O'Neil explained that research was continuing and the task force would submit its formal report for Council consideration in July.

3. EXECUTIVE OFFICER COMMUNICATIONS

3.1 Report on the Proposed Convention, Trade, and Spectator (CTS) Facilities

Bob Ridgley, Chairperson of the CTS Committee, and Steve Siegel, staff to the Committee, reported on recent CTS activities. They distributed a memorandum from Steve Siegel dated May 13, 1986, regarding "Committee on Regional Convention, Trade, and Spectator Facilities (CTS) Actions of May 12, 1986. Mr. Ridgley explained on

May 12 the Committee voted to accept recommendations on a proposed site for the convention and trade show center, and to appoint a commission to oversee a continuing study of the project. Mr. Ridgley commended the Committee for the quality of deliberations concerning a site and for focusing on the overall project rather than a particular site. The Holladay/Union site met all necessary criteria, he reported, would offer visitors an excellent view of Portland from the east side of the Willamette River, would have ample space for future expansion, and would be serviced by light rail transit.

Presiding Officer Waker noted the recommended eastside site would work well with the existing facilities. He commended the Committee's work and noted future activities related to the project that would require the Council's attention and time. Mr. Ridgley then reported a separate committee would be formed to make recommendations on the campaign to finance the facility. The CTS Committee would, at the Council's discretion, remain in force through the next legislative session.

Councilor Gardner said he was very excited about the CTS project and was pleased Metro had been designated to coordinate the work. He said it was logical Metro had been selected because the project was an excellent example of the type of regional service Metro should and could perform.

Motion: Councilor Gardner moved the Council declare its intent to accept primary responsibility for building and operating a convention and trade show center as recommended by the CTS Committee and for which Metro participation was endorsed by Resolution No. 84-530 on January 10, 1985. Councilors Kirkpatrick and DeJardin seconded the motion.

Councilor DeJardin said he also wished to second the motion, explaining this action represented endorsement of building the facility in Multnomah County and the Council's commitment to future developments in Washington and Clackamas counties.

Vote: A vote on the motion resulted in:

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

Absent: Councilor Kafoury

The motion carried.

notified, he reported, and KUPL signed a contract making them responsible for cleaning up the spill. Mr. Drennen said the contaminated material was being stored in transfer trucks and half the stalls were not in use. As a result, disposal volumes were down about 20 percent. Responding to Presiding Officer Waker's question, Mr. Drennen said several employees had been exposed to the PCBs but they were now back at work.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Presiding Officer Waker reported he had received a letter from Susan Quick of Ball, Janik and Novack, requesting the Council delay its consideration of the BenjFran Development Company request for an adjustment to the Urban Growth Boundary to June 12, 1986.

At the Presiding Officer's invitation, Ms. Quick, an attorney representing BenjFran, Kaiser and Riviera Motors in three petitions for UGB amendments, said she would answer questions of the Council about her letter of May 14, 1986. The letter explained it would be extremely difficult to combine all three petitions into a single agenda item due to the complexity and time necessary to make presentations. The letter further explained it was apparent many issues of fact and law were common to the Kaiser and Riviera petitions. For those reasons, Ms. Quick requested Kaiser and Riviera to be considered by the Council on June 12 and BenjFran be heard on June 26.

Jill Hinckley, Land Use Coordinator, noted staff had scheduled the BenjFran, Kaiser and Riviera petitions for one meeting date because when the Council established procedures for hearing petitions a year ago, they had requested petitions be heard together. Staff, however, had no problems with setting the BenjFran petition over to a later date. Ms. Hinckley did explain an extension of Council consideration would mean the deadline for preparing BenjFran's exception would be extended and staff would have to renotify interested parties of the change of dates for Council consideration. Finally, she said, Bob Stacy of 1000 Friends of Oregon, and a BenjFran representative would not be able to attend a July Council meeting should the Council postpone consideration past the June 26 meeting. This, she said, might mean a decision would not be made until August.

In response to Councilor Frewing's question, Ms. Hinckley explained the requested action before the Council was not in the form of an ordinance and would not require two readings.

Motion: Councilor DeJardin moved to continue consideration of the BenjFran petition until June 26, 1986. Councilor Gardner seconded the motion.

Mr. Ridgley commended Mr. Siegel on his extraordinary job serving the CTS Committee. He said Metro had made an important contribution in making Mr. Siegel's services available.

West Transfer and Recycling Center. Doug Drennen, Engineering and Analysis Manager, outlined progress to date on siting the transfer station in Washington County. He reported a letter of offer of fair market value price had been sent to the land owner. The design phase of the project had also begun and staff had met with Washington County planning staff regarding obtaining a conditional use permit. Mr. Drennen said the community would be actively involved in the design process as would the west transfer and recycling center advisory group. Meetings had been set up with the Sunset Corridor Association and other citizen groups to seek input on design aspects of the project. Finally, Mr. Drennen explained staff would be before the Council June 12 to present results of preliminary design meetings and to seek Council input on design. Staff would submit a permit application to Washington County at the end of July, he said.

In response to Presiding Officer's question, Mr. Drennen explained the name of Washington Transfer & Recycling Center had been unofficially changed to west transfer and recycling center in order better define where Metro's facilities were located and to create a stronger Metro identity for facilities. The Council would have future discussions about renaming Metro facilities, he said.

Eleanore Baxendale, General Counsel, updated the Council on lawsuits related to the west transfer and recycling center project. She said that to date these actions had not delayed staff's work in acquiring the property. Three suits were pending: 1) Amos v. Metro which challenged the Council's February 13, 1986, decision to select Site B; 2) a writ of review filed in Washington County Circuit Court which challenged adoption of the Council's Resolution on April 10 to proceed with condemning the above property; and 3) Ritter v. Metro filed before the Land Use Board of Appeals which also challenged the April 10 decision. Ms. Baxendale then answered questions of Councilors Kelley and Gardner regarding details of the legal actions.

Clackamas Transfer & Recycling Center (CTRC). Doug Drennen reviewed the events involving the recent spill of PCBs at CTRC. He explained a truck from KUPL radio station delivered three transformers to the Center which were dropped on the cement floor of the facility. When a substance leaked from the broken transformers, workers attempted to clean it up with mops and absorbant material and they washed down the cement pad. It was then learned the transformers contained PCBs and that the concrete pad and other waste had been contaminated. KUPL, the Department of Environmental Quality (DEQ), and the Environmental Quality Commission (EQC) were immediately

Ayes: Councilors Cooper, DeJardin, Frewing, Hansen, Kafoury, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilors Gardner and Kelley

The motion carried and the minutes were approved.

7. RESOLUTIONS

7.1 Consideration of Resolution No. 86-643, for the Purpose of Exempting Vehicle Leases from the Public Bidding Procedure for One Year

Judy Munro, Support Services Supervisor, explained that by adopting the Resolution, Metro would save money on car leasing costs. Staff had determined the leased cars could be driven another year without seriously impacting their resale value; selling the cars at this time could result in a loss due to falling gas prices; car prices had increased and payments would be higher if new cars were leased; and extending the contract another year would result in lower payments and a lower termination value. She said if the Council adopted the Resolution, the current contract could be extended from July 1986 to July 1987 and the total contract sum would be increased by \$6,144.

Motion: Councilor Van Bergen moved to adopt the Resolution and Councilor Kelley seconded the motion.

Councilor Frewing asked if it would be possible to renew the contract for one additional year. Ms. Munro said it would be possible with Council approval.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Hansen, Kafoury, Kelley, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilor Gardner

The motion carried and the Resolution was adopted.

7.2 Consideration of Resolution No. 86-646, for the Purpose of Amending the Pay and Classification Plans, Authorizing a New Position (Convention, Trade, and Spectator Facilities Director), and Ratifying a Variance to the Personnel Rules

Randy Boose, Personnel Officer, explained the process for classifying

Vote: A vote on the motion resulted in:

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

Absent: Councilors Kafoury and Myers

The motion carried.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Jim Johnson, 1110 16th Street, Oregon City, addressed the Council regarding solid waste alternative technology. He said the Council had secret plans to build a garbage burner at the site next to the Clackamas Transfer & Recycling Center (CTRC) and were not discussing these plans in an open, public forum. He said Metro had spent over \$500,000 to maintain the site near CTRC. He also accused staff of being rude and evasive regarding his questions about plans for a garbage burner. Mr. Johnson then discussed the reasons why such a facility should not be built in Oregon City, particularly because of air pollution problems. He asked Councilor DeJardin to make a motion to exclude a garbage burner facility from being built in Clackamas County.

Presiding Officer Waker said Mr. Johnson was presuming matters the Council had not decided and if a decision were made, it would most certainly be in a public forum.

Councilor DeJardin said Metro had no secret, covert plans for building a garbage burner in Clackamas County. He said such a facility was a possible option among several others and no site had been determined.

Jane Green Brewer of Oregon City said many tourists visited her shop and she was ashamed of the garbage dump in Oregon City. She said a garbage burner in the area would further ruin the city and pollute the river and the air. She reminded the Council of the measures related to the facility that were defeated by voters.

6. APPROVAL OF MINUTES

Motion: Councilor Kirkpatrick moved to approve the minutes of April 8 and 10, 1986, and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

The motion carried and the Resolution was amended.

Councilor Gardner requested the position description be revised to broaden the scope of educational requirements. For example, he thought a degree in public administration could be included as an applicable educational background. Mr. Boose agreed to revise the description to include the words "and other appropriate areas" at the end of the paragraph listing desired educational backgrounds.

Vote on Motion to Adopt the Ordinance: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner,
Hansen, Kafoury, Kelley, Kirkpatrick, Myers, Oleson,
Van Bergen and Waker

The motion carried and Resolution No. 86-646 was adopted as amended.

8. CONTRACTS

8.1 Consideration of a Contract with the City of Portland to Operate the St. Johns Landfill

Doug Drennen first introduced John Lang and Delyn Kies representing the City of Portland. He then reviewed terms of the new agreement, pointing out changes from the previous agreement which had expired last fall. Provisions of the proposed new contract were discussed in detail in the staff report.

Councilor Frewing asked how the costs of grading the landfill for six years after completion would be funded. Mr. Drennen said those costs would be financed from the post-closure fund.

Referring to contract termination provisions, Councilor Gardner asked why provisions were included if Metro desolved and not for the dissolution of the City. Ms. Baxendale explained the language did not assume the abolishment of Metro as a regional government but was included in the event Metro changed to assume new responsibilities.

Motion: Councilor Hansen moved to approve the agreement and Councilor Kirkpatrick seconded the motion.

Ms. Baxendale discussed changes to the contract not included in the version printed in the agenda packet. These changes included:

1. Pages 5, 8 and 10 -- change the words "metropolitan area" to read "Metro's solid waste planning area;"

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the CTS Director position and reviewed proposed responsibilities of the position.

Executive Officer Gustafson explained that by adopting the Resolution, the Council would be taking its first step in accepting responsibility for the CTS project.

Councilor Kafoury asked if the position would be ratified by the Council. Mr. Boose said the Council would ratify the position although that provision had been inadvertently omitted from the Resolution.

Motion: Councilor Gardner moved to adopt the Resolution and Councilor DeJardin seconded the motion.

A discussion followed about the recruitment and selection procedure for the position. Councilor Kafoury said she was concerned no women had served on the CTS Committee and encouraged recruitment of women candidates for the position. Councilor Kirkpatrick asked what specific steps to ensure equal opportunity employment would be taken.

Executive Officer Gustafson assured the Council the Personnel Officer was recruiting candidates from all sectors of the community.

Councilor Gardner said he was concerned the short recruitment period would exclude candidates from outside the region. He explained because of the project's importance, it would be desirable to recruit candidates with related experience and those candidates would likely be from outside the area.

Presiding Officer Waker stressed the importance of acting quickly to recruit a candidate. He reviewed major tasks to be accomplished including having a General Obligation bond for the convention and trade show center on the November ballot. He said a delay in recruitment would jeopardize the project.

Motion to Amend: Councilor Myers moved to amend the Resolution to add a provision that the recommended candidate for the CTS Director position be confirmed by the Council. Councilor Kafoury seconded the motion.

Vote on the Motion to Amend: The vote resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

petition, these proceedings would end. If, however, the Council did not approve the petition, they should consider the petitioner's exceptions regarding the presentation of new evidence, she explained. At the conclusion of hearing those exceptions, the Council could, she said, consider a motion to take new evidence. Finally, she explained that if no affirmative vote were received on any of the possible motions discussed above, the Council would then consider the Hearings Officer's Report and Order No. 86-9 before it. She asked that all parties defer discussion of technical issues regarding the Hearings Officer's Report until that time. She said the Council could reject the Hearings Officer's recommendations and remand the Hearings Officer's Report to staff for preparation of an Ordinance and related findings for later adoption.

Summary of Hearings Officer's Recommendation and Discussion of
Petitioner's Exceptions

Andrew Jordan, Hearings Officer, reviewed his report. He explained that when the five land use standards were applied to the issues of the petitioner's case, the case probably complied with those standards. However, he said complications arose when considering what was termed in the petitioner's exceptions as a variable standard. That standard provided that the greater amount of vacant land in a proposal, the greater the evidence must be on the differences between the suitability between the existing and proposed UGB as demonstrated by the five standards. Mr. Jordan then reviewed the five basic land use standards and discussed the petitioner's application according to those standards. His findings were published in the meeting agenda packet. Mr. Jordan then addressed the exceptions noted by the petitioners:

1. The petitioners objected to the use of the word "necessity" on page 9 of the Hearings Officer's recommendation. Mr. Jordan agreed with that exception and said the report would be changed.
2. The issue of "looping" of water lines and transportation systems was raised by the petitioner. Regarding water lines, Mr. Jordan said the question should be asked whether the approval of the petition was necessary to allow that looping. Mr. Jordan said his recommendation did not find it necessary and the looping of water lines could occur whether or not the application were granted. Regarding transportation, he explained because the adjacent urban land was already developed, looping would not be required to develop the land.

2. Section 6 -- the criteria for the closure date would also apply to developing Schedule A of the agreement;
3. Page 33 -- if Metro were unable to indemnify the City for certain obligations, the City had the right to not make payments to Metro for gas revenues, for example. A provision would be added that if Metro were to be voluntarily paid, the City would not curtail certain revenues.
4. A Section 30 has been added stating the previous agreement is completely superseded by the new agreement.

Relating to his earlier comment about dissolution, Councilor Gardner asked if Metro ceased to exist in its present form, would the agreement continue. Ms. Baxendale said the agreement would continue to be in force and would transfer to the new entity.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilor DeJardin

The motion carried and the agreement was approved.

At 7:50 p.m., Presiding Officer Waker called a break. The Council reconvened at 8:00 p.m.

9. ORDERS AND ORDINANCES

9.1 Consideration of Order No. 86-9, in the Matter of Contested Case No. 85-1, a Petition for an Urban Growth Boundary Locational Adjustment by the City of Wilsonville and Earle May

Staff's Introduction and Explanation of Procedures

Jill Hinckley, Land Use Coordinator, explained the petition before the Council was filed jointly by the city of Wilsonville and Earle May to add 46 acres in the northeast corner of the City north of Ellingson Road to the Urban Growth Boundary (UGB). She reported the Hearings Officer recommended the petition be denied. The petitioner filed an exception to the report. She then explained the Hearings Officer and the petitioner would report their positions to the Council solely on the merits of the case as it existed on the available record. Following those presentations, she said the Presiding Officer should ask if there is a motion to approve the petition based on available evidence. If the Council approves the

to the city of Wilsonville. He explained the project was identified in the City's unified capital improvement program. He also pointed out the program had been named by the League of Oregon Cities as the best such program in the state and 90 percent of the plan had been completed. Mr. Wall said the water project was scheduled for construction in early 1987. Addressing the water line looping issue, he said although lines could be installed outside city limits, time delays would result because property would have to be condemned. He hoped delays would not result in lowering the City's insurance rating. He urged the Council to approve the City's petition and to allow for logical, planned growth.

Mr. Derr said the City's frustrations could be summarized by the fact that no party had said there was anything wrong with the requested annexation. He requested the Council approve the petition because such an action met all applicable standards, no victims would result, the action would be consistent with logical growth, would not be legally deficient, and would not set any precedent. Finally, Mr. Derr said he was satisfied that even without introducing new evidence, the petition as documented on the record to date would clearly support annexation.

Councilors' Questions of the Petitioner

Councilor Hansen asked Mr. Derr to explain why the original property owner had asked the property not be included in the UGB. Mr. Derr said the original plan had called for the property to be included in the UGB. However, the original owner objected to the property's inclusion because he did not want to pay City taxes nor make required urban improvements. His request was honored, Mr. Derr said. Previous to that action, the City had already received donation of land for the planned water reservoir and had approved an adjacent subdivision with the anticipation the property would be developed. All plans were made in a logical, responsible manner, he said. In response to the Council's question, Mr. Derr said he did not remember any other property being annexed to compensate for the property not included within the UGB. He asked the Presiding Officer if he remembered any details on the matter.

Presiding Officer Waker explained his engineering firm, Waker & Associates, designed the development including some utilities. He recalled when the proposal was first submitted to the city of Wilsonville, a cul de sac was planned for the property in question. After discussions with the City, it was changed to a stub street, he said. He added that Waker & Associates had always anticipated the property in question would be developed to complete the loop system. He agreed with the applicant it would be safer to have more than one entrance and exit to the development. The Presiding Officer said he couldn't remember exactly where the water reservoir

3. The exceptions posed the question of whether the case was one of an ascending burden of proof or a variable standard. Mr. Jordan thought that issue was largely semantic. He said past Hearings Officer's decisions had referred to the matter as an ascending burden of proof and it had been previously identified by Metro's counsel as such.

After a brief discussion on procedures, the Council determined to hear the petitioner's presentation.

Petitioner's Testimony on Exceptions to the Hearings Officer's Report

Larry Derr, representing the city of Wilsonville and Earle May, said he wished to urge the Council that the evidence in the record satisfied each land use test to the degree necessary to meet the ascending standard. He requested that if the Council concurred with the petitioner's position, it adopt a motion agreeing that the application should be approved and refer it to staff for preparation of an ordinance. Mr. Derr then discussed the lengthy petition process and the fact that Washington County's Planning Commission and Board of Commissioners had both unanimously approved the application based on criteria parallel to Metro's.

Mr. Derr showed the Council aerial slides which showed the configuration and relationship of the land to other properties. He described current development projects adjacent to the land including a motel and office complex and the Smith Home Furnishings regional office. Mr. Derr pointed out the property in question would be very compatible with surrounding urban development. He explained that when the UGB was first drawn in 1978, it was planned to include the property within the boundary. That decision was made because the City logically anticipated new development in that part of town. Services, including water and roads, were installed with that fact in mind. He also explained the City had planned to build a water tower on the property because its elevation would provide adequate pressure to surrounding areas. However, he said, at the last minute the property owner had objected to that action and the property was not included. Mr. Derr reported the current property owner, Mr. May, wished to include the property within the UGB. Mr. Derr showed a slide illustrating the current transportation network. He said if the property were annexed, arterial improvements could be completed to Elligson Road along with other road improvements.

Pete Wall, City Manager, City of Wilsonville, introduced other City staff including Greg Meyer, Mayor; Michael Kohoff, Attorney; Larry Blanchard, Public Works Director; and Michael Kronenberg, Planning Director. Mr. Wall discussed the water project and its importance

to show 1) there was a reason why that information could not be presented at the time of the original hearing; and 2) the new information would have a material effect on the earlier findings.

Mr. Derr first addressed an issue unrelated to the petitioner's request to hear new evidence. He explained the petitioner had requested a verbatim transcript of the hearings on the case. He pointed out the hearing was lengthy and took place in two segments. He said the applicant felt the need for a written transcript in order to point out particular evidence to the Council with greater impact and emphasis. He also noted the complexity of ideas discussed during the hearing could not be adequately summarized in the Hearings Officer's Report for the Council's consideration. He said the applicant thought it unfair to pay for total transcription costs and that it was rightly an official function of Metro. Further, the applicant did not want to do anything to further delay the process. He asked the Council consider moving to approve a transcription.

The Presiding Officer asked for a motion to instruct staff to provide a transcription of the hearings. No motion was received.

Mr. Derr then introduced the new evidence to the Council. The petitioner, he said, was proposing 45 acres of the property be used as an outdoors performing arts center. He asserted this new use was not known to the property owner at the time of the hearing. He described plans for the facility and said the parties wishing to develop the center had completed similar, very successful projects in other cities and these projects had been deemed important assets to the entire region where they were located. Mr. Derr reported the Wilsonville City Council, on a preliminary basis, concluded that the City would potentially like to see the property used as an outdoor performing arts center. He also said the City Council concurred the center would probably not be built anywhere else in the region if it were not built on the property in question. An exhaustive study had concluded no other property existed within the UGB at this time that could accommodate such a facility, he said. He explained that because of these new facts, the City Council recommended the new evidence be presented to the Metro Council. Mr. Derr then described the unique requirements of the outdoor theater and described how the property was ideally located and configured to accommodate the facility. He concluded by saying the proposed facility would have significant economic and social value for the region. He said people were present at the meeting who could present more detailed information on the theater, if the Council desired.

Councilor Frewing asked if the petitioners would present evidence that the facility would not be built if the petition were not

was planned to be located. He recalled one was discussed for east up Elligson Road. Finally, he said development was stopped because sufficient water pressure did not exist to serve the area. He noted his comments were his recollections.

Ms. Baxendale, Metro General Counsel, said she was concerned the Presiding Officer was adding his testimony to the record.

Councilor Frewing said he was concerned about a situation where a developer could make assumptions about what might happen in the future and later would make requests based on those earlier assumptions. The Councilor asked if the water tank were sized to be located on the property to the east. Mr. Derr replied the sizing of the water tank had to take into consideration a larger parcel of land. That was one reason for the petitioner's request to annex the land, he said. Mr. Wall added the water system was designed to serve the entire city.

Councilor Kelley asked for clarification on the legal process had the City not decided to request a change in the UGB. Mr. Blanchard, Public Works Director, responded again stated the site had always been intended for use as a reservoir. He said the City would have to go through an extra territorial permit process. Because the area was outside the UGB, the City would request approval for the project from the Washington County Planning Commission. Finally, he said it could be possible that some property would have to be condemned if any property owners objected to water lines on their property. He emphasized the amount of time these various processes would require.

Councilor Kafoury asked Mr. Derr what action the City would have taken in the current property owner had objected to including the property in the UGB. Mr. Derr said the need would still exist except the property owner would be before Metro opposing annexation. In addition, he said, the need for the reservoir now existed which made the City's case more pressing.

Responding to Councilor Gardner's question, Mr. Derr concurred that the development to the west of the property existed before the UGB was established and was included in the UGB in November of 1978.

The Presiding Officer asked for a motion to approve the petitioner's request. No motion was made.

Petitioner's Request for the Council to Receive New Evidence

Ms. Hinckley reviewed procedures for hearing new evidence. She said in order to make a request to hear new evidence the petitioner had

suitability of the proposed and existing UGB was based on consideration of all the applicable factors in subsection a, so that evidence on this factor would not change the conclusion on the other factors.

Ms. Baxendale said it was her opinion it was a policy choice, not a legal issue, whether the evidence had to be strong on all applicable standards or whether evidence on one standard could be enough in the aggregate to make an adequate case. The documents on the history of the standard did not discuss this issue. The Council could make that interpretation either way and have that decision sustained in court, she said.

Mr. Jordan said he agreed the Council had the discretion and latitude to interpret the standards in the manner described by Ms. Baxendale.

Councilor Frewing said the question of land use, as presented by the city of Wilsonville and the proposed amphitheater, should not be a question considered by the Council. The Empire State Building could be proposed; should that influence the UGB. Land use, he thought, was a concern of the City and the Council should only consider changes to the UGB. He asked staff whether there was a legal standard which would allow specific land use to be considered as distinct from the general effect of moving the UGB.

Ms. Hinckley concurred that particularly in cases of locational adjustments, Metro has no authority over land use and tended to examine cases from the standpoint of whether the land was suitable for urban use of any sort. She said, however, land use issues sometimes became involved in cases, especially for those of major adjustments to the UGB. It is virgin territory, however, for locational adjustments. She concluded it would be difficult to make distinctions in some cases, and said if the case were remanded, she would give the Council more instruction on the matter.

Councilor Kafoury said that land use should not be relevant when considering minor locational adjustments. The questions of need and use were not applicable to the standards considered. When considering major amendments, however, the question of need had to be considered so the proposed use is appropriate.

Mr. Derr pointed out the fifth criteria for a minor locational change read: "The compatibility of proposed urban uses with nearby agricultural activities...." He pointed out that language was a clear indication the criteria must take into account land use. He also noted the Hearings Officer's recommendation regarding economic and social consequences was made on the basis of the proposed uses

approved and would be built if it were approved. Mr. Derr answered answered in the affirmative.

Staff Comments and Council Questions on Petitioner's Request for a Verbatim Transcript

Ms. Baxendale first reviewed procedures in Metro's Code regarding transcripts. She read: "A verbatim or oral mechanical record shall be made of all the proceedings. Such verbatim record need not be transcribed unless necessary for Council or judicial review."

Ms. Baxendale said it was clear when one would be required for judicial review but the Council had to resolve whether they would require a transcript. Staff's opinion, she explained, would require the Council have access to a transcript if there were a contest about the proceedings or when the factual issues were so complex they could not be presented in a summary form. Ms. Baxendale said Ms. Hinckley had attended the hearing, and she could offer her opinion on whether the Council would benefit by having access to a verbatim transcript.

Ms. Hinckley stated the Hearings Officer's summary contained all the issues raised at the hearing, and unless the Council felt there was a question of fact to be resolved she did not think a verbatim transcript was necessary.

The Presiding Officer asked for a motion to order a verbatim transcript be prepared. No motion was received.

Council Discussion on Petitioner's Request to Hear New Evidence

Councilor Oleson asked the Hearings Officer whether the new evidence presented would give him any reason to change his recommendation or to order new hearings.

Mr. Jordan said he would not offer an opinion on whether the new evidence would cause a change in the result of the case. He did not think it fair to offer judgment without hearing the new evidence. He did advise that the evidence was submitted on one of the five standards: the land use standard of economic and social consequences. Assuming the evidence was compelling on that standard, Mr. Jordan said the question must be raised about whether the evidence would impact the findings on the other four standards. This, he said, created a legal issue which he described as follows: when applying the ascending burden of proof, if one standard was so weighty, would it cancel out the necessity for the other standards to be weighty in accordance with the ascending burden of proof. Mr. Jordan said the Council might want to examine that issue. In summary, he said the standard read that the difference between the

center. Mr. Derr noted he and the developer did not think the fire station and truck stop would pose a problem for development of the amphitheater.

Councilor Kirkpatrick said she was concerned about considering land use issues because that was never Metro's role. She said the Council's role was to determine whether the 46 acres should be considered for a locational adjustment. Ten acres, she noted, had been established as a guideline. The Councilor said she was prepared to support the motion.

Vote: A vote on the motion to deny new evidence resulted in:

Ayes: Councilors Frewing, Gardner, Kirkpatrick, Kafoury, Kelley and Van Bergen

Nays: Councilors Cooper, Hansen, Myers, Oleson and Waker

Absent: Councilor DeJardin

The motion passed and the Council denied to accept new evidence from the petitioner.

Council Consideration of Adoption of Order No. 86-9

Ms. Hinckley circulated an errata sheet related to the Hearings Officer's Report. She said she the petitioners would also present evidence on whether the term "burden of proof" was properly applied and whether certain standards were properly described as being applicable rather than being met. Ms. Hinckley noted she did not think the petitioner's position would change the Council's outcome although petitioner should be given that opportunity.

The Presiding Officer offered the petitioner an opportunity to address the Council on the issued noted by Ms. Hinckley. Mr. Derr declined to address the Council, saying the Council had received the petitioner's exception statement.

Ms. Hinckley noted a typographical error on the third line from the bottom of the Order. The Order number should be changed to No. 85-1, she said.

Councilor Gardner noted another error on page 8, line 13, of the Hearings Officer's Report: The word "incompatibility" should be changed to "compatibility." Mr. Jordan agreed the word should be changed to read "compatibility."

at the time of the hearing. Those uses, he said, had now changed and were no longer neutral but positive.

Councilor Hansen asked if the applicant would be bound to carry out its stated development plans if the UGB amendment were approved. Ms. Baxendale said there was no clear rule stating conditions must be met, but the Council could make such a rule. She explained such a procedure was not impossible, but it had been perceived in the past as being difficult to mandate.

Referring to the language in staff's report, Councilor Myers asked what evidence would exist, short of remanding the matter back to the Hearings Officer, that the amphitheater would be built. Ms. Hinckley said, in her view, the Council might consider testimony from the promotor on proposed plans, or some legal commitment such as a contract contingent upon approval of the UGB amendment, options on the property, etc.

Mr. Derr said the City was prepared to present proof that binding agreements were in place to cause the development to occur if approved by the City. He also said the City could agree to be bound by the condition of building the facility of the UGB were amended.

Motion: Councilor Kafoury moved to deny the petitioner's request to accept new evidence. Councilor Frewing seconded the motion.

Councilor Oleson asked if it were possible to write findings for approval to clearly show the unique nature of the case.

Ms. Hinckley said, assuming all questions about the relevance of the performing arts center were answered in the affirmative, findings could be written to show it was a very unusual circumstance, she said.

Councilor Oleson said although he was concerned about the integrity of the boundary, he was not prepared to vote for the motion on the table.

In response to Councilor Myers' question, Mr. Derr said a contractual arrangement existed between the developer and property owner which would indicate the project would be completed if all necessary governmental approvals were received. He added the project would not be completed if it could not be developed on the property in question.

Councilor Frewing was concerned the proposed amphitheater would be built next to a fire station and truck stop. Mr. Derr also pointed out other land uses were nearby including a hotel and office

intent to develop the property based on Metro's previously adopted UGB. Mr. Ramis thanked both Metro and Washington County staff for their work in reaching a settlement and for preparing an excellent findings document. Mr. Ramis said his clients urged adoption of the Ordinance. He reviewed the utility planning efforts that had been made based on the assumption the land would continue to be within the UGB. Those efforts, he explained, would be wasted if the Council did not adopt the Ordinance.

Richard Leonard, 9999 S.W. Wilshire Street, Portland, an architect and planner representing property owners of the central Bethany area, urged the Council to adopt the Ordinance. He said the findings were one of the most complete set of facts and analysis to support a land use decision he had seen and he commended staff for an excellent job. He hoped the issue would be resolved because it had been debated far too long.

Dan Adair, 13960 N.W. Lakeview Drive, Portland, Chairman of the Bethany Landowners Association which represented the larger land owners in the area. He noted many land owners were present at the meeting and they wholeheartedly endorsed adoption of Ordinance No. 86-202. He thanked Metro and Washington County staff for their work and for preparing an excellent set of findings.

Ralph Hillier, Interland Investment Corporation, explained his corporation owned about 16 percent of the area in the Continuance Order. That property, he explained, was acquired in 1979 when it was assumed the land was within the UGB. He commended Eleanore Baxendale, Metro's Counsel, and Ms. Hinckley, for their work and appreciated that the findings of fact justified the reinclusion of the territory within the UGB. He noted he had submitted a letter dated May 12 1986, to be included in the official record and that the letter supported the findings of fact as submitted.

Maurine Warneking, 12835 N.W. Laidlaw Road, Portland, testified she was a Bethany area resident, the Chairman of CPO 7, and a member of the steering committee for the Bethany area planning process. She said the findings of fact were excellent and strongly supported adoption of the Ordinance. The Bethany area plan would mean nothing without the land being included in the UGB, she said.

Floyd Redding, Bruce Redding, Earl Stroller, John Mitchell, Stanley Richards and James White all agreed with the findings of fact and urged adoption of the Ordinance.

Bob Stacey, 534 S.W. Third Avenue, Suite 300, Portland, staff attorney for 1000 Friends of Oregon, noted that since his organization first starting working to reduce the amount of non-urban land in the

Motion: Councilor Kafoury moved to adopt Order No. 86-9 to include changes to page 9, line 12, of the Hearings Officer's Report noted in the errata sheet dated May 15, 1986, and to change the word "incompatibility" to read "compatibility" on page 8, line 13, of the Hearings Officer's Report. Councilor Van Bergen seconded the motion.

Presiding Officer Waker said he would not support the motion because he believed looping of the streets was an important issue.

Councilor Van Bergen explained he had come to understand the importance of the UGB and would support the motion because no burden of proof had been demonstrated by the petitioner.

Councilor Oleson said he shared the same concerns as Councilor Van Bergen but he wished to consider the additional evidence and, therefore, would not support the motion.

Vote: A vote on the motion to adopt the Order resulted in:

Ayes: Councilors Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick and Van Bergen

Nays: Councilors Cooper, Myers, Oleson and Waker

Absent: Councilor DeJardin

The motion carried and Order No. 86-9 was adopted.

9.2 Consideration of Ordinance No. 86-202, for the Purpose of Adopting Findings to Comply with LCDC 86-CONT-001 (Bethany Property) (Second Reading)

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

There were no questions from Councilors of Jill Hinckley, Land Use Coordinator, about the staff report.

Motion for Adoption: Councilor Kafoury moved to adopt the Ordinance and Councilor Kelley seconded the motion.

Presiding Officer Waker opened the public hearing.

Tim Ramis, 1727 N.W. Hoyt, Portland, represented several Bethany clients who were either long time property owners who had experienced the change of land from agricultural to residential and urban type development or property owners who purchased land with the

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Councilor Frewing asked if staff had prepared a notebook of materials presented on costs of various alternative technologies at the April 16 Council workshop. He recalled staff would compile the materials and make them available to Councilors who had not attended the workshop. Doug Drennen, Engineering and Analysis Manager, said he would provide those materials.

Presiding Officer Waker opened the public hearing on the Ordinance.

Teresa DeLorenzo, Chairman of the Solid Waste Policy Advisory Committee (SWPAC), distributed a memo from SWPAC and reported the Committee was impressed with the complexity of the project and Council and staff efforts to get complete information before making a choice. Ms. DeLorenzo said the Committee was very interested that the option selected be cost-effective and urged staff to maintain tight controls over premiums at the beginning of the negotiation process in order to keep costs down. She also reported SWPAC would prefer to see a smaller, more manageable project versus a larger project that could tax Metro's resources. Finally, she said SWPAC members considered not doing an alternative technology project could be an acceptable option for Metro.

The Presiding Officer read into the record a letter from Alyne Woolsey, 818 Fourth Street, Oregon City. Ms. Woolsey suggested the following language be incorporated into the Ordinance: "In recognition of the 1982 vote regarding garbage burning plants in Clackamas County, no garbage burner shall be built in Clackamas County unless such a burner shall meet or exceed the standards desired by the voters and such a proposed burner on the site shall be approved by a vote of the people of Clackamas County."

There being no additional testimony, the Presiding Officer closed the public hearing.

Dennis Mulvihill, Waste Reduction Manager, reviewed proposed new amendments to the Ordinance. He also referred Councilors to letters from the Oregon Environmental Council and Multnomah County Commissioner Gordon Shadburne. Mr. Mulvihill noted the amendments had been prepared in response to Council and Department of Environmental Quality (DEQ) questions about the meaning of specific Ordinance language. He distributed documents listing the proposed amendments and indicating how the Ordinance would read if the proposed amendments were adopted.

Councilor Frewing pointed out Councilor Myers had noted staff had omitted any reference to public acceptability of the project as a criteria.

UGB, dramatic development had taken place in the Bethany area. Those developments, he said, would make it impractical to exclude the Bethany area from the UGB. He said the findings concluded that to exclude the area from the UGB would mean a failure to provide the amount of housing space projected to be needed for the area. Therefore, Mr. Stacey said 1000 Friends of Oregon were withdrawing their longstanding opposition to Metro's 1979 decision. He stressed local governments should work hard to ensure good land use practices and Metro was clearly responsible, when considering petitions to expand the UGB, for guaranteeing a clear need be established that could not be accommodated on land already within the Boundary. He regretted the delay cause property owners but was happy the issue had finally been resolved.

The Presiding Officer read into the record a letter from Robert O. Warner. Mr. Warner was a long time resident of the Bethany area and urged the Council not adopt the Ordinance in order to maintain the area for agricultural use. He discussed the fact that agricultural land was shrinking and could be non-existent in the future.

There being no further testimony, Presiding Officer Waker closed the public hearing.

In response to Councilor Frewing's question, Councilor Kafoury said her motion for adoption of the Ordinance had included the changes noted in Ms. Hinckley's memo dated May 8, 1986.

Councilor Kafoury remarked on the importance of this decision. Although she was not totally in agreement with the conclusions of the findings, she said it was good to finally have the Boundary resolved.

The Presiding Officer announced the second reading of the Ordinance was scheduled for May 29, 1986.

9.3 Consideration of Ordinance No. 86-201, for the Purpose of Amending Ordinance No. 86-199 by Adopting Criteria for Implementation of Alternative Technology projects (Continued Second Reading and Public Hearing)

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

Motion: A motion to adopt Ordinance No. 86-201 was made by Councilors Kelley and Kafoury at the meeting of April 22, 1986.

Debbie Allmeyer, Solid Waste Analyst, reported Councilors had been mailed staff's responses to questions raised about the Ordinance at the previous meeting.

experience that vendors would bid as high as possible. If lower limits were established, they would bid lower.

Councilor Frewing questioned whether reducing the premium percentage would place unwanted restrictions on evaluating proposals.

Councilor Oleson thought the 20 percent figure too low. He said he would support a percentage up to 30 percent in order to encourage as much vendor participation as possible.

Councilor Hansen said the Council needed to send a signal to vendors and the DEQ that Metro was serious about a project that would substantially reduce the volume of waste landfilled. A 15 percent limitation would not accomplish that goal, he said.

Vote on the Second Motion to Amend: The vote resulted in:

Ayes: Kirkpatrick and Waker

Nays: Councilors Cooper, Frewing, Gardner, Hansen, Myers, Oleson and Van Bergen

Absent: Councilors DeJardin, Kafoury and Kelley

The motion failed.

Third Motion to Amend: Councilor Hansen moved the Ordinance be amended to raise the premium referenced to 30 percent. Councilor Oleson seconded the motion.

Vote on Third Motion to Amend: A vote resulted in:

Ayes: Councilors Hansen and Oleson

Nays: Councilors Cooper, Frewing, Gardner, Kirkpatrick, Myers, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion failed.

Fourth Motion to Amend: Councilor Kirkpatrick moved the Ordinance be amended by incorporating the proposed amendments embodied in the version of the Ordinance marked "C."

Vote on Fourth Motion to Amend: The vote resulted in:

First Motion to Amend: Councilor Frewing moved the Ordinance be amended to read: "Metro will process with that project which best meets the following criteria... (i) Project(s) technology, cost and location gain regional public acceptability." Later reference in the Ordinance to criteria (a) through (h) would also be amended to include the new criteria (i). Councilor Myers seconded the motion.

Councilor Frewing said this new language would not mean the project needed to gain absolute regional acceptability.

Vote on First Motion to Amend: A vote resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion carried and the Ordinance was amended.

Second Motion to Amend: Councilor Kirkpatrick moved the Ordinance be amended to lower the referenced premium to 15 percent. Presiding Officer Waker seconded the motion for purposes of discussion.

Councilor Kirkpatrick said the motion would respond to concerns raised by SWPAC and the Environmental Council to keep costs at a minimum.

Councilor Waker said he supported the motion because he did not think the gains to be made by alternative technology were worth the larger premium initially proposed.

Councilor Gardner said even though the existing language would allow the Council to accept proposals up to 20 percent, he hoped premiums submitted by vendors would be lower. He said he would not support the amendment because he wanted to keep the process flexible.

Councilor Cooper agreed with Presiding Officer Waker's view that reducing a small quantity of waste landfilled at a much higher price was not a sensible solution to the problem, especially since landfills would still exist. He thought discussion of percentages at this point in the process was moot. The important thing, he said, was to maintain the option of looking at the "right" proposal.

Councilor Kirkpatrick supported Councilor Cooper's statement saying that was why a 15 percent limit was necessary. She said it was her

Responding to Councilor Frewing's question, Mr. Drennen said the annual contract fee for the CTCRC operation contract was about \$1.3 million. A premium would be paid to bid the CTCRC and west transfer station projects simultaneously, he explained, and the advantages to bidding the two projects simultaneously would include economy of scale, overhead flexibility and costs savings due to ability to use equipment interchangeably. He said the Council, however, would decide whether to bid the two projects separately or together.

A discussion followed regarding whether a rebid would result in lower bids, due to past experience in bidding the St. Johns operation contract.

Vote: A vote on the motion resulted in:

Ayes: Councilors Frewing, Kirkpatrick, Van Bergen and Waker

Nays: Councilors Cooper, Gardner, Hansen, Myers and Oleson

Absent: Councilors DeJardin, Kafoury and Kelley

The Presiding Officer explained that because the motion had failed, staff would commence work on extending the existing contract.

10.2 Presentation of a Rate Incentive Approach for the Solid Waste Reduction Program

Rich McConaghy, Solid Waste Analyst, presented a brief summary of the information contained in the staff report.

Motion: Councilor Kirkpatrick moved to endorse the general approach for soliciting public comment as outlined in the staff report. Councilor Myers seconded the motion.

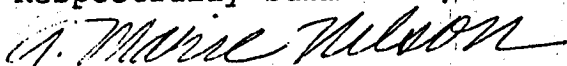
Vote: A vote on the motion resulted in:

Ayes: Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion carried. There being no further business, the meeting was adjourned at 11:20 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

Ayes: Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion passed.

Vote on the Main Motion: The vote on the main motion, as amended, resulted in:

Ayes: Cooper, Frewing, Gardner, Hansen, Kirkpatrick, Myers, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kafoury and Kelley

The motion carried and Ordinance No. 86-201 was adopted as amended.

10. OTHER BUSINESS

10.1 Consideration of Extending the Operations for the Clackamas Transfer & Recycling Center (CTRC), Dated August 1982, with Genstar Transfer, Inc. for a Period of One Year

Mr. Drennen said the item was being reported to the Council for informational purposes and no formal action was required at this meeting. If there were no objections, staff would proceed to negotiate with Genstar Transfer, Inc., the current operator of the transfer station, for a contract extension of one year.

Presiding Officer Waker asked what factors would be considered if staff negotiated for a contract extension. Mr. Drennen said outstanding issues included the ability to divert waste to other sites and a Change Order for improvements to the "clam shell." The contractual fee would not increase, he said.

Motion: Councilor Van Bergen moved the CTRC operations contract be rebid in the proper manner and at the appropriate time. Councilor Frewing seconded the motion.

Councilor Van Bergen explained when the St. Johns operation contract was rebid, the lowest qualified bid was substantially under the amount estimated by staff. He said that experience demonstrated many qualified contractors were willing to do the job at competitive rates. He also thought it likely that litigation problems with the west transfer station project would make it prudent to adjust the bid schedule to CTRC rather than to the west transfer station.

STAFF REPORT

Agenda Item No. 7.1

Meeting Date July 10, 1986

CONSIDERATION OF ORDINANCE NO. 86-203 AMENDING
METRO'S CODE SECTION 2.05 REGARDING DEADLINES AND
NEW EVIDENCE AND EXCEPTIONS TO REVISED ORDERS
(SECOND READING)

Date: June 27, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Continuing experience with the Contested Case procedures established by Chapter 2.05 of the Code of the Metropolitan Service District (Metro) has identified certain problems requiring correction. One of these is the absence of provision allowing the Executive Officer to set a deadline for the filing of exceptions and requests to submit new evidence. This can create scheduling problems or interfere with an orderly, deliberate decision-making process. Ordinance No. 86-203 would remedy this problem. It also provides parties with an opportunity to present oral argument on revisions to a proposed order.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance
No. 86-203

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5673C/462-3
06/27/86

offered at the hearing provided for in Code Section 2.05.025. A written request to submit additional evidence must explain why the information was not provided at the hearing, and must demonstrate that such evidence meets the standards of Section 2.05.030 and 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 for the limited purpose of receiving the new evidence and oral argument and rebuttal argument by the parties on the new evidence; or

(3) If the nature of the new evidence to be submitted is such that remand would serve no useful purpose, proceed to hear and consider the evidence and argument and rebuttal from the parties on the evidence.

Requests to submit new evidence must be filed by the deadline for filing written exceptions established pursuant to Section 2.05.035(b), unless circumstances regarding the evidence preclude doing so.

Section 3

Paragraph 2.05.045 (b) shall be amended to read:

(b) Upon receipt of a proposed order and consideration of exceptions, the Council shall adopt the proposed order or revise or replace the findings or conclusions in a proposed order or remand the matter to the Hearings Officer. No written exceptions [will] need be received [or heard] on a revised or replaced order except on new evidence presented to the hearings officer on remand. Parties shall be given an opportunity to comment orally to the Council on a revised order.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

ATTEST:

Clerk of the Council

JH/sm/5673C/462-2
06/16/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING CODE	)	ORDINANCE NO. 86-203
SECTION 2.05 REGARDING DEADLINES)	
FOR SUBMITTING EXCEPTIONS AND)	
NEW EVIDENCE AND EXCEPTIONS TO)	
REVISED ORDERS)	

The Council of the Metropolitan Service District Hereby Ordains:

Section I.

Paragraph 2.05.035(b) of the Code of Metropolitan Service District shall be amended as follows:

(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.]

Within seven (7) days of the release of the proposed order, the Executive Officer shall mail notice to all parties of the date by which written exceptions to the proposed order must be filed. This shall be not less than fourteen (14) nor more than twenty-one (21) days from the date notice of this deadline is mailed, unless otherwise agreed to by all parties. The proposed order and any exceptions received to it shall be forwarded to the Council of the Metropolitan Service District for consideration at its next scheduled meeting at least two (2) weeks after the deadline for filing exceptions.

The Council may, by majority vote, decide to consider objections received following the deadline established, but must allow at least two weeks between the date the exception is filed and the date the Council reviews it. Only parties may file exceptions and exceptions may address only issues raised in the hearing. Upon approval of the Council, parties who have filed written exceptions may present oral argument in support of the exceptions, and other parties shall be given the opportunity to orally rebut exceptions made. Oral argument shall be limited to the specific objections raised in the written exceptions.

Section 2.

Paragraph 2.05.035(c) shall be amended as follows:

(c) A party may, in addition to filing written exceptions, file a written request to submit evidence that was not available or

STAFF REPORT

Agenda Item No. 7.2

Meeting Date July 10, 1986

CONSIDERATION OF ORDINANCE NO. 86-204, AMENDING
ORDINANCE NO. 85-189 (TEMPORARY PROCEDURES FOR
HEARING PETITIONS FOR MAJOR AMENDMENT OF THE
URBAN GROWTH BOUNDARY) (Second reading)

Date: June 27, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Last summer the Council of the Metropolitan Service District (Metro) adopted Ordinance No. 85-189, Establishing Temporary Procedures for Hearing Petitions for Major Amendment of the Urban Growth Boundary (UGB). This ordinance was adopted in preparation for the three pending major amendment petitions heard this past year. At that time, the Council asked staff to return with an amendment regarding future filing deadlines. Ordinance No. 86-204 establishes bi-annual deadlines, and makes a few other small changes.

At the first reading of Ordinance No. 86-204, Councillor Kelly asked staff to return with an amendment to Section (2) that would set an appropriate standard for Council action waiving a filing deadline. Staff suggests that this concern be addressed by adding the phrase "if warranted by unusual circumstances" at the end of the last full sentence on the first page of the Ordinance (after "time"). If the Council wants to adopt this language, it must amend the Ordinance to do so.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 86-204.

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06/30/86

waive any other requirement of this Ordinance.

- (c) In additon, upon request by a Councilor or the Executive Officer, the Council may at any time by majority vote, initiate consideration of a major amendment without petition or filing fee. Such consideration shall be in accordance with all other requirements of this Ordinance.
- (d) All hearings on petitions received in one half of the year should be closed and completed no later than thirty (30) days before the deadline for filing petitions for hearing in the next half of the year. If a petitioner requests an opportunity to submit new evidence at a continued, re-opened, or de novo hearing that would occur less than thirty (30) days before the deadline for filing petitions for hearing in the next half of the year, such a request shall be reviewed for possible consolidation with petitions submitted by the deadline for hearings in the next half of the year, consistent with the provisions of Section 5 of this Ordinance.

Section 3. Section 5 of Ordinance No. 85-189 shall be amended to read as follows:

Section 5: The Executive Officer shall select from the list of names approved by the Council one Hearings Officer to hear all petitions for major amendment of the UGB received by [October 6, 1985] the application deadline. Following consultation with District staff and prospective petitioners, this Hearings Officer shall issue rules for the consolidation of related cases and allocation of charges. These rules shall be designed to avoid duplicative or inconsistent findings, promote an informed decision-making process, protect the due process rights of

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE	)	ORDINANCE NO. 86-204
NO. 85-189 (TEMPORARY PROCEDURES)	
FOR HEARING PETITIONS FOR MAJOR)	
AMENDMENT OF THE URBAN GROWTH)	
BOUNDARY (UGB))	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Section 1 of Ordinance No. 85-189 shall be amended to read as follows:

Section 1. The purpose of this ordinance is to establish procedures for hearing petitions for major amendments of the Urban Growth Boundary (UGB) [received by January 1, 1986]. A petition for major amendment of the UGB is any petition to amend the UGB which does not qualify as a petition for locational adjustment as defined by Metro Code Section 3.01.010(h).

Section 2. Section 4 of Ordinance No. 85-189 shall be amended to read as follows:

Section 4: [Petitions received before October 7, 1985, shall not be scheduled for hearing until after October 7, 1985. Petitions received after October 7, 1985, shall not be heard until after those presented before October 7, 1985, have been decided.]

- (a) Petitions shall be heard twice yearly. The deadlines for submittal shall be April 1 and October 1. Petitions not received by April 1 of each calendar year shall not be scheduled for hearing until after October 1 of that year. Petitions received after October 1 shall not be scheduled for hearing until after April 1 of the next calendar year.
- (b) Upon request by a Councilor or the Executive Officer, the Council may, by majority vote, waive the filing deadlines for a particular petition or petitions and hear such petitions or petitions at any time. Such waiver shall not

all parties, and allocate the charges on the basis of cost incurred by each party.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

ATTEST:

Clerk of the Council

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5772C/462-3
06/17/86

SUMMARY AND EXPLANATION OF ORDINANCE NO. 86-204

Section 1:

Housekeeping correction for consistency.

Section 2:

Establishes filing deadlines. When the Council adopted Ordinance No. 85-189, it expressed its interest in: a) allowing facts or issues common to more than one petition to be reviewed in common; and b) keeping procedural delays to a minimum. The first objective requires filing deadlines; the second suggests that they occur as frequently as practicable without having decisions on one round of petitions overlap hearings on the next round. Four months is about the shortest amount of time in which a petition can be processed from submittal to Council action. Six months allows some latitude for unexpected delays. Twice yearly deadlines, August 15 and February 15, are recommended.

Section 3:

Housekeeping change for consistency. At some point in the not-too-distant future, this section will be amended to reference specific procedures established. However, staff thinks it desirable to allow at least one more Hearings Officer an opportunity to review, revise and implement the rules on consolidation established by this year's Hearings Officer before these procedures are finalized.

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STAFF REPORT

Agenda Item No. 7.3

Meeting Date July 10, 1986

CONSIDERATION OF ORDER NO. 86-10, IN THE
MATTER OF CONTESTED CASE NO. 84-3, A PETITION FOR
AN URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT BY
LARRY BURRIGHT, ET AL

Date: June 27, 1986

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

Larry Burrright, Happy Valley Homes, and others have submitted a petition for a locational adjustment of the Urban Growth Boundary (UGB) to include just under forty (40) acres of land generally south of Clatsop Street and east of 155th in Clackamas County (see map attached as Exhibit A). Clackamas County Board of Commissioners voted to take no position on this request. The addition is requested, in part, to allow an existing package sewerage treatment plant which now serves a mobile homes park on the property to be replaced by connection to a public sewer system.

On November 7, 1985, a hearing was held before Metro Hearings Officer E. Andrew Jordan. Testimony in favor was taken from petitioners' attorney and one of the petitioning property owners; testimony in opposition was taken from the city of Happy Valley and the Mt. Scott Water District. The Happy Valley Fire District submitted a written objection.

On January 13, 1986, the Hearings Officer issued his report (Exhibit B). He found that the petition did not meet the applicable standards. The petitioners submitted an exception by the deadline established by staff. This exception is attached as Exhibit C (printed on yellow).

The Council received the record for this case on January 23, 1986, but did not consider the matter on February 13, as originally scheduled, because of the delay in receiving the petitioners' exception. Council Secretary Toby Janus has an additional copy of the record, if needed.

The Hearings Officer will explain his recommendation to the Council and advise the Council at that time whether he finds anything in the petitioners' exceptions that requires a revision to his report. Because of the number of specific objections raised, however, staff believes a written point-by-point response from the Hearings Officer is desirable. If Council concurs, it should remand the matter to him for this purpose.

If, instead, the Council is satisfied with the Hearings Officer's oral response, it may adopt the proposed order at its April 22 meeting. The Council has a third option: to act to approve the petition. However, since the petitioners' exception does not include alternative findings and does not address all negative findings made by the Hearings Officer, any action to remand the matter to staff or the Hearings Officer to prepare findings for approval should include an identification of the facts and reasons on which such findings would be based.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends a remand to the Hearings Officer for a written response to the petitioners' exception.

JH/sm
5068C/445-4
06/27/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF CONTESTED CASE	)	CONTESTED CASE NO. 84-3
NO. 84-3, A PETITION FOR AN)	
URBAN GROWTH BOUNDARY LOCATIONAL	)	ORDER NO. 86-10
ADJUSTMENT BY LARRY BURRIGHT,)	
ET AL)	

WHEREAS, Larry Burright, Happy Valley Homes and others have submitted a request for a locational adjustment to the Urban Growth Boundary (UGB) in Clackamas County as shown in Exhibit A; and

WHEREAS, Such request was given a contested case hearing before a Metropolitan Service District Hearings Officer on November 7, 1985; and

WHEREAS, The Hearings Officer has submitted Findings of Fact, Conclusions and a Recommendation; and

WHEREAS, The Council of the Metropolitan Service District has reviewed and agrees with the Findings of Fact, Conclusions and Recommendation as submitted by the Hearings Officer; now, therefore,

IT IS HEREBY ORDERED:

1. That the Council accepts and adopts the Findings of Fact, Conclusions and Recommendation submitted by the Hearings Officer in Contested Case No. 84-3 and attached hereto as Exhibit B.
2. That the petition from Larry Burright, Happy Valley Homes and others in Contested Case No. 84-3 is hereby denied.

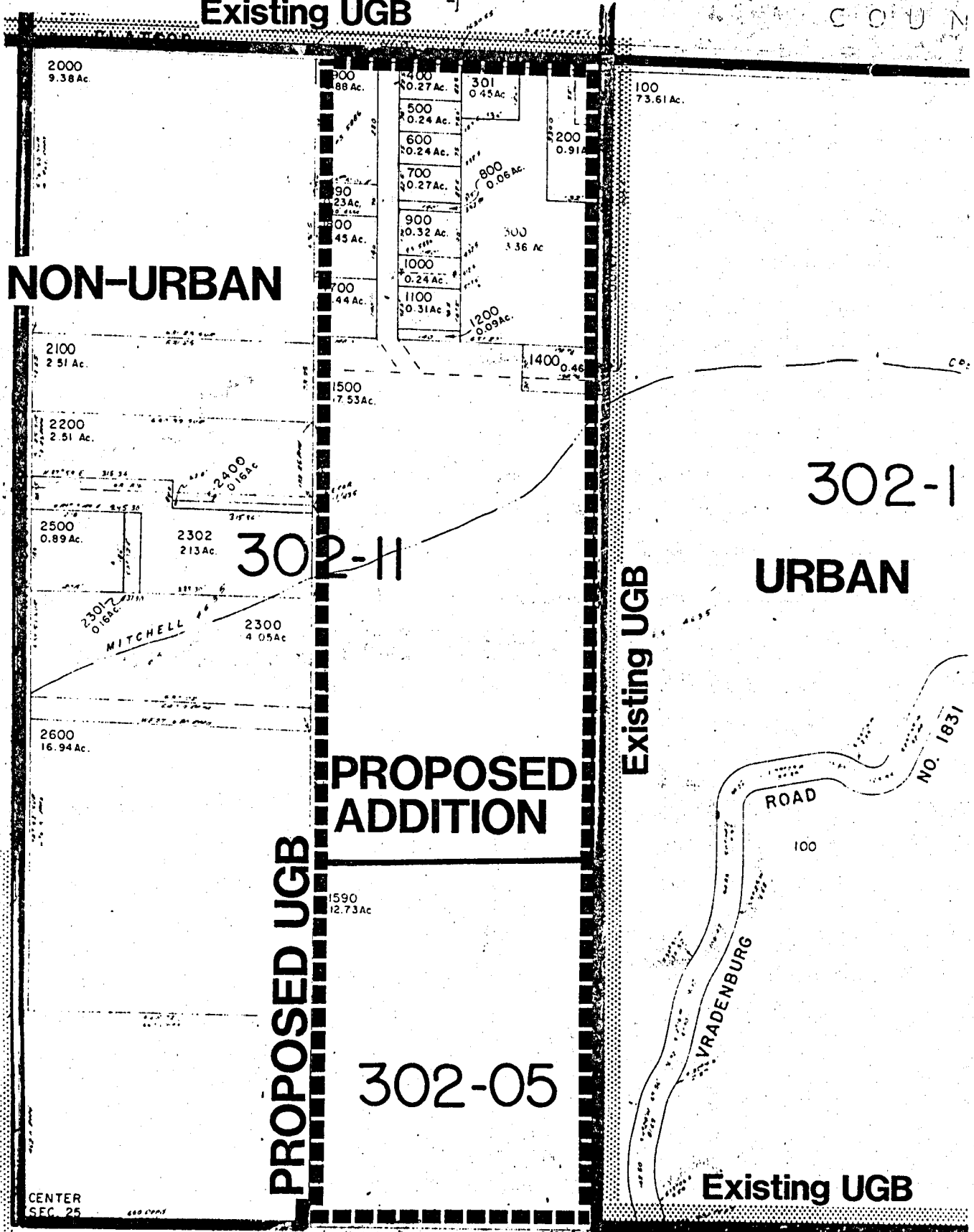
SO ORDERED this _____ day of _____, 1986.

Richard Waker, Presiding Officer

Exhibit A

Contested Case 84-3

Existing UGB



The map displays the Powell Butte area, with a thick black line indicating the proposed city boundary. The area within this boundary is labeled 'PROPOSED ADDITION'. The map shows various streets, including Powell Blvd, Foster Rd, Bichey Rd, and several smaller roads like 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32nd, 33rd, 34th, 35th, 36th, 37th, 38th, 39th, 40th, 41st, 42nd, 43rd, 44th, 45th, 46th, 47th, 48th, 49th, 50th, 51st, 52nd, 53rd, 54th, 55th, 56th, 57th, 58th, 59th, 60th, 61st, 62nd, 63rd, 64th, 65th, 66th, 67th, 68th, 69th, 70th, 71st, 72nd, 73rd, 74th, 75th, 76th, 77th, 78th, 79th, 80th, 81st, 82nd, 83rd, 84th, 85th, 86th, 87th, 88th, 89th, 90th, 91st, 92nd, 93rd, 94th, 95th, 96th, 97th, 98th, 99th, 100th. The map also shows the Clatsop River, Happy Valley, and Damascus. The text 'PROPOSED ADDITION' is prominently displayed in the center of the map.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the Matter of the Application)
for Locational Adjustment to the)
Urban Growth Boundary Submitted by) Case No. 84-3
Larry Burright et al.)
)
) HEARING OFFICER'S
) RECOMENDATION

INTRODUCTION

This recommendation is submitted to the Council of the Metropolitan Service District as a result of a petition for locational adjustment to the Urban Growth Boundary. A hearing was held upon the petition on November 7, 1985 at Metro Offices. The contents of the record are attached hereto.

The Hearings Officer finds that the petition fails to comply with Metro Code Chapter 3.01 and recommends denial of the petition by the Metro Council.

I. FINDINGS OF FACT

This is a request for a locational adjustment to the Urban Growth Boundary submitted to the Metropolitan Service District by Larry Burright and fifteen other property owners for an addition to the Urban Growth Boundary of approximately 39 acres of land located generally south of Clatsop Street and east of 155th in Clackamas County. The property is currently zoned for farm and forest use with ten acre minimum lot sizes, however none of the property is currently being farmed. The property supports a 53 unit mobile home park and 11 single-family residential units. The mobile home park is served by a package

1 sewage treatment facility and the remaining residential units
2 are served by septic tanks, with the exception of one
3 residential unit which has had to convert to a sand filter.
4 Though the evidence in this case is conflicting regarding the
5 number of septic tank failures on the property, it is apparent
6 that septic tank failure has occurred in the area. The property
7 is served by a six inch water line provided by the Mt. Scott
8 Water District, which District is an opposing party in this
9 case. The road system in the area is rural. The nearest sewer
10 trunk line is located at least one mile from the area (the City
11 of Portland indicates two miles).

12 The property abuts the Urban Growth Boundary and
13 Portland city limits on the east and north, and is generally
14 located in a larger area which is surrounded by the Urban Growth
15 Boundary on the east, north and west. The property is bisected
16 by Mitchell Creek, and all of the developed property lies north
17 of said creek. It is apparent from the site map that
18 approximately 17 acres of the site are vacant.

19 The property is within the Happy Valley Fire District
20 No. 65 and is provided additional fire service by Clackamas
21 County Fire District No. 10 and by the City of Portland on a
22 contract assistance basis.

23 There are currently no storm drainage facilities at the
24 property, and no evidence was submitted on the proximity of the
25 property to mass transit.

26 By admission of the applicants, the principle purpose

1 Boundary amendment through health hazard procedures.

2 Likewise, Clackamas County expresses no objection to
3 the application and indicates that a recommendation from the
4 Board of County Commissioners "may prejudice a possible future
5 decision necessary at the County level."

6 The evidence provided by the applicants in support of
7 the application is primarily, if not entirely, devoted to
8 reasons why the developed portion of the property should be
9 included in the Urban Growth Boundary, annexed, and served with
10 sewers; neither the application nor the evidence submitted at
11 the hearing provide any rationale for inclusion of the
12 undeveloped property south of Mitchell Creek.

13 There is no evidence with respect to similarly situated
14 contiguous property.

15 II. APPLICABLE CRITERIA

16 This application is for an addition of land to the
17 Urban Growth Boundary and therefore is governed by Metro Code
18 Section 3.01.040. The Council must find that the proposed Urban
19 Growth Boundary is superior to the Urban Growth Boundary as it
20 presently exists based upon consideration of the factors in
21 subsection (a) of the above section. Because of the large area
22 of the proposed addition, the differences between the
23 suitability of the proposed Urban Growth Boundary and the
24 suitability of the existing Urban Growth Boundary, based upon
25 the consideration of the factors in subsection (a), must be
26 greater than for a smaller piece of property.

1 for this application is to allow for annexation to the City of
2 Portland so that the property can be served with sanitary
3 sewers. The applicants represent that the property, upon
4 annexation, will be devoted to residential use. That
5 representation is not confirmed in the file by either Clackamas
6 County or the City of Portland, but the existing residential
7 density probably dictates that result.

8 The application is opposed by the City of Happy Valley,
9 Happy Valley Fire District No. 65 and the Mt. Scott Water
10 District. The City of Portland expressed no objection to the
11 application but indicated that the property would not be served
12 with City sewage facilities unless annexed to the City of
13 Portland and that the City's Urban Services Boundary would have
14 to be extended in order to allow such annexation. Such
15 extension requires a comprehensive plan amendment. The City
16 indicates that the necessary sewer extension would be in excess
17 of two miles and that the sewer project might require further
18 extension of the Urban Growth Boundary to the east of S.E. 162nd
19 Avenue depending on the route of the sewer. The City indicates
20 that the property owners would be responsible for financing the
21 cost of construction of the sewers. Finally, the City also
22 notes that sewer service through the Clackamas County Service
23 District No. 1, by means of a contract with the City of
24 Portland, is a possible alternative to annexation to the City.
25 The Metro staff report indicates, without rebuttal by the
26 applicant, that sewers might be available without Urban Growth

1 system. The applicants testified that such extension would
2 provide for the development of the adjoining land in the Urban
3 Growth Boundary, which development may be limited at this time
4 because of lack of sewers. The applicants' position in this
5 regard is supported primarily by the argument that the adjoining
6 urban land will be able to be developed because of the necessary
7 sewer extension, rather than being based upon any facts
8 indicating a substantial increase in facility efficiency in the
9 existing urban area.

10 Because the property in question is presently provided
11 with adequate water service, there is no apparent substantial
12 increase in efficiency of the water system as a result of the
13 proposed addition. There is no direct evidence provided by the
14 applicants pointing to substantially increased efficiency in
15 adjoining areas in the Urban Growth Boundary with respect to
16 storm drainage, transportation, fire protection or schools.

17 It is also required that the added area must be capable
18 of being served by public facilities and services in an orderly
19 and economic manner. The applicants propose that sewer service
20 be provided by the City of Portland by means of a local
21 improvement district. Though there is no evidence with respect
22 to the cost of the extension of the existing sewer line, it is
23 assumed that the construction cost of the extension and
24 installation will be substantial. If the property owners
25 between the existing main and the subject property declined to
26 participate in the local improvement district, the construction

1 In addition, Metro Code Section 3.01.040(d)(3) provides
2 that additions "...generally should not add more than 10 acres
3 of vacant land to the Urban Growth Boundary." "Vacant land" is
4 defined by Metro Code Section 3.01.010 (j) to provide that, on
5 lots in excess of one acre, vacant land equals the total area of
6 the lot less one acre for each dwelling.

7 Finally, Metro Code Section 3.01.040(d)(2) provides
8 that additions "...must include all similarly situated
9 contiguous land which could also be appropriately included
10 within the Urban Growth Boundary as an addition based on the
11 factors in subsection (a)."

12 1. Orderly and Economic Provision of Public Facilities and
13 Services.

14 Pursuant to Metro Code Section 3.01.040(a)(1), a
15 locational adjustment must result in a net improvement in the
16 efficiency of public facilities and services (water, sewer,
17 storm drainage, transportation, fire protection and schools) in
18 the adjoining areas within the Urban Growth Boundary, and areas
19 to be added to the Urban Growth Boundary must be capable of being
20 served in an orderly and economical fashion. This standard
21 involves a two part test requiring analysis of the impact of the
22 addition on both the property itself and the adjacent property
23 inside the Urban Growth Boundary.

24 With respect to sewers, the evidence indicates that
25 addition of the property to the Urban Growth Boundary would
26 necessitate a one to two mile extension of an existing sewer

1 would create pressure for development of the existing urban area
2 which would substantially impact the existing road system. No
3 evidence exists with respect to any plans for upgrading that
4 system.

5 With respect to the proposed sewer line, there is some
6 speculation in the record regarding the location of such a line,
7 but the record indicates only potential locations. No such
8 sewer line is actually planned by the City of Portland or any
9 other local jurisdiction. In fact, the evidence from the City
10 of Portland clearly indicates that the route of the sewer line
11 is undefined.

12 Finally, with respect to water service and fire
13 protection, both the Happy Valley Fire District and the Mt.
14 Scott Water District have actively opposed the addition
15 principally for the reason that the property would be taken from
16 those districts and transferred to the City of Portland,
17 resulting in a loss of property values from the respective
18 districts. The evidence shows that the loss to the Happy Valley
19 Fire District would be less than one percent of the land and the
20 loss to the Mt. Scott Water District would be nine active and
21 four inactive services. Though the evidence is not sufficient
22 to determine that either district will sustain a significant
23 adverse impact, neither is the record sufficient to determine
24 that there will be a net improvement in efficiency in service as
25 a result of the addition. At best, the record supports a
26 conclusion that the net effect in terms of service efficiencies

1 cost to the applicants will be great; perhaps prohibitive. In
2 addition, the property between the subject area and the existing
3 sewer line is sparsely developed which raises the question of
4 whether sewer service should leap-frog that sparsely developed
5 area in order to serve the subject property or whether sewer
6 service should be extended to the edge of the Urban Growth
7 Boundary only in conjunction with development of that existing
8 urban area. It is the applicants' position that inclusion of
9 the subject property within the Urban Growth Boundary, and
10 extension of sewers to that area, would encourage development in
11 the existing urban area thus making extension of the sewer line
12 both orderly and logical. There is no evidence, however, of any
13 inclination on the part of the owners of the existing urban
14 property, or the City for that matter, to encourage substantial
15 development in the urban area.

16 It is evident that the area to be added would be
17 capable of being served in an orderly and economic manner with
18 respect to water and fire protection, because the service exists
19 now and would continue to be available. There is no evidence in
20 the record with respect to the impact of the addition upon
21 schools.

22 With respect to transportation, the applicants contend
23 that the existing road system in the area functions at
24 substantially less than capacity and that the addition will
25 therefore have little impact. It is evident, however, that
26 extension of the proposed sewer line to the property to be added

1 encourage the maximum efficiency of land uses both within the
2 subject area and the adjacent urban areas.

3 It is not clear, however, that sewers would be actually
4 be extended in the near future or how they would be extended.
5 Though the amendment might provide some additional incentive for
6 sewer extension into the undeveloped urban area, the actual
7 likelihood of extension in the near future is questionable.
8 Therefore, it is difficult to conclude that this amendment would
9 result in facilitation of presently needed development in
10 existing urban areas.

11 3. Environmental Energy Economic and Social Consequences.

12 No impact on regional transportation corridor
13 development has been identified nor any limitations imposed by
14 hazard or resource land. Certainly sewers would solve the
15 existing septic tank problems resulting in a net increase in
16 environmental conditions.

17 4. Retention of Agricultural Land.

18 The property proposed for addition to the Urban Growth
19 Boundary is not planned or zoned for exclusive farm use, and
20 local plans and zoning have been acknowledged. There are no
21 Class I through IV soils that are not irrecoverably committed to
22 non-farm use and Metro Code Section 3.01.040(a)(4) is
23 inapplicable.

24 5. Compatibility of Proposed Urban Uses with Nearby
25 Agricultural Activities.

26 According to the zoning map of Clackamas County

1 is insignificant either way.

2 2. Maximum Efficiency of Land Uses.

3 Pursuant to Metro Code Section 3.01.040(a)(2), the
4 Council must determine whether the addition of the property
5 would result in increased efficiency of the use of the land to
6 be added, given the existing densities, and must determine
7 whether the addition would facilitate needed development on
8 adjacent existing urban land.

9 The existing density on the property is approximately
10 1.6 units per acre, and the testimony was that the area proposed
11 for addition is much more densely developed than any of the
12 adjacent urban areas. There are 65 dwelling units, 53 of which
13 are mobile homes. Most of the existing development on the
14 proposed addition is north of Mitchell Creek.

15 It is evident from the record that addition of the
16 subject property to the Urban Growth Boundary, together with the
17 extension of public sewers to that area, would provide
18 additional development capacity and incentive in the largely
19 undeveloped urban areas inside the Urban Growth Boundary
20 adjacent to the subject property. Sewers will be necessary for
21 such urban development over the long term, and such development
22 could be more rapid if sewers were extended to the subject
23 property now. Given the fact that the subject property is
24 already partially developed, and cannot be developed further
25 without sewers, it would appear that addition to the Urban
26 Growth Boundary, together with the extension of sewers, would

1 such vacant land. Therefore the application does not comply
2 with Metro Code Section 3.01.040(d)(3).

3 D. The record includes no showing that there are not
4 similarly situated contiguous properties which should
5 appropriately included in the application. Therefore the
6 application is inconsistent with Metro Code Section
7 3.01.040(d)(2).

8 RECOMMENDATION

9 Based upon the above findings of fact and conclusions,
10 the Hearings Officer recommends denial of the petition for Urban
11 Growth Boundary locational adjustment.

12 DATED January 13, 1986.

13 
14 E. ANDREW JORDAN
15 Hearings Officer
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1 submitted by the applicants, and pursuant to the Hearing
2 Officer's on-site inspection of the surrounding property, there
3 is little, if any, agricultural activity in proximity to the
4 subject property. Rather, the surrounding area is primarily
5 rural rather than agricultural. Therefore, Metro Code Section
6 3.01.040(a)(5) is inapplicable.

7 CONCLUSIONS

8 Based upon the above, the Hearings Officer concludes
9 that the amendment proposal complies with MC 3.01.040(a)(3), (4)
10 and (5), but should be denied for the following reasons:

11 A. The amendment does not comply with Metro Code
12 Section 3.01.040(a)(1) because there is little or no evidence
13 showing a net increase in service efficiency with respect to
14 water, storm drainage, transportation, fire protection or
15 schools, and no evidence of the actual likelihood of provision
16 of sewers. In addition, extension of sewers to this area,
17 leapfrogging substantial undeveloped urban land, is not an
18 orderly extension of service.

19 B. The amendment does not comply with Metro Code
20 Section 3.01.040(a)(2) because there is no clear indication that
21 the amendment will actually result in sewer extension or that
22 development in adjacent areas is needed. Though sewer extension
23 might induce development inside the Urban Growth Boundary, the
24 evidence does not rise to the level required by the Code.

25 C. The amendment includes more than 10 acres of vacant
26 land, and the record includes no justification for inclusion of

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the Matter of the Application)	
for Locational Adjustment to the)	Case No. 84-3
Urban Growth Boundary Submitted)	
by Larry Burrigh et al.)	PETITIONERS' EXCEPTIONS
)	TO HEARINGS OFFICER'S
)	RECOMMENDATION
)	
)	

Petitioners make the following exceptions to the Hearings
Officer's Report on Contested Case No. 84-3:

(1) Page 2 at Lines 7 and 8 - Although a six-inch water
line owned by the Mount Scott Water District runs along S.E.
Clatsop Street, adjacent to the property, it does not serve
all developed portions of the property. The mobile home
park as well as three other dwellings owned by applicants
Larry Burrigh or Happy Valley Homes, Inc., are served by
a well located on the mobile home park property. This pro-
perty has access to supply from the water district but has
not in the recent past used such supplies nor are there plans
to do so in the future.

(2) Page 2 at Line 9 - The hearings officer's recommen-
dation states that the road system in the area is rural. It
should be noted that all public roads in this area are paved.
In addition, S.E. Foster Road, a major arterial, is located
approximately one mile north of the area, giving access to
the Interstate 205 freeway. The freeway is less than a ten-
minute drive from the area.

(3) Page 2 at Lines 10 and 11 - Applicants measurements

1 indicate the nearest sewer trunk line is just less than one
2 mile from the area. We believe that the letter from Mr. Michael
3 Harrision, Acting Planning Director of the City of Portland,
4 to Ms. Jill Hinckley, dated July 26, 1985, which states that
5 "a sewer extension of over two miles would be required to pro-
6 vide sanitary sewer service to the property," is in error.
7 The sewer trunk line runs along S.E. Foster Road. However,
8 a branch line from that trunk line extends in a southerly
9 direction along S.E. 162nd several tenths of a mile from S.E.
10 Foster Road. The nearest line, then, is located less than
11 one mile from the area.

12 (4) Page 2 at Lines 15-18 - The hearings officer's re-
13 commendation is incorrect when it states that "all the developed
14 property lies north of said creek." The reference here is to
15 Mitchell Creek. An on-site inspection of the premises would
16 show that thirty-seven residential units of the mobile home
17 park are located to the south of Mitchell Creek. Reference
18 is made to the map submitted with the original application,
19 which outlines the proposed addition in red and shows Mitchell
20 Creek as an intermittent stream crossing Tax Lot 1500.

21 (5) Page 2 at Lines 17 and 18 - Applicants take issue
22 that seventeen (17) acres of the site are vacant based upon
23 the formula used to calculate "vacant land," and the defini-
24 tion of lot. Applicant asserts that there are, at most, two
25 acres of vacant land within the proposed addition. Tax Lot
26 300 contains 3.36 acres and one residence. The artificial

1 and north and is generally located in a larger area which is
2 surrounded by the UGB on the east, north and west. This state-
3 ment indicates that most contiguous property is already within
4 the Urban Growth Boundary.

5 (9) Page 5 at Lines 1-6 - Please see discussion above
6 regarding vacant land within the area.

7 (10) Page 5 at Lines 25 and 26 - Applicant again notes
8 that a one-mile extension, not a two-mile extension, of the
9 existing sewer line would be necessary.

10 (11) Page 6 at Lines 13-16 - Sewering of the area would,
11 by necessity, decrease the amount of runoff from septic tanks
12 which eventually drains into Johnson Creek and its tributaries.
13 It is assumed that about 100 gallons of water is discharged
14 per person per day into a residential septic tank, then some
15 amount of this 100 gallons enters the surface drainage system.
16 Please see the letter from Richard L. Polson, Chief Soils
17 Scientist for Clackamas County, Oregon, to Mr. Burrig, dated
18 March 26, 1985. This letter is part of applicant's petition.
19 Polson states that "the second reason for advocating community
20 sewers for the area is that soil drainage conditions preclude
21 successful long-term functioning of such systems." The soil con-
22 ditions that he cites are clay, which does not allow water to
23 drain into the ground, rather, water reaches the clay layer
24 and then tends to rise to the surface. At that point, it may
25 enter the surface drainage system. In addition, the mobile
26 home park is located on a package sewage treatment plant. All

1 division of land owned by Happy Valley Homes, Inc., and com-
2 prising the location of the Happy Valley Mobile Home Park
3 creates the impression that another 12.73 acres are vacant.
4 Tax Lot 1500, with an area of 17.53 acres, and Tax Lot 1590,
5 with an area of 12.73 acres, comprise the mobile home park.
6 All this property should be considered as one lot. Its divi-
7 sion into two tax lots was made at the request of the Mount
8 Scott Water District, apparently so that the southerly portion
9 of the area could be excluded from its service boundary. Ap-
10 plicant had nothing to do with this division. Considering
11 that approximately 59 mobile homes occupy the 30-acre parcel,
12 using Metro's vacant land formula, there is no vacant land in
13 the parcel.

14 (6) Page 3 at Lines 15-17 - Applicant has measured the
15 distance from the termination of the City of Portland sewer
16 and finds that it is just under one mile from the termination
17 point to the property.

18 (7) Page 4 at Lines 11 and 12 - Applicant again notes
19 that the recommendation incorrectly cited Mitchell Creek as a
20 dividing line between the "developed" and "undeveloped" por-
21 tions of the property.

22 (8) Page 4 at Lines 13 and 14 - The recommendation
23 states that "there is no evidence with respect to similarly
24 situated contiguous property." However, Page 2, Lines 12-15
25 of the recommendation states that the property already abuts
26 the Urban Growth Boundary and Portland city limits on the east

1 might occur. However, applicant also believes that it would
2 be impossible to form a local improvement district for the pur-
3 pose of sewer extension if such extension would occur outside
4 the Urban Growth Boundary.

5 One conclusion of the hearings officer is that "it is diffi-
6 cult to conclude that this amendment would result in facilita-
7 tion of presently needed development in existing urban areas."
8 Applicant assumes that land within the Urban Growth Boundary
9 could be developed in an urban manner. This area is residen-
10 tial at the present and, most likely, will be in the future.
11 The same is true of the area within the Urban Growth Boundary
12 between the proposed addition and the terminus of the existing
13 sewer. Further development of the sewer could only facilitate
14 the desired urban/residential type of development for which
15 the Urban Growth Boundary has been created.

16 The recommendation of the hearings officer would not allow
17 applicants to get to first base in the desire to provide ur-
18 gently needed sewer service to this area by means of the forma-
19 tion of a local improvement district. Many of the same argu-
20 ments were made by applicants when the original Urban Growth
21 Boundary was drawn. These arguments fell on deaf ears. Ap-
22 plicants noted that much of the surrounding land, which is al-
23 ready included within the Urban Growth Boundary, is developed
24 at a much lower density or not developed at all, whereas, the
25 proposed addition is developed to a high density. This does
26 not seem to be a rational result or the intent desired when

1 treated sewage from that plant is discharged into Mitchell
2 Creek, which is located within the Johnson Creek Drainage Basin.

3 (12) Page 7 at Lines 1-15 - An on-site inspection will
4 show that single-family residences are located on either side
5 of S.E. 162nd Avenue from S.E. Foster to its intersection with
6 S.E. Clatsop Street. Several new homes have been constructed
7 within the last year along the north side of S.E. Clatsop Street
8 between S.E. 162nd Avenue and the proposed addition.

9 (13) Page 9 at Lines 13 and 14 - The hearings officer's
10 recommendation states that "most of the existing development
11 on the proposed addition is north of Mitchell Creek." However,
12 in earlier sections of the recommendation, specifically Page 2
13 at Lines 15-17, it is stated that "all of the developed property
14 lies north of said creek." The reference here is to Mitchell
15 Creek. Thirty-nine (39) units of the mobile park are located
16 south of Mitchell Creek.

17 (14) Page 10 at Lines 3-10 - Testimony at the hearing
18 was given to the effect that a local improvement district
19 would be formed to bring sewers to the area. The hearings
20 officer states that "the actual likelihood of extension in
21 the near future is questionable." Applicant's understanding
22 of the Urban Growth Boundary is that urban services can be pro-
23 vided inside of such boundary but not outside of the boundary.
24 Sewers are one of the urban services that generally must not
25 be extended outside the Urban Growth Boundary. Applicant
26 acknowledges that, in a health hazard situation, such extension

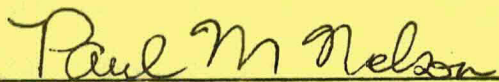
1 within the proposed addition. Please see discussion above.

2 (16) Page 12 at Lines 3-7 - The hearings officer admits
3 that the property is already bounded on two sides by the
4 Portland city limits and is generally located in a larger area
5 which is surrounded on three sides by the Urban Growth
6 Boundary. Applicant believes that this shows that most similarly
7 situated contiguous property is already located within the
8 Urban Growth Boundary. This fact is another strong reason
9 why this isolated, densely developed, "island" outside the
10 Urban Growth Boundary should now be included within the Urban
11 Growth Boundary.

12 CONCLUSION

13 Based upon the above discussion of what applicant feels
14 are legitimate exceptions to the report of the hearings
15 officer, applicant respectfully requests that the Council
16 not accept the Hearings Officer's Report and remand it to him
17 for revision. In the alternative, applicant requests that the
18 Council accept the Petition and include the proposed addition
19 within the regional Urban Growth Boundary.

20 DATED March 24, 1986.

21
22 
23 Paul M. Nelson
24 Attorney for Applicants
25
26

1 the Urban Growth Boundary was established.

2 (14) Page 11 at Lines 16-19 - Conclusion A of the
3 recommendation states in part, that "extension of sewers to
4 this area, leapfrogging substantially underdeveloped urban
5 land, is not an orderly extension of service." Applicants
6 believe this statement does not truly reflect what the impact
7 of the expansion of the Urban Growth Boundary in this area
8 would be. First, the extension of the sewer line to the
9 proposed addition would sewer previously unsewered areas al-
10 ready within the Urban Growth Boundary. Given the difficult
11 drainage conditions present, and the expense of on-site sys-
12 tems, this extension would lead to further, desired develop-
13 ment of residences within the already existing Urban Growth
14 Boundary.

15 The desire of applicants Larry Burright and Happy Valley
16 Homes, Inc., who between them own approximately 85% of the
17 total land within the proposed addition, to form a local im-
18 provement district to bring service to the property would
19 likely result in the formation of such a district. The
20 "actual likelihood" of the provision of sewers to the area
21 can only be determined once the land is included within the
22 Urban Growth Boundary and the formation of such local improve-
23 ment district becomes legitimate.

24 (15) Page 11 at Lines 25 and 26 and Page 12 at Lines
25 1 and 2 - Applicant takes issue at the calculation used to
26 determine that more than ten acres of vacant land exist

thought to be a break even proposition. The franchisee receives little or no profit from the composting operation and continues to provide it as a service to his customers and as an effective demonstration of a small scale waste reduction alternative.

With the granting of a franchise in May of 1982, Sunflower was given variances from the collection of Metro user fees, the payment of an annual franchise fee, the minimum liability insurance requirements and the minimum \$25,000 surety bond. A surety bond of \$1,000 was required based on an analysis of the probable costs which Metro would pay if it had to close and clean-up the site if the franchisee failed to meet his obligations and duties under the franchise. These variances were granted in recognition of the operation's small size and experimental nature and the heavy cost burden to both Sunflower and Metro of accounting for Metro fees on such a small amount of waste (less than \$10.00 per month in User Fees and Regional Transfer Charges would be collected if they were applied to the site). These variances were granted on the condition that no more than 10 cubic yards of waste per week be accepted for composting. The franchisee has kept waste flows under this limit. The attached Sunflower Recycling request for an additional variance from the current \$1,000 surety bond requirement (dated March 28) indicates that having to provide the surety bond would result in a substantial curtailment or closing of the composting service.

A variance may be granted under Metro Code Section 5.01.110 (variances) when it is requested in writing and facts are presented to show why it should be granted. The Council may grant a variance to a Section of the Metro code if it "...finds that the purpose and intent of the particular requirement can be achieved without strict compliance and that strict compliance:

- "(1) is inappropriate because of conditions beyond the control of person(s) requesting the variance; or
- "(2) will be rendered extremely burdensome or highly impractical due to special physical conditions or causes; or
- "(3) would result in substantial curtailment or closing down of a business, plant, or operation which furthers the objectives of the District."

In the past, Sunflower Recycling has been able to secure the required \$1,000 surety bond for an annual premium cost of \$30 or less. Sunflower's bond was cancelled by its insurance company in February of 1986. Since that time, Sunflower has made numerous attempts to obtain a bond from other sources and these have proved futile. Sunflower's only option would be to deposit \$1,000 to provide for a cash bond. The difficulty in obtaining reasonably priced insurance and in many cases any kind of insurance, has been evident in many business sectors over the last year. Sunflower also has an additional difficulty, since

STAFF REPORT

Agenda Item No. 8.1

Meeting Date July 10, 1986

CONSIDERATION OF RESOLUTION NO. 86-665, GRANTING A VARIANCE FROM THE REQUIREMENT FOR A SOLID WASTE DISPOSAL FRANCHISE SURETY BOND TO SUNFLOWER RECYCLING.

Date: July 1, 1986

Presented by: Rich McConaghy

FACTUAL BACKGROUND AND ANALYSIS

The purpose of this staff report is to introduce Resolution No. 86-665 which grants a variance to Sunflower Recycling from Section 5.01.060 (b)(1) of the Metro Disposal Franchise Ordinance. Adoption of the resolution would eliminate the need for Sunflower Recycling to maintain a \$1,000 surety bond and would provide for an annual review of the variance by the Executive Officer.

Sunflower Recycling is located at 2230 S.E. Grand Avenue in Portland. The company operates a solid waste collection and recycling business. A small portion of the business involves the collection of source separated putrecibles (food scraps, grass clippings, weeds, sawdust and sod) from collection customers and the composting of these materials. The composted product is then returned or sold to the business' customers. This composting service is the only portion of the business which operates under a Metro Franchise.

Composting is accomplished in two six cubic yard cement mixers which occupy less than 10 percent of the site's area. The remainder of the site is used for non-franchised recycling activities, office operations as well as servicing and storage of collection equipment. Less than two tons per month of putrecible materials for composting are collected from Sunflower's customers and delivered to the site. Materials for composting are not accepted from any other waste collectors or from the general public. The compost product is made available to customers who have provided it or may be purchased by others.

Roughly 10 percent of Sunflower's collection customers pay for the composting service and this produces about \$125.00 a month in revenue. An additional \$30.00 per month in revenue is received from the sale of the product to other individuals. The monthly cost of collecting the material for composting is estimated at about \$70.00 per month. No estimates of the monthly cost for operating and maintaining the apparatus or for handling the compost product have been made, but the compost operation is

its net worth was determined to be somewhat less than zero by its past insurer. Having to pay an additional \$1,000 for this bond from an annual revenue stream of less than \$2,000 produced by the composting operation would not allow the franchisee to continue offering the composting service which is now provided on essentially a break-even basis. The fact that the composting service would have to be closed or curtailed if the \$1,000 bond continues to be required indicates that it would be appropriate to authorize a variance.

The intent of requiring a surety bond is to assure that Metro won't have to pay significant operating and clean-up costs if a franchisee fails to operate in a manner consistent with the franchise agreement or if he walks away and leaves a mess on the site. A staff analysis has shown that clean-up costs for the composting facility would be no more than \$900 if the franchisee were to abandon the site. Metro would not need to pay for continued operation of the site since alternative disposal facilities could handle the two tons or less of waste per month which currently are received at the site. The thousand dollars or less which would be required to clean the site would not be a significant cost to Metro in comparison to the much greater costs which would be required if a sizable franchised landfill, processing center or transfer station were to close and leave Metro with the clean-up responsibility. In addition, Sunflower Recycling has shown over seven years that its composting operation is well managed and that there is a low risk of irresponsible behavior. An allowance for an annual review of the variance by the Executive Officer would assure that the composting operation continues to be well managed. The operation provides a good example of a small scale waste reduction alternative which has been developed and operated through private sector initiative.

If the Council denies the variance request, the franchisee must either provide a \$1,00 cash bond or give up the franchise. In its decision to authorize the variance, the Council must compare the benefit of continued operation of the composting service to the potential \$1,000 expense to the District if the composting operation were to fail, and Metro were to be responsible for clean-up.

EXECUTIVE OFFICERS'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No.86-665 granting a variance from the requirement for a Solid Waste Disposal Franchise surety bond to Sunflower Recycling.

the variance warrants review it shall be considered by Council.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

RM/epv

7/1/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF GRANTING A)
VARIANCE FROM THE REQUIREMENT)
FOR A SOLID WASTE DISPOSAL)
FRANCHISE SURETY BOND TO SUN-)
FLOWER RECYCLING)

RESOLUTION NO. 86-665

Introduced by the
Executive Officer

WHEREAS, Sunflower Recycling has been issued Solid Waste Disposal Franchise No. 003 to compost limited amounts of source separated food scraps, grass clippings, weeds, sawdust, and sod; and

WHEREAS, Sunflower Recycling has successfully operated its composting facility for seven years and is providing an innovative demonstration of effective waste reduction, thereby furthering the objectives of the District; and

WHEREAS, Sunflower Recycling has requested a variance to Section 5.01.060(b)(1) of the Metro Code which requires that a corporate surety bond be maintained by the franchisee; and

WHEREAS, Sunflower Recycling has met the purpose and intent of the variance criterion under Metro Code Section 5.01.110 for a variance from the corporate surety bond requirement as described in the attached Staff Report dated July 1, 1986; and

WHEREAS, Variances may be granted subject to annual review by the Executive Officer; now, therefore,

BE IT RESOLVED,

That the requested variance from the Metro Code requirement to maintain a corporate surety bond be granted to Sunflower Recycling, but that the variance be reviewed annually by the Executive Officer. If in the opinion of the Executive Officer,



RECEIVED APR 7 1986

28 March 1986

S.E. Grand at Division St. • P.O. Box 14061 • Portland, OR 97214 • (503) 238-1640

Metropolitan Service District
2000 S.W. First Avenue
Portland, Oregon 97201

Attn: Dan Durig

Sunflower Recycling would like to request a variance to Metro Code Section 5.01.060 (Surety Bond). This would eliminate the required posting of a \$1,000.00 Surety Bond for the operation of our composting facility at 2230 S.E. Grand Avenue.

This request is a result of the recent cancellation of the \$1,000.00 Performance Bond by Mid-Century Insurance Company. Their justification for this action was a claimed negative net-worth of \$841.00 for our operation. Our response to this is that the analysis did not fully account for our solid waste collection service. In addition, the action did not take into consideration the public-service nature of our facility and the impact it has on this region's waste reduction effort.

The granting of this variance request would further Metro's waste reduction goals by reducing the amount of compostable wastes disposed of in landfills and by allowing for the reuse and recycling of a valuable commodity. In addition, we believe that the purpose and intent of Section 5.01.060 of the Metro Code can be achieved without strict compliance. Finally, strict compliance with this requirement would be extremely burdensome to our operation and could result in a substantial curtailment or closing of the composting service.

If requested, Sunflower Recycling would agree to place in collateral pieces of equipment whose scrap metal value is in excess of \$1,000.00. The value received for this material would cover any costs incurred as a result of our company's unlikely failure to fulfill the franchise obligations.

Thank you for your attention to this matter.

Sincerely,

Stan Kahn, President

STAFF REPORT

Agenda Item No. 8.2

Meeting Date July 10, 1986

CONSIDERATION OF AMENDING THE PAY PLAN FOR A
3 PERCENT COST OF LIVING ADJUSTMENT AND FOR
AMENDING RESOLUTION NO. 86-659 (SCHEDULE OF
APPROPRIATIONS)

Date: June 27, 1986

Presented by: Randy Boose

FACTUAL BACKGROUND AND ANALYSIS

The Executive Officer recommends a 3 percent cost of living adjustment for all employees except those paid under the seasonal visitor service worker Table S in the Pay Plan and all non-union temporary summer workers.

This figure is based on the average increase from the Portland urban wage earners and clerical workers, revised (CPI-W) from June 1985 to May 1986 (2.93 percent).

It is also necessary to amend the appropriation schedule to authorize spending for the COLA award. Funding will be transferred from the seven operating funds which have personal services costs. The total budget impact is \$155,270.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 86-659 amending the Metro Pay Plan.

CV/RB/sm
5890C/462-2
06/27/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE	)	RESOLUTION NO. 86-661
PAY PLAN FOR A 3 PERCENT COST OF)	
LIVING ADJUSTMENT AND FOR	)	Introduced by the Executive
AMENDING RESOLUTION NO. 86-659	)	Officer
)	

WHEREAS, Metro Code Section 2.02.145 requires the maintenance of a Pay Plan for regular, regular part-time, temporary and seasonal employees; and

WHEREAS, The Council intends to award a cost of living adjustment for designated employees; and

WHEREAS, The Council directs the Executive Officer to revise the Pay Plan to reflect a 3 percent wage cost of living adjustment for FY 1986-87; now, therefore,

BE IT RESOLVED,

1. That union salary range table U, and non-union salary range table A be so amended effective July 1, 1986.

2. That Resolution No. 86-659, Exhibit C Schedule of Appropriations is hereby amended as shown in Exhibit A to this Resolution.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1986.

Richard Waker, Presiding Officer

CV/RB/sm
5890C/462-2
06/27/86

EXHIBIT A
SCHEDULE OF APPROPRIATIONS

	<u>Adopted Appropriation FY 1986-87</u>	<u>Revision</u>	<u>Revised Appropriation</u>
<u>GENERAL FUND</u>			
Council			
Personal Services	\$ 73,443	\$ 2,203	\$ 75,646
Materials & Services	59,020	0	59,020
Capital Outlay	0	0	
Subtotal	<u>\$132,463</u>	<u>\$ 2,203</u>	\$ 134,666
Executive Management			
Personal Services	\$335,714	\$ 10,071	\$ 345,785
Materials & Services	102,017	0	102,017
Capital Outlay	2,442	0	2,442
Subtotal	<u>\$440,173</u>	<u>\$ 10,071</u>	<u>\$ 450,244</u>
Finance & Administration			
Personal Services	\$ 647,259	\$ 19,418	\$ 666,677
Materials & Services	401,079	0	401,079
Capital Outlay	9,200	0	9,200
Subtotal	<u>\$1,057,538</u>	<u>\$ 19,418</u>	<u>\$1,076,956</u>
Public Affairs			
Personal Services	\$286,572	\$ 8,597	\$ 295,169
Materials & Services	48,181	0	48,181
Capital Outlay	3,409	0	3,409
Subtotal	<u>\$338,162</u>	<u>\$ 8,597</u>	<u>\$ 346,758</u>
General Expense			
Contingency	\$102,792	\$(40,289)	\$ 62,503
Transfers	760,828	0	760,828
Subtotal	<u>\$863,620</u>	<u>\$(40,289)</u>	<u>\$ 823,331</u>
Unappropriated Balance	\$63,334	\$ 0	\$ 63,334
Total General Fund Requirements	\$2,895,290	\$ 0	\$2,895,290
<u>INTERGOVERNMENTAL RESOURCE CENTER FUND</u>			
Personal Services	\$ 887,886	\$ 26,637	\$ 914,523
Materials & Services	152,854	0	152,854
Capital Outlay	1,000	0	1,000
Transfers	791,190	0	791,190
Contingency	34,970	(26,637)	8,333
Unappropriated Balance	<u>16,750</u>	<u>0</u>	<u>16,750</u>
Total Intergovernmental Resource Center Fund Requirements	\$1,884,650	\$ 0	\$1,884,650

	Adopted Appropriation FY 1986-87	Revision	Revised Appropriation
<u>BUILDING MANAGEMENT FUND</u>			
Personal Services	\$ 27,530	\$ 826	\$ 28,356
Materials & Services	487,962	0	487,962
Capital Outlay	181,026	0	181,026
Contingency	<u>75,000</u>	<u>(826)</u>	<u>74,174</u>
Total Building Management Fund Requirements	\$771,518	\$ 0	\$ 771,518
<u>ZOO OPERATING FUND</u>			
Personal Services	\$3,352,076	\$ 92,477	\$ 3,444,553
Materials & Services	2,078,321	0	2,078,321
Capital Outlay	422,182	0	422,182
Transfers	3,164,539	0	3,164,539
Contingency	521,360	(92,477)	428,883
Unappropriated Balance	<u>531,091</u>	<u>0</u>	<u>531,091</u>
Total Zoo Operating Fund Requirements	\$10,069,569	\$ 0	\$10,069,569
<u>ZOO CAPITAL FUND</u>			
Personal Services	\$ 47,166	\$ 1,415	\$ 48,581
Capital Projects	5,962,820	0	5,962,820
Contingency	271,651	(1,415)	270,236
Unappropriated Balance	<u>2,583,760</u>	<u>0</u>	<u>2,583,760</u>
Total Zoo Capital Fund Requirements	\$8,865,397	\$ 0	\$ 8,865,397
<u>SOLID WASTE OPERATING FUND</u>			
Personal Services	\$ 1,081,366	\$ 32,441	\$ 1,113,807
Materials & Services	7,679,320	0	7,679,320
Capital Outlay	88,800	0	88,800
Transfers	3,652,312	0	3,652,312
Contingency	2,703,974	(32,441)	2,671,533
Unappropriated Balance	<u>63,333</u>	<u>0</u>	<u>63,333</u>
Total Solid Waste Operating Fund Requirements	\$15,269,105	\$ 0	\$15,269,105
<u>SOLID WASTE CAPITAL FUND</u>			
Capital Projects	<u>\$ 6,080,000</u>	<u>\$ 0</u>	<u>\$ 6,080,000</u>
Total Solid Waste Capital Fund Requirements	\$ 6,080,000	\$ 0	\$ 6,080,000

	<u>Adopted Appropriation FY 1986-87</u>	<u>Revision</u>	<u>Revised Appropriation</u>
<u>SOLID WASTE DEBT SERVICE FUND</u>			
Materials & Services	<u>\$1,207,100</u>	\$ 0	<u>\$1,207,100</u>
Total Solid Waste Debt Service Fund Requirements	\$1,207,100	\$ 0	\$1,207,100
<u>ST. JOHNS RESERVE FUND</u>			
Unappropriated Balance	<u>\$1,550,700</u>	\$ 0	<u>\$1,550,700</u>
Total St. Johns Reserve Fund Requirements	\$1,550,700	\$ 0	\$1,550,700
<u>ST. JOHNS FINAL IMPROVEMENTS FUND</u>			
Capital Projects	\$ 805,000	\$ 0	\$ 805,000
Contingency	85,000	\$ 0	85,000
Unappropriated Balance	<u>1,534,500</u>	\$ 0	<u>\$1,534,500</u>
Total St. Johns Final Improvement Fund Requirements	\$2,424,500	\$ 0	\$2,424,500
<u>ST. JOHNS METHANE RECOVERY FUND</u>			
Personal Services	\$ 7,295	\$ 0	\$ 7,295
Materials & Services	13,400	0	13,400
Unappropriated Balance	<u>16,305</u>	\$ 0	<u>\$ 16,305</u>
Total St. Johns Methane Recovery Fund Requirements	\$37,000	\$ 0	\$ 37,000
<u>CONVENTION, TRADE, SPECTATOR FACILITY FUND</u>			
Personal Services	\$121,170	\$ 1,474	\$ 122,644
Materials & Services	226,200	0	226,200
Transfers	0	0	0
Contingency	<u>52,630</u>	<u>\$ (1,474)</u>	<u>\$ 51,156</u>
Total Convention, Trade, Spectator Facility Fund Requirements	\$400,000	\$ 0	\$ 400,000
<u>SEWER ASSISTANCE FUND</u>			
Materials & Services	<u>\$856,689</u>	\$ 0	<u>\$ 856,689</u>
Total Sewer Assistance Fund Requirements	\$856,689	\$ 0	\$ 856,689

	<u>Adopted Appropriation FY 1986-87</u>	<u>Revision</u>	<u>Revised Appropriation</u>
<u>INSURANCE FUND</u>			
Materials & Services	\$317,204	\$ 0	\$317,204
Contingency	<u>60,000</u>	<u>\$ 0</u>	<u>60,000</u>
Total Insurance Fund Requirements	\$377,204	\$ 0	\$377,204
<u>REHABILITATION & ENHANCEMENT FUND</u>			
Materials & Services	\$472,185	\$ 0	\$472,185
Contingency	<u>157,395</u>	<u>\$ 0</u>	<u>157,395</u>
Total Rehabilitation & Enhancement Fund	\$629,580	\$ 0	\$629,580
<u>TRANSPORTATION TECHNICAL ASSISTANCE FUND</u>			
Materials & Services	<u>\$48,067</u>	<u>\$ 0</u>	<u>\$ 48,067</u>
Total Transportation Technical Assistance Fund Requirements	\$48,067	\$ 0	\$ 48,067

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TABLE A
NON-UNION SALARY RANGE TABLE

SALARY RANGE NUMBER	BEGINNING SALARY RATE		ENTRY MERIT RATE		MAXIMUM MERIT RATE		MAXIMUM INCENTIVE RATE**	
	ANNUAL	HOURLY	ANNUAL	HOURLY	ANNUAL	HOURLY	ANNUAL	HOURLY
*0.0	8,320	4.00	8,736	4.20	11,024	5.30	11,357	5.46
0.5	10,026	4.82	10,525	5.06	12,376	5.95	12,750	6.13
1.0	10,670	5.13	11,211	5.39	12,896	6.20	13,291	6.39
1.5	11,190	5.38	11,752	5.65	13,520	6.50	13,936	6.70
2.0	11,669	5.61	12,251	5.89	14,144	6.80	14,560	7.00
2.5	12,272	5.90	12,896	6.20	14,851	7.14	15,288	7.35
3.0	12,896	6.20	13,541	6.51	15,517	7.46	15,974	7.68
3.5	13,520	6.50	14,206	6.83	16,370	7.87	16,869	8.11
4.0	14,144	6.80	14,851	7.14	17,181	8.26	17,701	8.51
4.5	14,851	7.14	15,600	7.50	18,054	8.68	18,595	8.94
5.0	15,517	7.46	16,286	7.83	18,970	9.12	19,531	9.39
5.5	16,370	7.87	17,181	8.26	19,926	9.58	20,530	9.87
6.0	17,181	8.26	18,034	8.67	20,904	10.05	21,528	10.35
6.5	18,054	8.68	18,949	9.11	21,923	10.54	22,589	10.86
7.0	18,970	9.12	19,926	9.58	22,797	10.96	23,483	11.29
7.5	19,926	9.58	20,925	10.06	24,086	11.58	24,814	11.93
8.0	20,904	10.05	21,944	10.55	25,293	12.16	26,042	12.52
8.5	21,923	10.54	23,026	11.07	26,603	12.79	27,394	13.17
9.0	22,693	10.91	23,837	11.46	27,934	13.43	28,766	13.83
9.5	24,086	11.58	25,293	12.16	29,328	14.10	30,202	14.52
10.0	25,293	12.16	26,562	12.77	30,701	14.76	31,616	15.20
10.5	26,603	12.79	27,934	13.43	32,344	15.55	33,322	16.02
11.0	27,914	13.42	29,307	14.09	33,987	16.34	35,006	16.83
11.5	29,328	14.10	30,805	14.81	35,672	17.15	36,733	17.66
12.0	30,701	14.76	32,240	15.50	37,315	17.94	38,418	18.47
12.5	32,344	15.55	33,966	16.33	39,312	18.90	40,518	19.48
13.0	33,987	16.34	35,693	17.16	41,330	19.87	42,578	20.47
13.5	35,672	17.15	37,461	18.01	44,408	21.35	45,739	21.99
14.0	37,315	17.94	39,187	18.84	45,490	21.87	46,862	22.53
14.5	39,104	18.80	41,059	19.74	47,715	22.94	49,150	23.63
15.0	41,038	19.73	43,098	20.72	50,149	24.11	51,646	24.83
15.5	43,659	20.99	45,843	22.04	52,894	25.43	54,475	26.19
16.0	45,843	22.04	48,131	23.14	59,717	28.71	61,506	29.57

TABLE U
INTERNATIONAL LABORERS UNION

Local 483

Code	Classification	Entrance Rate	After Six Months	After One Year
019	Typist-Receptionist	5.88	6.17	6.57
035	Clerk (Bookkeeper)	6.87	7.36	7.77
020	Clerk-Steno	7.39	7.87	8.34
430	Laborer (90 working days)	7.88		
461	Stationmaster	8.65	8.93	9.25
465	Gardener 1	8.94	9.57	9.90
445	Maintenance Worker 1	8.94	9.57	9.90
470	Animal Keeper	9.29		10.82
466	Gardener 2	9.74	10.21	10.96
446	Maintenance Worker 2	9.74	10.21	10.96
447	Maintenance Worker 3	10.35	10.83	11.56
467	Senior Gardener	11.19	11.68	12.41
471	Senior Animal Keeper	11.44		
455	Maintenance Mechanic	11.72		12.06
456	Master Mechanic	12.05		13.44
457	Maintenance Electrician	14.27		

STAFF REPORT

Agenda Item No. 8.3

Meeting Date July 10, 1986

CONSIDERATION OF RESOLUTION NO. 86-664, FOR THE PURPOSE OF CALLING A SPECIAL ELECTION TO SUBMIT TO THE VOTERS ON NOVEMBER 4, 1986, THE QUESTIONS OF CONTRACTING A GENERAL OBLIGATION BONDED INDEBTEDNESS IN THE AMOUNT OF \$67 MILLION AND THE FINANCING OF A REGIONAL CONVENTION AND TRADE SHOW FACILITY FOR THE DISTRICT

Date: July 1, 1986

Presented by: Tuck Wilson

FACTUAL BACKGROUND AND ANALYSIS

Pursuant to the Council's adoption of the Master Plan for Regional Convention, Trade, and Spectator Facilities (Resolution No. 86-648), and the Boundary Commission's approval on June 26, 1986, of the addition of this function to those provided by Metro (Proposal AF-2), the attached Resolution accomplishes the following:

- o It refers to the November 4, 1986, election a measure authorizing the issue of General Obligation bonds which provide a portion of the overall financing package for the regional convention and trade show center; and
- o It refers to the voters simultaneously the question of the financing and the acquisition of property, construction and operation of the convention and trade show center as required by ORS 268.310(6) relating to Metro's authority to undertake these efforts; and
- o It defines the ballot title (caption, question and explanation) for the measure.

If the measure is approved by the voters, the District would be authorized to sell serial General Obligation bonds for up to \$67 million, for a term not to exceed 25 years. The average cost for the owner of a \$50,000 home would be \$7.70 at current interest rates.

As a basis for this action, the Council has been provided the following:

- o Program Statement for the Proposed Portland Convention Center, by Shiels and Obletz. This document contained independently verified cost estimates, and was approved by the Metro Executive's Advisory Committee on Design and Construction;

- o Work Plan for the Design and Construction of the convention center, prepared by CTS Project staff; and
- o Analysis of Bond Sizing and Tax Rate Impact, prepared by Harvey Rogers of Ragen, Roberts, et al.

In addition, the Council will be provided prior to the July 10 meeting extensive financial source and use projections for the project prepared by Government Finance Associates, Inc.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 86-664.

NM/gl
5899C/462-3
07/02/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CALLING A	)	RESOLUTION NO. 86-664
SPECIAL ELECTION TO SUBMIT TO THE)	
VOTERS ON NOVEMBER 4, 1986, THE	)	Introduced by the
QUESTIONS OF CONTRACTING	)	Executive Officer
A GENERAL OBLIGATION BONDED)	
INDEBTEDNESS IN THE AMOUNT OF)	
\$67 MILLION AND THE FINANCING)	
OF A REGIONAL CONVENTION AND TRADE)	
SHOW FACILITY FOR THE DISTRICT)	

WHEREAS, There has been demonstrated a need for a world class convention and trade show center to accommodate the numerous organizations that would use such a facility if available; and

WHEREAS, Construction, operation and marketing of such a center is estimated to attract 21 events to the center and 138,000 delegates to the region per year on an ongoing basis; and

WHEREAS, These events and delegates will provide \$59 million in direct economic stimulus and \$78 million in secondary economic benefits, all totaling to \$137 million in annual ongoing economic benefits; and

WHEREAS, This economic benefit will create nearly 3,500 full and part-time jobs and \$37 million per year in wages; and

WHEREAS, The center is designed to attract many new visitors to the region, thus creating new visibility for the region as a place for investment; and

WHEREAS, The total construction cost, estimated to be \$85 million, will, in order to equitably distribute costs among beneficiaries, be financed from three sources: (1) \$65 million in District General Obligation bond funds; (2) \$15 million from a state legislative grant; and (3) \$5 million from a Local Improvement

District (LID) in the Downtown/Lloyd Center area; and

WHEREAS, To net \$65 million in bond proceeds the District must authorize \$67 million in General Obligation bonds; and

WHEREAS, Ongoing support for marketing and operating the center will not come from property taxes but rather from use charges and those renting hotel/motel rooms in Multnomah County; now, therefore,

BE IT RESOLVED,

1. That a special election is hereby called for the purpose of submitting to the qualified voters of the District the question of contracting a General Obligation bond indebtedness of \$67 million. The bonds shall mature over a period of not more than 25 years.

2. That the voters of the District shall in the same measure consider the question of whether Metro may finance the acquisition, construction, maintenance, and operation of a regional convention and trade show center.

3. That the measure shall be placed on the ballot for the General election held on the 4th day of November 1986.

4. That the District shall cause this Resolution and the Ballot Title attached as Exhibit "A" to be submitted to the Elections Officer, the Tax Supervising and Conservation Commission, and the Secretary of State in a timely manner as required by law.

ADOPTED by the Council of the Metropolitan Service District this _____ day of July 1986.

Richard Waker, Presiding Officer

EXHIBIT "A"

BALLOT TITLE

METROPOLITAN SERVICE DISTRICT

7 words

REGIONAL CONVENTION AND TRADE SHOW CENTER FINANCING

20 words

QUESTION: Shall the District issue up to \$67 million General Obligation bonds and finance, construct and operate a regional convention facility.

75 words

EXPLANATION: Measure authorizes District to finance the acquisition, construction and operation of a regional convention and trade show facility and issue up to \$67 million General Obligation bonds maturing within 25 years. Remaining funding from state grant, improvement district, and room tax.

Facility is designed to meet demand for convention and trade show business and to help develop jobs and compete for national and international trade. Average estimated tax per \$50,000 home is \$7.70 per year.

5899C/462-3
07/02/86.

Revised

agenda item No. 83
7/10/86

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF CALLING A	)	RESOLUTION NO. 86-664
SPECIAL ELECTION TO SUBMIT TO THE)	
VOTERS ON NOVEMBER 4, 1986, THE	)	Introduced by the
QUESTIONS OF CONTRACTING	)	Executive Officer
A GENERAL OBLIGATION BONDED)	
INDEBTEDNESS IN THE AMOUNT OF)	
\$65 MILLION AND THE FINANCING)	
OF A REGIONAL CONVENTION AND TRADE)	
SHOW FACILITY FOR THE DISTRICT)	

WHEREAS, There has been demonstrated a need for a world class convention and trade show center to accommodate the numerous organizations that would use such a facility if available; and

WHEREAS, Marketing studies conducted by the Greater Portland Convention and Visitors Association, and the Committee on Regional Convention, Trade, and Spectator Facilities indicate such a center is estimated to attract as many as 21 events to the center and approximately 138,000 delegates to the region per year on an ongoing basis; and

WHEREAS, These events and delegates would provide \$59 million in direct economic stimulus and an estimated \$78 million in secondary economic benefits, all totaling to \$137 million in annual ongoing economic benefits; and

WHEREAS, Economic benefit of this magnitude would create nearly 3,500 full and part-time jobs and \$37 million per year in wages; and

WHEREAS, The center is designed to attract many new visitors to the region, thus creating new visibility for the region as a place for investment; and

WHEREAS, The total construction cost, estimated to be \$85 million, will, in order to equitably distribute costs among beneficiaries, be financed from three sources: (1) \$65 million in District General Obligation bond funds; (2) \$15 million from a state legislative grant; and (3) \$5 million from a Local Improvement District (LID) in the Downtown/Lloyd Center area; and

WHEREAS, Ongoing support for marketing and operating the center will not come from property taxes but rather from use charges and those renting hotel/motel rooms in Multnomah County; now, therefore,

BE IT RESOLVED,

1. That a special election is hereby called for the purpose of submitting to the qualified voters of the District the question of contracting a General Obligation bond indebtedness of \$65 million. The bonds shall mature over a period of not more than 25 years.

2. That the voters of the District shall in the same measure consider the question of whether Metro may finance the acquisition, construction, maintenance, and operation of a regional convention and trade show center.

3. That the measure shall be placed on the ballot for the General election held on the 4th day of November 1986.

4. That the District shall cause this Resolution and the Ballot Title attached as Exhibit "A" to be submitted to the

Elections Officer, the Tax Supervising and Conservation Commission,
and the Secretary of State in a timely manner as required by law.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of July 1986.

Richard Waker, Presiding Officer

gl/5899C/462-4
07/09/86

Exhibit A
BALLOT TITLE

METROPOLITAN SERVICE DISTRICT

- 7 words DEVELOP REGIONAL CONVENTION AND TRADE SHOW CENTER
- 20 words QUESTION: Shall the District finance, construct and operate a regional convention center and issue up to \$65 million general obligation bonds?
- 69 words EXPLANATION: Measure authorizes District to finance the acquisition, construction and operation of a regional convention and trade show center. The facility is intended to meet demand for national and international convention and trade show business and to develop jobs.

The measure permits issuing up to \$65 million of general obligation bonds maturing within 25 years. Remaining funding may include state and private grants, local improvement district revenue, and lodgings tax.

Good Evening

Becky Crockett and I would like to give you an overview of the Waste Reduction Plan the Department has formulated to remove 75% of the yard debris currently being landfilled from wastestream. As you know, the plan is our response to SB 662, which calls for substantial reduction of material being landfilled and immediate actions to begin this reduction. We believe this plan satisfies these conditions.

Our overview will describe the amount of yard debris in the system, and how through the development of processing capacity, collection systems and markets, we plan to substantially increase recycling of the material. I will deal with the overview, processing and collection; and Becky will describe our marketing program. We would then be happy to answer any questions you might have.

#1

Yard debris comprises a minimum of 13% of the total wastestream.

#2

Of the approximately 1.2 million cubic yards generated annually, about 760,000 yards are currently landfilled. In 1985, the remaining amount was disposed of through primarily home composting and self haul to regional processors, as well as the use of mobil chippers, and stockpiling at the St. Johns Landfill. A small amount ^{was} ~~is~~ also burned.

~~Our~~ ^{ONE} strategy for increasing ^{the} rate of recycling is to ^{PROMOTE} ~~utilize~~ all the methods listed except burning. ~~In the area of~~

~~Home Composting-~~ We annually conduct a series of workshops on home composting in conjunction with local jurisdictions, and produce a booklet on how to do it. These are promoted through our annual spring yard debris campaign which uses bus advertisements and newspaper ads.

We will eventually devote one of our special topic campaigns of the waste reduction marketing effort to yard debris recycling.

Mobil Chippers are promoted through The Recycling Information Switchboard which averages over 500 calls a month during the Spring and Fall requesting help in recycling yard debris. We are also producing door hangers and other promotional literature for this group of recyclers.

The two private regional processing facilities have been promoted by Metro since our yard debris demonstration program in 1982.

#3

Grimms fuel located in Tualatin receives roughly 35% of the material handled through the processors, and has developed a reliable system for processing all the material which the firm receives.

#4

#4

McFarlanes Bark Co., located in Oregon City, has been receiving source separated yard debris since 1981, and also participated in metro's demonstration program. They currently receive about 65% of the yard debris handled by private processors, and have recently begun to process more material than they receive. *another firm, EAST COUNTY RECYCLING, has also recently started a yard debris processing center in the area.* Becky will talk in more detail about our promotion of these firms. They are referred through the recycling switchboard, and the other promotional campaigns mentioned before.

#5

The St. Johns landfill has been receiving yard debris since 1982 as part of the Yard debris demonstration program. Since mid-1983 the material has been stockpiled, and a good deal of the material is now composted. We have acquired this disc screen to remove the composted material as final cover on the landfill.

#6

At the picking belt which you see in the foreground, pickers will remove contaminants from the larger material. We will be bringing before you, later this year, a contract for grinding the larger material into hog fuel. The contract will include all other operational aspects as well.

#7

Our goal of recycling 750,000 cubic yards by 1991 is indicated by the top line in this chart. To achieve this goal the private processors (including mobil chippers) will have to maintain their current 20% growth rates as indicated by the blue line, and the St. Johns site will have to annually process 200,000 by 1988 as

indicated by the yellow line. The purple line shows the combined effect of these processing rates.

To accomplish this growth in recycling we will rely on rate incentives, market development, the certification program, and bans; with a concurrent promotion and education program. We will also be considering the creation of a loan fund for private firms to acquire equipment for R&D and operational improvements; along with evaluation of subsidies for sold product.

Our current timeline for implementation of these actions are as follows:

- *Tipping fees for source separated loads at St.Johns will be lowered as soon as possible, but no later than January 1, 1987. The fee will be below the current charge for mixed waste. We believe the lower, along with promotion and education, will attract 100,000 cubic yards of material to the site in 1987.

- *We will also be evaluating the banning of source separated loads from CTRC this year. If the analysis indicates no major problems, the ban will be implement as soon as possible, but no later than November 1, 1986.

- *DEQ will be consider placing yard debris on the list of principle recyclables later this year. If so placed, an onroute collection system would be required.

- *Once built, WTRC will become a major transfer point for yard debris loads to the processing system.

*On January 1, 1988, we will require yard debris collection systems for each jurisdiction as part of the certification program. We feel this step is necessary since we will have exhausted the amount of material which can be delivered for recycling by the self-haulers and landscapers.

#7

Collection Systems currently in place, by jurisdiction, are illustrated in the first three columns of this chart. The fourth column indicates whether the jurisdiction has franchised collection. As you can see by the lack of X's in the first three columns, there are few organized systems in place to collect and recycle yard debris. Our research indicates that without organized collection systems (preferably onroute), we will be unable to meet our recycling goals past 1987. The purpose of the certification program is to evolve such collection systems.

#8

In order for processors to recycle the amount of material the plan will divert to them, they must be able to sell the products made from the material. This graph indicates that for the first time since the private processing system began receiving yard debris, product sales (as represented by the orange line) have outpaced the amount of material received (as represented by the purple line). Becky Crockett will now describe our past, current, and future market assistance efforts which we believe will continue this trend.

Developing markets for yard debris products is, (*) and will continue to be a vital component in determining the success of Metro's commitment to solving the yard debris problem. (*) And it will determine the fate of the yard debris pile in your neighborhood!)

Over the past 4 months, we have been aggressively executing what we call a "Short Term Marketing Strategy" that was developed in February . When completed in October, this short term work plan is intended to provide us the foundation for a direct marketing assistance plan for yard debris products. That is, a long range marketing plan based on a comprehensive analysis of the markets.

This long range plan will provide yard debris processing businesses with sound marketing strategies. It will direct Metro's efforts in dealing with the accumulating pile of commodity at the St. Johns Landfill. And it will be the tool from which direct marketing assistance from Metro to private yard debris processing businesses is determined.

In summary and very quickly, I'm going to try to explain what we are doing in the short term. And I think you will soon see how these efforts will provide us a basis for our long range plan. (*) This is some of the technical information now available

(*) designates when to change slide.

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(*) designates when to change slide.

through the RIC. It includes quarterly nutrient content analysis and weed seed test results, a technical report explaining why there are no weed seeds in compost, a pamphlet summarizing compost uses, product summary sheets for Grimms and McFarlanes products. There are five compost products now available commercially. A glossary of yard debris terms, and landscape specifications recommended by Oregon State University. (*) And, to complete the information development part of the short term plan, we are in the process of researching the potential of herbicide residuals in compost. At this point, we are trying to persuade DEQ to accept the responsibility for these tests on a quarterly basis as they are expensive to send out to private labs. (*)

In the past four months, we have also executed direct marketing tasks. We have been in close contact with key persons in target industries. In addition to direct contacts, we have (with a lot of assistance from Public Affairs), constructed display boards for Grimms and McFarlanes sales offices, mailed out technical information to about 1000 persons in target market industries and set up a yard debris products booth at the spring Garden and Landscape Show this past April. (*) This is a product display board at Grimms, and (*) this is Mc Farlanes (*).

To complete the direct marketing efforts of the short term plan, we will attend the Far West Ag. Show in August, send out an

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To complete the direct marketing efforts of the short term plan, we will attend the Far West Ag. Show in August, send out an

up-dated mail-out, write articles for newspaper and industry trade magazines, develop promotional advertisement for the mobile chippers and continue our personal interaction with the Port of Portland, ODOT and target industries. (*)

In order to tie together our program in progress with hard facts about the nature of the markets, we are in the process of getting approval for a market study. The management committee will determine the fate of the study on July 17th. Northwest Economic Associates has been chosen to execute the project. Their cost proposal is \$22,294.

The goals of the study are those listed here. Essentially, this will be the tool used to develop Metro's long range yard debris marketing plan. (*)

The study will also provide us with a data survey of the hog fuel and compost market structure, recommendations on product quality and product specifications necessary for each target industry, marketing strategy for yard debris processing businesses, and assistance in developing a hog fuel product from the material out at St. Johns. If approved, the study should be completed by September 30. Upon completion of the study, we will begin writing the long range yard debris marketing plan. This is projected to be completed in November. (*)

In conclusion, and while I show you the pictures you really

want to see - these are showing yard debris compost being used in the Japanese Gardens - reaction to our efforts so far by the public has been very positive. (*)

We've had many hours of co-operation and assistance from Oregon State University, the Oregon Association of Nurseryman, the Oregon Chapter of the American Society of Landscape Architects, ODOT, DEQ, and of course the processors. (*) Rarely have we been met with a less than enthusiastic response. (*)

As Chuck showed you earlier, compost sales are now greater than the amount of yard debris being received by the two largest processors. It is our goal and your commitment to continue enhancing this trend by

- 1) completing our short term comprehensive analysis of the markets; and by
- 2) Beginning to execute a carefully planned long term marketing strategy by late Fall, 1986.

With these tools in place, (*) we will have a clearer picture of the marketing direction we must take to help achieve diversion of 75% of the yard debris going to the St. Johns Landfill by 1991.



METRO

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

Memorandum

Date: July 7, 1986
To: Metro Council
From: Jennifer Sims, *JS* Director of Management Services
Regarding: FY 1986-87 Insurance Program

The purpose is to report a significant change in the general liability coverage, inform you of the status of other coverages and brief you on a recommended action for the July 24, 1986, Council meeting. A summary of current coverages by areas of risk and a description of the changes which have taken place is in Attachment "A."

General Liability Insurance -- As indicated in Attachment "A," Metro has insurance for most areas of risk. Limits and deductibles have been carefully reviewed to maximize value for our insurance dollar. While costs for most coverages have increased, in this insurance "crisis," the most shocking cost increases have been for general liability.

Three steps were taken in reviewing and analyzing options regarding liability coverage. First, LMC & Associates were hired under contract to study Metro's insurance program. The study concluded that Metro should consider self-insurance. Second, contacts were made with other jurisdictions to share experience and information. This reinforced the LMC study conclusions. Finally, a committee of key staff listed in Attachment "B" was formed to consider our broker's marketing report on liability and assess the options. The committee's recommendations have been implemented and are now in effect as shown in Attachment A. In summary, Metro is self-insured for general liability except for a layer covering claims between \$100,000 and \$300,000. Liquor liability has first dollar coverage up to \$300,000.

A fundamental risk management concept states that insurance should only be purchased to cover exposures which the agency can't afford to cover. It appears that Metro is capable of dealing with the liability exposures the agency faces now and in the foreseeable future. The compelling reasons why Metro should self-insure the bulk of its liability exposure are as follows:

- Claims activity and actual losses have been very low.
- We have an effective safety and emergency response program.
- We have statutory ability to generate revenue to meet requirements.
- We have adequate resources currently (fund balances) to meet short-term needs.
- Statutory limits on tort liability for public agencies in Oregon provide some protection against extreme awards.

While the current insurance "crisis" was clearly the catalyst that started our investigation of self-insurance, this is not merely a response to an immediate problem. It is proposed as a positive business decision, and as a prudent use of public resources.

Budget Impact

When the Insurance Fund was established through a supplement budget in FY 1985-86, a five-year plan and cost projection were prepared. The intent, at that time, was to build a reserve to fund the \$100,000 liability deductible. The FY 1986-87 adopted budget reflects a continuation of last year's program and coverages. An administrative amendment is proposed to implement the self-insurance program as follows:

	Current 86-87	Proposed 86-87
Insurance	\$314,204	\$188,607
Claims	0	125,597
Contractual Services	3,000	3,000
Contingency (Reserves)	60,000	60,000
Total Fund	\$377,204	\$377,204

This change simply reallocates premium savings to claims (to be paid). This provides a total of \$185,597 (contingency plus claims) available to pay claims in FY 1986-87 with no increase in the total fund budget. If the good loss record continues and similar premium savings can be realized in future years, a self-insurance pool of \$450,000 will be available for FY 89-90. This amount appears adequate at this time considering Metro's loss record. Further, a larger claim would take years to process and give time to budget possible payment. The impact of the convention and trade show center project has not been determined yet. LMC has recommended that we insure that risk until a claims history is established.

Memorandum
July 7, 1986
Page 3

Self-Insurance and Risk Management Program Administration

Over the last year, staff has worked with LMC & Associates, and our broker, Fred S. James & Co., to set up a risk management program. We are continuing to refine all aspects of the program including safety, accident report procedures, adjuster needs, claims processing, recordkeeping and budget management. The Management Services Division is responsible for the program with Ed Stuhr taking the lead. His work is fully coordinated with all departments and General Counsel.

Recommended Council Action

A resolution will be presented at the July 24, 1986, Council meeting for your consideration which would accomplish the following:

1. Clarify the intent of the budget vis a vis the change in liability coverage.
2. Direct the Executive Officer to prepare and administer a risk management program and procedures.
3. Establish the role of the Council in awarding claims settlements. Contract procedures are proposed as the model with claims up to \$10,000 approved by the Executive Officer; \$10,000 to \$50,000 approved by the Council Management Committee; and over \$50,000 approved by the Council.

Insurance and tort reform are expected to be major topics of the 1987 legislative session. The Council should be prepared to take a position on this matter as it has potentially far-reaching budget and policy impacts on Metro.

JS/gl
5920C/451-2

ATTACHMENT "A"

COMPREHENSIVE GENERAL LIABILITY INSURANCE

SUBJECT OF COVERAGE: District premises and activities.

TERM: July 1, 1986, to January 1, 1987

LIMITS: \$300,000 Combined Single Limit Bodily Injury and Property Damage.

DEDUCTIBLE: \$100,000 per occurrence self-insured retention.

ANNUAL PREMIUM: \$70,000

COVERAGE DESCRIPTION: Insures the District's legal liability arising out of their premises and operations for the perils of bodily injury, property damage, and personal injury.

EXCLUSIONS: Environmental impairment and pollution damage.

KEY CHANGES: Formerly \$10,000,000 limit, excess liability not provided. Total premium savings compared to last year for liability is \$129,272.

LIQUOR LIABILITY INSURANCE

SUBJECT OF COVERAGE:

Serving of alcoholic beverages on District premises.

TERM:

July 1, 1986, to January 1, 1987

LIMITS:

\$100,000

General liability layer covers \$100,000 to \$300,000.

DEDUCTIBLE:

None

ANNUAL PREMIUM:

\$3,693.00

KEY CHANGES:

This is a new separate policy providing first dollar coverage. Coverage was previously included in general liability.

PUBLIC OFFICIALS LIABILITY INSURANCE

SUBJECT OF COVERAGE: District and employees of the District.

TERM: July 1, 1986, to July 1, 1987

LIMITS: \$1,000,000

DEDUCTIBLE: \$25,000

ANNUAL PREMIUM: \$33,000

COVERAGE DESCRIPTION: It insures the District, its Directors, and employees against liability arising out of a wrongful act subject to various exclusions.

EXCLUSIONS: Willful violation of Metro ordinances.
Willful violation of any local, state or federal law.
Action taken for personal profit or advantage.
Failure to maintain insurance.
Defense only is provided for employment-related issues including discrimination, failure to promote and wrongful action.

KEY CHANGES: Limit increased from \$500,000 and deductible increased from \$10,000.
Premium increased from \$10,554.

CRIME INSURANCE

SUBJECT OF COVERAGE:

Loss of money and securities.

TERM:

July 1, 1986, to July 1, 1987

LIMITS:

\$125,000

DEDUCTIBLE:

None

ANNUAL PREMIUM:

\$6,275

COVERAGE DESCRIPTION:

Covers the loss of money and securities both on and away from premises from the perils of destruction, disappearance or wrongful abstraction.

KEY CHANGES:

None

FIDELITY BOND

SUBJECT OF COVERAGE:

All employees except those who are required by law to furnish a faithful performance bond.

TERM:

July 1, 1986, to July 1, 1987

LIMITS:

\$500,000

DEDUCTIBLE:

None

ANNUAL PREMIUM:

\$2,331

COVERAGE DESCRIPTION:

Protects the District against loss arising out of the failure of employees to faithfully perform their duties in the handling of funds and property for the District. The limit of liability applies per loss.

EXCLUSIONS:

Any present or prior dishonesty will not void coverage as respects any employee under the bond unless known by the insurance manager or delegated assistant or member of the management staff.

KEY CHANGES:

None

COMPREHENSIVE AUTOMOBILE LIABILITY INSURANCE

SUBJECT OF COVERAGE: District vehicles.

TERM: July 1, 1986, to July 1, 1987

LIMITS: \$500,000 Combined Single Limit Bodily
Injury and Property Damage. ACV
Comprehensive and Collision.

DEDUCTIBLE: \$ 100 - Comprehensive
1,000 - Collision
Per schedule

ANNUAL PREMIUM: \$21,472

COVERAGE DESCRIPTION: Insures the District's legal liability
arising out of the ownership,
maintenance, or use of automobiles. Also
provides physical damage insurance on
those vehicles as outlined above.

KEY CHANGES: Premium increased from \$18,647.

PROPERTY INSURANCE

SUBJECT OF COVERAGE:

All buildings, equipment, furniture, and fixtures within the District in the state of Oregon.

TERM:

July 1, 1986, to July 1, 1987

LIMITS:

\$27,817,214 total value
\$12,000,000 per occurrence

DEDUCTIBLE:

\$1,000 per loss

ANNUAL PREMIUM:

\$40,037 estimate

COVERAGE DESCRIPTION:

The limit of liability applies to blanket buildings and equipment throughout the District. Coverage is on a replacement basis for the perils of fire, extended coverage, and "all risk" subject to various exclusions.

EXCLUSIONS:

Earthquake and flood

KEY CHANGES:

Property values has been reassessed and increased.

SPECIAL PROPERTY INSURANCE

SUBJECT OF COVERAGE:

- A. Damage to scheduled railroad equipment, tools, and other mobile equipment.
- B. Loss of income arising out of damage to railroad equipment.
- C. Damage to paintings and other fine arts in the District's care, custody and control.
- D. Direct damage to Fred the Mastodon.
- E. Damage to printings and fine arts owned by the District.

TERM:

July 1, 1986, to July 1, 1987

LIMITS:

- A. \$1,343,008
- B. 117,000
- C. 30,950
- D. 25,000
- E. 84,343

DEDUCTIBLE:

- A. \$2,500/\$5,000
- B. 24 Hours
- C. \$250
- D. \$500

ANNUAL PREMIUM:

Estimated \$10,075

COVERAGE DESCRIPTION:

"All risk" of direct physical loss to the above classes and items of property of the District or others subject to the various exclusions and limitations of the form.

KEY CHANGES:

Property under Schedules A and E have been reassessed resulting in premium reduction estimated at \$4,386.

BOILER AND MACHINERY INSURANCE

SUBJECT OF COVERAGE:

All hot water heating boilers, unfired pressure vessels, steam boilers, refrigerating air conditioning, mechanical and electrical apparatus, and one locomotive boiler located throughout the District.

TERM:

July 1, 1986, to July 1, 1987

LIMITS:

\$500,000 - Direct Damage
\$125,000 - Loss of Income
Locomotive Boiler

DEDUCTIBLE:

12 hours

ANNUAL PREMIUM:

\$1,724

COVERAGE DESCRIPTION:

Loss of covered items arising out of a sudden and accidental breakdown of an object or a part thereof which manifests itself at the time of the occurrence by physical damage to the object and necessitates repair or replacement of the object or part thereof.

KEY CHANGES:

Premium increased \$345.

ATTACHMENT "B"

Metro ad hoc staff committee on insurance:

Eleanore Baxendale, General Counsel
Don Carlson, Deputy Executive Officer
Kay Rich, Assistant Zoo Director
Jennifer Sims, Director of Management Services
Ed Stuhr, Analyst & Risk Manager
Norm Wietting, Solid Waste Operations Manager



METRO

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

Memorandum

Date: July 9, 1986

To: METRO COUNCIL

From: Jim Gardner, Deputy Presiding Officer

Regarding: Alternative Technology Policy Review Committee

The Policy Review Committee (PRC) is working with a Technical Review Committee (TRC) to evaluate resource recovery proposals, identify policy issues that should be decided by Metro Council, and make recommendations to the Council on these issues. The PRC is composed of Councilors Gardner, Kelley, and Kirkpatrick, as well as Clark County Commissioner David Sturdevant.

The PRC held two productive meetings in June. On June 16 we reviewed the overall process that the TRC would follow in evaluating the thirteen responses to Metro's RFQ/I, and the role the PRC would have in this. The PRC also went over the detailed schedule of tasks and decision points leading to issuance of the RFP. We identified some areas where the schedule could be accelerated, although not greatly. There was unanimous agreement that the process will proceed as quickly as possible consistent with the goal of producing an RFP which is fully detailed and which reflects clear and specific Metro positions on the policy issues involved.

The PRC then met on June 19 with the TRC. The TRC had conducted interviews with most of the resource recovery vendors, and had by that point identified several policy issues raised by the vendors' proposals. The following is a brief discussion of these issues, and a summary of the PRC's thoughts on each:

- 1) **MARKET RISK** - Should Metro encourage a project with substantial market risk? The response from Combustion Engineering, Riedel-DANO, and Reuter-Buhler/Miag may have an overly optimistic view of the market for RDF and/or compost products.

The PRC felt that Metro and Clark County would be unwilling to assume any market risk. However, projects wherein the vendor(s) assume all market risk remain desirable for consideration. It is recognized that allocating all market risk to the vendor could result in higher cost to Metro.

- 2) **OWNERSHIP** - Three responses would lead to difficulty in financing projects unless Metro owned the facility and financed the construction costs via a general obligation offering. Will Metro consider this approach?

There was considerable discussion on this point. It was expressed that the ownership issue is not only an economic concern, but a political one. Metro may wish to consider ownership due to the economic advantages. However, a cautious attitude should prevail when considering firms with low financial backing. The political implications of public ownership must be considered. The PRC reached consensus on keeping the ownership issue open.

- 3) **WASTE DISCRIMINATION** - Will Metro separate a waste component, i.e., commercial waste, from the major flow for a particular technology or firm? It seems that such a decision fits the spirit, if not the letter, of the waste hierarchy approach.

It was reiterated by members of the PRC that more than one vendor should be able to compete for the "gold" in the garbage, i.e., the high-grade waste with high recyclability and/or BTU content characteristics. At present, one RFQ/I response, that from GSX, recommends handling 100,000 TPY via material recovery and RDF production IF Metro guarantees 100,000 TPY of commercial waste.

The PRC indicated that this portion of the waste stream will be handled at material recovery facilities pending information from from waste sub-stream analysis. The GSX response, therefore, might best be handled in a separate process.

Consensus was reached by the PRC that no guarantees should be made that any specific waste sub-stream be separated for the alternative technology RFP.

- 4) **NEGOTIATIONS** - Does Metro have the right and desire to go directly into negotiations with one or more of the strongest respondees to the RFQ/I?

Metro has the right, but the PRC stated that the Metro policy on using a RFQ-RFP process has not changed. There was no interest in departing from this strategy.

- 5) **PHASED APPROACH** - Will Metro consider a phased approach either with one contractor or with more than one contractor? One contractor could start small and add capacity. More than one contractor could be considered for a phased approach by the timing of each start of operations.

The phased approach could produce less satisfaction to DEQ, but on the whole, the PRC indicated more than one project would be acceptable, as would a phased approach. It may lend greater flexibility to Metro. The issue should remain open until additional staff analysis is conducted.

- 6) SITE SELECTION - Some responses to the RFQ/I indicate an active Metro role in site selection. Is this a fatal flaw in their approach or will Metro expend the necessary resources, both financial and political, to obtain a site?

The PRC stated unanimously that Metro should have no initial involvement in finding a site(s), but that Metro should support the process leading to securing a site. The legal question of availability of the property adjacent to CTCRC will need to be explored. Once a vendor is selected and the site permitting process begins, Metro could provide all appropriate assistance.

The TRC has now completed their evaluation and ranking of the vendor proposals. The PRC and TRC will meet at noon on Friday, July 11, at which time the TRC will present its recommendations for vendors to be included on the "short list" for the RFP(s). All Metro Councilors who are interested are urged to attend on Friday. The TRC will also present an explanation of the reasoning underlying their recommendations.

The PRC will attempt to reach its decision on Friday as well. This decision could be to accept the TRC recommendations and submit these to the Metro Council, with or without additional recommendations from the PRC. Another possible decision could be to request more information from the TRC regarding their evaluations, and to defer submitting recommendations to the Metro Council.

MEMORANDUM

DATE: July 7, 1986

TO: Metro Council

FROM: Wayne Rifer

REGARDING: Issuance of RFP for Waste Characterization Study

Metro has issued a request for proposals to select a vendor to conduct a waste stream characterization and recovery feasibility study, pursuant to the Waste Reduction Program.

CONTENTS: The RFP requests work proposals and cost bids on a number of individual studies:

1. A full waste stream analysis which will sample waste to measure percentages of approximately 20 materials plus hazardous wastes and to measure waste characteristics needed for the AT project.
2. A high-grade load commercial waste analysis which will help determine the feasibility of materials recovery.
3. A hazardous waste analysis for commercial waste.
4. A residential waste analysis by socio-economic groups to help target source separation and promotion efforts.
5. An analysis of self-haul waste to identify the feasibility of recovering recyclable and reusable materials.

BUDGET AND CONTRACT: The '86-'87 budget includes \$95,000 for contract services for this study. Following selection of a vendor a contract will be negotiated to begin work as soon as possible on as much of the work as can be performed within budget. The contract will be presented to Council for approval.

It is anticipated that bids for the full study may exceed this amount and further budget amounts and contracts may be recommended subsequently.

TIME LINE:	6/30	RFP Issuance
	8/4	Responses Due
	8/12-8/14	Interviews and Selection
	8/15-8/19	Final Contract Negotiation
	8/28	Council Approval of Contract
	9/1	Consultant Begins Work

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METRO

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Executive Officer Report

July 10, 1986

WASTE REDUCTION PLAN

The EQC approved the Solid Waste Reduction Plan on Friday, June 27. That afternoon commissioners toured facilities -- St. Johns, CTCRC, Grimms' and McFarlane's. It was a very positive tour.

WASTE REDUCTION PUBLIC EDUCATION CAMPAIGN

The waste reduction promotion comes on the heels of a yard debris recycling campaign that was tremendously successful. The most common response from the public to our "Together we can get out of the Dumps" campaign was "It's about time."

The second phase of Metro's public information campaign, "How to save the Earth with a Brown Paper Bag," will hit the media July 13. The Fred Meyer stores will "kick off" the campaign July 17 with the announcement of grocery bags containing information on how to recycle.

The first week of July was declared Recycling Week by Governor Atiyeh as part of the kick off of the July 1 curbside recycling program (SB 405).

ST. JOHNS LANDFILL

A disc screen arrived at the landfill with operation beginning July 10 for yard debris processing.

DEQ LANDFILL SITING

The state landfill siting process continues with five public information workshops during July 7-15 for residents interested in the 19 potential landfill sites. For times and locations, call Dennis O'Neil.

CONVENTION, TRADE, AND SPECTATOR FACILITIES

With the adoption of the Regional Convention, Trade, and Spectator Facilities Master Plan, Metro became the lead agency responsible for a regional convention and trade show center. Under Multnomah County Ordinance 501, the lead agency receives that portion of the transient lodging tax dedicated to the Convention and Trade Show Center Special Fund. This intergovernmental agreement transfers the fund to Metro; Metro provides Multnomah County with an annual accounting of the funds. The Board of County Commissioners ratified the agreement on July 3.

CTS project staff has worked with bond counsel to produce the resolution and ballot title included in the July 10 agenda packet. Government Finance

Associates is preparing refined financial source and use projections for the project. With the Boundary Commission's approval of the addition of CTS functions to those performed by the agency, and with consideration of the resolution referring the ballot measure on July 10, the Center is on its way to the voters.

BEARWALK CAFE

The new Bearwalk Cafe opened June 17. Be sure to try the waffle cones and other new items at the cafe.

TOURISM AWARD

Zoo Director Gene Leo received the Tourism Award for 1986 from the Greater Portland Convention and Visitors Association. This represents the GPCVA's highest honor for activity in tourism development.

WORKSHOPS

The 7th Annual Metro Conference on Marketing the Region's Tourism products was very successful. Mel Huie, IRC, did an excellent job of coordinating the conference and providing informative, upbeat speakers. Favorable publicity about the conference was icing on the cake.

MARK YOUR CALENDARS

The 1986 Friends of the Zoo Grand WAZOO will be held on Saturday, August 23. Please plan to attend for an evening you won't forget!

KD/gl
5851C/D3

B A L L O T

District 9 Council Position

Ben Butzien

Tanya Collier

X

Edward Meece

Bob Palmer

Councilor's Signature

L. Cooper

B A L L O T

District 9 Council Position

Ben Butzien

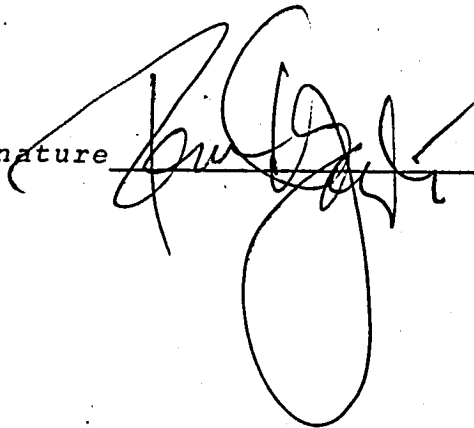
Tanya Collier

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Edward Meece

Bob Palmer

Councilor's Signature

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B A L L O T

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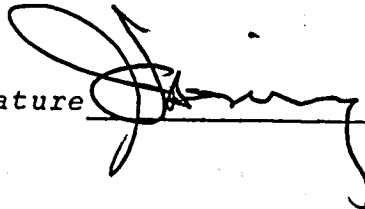
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Jim Gardner

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Ben Butzien

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B A L L O T

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Councilor's Signature *Sharon Kelly*

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Bob Olson

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George Amey

B A L L O T

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Ben Butzien

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Edward Meece

Bob Palmer

X

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Guy Hanan

B A L L O T

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Edward Meece

Bob Palmer

X

Councilor's Signature

Corley