



# METRO

# Agenda

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

MEETING: METRO COUNCIL  
DATE: February 28, 1991  
DAY: Thursday  
TIME: 5:30 p.m.  
PLACE: Metro Council Chamber

Approx.  
Time\*

Presented  
By

5:30 CALL TO ORDER/ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
3. EXECUTIVE OFFICER COMMUNICATIONS

5:35  
(5 min.)

4. CONSENT AGENDA

- 4.1 Resolution No. 91-1397, For the Purpose of Establishing a Northwest Subarea Transportation Study Citizens Advisory Committee and Appointment of Members (Action Requested: Motion to Adopt the Consent Agenda) Gardner

5:40  
(5 min.)

5. ORDINANCES, FIRST READINGS

- 5.1 Ordinance No. 91-387, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Initial Financing and Purchase Costs of the Hanna Property (Referred to the Finance Committee)
- 5.2 Ordinance No. 91-386, For the Purpose of Amending Metro Code Chapter 5.02, Disposal Charges and User Fees at Metro Facilities (Referred to the Solid Waste and Finance Committees)
- 5.3 Ordinance No. 91-388, For the Purpose of Amending Metro Code Chapter 5.05 Regulating the Flow of Solid Waste Originating Within the Boundaries of the Metropolitan Service District (Recommended to the Solid Waste Committee)

6. ORDINANCES, SECOND READINGS

5:45  
(15 min.)

- 6.1 Ordinance No. 91-378, For the Purpose of Amending Metro Code Chapter 2.02, Section 2.02.040(e), Relating to Confirmation by Council of Certain Appointments to Fill Positions Public Hearing (Action Requested: Motion to Adopt the Ordinance) Buchanan

Continued

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

Approx.  
Time\*

Presented  
By

**ORDINANCES, SECOND READINGS (Continued)**

6:00  
(10 min.)

- 6.2 Ordinance No. 91-383, An Ordinance Authorizing Devlin the Issuance of Revenue Bonds and Bond Anticipation Notes of the Metropolitan Service District for the Purpose of Financing the Acquisition, Renovation, Furnishing and Equipping of an Administrative Offices Building for Use in the Operations of the District; and Establishing and Determining Other Matters in Connection Therewith Public Hearing (Action Requested: Motion to Adopt the Ordinance)

6:10  
(10 min.)

- 6.3 Ordinance No. 91-384, An Ordinance Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 90-3:Washington County (Action Requested: Motion to Adopt the Ordinance)

**7. RESOLUTIONS**

**REFERRED FROM THE FINANCE COMMITTEE**

6:20  
(15 min.)

- 7.1 Resolution No. 91-1375, For the Purpose of Amending the Classification Plan and the Pay Plan for Non-Represented Employees (Action Requested: Motion to Adopt the Resolution) Wyers

**REFERRED FROM THE GOVERNMENTAL AFFAIRS COMMITTEE**

6:35  
(10 min.)

- 7.2 Resolution No. 91-1405, For the Purpose of Identifying Legislative Issues for Support, Opposition, and Monitoring in the 1991 Legislative Session (Action Requested: Motion to Adopt the Resolution)

6:45  
(10 min.)

- 7.3 Resolution No. 91-1406, For the Purpose of Establishing Criteria for Council Appointments to the Metropolitan Service District Charter Committee (Action Requested: Motion to Adopt the Resolution)

**REFERRED FROM THE REGIONAL FACILITIES COMMITTEE**

6:55  
(10 min.)

- 7.4 Resolution No. 91-1401, For the Purposes of Authorizing an Exemption From Metro Code Section 2.04.054 For an Amendment of the Turner Construction Company Contract (Action Requested: Motion to Adopt the Resolution)

Continued

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



Approx.  
Time\*

Presented  
By

7:05  
(10 min.)

- 7.5 Resolution No. 91-1409, For the Purpose of Expressing Support for a Zoo Station in the Preferred Alternative for Westside LRT (Action Requested: Motion to Adopt the Resolution)

REFERRED FROM THE SOLID WASTE COMMITTEE

7:15  
(10 min.)

- 7.6 Resolution No. 91-1399, For the Purpose of Authorizing A Multi-Year Intergovernmental Agreement with Clackamas County for the Coordination of Pilot Testing of Containers for Yard Debris Collection (Action Requested: Motion to Adopt the Resolution)

Wyers

BEFORE THE CONTRACT REVIEW BOARD OF THE METROPOLITAN SERVICE DISTRICT

7:25  
(10 min.)

- 7.7 Resolution No. 91-1396, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding Pursuant to Metro Code 2.04.041, and Authorizing A Change Order to the Metro South Station Modifications (Action Requested: Motion to Adopt the Resolution)

DeJardin

REFERRED FROM TRANSPORTATION & PLANNING

7:35  
(10 min.)

- 7.8 Resolution No. 91-1395A, For the Purpose of Providing the Assessment of Local Dues to Local Governments for FY 1991-92 (Action Requested: Motion to Adopt the Resolution)

Gardner

## 8. COUNCIL COMMUNICATIONS AND COMMITTEE REPORTS

7:45  
(10 min.)

- 8.1 Regional Facilities Committee Report

Knowles

7:55

ADJOURN

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



**METRO**

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

# Memorandum

DATE: March 6, 1991

TO: Metro Council  
Executive Officer  
Interested Staff

FROM: Paulette Allen, Clerk of the Council *RA*

RE: COUNCIL ACTIONS OF FEBRUARY 28, 1991 (REGULAR MEETING)

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COUNCILORS PRESENT: Presiding Officer Tanya Collier, Deputy Presiding Officer Jim Gardner, Larry Bauer, Roger Buchanan, Richard Devlin, Tom DeJardin, Sandi Hansen, David Knowles, Ruth McFarland, Susan McLain, Judy Wyers and George Van Bergen. COUNCILORS ABSENT: None.

AGENDA ITEM

ACTION TAKEN

- |  |  |
|--|--|
| 1. INTRODUCTIONS   | None.  |
| 2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS   | None.  |
| 3. EXECUTIVE OFFICER COMMUNICATIONS  | Executive Officer Cusma noted the Metro Riedel Compost facility dedication ceremony would take place March 28. Executive Officer Cusma also noted Pam Erickson, previous deputy director with the City of Portland Employment Division, would temporarily fill the vacant Project Operations Manager position. |
| 4. CONSENT AGENDA  | Adopted (Gardner/Buchanan; 11-0 vote).   |
| 4.1 Resolution No. 91-1397, For the Purpose of Establishing a Northwest Subarea Transportation Study Citizens Advisory Committee and Appointment of Members  |  |
| 5. ORDINANCES, FIRST READINGS  |  |
| 5.1 Ordinance No. 91-387, An Ordinance Amending Ordinance No. 90-340A Revising the FY 1990-91 Budget and Appropriations Schedule for the Purpose of Funding Initial Financing and Purchase Costs of the Hanna Property | Referred to the Finance Committee.   |

(Continued)



AGENDA ITEM

ACTION TAKEN

5.2 Ordinance No. 91-386, For the Purpose of Amending Metro Code Chapter 5.02, Disposal Charges and User Fees at Metro Facilities Referred to the Solid Waste and Finance Committees.

5.3 Ordinance No. 91-388, For the Purpose of Amending Metro Code Chapter 5.05 Regulating the Flow of Solid Waste Originating Within the Boundaries of the Metropolitan Service District Referred to the Solid Waste Committee.

6. ORDINANCES, SECOND READINGS

6.1 Ordinance No. 91-378A, For the Purpose of Amending Metro Code Chapter 2.02, Section 2.02.040(e), Relating to Confirmation by Council of Certain Appointments to Fill Positions (Public Hearing) No public testimony offered. Adopted (Buchanan/DeJardin; 11-0 vote).

6.2 Ordinance No. 91-383, An Ordinance Authorizing the Issuance of Revenue Bonds and Bond Anticipation Notes of the Metropolitan Service District for the Purpose of Financing the Acquisition, Renovation, Furnishing and Equipping of an Administrative Offices Building for Use in the Operations of the District; and Establishing and Determining Other Matters In Connection Therewith (Public Hearing) No public testimony offered. Adopted (Devlin/Wyers; 10-0 vote).

6.3 Ordinance No. 91-384, An Ordinance Adopting a Final Order and Amending the Urban Growth Boundary for Contested Case No. 90-3: Washington County No public testimony offered. Adopted (Devlin/Bauer; 12-0 vote)

7. RESOLUTIONS

7.1 Resolution No. 91-1375A, For the Purpose of Amending the Classification Plan and the Pay Plan for Non-Represented Employees Adopted (Wyers/Devlin; 12-0 vote).

AGENDA ITEM

ACTION TAKEN

- |  |   |
|--|---|
| 7.2 Resolution No. 91-1405A, For the Purpose of Identifying Legislative Issues for Support, Opposition, and Monitoring in the 1991 Legislative Session   | Resolution No. 91-1405A amended with revised Exhibits A, B, C. (Devlin/DeJardin; 12-0 vote); adopted as amended (Devlin/DeJardin; 12-0 vote).                                   |
| 7.3 Resolution No. 91-1406, For the Purpose of Establishing Criteria for Council Appointments to the Metropolitan Service District Charter Committee   | Adopted (Devlin/DeJardin; 12-0 vote).   |
| 7.4 Resolution No. 91-1401A, For the Purposes of Authorizing an Exemption from the Metro Code Section 2.04.054 for an Amendment of the Turner Construction Company Contract  | Adopted by the Contract Review Board of the Metropolitan Service District (Knowles/Hansen; 12-0 vote).  |
| 7.5 Resolution No. 91-1409, For the Purpose of Expressing Support for a Zoo Station in the Preferred Alternative for Westside LRT  | Removed from the agenda.  |
| 7.6 Resolution No. 91-1399, For the Purpose of Authorizing a Multi-Year Intergovernmental Agreement with Clackamas County for the Coordination of Pilot Testing of Containers for Yard Debris Collection                   | Adopted (Wyers/Devlin; 8-1 vote. Councilor Gardner voted nay; Councilors Bauer, Buchanan and Knowles were absent).  |
| 7.7 Resolution No. 91-1396, For the Purpose of Authorizing an Exemption to the Requirement of Competitive Bidding Pursuant to Metro Code 2.04.041, and Authorizing a Change Order to the Metro South Station Modifications | Adopted by the Contract Review Board of the Metropolitan Service District (DeJardin/Wyers; 7-5 vote. Councilors Gardner, Knowles, McFarland, Van Bergen and Collier voted nay.) |

(Continued)



AGENDA ITEM

- 7.8 Resolution No. 91-1395A, For the Purpose of Providing the Assessment of Local Dues to Local Governments for FY 1991-92

ACTION TAKEN

A motion to raise governmental dues from \$.43 to \$.51 failed (Van Bergen/McFarland; 4/8. Voting aye; Councilors Buchanan, DeJardin, McFarland and Van Bergen.) Adopted (Gardner/Wyers; 10/2 vote. Voting nay; Councilors McFarland and Van Bergen).

**8. COMMUNICATIONS AND COMMITTEE REPORTS**

- 8.1 Regional Facilities Committee Report

Councilor Knowles gave the Regional Facilities Committee report.

Agenda Item No. 4.1  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1397



**TRANSPORTATION and PLANNING  
COMMITTEE REPORT**

**RESOLUTION NO. 91-1397, ESTABLISHING a  
NORTHWEST SUBAREA TRANSPORTATION STUDY CITIZENS ADVISORY COMMITTEE  
and APPOINTMENT OF MEMBERS**

**Date: February 13, 1991**

**By: Councilor Gardner**

**COMMITTEE RECOMMENDATION**

At its February 12, 1991 meeting, Metro Council's Transportation and Planning Committee voted unanimously (Councilors Bauer, Devlin, Gardner, McLain and Van Bergen) to recommend Council adopt Resolution No. 91-1397.

**COMMITTEE DISCUSSION**

Councilor McLain asked how the Committee's members were selected. Transportation answered that they contacted Portland's Office of Neighborhood Associations and Washington County for organizations in the study area, and also contacted individuals and organizations whose names were in Transportation's files from the area. The organizations decided who would represent them. The number of interested parties turned out to be workable, so no one was cut.

Councilor Bauer asked who would be representing the interest of Forest Park. Transportation answered that they would contact the Portland Bureau of Parks in connection with the technical advisory committee's work. Oregon Environmental Council is on the Committee. Audubon had not responded. (There was no mention of Friends of Forest Park.)

Councilor Van Bergen asked about any connection between this study and the bi-state study of a major new north-south route west of I-5. Transportation answered that the Northwest Subarea Study is primarily an east-west study and a transportation study (as opposed to a highway study), but that it could involve looking at connections with St. Helens Road to the north.

Councilor McLain asked what is the major goal of the Study. Transportation answered it is to reduce regional through traffic on Cornell / Barnes / Burnside, which does raise north-south and Sunset issues.

**BACKGROUND**

Transportation's staff report says:

- + The study will address interjurisdictional transportation problems related to existing and forecast (2010) east-west traffic flows, access to the Sunset, and low levels of transit.
- + The Committee will assist Metro staff and its technical advisory committee to identify issues, form objectives, review data and information, evaluate alternatives, and formulate recommendations.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 91-1397
A NORTHWEST SUBAREA TRANSPORTATION	)	
STUDY CITIZENS ADVISORY COMMITTEE	)	Introduced by Rena Cusma,
AND APPOINTMENT OF MEMBERS	)	Executive Officer

WHEREAS, A Northwest Subarea Transportation Study is endorsed by the Joint Policy Advisory Committee on Transportation (JPACT); and

WHEREAS, The study will address problems related to existing (1988) and forecast (2010) traffic movements between Washington County and the City of Portland, with emphasis on operations and safety on NW Cornell Road, West Burnside Street, SW Barnes Road, the Sunset Highway and parallel routes; and to north-south travel within the study area and the relationship of study area traffic to the Sunset Highway; and

WHEREAS, Citizen representation to assist staff to identify issues, review technical information, formulate and review alternatives and recommendations and act as liaisons with their respective organizations and the community is an integral aspect of the study process; and

WHEREAS, Citizen input contributes to the objectives of improving neighborhood viability and protecting natural resources while maintaining access to business and jobs; now, therefore,

BE IT RESOLVED,

1. That a Northwest Subarea Citizens Advisory Committee be established.

2. That the Executive Officer be charged with appointing citizen members for the duration of the study which shall be concluded October 1991.



3. That the following citizen members representing a broad variety of interests and organizations be appointed to the committee and confirmed by the Council of the Metropolitan Service District:

Betty Atteberry, Sunset Corridor Association  
Selwyn Bingham, Northwest Industrial Neighborhood Assn.  
Eugene Lynch, Sylvan-Highlands Neighborhood Assn.  
Alice Meyer, Forest Park Neighborhood Assn.  
David Lokting, Arlington Heights Neighborhood Assn.  
Chuck South, Leahy Neighborhood Assn.  
Ron Poplin, Homes Association of Cedar Hills  
Gail Parker, Hillside Neighborhood Assn.  
Gerald Parady, Citizens for the Canyon  
Larry Preuss, CPO 1  
Chet Grycko, At-Large  
John Breiling, CPO 7  
Richard E. Caplan, Nob Hill Business Assn.  
Charlotte Corkran, Oregon Environmental Council  
Ellen Vanderslice, Northwest District Assn.  
Ken Zinsli, St. Vincent's Hospital

Alternates:

Micki Rosen, Sylvan-Highlands Neighborhood Assn.  
Gail Neuburg, (1st Alternate) Hillside Neighborhood Assn.  
Cristine James (2nd Alternate) Hillside Neighborhood Assn.  
Marcy McInelly, Forest Park Neighborhood Assn.  
Chris Wrench, Northwest District Assn.  
Chuck Weswig, Homes Association of Cedar Hills

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

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

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 91-1397 FOR THE PURPOSE OF ESTABLISHING A NORTHWEST SUBAREA TRANSPORTATION STUDY CITIZENS ADVISORY COMMITTEE AND APPOINTMENT OF MEMBERS

Date: February 1, 1991

Presented by: Andrew Cotugno

#### FACTUAL BACKGROUND AND ANALYSIS

Resolution No. 91-1397 appoints the Citizens Advisory Committee (CAC) for the Northwest Subarea Transportation Study. The committee represents a balanced interest of neighborhood, business, and institutional organizations from throughout the study area. The study area is generally described as an area bound by NW Thompson and NW Cornell Roads on the north, NW 23rd and NW Vista to the east, the Sunset Highway to the south and NW 119th to the west. The study will address interjurisdictional transportation problems related to existing and forecast (2010) traffic movements. Addressing problems related to east-west traffic flows, access to the Sunset Highway and low levels of transit are the major focus of the study.

The purpose of the CAC is to assist Metro staff and the study's Technical Advisory Committee in the review and completion of study elements including the identification of study issues, formation of study objectives, the review of study data and information, the evaluation of study alternatives and the formulation of study recommendations.

A list of nominated representatives for the Northwest Subarea Transportation Study CAC is included under Resolve 3 of the Resolution. The committee will meet monthly or as needed until the fall of 1991.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1397.



Agenda Item No. 5.1  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-387

## STAFF REPORT

### AMENDING ORDINANCE NO. 90-340A REVISING THE FY 1990-91 BUDGET AND APPROPRIATIONS SCHEDULE FOR THE PURPOSE OF FUNDING INITIAL FINANCING AND PURCHASE COSTS OF THE HANNA PROPERTY

Date: February 20, 1991      Presented by: Dominic Buffetta and  
Jennifer Sims

#### FACTUAL BACKGROUND AND ANALYSIS

The attached Ordinance revising the FY 1990-91 Budget is introduced in order to facilitate acquisition and renovation of the Hanna property by the Metro ER Commission.

The property is a rectangular piece of land bordered by a parking area to the north, Interstate 5 to the east, N.E. Hassalo to south and N. Williams to the west. It is approximately 62,400 square feet in size. It consists of a single story building with parking areas undercover and additional parking areas adjacent to the north and east sides of the building.

MERC has previously authorized an option to acquire the Hanna property. That option was never consummated and at this time a private interest has an offer pending. Property is in bankruptcy with MDFC Loan Corporation being the holder of the lien on the property.

The following steps are necessary in order to execute the purchase of this property:

1. MERC approve resolution for budget amendments for FY 1990-91 requirements and Supplemental Budget.
2. Secure MERC approval to enter into capital lease agreement for purchase of property.
3. Adoption of budget revision Ordinance No. 91-387. This ordinance provides for the out-of-pocket direct expenses associated with the acquisition of the property for FY 1990-91.
4. Approve Supplemental Budget recognizing lease proceeds and purchase of the property. Debt service payments will be scheduled to begin in FY 1991-92.
5. Secure City of Portland approval for acquisition of real property as required by Section 3.D of the Consolidation Agreement.

Estimated FY 1990-91 expenses are as follows:

Materials & Services

Taxes/Liens	\$ 73,000
Title Search and Insurance	2,200
Financing Costs	<u>1,300</u>
Subtotal	\$ 76,500

Capital

Roof Repair	\$ 13,500
Removal of Underground Storage Tanks	65,000
Lighting Renovation	3,500
Glass Replacement	4,000
Exterior Structure Repair	2,500
Painting/Aesthetics	10,000
Asbestos Removal	<u>25,000</u>
Subtotal	\$123,500

Total Expenses	\$200,000
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These are the projected costs to make the property available and useful in the short-term. These are conservative estimates of costs. No specific analysis of asbestos requirements has been made. The \$25,000 estimate is an average, estimates range from \$15,000 to \$40,000 for this work.

Funds for the purchase of this property will derived from a capital lease financed over a 10-year period. Initial interest rate estimates are at about 8 percent. The debt service payments and acquisition costs would be paid from the Spectator Facilities Fund. As required by the Consolidation Agreement, title to this property would be in the name of the City of Portland or ERC.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-387.

js\hanna.stfrpt



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE AMENDING ORDINANCE NO. )  
90-340A REVISING THE FY 1990-91 )  
BUDGET AND APPROPRIATIONS SCHEDULE )  
FOR THE PURPOSE OF FUNDING INITIAL )  
FINANCING AND PURCHASE COSTS OF THE )  
HANNA PROPERTY )

ORDINANCE NO. 91-387

Introduced by Rena Cusma,  
Executive Officer

WHEREAS, The Council of the Metropolitan Service District has reviewed and considered the need to transfer appropriations within the FY 1990-91 Budget; and

WHEREAS, The need for a transfer of appropriation has been justified; and

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

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Ordinance No. 90-340A, Exhibit B, FY 1990-91 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$200,000 from the Spectator Facilities Operating Fund Contingency to fund initial financing and purchase costs of the Hanna Property.

ADOPTED by the Council of the Metropolitan Service District this

\_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

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

EXHIBIT A  
ORDINANCE NO. 91-387

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES OPERATING FUND							
Memorial Coliseum							
	Total Personal Services	108.20	3,295,848	0.00	0	108.20	3,295,848
	Materials & Services						
521100	Office Supplies		25,000				25,000
521290	Other Supplies		82,909				82,909
521292	Small Tools		12,715				12,715
521400	Fuels & Lubricants		3,350				3,350
524110	Audit Services		2,000				2,000
524120	Legal Fees		25,000				25,000
524130	Promotion/Public Relation Services		137,025				137,025
524190	Misc Professional Services		11,682		3,500		15,182
524310	Management Consulting Services		4,000				4,000
525110	Utilities-Electricity		262,851				262,851
525120	Utilities-Water and Sewer		64,468				64,468
525130	Utilities-Natural Gas		2,297				2,297
525140	Utilities-Heating Oil		44,688				44,688
525190	Utilities-Other		33,881				33,881
525610	Maintenance & Repair Services-Building		155,848				155,848
525710	Equipment Rental		31,598				31,598
526310	Printing Services		25,862				25,862
526410	Telephone		50,923				50,923
526420	Postage		25,500				25,500
526500	Travel		29,800				29,800
526690	Concessions/Catering Contract		3,391,375				3,391,375
526691	Parking Contract		421,338				421,338
526700	Temporary Help Services		357,280				357,280
526800	Training, Tuition, Conferences		10,500				10,500
526910	Uniforms and Cleaning		23,611				23,611
528310	Real Estate Taxes		0		73,000		73,000
529800	Miscellaneous		41,525				41,525
	Total Materials & Services		5,277,026		76,500		5,353,526
	Capital Outlay						
571400	Purchases - Equipment and Vehicles		36,500				36,500
571500	Purchases - Office Furniture and Equipment		30,000				30,000
574510	Construction Work Other Than Building		76,000				76,000
574520	Construction Work - Building		126,000		123,500		249,500
	Total Capital Outlay		268,500		123,500		392,000
	TOTAL EXPENDITURES	108.20	8,841,374	0.00	200,000	108.20	9,041,374

EXHIBIT A  
ORDINANCE NO. 91-387

FISCAL YEAR 1990-91		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCOUNT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SPECTATOR FACILITIES FUND							
General Expenses							
Interfund Transfers							
581610	Trans. Indirect Costs to Support Svs. Fund		312,466				312,466
581615	Trans. Indirect Cost to Insur. Fund		114,822				114,822
582751	Transfer Resources to Metro ERC Management Pool		603,030				603,030
583610	Transfer Direct Costs to Support Svs. Fund		45,885				45,885
Total Interfund Transfers			1,076,203		0		1,076,203
Contingency and Unappropriated Balance							
599999	Contingency		665,000		(200,000)		465,000
599990	Unappropriated Balance		2,005,453				2,005,453
Total Contingency and Unappropriated Balance			2,670,453		(200,000)		2,470,453
TOTAL EXPENDITURES		229.42	18,636,021	0.00	0	229.42	18,636,021

**EXHIBIT B**  
**ORDINANCE NO. 91-387**  
**Schedule of Appropriations**

	CURRENT APPROPRIATION	REVISION	PROPOSED APPROPRIATION
<b>SPECTATOR FACILITIES OPERATING FUND</b>			
<b>Memorial Coliseum</b>			
Personal Services	3,295,848	0	3,295,848
Materials & Services	5,277,026	76,500	5,353,526
Capital Outlay	268,500	123,500	392,000
Subtotal	8,841,374	200,000	9,041,374
<b>Civic Stadium</b>			
Personal Services	516,945	0	516,945
Materials & Services	1,150,196	0	1,150,196
Capital Outlay	21,700	0	21,700
Subtotal	1,688,841	0	1,688,841
<b>Performing Arts Center</b>			
Personal Services	2,972,515	0	2,972,515
Materials & Services	1,074,060	0	1,074,060
Capital Outlay	312,575	0	312,575
Subtotal	4,359,150	0	4,359,150
<b>General Expense</b>			
Interfund Transfers	1,076,203	0	1,076,203
Contingency	665,000	(200,000)	465,000
Subtotal	1,741,203	(200,000)	1,541,203
<b>Unappropriated Balance</b>	2,005,453	0	2,005,453
<b>Total Spectator Facilities Operating Fund Requirements</b>	18,636,021	0	18,636,021

**ALL OTHER APPROPRIATIONS REMAIN AS PREVIOUSLY ADOPTED**



Agenda Item No. 5.2  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-386

February 19, 1991

NOTE

Detailed numbers are not available at this time due to the interconnectedness of the FY 1991-92 Budget and the proposed rates for FY 1991-92. Proposed rates will be available(in detail) as a supplement at the 1st Reading of Ordinance No. 91-386. The total rate is expected to be within a \$62 - \$65 range.

Council  
2/28/91  
5.2 91-386

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-386, FOR THE PURPOSE  
OF AMENDING METRO CODE CHAPTER 5.02, ESTABLISHING SOLID  
WASTE DISPOSAL RATES FOR FY 1991-92.

Date: February 28, 1991

Presented by: Bob Martin  
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Metro's Solid Waste Disposal rates were last increased on July 1, 1990. Ordinance No. 91-386 will increase the overall Solid Waste Disposal System Rate at the Metro South Station, the Metro Central Station and the Metro/Riedel Compost Facility and will establish a separate rate for disposal of Limited Purpose waste at the St. Johns Landfill.

The System Rate increase reflects the added costs of shipping and disposing at least 90 percent of Metro's general purpose and/or residual waste at the Columbia Ridge Landfill. It also reflects the added capital improvement (principle and interest payments) and operating costs associated with the newly opened Metro Central Station and the Metro/Riedel Compost Facility. Other rate covered expenses include Household Hazardous Waste facility costs at Metro South and Metro Central Stations and an allowance for operations at a new facility in Washington County.

The St. Johns Landfill rate reflects all expenses associated with the Regional User Fee (Tier 1) and other expenses particular to St. Johns Landfill only, including the Closure Reserve contribution.

Based on the above recommendations, rates will be revised as follows:

	<u>Current Rate</u>	<u>Recommended Rate</u>
Metro South Station		
(per ton)	\$54.00	\$63.00
Self-Haul (minimum)	15.00	15.00
Metro Central Station		
(per ton)	54.00	63.00
Self-Haul (minimum)	15.00	15.00
Metro/Riedel Compost Facility		
(per ton)	54.00	63.00
St. Johns Landfill		
(per ton)	\$47.00	\$45.75

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In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and other solid waste facilities will also be added as will the Metro excise tax.

#### FEE DEFINITIONS

Disposal Fee - pays for the costs of transportation and disposal of landfilled waste. Major cost components are: the Jack Gray Transport Contract and the Oregon Waste System disposal contract.

Regional User Fee (Tier One) - pays for costs associated with administration, financial and engineering services and waste reduction activities of the waste disposal system. Contingency fees on all costs and general transfers to solid waste funds and other departments are included in this fee. This fee is collected on all waste originating or disposed within the region.

Metro User Fee (Tier Two) - pays for fixed costs related to the Metro South, Metro Central, Metro/Riedel Composter and the St. Johns Landfill. This fee is collected at all Metro facilities. Fixed costs of the Oregon Waste Systems disposal contract, the Jack Gray transport contract, debt service for Metro Central and certain capital items (General Account) directly related to the facilities are paid through this fee.

Regional Transfer Charge - pays the operating costs of the Metro transfer stations. These costs are strictly tonnage sensitive, thus expenses and revenues fluxuate together. This fee is collected at Metro facilities only.

Enhancement Fees - are collected and used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

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February 19, 1991



# ST. JOHNS LANDFILL

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
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[Commercial] Credit Account

Disposal Fee		[\$26.00] \$25.50
Regional [Tier One] User Fee (Tier One)		[—7.00] 12.00
Metro [Tier Two] User Fee (Tier Two)		[14.00] 8.25
Total Rate		[\$47.00] *\$45.75

[Vehicle Category]	Fee Component	Trip Rate
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Residential Self-Haul

Flat Fee	\$15.00
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Tires	Type of Tire	Per Unit
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Car tires off rim		\$ .85
Car tires on rim		2.30
Truck tires off rim		2.30
Truck tires on rim		7.00
Any tire 21 inches or larger —diameter off or on rim		12.00]

\* Total Rate does not include state imposed fees which are currently [for commercial], \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees or other taxes established pursuant to Metro Code or State law.

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION  
METRO ~~[EAST]~~CENTRAL STATION  
METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	<del>[\$26.00]</del> \$33.00
	Regional <del>[Tier One]</del> User Fee <del>(Tier One)</del>	<del>[-7.00]</del> 12.00
	Metro Tier <del>[Two-User]</del> Fee <del>(Tier Two)</del>	<del>[14.00]</del> 8.00
	Regional Transfer Charge	<del>[ 7.00]</del> 10.00
	Total Rate	<del>[\$54.00]</del> *\$63.00
Minimum Charge per Vehicle		\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$ .85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

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\* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. ~~established pursuant to Section 5.02.025-(b).~~ The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

AMENDED STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-386, FOR THE PURPOSE  
OF AMENDING METRO CODE CHAPTER 5.02, ESTABLISHING SOLID  
WASTE DISPOSAL RATES FOR FY 1991-92.

Date: February 28, 1991

Presented by: Bob Martin  
Roosevelt Carter

FACTUAL BACKGROUND AND ANALYSIS

Metro's Solid Waste Disposal rates were last increased on July 1, 1990. Ordinance No. 91-386 will increase the overall Solid Waste Disposal System Rate at the Metro South Station, the Metro Central Station and the Metro/Riedel Compost Facility and will establish a separate rate for disposal of Limited Purpose waste at the St. Johns Landfill.

The System Rate increase reflects the added costs of shipping and disposing at least 90 percent of Metro's general purpose and/or residual waste at the Columbia Ridge Landfill. It also reflects the added capital improvement (principle and interest payments) and operating costs associated with the newly opened Metro Central Station and the Metro/Riedel Compost Facility. Other rate covered expenses include Household Hazardous Waste facility costs at Metro South and Metro Central Stations and an allowance for operations at a new facility in Washington County.

The St. Johns Landfill rate reflects all expenses associated with the Regional User Fee(Tier 1) and other expenses particular to St Johns only, including the Closure Reserve contribution.

Based on the above recommendations, rates will be revised as follows:

	<u>Current Rate</u>	<u>Recommended Rate</u>
Metro South Station		
(per ton)	\$54.00	\$ _____
Self-Haul(minimum)	15.00	_____
Metro Central Station		
(per ton)	54.00	_____
Self-Haul(minimum)	15.00	_____
Metro/Riedel Compost Facility		
(per ton)	54.00	_____
St. Johns Landfill		
(per ton)	\$47.00	\$ _____

In addition to these Metro rates we will also be required to collect \$0.50 per ton for the Orphan Site Account and \$0.50 per ton for DEQ programs pursuant to Oregon State statute adopted by HB 3515 last session. Rehabilitation and Enhancement fees of \$.50 per ton for projects within the immediate areas surrounding landfills and other solid waste facilities will also be added as will the Metro excise tax.

#### FEE DEFINITIONS

Disposal Fee - pays for the costs of transportation and disposal of landfilled waste. Major cost components are: the Jack Gray Transport Contract and the Oregon Waste System disposal contract.

Regional User Fee (Tier One) - pays for costs associated with administration, financial and engineering services and waste reduction activities of the waste disposal system. Contingency fees on all costs and general transfers to solid waste funds and other departments are included in this fee. This fee is collected on all waste originating or disposed within the region.

Metro User Fee (Tier Two) - pays for fixed costs related to the Metro South, Metro Central, Metro/Riedel Composter and the St. Johns Landfill. This fee is collected at all Metro facilities. Fixed costs of the Oregon Waste Systems disposal contract, the Jack Gray transport contract, debt service for Metro Central and certain capital items (General Account) directly related to the facilities are paid through this fee.

Regional Transfer Charge - pays the operating costs of the Metro transfer stations. These costs are strictly tonnage sensitive, thus expenses and revenues fluxuate together. This fee is collected at Metro facilities only.

Enhancement Fees - are collected and used to pay for rehabilitation and enhancement projects in the areas immediately surrounding landfills and other solid waste facilities.

RC:ay  
STAF0228.RPT  
February 19, 1991

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING	)	ORDINANCE NO. 91-386
METRO CODE CHAPTER 5.02,	)	
DISPOSAL CHARGES AND USER FEES	)	Introduced by Rena Cusma,
AT METRO FACILITIES	)	Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1 - Metro Code Section 5.02, is amended as follows:

CHAPTER 5.02

DISPOSAL CHARGES AND USER FEES

SECTIONS

5.02.010	Purpose
5.02.015	Definitions
5.02.020	Disposal Charges at St. Johns Landfill
5.02.025	Disposal Charges at Metro South Station, Metro Central Station, and Metro/Riedel Compost Facility
5.02.030	Waiver of Disposal Charges at St. Johns Landfill
5.02.035	Litter Control [ <del>at St. Johns Landfill and the Metro South Station</del> ]
<del>[5.02.040</del>	<del>Excess Weight Charge at St. Johns Landfill]</del>
5.02.045	User Fees
5.02.050	Regional Transfer Charge
5.02.060	Payment of Disposal Charges and Surcharges; Credit Policy
5.02.065	Special Waste Surcharge and Special Waste Permit Application Fees
5.02.070	Source Separated Yard Debris Disposal Charge
<del>[5.02.075</del>	<del>Certification Non-Compliance Fee</del>
<del>5.02.080</del>	<del>Post-Collection Recycling Incentive]</del>
5.02.085	Out-of-District Waste

5.02.010 Purpose: The purpose of this chapter is to establish base solid waste disposal rates and charges for the St. Johns Landfill, Metro South Station, Metro [East]Central Station, and the Metro/ Riedel Compost Facility; solid waste user fees, a regional transfer charge, an out-of-state surcharge and enhancement fees, and to establish a credit policy at Metro disposal facilities.



(Ordinance No. 82-146, Sec. 1; amended by Ordinance No. 88-257, Sec. 1, Ordinance No. 89-269, Sec. 2, Ordinance No. 90-337, Sec. 1)

**Section 2 - Metro Code Section 5.02.015, Definitions, is amended as follows:**

**5.02.015 Definitions:** As used in this chapter, unless the context requires otherwise:

(a) "Acceptable Special Wastes" means those special wastes which are approved by the Metro Solid Waste Department in the form of a special waste permit. "Unacceptable Waste," as defined in this section, is expressly excluded.

~~(a)~~ (b) "Cash Account Customer" means those persons who pay cash for disposal of solid waste at Metro South Station, Metro ~~[East]~~ Central Station, or the Metro/Riedel Compost Facility.

~~(b)~~ (c) "Credit Account Customer" means those persons who pay for disposal of solid waste through a charge account at Metro South Station, Metro ~~[East]~~ Central Station, or the Metro/Riedel Compost Facility.

(d) "Limited purpose solid waste" means construction, demolition, land clearing waste, and non-hazardous industrial dust.

~~(d)~~ (e) "Metro ~~[East]~~ Central Station" is that Metro solid waste transfer and recycling station located at 6161 N.W. 61st Avenue, Portland, Oregon, 97201.

~~(e)~~ (f) "Metro South Station" is that solid waste transfer station owned and operated by Metro and located at 16101 S. E. 82nd Drive, Oregon City, Oregon, 97045.

~~(m)~~ (g) ~~["Tier Two User Fee"]~~ "Metro User Fee (Tier Two)" means that fee collected at St. Johns Landfill, Metro South Station, Metro ~~[East]~~ Central Station, and Metro/Riedel

Compost Facility which consists of fixed expenses particular to those facilities.

~~[(e)]~~ (h) ~~["Mixed Paper" means uncontaminated, recyclable paper exclusive of newspaper and cardboard.]~~ "Metro/Riedel Compost Facility" is that solid waste mass compost facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon, 97232

~~[(g)]~~ (i) "Person" means any individual, partnership, association, corporation, trust, firm, estate, joint venture or any other private entity or any public agency.

~~[(i)]~~ (j) ~~["Tier One User Fee"]~~ "Regional User Fee (Tier One)" means that fee collected through the regional waste disposal system which consists of fixed expenses associated with the administration and planning of programs from which the entire region benefits. This fee is collected at all regional facilities which includes facilities owned and operated by Metro.

~~[(h)]~~ (k) "St. Johns Landfill" is that landfill owned ~~[by the City of Portland, Oregon,]~~ and operated by Metro and located at 9363 N. Columbia Boulevard, Portland, Oregon 97203, ~~which is restricted to limited purpose solid waste disposal.~~

~~[(i)]~~ (l) "Solid Waste" means all putrescible and nonputrescible wastes, including ~~[without limitation,]~~ garbage, rubbish, refuse, ~~[ashes,]~~ paper and cardboard; ~~[vehicles or parts thereof, sewage sludge, septic tank and cesspool pumpings or other sludge,]~~ commercial, industrial, demolition and construction waste; home and industrial appliances ~~[and all other waste material permitted by ordinance to be disposed of at the St. Johns Landfill].~~

~~[(j)]~~ (m) "Source Separated Yard Debris" means twigs, branches, grass clippings, leaves, and tree limbs in a form appropriate for mechanical processing for reuse or sale. Source separated yard debris does not include yard or construction debris that is not appropriate for mechanical processing for reuse or sale or that has unacceptable types or amounts of contaminants mixed with it. The operator or person in charge of

accepting this waste shall make the final determination of what is source separated yard debris based on the capability of available machinery to process it. The Director of Solid Waste may establish guidelines for determining what is source separated yard debris within the meaning of this chapter.

~~[(k)]~~ (n) "Special Waste" means any waste (even though it may be part of a delivered load of waste) which is:

- ~~(1) Solid waste which is any unusual component of municipal solid waste;~~
- ~~2) Solid waste which could potentially contain substantial quantities of waste defined as hazardous waste by the Oregon Department of Environmental Quality or the U.S. Environmental Protection Agency;~~
- ~~or~~
- ~~3) Solid waste which requires extraordinary management.]~~

- 1) Containerized waste (e.g., a drum, barrel, portable tank, box, pail, etc.) of a type listed in 3 - 8 of this definition below; or
- 2) Waste transported in a bulk tanker; or
- 3) Liquid waste including outdated, off spec liquid food waste in containers. Containers (or drums) which once held commercial products or chemicals are included unless the container is empty. A container is empty when: All wastes have been removed that can be removed using the practices commonly employed to remove materials from the type of container, e.g., pouring, pumping, crushing, or aspirating, and the ends have been removed (for containers in excess of 25 gallons), and no more than one inch thick (2.54 centimeters) of residue remains on the bottom of the container or inner liner, and no more than 1% of free liquid by weight

of the total capacity of the container remains in the container. Containers which once held ACUTELY HAZARDOUS WASTES must be triple rinsed with an appropriate solvent or cleaned by an equivalent method. Containers which once held substances regulated under the Federal Insecticide, Fungicide, and Rodenticide Act must be empty according to label instructions or triple rinsed. Plastic containers that held any regulated waste must be cut in half, dry and free of contamination to be accepted as refuse, or liquids or any type when the quantity in the load would fail a paint drip test or is 25 gallons of free liquid per 20 yd. box load, whichever is less; or

4) Sludge waste from septic tanks, food service, grease traps, wastewater from commercial laundries, laundromats or car washes; or

5) Waste from an industrial process; or

6) Waste from a pollution control process; or

7) Residue or debris from the cleanup of a spill or release of chemical substances, commercial products or wastes listed in commercial products or wastes listed in 1, 7 or 8 of this definition; or

8) Soil, water, residue, debris or articles which are contaminated from the cleanup of a site or facility formerly used for the generation, storage, treatment, recycling, reclamation, or disposal of wastes listed in 1 - 7 of this definition (for example - filters, oil filters, cathode ray tubes, lab equipment, acetylene tanks, CFC tanks or any other chemical containing equipment); or

9) Waste and waste containers that are marked with a National Fire Protection Association

identification label that has a hazard rating of 2, 3, or 4; or

10) Any waste that requires extraordinary management.

Examples of special wastes are: chemicals, liquids, sludge and dust from commercial and industrial operations; municipal waste water treatment plant grits, screenings and sludge; contaminated soils; tannery wastes, empty pesticide containers, and dead animals or by-products[~~and wastes containing asbestos~~].

(o) "Unacceptable Waste" means any and all waste that is either:

1) waste which is prohibited from disposal at a sanitary landfill by state or federal law, regulation, rule, code, permit or permit condition; or

2) a hazardous waste; or

3) Special Waste without an approved special waste permit, or

4) Infectious Medical Waste.

(Ordinance No. 82-146, Sec. 2; amended by Ordinance No. 86-210, Sec. 1; Ordinance No. 88-257, Sec. 2; Ordinance No. 88-278, Sec. 1; Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 1; and Ordinance No. 90-337, Sec. 2; Ordinance No. 90-372, Sec. 1)

**Section 3 - Metro Code Section 5.02.020, Disposal Charges at St. Johns Landfill, is amended as follows:**

**5.02.020 Disposal Charges at St. Johns Landfill:**

(a) A [~~commercial~~]base disposal fee of [~~\$26.00~~]~~\$~~ per ton of ~~limited purpose~~ solid waste delivered is established



for disposal at the St. Johns Landfill. Said rate shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

~~[(b) Notwithstanding the provisions of 5.02.020(a), the base disposal rate for Self-Haul trips of two and one-half cubic yards or less of garbage shall be \$3.50 per cubic yard if the disposer has separated and included in his/her load at least one-half cubic yard of recyclables (except Source-Separated Yard Debris). This rate shall be in addition to other fees and charges established pursuant to this chapter.]~~

~~[(e)]~~ (b) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the St. Johns Landfill. The minimum charge for ~~[commercial vehicles]~~ disposal shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 1; Ordinance No. 85-191, Sec. 2; Ordinance No. 86-214, Sec. 2; Ordinance No. 88-257, Sec. 3; Ordinance No. 88-278, Sec. 2; Ordinance No. 89-295, Sec. 2; and Ordinance No. 90-337, Sec. 3)

# ST. JOHNS LANDFILL

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
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[Commercial] Credit Account

Disposal Fee	[\$26.00]	\$
Regional [Tier One] User Fee (Tier One)	[7.00]	
Metro [Tier Two] User Fee (Tier Two)	[14.00]	
Total Rate	[\$47.00]	*\$

[Vehicle Category]	Fee Component	Trip Rate
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## Residential Self-Haul

Flat Fee	\$15.00
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<u>Tires</u>	<u>Type of Tire</u>	<u>Per Unit</u>
	Car tires off rim	\$ .85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00]

\* Total Rate does not include state imposed fees which are currently [for commercial], \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees or other taxes established pursuant to Metro Code or State law.

**Section 4 - Metro Code Section 5.02.025, Disposal Charges at Metro South Station, Metro East Station and the Metro/Riedel Compost Facility, is amended as follows:**

5.02.025 Disposal Charges at Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(a) A base disposal rate of ~~[\$26.00]~~\$ per ton of solid waste delivered is established for disposal at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(b) An enhancement fee of \$.50 per ton is established to be charged at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility.

(c) Notwithstanding the provisions of Sections 5.02.025 (a) and (b), persons other than Credit Account Customers who have separated and included in their loads at least one half cubic yard of recyclable material (as defined in ORS 459.005) shall receive a \$3.00 credit toward their disposal charge if their load is transported inside a passenger car or in a pickup truck ~~[of up to]~~not greater than a 3/4 ton capacity.

(d) The disposal fee and enhancement fee established by this section shall be in addition to other fees, charges and surcharges established pursuant to this chapter.

(e) The following table summarizes the disposal charges to be collected by the Metropolitan Service District from all persons disposing of solid waste at the Metro South Station, Metro ~~[East]~~Central Station and the Metro/Riedel Compost Facility. The minimum charge for all vehicles shall be \$15.00.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 2; Ordinance No. 85-191, Sec. 3; Ordinance No. 86-214, Sec. 3; Ordinance No. 88-257, Sec. 4; Ordinance No. 88-278, Sec. 3;

Ordinance No. 89-269, Sec. 2; Ordinance No. 89-295, Sec. 3.; and  
Ordinance No. 90-337, Sec. 4; Ordinance No. 90-372, Sec. 2)

METRO SOUTH STATION  
METRO [EAST] CENTRAL STATION  
METRO/RIEDEL COMPOST FACILITY

[Vehicle Category]	Fee Component	Tonnage Rate \$/Ton
	Disposal Fee	[\$26.00] \$
	Regional [Tier One] User Fee (Tier One)	[-7.00]
	Metro Tier [Two User] Fee (Tier Two)	[14.00]
	Regional Transfer Charge	[7.00]
	Total Rate	[\$54.00] *\$
Minimum Charge per Vehicle		\$15.00

Tires	Type of Tire	Per Unit
	Car tires off rim	\$ .85
	Car tires on rim	2.30
	Truck tires off rim	2.30
	Truck tires on rim	7.00
	Any tire 21 inches or larger diameter off or on rim	12.00

\* Total Rate does not include state imposed fees which are currently \$.50 DEQ Promotion Program Fee and \$.50 DEQ Orphan Site Program Fee and enhancement fees, excise taxes, or other taxes. established pursuant to Section 5.02.025 (b). The actual fees collected after addition of all taxes and fees shall be rounded up to the closest \$.50.

5.02.030 Waiver of Disposal Charges at St. Johns Landfill: A waiver of disposal charges may be made by the operator of the St. Johns Landfill for disposal of inert material including but not limited to earth, sand, stone, crushed concrete and broken asphaltic concrete and wood chips, if, at the discretion of the operator of the landfill, such material is needed at the landfill for cover, road base or other internal use.

(Ordinance No. 82-146, Sec. 5)

5.02.035 Litter Control: All vehicles entering Metro operated solid waste disposal facilities, transfer stations, recycling centers, or compost facilities with loads that are not covered with a secure tarp or solid tight fitting cover that prohibits material from being blown from the vehicle while in motion shall be charged double the total disposal charge which would otherwise be charged.

(Ordinance No. 82-146, Sec. 6; amended by Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 5)

Section 5 - Metro Code Section 5.02.040, is deleted.

~~[5.02.040 Excess Weight Charge at St. Johns Landfill: All vehicles entering the St. Johns Landfill with gross weights in excess of the Incinerator Road Bridge weight limits established by the City of Portland shall be charged double the normal disposal rate per ton for the amount of weight in excess of the bridge weight limit. Said weight limit shall be posted at the scalehouse of the landfill.~~

~~(Ordinance No. 82-146, Sec. 7)]~~

**Section 6 - Metro Code Section 5.02.045, User Fees, is amended as follows:**

**5.02.045 User Fees:** The following user fees are established and shall be collected and paid to Metro by the operators of solid waste disposal facilities, whether within or without the boundaries of Metro, for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries in accordance with Metro Code Section 5.01.150:

(a) ~~[Tier One]~~**Regional User Fee (Tier One)**

(1) For noncompacted solid waste, ~~[\$7.00]~~ \$ per ton delivered.

(2) For compacted solid waste, ~~[\$7.00]~~ \$ per ton delivered.

(b) ~~[Tier Two]~~**Metro User Fee (Tier Two):** ~~[\$14.00]~~ \$ per ton for all solid waste delivered to Metro owned or operated facilities.

(c) Inert material, including but not limited to earth, sand, stone, ~~[b]~~crushed stone, crushed concrete, broken asphaltic concrete and wood chips used at a landfill for cover, diking, road base or other internal use and for which disposal charges have been waived pursuant to Section 5.02.030 of this chapter shall be exempt from the above user fees.

(d) User fees shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146, Sec. 8; amended Ordinance No. 85-191, Sec. 4; Ordinance No. 86-214, Sec. 4; Ordinance No. 88-257, Sec. 6; Ordinance No. 88-278, Sec. 4; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 6; Ordinance No. 90-351, Sec. 1; Ordinance No. 90-372, Sec. 3)



**Section 7 - Metro Code Section 5.02.050, Regional Transfer Charge, is amended as follows:**

**5.02.050 Regional Transfer Charge:**

(a) There is hereby established a regional transfer charge which shall be a charge to the users of Metro South Station, Metro [East]Central Station and Metro/Riedel Compost Facility. Such charge shall be collected and paid in the form of an add-on in addition to user fees established by Section 5.02.045 of this chapter.

(b) The following regional transfer charges shall be collected and paid to Metro by the users of Metro South Station, Metro [East]Central Station and the Metro/Riedel Compost Facility for the disposal of solid waste generated, originating, collected or disposed within Metro boundaries: For all solid waste [\$7.00]\$ per ton delivered.

(c) Regional transfer charges shall not apply to wastes received at franchised processing centers that accomplish materials recovery and recycling as a primary operation.

(Ordinance No. 82-146; amended by Ordinance No. 83-163, Sec. 3; Ordinance No. 85-191, Sec. 5; Ordinance No. 86-212, Sec. 1; Ordinance No. 86-214, Sec. 5; Ordinance No. 88-257, Sec. 8; Ordinance No. 88-278, Sec. 5; Ordinance No. 89-269, Sec. 2; and Ordinance No. 90-337, Sec. 7; Ordinance No. 90-372, Sec. 4)

**Section 8 - Metro Code Section 5.02.060, Payment of Disposal Charges and Surcharges; Credit Policy, is amended as follows:**

**5.02.060 Payment of Disposal Charges and Surcharges; Credit Policy:**

(a) Disposal charges and out-of-state surcharges established pursuant to Sections 5.02.020, 5.02.025 and 5.02.055 of this chapter may be paid in cash, credit card, or guaranteed check at the time of disposal, or may be paid pursuant to the credit policy established in this section.

(b) For purposes of this section, the following definitions shall apply:

(1) Account charges are "due" on or before the last day of the month billed and are "past due" thereafter.

(2) Account charges are "30 days past due" on the first day of the month following billing.

(3) Account charges are "45 days past due" on the fifteenth day of the month following billing.

(4) Account charges are "60 days past due" on the first day of the second month following billing.

(c) Persons wishing to dispose of solid waste at Metro disposal facilities on a credit basis shall be required to first submit and have approved an application for credit on a form provided by Metro. That application shall include such provisions as the Metro Executive Officer deems necessary to secure prompt payment. Approval shall be consistent with prudent credit practices.

(d) A finance charge of one and one-half (1-1/2) percent per month (18 percent per annum), computed from the date an account becomes thirty (30) days past due, will be assessed on all accounts which become sixty (60) days past due and will be

added to the oldest months charges past due. Finance charges will continue to be assessed on negotiated repayment schedules.

(e) Accounts 45 days past due may be placed on a "cash only" basis until the account is paid in full or brought to within 30 days past due. If an account is allowed to become 60 days past due, permission to dispose of waste at the facility may be denied until the account and finance charges are paid in full.

(f) If, pursuant to subsection (e) of this section, an account is placed on a "cash only" basis more than once during any consecutive 12-month period, or if service is denied because the account is allowed to become 60 days past due, the account may be required to submit a new application for credit. Such new application must be accompanied by a satisfactory payment guarantee bond, or other payment guarantee acceptable to the Executive Officer, which is:

- (1) Effective for one year; and
- (2) Collectable if the account again becomes 60 days overdue during the period of the bond; and
- (3) In an amount equal to 150 percent of the amount due when credit was last suspended or service was denied, whichever is greater.

(g) If a credit customer sells, terminates or makes substantial changes in the scope of their business after their application for credit was approved, they must notify Metro of this sale, termination or substantial change immediately. Credit may be discontinued until and unless an application containing the new information is approved.

(h) Adjustment of accounts receivable and reversing of finance charges will follow prudent credit practices; adjustments over \$500 will be reported to the Council in writing on a monthly basis, and adjustments over \$10,000 will require Council approval.

(i) The Executive Officer may end pursuit of accounts receivable, consistent with prudent credit practices, when the

likelihood of collecting does not justify further collection costs. Such actions will be reported to the Council in writing on a monthly basis when the amount exceeds \$500, and amounts over \$10,000 will require Council approval.

(Ordinance No. 82-146, Sec. 11; and Ordinance No. 90-350)

**Section 9 - Metro Code Section 5.02.065, Special Waste Surcharge and Special Waste Permit Application Fee, is amended as follows:**

**5.02.065 Special Waste Surcharge and Special Waste Permit Application Fees:**

(a) There ~~[are]~~ **is** hereby established a Special Waste Surcharge and a Special Waste Permit Application Fee which shall be collected on all special wastes disposed at ~~[the St. Johns Landfill]~~ **Metro facilities** and on all Special Waste Permit Applications. Said Surcharge and fee shall be in addition to any other charge or fee established by this chapter. The purpose of the surcharge and permit application fee is to require disposers of special waste ~~[, including asbestos,]~~ to pay the cost of those services which are provided ~~[at the St. Johns Landfill and]~~ by the Metro Solid Waste Department to manage special wastes. The said surcharge and fee shall be applied to all **acceptable** special wastes as defined in Metro Code Section 5.02.015.

(b) The amount of the Special Waste Surcharge collected ~~[at the St. Johns Landfill]~~ shall be \$4.00 per ton of special waste ~~[excluding asbestos]~~ delivered. ~~[The amount collected at the St. Johns Landfill for asbestos shall be \$100.00 per ton delivered.]~~

(c) The minimum charge collected through all fees for each special waste ~~[excluding asbestos]~~ disposal trip shall be \$15.00. ~~[The minimum charge for each asbestos trip shall be \$100.00.]~~

(d) The amount of the Special Waste Permit Application Fee shall be \$25.00. This fee shall be collected at the time Special Waste Permit Applications are received for processing.

(e) Lab or testing costs which are incurred by Metro for evaluation of a particular waste may be charged to the disposer of that waste.

~~[(f) The fees listed in this section shall not be collected from any person who obtains a special waste permit to dispose of waste containing asbestos or other special waste which is removed from a dwelling or apartment building of three or fewer units owned or rented by that person and not disposed of by a commercial hauler or asbestos remover. The purpose of this exemption is to encourage such persons to separate Special Waste from the residential waste stream so that it is disposed of properly.]~~

(Ordinance No. 85-191, Sec. 6; amended by Ordinance No. 86-214, Sec. 6; Ordinance No. 88-257, Sec. 9; and Ordinance No. 90-337, Sec. 8)

**Section 10** - Metro Code Section 5.02.070, Source Separated Yard Debris Disposal Charge, is amended as follows:

**5.02.070 Source Separated Yard Debris Disposal Charge:**

(a) There is hereby established a reduced disposal fee for Source Separated Yard Debris [which]that shall be collected on all source separated yard debris disposed at the [St. Johns Landfill,]Metro South Station or Metro [East]Central Station. Said disposal charge is in lieu of other Base Disposal charges, User Fees, Regional Transfer Charges, Rehabilitation and Enhancement Fees, and Certification Non-Compliance Fees [which]that may be required by Sections 5.02.020, 5.02.025, 5.02.041, 5.02.045, 5.02.046, 5.02.050 and 5.02.075 of this

chapter. These other fees shall not be collected on waste which is accepted as Source Separated Yard Debris, under the definition of 5.02.015(d). The purpose of the Source Separated Yard Debris Charge is to encourage greater source separation of yard debris so that material is diverted from land disposal at [~~St. Johns Landfill or~~]the Columbia Ridge Landfill and is made available for reuse.

(b) The amount of the Source Separated Yard Debris charge to be collected at the [~~St. Johns Landfill,~~]Metro South Station and Metro [~~East~~]Central Station shall be [~~\$25.00~~]~~\$~~ per ton for Source Separated Yard Debris delivered by Credit and Cash Account Customers[~~and \$10.00 per trip for Source Separated Yard Debris delivered by persons other than Credit Account Customers~~].

(c) The minimum charge for Credit and Cash Account Customers delivering Source Separated Yard Debris shall be \$25.00. The minimum charge for the delivery of a single Christmas tree as Source Separated Yard Debris shall be \$.50.

(Ordinance No. 86-210, Sec. 2; amended by Ordinance No. 86-211, Sec. 1; Ordinance No. 86-214, Sec. 7; Ordinance No. 88-257, Sec. 10; Ordinance No. 88-278, Sec. 6; Ordinance No. 89-295, Sec. 4.; and Ordinance No. 90-337, Sec. 9; Ordinance No. 90-372, Sec. 5)

**Section 11 - Metro Code Section 5.02.070, Certification Non-Compliance Fee, is amended as follows:**

**5.02.075 Certification Non-Compliance Fee:**

There is hereby established a Certification Non-Compliance Fee. The purpose of this fee is to pay for the cost of implementing remedial programs to bring non-certified areas or jurisdictions in compliance with current certification standards, and to support other programs which are directed at accomplishing the

recycling goals of the certification program. This fee shall be collected on all waste generated in non-certified areas and delivered to Metro facilities by specifically identified disposers and shall be in addition to other fees collected. The Certification Non-Compliance Fee shall be set by the Metropolitan Service District Council when the following conditions have been met:

~~[(a) The Metro Council has adopted a Waste Reduction Certification Program which provides criteria and a process for designating local areas or jurisdictions and/or waste disposers as either certified or non-certified for the purpose of collecting this fee; and~~

~~{b}] The Metro Council has made the determination that a local jurisdiction is not in compliance and that implementation of the fee is needed to achieve the purposes stated above.~~

(Ordinance No. 86-214, Sec. 8; Ordinance No. 90-372, Sec. 6)

**Section 12 - Metro Code Section 5.02.080, Post-Collection Recycling Incentive, is deleted.**

~~[5.02.080 Post-Collection Recycling Incentive: The Executive Officer shall enter into agreements with franchised processing centers that accomplish materials recovery and recycling as a primary operation, to pay two dollars per ton of Mixed Paper disposed in mixed loads of 50 percent to 79 percent Mixed Paper.~~

~~{Ordinance No. 88-257, Sec. 11}]~~



**Section 13 - Metro Code Section 5.02.070, Out-of-District Waste, is amended as follows:**

**5.02.085 Out-of-District Waste:**

(a) Solid Waste generated outside of the District shall not be accepted at the St. Johns Landfill, Metro South Station, Metro ~~[East]~~Central Station or Metro-Riedel Compost Facility for disposal unless a special permit to do so is issued by the Metro Executive Officer. Any permit issued shall specify the circumstances justifying such exception. Any permit issued shall be subject to:

- (1) Available landfill or facility capacity considering the capacity needs for disposal of Solid Waste generated within the District;
- (2) No adverse impact upon District rate payers;
- (3) Any Solid Waste authorized to be disposed under this ordinance shall be subject to the same standards and conditions pertaining to "Acceptable Waste" deliveries to the above named facilities; and
- (4) Any additional conditions as specified by the Executive Officer which may be necessary for the safe, efficient or cost effective operation of Metro facilities.

(b) Any special permit issued under Paragraph 1 shall expire in a period of time not to exceed 12 months from date of issuance unless a longer period of time is authorized by the Metro Council. Any renewals or extensions of a permit resulting in a cumulative permit period exceeding 12 months shall require the approval of the Metro Council.

(c) Any special permit issued by the Executive Officer may be revoked upon thirty (30) days notice to the permit holder.

(d) Any permit for a monthly tonnage in excess of one thousand tons (1,000) per month must be referred to Council prior to the approval.

(Ordinance No. 90-352, Sec. 2)

**Section 14 - Effective Date**

The effective date of the ordinance amendments contained herein shall be July 1, 1991. This effective date is made in conformity with the requirements of ORS 268.515 (7) requiring user or service charges not to become effective until 65 working days after passage of the ordinance.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

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

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Agenda Item No. 5.3  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-388

## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 91-388 FOR THE PURPOSE OF AMENDING METRO CODE CHAPTER 5.05 REGULATING THE FLOW OF SOLID WASTE ORIGINATING WITHIN THE BOUNDARIES OF THE METROPOLITAN SERVICE DISTRICT

February 28, 1991

Presented by: Bob Martin  
Roosevelt Carter

#### Factual Background and Analysis

In November 1989 the Metro Council adopted Ordinance No. 89-319. This ordinance is a master bond ordinance adopted for the purpose of facilitating financing of major solid waste projects. Chapter 5.05 of the Metro Code, "Solid Waste Flow Control", was adopted as Appendix A to the master bond ordinance. The flow control ordinance plays a critical role in satisfying bonding issues related to financing major solid waste projects.

At the time of passage, the flow control ordinance intentionally did not address the procedural issues related to implementation and issuance of "Required Use Orders" to direct haulers to particular facilities. The Metro Central Station and the Metro-Riedel Compost Facility were not yet under construction and significant data to assist in implementation had not yet been developed. These two facilities are now complete or near completion and the development of background data on hauling practices and preferences has been developed. Also continued development of the quarterly Solid Waste Information System (SWIS) report has contributed to the supporting data to be used in "Required Use Order" issuance.

The proposed ordinance allows the Solid Waste Director to issue Required Use Orders to waste haulers and other persons, directing them to use specified Metro facilities. The preferences of haulers are given priority, to the extent consistent with Metro contracted obligations and the efficient use of Metro facilities.

The ordinance specifies the factors the Director must consider in determining what facility a waste hauler or other person must use. Since numerous initial orders may be necessary, as well as seasonal adjustments, a procedure is established for allowing the Director to reconsider orders issued on an informal basis. The order may then be appealed to the Executive Officer, with a more limited review through Metro Council contested case proceedings.

Additionally, the current ordinance makes a technical amendment to the original flow control ordinance by adding the name of the Metro Central Station to the list of Designated Facilities and by amending the name of the Arlington Landfill to "Columbia Ridge Landfill."

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends passage of Ordinance No. 91-388.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO )	ORDINANCE NO. 91-388
CODE CHAPTER 5.05, REGULATING THE )	
FLOW OF SOLID WASTE ORIGINATING )	Introduced by Rena Cusma,
WITHIN THE BOUNDARIES OF THE )	Executive Officer
METROPOLITAN SERVICE DISTRICT )	

WHEREAS, The Metropolitan Service District Code Chapter 5.05 provides a framework for issuance by Metro of Orders requiring waste haulers and other persons to use specific designated facilities; and

WHEREAS, It is necessary to provide additional details regarding the issuance of such Required Use Orders; and

WHEREAS, The issuance by Metro of Required Use Orders may soon become necessary to ensure the efficient utilization of Metro facilities; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.01.010 is amended to read:

"5.05.010 Definitions. Notwithstanding anything expressed or implied in the Metro code [sic] to the contrary, as used in this Chapter 5.05, the following terms shall have the respective meanings set forth below unless the context requires otherwise:

"Act" shall mean Oregon Revised Statutes Chapter 268, as amended, and other applicable provisions of the laws of the State of Oregon.

"Council" shall have the meaning assigned thereto in Metro Code Section 1.01.040(a).

"Designated Facility" means one of the facilities constituting a part of the system designated from time to time pursuant to Section 5.05.030 of this Chapter 5.05, to which solid waste may be directed by a Required Use Order.

"Disposal Site" means the land and facilities determined from time to time by Metro as constituting part of the system, whether owned by Metro or another person and whether or not open to the public, used for the disposal of solid wastes, but does not include transfer stations or processing facilities.

"Director" means the Director of the Metro Department of Solid Waste or the Director's designee.

**"District"** shall have the meaning assigned thereto in Metro Code Section 1.01.040(b).

**"Executive Officer"** shall mean the duly elected or appointed, qualified and acting Executive Officer of Metro, or any officer of Metro hereafter succeeding to the powers and duties of such Executive Officer with respect to the system.

**"Metro Code"** means the Code of the Metropolitan Service District.

**"Non-System Facility"** means any solid waste disposal site, transfer station, processing facility, recycling drop center, resource recovery facility or other facility for the disposal, recycling or other processing of solid waste which does not constitute part of the system.

**"Non-System License"** means a license issued pursuant to and in accordance with Metro Code Section 5.05.030(d).

**"Person"** shall have the meaning assigned thereto in Metro Code Section 1.01.040(f).

**"Processing Facility"** shall mean a facility described in Metro Code Section 5.01.010(n) which has been designated by Metro as constituting part of the system.

**"Regional Solid Waste Management Plan"** means the Metro Regional Solid Waste Management Plan adopted by Ordinance No. 88-266B on October 27, 1988.

**"Required Use Order"** means a written order issued pursuant to Metro Code Section 5.04.040 requiring a waste hauler or other person to use a designated facility pursuant to the terms of the order.

**"Resource Recovery Facility"** shall mean a facility described in Metro Code Section 5.01.010(q) which has been designated by Metro as constituting part of the system.

**"Service Area"** shall mean the area within the jurisdictional boundaries of Issuer within which the system operates to provide solid and liquid waste disposal services, all as contemplated by the Act.

**"Solid Waste"** shall have the meaning assigned thereto in Metro Code Section 5.01.010(s).

**"Source Separated Recyclable Material"** shall have the meaning assigned thereto in ORS 459.005(15) and 459.005(21).

"State" shall have the meaning assigned thereto in Metro Code Section 1.01.040(g).

"System" shall mean any and all facilities now or hereafter designated by Metro as part of its system for the management and disposal of solid and liquid waste, including, but not limited to recycling and other volume reduction facilities, sanitary landfills, or other disposal means, resource recovery facilities (including steam production and electrical generating facilities using solid waste as fuel), recycling and transfer stations, roads, water lines, wastewater lines and treatment facilities to the extent provided or operated to carry out the provisions of the Act, and all buildings, fixtures, equipment and all property, real and personal now or hereafter owned, leased, operated or used by Metro, all for the purpose of providing for solid and liquid waste disposal; as of the date of enactment of this Chapter 5.05, said system consists of the initial designated facilities described in Section 5.05.030(a) of this Chapter.

"Transfer Station" shall mean a facility described in Metro Code Section 5.01.010(u) which has been designated by Metro as constituting part of the system.

"User Fee" shall have the meaning assigned thereto in Metro Code Section 5.01.010(v).

"Waste Hauler" means any person engaged, in whole or part, in the collection, transportation, delivery, or disposal of solid waste generated within the service area, including any person engaged in such activities with respect to solid waste generated by such person as well as any person engaged in such activities with respect to solid waste generated by others."

Section 2. Metro Code Section 5.05.030 is amended to read:

"5.05.030 Use of Designated Facilities.

(a) ~~Initial~~ Designated Facilities. The following described facilities shall constitute the ~~initial~~ designated facilities to which Metro may direct solid waste pursuant to a Required Use Order:

(1) Metro South Station. The Metro South Station located at 2001 Washington, Oregon City, Oregon 97045.

(2) Metro-Reidel Compost Facility. The Metro-Riedel Compost Facility located at 5437 N.E. Columbia Boulevard, Portland, Oregon 97217.

(3) Metro Central Station. The Metro Central Station located at 6161 N.W. 61st Avenue, Portland, Oregon 97210.



~~(3)~~ (4) St. Johns Landfill. The St. Johns Landfill located at 9363 N. Columbia Boulevard, Portland, Oregon 97203.

~~(4)~~ (5) Franchise Facilities. All disposal sites, transfer stations, processing facilities and resource recovery facilities within the District which operate pursuant to a Metro franchise under Chapter 5.01 of the Metro Code.

~~(5)~~ (6) Lakeside Reclamation (limited purpose landfill). The Lakeside Reclamation limited purpose landfill, Route 1, Box 849, Beaverton, Oregon 97005, subject to the terms of the agreement in existence on November 14, 1989, authorizing the receipt of solid waste generated within the service area.

~~(6)~~ (7) Hillsboro Landfill (limited purpose landfill). The Hillsboro Landfill, 3205 S.E. Minter Bridge Road, Hillsboro, Oregon 97123, subject to the terms of the agreement in existence on November 14, 1989, authorizing the receipt of solid waste generated within the service area.

~~(7)~~ (8) Arlington Columbia Ridge Landfill. The Arlington Columbia Ridge Landfill owned and operated by Oregon Waste Systems, Inc. subject to the terms of the agreements in existence on November 14, 1989, between Metro and Oregon Waste Systems and between Metro and Jack Gray Transport, Inc.,[sic]; provided that except as otherwise provided pursuant to a duly issued non-system license, no waste hauler or other person (other than Jack Gray Transport, Inc. as provided in the aforementioned agreement) shall be permitted to transport solid waste generated within the service area directly to, or to otherwise dispose of such solid waste at, said Arlington Columbia Ridge Landfill unless such solid waste has first been processed at another designated facility.

(b) Changes to Designated Facilities to be Made by Council. From time to time, the Council, acting pursuant to a duly enacted ordinance, may remove from the list of initial designated facilities any one or more of the facilities described in Metro Code Section 5.04.030(a). In addition, from time to time, the Council, acting pursuant to a duly enacted ordinance, may add to the list of designated facilities one or more additional facility.

(c) Use of Non-System Facilities Prohibited. Except to the extent that solid waste generated within the service area is transported, disposed of or otherwise processed in accordance

with the terms and conditions of a non-system license issued pursuant to Metro Code Section 5-05-030A 5.05.035, no waste hauler or other person shall transport solid waste generated within the service area to, or utilize or cause to be utilized for the disposal or other processing of any solid waste generated within the service area, any non-system facility."

Section 3. Metro Code Section 5.05.040 is repealed, and the following is adopted in lieu thereof:

5.05.040 Issuance of Required Use Orders.

(a) The Director may issue a Required Use Order to any waste hauler or other person within the Service Area, requiring the recipient to deliver waste to a specific designated facility. In issuing a Required Use Order, the Director shall comply with the provisions of this Section and Section 5.05.050.

(b) The following priorities shall govern the Director in determining whether to issue Required Use Orders:

(1) To the extent consistent with Metro facility contractual obligations and facility limitations, waste haulers and other persons should be allowed to utilize the designated facility of their choice; and

(2) It may be necessary for the Director to override the facility choice of a waste hauler or other person if the Director finds that allowing specific haulers to exercise their choice appears likely to result in:

(A) Metro's failure to meet contractual obligations for waste deliveries;

(B) The overloading or underutilization of a specific designated facility or facilities;  
or

(C) Other system inefficiencies specified by the Director.

(c) If, after considering the priorities in subsection (b) of this Section, the Director determines that it is necessary to issue or amend Required Use Order(s), the Director may do so giving due regard to the following factors:

(1) The location of the waste hauler or other person's route and/or facilities in relation to designated facilities, in terms of travel time and/or distance;

(2) The equipment being utilized by the hauler at the time of issuance of the order in relation to the

equipment handling capabilities of designated facilities;

(3) The types of wastes being disposed of by the waste hauler or other person, in relation to the capabilities of designated facilities to most appropriately process those wastes;

(4) Geographic and jurisdictional boundaries; and

(5) Other considerations deemed relevant by the Director, including but not limited to other health, safety and welfare considerations, and other equitable considerations.

[NOTE: The following Section, which is proposed to be repealed by this Ordinance, is reproduced below for the convenience of the reader:]

~~5-05-040--Required-Use-Orders-and-Development-of-Rules-and Procedures-for-Issuance.--Prior-to-issuing-any-required-use-order directing-solid-waste-to-a-particular-designated-facility,-the rules-governing-the-issuance-of-required-use-orders-with-respect to-such-designated-facility-shall-be-approved-and-adopted-by Council-pursuant-to-a-duly-enacted-ordinance.--Such-required-use order-rules-for-each-designated-facility-shall-be-prepared-by-the Executive-Officer-and-submitted-to-Council-for-approval-and adoption-as-aforesaid.--The-required-use-order-rules-for-each designated-facility-shall-be-prepared,-approved-and-adopted giving-due-regard-to-the-following-factors:~~

~~(a)--the-type-of-facility-to-which-solid-waste-is-to-be delivered;~~

~~(b)--limitations-on-the-solid-waste-quantity-or-composition at-the-facility-to-which-such-solid-waste-is-to-be-delivered;~~

~~(c)--to-the-extent-not-inconsistent-with-the-efficient-and financially-responsible-operation-of-the-system-from-Metro's standpoint,-the-ease-of-access-to-the-facility,-in-terms-of-time and-distance,-by-the-waste-haulers-or-Persons-to-be-subject-to the-required-use-order;~~

~~(d)--the-amount-of-suitable-solid-waste-estimated-to-be delivered-to-the-facility-in-the-absence-of-waste-being-directed to-the-facility;~~

~~(e)--the-ability-to-obtain-voluntary-agreement-by-waste haulers-and-Persons-to-deliver-solid-waste-of-suitable composition-and-quantity-to-a-specific-facility;~~

~~{f}--to-the-extent-not-inconsistent-with-the-efficient,-safe and-financially-responsible-operation-of-the-system-from-Metro's standpoint,-the-fair-distribution-of-any-inconvenience-or-burden on-waste-haulers-or-persons-to-be-subject-to-the-required-use order,-and~~

~~{g}--such-other-reasonable-and-appropriate-factors-as-the Executive-Officer-or-Council-may-deem-appropriate-~~

~~Following-the-approval-and-adoption-of-the-required-use order-rules-for-a-particular-designated-facility-as-provided above,-required-use-orders-with-respect-to-such-designated facility-may-be-issued-from-time-to-time-by-the-Executive-Officer in-accordance-with-the-applicable-rules-as-circumstances-require, for-the-purpose-of-requiring-delivery-of-solid-waste-to-a designated-facility.--The-content-of-such-order-shall-be-as specified-in-Section-5.05.050-~~

Section 4. Metro Code Section 5.05.050 is amended to read:

"5.05.050 Content of Required Use Orders; Notice.

(a) Required Use Orders issued by the Executive Officer Director shall set forth the following:

~~{a}~~ (1) The names of the waste haulers or persons to be subject to the Required Use Order together with their addresses or places of business and telephone numbers;

~~{b}~~ (2) The type and quantity of solid waste subject to the Required Use Order;

~~{c}~~ describe-the-point-or-points-for-delivery-of-the-solid waste-to-be-subject-to-the-required-use-order,-

(3) The name and location of the designated facility that the recipient is required to use pursuant to the Order;

~~{d}~~ (4) The effective date of the required use order, which date, in the absence of an emergency, shall not be less than ten (10) days from the date of the Order; and

(5) A brief description of the procedure for requesting that the Director reconsider issuance of the Order, or specific details of the Order; and

~~{e}~~ (6) Such other information as the Executive Officer Director may consider necessary or appropriate.

(b) Within two (2) days after the date of any Required Use Order, the ~~Executive-Officer~~ Director shall cause notice of such Required Use Order to be given as follows:

(1) by United States mail, postage prepaid, to each waste hauler and person to be subject to such Required Use Order at the last known address thereof; and

~~{2}--by-posting-notice-of-such-required-use-order-in-a public-place-at-the-principal-offices-of-Metro-and-at each-designated-facility-~~

(2) By any other method deemed by the Director as necessary, and most likely, to ensure actual notice to the waste hauler or other person subject to the Order.

(c) The failure of any waste hauler or person subject to a Required Use Order to receive notice thereof shall not affect the validity of such Required Use Order nor excuse such waste hauler or person from complying with the terms thereof.

Section 5. The following Sections 5.05.052 and 5.05.054 are added to and made part of Metro Code Chapter 5.05:

"5.05.052 Requests for Reconsideration.

(a) Any waste hauler or other person receiving a Required Use Order may request that the Director reconsider issuance of the Order or specific details of the Order. The request may be premised on any matter that was relevant to issuance of the Order, as specified in Metro Code Section 5.05.040.

(b) A Request for Reconsideration must be in writing, on a form provided by Metro. To be timely, a Request for Reconsideration must be received by the Director within thirty (30) days of the date of issuance of the Required Use Order, as specified in the Order.

(c) The Director shall review a Request for Reconsideration and, within fifteen (15) days of receipt, issue a written affirmance of the original Order, or a modified Order.

(1) The affirmance or modification shall be considered timely if it is deposited in the mail within the 15-day period, with regular first class postage and addressed to the person requesting review.

(2) The affirmance or modification shall include a brief statement of the basis for the decision, and a brief statement of the procedure for requesting review of the decision by the Executive Officer.

(d) Review by the Director of a Request for Reconsideration is intended to be informal, and may include personal, written, or telephone contact between the waste hauler or other person and the Director or Solid Waste Department staff.

(e) If the Director fails to issue a timely decision, the waste hauler or other person receiving the Order may appeal the decision to the Executive Officer as specified in Section 5.05.054.

(f) A Request for Reconsideration shall not stay the Order issued. A Required Use Order shall be effective on the date issued, and shall remain in effect until modified or revoked."

"5.05.054 Appeals to the Executive Officer.

(a) A waste hauler or other person receiving a Required Use Order may appeal the Director's affirmance or modification of the Order to the Executive Officer. The Executive Officer may be asked to review any matter that was relevant to issuance of the Order, as specified in Metro Code Section 5.05.040.

(b) An appeal to the Executive Officer shall be in writing and on a form provided by Metro. To be timely, the appeal must be received by the Executive Officer within thirty (30) days of the date of issuance of the Director's affirmed or modified Order.

(c) The Executive Officer shall review a Request for Reconsideration and, within fifteen (15) days of receipt, issue a written order affirming or modifying the decision of the Director.

(1) The affirmance or modification shall be considered timely if it is deposited in the mail within the 15-day period, with regular first class postage and addressed to the person requesting review.

(2) The affirmance or modification shall include a brief statement of the basis for the decision, and a brief statement of the process for contested case review of the decision by the Metro Council.

(d) Review by the Executive Officer of the Director's decision is intended to be informal, and may include personal, written, or telephone contact between the waste hauler or other person and the Executive Officer.

(e) If a waste hauler or other person is not satisfied with the Executive Officer's decision, or if the Executive Officer fails to issue a timely decision, the waste hauler or other person receiving the Order may appeal the decision to the Metro

Council as a contested case proceeding. Review in such proceeding shall be limited to the following:

(1) Whether exceptional circumstances of the waste hauler or other person warrant revocation or modification of the Order; or

(2) Whether the Order is likely to cause extreme financial hardship to the waste hauler or other person subject to the Order, warranting revocation or modification of the Order.

(f) A Request for Reconsideration shall not stay the Order issued. A Required Use Order shall be effective on the date issued, and shall remain in effect until modified or revoked."

Section 6. Metro Code Section 5.05.070 is amended to read:

"5.05.070 Solid Waste Flow Control Enforcement; Fines, Penalties and Damages for Violations.

(a) Any waste hauler or person who violates or fails to comply with any provision of this Chapter 5.05 or who fails to comply with the terms and conditions of any non-system license or Required Use Order shall be subject to the fines and penalties set forth in this Section, which fines and penalties shall be assessed by the Executive Officer.

{a} (1) A fine in the amount of not to exceed five hundred dollars (\$500.00) for each violation; and

{b} (2) Such waste hauler or person shall not be extended any credit by Metro for the use of any facility constituting a part of the system until such time as all fines owing under this Chapter as a result of such violation or failure to comply have been paid in full.

(b) In addition to the foregoing fines and penalties:

(1) any waste hauler or person who fails to comply with the terms and conditions of any non-system license shall be required to pay to Metro a fine in the amount equal to the user fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the service area transported, disposed of or otherwise processed in violation of the terms and conditions of such non-system license; and

(2) any waste hauler or person who, without having a non-system license then in effect, transports solid waste generated within the service area to, or utilizes

or causes to be utilized for the disposal or other processing of any solid waste generated within the service area, any non-system facility shall be required to pay to Metro a fine in an amount equal to the \$500.00 non-system license application fee, plus the \$500.00 non-system license issuance fee, plus an amount equal to the user fee multiplied by the number of tons (or fractions thereof) of solid waste generated within the service area transported, recycled, disposed of or otherwise processed to or at any non-system facility.

(c) If in the judgment of the Executive Officer such action is warranted, Metro shall commence an appropriate action in a State court of competent jurisdiction for the purpose of collecting the fines and penalties provided for above and/or enjoining any violations of the provisions of this Chapter 5.05 or any non-compliance with the terms and conditions of any non-system license or Required Use Order.

(d) Within six (6) months from the date of enactment of this Chapter, the Executive Officer shall recommend to Council a schedule of fines which impose sanctions based on the nature and extent of the violation or failure to comply.

(e) A Required Use Order may be enforced by authorized Gatehouse employees at any Metro facility, by denying facility access to a waste hauler or other person who is subject to a Required Use Order and is attempting to deliver waste to a facility not specified in the Order. This enforcement shall be in addition to the fines and penalties that may be levied pursuant to this Section.

Section 7. Metro Code Section 5.05.080 is amended to read:

"5.05.080 Administrative Rules. Except-for-the-rules-governing the-issuance-of-required-use-orders-which-are-to-be-prepared, approved-and-adopted-as-provided-in-Section-5.05.040-hereof-and Except for the system tracking pursuant to Section 5.05.060 hereof, the Executive Officer is hereby authorized and empowered to make such administrative rules and regulations as she the Executive Officer considers proper to effectual effectively carry out the purposes of this Chapter 5.05."

Section 8. Renumbering. Current Sections 5.05.010A and 5.05.030A shall be renumbered 5.05.015 and 5.05.095,

/////  
/////



respectively, and all references to the previous Section numbers shall be corrected.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

Clerk of the Council

TSS/gl  
1038

Agenda Item No. 6.1  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-378



**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: ORDINANCE NO. 91-378

The Council agenda will be printed before the Finance Committee meets to consider the ordinance. The Finance Committee report for the above-referenced item will be distributed at the Council meeting February 28, 1991.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 91-378, AMENDING METRO CODE RELATING TO  
CONFIRMATION BY COUNCIL OF CERTAIN APPOINTMENTS TO FILL  
POSITIONS (DIRECTORS OF REGIONAL FACILITIES AND FINANCE &  
MANAGEMENT INFORMATION)

Date: February 25, 1991                      Presented by: Councilor Buchanan

COMMITTEE RECOMMENDATION: The Committee at its February 21, 1991 meeting voted unanimously to recommend Council approval of Ordinance No. 91-378. Present and voting were Councilors Buchanan, Devlin, Hansen, Van Bergen and Wyers.

COMMITTEE DISCUSSION / ISSUES: Dick Engstrom, Deputy Executive Officer, presented the staff report. He indicated this ordinance is a companion measure to Resolution No. 91-1375, which establishes classification descriptions for two new department head positions. This ordinance amends that part of the Personnel Code to add the new positions of Director of Regional Facilities and Director of Finance & Management Information to the list of positions requiring Council confirmation. The ordinance also eliminates the position of Director of Finance & Administration from the list of Council confirmed positions, because Resolution No. 91-1375 eliminated that position from the Classification Plan.

In response to a question from Council staff regarding Section 6 of the ordinance and who should be designated to sign contracts in the absence of the Executive Office and Deputy Executive Officer, Mr. Engstrom said either position could be designated, but the Executive Officer's preference is the Director of Regional Facilities.

SPECIAL NOTE: Section 6 of the ordinance recommended by the Committee contained references to amendments of the Metro Code without showing the exact changes in the Code. General Counsel has advised Council staff that the correct way to amend the Code is to show the language changes in the ordinance, rather than do it by reference. Please find attached to this report Ordinance No. 91-378A for consideration of the Council. The revised draft meets the policy intent of the Finance Committee recommendation and correctly states the amendments to the Code.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO )	ORDINANCE NO. 91-378A
CODE CHAPTER 2.02, )	
SECTION 2.02.040(e), RELATING TO )	Introduced by Rena Cusma,
CONFIRMATION BY COUNCIL OF CERTAIN )	Executive Officer
APPOINTMENTS TO FILL POSITIONS. )	

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council of the Metropolitan Service District has acted to approve the creation of the positions of Director of Finance & Management Information, and Director of Regional Facilities, and the amendment to the Pay Plan for non-represented employees to include these two new classifications.

Section 2. Concurrent with the creation of the two new classifications, the Council has acted to abolish the classification of Director of Finance & Administration, and to remove this classification from the Pay Plan.

Section 3. Metro Code Section 2.02.040(e) specifies that appointment or promotion of persons to fill certain positions, including all department directors, must be confirmed by a majority of the Council.

Section 4. As a result of the actions described in Sections 1 and 2 above, the new positions of Director of Finance & Management Information, and Director of Regional Facilities, should be added to the list of positions requiring Council

confirmation, and the position of Director of Finance & Administration should be deleted.

Section 5. Section 2.02.040(e) should be amended to read as follows:

"Pursuant to the terms and intent of ORS 268.180(5), ORS 268.210, and ORS 268.215, all appointments of employees shall be the sole responsibility of the Executive Officer subject to this chapter. However, because the duties associated with certain positions include an independent and concurrent policy impact on both the Council and the Executive Officer, the appointment or promotion of persons to fill the following positions must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion:

- (1) General Counsel
- (2) Government Relations Officer (lobbyist)
- (3) Public Affairs Director
- (4) Deputy Executive Officer
- (5) Solid Waste Director
- (6) Zoo Director
- (7) ~~Finance & Administration Director~~  
Convention Center Project Director
- (8) Planning & Development Director
- (9) Transportation Director
- (10) Director of Finance & Management Information
- (11) Director of Regional Facilities."

Section 6. The Sections of the Metro Code listed below provide that the Director of Finance & Administration may be designated to approve contracts in the absence of the Executive Officer or Deputy Executive Officer. These Sections are hereby amended to provide that the Director of Regional Facilities may be so designated:

2.04.043 Public Contracts Between \$2,501 and \$15,000:

\* \* \*  
\* \* \*

(c) Approval Process: (1) For contracts of \$2,500 or more, either the Executive Officer or Deputy Executive

Officer must sign; however, the Director or Assistant Director of the Zoo may sign purchase orders of \$10,000 or less. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance and Administration~~ Director of Regional Facilities may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

\* \* \*

2.04.044 Public Contracts of \$15,000 or More:

\* \* \*

(b) Approval Process: All initial contracts with a contract price of \$15,000 or more shall be approved and executed by the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance & Administration~~ Director of Regional Facilities may approve and execute contracts of \$15,000 or more. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

\* \* \*

\* \* \*

\* \* \*

2.04.045 Public Contract Extensions and Amendments (Including Change Orders, Extra Work and Contract Renewals):

\* \* \*

\* \* \*

(c) Approval Process:

\* \* \*

\* \* \*

(3) \$2,500 or More: All contract amendments and extensions which are for \$2,500 or more or which result in a total contract price of more than \$2,500 if the original contract was for less than \$2,500 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance and Administration~~ Director of Regional Facilities may sign contract amendments and extensions. No contract amendment or extension may be approved in an amount in excess of the amount authorized in the budget.

\* \* \*

2.04.052 Personal Services Contracts Between \$2,500 and \$10,000:

\* \* \*

\* \* \*

(c) Approval Process: For contracts of \$2,500 or more, either the Executive Officer or Deputy Executive Officer

must sign. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance and Administration~~ Director of Regional Facilities may sign contracts. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

\* \* \*

2.04.053 Personal Services Contracts of \$10,000 or More:

\* \* \*

(b) Approval Process: All initial contracts with a contract price of greater than \$10,000 shall be approved and executed by the Executive officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance & Administration~~ Director of Regional Facilities may approve and execute contracts of \$15,000 or more. No contract may be approved or executed for any amount in excess of the amount authorized in the budget.

\* \* \*

2.04.054 Personal Services Contract Extensions and Amendments:

\* \* \*

(b) Approval Process:

\* \* \*

(2) \$2,500 and Over: All contract amendments and extension which are for \$2,500 or more or which result in a total contract price of more than \$2,500 shall be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance and Administration~~ Director of Regional Facilities may sign contract amendments and extensions. No contract amendment or extension may be approved for an amount in excess of the amount provided for in the budget.

\* \* \*

2.04.090 Food Items and Food Service Contracts

\* \* \*

\* \* \*

(c) Approval Process:

\* \* \*

(2) Over \$2,500: All contracts and amendments and extension which exceed \$2,500 may be approved by either the Executive Officer or Deputy Executive Officer. When designated in writing to serve in the absence of the Executive Officer or Deputy Executive Officer, the ~~Director of Finance and Administration~~ Director of



Regional Facilities may sign contracts and amendments  
and extensions.

\* \* \*

\* \* \*

\* \* \*

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTEST:

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

gl  
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BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO	)	ORDINANCE NO. 91-378
CODE CHAPTER 2.02, SECTION 2.02.040(e),	)	
RELATING TO CONFIRMATION BY COUNCIL	)	Introduced by
OF CERTAIN APPOINTMENTS TO FILL	)	Rena Cusma,
POSITIONS.	)	Executive Officer

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Metro Council has acted to approve the creation of the positions of Director of Finance and Management Information and Director of Regional Facilities and the amendment to the Pay Plan for non-represented employees to include these two new classifications.

Section 2. Concurrent with the creation of the two new classifications, Metro Council has acted to abolish the classification of Director of Finance and Administration and to remove this classification from the Pay Plan.

Section 3. Code Section 2.02.040(e) specifies that appointment or promotion of persons to fill certain positions, including all department managers, must be confirmed by a majority of the Council.

Section 4. As the result of the actions described in Sections 1 and 2 above the new positions of Director of Finance and Management Information and Director of Regional Facilities should be added to the list of positions requiring Council confirmation, and the position of Director of Finance and Administration should be deleted.

Section 5. Section 2.02.040(e) should be amended to read as follows:

Pursuant to the terms and intent of ORS 268.180(5), ORS 268.210 and ORS 268.215, all appointments of employees shall be the sole responsibility of the Executive Officer subject to this chapter. However, because the duties associated with certain positions include an independent and concurrent policy impact on both the Council and the Executive Officer, the appointment or promotion of persons to fill the following positions must be confirmed by a majority of the Council prior to the effective date of each such appointment or promotion:

- (1) General Counsel
- (2) Government Relations Officer (lobbyist)
- (3) Public Affairs Director
- (4) Deputy Executive Officer
- (5) Solid Waste Director
- (6) Zoo Director
- ~~(7) Finance and Administration Director~~
- (8) (7) Convention Center Project Director
- (9) (8) Planning and Development Director
- (10) (9) Transportation Director
- (10) Director of Finance and Management Information
- (11) Director of Regional Facilities

Section 6. The Sections of the Code listed below provide that the Director of Finance and Administration may be designated to approve contracts in the absence of the Executive Officer or Deputy Executive Officer. These sections are amended to provide that the Director of Regional Facilities may be so designated:

2.04.043 (c)	2.04.053 (b)
2.04.044 (b)	2.04.054 (b) (2)
2.04.045 (c) (3)	2.04.090 (c) (2)
2.04.052 (c)	

ADOPTED by the Council of the Metropolitan Service District  
this      day of                      , 1991.

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Tanya Collier, Presiding Officer

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 91-378  
AMENDING METRO CODE 2.02, SECTION 2.02.040(e)

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Date: February 6, 1991

Presented by: Dick Engstrom

FACTUAL BACKGROUND AND ANALYSIS

Metro Code Section 2.02.040(e) specifies that appointment or promotion to certain positions by the Executive Officer must be confirmed by a majority of Council. This section names each of the positions which fall under this requirement and includes all Metro Department Managers. As outlined in Resolution 90-1375, two new department manager positions, Director of Finance and Management Information and Director of Regional Facilities are being created, and the classification of Director of Finance and Administration is being abolished. Due to the department manager status of each of these positions, Council action is required.

This Ordinance is being submitted to comply with the intent of the Code, to recognize the status of the new positions, and, as a housekeeping measure, to remove from the Code reference to a classification (Director of Finance and Administration) which no longer exists. For those instances in the Contracting Ordinance where the Director of Finance and Administration is authorized to execute contracts in the absence of the Executive Officer or Deputy Executive Officer, the Director of Regional Facilities shall be substituted.

Fiscal Impact: Sufficient funds are available in the Fiscal Year 1990-91 budget for the proposed Ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Ordinance 91-378.

Agenda Item No. 6.2  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-383



**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: ORDINANCE NO. 91-383

The Council agenda will be printed before the Finance Committee meets to consider Ordinance No. 91-383. The Finance Committee report for the above-referenced item will be distributed at the Council meeting February 28, 1991.

FINANCE COMMITTEE REPORT

ORDINANCE NO. 91-383 AUTHORIZING THE ISSUANCE OF REVENUE  
BONDS AND BOND ANTICIPATION NOTES TO FINANCE ACQUISITION,  
RENOVATION, FURNISHING AND EQUIPPING OF THE DISTRICT'S  
ADMINISTRATIVE OFFICES

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Date: February 25, 1991

Presented By: Councilor Devlin

Committee Recommendations: The committee at its February 21, 1991 meeting voted unanimously to recommend Council adoption of Ordinance No. 91-383. Present and voting were Councilors Buchanan, Devlin, Hansen, Van Bergen and Wyers.

Committee Discussion/Issues: Jennifer Sims, Manager of Financial Services presented the staff report along with Ed Einowski, Bond Counsel. She indicated that the proposed ordinance was the first in a series of steps to arrange financing for the acquisition and development of an office building for the District. Ms. Sims recounted that the Council had extended the due diligence period for the acquisition of the Sears facility to April 30, 1991 and this ordinance will assist the District in obtaining detailed information on the real cost of financing a project. Ms. Sims pointed out that a two phased approach is being developed to finance the project. The first phase is the issuance of bond anticipation notes to initially procure and renovate or construct a facility in the short run. The second phase is the issuance of long term debt (revenue bonds) once the final costs are known. The ordinance directs the Executive Officer to prepare a master ordinance for the issuance of revenue bonds in the amount of \$27,700,00 for future Council consideration and authorizes the issuance of bond anticipation notes in the same amount subject to future Council approval.

Ms. Sims outlined the estimated components of the proposed financing which includes: \$21.1 million for acquisition and construction; \$1.2 million for furniture and equipment and \$5.1 million for debt service reserves, capitalized interest costs and the costs of issuing the bonds. She emphasized these estimated costs are high end estimates and the staff is working during this extended due diligence period to reduce the costs of the project. She also pointed out that the work proposed by this ordinance can be used by the District if a project other than the Sears project is selected.

In response to committee members and council staff questions, Ms. Sims and Mr. Einowski indicated the following:

1. A more complete breakdown of estimated \$21.1 million acquisition and construction costs include \$5.15 million for property acquisition, \$12.6 million for construction, \$2.2 for project management, \$.6 million for professional fees and \$.5 million for owners contingency. A breakdown of the

FINANCE COMMITTEE REPORT  
Ordinance No. 91-383  
February 25, 1991  
Page 2

\$5.1 million for debt service and bond issuance costs include \$2.3 million for capitalized debt during construction, \$2.7 million for the required debt service reserve and \$.5 million in issuance costs.

2. It is the district's intent to qualify as being exempt from arbitrage since half the bonds would not be tax exempt.
3. The bonds in all likelihood will not be rated as high as the solid waste revenue bonds for the Metro Central Transfer Station. The district will not pledge solid waste fees as security for the bonds but rather will pledge overhead charges from each operating department based on a cost allocation system according to each departments use of the building.
4. Regarding the comment from the TSCC on Metro's supplemental budget the staff is evaluating costs of several real options for obtaining office space including: 1) remaining at the Metro Center building; 2) constructing a new building; 3) leasing space elsewhere; and 4) acquiring and renovating the Sears building. These options are being prepared to help determine whether or not the Sears project is a good business decision for the District. The estimates will include estimated cost allocations for each operating department.
5. These options and this project is being studied at this time because the District is running out of space at the Metro Center building and with 5 years left on our current lease from a marketing stand point, a timely move to another facility should make the Metro Center facility more marketable.



## STAFF REPORT

### CONSIDERATION OF ORDINANCE NO. 91-383, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND BOND ANTICIPATION NOTES

Date: January 17, 1991

Presented by: Sims/Cooper

#### FACTUAL BACKGROUND AND ANALYSIS

On December 13, 1990, the Council extended the Due Diligence period for consideration of purchase of the Sears facility to April 30, 1991. The extension was made to allow additional time for:

1. Determining the marketability of the Metro Center and Sears facility for purposes of leasing and subleasing;
2. To perform additional analysis of the acquisition, renovation and furnishing costs; and
3. To establish a financing strategy and structure.

The ability to secure reasonably priced financing is critical to the financial feasibility of this project. Toward that end, a two-phase financing strategy has been developed.

Phase one would address the need for short-term funding in funding the acquisition and immediate renovation costs. During this period, the renovation would be initiated and tenants would be secured. The interim phase one financing would include two funding instruments; the tax exempt portion of the funding would be derived from bond anticipation notes. The taxable portion of the project would be funded on an interim basis from an interfund loan from the Solid Waste Revenue Fund. The use of Metro resources for the taxable portion would gain a better rate than outside borrowing. These funds would be repaid when long-term bonds were issued interest would be paid to the Solid Waste Fund at the same rate as other agency investments.

Phase two, or the long-term financing, would be from general revenue bonds. These bonds would reimburse the Solid Waste interfund loan and pay off the bond anticipation notes. The term for these bonds would be 25 years and their anticipated issuance date would be in one to two years from the close of the purchase.

The proposed Ordinance is the first step in establishing the mechanisms for implementing this financing strategy. The Ordinance directs the Executive Officer to prepare a Master Ordinance for Council consideration and eventual adoption. It requires further Council action to actually issue the bond anticipation notes.

This document was prepared by Ed Einowski of Stoel Rives Boley Jones and Grey, Bond Counsel, and reviewed by Metro's financial advisor, Public Financial Management, Inc., with internal review by Jennifer Sims, Manager of Financial Services, and Dan Cooper, General Counsel.

Simultaneous with introduction of this Ordinance, the Finance Team on this project will be crafting a Master Ordinance for Council consideration, establishing revenue capacity for payment of bonds, conducting preliminary rating discussions, and preparing documents for marketing the note sale. The minimal projected time frame for completing these tasks is eight weeks.

This item is presented at this time in order to establish the financing strategy and structure for the Sears facility and ensure that financing is in place prior to a decision on acquisition. This will allow us to know the costs and agency impact of funding this purchase and allow us opportunity to meet requirements for legal notice.

Costs associated with preparing Ordinance No. 91-383, the General Revenue Bond Master Ordinance and official statement will be necessary with any Metro general revenue financing. These work products can be utilized at a later date if the Sears facility is not acquired.

#### THE EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Ordinance No. 91-383.

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# **Ordinance No. 91-383**

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## **The Council of the Metropolitan Service District**

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**An ordinance authorizing the issuance of revenue bonds and bond anticipation notes of the Metropolitan Service District for the purpose of financing the acquisition, renovation, furnishing and equipping of an administrative offices building for use in the operations of the district; and establishing and determining other matters in connection therewith.**

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**Enacted on February 28, 1991**

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*Prepared by:*

*Stoel Rives Boley Jones & Grey,  
Bond Counsel*

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*Note: This Table of Contents is provided solely for the convenience of the reader. It does not constitute a part of Ordinance No. 91-383.*

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**Metropolitan Service District**  
Counties of Multnomah, Clackamas and Washington  
State of Oregon

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**Ordinance No. 91-383**

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An ordinance authorizing the issuance of revenue bonds and bond anticipation notes of the Metropolitan Service District for the purpose of financing the acquisition, renovation, furnishing and equipping of an administrative offices building for use in the operations of the district; and establishing and determining other matters in connection therewith.

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**Be it enacted by the Council of the Metropolitan Service District:**

**Section A. Findings.** The Council (the "Council") of the Metropolitan Service District, a political subdivision organized and existing under the laws of the State of Oregon (the "Issuer"), hereby finds and determines as follows:

(a) Pursuant to and in accordance with the provisions of Oregon Revised Statutes Chapter 268 (the "Act") and related provisions of the Oregon Revised Statutes, the Issuer is authorized, without voter approval, to issue and sell from time to time revenue bonds for the purpose of carrying into effect all or any of the powers granted to it.

(b) In order to meet the present and continuing needs of the Issuer for office facilities to house its legislative, executive, administrative and operational undertakings, the Issuer is currently investigating the feasibility of acquiring, renovating, furnishing and equipping an existing building in the City of Portland, Oregon commonly referred to as the Sears Building (the "Project").

(c) In the event the Issuer determines to proceed with the Project, it will be necessary to finance the acquisition, renovation, furnishing and equipping thereof by means of revenue bonds issued pursuant to the Act. In connection with the issuance of such revenue bonds, it will be in the long-term interest of the Issuer to enact an ordinance (the "General Revenue Bond Master Ordinance") providing a comprehensive framework for the issuance of such revenue bonds and any additional revenue bonds that may be necessary or appropriate to finance future undertakings of the Issuer, all for the purpose of dedicating and pledging appropriate revenues of the Issuer to the payment of such revenue bonds, establishing the necessary funds and accounts in connection therewith and setting forth appropriate covenants, terms and conditions in order to enable all revenue bonds issued thereunder to be

marketed and sold on the best possible terms.

(d) Under the Act, at any time and from time to time after the issuance of revenue bonds has been authorized as contemplated above, the Issuer may issue and sell notes in anticipation of the receipt of the proceeds of the sale of such revenue bonds and within the maximum authorized amount of such revenue bonds. In order to provide adequate time to prepare the General Revenue Bond Master Ordinance and otherwise arrange for the issuance and sale of the revenue bonds to finance the Project on the most advantageous terms, it is in the best interests of the Issuer to authorize the issuance and sale of such bond anticipation notes for the purpose of financing the costs of the Project on an interim basis pending the issuance and sale of such revenue bonds.

### **Section 1. Authorization of Revenue Bonds to Finance Project and Related Matters.**

(a) **Principal Amount.** For the purpose of financing the acquisition, renovation, furnishing and equipping of the Project and all costs and expenses associated therewith, there are hereby authorized to be issued pursuant to the Act revenue bonds in an aggregate principal amount not to exceed \$27,700,000 or in such greater or lesser amount as may hereafter be determined to be necessary or appropriate for such purpose (the "Bonds"); *provided that*, for purposes of the foregoing, in the event any Bonds are issued and sold at an original issue discount, such original issue discount shall not, for purposes of the amount of Bonds authorized to be issued hereunder, be deemed to be a part of the principal amount thereof, it being the intent hereof that the stated principal amount of the Bonds less any such original issue discount shall not exceed \$27,700,000. The Bonds shall be issued pursuant to and shall have such terms and conditions as shall be set forth in the provisions of the General Revenue Bond Master Ordinance to be hereafter enacted by the Council.

(b) **Limited Obligations.** The Bonds and all obligations of the Issuer under or with respect to the Bonds shall be and remain limited obligations of the Issuer payable solely and only out of the revenues and other assets and properties of the Issuer hereafter pledged or mortgaged thereto pursuant to the General Revenue Bond Master Ordinance (the "General Revenue Bond Trust Estate"). No recourse shall be had against any properties, funds or assets of the Issuer (other than the General Revenue Bond Trust Estate) for the payment of any amounts owing under or with respect to the Bonds. Neither the Bonds nor the obligations of the Issuer under or with respect thereto shall constitute or create an indebtedness of the Issuer within the meaning of any constitutional or statutory debt limitation.

(c) **Taxable and Tax-Exempt Obligations; Issuance in Series.** To the fullest extent permissible under the provisions of the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated or applicable thereunder (the "Code"), the Bonds shall be issued as obligations the interest on which is excludable for federal income tax purposes from the gross incomes of the owners thereof ("Tax-Exempt Obligations"). To the extent the Bonds cannot be issued as Tax-Exempt Obligations, the Bonds shall be issued as obligations the interest on which is not excludable for federal income tax purposes from the gross incomes of the owners thereof ("Taxable Obligations"), and pursuant to and in accordance with ORS 288.600 the Issuer hereby expressly consents to such taxability of the interest on such portion of the Bonds. In order to accommodate the issuance of certain of the Bonds as Tax-Exempt Obligations and the balance of the Bonds as Taxable Obligations, the Bonds may be issued in two or more series.

(d) **Preparation of General Revenue Bond Master Ordinance.** The Executive Officer of the Issuer, the General Counsel of the Issuer and the Issuer's staff, financial advisor and bond counsel are hereby authorized and directed to prepare the General Revenue Bond Master Ordinance as contemplated herein and to present such General Revenue Bond Master Ordinance to the Council for consideration as expeditiously as is practicable.

## **Section 2. Authorization, Issuance and Sale of Bond Anticipation Notes.**

**(a) Authorization and Principal Amount; Covenant as to Payment.** In order to provide interim financing for the Project pending the issuance and sale of the Bonds, the Issuer shall borrow money and issue its bond anticipation notes therefor pursuant to the provisions of the Act (the "Notes"). The Notes shall be issued in an aggregate principal amount not in excess of \$27,700,000; *provided that*, for purposes of the foregoing, in the event any Notes are issued and sold at an original issue discount, such original issue discount shall not, for purposes of the amount of Notes authorized to be issued hereunder, be deemed to be a part of the principal amount thereof, it being the intent hereof that the stated principal amount of the Notes less any such original issue discount shall not exceed \$27,700,000.

The Notes shall be payable out of the proceeds to be derived from the issuance and sale of the Bonds or from such other revenues of the Issuer as may hereafter be specifically appropriated for such purpose in accordance with law. Subject to the provisions of applicable law, the Issuer hereby covenants and agrees, for the benefit of the owners from time to time of the Notes, to issue the Bonds at such time and in such amount as will enable the Issuer to pay in full all amounts owing on the Notes on or before the maturity date thereof, and to otherwise take such lawful actions as may be necessary or appropriate to pay in full all amounts owing on the Notes on or before the maturity date thereof.

**(b) Maturity Dates, Interest Rates, Redemption Provisions and Denominations.** The Notes shall be issued in denominations of \$5,000 or any integral multiple thereof and shall be issued in fully registered form; *provided that*, to the extent the same does not adversely affect the federal tax-exempt status of the Notes to be issued as Tax-Exempt Obligations, the Notes may be issued in bearer form. The Notes shall mature on such dates and in such principle amounts, bear interest at the rate or rates *per annum* and be subject to redemption prior to maturity at such times and on such terms and conditions, all as shall be hereafter approved by resolution of the Council.

**(c) Manner of Sale.** The Notes shall be sold in a private negotiated sale at such price as the Council shall hereafter approve by resolution; *provided that*, if the Executive Officer of the Issuer shall determine that a public competitive sale of the Notes is in the best interest of the Issuer, then the Notes may be sold at a public competitive sale in accordance with the laws of the State of Oregon at such price as the Council shall hereafter approve by resolution.

**(d) Authorization of Other Actions.** The Notes shall be executed on behalf of the Issuer by means of the manual or facsimile signatures of the Executive Officer and Deputy Executive Officer of the Issuer and shall have affixed or imprinted thereon the seal of the Issuer or a facsimile thereof. The Executive Officer and staff of the Issuer are hereby authorized and directed to take any and all actions necessary or appropriate in order to arrange for the issuance and sale of the Notes, including but not limited to the preparation of an appropriate official statement pertaining thereto. The Executive Officer of the Issuer is hereby authorized, empowered and directed, for and on behalf of the Issuer, to take any and all actions necessary or appropriate in order to issue and sell the Notes and apply the proceeds thereof for the purposes herein contemplated, including but not limited to the execution and delivery of all documents, instruments and certificates necessary or appropriate in connection therewith, the selection and appointment of a paying agent and registrar therefor, and the selection and appointment of an underwriter.

**(e) Disposition and Application of Note Proceeds.** There is hereby established, as a special subaccount of the Building Management Fund of the Issuer, the 1991 Note Proceeds Account. The moneys on deposit from time to time in the 1991 Note Proceeds Accounts shall be invested in such investments as are permitted under the laws of the State of Oregon for the investment of moneys of the Issuer. The moneys on deposit from time to time in the 1991 Note Proceeds Account, including any investment earnings derived therefrom, shall be disbursed and applied from time to time for the purpose of paying the costs of financing, acquiring, renovating, furnishing and

equipping the Project, including, without limitation, the costs of:

(i) any demolitions or relocations necessary in connection with the acquisition, construction, reconstruction, improvement, betterment and extension of the Project and any replacements, alterations, improvements, additions, machinery, furnishings and equipment, facilities, paving, grading, excavation, blasting or removals deemed by the Issuer to be necessary or useful or convenient in connection therewith;

(ii) obligations incurred for labor and materials and payments made to contractors, builders and materialmen in connection with the acquisition, construction, reconstruction, improvement, betterment and extension of the Project, and for the restoration of property damaged or destroyed in connection therewith;

(iii) fees and expenses of any paying agent and registrar during construction, payments, taxes or other governmental charges lawfully levied or assessed during construction or on any property acquired, and premiums on insurance (if any) during such construction or acquisition or reimbursement to the appropriate person for such premium payments;

(iv) fees and expenses for studies, surveys and reports, engineering, borings, testings, estimates of costs and revenues, preparation of plans and specifications and inspecting or supervising construction or acquisition, as well as for the performance of all other duties of engineers or architects in connection with the acquisition, construction, reconstruction, improvement, betterment or extension of the Project or required by this Ordinance;

(v) expenses of administration properly chargeable to the acquisition, construction, reconstruction, improvement, betterment or extension of the Project, including legal expenses and fees, financing charges, costs of audits and fiscal advice, the fees and expenses of the consultants and advisors, and other similar administrative costs incurred during the construction period but only to the extent such fees, expenses and costs have been capitalized, and all other items of expense not elsewhere in this definition specified, incident to the acquisition, construction, reconstruction, improvement, betterment or extension of the Project, including the acquisition of real estate, franchises and rights-of-way therefor, and abstracts of title and title insurance;

(vi) the cost and expense of acquiring by purchase or condemnation or by leasing such property, lands, rights-of-way, franchises, easements, and other interests in land as may be deemed necessary or convenient for the acquisition, construction, reconstruction, improvement, betterment or extension of any part of the Project, and options and partial payments thereon, and the amount of any damages incident to or consequent upon the same;

(vii) any obligation or expense heretofore or hereafter expended or incurred by the Issuer or any other person and any amounts heretofore or hereafter advanced by the Issuer or any other person for any of the foregoing purposes or otherwise related to the Project;

(viii) any costs of issuance incurred in connection with a the Notes or the Bonds; and

(ix) interest on the Notes during the period of construction, installation, acquisition and testing of the Project.

The moneys (including any investment earnings) on deposit in the 1991 Note Proceeds Account at the time of issuance of the Bonds shall be applied in one or more of the following ways as shall be determined by the Executive Officer of the Issuer: (A) to the payment of the principal of and interest on the Notes at maturity or upon prior redemption; (B) to the payment of any costs of issuance incurred in connection with the Bonds; or (C) retained in the



1991 Note Proceeds Account or transferred to the fund or account which is to receive the proceeds from the issuance and sale of the Bonds and applied to pay the remaining costs of the Project.

**(f) Taxable and Tax-Exempt Obligations; Issuance in Series.** To the fullest extent permissible under the provisions of the Internal Revenue Code of 1986, as amended, and the rules and regulations promulgated or applicable thereunder (the "Code"), the Notes shall be issued as obligations the interest on which is excludable for federal income tax purposes from the gross incomes of the owners thereof ("Tax-Exempt Obligations"). To the extent the Notes cannot be issued as Tax-Exempt Obligations, the Notes shall be issued as obligations the interest on which is not excludable for federal income tax purposes from the gross incomes of the owners thereof ("Taxable Obligations"), and pursuant to and in accordance with ORS 288.600 the Issuer hereby expressly consents to such taxability of the interest on such portion of the Notes. In order to accommodate the issuance of certain of the Notes as Tax-Exempt Obligations and the balance of the Notes as Taxable Obligations, the Notes may be issued in two or more series.

**Section 3. No Recourse.** No recourse shall be had for the payment of the principal of or interest on the Bonds or the Notes or for any claim based thereon or on this Ordinance against any member, officer or employee of the Issuer or any person executing the Bonds or the Notes.

**Section 4. Severability of Invalid Provisions.** If any one or more of the covenants or agreements provided in this Ordinance on the part of the Issuer to be performed should be contrary to law, then such covenant or covenants or agreement or agreements shall be deemed severable from the remaining covenants and agreements and shall in no way affect the validity of the other provisions of this Ordinance.

**Section 5. Governing Law.** This Ordinance shall be interpreted, governed by and construed under the laws of the State of Oregon, including the Act, as if executed and to be performed wholly within the State of Oregon.

**Section 6. Headings Not Binding.** The headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 7. Effective Date.** This Ordinance shall, except as otherwise provided by law, become effective immediately upon enactment.

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## Certification of Ordinance

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*The undersigned do hereby certify that we are the duly elected or appointed, qualified and acting Executive Officer, Presiding Officer of the Council and Clerk of the Council of the Metropolitan Service District, Counties of Multnomah, Clackamas and Washington, State of Oregon; that the foregoing is a true and complete copy of Ordinance No. 91-383 as enacted by the Council of said district at a regular meeting duly called and held in accordance with law on February 28, 1991; and that the following Councilors voted in favor of said Ordinance:*

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

*the following Councilors voted against said Ordinance:*

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

*and the following Councilors abstained from voting on said Ordinance:*

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

*In addition, the Executive Officer hereby certifies that the foregoing ordinance has not been vetoed thereby.*

*In witness whereof, the undersigned have hereunto set their hands as of the dates set forth below.*

*Attest:*

\_\_\_\_\_  
*Tanya Collier, Presiding Officer*

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

\_\_\_\_\_  
*Clerk of the Council*

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

\_\_\_\_\_  
*Rena Cusma, Executive Officer*

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

Agenda Item No. 6.3  
Meeting Date: February 28, 1991

ORDINANCE NO. 91-384



**METRO**

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

# Memorandum

**DATE:** February 21, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council

**RE:** ORDINANCE NO. 91-384, AN ORDINANCE ADOPTING A FINAL ORDER AND  
AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE  
NO. 90-3: WASHINGTON COUNTY

The Council first considered Ordinance No. 91-384 February 14, 1991. The ordinance and staff's report have been included in this agenda packet for Council consideration February 28, 1991. The ordinance supporting documents Exhibit A, Vicinity Map, and Exhibit B, Report and Recommendation of the Hearings Officer, were distributed under separate cover due to the volume of those documents.

Any parties interested in obtaining a copy of the supporting documents may contact the Clerk at ext. 206.

## STAFF REPORT

### CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 90-3: WASHINGTON COUNTY

Date: FEBRUARY 14, 1991

Presented By: Larry Shaw  
Ethan Seltzer

#### FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 90-3 is a petition from Washington County for a locational adjustment of the Urban Growth Boundary (UGB) in Washington County. The property proposed for inclusion within the UGB includes a total of about 6.7 acres, now a portion of two tax lots located south of the present right-of-way of Tualatin-Sherwood Road in the vicinity of Cipole Road. The present UGB is the centerline of the present right-of-way for Tualatin-Sherwood Road. The amendment is being proposed in order to allow the realignment and reconstruction of Tualatin-Sherwood Road, consistent with the RTP, and for purposes of improving safety and capacity. The City of Tualatin supports the petition.

Metro Hearings Officer Larry Epstein held a hearing on this matter on January 3, 1991, beginning at 1:30 pm in the Tualatin City Council chambers. Testimony was presented by Washington County staff and by a consultant to the County. No opposition was expressed either in writing or during the hearing. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the proposal meets all applicable standards and should be approved. No exceptions were submitted by parties to the case.

Locational adjustments are meant to be small scale, technical adjustments to the Urban Growth Boundary (UGB). They are a device used to adjust the boundary when a mistake was made in the original drawing of the boundary line, when the addition of a small acreage will uniquely facilitate the development of lands adjacent to the proposed addition and already in the UGB, or the addition involves an addition of two acres or less intended to make the UGB coterminous with property lines. In any case, the need for the property in the UGB is not a factor in judging the suitability of the proposed addition.

In brief, a successful demonstration of compliance with the standards must show that the adjustment will:

- result in a net improvement in the efficiency of the delivery of public facilities and services in adjoining areas within the UGB, and that the land in question itself can be served in an orderly and economic manner;

--lead to maximum efficiency of land uses;

--positively relate to any regional transit corridors and positively address any limitations imposed by the presence of hazard or resource lands;

--retain agricultural land when the petition involves lands for which no exceptions to goals 3 and 4 have been granted; and

--be compatible with nearby agricultural uses, or show why adherence to all the other conditions clearly outweigh any incompatibility.

In addition, a locational adjustment adding land to the UGB must be for less than 50 acres and must include within its boundaries all similarly situated contiguous lands, in order to avoid the piecemeal expansion of the UGB through a series of contiguous locational adjustments.

This case raises two notable issues:

1) Appropriateness - As a general comment, this petition exemplifies the way in which the locational adjustment process should work. The petition stems from a road project that has been extensively reviewed by the petitioner, both in terms of petitioner's comprehensive plan as well as in coordination with the plans of Sherwood and Tualatin. Alternatives to meeting the service needs of the County other than through a UGB amendment were evaluated. Only the land needed to accomplish the service objective is included in the petition. This kind of analysis and the linkage to comprehensive land use plans is an appropriate use of the locational adjustment process.

2) Proposal involves rural lands not excepted from Statewide Planning Goals 3 and 4 - The locational adjustment process was intentionally designed to be very protective of agricultural and forest resource lands. Care was taken to ensure that the process not become a "backdoor" exceptions process for rural resource lands adjacent to the urban growth boundary, or lead to the exacerbation or creation of conflicts with existing agricultural practices.

In this instance, the petitioner demonstrated and the Hearings Officer concluded that although the proposed addition contains high-quality, Class II soils, "(r)etention of the subject property as agricultural would preclude the efficient and economical provision of an arterial road for, and therefore urbanization of, land within the UGB..." (emphasis added). The Hearings Officer also concluded that the proposed realignment of the road and amendment of the Urban Growth

page 3

Boundary would be compatible with the agricultural uses adjoining the site.

Since no exceptions to the Hearings Officer's report were received, the Council can decide whether it wants or needs to hear from parties following presentation of the case. In its deliberations, the Council may consider motions to remand the findings to the Hearings Officer or to staff for revisions. If no such motions are approved, the Council may allow Ordinance No. 91-384 to proceed to a second reading with the findings and recommendation as proposed in the Hearings Officer's report.

ES/es  
2/1/91



WASHINGTON  
COUNTY,  
OREGON

January 30, 1991

Ethan Seltzer  
Metro  
2000 S.W. First Avenue  
Portland, OR 97201

Dear Ethan,

The Washington County staff have received the hearings officer's report and recommendation for case number 90-03, and generally concur with his findings. We do not intend to take an exception to his report. We would appreciate it if you would schedule this matter for the Metro Council at the earliest opportunity.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Brown', is written over the typed name.

Mark Brown  
Principal Planner

MB/se

c: Jill Hinckley



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER )  
AND AMENDING THE METRO URBAN )  
GROWTH BOUNDARY FOR CONTESTED CASE )  
NO. 90-3:WASHINGTON COUNTY )

ORDINANCE NO. 91-384

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY  
ORDAINS:

Section 1. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 90-3 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 3. Parties to Contested Case No. 90-3 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

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

ES/es  
2/1/91

Agenda Item No. 7.1  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1375



**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: RESOLUTION NO. 91-1375

The Council agenda will be printed before the Finance Committee meets to consider the above-referenced legislation. The Finance Committee report on the resolution will be distributed at the Council meeting February 28, 1991.

FINANCE COMMITTEE REPORT

RESOLUTION NO. 91-1375A, AMENDING THE CLASSIFICATION PLAN  
AND THE PAY PLAN FOR NON-REPRESENTED EMPLOYEES

Date: February 25, 1991

Presented by: Councilor Wyers

COMMITTEE RECOMMENDATION: The Committee at its February 21, 1991 meeting voted unanimously to recommend Council approval of Resolution No. 91-1375 as amended. Present and voting were Councilors Buchanan, Devlin, Hansen, Van Bergen and Wyers.

COMMITTEE DISCUSSION / ISSUES: Dick Engstrom, Deputy Executive Officer, presented the staff report. He indicated the purpose of the resolution is to amend the District's Classification Plan and the Pay Plan as required by the Metro code to create two new department head positions (Directors of Regional Facilities and Finance & Management Information) and delete a position (Director of Finance & Administration). He explained that these two new positions result from the division of the current Finance & Administration department into two departments: 1) Regional Facilities, which will have approximately 14 employees to do facility development and management, construction management, and procurement and contract activities; and 2) Finance & Management Information, which will have approximately 29 employees to do data processing, risk management, budget, accounting and financial analysis activities. He referred to organizational charts for each department, which were previously distributed to the Council and are attached to this Committee report as Attachments 1 and 2. He indicated that no budget changes would be proposed for this fiscal year to implement the reorganization and that sufficient funds are available in the appropriate budgets to accommodate these new positions.

In response to Committee and Council staff questions, Mr. Engstrom, Mr. Saling and Ms. Sims said:

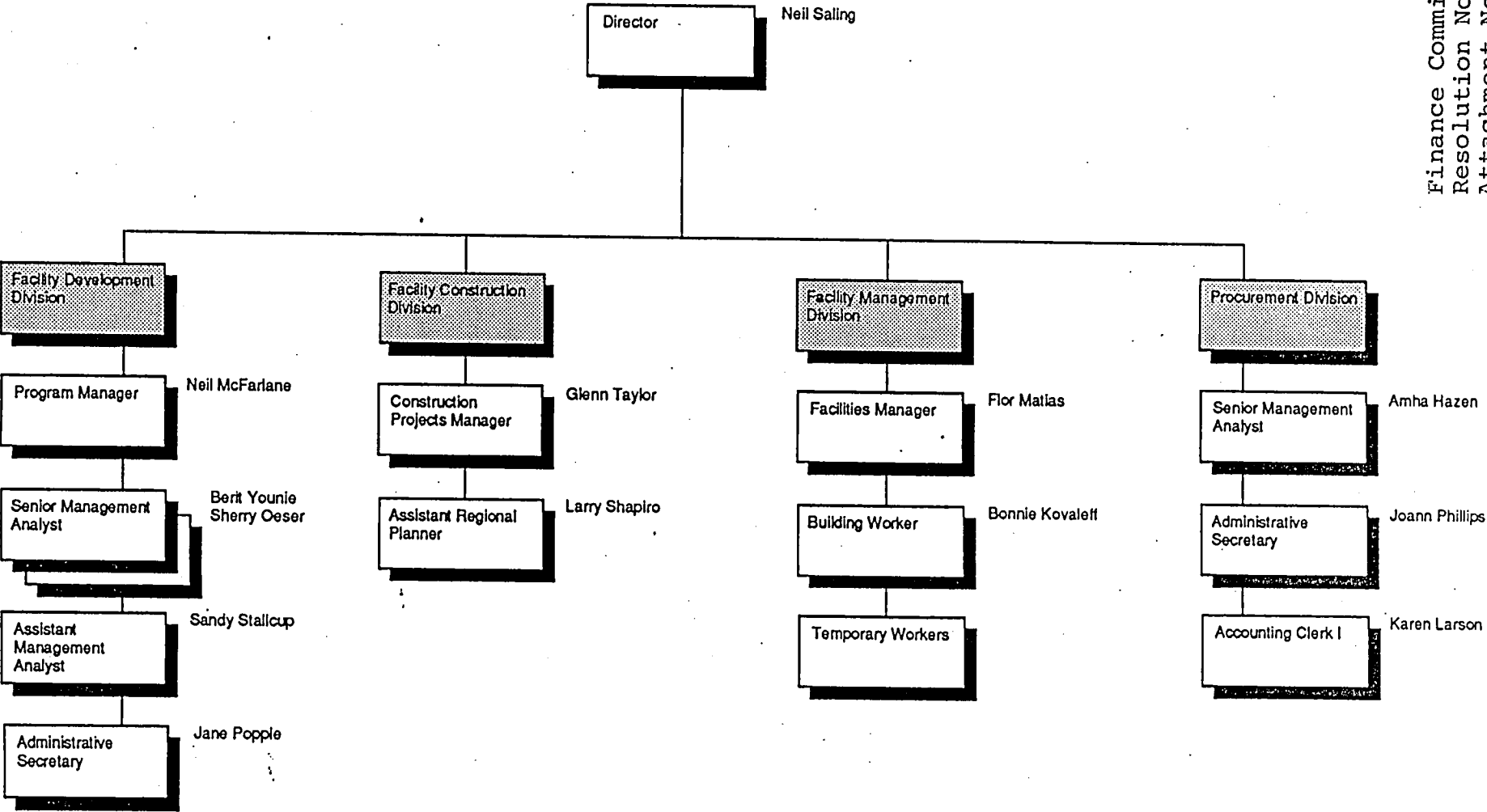
1. The Executive Officer would be submitting the names of Neil Saling and Jennifer Sims for confirmation proceedings assuming the Council approves this resolution and Ordinance No. 91-378;
2. The contract/procurement function could be assigned to either new department, but the Executive Officers prefers it to be assigned to the Regional Facilities department because of Mr. Saling's experience and knowledge with the contracting process and the Metro code; and,
3. The division of financial management responsibilities between the central office and the various operating departments should be discussed in the context of the FY 1991-92 budget process as a result of the Executive's proposed budget and Finance Committee interest in the subject.

Councilor Devlin noted that the Regional Facility department, its duties, responsibilities and level of activity will likely be the subject of discussion during the upcoming budget deliberations. He also expressed hope that the new position of Director of Finance & Management Information would be vested with sufficient authority to work with department heads to resolve financial management issues in a timely manner.

Council staff recommended amendments to the resolution incorporated in an "A" version that clearly indicate that the old position of Manager of Financial Services is being eliminated along with the Director of Finance & Administration.

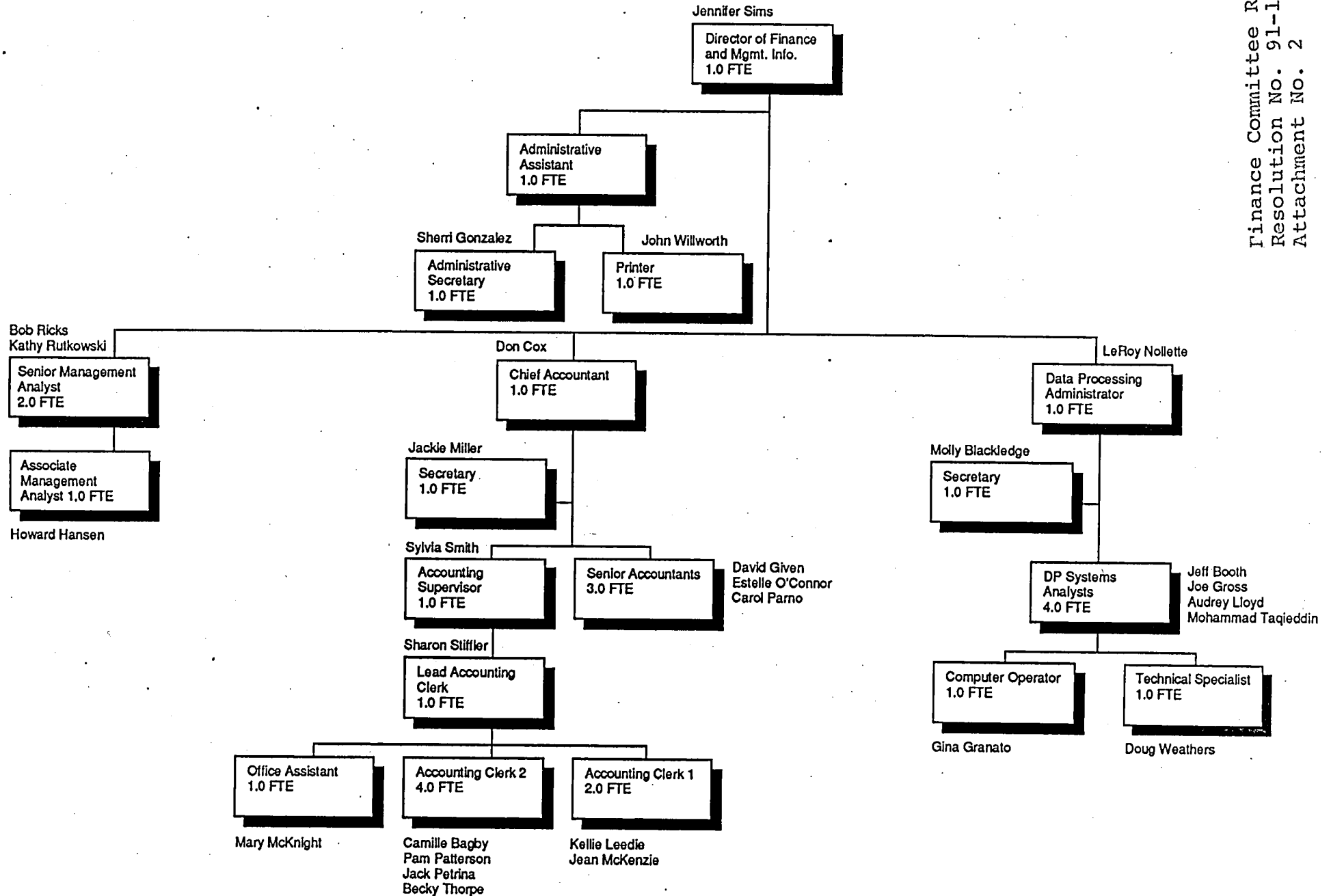
**Proposed Regional Facilities Department**  
 Fiscal Year 1990 - 1991 (13.95 FTE)

Finance Committee Report  
 Resolution No. 91-1375A  
 Attachment No. 1



# Proposed Finance and Management Information Department Fiscal Year 1990 - 1991

Finance Committee Report  
Resolution No. 91-1375A  
Attachment No. 2



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING THE )	RESOLUTION NO. 91-1375A
CLASSIFICATION PLAN AND THE PAY )	
PLAN FOR NON-REPRESENTED )	Introduced by Rena Cusma
EMPLOYEES )	Executive Officer

WHEREAS, Metropolitan Service District Code Section 2.02.130 requires that any new classification added to the classification plan requires Council approval; and

WHEREAS, Metropolitan Service District Code Section 2.02.145 requires that the Pay Plan shall be approved by Council; and

WHEREAS, The Council approved the classification plan by Resolution 88-894A; and

WHEREAS, The Council approved the current Pay Plan for non-represented employees by Resolution 90-1295; and

WHEREAS, It is in the best interests of the agency that the classifications of Director of Finance and Management Information and Director of Regional Facilities be created and added to the classification plan; and

WHEREAS, The current classifications of Director of Finance and Administration and Manager of Financial Services will no longer be used; and

WHEREAS, The classification descriptions of the new classifications have been evaluated and should be assigned to salary range 25; now, therefore,

BE IT RESOLVED,

1. That pursuant to Section 2.02.130 of the Metropolitan Service District Code, the classification plan is amended to include the new classification descriptions as shown in



Attachments A and B attached hereto and to [~~exclude~~] eliminate  
the classification descriptions of Director of Finance and  
Administration[+] and Manager of Financial Services.

2. That pursuant to Section 2.02.145 the Pay Plan for non-  
represented employees shall be amended and adopted as shown in  
Attachment C attached hereto.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

\_\_\_\_\_  
Tanya Collier, Presiding Officer

ATTACHMENT A

Metro  
Class No: 084  
Title: Director of Finance and Management Information  
Established:  
Revised:  
EEO:  
AA:

GENERAL STATEMENT OF DUTIES:

Plans, organizes, and directs the daily administration and operation of the Finance and Management Information Department which includes: information services, data processing, accounting, risk management and finance programs. Directs the development of policies and procedures relating to fiscal management, budget, data processing, risk management and other support services. Acts as Chief Financial Officer.

SUPERVISION RECEIVED:

General supervision is received from the Executive Officer.

SUPERVISION EXERCISED:

Supervision is exercised over the Chief Accountant, Data Processing Administrator, Senior Management Analysts and Risk Manager.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Organizes and coordinates the work of self-insurance and risk management, finance, data processing, accounting and information programs. Defines departmental work programs and projects in areas deemed critical to Metro's mission and enforces policies and procedures related to those programs and projects.
2. Assists the Executive Officer in the development and implementation of policies and programs relating to supervised departments for achieving objectives of critical importance.
3. Oversees the financial well-being of the department and the agency by performing cost control activities and monitoring all fiscal operations. Prepares and justifies department budget requests and amendments; approves all department expenditures. Obtains and evaluates bid proposals and price quotations. Supervises the purchase of supplies and equipment. Negotiates, drafts and administers contractual agreements.
4. Provides managerial leadership and supervision to subordinates to assure a staff capable of providing effective departmental services. Plans, organizes and directs the work of subordinate staff. Recruits, selects, trains and evaluates staff performance. Offers technical assistance to staff on more complex problems. Oversees departmental personnel practices, reviews and approves disciplinary decisions of

Page two

Class-No:

Title: Director of Finance and Management Information

subordinate managers. Exercises technical supervision over personnel in other departments involved in financial planning, budgeting and fiscal policy development.

EXAMPLES OF PRINCIPAL DUTIES:(continued)

5. Develops short and long range plans and designs to assure efficient and effective department operations; coordinates department programs with other Metro departments and governmental agencies.
6. Represents the department at meetings with the Metro Council and staff, other governmental agencies, technical or professional groups, and the media.
7. Acts as Chief Financial Officer in agency financial affairs including selling bonds, construction financing, long range financial planning and agency issues.
8. Acts as Budget Officer. Directs the preparation and maintenance of the agency's annual budget. Establishes schedules and budget planning assumptions. Assures compliance with laws, regulations and grant requirements.
9. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Thorough knowledge of public administration principles and practices and procedures.
- Thorough knowledge of municipal finance, local budget law and accounting principles and procedures.
- Knowledge of data processing principles and procedures.
- Ability to plan, organize and direct the operation of the various assigned functions.
- Ability to analyze and evaluate operations and develop and implement effective alternative solutions to resolve problems.
- Ability to establish and maintain effective working relationships with federal, state and local agencies, the Council, Metro staff and the general public.
- Ability to negotiate complex business and financial agreements.
- Ability to communicate effectively both orally and in writing.

Page three

Class No:

Title: Director of Finance and Management Information

- Ability to set priorities and to guide, direct, motivate and evaluate the work of subordinates.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:(continued)

- Knowledge of administrative principles and practices associated with personnel, budgeting, municipal finance, accounting, data processing and management analysis.
- Knowledge of contract administration policy and practices.
- Knowledge of supervisory principles and practices.

RECRUITING REQUIREMENTS:

EXPERIENCE AND TRAINING:

Bachelor's degree in public administration, business administration, economics or related field and five years of experience in a high level management position with experience in organizational management and operation, personnel and labor relations, public budgeting and finance, and public relations; or Master's degree and three years of work experience; or any combination of education and experience which would provide the applicant with the desired skills, knowledge and ability required to perform the job.

ATTACHMENT B

Metro  
Class No: 080  
Title: Director of Regional Facilities

Established:  
Revised:  
EEO:  
AA:

GENERAL STATEMENT OF DUTIES:

Plans, organizes, and directs the development of key facilities within the region; manages the daily administration and operation of the Regional Facilities Department. Manages facility construction, agency procurement and other program areas assigned. Develops policies and sets long range goals and objectives relating to regional facilities and Metro capital improvement program.

SUPERVISION RECEIVED:

General supervision is received from the Executive Officer.

SUPERVISION EXERCISED:

Supervision is exercised over department staff.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Organizes and coordinates the work of the Regional Facilities Department. Defines departmental work programs and projects in areas deemed critical to Metro's mission and enforces policies and procedures related to those programs and projects.
2. Assists the Executive Officer in the development and implementation of policies and programs relating to regional facilities, construction and procurement.
3. Oversees the financial well-being of the department by performing cost control activities and monitoring all fiscal operations of the department to include capital improvement projects. Prepares and justifies budget requests and amendments; approves all department expenditures. Obtains and evaluates bid proposals and price quotations. Supervises the purchase of supplies and equipment. Negotiates, drafts and administers contractual agreements.
4. Provides managerial leadership and supervision to subordinates to assure a staff capable of providing effective departmental services. Plans, organizes and directs the work of subordinate staff. Recruits, selects, trains and evaluates staff performance. Offers technical assistance to staff on more complex problems. Oversees departmental personnel practices, reviews and approves disciplinary decisions of subordinate managers. Exercises technical supervision over personnel in other departments involved in design and construction of facilities.

Page two

Class No:

Title: Director of Regional Facilities

EXAMPLES OF PRINCIPAL DUTIES:(continued)

5. Develops short and long range plans and designs to assure efficient and effective department operations; gathers, interprets and prepares data for studies, reports and recommendations; coordinates department programs with other Metro departments and governmental agencies.
6. Represents the department at meetings with the Council, Metro staff, other governmental agencies, technical or professional groups, the media and elected officials.
7. Directs agency participation in emergency preparedness; represents agency in regional coordination and planning of emergency measures.
8. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Thorough knowledge of public administration, procurement and budgeting principles and practices.
- Thorough knowledge of the principles and practices of construction contracting and project management; general familiarity with relevant Oregon laws.
- Ability to plan, organize and direct the operation of the various assigned functions.
- Ability to manage controversial projects subject to public, legal and technical scrutiny.
- Ability to perform research and write and/or present comprehensive reports on planning, procurement, budgeting or related matters for internal or external use.
- Ability to set priorities and direct, guide, motivate and evaluate the work of subordinates.
- Ability to analyze and evaluate department activities and to develop and implement effective alternative solutions to resolve problems.
- Ability to establish and maintain effective working relationships with federal, state and local agencies, the Council, the Executive Officer, other Metro staff and the general public.
- Ability to communicate effectively both orally and in writing.

Page three

Class No:

Title: Director of Regional Facilities

RECRUITING REQUIREMENTS:

EXPERIENCE AND TRAINING:

Bachelor's degree in civil engineering, architecture, construction management or related field and a minimum of four years of diversified experience in commercial/industrial construction and construction management working on a variety of large projects simultaneously; experience in public sector procurement and construction; professional registration is desired; or any combination of experience and education which provides the applicant with the desired skills, knowledge and ability to perform the job.

## ATTACHMENT C

NON-REPRESENTED EMPLOYEES PAY SCHEDULE  
(Hourly and Annual Rate Based on 2,080 Per Year)

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
1	012	Office Assistant	6.57	6.90	9.58 Hourly
	265	Education Service Aide 1	1,139	1,196	1,660 Monthly
			13,666	14,352	19,926 Annual
3	018	Receptionist	7.24	7.60	10.56 Hourly
			1,255	1,318	1,831 Monthly
			15,059	15,808	21,965 Annual
4	266	Education Service Aide 2	7.60	7.98	11.09 Hourly
			1,318	1,383	1,922 Monthly
			15,808	16,598	23,067 Annual
5	010	Management Intern	7.98	8.38	11.64 Hourly
	022	Secretary	1,383	1,452	2,018 Monthly
			16,598	17,430	24,211 Annual
8	021	Administrative Secretary	9.24	9.70	13.48 Hourly
			1,602	1,682	2,337 Monthly
			19,219	20,176	28,038 Annual
10	004	Food Service/Retail Coord.	10.19	10.70	14.86 Hourly
	031	Administrative Assistant	1,766	1,854	2,576 Monthly
	108	Legal Secretary	21,195	22,256	30,909 Annual
11	032	Clerk of the Council	10.70	11.24	15.60 Hourly
	520	Veterinarian Technician	1,855	1,948	2,705 Monthly
			22,256	23,379	32,448 Annual
12	075	Assistant Research Coord.	11.23	11.79	16.38 Hourly
			1,947	2,044	2,839 Monthly
			23,358	24,523	34,070 Annual
13			11.79	12.38	17.20 Hourly
			2,044	2,146	2,981 Monthly
			24,523	25,750	35,776 Annual
14	333	Asst. Management Analyst	12.38	13.00	18.06 Hourly
	540	Safety/Security Supervisor	2,146	2,253	3,130 Monthly
			25,750	27,040	37,565 Annual
15	007	Retail Supervisor	13.00	13.65	18.96 Hourly
	014	Site Supervisor	2,253	2,366	3,287 Monthly
	107	Law Clerk	27,040	28,392	39,437 Annual



## ATTACHMENT C

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
16	270	Education Services Spec.	13.65	14.33	19.91 Hourly
	334	Assoc. Management Analyst	2,366	2,484	3,450 Monthly
	362	Graphics Coordinator	28,392	29,806	41,413 Annual
17	009	Food Service Supervisor	14.34	15.06	20.92 Hourly
	076	Research Coordinator	2,486	2,610	3,626 Monthly
			29,827	31,325	43,514 Annual
18	030	Support Services Supervisor	15.05	15.80	21.96 Hourly
	335	Senior Management Analyst	2,609	2,739	3,805 Monthly
	340	Senior PA Specialist	31,304	32,864	45,677 Annual
	472	Assistant Curator			
	474	Facilities Supervisor			
19	060	Zoo Marketing Manager	15.80	16.59	23.06 Hourly
	061	Zoo Development Officer	2,739	2,876	3,996 Monthly
	345	Senior Solid Waste Planner	32,864	34,507	47,965 Annual
	525	Veterinarian			
20	062	Visitors Services Manager	16.60	17.43	24.21 Hourly
	091	Data Processing Admin.	2,877	3,021	4,197 Monthly
	275	Education Services Manager	34,528	36,254	50,357 Annual
	322	SW Facilities Superintend.			
	336	Management Analyst Super.			
	341	Public Information Super.			
	351	Trans. Planning Supervisor			
	357	Regional Planning Super.			
	476	Construction Coordinator			
21	063	Curator	17.43	18.30	25.41 Hourly
	070	Personnel Manager	3,021	3,172	4,405 Monthly
	085	Mgr. Development Services	36,254	38,064	52,853 Annual
	309	Engineering Supervisor			
	346	Solid Waste Planner Super.			
	347	Waste Reduction Manager			
	353	Data Resource Center Super.			
	475	Zoo Facilities Manager			
22	071	Chief Accountant	18.30	19.22	26.69 Hourly
	103	Legal Counsel	3,172	3,331	4,626 Monthly
	320	Solid Waste Operations Mgr.	38,064	39,978	55,515 Annual
23	090	Transportation Tech Mgr.	19.21	20.17	28.02 Hourly
	092	Govt. Relations Manager	3,330	3,497	4,857 Monthly
	311	Engineering/Analysis Mgr.	39,957	41,954	58,282 Annual
	352	Trans. Planning Manager			
	477	Construction Manager			

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
24	064	Assistant Zoo Director	20.17	21.18	29.42 Hourly
	<del>083</del>	<del>Mgr. Financial Services</del>	3,496	3,671	5,100 Monthly
			41,954	44,054	61,194 Annual
25	080	Dir. of Regional Facilities	21.18	22.24	30.89 Hourly
	081	Director of Public Affairs	3,671	3,855	5,354 Monthly
	084	Dir. Finance & Mgmt. Info.	44,054	46,259	64,251 Annual
	088	Convention Ctr. Proj. Dir.			
	093	Council Administrator			
	094	Director of P & D			
	095	Deputy Executive Officer			
26	089	Director of Tran. Planning	22.24	23.35	32.43 Hourly
	105	General Counsel	3,855	4,048	5,622 Monthly
			46,259	48,568	67,454 Annual
28	086	Director of Solid Waste	24.52	25.75	35.76 Hourly
	087	Zoo Director	4,250	4,463	6,199 Monthly
			51,002	53,560	74,381 Annual

Effective Date: December 27, 1990

ADDITIONAL PROVISION:

As provided in Metro Code Section 2.02.160, the Executive Officer may annually award an Incentive Salary Rate of 1 to 3 percent above the Maximum Merit Rate.

Effective July 1, 1990

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF )  
AMENDING THE CLASSIFICATION )  
PLAN AND THE PAY )  
PLAN FOR NON-REPRESENTED )  
EMPLOYEES )

RESOLUTION NO. 91-1375

Introduced by  
Rena Cusma,  
Executive Officer

WHEREAS, Metropolitan Service District Code Section 2.02.130 requires that any new classification added to the classification plan requires Council approval; and

WHEREAS, Metropolitan Service District Code Section 2.02.145 requires that the Pay Plan shall be approved by Council; and

WHEREAS, the Council approved the classification plan by Resolution 88-894A; and

WHEREAS, the Council approved the current Pay Plan for non-represented employees by Resolution 90-1295; and

WHEREAS, it is in the best interests of the agency that the classifications of Director of Finance and Management Information and Director of Regional Facilities be created and added to the classification plan; and

WHEREAS, the current classification of Director of Finance and Administration will no longer be used; and

WHEREAS, the classification descriptions of the new classifications have been evaluated and should be assigned to salary range 25; now, therefore,

BE IT RESOLVED,

1. That pursuant to Section 2.02.130 of the Metropolitan Service District Code, the classification plan is amended to include the new classification descriptions as shown in Attachments A and B attached hereto and to exclude the classification of Director of Finance and Administration.

2. That pursuant to Section 2.02.145 the Pay Plan for non-represented employees shall be amended and adopted as shown in Attachment C attached hereto.

ADOPTED by the Council of the Metropolitan Service District  
this        day of        1991.

---

Tanya Collier, Presiding Officer

Metro  
Class No: 084  
Title: Director of Finance and Management Information  
Established:  
Revised:  
EEO:  
AA:

GENERAL STATEMENT OF DUTIES:

Plans, organizes, and directs the daily administration and operation of the Finance and Management Information Department which includes: information services, data processing, accounting, risk management and finance programs. Directs the development of policies and procedures relating to fiscal management, budget, data processing, risk management and other support services. Acts as Chief Financial Officer.

SUPERVISION RECEIVED:

General supervision is received from the Executive Officer.

SUPERVISION EXERCISED:

Supervision is exercised over the Chief Accountant, Data Processing Administrator, Senior Management Analysts and Risk Manager.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Organizes and coordinates the work of self-insurance and risk management, finance, data processing, accounting and information programs. Defines departmental work programs and projects in areas deemed critical to Metro's mission and enforces policies and procedures related to those programs and projects.
2. Assists the Executive Officer in the development and implementation of policies and programs relating to supervised departments for achieving objectives of critical importance.
3. Oversees the financial well-being of the department and the agency by performing cost control activities and monitoring all fiscal operations. Prepares and justifies department budget requests and amendments; approves all department expenditures. Obtains and evaluates bid proposals and price quotations. Supervises the purchase of supplies and equipment. Negotiates, drafts and administers contractual agreements.
4. Provides managerial leadership and supervision to subordinates to assure a staff capable of providing effective departmental services. Plans, organizes and directs the work of subordinate staff. Recruits, selects, trains and evaluates staff performance. Offers technical assistance to staff on more complex problems. Oversees departmental personnel practices, reviews and approves disciplinary decisions of

Page two  
Class No:

Title: Director of Finance and Management Information

subordinate managers. Exercises technical supervision over personnel in other departments involved in financial planning, budgeting and fiscal policy development.

EXAMPLES OF PRINCIPAL DUTIES:(continued)

5. Develops short and long range plans and designs to assure efficient and effective department operations; coordinates department programs with other Metro departments and governmental agencies.
6. Represents the department at meetings with the Metro Council and staff, other governmental agencies, technical or professional groups, and the media.
7. Acts as Chief Financial Officer in agency financial affairs including selling bonds, construction financing, long range financial planning and agency issues.
8. Acts as Budget Officer. Directs the preparation and maintenance of the agency's annual budget. Establishes schedules and budget planning assumptions. Assures compliance with laws, regulations and grant requirements.
9. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Thorough knowledge of public administration principles and practices and procedures.
- Thorough knowledge of municipal finance, local budget law and accounting principles and procedures.
- Knowledge of data processing principles and procedures.
- Ability to plan, organize and direct the operation of the various assigned functions.
- Ability to analyze and evaluate operations and develop and implement effective alternative solutions to resolve problems.
- Ability to establish and maintain effective working relationships with federal, state and local agencies, the Council, Metro staff and the general public.
- Ability to negotiate complex business and financial agreements.
- Ability to communicate effectively both orally and in writing.

Page three

Class No:

Title: Director of Finance and Management Information

- Ability to set priorities and to guide, direct, motivate and evaluate the work of subordinates.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:(continued)

- Knowledge of administrative principles and practices associated with personnel, budgeting, municipal finance, accounting, data processing and management analysis.
- Knowledge of contract administration policy and practices.
- Knowledge of supervisory principles and practices.

RECRUITING REQUIREMENTS:

EXPERIENCE AND TRAINING:

Bachelor's degree in public administration, business administration, economics or related field and five years of experience in a high level management position with experience in organizational management and operation, personnel and labor relations, public budgeting and finance, and public relations; or Master's degree and three years of work experience; or any combination of education and experience which would provide the applicant with the desired skills, knowledge and ability required to perform the job.

ATTACHMENT B

Metro  
Class No: 080  
Title: Director of Regional Facilities

Established:  
Revised:  
EEO:  
AA:

GENERAL STATEMENT OF DUTIES:

Plans, organizes, and directs the development of key facilities within the region; manages the daily administration and operation of the Regional Facilities Department. Manages facility construction, agency procurement and other program areas assigned. Develops policies and sets long range goals and objectives relating to regional facilities and Metro capital improvement program.

SUPERVISION RECEIVED:

General supervision is received from the Executive Officer.

SUPERVISION EXERCISED:

Supervision is exercised over department staff.

EXAMPLES OF PRINCIPAL DUTIES:

An employee in this classification may perform any of the following duties. However, these examples do not include all the specific tasks which an employee may be expected to perform.

1. Organizes and coordinates the work of the Regional Facilities Department. Defines departmental work programs and projects in areas deemed critical to Metro's mission and enforces policies and procedures related to those programs and projects.
2. Assists the Executive Officer in the development and implementation of policies and programs relating to regional facilities, construction and procurement.
3. Oversees the financial well-being of the department by performing cost control activities and monitoring all fiscal operations of the department to include capital improvement projects. Prepares and justifies budget requests and amendments; approves all department expenditures. Obtains and evaluates bid proposals and price quotations. Supervises the purchase of supplies and equipment. Negotiates, drafts and administers contractual agreements.
4. Provides managerial leadership and supervision to subordinates to assure a staff capable of providing effective departmental services. Plans, organizes and directs the work of subordinate staff. Recruits, selects, trains and evaluates staff performance. Offers technical assistance to staff on more complex problems. Oversees departmental personnel practices, reviews and approves disciplinary decisions of subordinate managers. Exercises technical supervision over personnel in other departments involved in design and construction of facilities.



Page two

Class No:

Title: Director of Regional Facilities

EXAMPLES OF PRINCIPAL DUTIES:(continued)

5. Develops short and long range plans and designs to assure efficient and effective department operations; gathers, interprets and prepares data for studies, reports and recommendations; coordinates department programs with other Metro departments and governmental agencies.
6. Represents the department at meetings with the Council, Metro staff, other governmental agencies, technical or professional groups, the media and elected officials.
7. Directs agency participation in emergency preparedness; represents agency in regional coordination and planning of emergency measures.
8. Performs other related duties as assigned.

RECRUITING REQUIREMENTS:

KNOWLEDGE, SKILL, ABILITY:

- Thorough knowledge of public administration, procurement and budgeting principles and practices.
- Thorough knowledge of the principles and practices of construction contracting and project management; general familiarity with relevant Oregon laws.
- Ability to plan, organize and direct the operation of the various assigned functions.
- Ability to manage controversial projects subject to public, legal and technical scrutiny.
- Ability to perform research and write and/or present comprehensive reports on planning, procurement, budgeting or related matters for internal or external use.
- Ability to set priorities and direct, guide, motivate and evaluate the work of subordinates.
- Ability to analyze and evaluate department activities and to develop and implement effective alternative solutions to resolve problems.
- Ability to establish and maintain effective working relationships with federal, state and local agencies, the Council, the Executive Officer, other Metro staff and the general public.
- Ability to communicate effectively both orally and in writing.

Page three

Class No:

Title: Director of Regional Facilities

RECRUITING REQUIREMENTS:

EXPERIENCE AND TRAINING:

Bachelor's degree in civil engineering, architecture, construction management or related field and a minimum of four years of diversified experience in commercial/industrial construction and construction management working on a variety of large projects simultaneously; experience in public sector procurement and construction; professional registration is desired; or any combination of experience and education which provides the applicant with the desired skills, knowledge and ability to perform the job.

## ATTACHMENT C

NON-REPRESENTED EMPLOYEES PAY SCHEDULE  
(Hourly and Annual Rate Based on 2,080 Per Year)

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
1	012	Office Assistant	6.57	6.90	9.58 Hourly
	265	Education Service Aide 1	1,139	1,196	1,660 Monthly
			13,666	14,352	19,926 Annual
3	018	Receptionist	7.24	7.60	10.56 Hourly
			1,255	1,318	1,831 Monthly
			15,059	15,808	21,965 Annual
4	266	Education Service Aide 2	7.60	7.98	11.09 Hourly
			1,318	1,383	1,922 Monthly
			15,808	16,598	23,067 Annual
5	010	Management Intern	7.98	8.38	11.64 Hourly
	022	Secretary	1,383	1,452	2,018 Monthly
			16,598	17,430	24,211 Annual
8	021	Administrative Secretary	9.24	9.70	13.48 Hourly
			1,602	1,682	2,337 Monthly
			19,219	20,176	28,038 Annual
10	004	Food Service/Retail Coord.	10.19	10.70	14.86 Hourly
	031	Administrative Assistant	1,766	1,854	2,576 Monthly
	108	Legal Secretary	21,195	22,256	30,909 Annual
11	032	Clerk of the Council	10.70	11.24	15.60 Hourly
	520	Veterinarian Technician	1,855	1,948	2,705 Monthly
			22,256	23,379	32,448 Annual
12	075	Assistant Research Coord.	11.23	11.79	16.38 Hourly
			1,947	2,044	2,839 Monthly
			23,358	24,523	34,070 Annual
13			11.79	12.38	17.20 Hourly
			2,044	2,146	2,981 Monthly
			24,523	25,750	35,776 Annual
14	333	Asst. Management Analyst	12.38	13.00	18.06 Hourly
	540	Safety/Security Supervisor	2,146	2,253	3,130 Monthly
			25,750	27,040	37,565 Annual
15	007	Retail Supervisor	13.00	13.65	18.96 Hourly
	014	Site Supervisor	2,253	2,366	3,287 Monthly
	107	Law Clerk	27,040	28,392	39,437 Annual

## ATTACHMENT C

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
16	270	Education Services Spec.	13.65	14.33	19.91 Hourly
	334	Assoc. Management Analyst	2,366	2,484	3,450 Monthly
	362	Graphics Coordinator	28,392	29,806	41,413 Annual
17	009	Food Service Supervisor	14.34	15.06	20.92 Hourly
	076	Research Coordinator	2,486	2,610	3,626 Monthly
			29,827	31,325	43,514 Annual
18	030	Support Services Supervisor	15.05	15.80	21.96 Hourly
	335	Senior Management Analyst	2,609	2,739	3,805 Monthly
	340	Senior PA Specialist	31,304	32,864	45,677 Annual
	472	Assistant Curator			
	474	Facilities Supervisor			
19	060	Zoo Marketing Manager	15.80	16.59	23.06 Hourly
	061	Zoo Development Officer	2,739	2,876	3,996 Monthly
	345	Senior Solid Waste Planner	32,864	34,507	47,965 Annual
	525	Veterinarian			
20	062	Visitors Services Manager	16.60	17.43	24.21 Hourly
	091	Data Processing Admin.	2,877	3,021	4,197 Monthly
	275	Education Services Manager	34,528	36,254	50,357 Annual
	322	SW Facilities Superintend.			
	336	Management Analyst Super.			
	341	Public Information Super.			
	351	Trans. Planning Supervisor			
	357	Regional Planning Super.			
	476	Construction Coordinator			
21	063	Curator	17.43	18.30	25.41 Hourly
	070	Personnel Manager	3,021	3,172	4,405 Monthly
	085	Mgr. Development Services	36,254	38,064	52,853 Annual
	309	Engineering Supervisor			
	346	Solid Waste Planner Super.			
	347	Waste Reduction Manager			
	353	Data Resource Center Super.			
	475	Zoo Facilities Manager			
22	071	Chief Accountant	18.30	19.22	26.69 Hourly
	103	Legal Counsel	3,172	3,331	4,626 Monthly
	320	Solid Waste Operations Mgr.	38,064	39,978	55,515 Annual
23	090	Transportation Tech Mgr.	19.21	20.17	28.02 Hourly
	092	Govt. Relations Manager	3,330	3,497	4,857 Monthly
	311	Engineering/Analysis Mgr.	39,957	41,954	58,282 Annual
	352	Trans. Planning Manager			
	477	Construction Manager			

## ATTACHMENT C

SALARY RANGE	CLASS CODE	CLASSIFICATION	BEGINNING RATE	ENTRY MERIT RATE	MAXIMUM MERIT RATE
24	064	Assistant Zoo Director	20.17	21.18	29.42 Hourly
	083	Mgr. Financial Services	3,496	3,671	5,100 Monthly
			41,954	44,054	61,194 Annual
25	080	Dir. of Regional Facilities	21.18	22.24	30.89 Hourly
	081	Director of Public Affairs	3,671	3,855	5,354 Monthly
	084	Dir. Finance & Mgmt. Info.	44,054	46,259	64,251 Annual
	088	Convention Ctr. Proj. Dir.			
	093	Council Administrator			
	094	Director of P & D			
26	089	Director of Tran. Planning	22.24	23.35	32.43 Hourly
	105	General Counsel	3,855	4,048	5,622 Monthly
			46,259	48,568	67,454 Annual
28	086	Director of Solid Waste	24.52	25.75	35.76 Hourly
	087	Zoo Director	4,250	4,463	6,199 Monthly
			51,002	53,560	74,381 Annual

Effective Date: December 27, 1990

ADDITIONAL PROVISION:

As provided in Metro Code Section 2.02.160, the Executive Officer may annually award an Incentive Salary Rate of 1 to 3 percent above the Maximum Merit Rate.

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1375  
AMENDING THE CLASSIFICATION PLAN AND THE PAY PLAN  
FOR NON-REPRESENTED EMPLOYEES

---

Date: February 6, 1991

Presented by: Dick Engstrom

FACTUAL BACKGROUND AND ANALYSIS

An organizational review of the responsibilities assigned to the Department of Finance and Administration and of the expanding role of the regional facilities function of the agency revealed that the current single Department should be split into two separate Departments; the Department of Finance and Management Information and the Department of Regional Facilities. The result of this action is the enhanced definition of the activities and functions of each of the units: one charged with the budget, investment, cash management, accounting, data processing and support services operations; the other with the procurement, contract, building construction and management activities.

In conjunction with the organizational review and decision process, it became apparent that department manager level positions needed to be created to manage each of these functions, and that the existing classification of Finance and Administration Director should be abolished. Based on the position descriptions provided for each of the new classifications (attached), the Personnel Division determined that the classifications should be created as described and should be added to the Pay Plan for Non-Represented employees in Salary Grade 25.

This Resolution accomplishes each of these requirements by amending the classification plan to add the positions of Director of Finance and Management Information and Director of Regional Facilities, and amending the Pay Plan to add the same classifications to Range 25 and delete the Director of Finance and Administration from Range 26.

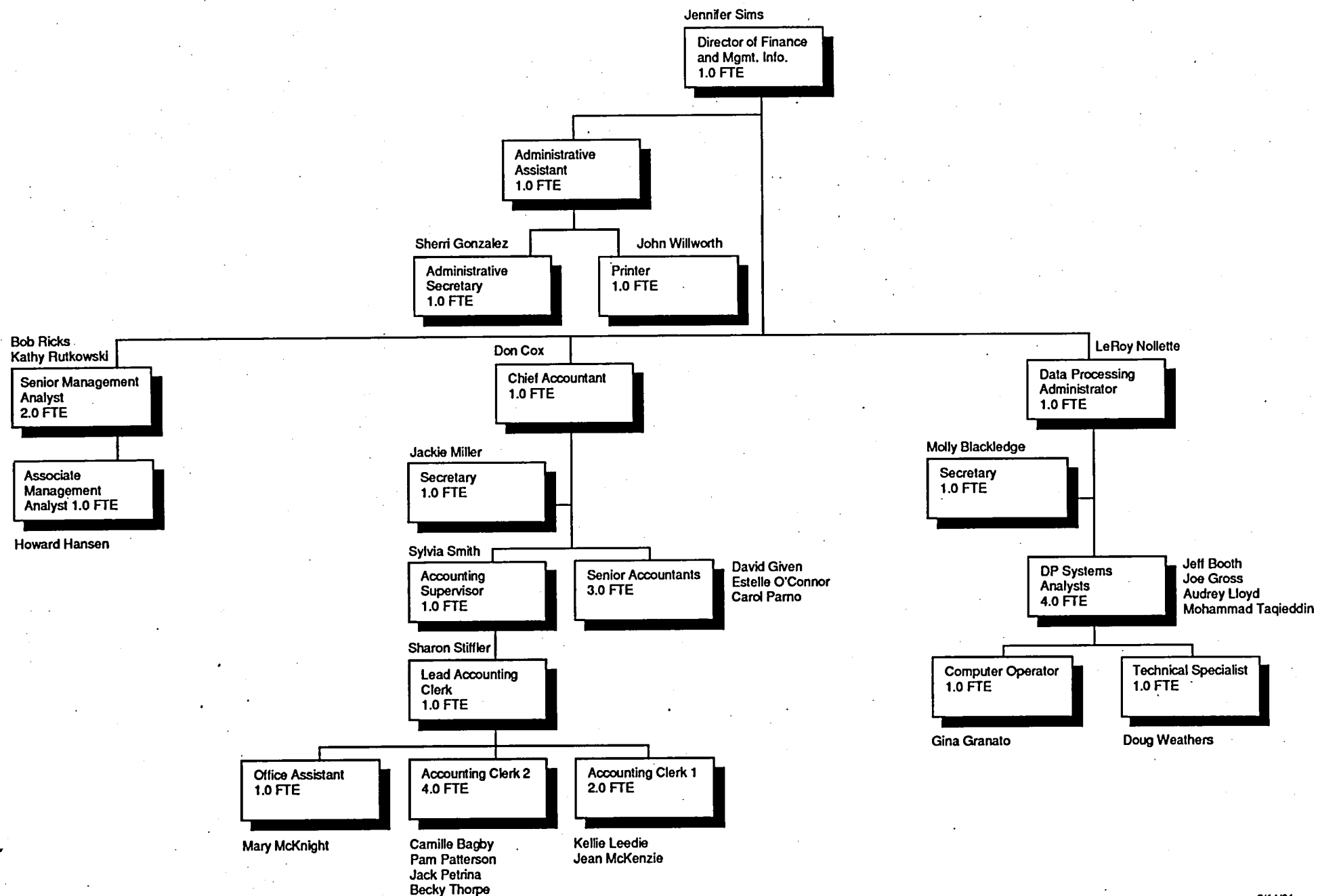
Fiscal Impact: No additional funds are required to accomplish the actions recommended in this resolution. Sufficient funds are available within the current Department of Finance and Administration to support filling of both new classifications.

EXECUTIVE OFFICER'S RECOMMENDATION

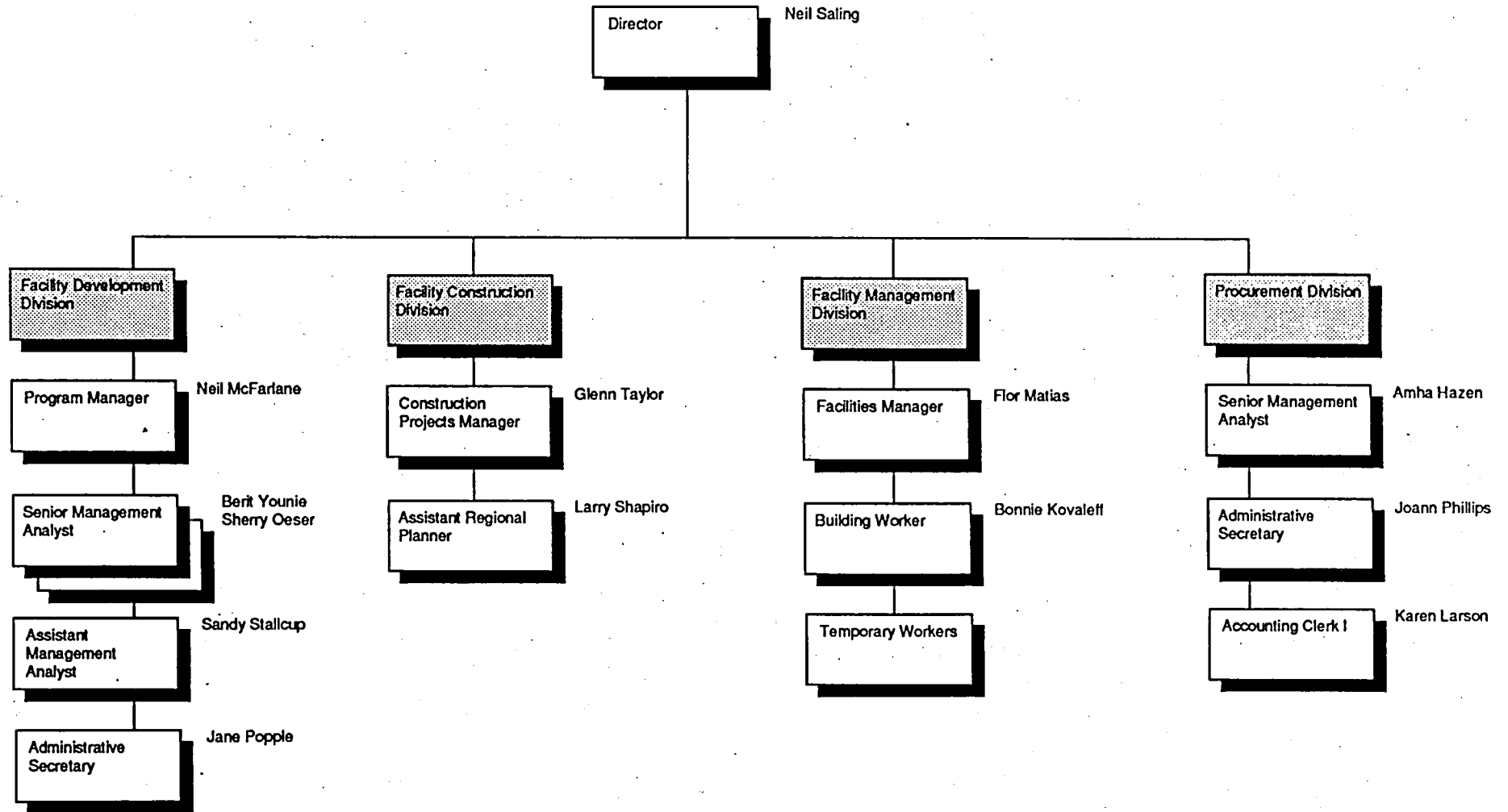
The Executive Officer recommends approval of Resolution No. 91-1375.

# Proposed Finance and Management Information Department

## Fiscal Year 1990 - 1991



**Proposed Regional Facilities Department**  
Fiscal Year 1990 - 1991 (13.95 FTE)





Agenda Item No. 7.2  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1405



**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: RESOLUTION NO. 91-1405

The Council agenda will be printed before the Governmental Affairs Committee meets to consider the above-referenced legislation. The committee report on the resolution will be distributed at the Council meeting February 28, 1991.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 91-1405A, IDENTIFYING LEGISLATIVE ISSUES FOR  
SUPPORT, OPPOSITION, AND MONITORING IN THE 1991 LEGISLATIVE  
SESSION

Date: February 28, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At its February 21, 1991 meeting the Governmental Affairs Committee voted 2-0, with one abstention, to recommend Council adoption of Resolution No. 91-1405A. Voting aye were Councilors DeJardin and Hansen. Councilor Knowles declared a possible conflict of interest and abstained. Councilors Collier and Devlin were excused.

COMMITTEE DISCUSSION/ISSUES: Committee staff Casey Short summarized the contents of Resolution 91-1405. It is a revision of Metro's legislative package for the 1991 session of the Oregon Legislature; the original legislative package was contained in Resolution 90-1353 adopted on November 29, 1990, with some subsequent additions. The new package incorporates the original package and additions, adds items that have arisen in the meantime, replaces legislative concepts with specific bills, and establishes categories of items to Support, Oppose, or Monitor.

Solid Waste Director Bob Martin discussed solid waste legislative issues and suggested changes to Exhibits A and C, as follows:

**Exhibit A:**

- Delete reference to SB 183 in the listing of Senate Bills to support, on the grounds that SB 66 is the vehicle for solid waste/recycling legislation in the Senate and SB 183 is not likely to be acted on.

- Move SB 241 (DEQ's bill increasing fee for disposal of hazardous waste) from Monitor to Support.

- Add SB 474 to the Support list. SB 474 directs DEQ to establish a statewide solid waste management plan.

- Change the reference to LC 2770 to acknowledge that this Legislative Counsel draft has been assigned a bill number, HB 3309.

**Exhibit C:**

- Move SB 241 from Monitor to Support (see above).

- Add SB 473 to the Monitor list. The bill establishes a fee to be assessed on disposal of solid waste from outside the region, in addition to existing surcharge.

- Add SB 475 to the Monitor list. SB 475 creates an interim regional solid waste management committee and sets requirements on the disposal of out-of-state waste.

- Add HB 2578 to the Monitor list. This bill establishes recycled newsprint content requirements for newspapers over 40,000 circulation, requires EQC to establish a statewide solid waste management plan by 1/1/92, requires EQC to establish rules regarding packaging, and requires retail establishments that

offer plastic bags to customers to offer paper bags as an alternative.

The Committee agreed to amend the resolution in accordance with Mr. Martin's suggestions.

The Committee also agreed to add HB 2550 to the Monitor list. This bill amends state law to conform with Ballot Measure #5.

Vice-Chair Knowles recognized Richard Holoch of the Resource Conservation Trust Fund, who spoke in favor of Metro supporting a revenue source for the Fund. He summarized the contents of House Bills 2347, 2348, and 2349, each of which proposes a funding source for the Fund; Mr. Holoch did not ask that Metro support a specific funding source.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF IDENTIFYING	)	RESOLUTION NO. 91-1405A
LEGISLATIVE ISSUES FOR SUPPORT,	)	
OPPOSITION, AND MONITORING IN THE	)	INTRODUCED BY THE
1991 LEGISLATIVE SESSION	)	GOVERNMENTAL AFFAIRS
	)	COMMITTEE

WHEREAS, the Metro Council adopted Resolution No. 90-1353 on November 29, 1990, supporting legislative concepts in relation to the 1991 legislative session; and

WHEREAS, the Metro Council adopted Resolution No. 90-1370 on December 13, 1990, for the purpose of including a legislative proposal of the Oregon Regional Council Association in the District's legislative agenda; and

WHEREAS, the Metro Council adopted Resolution No. 91-1378 on January 24, 1991, for the purpose of endorsing Westside Corridor Project implementation measures; and

WHEREAS, the Governmental Affairs Committee has identified additional issues that should be included in the District's legislative agenda; and

WHEREAS, the Governmental Affairs Committee recommends that legislative proposals affecting the Metropolitan Service District be separated into the categories of: Support; Oppose; and Monitor; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Endorses the legislative bills and proposals listed in Exhibit A, and directs that they receive the District's active support.

2. Opposes the legislative bills and proposals listed in Exhibit B, and directs that they receive the District's active opposition.

3. Identifies the legislative bills and proposals listed in Exhibit C as those to be monitored by District staff.

4. Authorizes the Governmental Affairs Committee and the Legislative Task Force to direct that bills and proposals in the "Monitor" category receive active support or opposition as circumstances warrant.

5. Directs the Governmental Affairs Committee and the Legislative Task Force to report to the full Council any actions taken under item 4, above.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

## EXHIBIT A

### LEGISLATIVE BILLS AND PROPOSALS TO BE SUPPORTED BY THE METROPOLITAN SERVICE DISTRICT

(\* denotes Metro-sponsored bill)

#### SENATE BILLS

SB 66 [& 183] - See discussion below on LC 348

SB 241 - Increases fee for disposal of hazardous waste.

SB 298 - Providing for the creation of a Metro Charter Committee

\* SB 299 - Metro's Omnibus bill, clarifying procedures for Boundary Commission appointments; establishing ordinance effective dates 90 days following their passage (except when an emergency is declared); clarifying that the Metro Council, not the Secretary of State, is to reapportion Councilor districts.

SB 301 - Expands scope of Metro business licensing to include all contractors, not just those engaged in residential work; increases from \$100,000 to \$250,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business.

SB 303 - Certifies and provides funding for regional councils.

SB 474 - Directs DEQ to establish statewide solid waste management plan; directs local governments to establish or revise local solid waste management plans in conjunction with statewide plan.

SB 479 - Appropriates \$60,000 for the biennium to support activities of the Bi-State Policy Advisory Committee.

SB 573 - Provides expedited appeal process for approved Westside Corridor Project Preferred Alternative.

#### HOUSE BILLS

HB 2128 - Provides a commitment of state funds to complete the local match commitment for the Westside LRT Project, funds to come from cigarette tax revenues.

HB 3309 - Allows city or county to impose civil penalty of \$500-\$999 for illegal dumping, which may be imposed in lieu of or in addition to criminal penalties currently provided for by statute.

## LEGISLATIVE CONCEPTS & LEGISLATIVE COUNSEL DRAFTS

### **Solid Waste:**

LC 348 - Comprehensive solid waste legislation is incorporated in SB 66 and SB 183, sponsored by the Interim Environment & Energy Committee and DEQ, respectively. Associated Oregon Industries has also drafted a legislative proposal. Legislative Counsel is drafting LC 348, which is an effort to consolidate these proposals, incorporate the needs of local government, and effect a compromise among all interested parties. Metro's position is to support a bill which addresses its legislative priorities adopted in Resolution No. 90-1353:

- expands the Recycling Information Center statewide;
- seeks Metro/State funding of a mobile facility for household hazardous waste collection;
- enacts standards for coding plastic consumer packaging;
- establishes uniform purchasing policies specifying recycled content and establishes a preference for purchase of recycled materials;
- requires certain landlords to provide collection for principal recyclables;
- supports the concept of incentives for recycling businesses to locate in Oregon;
- supports the concept of incentives to encourage environmentally friendly business to locate in Oregon;
- supports the concept of requiring that packaging be labeled with compatible material.

In addition to the issues identified in Resolution No. 90-1353, Metro supports inclusion of the following four points in a comprehensive solid waste bill:

- Creation of a Markets Development Commission to work in concert with commissions established in Washington and California to enhance recycling markets;
- Allows Metro to include the tonnage recycled and composted at the Riedel composter as material recovered that contributes to the region's recycling level;
- Metro will collect any surcharge on tipping fees designated by new or existing legislation only at those facilities that Metro owns or where Metro controls the gatehouse;



- Consistent with the Regional Solid Waste Management Plan, Metro will be responsible for coordination, reporting, data collection, and fund distribution in the tri-county region. Cities and counties in the tri-county metropolitan area can meet waste reduction/recycling provisions by participating in and implementing the regional Waste Reduction Program.

[LC 2770 - Allows city or county to impose civil penalty of \$500-\$999 for illegal dumping, which may be imposed in lieu of or in addition to criminal penalties currently provided for by statute.]

- Support establishing a revenue source for the Resource Conservation Trust Fund.
- Support expansion of the bottle bill to include all beverage containers.

#### General Government

- \* - Introduce legislation which will amend ORS 268.160 to enable the Council to provide medical and dental benefits for Councilors.

#### Transportation

- Support for the following principles related to air quality, as adopted by TPAC and JPACT, and contained in Resolution No. 91-1388A:
  - Motor vehicles are a significant source of air pollution statewide and should shoulder their share of the burden of meeting air quality standards;
  - A market-sensitive statewide approach to addressing this problem is appropriate;
  - Programs and fees proposed to control automobile emissions should be consistent with state, regional and local land use objectives and assist in implementing a multi-modal approach to meeting air quality objectives;
  - The Metro Council, JPACT and TPAC should be further involved in the development of program details;
  - An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area;

- This statement of principles does not endorse any specific proposal to implement these principles.

#### Planning & Development

- Support the concept of establishing an urban reserve area outside the Urban Growth Boundary.
- \*.- Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

**EXHIBIT B**

**LEGISLATIVE BILLS AND PROPOSALS  
TO BE OPPOSED BY THE  
METROPOLITAN SERVICE DISTRICT**

**None**

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS  
TO BE MONITORED BY THE  
METROPOLITAN SERVICE DISTRICT

SENATE BILLS

- SB 96 - Establishes Seismic Safety Policy Advisory Commission; Directs Building Code Agency to adopt rules relating to seismic geological hazards.
- SB 184 - Increases penalties for extreme violations of environmental quality laws.
- [SB 241 - Increases fee for disposal of hazardous waste.]
- SB 264 - Permits tax credit for investment in business that produces product from post-consumer waste.
- SB 279 - Allocates costs of election between all electoral districts.
- SB 283 - Reduces number of election dates. (A-engrossed version of this bill eliminates June election date.)
- SB 300 - Changes process for filling Metro Council vacancies.
- SB 302 - Increases Boundary Commission fees.
- SB 309 - Establishes Seismic Safety Policy Advisory Commission.
- SB 326 - Requires Water Resources Department to review comprehensive plans to determine whether plans adequately address water availability; requires cities, counties, and Economic Development Department to make finding that water is available before approving new major development that entails consumptive use of water.
- SB 363 - Requires use of Oregon wood in construction of public facilities.
- SB 473 - Establishes fee assessed on disposal of solid waste from outside region in addition to surcharge; defines "region" as Idaho, Oregon, Washington, and counties in California and Nevada that share a common border with Oregon.
- SB 475 - Creates interim regional solid waste management committee; sets requirements on disposal of out-of-state waste.
- SB 550 - Revises law to conform with Ballot Measure #5.

## HOUSE BILLS

- HB 2061 - Exempts certain governmental units (including Metro) from contractor registration requirements.
- HB 2122 - Imposes real estate transfer tax; distributes revenues for acquiring, developing and maintaining park facilities.
- HB 2136 - Imposes tax on carbonated beverages; dedicates proceeds to acquisition, development, maintenance, care and use of park and recreation sites.
- HB 2150 - Changes periodic review procedures for land use planning.
- HB 2246 - Requires permit to collect or transport waste tires; specifies methods of disposal; extends fee on retail sale of replacement tires to June 30, 1993.
- HB 2248 - Adds water districts and authorities to list of agencies eligible for state financed projects.
- HB 2261 - Changes land use appeal process.
- HB 2347 - Imposes gross receipts tax on commercial and industrial solid waste collection; dedicates proceeds to State Parks and Recreation Department and Resource Conservation Trust Fund.
- HB 2348 - Imposes surcharge on personal income tax and corporate excise tax for habitat conservation, solid waste recycling, and maintenance of state parks.
- HB 2349 - Imposes 5 cent beverage container tax; proceeds dedicated to State Parks and Recreation Department (60%) and Resource Conservation Trust Fund (40%).
- HB 2362 - Establishes judicial review process for state and local governmental actions.
- HB 2382 - Establishes Uniform Transboundary Pollution Reciprocal Access Act.
- HB 2394 - Imposes tax of 1 cent per container upon sale of certain carbonated beverages; proceeds go toward alleviation of hunger.
- HB 2461 - Prohibits individual members of governing bodies from contacting other members to agree on a decision outside of a public meeting.
- HB 2550 - Amends law to conform with Ballot Measure #5.
- HB 2578 - Establishes recycled newsprint requirements for newspapers over 40,000 circulation; requires EOC to establish statewide solid waste management plan by 1/1/92; requires EOC

to establish rules regarding packaging; requires retail establishments that offer plastic bags to customers to offer paper bags as an alternative.

#### JOINT RESOLUTIONS

HJR 1 - Proposes amendment to Constitution, to authorize issuance of general obligation bonds for state parks and recreation projects.

HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.

SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.



**METRO**

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

# Memorandum

*Council*  
*2/28/91*

*7.2*

DATE: February 28, 1991  
TO: Metro Council  
FROM: Councilor Richard Devlin *R.D.*  
RE: Proposed Amendments to Resolution No. 91-1405A

I would like to propose the following amendments to Resolution No. 91-1405A:

## Exhibit A

Page one:

1. Delete reference to SB 241.
2. Delete reference to SB 474.

Page two:

3. Delete the first point after the second paragraph:  
[- Creation of a Markets Development Commission to work in concert with commissions established in Washington and California to enhance recycling markets;]

Pages three - four:

4. Beginning with the heading, "Transportation," delete the remainder of Exhibit A.

## Exhibit B

No changes.

## Exhibit C

Page one:

5. Restore the reference to SB 241.
6. Add the reference to SB 474, which is in Exhibit A in the Committee-approved Resolution.

Metro Council  
Amendments to Resolution 91-1405A  
Page 2

Page two:

7. Add: HB 2175 - DEQ's comprehensive emissions fee bill.

Page three:

8. Add: HB 2772 - Prohibits sale of plastic milk containers; requires beverage container deposit for glass milk bottles.

9. Add heading: LEGISLATIVE CONCEPTS  
Under the heading, add the following three items:

10. - Monitor the secondary lands bill to determine whether it includes appropriate "urban fringe" language.

11. \* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

12. - Statewide ban on sale of laundry detergent containing phosphates.



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF IDENTIFYING	)	RESOLUTION NO. 91-1405
LEGISLATIVE ISSUES FOR SUPPORT,	)	
OPPOSITION, AND MONITORING IN THE	)	INTRODUCED BY THE
1991 LEGISLATIVE SESSION	)	GOVERNMENTAL AFFAIRS
	)	COMMITTEE

WHEREAS, the Metro Council adopted Resolution No. 90-1353 on November 29, 1990, supporting legislative concepts in relation to the 1991 legislative session; and

WHEREAS, the Metro Council adopted Resolution No. 90-1370 on December 13, 1990, for the purpose of including a legislative proposal of the Oregon Regional Council Association in the District's legislative agenda; and

WHEREAS, the Metro Council adopted Resolution No. 91-1378 on January 24, 1991, for the purpose of endorsing Westside Corridor Project implementation measures; and

WHEREAS, the Governmental Affairs Committee has identified additional issues that should be included in the District's legislative agenda; and

WHEREAS, the Governmental Affairs Committee recommends that legislative proposals affecting the Metropolitan Service District be separated into the categories of: Support; Oppose; and Monitor; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District:

1. Endorses the legislative bills and proposals listed in Exhibit A, and directs that they receive the District's active support.

2. Opposes the legislative bills and proposals listed in Exhibit B, and directs that they receive the District's active opposition.

3. Identifies the legislative bills and proposals listed in Exhibit C as those to be monitored by District staff.

4. Authorizes the Governmental Affairs Committee and the Legislative Task Force to direct that bills and proposals in the "Monitor" category receive active support or opposition as circumstances warrant.

5. Directs the Governmental Affairs Committee and the Legislative Task Force to report to the full Council any actions taken under item 4, above.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

Council  
2/28/91  
7.2

EXHIBIT A

LEGISLATIVE BILLS AND PROPOSALS  
TO BE SUPPORTED BY THE  
METROPOLITAN SERVICE DISTRICT

(\* denotes Metro-sponsored bill)

SENATE BILLS

SB 66 - See discussion below on LC 348

SB 298 - Providing for the creation of a Metro Charter Committee

\* SB 299 - Metro's Omnibus bill, clarifying procedures for Boundary Commission appointments; establishing ordinance effective dates 90 days following their passage (except when an emergency is declared); clarifying that the Metro Council, not the Secretary of State, is to reapportion Councilor districts.

SB 301 - Expands scope of Metro business licensing to include all contractors, not just those engaged in residential work; increases from \$100,000 to \$250,000 gross receipts amount that subjects contractor to business license tax of city which is not contractor's principal place of business.

SB 303 - Certifies and provides funding for regional councils.

SB 479 - Appropriates \$60,000 for the biennium to support activities of the Bi-State Policy Advisory Committee.

SB 573 - Provides expedited appeal process for approved Westside Corridor Project Preferred Alternative.

HOUSE BILLS

HB 2128 - Provides a commitment of state funds to complete the local match commitment for the Westside LRT Project, funds to come from cigarette tax revenues.

HB 3309 - Allows city or county to impose civil penalty of \$500-\$999 for illegal dumping, which may be imposed in lieu of or in addition to criminal penalties currently provided for by statute.

LEGISLATIVE CONCEPTS & LEGISLATIVE COUNSEL DRAFTS

**Solid Waste:**

LC 348 - Comprehensive solid waste legislation is incorporated in SB 66 and SB 183, sponsored by the Interim Environment & Energy Committee and DEQ, respectively. Associated Oregon

Industries has also drafted a legislative proposal. Legislative Counsel is drafting LC 348, which is an effort to consolidate these proposals, incorporate the needs of local government, and effect a compromise among all interested parties. Metro's position is to support a bill which addresses its legislative priorities adopted in Resolution No. 90-1353:

- expands the Recycling Information Center statewide;
- seeks Metro/State funding of a mobile facility for household hazardous waste collection;
- enacts standards for coding plastic consumer packaging;
- establishes uniform purchasing policies specifying recycled content and establishes a preference for purchase of recycled materials;
- requires certain landlords to provide collection for principal recyclables;
- supports the concept of incentives for recycling businesses to locate in Oregon;
- supports the concept of incentives to encourage environmentally friendly business to locate in Oregon;
- supports the concept of requiring that packaging be labeled with compatible material.

In addition to the issues identified in Resolution No. 90-1353, Metro supports inclusion of the following four points in a comprehensive solid waste bill:

- Allows Metro to include the tonnage recycled and composted at the Riedel composter as material recovered that contributes to the region's recycling level;
  - Metro will collect any surcharge on tipping fees designated by new or existing legislation only at those facilities that Metro owns or where Metro controls the gatehouse;
  - Consistent with the Regional Solid Waste Management Plan, Metro will be responsible for coordination, reporting, data collection, and fund distribution in the tri-county region. Cities and counties in the tri-county metropolitan area can meet waste reduction/recycling provisions by participating in and implementing the regional Waste Reduction Program.
- Support establishing a revenue source for the Resource Conservation Trust Fund.

- Support expansion of the bottle bill to include all beverage containers.

#### **General Government**

- \* - Introduce legislation which will amend ORS 268.160 to enable the Council to provide medical and dental benefits for Councilors.

LEGISLATIVE BILLS AND PROPOSALS  
TO BE OPPOSED BY THE  
METROPOLITAN SERVICE DISTRICT

None

EXHIBIT C

LEGISLATIVE BILLS AND PROPOSALS  
TO BE MONITORED BY THE  
METROPOLITAN SERVICE DISTRICT

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#### JOINT RESOLUTIONS

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HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.

SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.

#### LEGISLATIVE CONCEPTS

- Monitor the secondary lands bill to determine whether it includes an urban fringe element.

- \* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

- Statewide ban on sale of laundry detergent containing phosphates.

## EXHIBIT A

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(\* denotes Metro-sponsored bill)

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  - The Metro Council, JPACT and TPAC should be further involved in the development of program details;
  - An added approach should be pursued to meeting air quality problems in the Portland metropolitan area; TPAC should work with the Department of Environmental Quality to recommend to JPACT and the Metro Council specific language to be incorporated into HB 2175 calling for the development and implementation of the added approach in the Portland metropolitan area;
  - This statement of principles does not endorse any specific proposal to implement these principles.

#### Planning & Development

- Support the concept of establishing an urban reserve area outside the Urban Growth Boundary.
- \* - Require LCDC acknowledgment and periodic review of Regional Urban Growth Goals and Objectives.

**EXHIBIT B**

**LEGISLATIVE BILLS AND PROPOSALS  
TO BE OPPOSED BY THE  
METROPOLITAN SERVICE DISTRICT**

**None**

## EXHIBIT C

### LEGISLATIVE BILLS AND PROPOSALS TO BE MONITORED BY THE METROPOLITAN SERVICE DISTRICT

#### SENATE BILLS

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#### JOINT RESOLUTIONS

- HJR 1 - Proposes amendment to Constitution, to authorize issuance of general obligation bonds for state parks and recreation projects.
- HJR 15 - Proposes amendment to Constitution, to allow gas tax levies to be used for public transportation.
- SJR 4 - Proposes amendment to Constitution, to allow new growth to go directly onto tax base of taxing units.

Agenda Item No. 7.3  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1406





**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: RESOLUTION NO. 91-1406

The Council agenda will be printed before the Governmental Affairs Committee meets to consider the above-referenced legislation. The committee report on the resolution will be distributed at the Council meeting February 28, 1991.

GOVERNMENTAL AFFAIRS COMMITTEE REPORT

RESOLUTION NO. 91-1406, ESTABLISHING CRITERIA FOR COUNCIL  
APPOINTMENTS TO THE METROPOLITAN SERVICE DISTRICT CHARTER  
COMMITTEE

Date: February 27, 1991

Presented by: Councilor Devlin

COMMITTEE RECOMMENDATION: At its February 21, 1991 meeting the Governmental Affairs Committee voted 3-0 to recommend Council approval of Resolution No. 91-1406. Voting were Councilors DeJardin, Hansen, and Knowles. Councilors Collier and Devlin were excused.

COMMITTEE DISCUSSION/ISSUES: Committee staff Casey Short explained the background and features of the resolution. At its February 9 retreat, the Council directed that a resolution establishing criteria for Councilors' Charter Committee appointments be drafted, and established some criteria.

The criteria are that the appointees be well-known and active members of the community who have an appreciation of the role of regional government. Councilors shall interview prospective appointees and strive to achieve racial and gender balance in their appointments to reflect the diversity of the community. Councilors are to solicit names of prospective appointees from other members of Council and other elected officials.

The resolution further stipulates a time line for submitting the names of their appointees to the Presiding Officer and to the Clerk of the Council, for review and official notification to the district election officer. Finally, the resolution sets up a dispute resolution process to be followed in case a pair of Councilors cannot agree on an appointee.

There was no committee discussion, and the resolution was unanimously recommended for Council approval.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING	)	RESOLUTION NO. 91-1406
CRITERIA FOR COUNCIL APPOINTMENTS	)	
TO THE METROPOLITAN SERVICE	)	INTRODUCED BY THE
DISTRICT CHARTER COMMITTEE	)	GOVERNMENTAL AFFAIRS
	)	COMMITTEE

WHEREAS, Oregon voters approved a constitutional amendment at the November 6, 1990 general election, allowing voters in the Metropolitan Service District to consider a charter for the District (Ballot Measure #1); and

WHEREAS, Ballot Measure #1 directed the state legislature to establish a process for creating a charter committee; and

WHEREAS, legislation establishing the charter committee appointment process (Senate Bill 298) currently provides for the Metro Council to appoint six of the sixteen members; and

WHEREAS, the Metro Council wants its appointees to be people with credibility and standing in the community, who support regional government, and who reflect the diversity of the people in the district; and

WHEREAS, the Council wants to ensure that its appointments are made in a timely manner and in accordance with a clearly delineated process; now, therefore

BE IT RESOLVED

That the Council of the Metropolitan Service District establishes the following criteria for Council appointments to the Metropolitan Service District charter committee:

1. Appointees shall be well-known members of the community who have a history of active and positive participation in

community affairs.

2. Appointees shall have an appreciation of the role of regional government.

3. The Council shall strive to achieve racial and gender balance in their appointments to reflect the diversity of the community.

4. Councilors shall interview prospective appointees to determine whether they meet the above criteria.

5. Councilors shall participate in an open process to identify prospective appointees, and are encouraged to solicit names from Councilors and other elected officials in the district.

6. Councilors shall submit the names of their appointees to the Presiding Officer no later than ten days prior to the deadline for notifying the District's election officer of the appointments. Final notice of appointment shall be signed by both appointing Councilors and delivered to the Clerk of the Council no later than three days prior to the deadline. The Clerk shall notify the election officer of all appointments.

7. In the event any two Councilors paired for the purpose of appointing a charter committee member cannot agree on an appointee, the Presiding Officer shall appoint a five member committee to determine the appointee from among the two Councilors' selections. This committee shall consist of all members of the Governmental Affairs Committee and any additional Councilors to bring the membership to five, provided that no Councilor who is a party to the dispute being considered shall serve on the committee. The Chair of the Governmental Affairs Committee shall chair the dispute

resolution committee, unless he is a party to the dispute in which case the Vice Chair of Governmental Affairs shall chair it. If the Presiding Officer is a party to a dispute, the Deputy Presiding Officer shall make any necessary appointments.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

Agenda Item No. 7.4  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1401



**METRO**

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

# Memorandum

DATE: February 21, 1991  
TO: Interested Parties  
FROM: Paulette Allen, Clerk of the Council *PA*  
RE: RESOLUTION NO. 91-1401

The Council agenda will be printed before the Regional Facilities Committee meets to consider the above-referenced legislation. The committee report on the resolution will be distributed at the Council meeting February 28, 1991.

REGIONAL FACILITIES COMMITTEE REPORT

RESOLUTION NO. 91-1401A, AUTHORIZING AN EXEMPTION FROM METRO CODE SECTION 2.04.054 FOR AN AMENDMENT OF THE TURNER CONSTRUCTION COMPANY CONTRACT

Date: February 27, 1991

Presented by: Councilor Knowles

COMMITTEE RECOMMENDATION: At its February 26, 1991, meeting the Council Regional Facilities Committee unanimously recommended Council adoption of Resolution No. 91-1401A. Voting were Councilors Knowles, Bauer, Buchanan, Gardner, and McFarland.

COMMITTEE DISCUSSION/ISSUES: Neil Saling presented the staff report. He explained that the resolution would authorize an amendment to Turner's contract to allow them to act as the general contractor, as well as construction manager, for the residual construction work remaining to be done at the Oregon Convention Center. Staff and the Advisory Committee on Design & Construction support the contract amendment because of Turner's experience with the project and their commitment to perform the work for a 5% fee, which is considerably lower than the normal 10-15% charge for general contractor services. Estimated cost of the remaining work totals \$2.3 million, not including Turner's fee. It is broken down in two phases, outlined in Attachments A-1 and A-2.

The committee identified three issues for their consideration. First was the primary thrust of the resolution, to amend the Turner contract to have them act as general contractor. Second was the scope of the work left to be done: the committee wanted to review the work items before forwarding the entire list to the full Council. Third was the issue of how to dispose of residual funds remaining in the Convention Center project account.

There was little discussion of the first item beyond Mr. Saling's presentation. The committee agreed that the proposed course of action was prudent and fiscally responsible.

To the issue of evaluating the need for each of the work items on the remaining list, Councilor Knowles asked how much money would be left if the \$2.3 million were spent as outlined. Mr. Saling responded that there would be some \$200,000. The committee decided that it should review the residual work items now, because staff wants to give Turner a notice to proceed with approved work items upon Council approval of the resolution. Waiting another 2-4 weeks for further review would cause unnecessary delay in getting the work going. Mr. Saling walked the committee through the 16 items on his "mandatory" list (Exhibit A-1 to the original resolution). Councilor Buchanan asked why the addition of a passenger elevator was in two phases, with one phase in the "mandatory" list and the other listed as "discretionary." Mr. Saling said the point was well taken, and there would be no problem moving Phase I of the elevator project



to the "discretionary" list (now Exhibit A-2 to the amended resolution).

Councilor Knowles pointed out that most of the items in the above list were included in Hoffman's original contract, and had been removed earlier to ensure the project came in on budget. Authorizing their completion would only restore the original scope of the project. He then moved to amend the "be it resolved" part of the resolution to read in line 3, ". . . complete the remaining construction activity as defined in Exhibit A-1 at the Convention . . ." and authorize staff to make necessary technical changes. Councilor Gardner stated that he still had a problem with authorizing some of the items that he considered discretionary. Councilor Bauer disagreed with Councilor Gardner, saying that he was willing to authorize the 15 items Mr. Saling had described and giving the Council the opportunity to raise individual issues if they wished.

The third issue identified was that of disposing of any money left over after all work was completed. Councilor McFarland asked how much of the remaining money was interest. Mr. Saling said that virtually all of it was interest: \$85 million was raised through bond sales, state funds, and the Convention Center Local Improvement District, and \$89 million had already been spent. All money on top of the \$85 million could be classified as interest earnings. In addition, we had already returned \$1.7 million to the taxpayers through a previous reduction in the millage rate for debt service. He added that no discrete promise had been made to the Tax Supervising & Conservation Commission of how much money would be returned, only that we would return what wasn't spent on the Convention Center. The committee discussed with Mr. Saling the process for determining whether, and how much, to return to the taxpayers through another millage rate reduction. The conclusion was that this determination would be made after construction was completed, but that consideration of additional work items would bear in mind the potential to return unspent money to the taxpayers.

The committee's final approval of the resolution included the separation of the original list of work items into two lists. (The original Exhibit A-1 is now A-1 and A-2.) The first 15 items, from Skyview Terraces through Underground Storage Tank, will be authorized upon Council approval of Resolution No. 91-1401A. The remaining items will be dealt with separately at a later time.

BEFORE THE CONTRACT REVIEW BOARD OF THE  
COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN )  
EXEMPTION FROM METRO CODE )  
SECTION 2.04.054 FOR AN )  
AMENDMENT OF THE TURNER )  
CONSTRUCTION COMPANY CONTRACT )

RESOLUTION NO. 91 - 1401 - A  
Introduced by Executive Officer,  
Rena Cusma

WHEREAS, Turner Construction Company has performed construction management services continuously at the Oregon Convention Center since October 1986 when they were competitively selected; and

WHEREAS, As a result of their on-going and competent service at the Center, Turner has gained an unequalled knowledge of both the Center, its operations and its operators; and

WHEREAS, There remains approximately \$2.3 million of construction to be completed at the Convention Center as detailed on attached Exhibit A-1 and Exhibit A-2; and

WHEREAS, The Advisory Committee on Design and Construction has recommended that Turner's contract be amended to allow Turner to complete the final construction items as Construction Manager/General Contractor; and

WHEREAS, Turner has agreed to perform the remaining work as Construction Manager/General Contractor for cost plus a 5% fee per the Amendment attached as Exhibit B; and

WHEREAS, Findings, attached as Exhibit [A-2] A-3, support the Turner amendment as resulting in significant cost savings to Metro and as not encouraging favoritism or diminishing competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, acting as Contract Review Board, authorizes the amendment, attached as Exhibit B, of the Turner Construction Company contract to allow Turner to complete the remaining construction activity as defined in Exhibit A-1 at the Convention Center as Construction Manager/General Contractor and adopts the findings attached hereto as Exhibit [A-2] A-3.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of February, 1991.

\_\_\_\_\_  
Tanya Collier  
Presiding Officer

Exhibit A-1

Follow-on Construction Activities  
Oregon Convention Center

<u>[Mandatory] Work Items - Phase I</u>	<u>Est. Cost</u>
Skyview Terraces (\$50,000 charged to MERC)	\$650,000
Installation of exterior handicap door controls	15,000
Erosion control at First Avenue	6,600
Addition of ticket window awnings	200,000
Additional electrical capacity (ballrm & mtg rm corridors)	150,000
Additional lighting in VIP lounge	10,000
Additional lighting at phone alcoves	10,000
Can wash at loading docks	10,000
Move First Ave. doors	5,000
Coiling door screens on select storage rms.	6,500
Fine Host office remodel work (\$75,000 charged to MERC)	75,000
Buster Simpson art project coordination	5,000
Cable signal boost - exterior	3,000
Skyview economizer units	60,000
Underground storage tank	<u>25,000</u>
Total[(mandatory)]	\$1,231,100
Turner 5% fee	\$61,555

Exhibit - A-2

Follow-on Construction Activity  
Oregon Convention Center

<u>[Discretionary] Work Items- Phase II</u>	<u>Est. Cost</u>
Addition of passenger elevator - [Phase II]	300,000
Tower window maintenance system	400,000
Consolidated light controls	200,000
Installation of humidity controls	90,000
Additional storage rms. in service corridor	77,000
Cooling tower screen wall	25,000
Cable signal boost - Interior	<u>25,000</u>
Total [(discretionary)]	\$1,117,000
Turner 5% fee	\$55,850

EXHIBIT [A-2] A-3

FINDINGS SUPPORTING THE AMENDMENT TO THE TURNER CONTRACT

As required by Metro Code Section 2.04.041(b): Unlikely to encourage favoritism or substantially diminish competition:

1. Turner was originally selected by competitive process.
2. Turner will be required to solicit at least three competitive quotes for all elements of the work, ensuring competition at the subcontractor level.
3. Competitive quote procedures for public contracts up to \$31,000 in value are currently allowed by the Contract Review Board for MERC public contracts and were previously allowed for a group of follow-on contracts at the Convention Center and in establishing these rules, the Board previously found that the procedures did not substantially diminish competition.
4. The Metro Code already allows competitive quotes for parking lot surfacing in excess of \$25,000.

As required by Metro Code Section 2.04.041 (b): Will result in substantial cost savings to the public contracting agency:

1. Turner's proposal of a 5% fee based on the cost of subcontracts is expected to result in a maximum cost savings of approximately \$234,810. This can be compared to the option of having the work performed by the project General Contractor at his 15% fee or at the going industry rates. Turner's very reasonable fee reflects their current on-site status, negating mobilization costs, and their familiarity with the requirements of the work.
2. An alternative to having Turner perform the work would require a significant amount of Metro staff time to prepare, bid and administer the several necessary individual contracts. To accomplish this work, as well as other on-going activities, would require additional staff. In addition, bidding as separate packages by Metro eliminates possible savings available to Construction Manager/General Contractor such as Turner.
3. A second alternative would require the bidding as a single package to a General Contractor. This would entail a high General Contractor fee due to the unrelated nature of the work and would also require a high degree of Metro staff time because of the necessary Construction Manager function.

Exhibit B

AMENDMENT NO. 3

TURNER CONSTRUCTION COMPANY

Contract No. 86-10-186-CC

The contract between the Metropolitan Service District, hereinafter referred to as "METRO", and Turner Construction Company, hereinafter referred to as "MANAGER", to provide construction management services at the Oregon Convention Center, Contract No. 86-10-186-CC, is hereby amended.

It is the intent of the parties to amend the contract to allow Manager to continue and complete its services at the Oregon Convention Center both as Construction Manager and General Contractor for the final construction activities described in the attached Exhibit A-1. Metro may also determine at some time in the future it is necessary and appropriate to complete the construction items listed as Phase II items on attached Exhibit A-2. Authorization of such Phase II items is subject to future approval by the Metro Council. Turner will need prior authorization in the form of a written Notice to Proceed prior to the commencement of each individual work item. As such it is necessary to modify the contract as follows:

At Paragraph C, Construction Phase, of the Scope of Work, attached as Exhibit A-1, the following:

5. Follow - On Contract Activity

Manager shall complete the follow-on contract items listed on attachment Exhibit A-1 as directed by Metro at the Oregon Convention Center as Construction Manager/General Contractor (CM/GC). Prior to commencing any individual item, Manager shall receive written authorization from Metro in the form of a Notice to Proceed. In this role, Manager shall continue all Construction Manager activities as listed in the original scope of work and will add the following tasks:

- (a) Working with the Project Architect, prepare complete bidding documentation to permit timely construction of all authorized items listed on Exhibit A-1.
- (b) Solicit bids from at least 3 qualified bidders for each authorized work item in a timely manner. Solicitation shall include the placement of advertisements in the appropriate publications. All requirements of Metro's D/WBE Program shall be adhered to.
- (c) Award all contracts to the the lowest responsive bidder. Contracts will be executed between Turner and the individual subcontractors. Turner is responsible for all fiscal contract administration required of such contracts.
- (d) Manage such contracts during the course of construction. Such management shall include at the minimum all tasks previously assigned to Manager as Construction Manager and all tasks assigned the Convention Center's General Contractor (Hoffman - Marmolejo) as proscribed in the General and Supplementary Conditions of the Oregon Convention Center General Contract which are herein incorporated by reference.
- (e) All construction activity shall be complete by June 30, 1991.

At Exhibit B-1, Compensation to Manager, add Subparagraph C. 4 (k), Other Direct Costs, to read as follows:

(k) Metro will pay Manager direct subcontract costs associated with authorized Convention Center follow-on items as listed on attached Exhibit A-1.

At Exhibit B-1, Compensation to Manager, amend Paragraph D as follows:

D. ~~[Fixed]~~ Fee - In addition to the actual recoverable costs set forth in Paragraph B above, Metro shall pay Manager a fixed fee of \$430,000. The fixed fee shall not be subject to annual and other adjustments during the duration of this Agreement, without written approval of Metro.

In addition to the fixed fee, Manager shall receive a fee of 5% of the direct subcontract costs as compensation for the construction management and general contracting services associated with the authorized follow-on construction items listed in attachment Exhibit A-1.

Paragraph E of the Scope of Work, attached as Exhibit A, which limits Managers participation to construction manager services only, is deleted.

Paragraph C of Article VI, Indemnity and Insurance, which deals with Comprehensive General and Automobile Liability, is modified as follows:

C. Comprehensive General and Automobile Liability - Manager shall maintain comprehensive general and automobile liability insurance for the protection of Manager and Metro, its directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad form property damage, including loss of use thereof, and occurring or in any way related to Manager's operations, in an amount not less than \$1,000,000 combined single limit per occurrence/annual aggregate. Such insurance shall name Metro as additional insured with the stipulation that this insurance, as to the interest of Metro only therein, shall not be invalidated by any act or neglect or breach of contract by Manager. The coverage provided by this policy(ies) shall be primary and any other insurance carried by Metro is excess.

Such comprehensive general liability shall include Blanket Liability, Broad Form Property Damage Liability (including XCU), Personal Injury Liability, and Completed Operations Liability. The Completed Operations Liability shall remain in effect for a period of two years from final completion and acceptance of the Work by Metro.

Manager shall furnish Metro a certificate evidencing the date, amount, and type of insurance that has been procured, pursuant to this Contract. All policies will provide for not less than 30 days' written notice to Metro before they may be revised, not renewal, or cancelled.

Metro agrees that, apart from this contract, each of the contracts it enters into for the design and the construction of the project name Manager and Metro as additional insured and will contain clauses indemnifying and holding harmless Metro and Manager from any and all liability, settlements, loss, costs, and expenses, including attorney's fees, in connection with any action, suit or claim resulting from contractor's acts, errors or omissions, provided pursuant to their respective contracts. Metro shall also have Manager named as additional insured on all builder's risk insurance policies in connection with the project.

All additional contracts which Metro executes for the design and construction of the Project shall require the contracting parties to carry insurance as follows:

1. Workers' Compensation and Employers' Liability in accordance with applicable law.
2. Comprehensive General Liability--bodily injury liability and property damage liability combined in the amount of \$10,000,000 per occurrence.
3. Comprehensive Automobile Liability--bodily injury liability and property damage liability combined in the amount of \$10,000,000 per occurrence.
4. Architect/Engineer for the design portion of the project shall carry comprehensive general liability insurance in the amount of ~~[\$5,000,000]~~ \$1,000,000 per occurrence. The Architect/Engineer shall also carry professional errors and omissions insurance in the amount of ~~[\$5,000,000]~~ \$1,000,000.
5. ~~[General contractor and/or ]~~Metro shall carry property insurance covering the premises which shall protect Metro's interest only. Such insurance shall contain a provision for a deductible. Manager shall be responsible for any deductible which results from Manager's or Manager's subcontractors negligence. ["All Risk" builder's risk insurance upon the work and upon all materials, tools, equipment, supplies and temporary structures required in connection therewith, payable to the parties hereto as their interest may appear. Such insurance shall include the interest of Metro, the Manager and its subcontractors and shall be satisfactory to Metro.]

~~[Such insurance shall contain a waiver by the general contractor of any and all rights of recovery against Metro and Manager and their subcontractors and/or consultants for damages resulting from loss insured pursuant to Article VI herein.]~~ Metro and Manager shall obtain waivers of subrogation against each other. Metro shall include similar clauses in all other contracts for this project, unless such waivers are not obtainable.

~~[Manager will attempt to achieve a reduction of approximately \$165,800 from their original estimate of \$365,800 to \$200,000 currently shown in Exhibit B-2 in the premium for general liability insurance. If Manager is unable to accomplish such reduction by November 15, 1986, Metro may, at its election, attempt to secure identical coverage on behalf of Manager for this project. Metro will receive full cooperation of Manager in placing this coverage.]~~

The contract expiration date shall be extended to July 31, 1991.

All other terms and conditions remain in full force and effect.

TURNER CONSTRUCTION COMPANY    METROPOLITAN SERVICE DISTRICT

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

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

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

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



BEFORE THE CONTRACT REVIEW BOARD OF THE  
COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN )  
EXEMPTION FROM METRO CODE )  
SECTION 2.04.054 FOR AN )  
AMENDMENT OF THE TURNER )  
CONSTRUCTION COMPANY CONTRACT )

RESOLUTION NO. 91 - 1401  
Introduced by Executive Officer,  
Rena Cusma

WHEREAS, Turner Construction Company has performed construction management services continuously at the Oregon Convention Center since October 1986 when they were competitively selected; and

WHEREAS, As a result of their on-going and competent service at the Center, Turner has gained an unequalled knowledge of both the Center, its operations and its operators; and

WHEREAS, There remains approximately \$2.3 million of construction to be completed at the Convention Center as detailed on attached Exhibit A-1; and

WHEREAS, The Advisory Committee on Design and Construction has recommended that Turner's contract be amended to allow Turner to complete the final construction items as Construction Manager/General Contractor; and

WHEREAS, Turner has agreed to perform the remaining work as Construction Manager/General Contractor for cost plus a 5% fee per the Amendment attached as Exhibit B; and

WHEREAS, Findings, attached as Exhibit A-2, support the Turner amendment as resulting in significant cost savings to Metro and as not encouraging favoritism or diminishing competition.

BE IT RESOLVED, that the Council of the Metropolitan Service District, acting as Contract Review Board, authorizes the amendment, attached as Exhibit B, of the Turner Construction Company contract to allow Turner to complete the remaining construction activity at the Convention Center as Construction Manager/General Contractor and adopts the findings attached hereto as Exhibit A-2.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of February, 1991.

\_\_\_\_\_  
Tanya Collier  
Presiding Officer

## STAFF REPORT

### CONSIDERATION OF RESOLUTION 91-1401 FOR THE PURPOSES OF AUTHORIZING AN EXEMPTION FROM REQUIREMENTS OF METRO CODE TO PERMIT AMENDING THE TURNER CONSTRUCTION COMPANY CONTRACT FOR COMPLETION OF THE OREGON CONVENTION CENTER

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Date: January 22, 1991

Presented by: Neil Saling

#### FACTUAL BACKGROUND AND ANALYSIS

In the fall of 1986, Metro competitively selected Turner Construction Company to perform construction management services at the Oregon Convention Center. During the current wind-down period of construction activity at the Center, Turner maintains two staff members at less than full time to monitor and coordinate on-going punch list activity and participate in on-going building transition activities. The current Turner contract has a remaining contract balance of approximately \$200,000.

Construction activity at the Convention Center Project has spanned four and one-half years with a total project price tag of over \$90 million. The building's official Grand Opening was held in September 1990. Notwithstanding the public opening of the building, a number of construction items remain outstanding. This outstanding work is estimated to cost approximately \$2.3 million and results from decisions made during construction to delay certain work until it was determined that funds would be available and from the requirements and shortcomings of the building which are now becoming evident as the building begins operations. A list of these items is attached as Exhibit A-1. The list is separated into "mandatory" and "discretionary" items. The mandatory items are necessary to the successful operation of the building and, in some cases, have been previously approved by the Metro Council. The discretionary work items are considered less important and would be considered if funds allow.

Resolution No. 91-1401 would grant Metro Council authorization for the completion of both mandatory and discretionary items and would amend the Turner contract, allowing Turner to act not only as construction manager but also as general contractor (CM/GC) for the remaining work. Prior to commencing any individual work item, Turner would have to have received a written Notice to Proceed. Project Staff recommend approval of this

could be ascertained. Once these uncertainties were determined, Project staff would elect on a case by case basis whether to proceed with the discretionary items.

It is expected that the mandatory work items could be completed within four months of execution of the proposed Turner amendment. Turner currently is expected to continue at the Center in their current capacity only through March 1991.

Recommendation:

The Executive Officer recommends approval of Resolution No. 90-1401 by the Contract Review Board.

# Exhibit A-1

## Follow-on Construction Activities Oregon Convention Center

<u>Mandatory Items</u>	<u>Est. Cost</u>
Skyview Terraces (\$50,000 charged to MERC)	\$650,000
Installation of exterior handicap door controls	15,000
Erosion control at First Avenue	6,600
Addition of ticket window awnings	200,000
Additional electrical capacity (ballrm & mtg rm corridors)	150,000
Additional lighting in VIP lounge	10,000
Additional lighting at phone alcoves	10,000
Can wash at loading docks	10,000
Move First Ave. doors	5,000
Coiling door screens on select storage rms.	6,500
Fine Host office remodel work (\$75,000 charged to MERC)	75,000
Buster Simpson art project coordination	5,000
Cable signal boost - exterior	3,000
Skyview economizer units	60,000
Underground storage tank	25,000
Addition of passenger elevator - Phase I	<u>50,000</u>
Total(mandatory)	\$1,281,100
Turner 5% fee	\$64,055

<u>Discretionary Items</u>	<u>Est. Cost</u>
Addition of passenger elevator - Phase II	250,000
Tower window maintenance system	400,000
Consolidated light controls	200,000
Installation of humidity controls	90,000
Additional storage rms. in service corridor	77,000
Cooling tower screen wall	25,000
Cable signal boost - Interior	<u>25,000</u>
Total (discretionary)	\$1,067,000
Turner 5% fee	\$53,350

Total (all items)	\$2,348,100
Turner fee (all items)	\$117,405

## EXHIBIT A-2

### FINDINGS SUPPORTING THE AMENDMENT TO THE TURNER CONTRACT

As required by Metro Code Section 2.04.041(b): Unlikely to encourage favoritism or substantially diminish competition:

1. Turner was originally selected by competitive process.
2. Turner will be required to solicit at least three competitive quotes for all elements of the work, ensuring competition at the subcontractor level.
3. Competitive quote procedures for public contracts up to \$31,000 in value are currently allowed by the Contract Review Board for MERC public contracts and were previously allowed for a group of follow-on contracts at the Convention Center and in establishing these rules, the Board previously found that the procedures did not substantially diminish competition.
4. The Metro Code already allows competitive quotes for parking lot surfacing in excess of \$25,000.

As required by Metro Code Section 2.04.041 (b): Will result in substantial cost savings to the public contracting agency:

1. Turner's proposal of a 5% fee based on the cost of subcontracts is expected to result in a maximum cost savings of approximately \$234,810. This can be compared to the option of having the work performed by the project General Contractor at his 15% fee or at the going industry rates. Turner's very reasonable fee reflects their current on-site status, negating mobilization costs, and their familiarity with the requirements of the work.
2. An alternative to having Turner perform the work would require a significant amount of Metro staff time to prepare, bid and administer the several necessary individual contracts. To accomplish this work, as well as other on-going activities, would require additional staff. In addition, bidding as separate packages by Metro eliminates possible savings available to Construction Manager/General Contractor such as Turner.
3. A second alternative would require the bidding as a single package to a General Contractor. This would entail a high General Contractor fee due to the unrelated nature of the work and would also require a high degree of Metro staff time because of the necessary Construction Manager function.

### AMENDMENT NO. 3

#### TURNER CONSTRUCTION COMPANY

Contract No. 86-10-186-CC

The contract between the Metropolitan Service District, hereinafter referred to as "METRO", and Turner Construction Company, hereinafter referred to as "MANAGER", to provide construction management services at the Oregon Convention Center, Contract No. 86-10-186-CC, is hereby amended.

It is the intent of the parties to amend the contract to allow Manager to continue and complete its services at the Oregon Convention Center both as Construction Manger and General Contractor for the final construction activities described in the attached Exhibit A-1. Turner will need prior authorization in the form of a written Notice to Proceed prior to the commencement of each individual work item. As such it is necessary to modify the contract as follows:

At Paragraph C, Construction Phase, of the Scope of Work, attached as Exhibit A-1, the following:

5. Follow - On Contract Activity

Manager shall complete the follow-on contract items listed on attachment Exhibit A-1 as directed by Metro at the Oregon Convention Center as Construction Manager/General Contractor (CM/GC). Prior to commencing any individual item, Manager shall receive written authorization from Metro in the form of a Notice to Procced. In this role, Manager shall continue all Construction Manager activities as listed in the original scope of work and will add the following tasks:

- (a) Working with the Project Architect, prepare complete bidding documentation to permit timely construction of all authorized items listed on Exhibit A-1.
- (b) Solicit bids from at least 3 qualified bidders for each authorized work item in a timely manner. Solicitation shall include the placement of advertisements in the appropriate publications. All requirements of Metro's D/WBE Program shall be adhered to.
- (c) Award all contracts to the the lowest responsive bidder. Contracts will be executed between Turner and the individual subcontractors. Turner is responsible for all fiscal contract administration required of such contracts.
- (d) Manage such contracts during the course of construction. Such management shall include at the minimum all tasks previously assigned to Manager as Construction Manager and all tasks assigned the Convention Center's General Contractor (Hoffman - Marmolejo) as proscribed in the General and Supplementary Conditions of the Oregon Convention Center General Contract which are herein incorporated by reference.
- (e) All construction activity shall be complete by June 30, 1991.

At Exhibit B-1, Compensation to Manager, add Subparagraph C. 4 (k), Other Direct Costs, to read as follows:

(k) Metro will pay Manager direct subcontract costs associated with authorized Convention Center follow-on items as listed on attached Exhibit A-1.

At Exhibit B-1, Compensation to Manager, amend Paragraph D as follows:

D. [Fixed] Fee - In addition to the actual recoverable costs set forth in Paragraph B above, Metro shall pay Manager a fixed fee of \$430,000. The fixed fee shall not be subject to annual and other adjustments during the duration of this Agreement, without written approval of Metro.

In addition to the fixed fee, Manager shall receive a fee of 5% of the direct subcontract costs as compensation for the construction management and general contracting services associated with the authorized follow-on construction items listed in attachment Exhibit A-1.

Paragraph E of the Scope of Work, attached as Exhibit A, which limits Managers participation to construction manager services only, is deleted.

Paragraph C of Article VI, Indemnity and Insurance, which deals with Comprehensive General and Automobile Liability, is modified as follows:

C. Comprehensive General and Automobile Liability - Manager shall maintain comprehensive general and automobile liability insurance for the protection of Manager and Metro, its directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death, and broad form property damage, including loss of use thereof, and occurring or in any way related to Manager's operations, in an amount not less than \$1,000,000 combined single limit per occurrence/annual aggregate. Such insurance shall name Metro as additional insured with the stipulation that this insurance, as to the interest of Metro only therein, shall not be invalidated by any act or neglect or breach of contract by Manager. The coverage provided by this policy(ies) shall be primary and any other insurance carried by Metro is excess.

Such comprehensive general liability shall include Blanket Liability, Broad Form Property Damage Liability (including XCU), Personal Injury Liability, and Completed Operations Liability. The Completed Operations Liability shall remain in effect for a period of two years from final completion and acceptance of the Work by Metro.

Manager shall furnish Metro a certificate evidencing the date, amount, and type of insurance that has been procured, pursuant to this Contract. All policies will provide for not less than 30 days' written notice to Metro before they may be revised, not renewal, or cancelled.

Metro agrees that, apart from this contract, each of the contracts it enters into for the design and the construction of the project name Manager and Metro as additional insured and will contain clauses indemnifying and holding harmless Metro and Manager from any and all liability, settlements, loss, costs, and expenses, including attorney's fees, in connection with any action, suit or claim resulting from contractor's acts, errors or omissions, provided pursuant to their respective contracts. Metro shall also have Manager named as additional insured on all builder's risk insurance policies in connection with the project.

All additional contracts which Metro executes for the design and construction of the Project shall require the contracting parties to carry insurance as follows:

1. Workers' Compensation and Employers' Liability in accordance with applicable law.
2. Comprehensive General Liability--bodily injury liability and property damage liability combined in the amount of \$10,000,000 per occurrence.
3. Comprehensive Automobile Liability--bodily injury liability and property damage liability combined in the amount of \$10,000,000 per occurrence.
4. Architect/Engineer for the design portion of the project shall carry comprehensive general liability insurance in the amount of ~~[\$5,000,000]~~ \$1,000,000 per occurrence. The Architect/Engineer shall also carry professional errors and omissions insurance in the amount of ~~[\$5,000,000]~~ \$1,000,000.
5. ~~[General contractor and/or ]~~ Metro shall carry property insurance covering the premises which shall protect Metro's interest only. Such insurance shall contain a provision for a deductible. Manager shall be responsible for any deductible which results from Manager's or Manager's subcontractors negligence. ["All Risk" builder's risk insurance upon the work and upon all materials, tools, equipment, supplies and temporary structures required in connection therewith, payable to the parties hereto as their interest may appear. Such insurance shall include the interest of Metro, the Manager and its subcontractors and shall be satisfactory to Metro.]

~~[Such insurance shall contain a waiver by the general contractor of any and all rights of recovery against Metro and Manager and their subcontractors and/or consultants for damages resulting from loss insured pursuant to Article VI herein.]~~  
Metro and Manager shall obtain waivers of subrogation against each other. Metro shall include similar clauses in all other contracts for this project, unless such waivers are not obtainable.

~~[Manager will attempt to achieve a reduction of approximately \$165,800 from their original estimate of \$365,800 to \$200,000 currently shown in Exhibit B-2 in the premium for general liability insurance. If Manager is unable to accomplish such reduction by November 15, 1986, Metro may, at its election, attempt to secure identical coverage on behalf of Manager for this project. Metro will receive full cooperation of Manager in placing this coverage.]~~

The contract expiration date shall be extended to July 31, 1991.

All other terms and conditions remain in full force and effect.

TURNER CONSTRUCTION COMPANY    METROPOLITAN SERVICE DISTRICT

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

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

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

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



Agenda Item No. 7.5  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1409



**METRO**

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

# Memorandum

**DATE:** February 21, 1991  
**TO:** Interested Parties  
**FROM:** Paulette Allen, Clerk of the Council  
**RE:** RESOLUTION NO. 91-1409

The Council agenda will be printed before the Regional Facilities Committee meets to consider the above-referenced legislation. The committee report on the resolution will be distributed at the Council meeting February 28, 1991.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF EXPRESSING	)	RESOLUTION NO. 91-1409
SUPPORT FOR A ZOO STATION IN THE	)	
PREFERRED ALTERNATIVE FOR WESTSIDE	)	INTRODUCED BY THE REGIONAL
LRT	)	FACILITIES COMMITTEE

WHEREAS, the Westside Corridor Project is the region's highest transportation priority, consisting of highway improvements and construction of a light rail line into Washington County; and

WHEREAS, the Metro Washington Park Zoo abuts Highway 26 (Canyon Road) in the Canyon segment of the project; and

WHEREAS, the Metro Washington Park Zoo is the top paid tourist attraction in Oregon; and

WHEREAS, the Zoo faces problems of access and parking availability, particularly on weekends in good weather; and

WHEREAS, a Zoo station on the Westside LRT line providing light rail access to the Zoo is critical to improve problems of access at peak times and to help alleviate parking problems; and

WHEREAS, the process for determining the region's Preferred Alternative for the project is nearing completion; and

WHEREAS, the Metro Council wishes to express its support for including a Zoo Station in the Preferred Alternative and encourage advisory bodies, elected governing bodies, and the Tri-Met board of directors to include a Zoo Station in the Preferred Alternative; now, therefore,

BE IT RESOLVED

That the Council of the Metropolitan Service District expresses its support for a Zoo Station in the Westside Light Rail

Project and encourages decision-making bodies to include a Zoo Station in the region's Preferred Alternative for the project.

ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

Agenda Item No. 7.6  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1399

## SOLID WASTE COMMITTEE REPORT

### CONSIDERATION OF RESOLUTION NO. 91-1399, FOR THE PURPOSE OF AUTHORIZING A MULTI-YEAR INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR THE COORDINATION OF PILOT TESTING OF CONTAINERS FOR YARD DEBRIS COLLECTION

Date: February 21, 1991

Presented by: Councilor Wyers

Committee Recommendation: At the February 19, 1991, meeting the Committee voted unanimously to recommend Council adoption of Resolution No. 91-1399. Voting in favor were Councilors DeJardin, Gardner, McFarland, McLain, and Wyers.

Committee Issues/Discussion: Steve Kraten, Senior Solid Waste Planner, explained that the purpose of the program which is funded through this agreement is to test the effectiveness of six types of containers for the collection of residential yard debris. Effectiveness will be judged in terms of ease of use and cost for residents who generate yard debris, haulers, and processors. The results of the study will be distributed to local governments for use in designing curbside yard debris collection programs.

Councilor McFarland asked why the effectiveness of single-use plastic bags will be tested, given environmental concerns. Mr. Kraten said that although plastic bags are disfavored from a waste reduction perspective, nearly everyone uses them. Staff does not believe that useful data can be obtained unless the most frequently used container is included as a baseline against which to measure the effectiveness of other types of containers.

Councilor McFarland expressed her concern that it is not appropriate to test an environmentally unacceptable container. Councilor DeJardin concurred with staff that it is necessary to test the most frequently used container in order to develop facts before making implementation decisions. Councilor McLain noted that the appropriateness of including plastic bags depends on the purpose of the study, and that they should be included if the purpose of the study is to compare effectiveness rather than to educate the haulers and the public about options.

Councilor Wyers asked why roller carts will be tested, and who will pay for them if local governments recognize them as a collection option. Mr. Kraten explained that haulers, especially in Washington County, are interested in using roller carts for yard debris collection, and requested that they be included in the study. Susan Ziolk, Clackamas County Waste Reduction Coordinator, said that roller carts would be purchased by consumers. She also said the public perceives that roller carts are easy to use, and appears willing to pay for them.

SOLID WASTE COMMITTEE REPORT  
Resolution No. 91-1399  
February 21, 1991  
Page Two

Councilor Wyers asked why the study included biodegradable bags. Mr. Kraten said that although staff believes these bags are not a good option, this study should provide quantifiable data, including the extent of residue in compost. Councilor Wyers said it is her understanding that the City of Portland is leaning away from use of this type of bag.

Councilor Wyers asked if the life cycle costs of creating and disposing of the containers would be considered. Mr. Kraten indicated that it would be considered to the extent possible.

Councilor McLain agreed that all options should be studied, but noted that everyone should be aware that inclusion of an option in the study does not equate with Metro support for use of that type of container. Councilor DeJardin said that participants will be aware that they are participating in a study. Councilor McFarland reiterated her view that it is a mistake to test an unacceptable container.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVAL OF A	)	RESOLUTION NO. 91-1399
MULTI-YEAR INTERGOVERNMENTAL AGREEMENT	)	
WITH CLACKAMAS COUNTY FOR THE PILOT	)	
TESTING OF CONTAINERS FOR YARD DEBRIS	)	Introduced by Rena Cusma,
RECYCLING COLLECTION	)	Executive Officer

WHEREAS, approximately 26% of the residential wastestream currently landfilled is comprised of yard debris; and

WHEREAS, the "Regional Yard Debris Recycling Plan" establishes goals to promote source reduction of yard debris and recycling collection options; and

WHEREAS, curbside collection of yard debris will yield the highest levels of participation; and

WHEREAS, a uniform container program can enable greater efficiencies in collection and processing of yard debris; and

WHEREAS, the FY 1990-91 Metropolitan Service District budget authorizes a \$50,000 expenditure to test containers for yard debris collection; and

WHEREAS, the FY 1991-92 Metropolitan Service District budget has been drafted with a request for an additional \$10,000 to complete this container pilot project; and

WHEREAS, pursuant to Metro Code Section 2.04.033(a)(1) Council approval is required because the agreement commits the District to expenditures for continuation of the Project in the next fiscal year; and

WHEREAS, the Executive Officer has reviewed the proposed agreement with Clackamas County and hereby forwards it to the Council for approval; now, therefore,



BE IT RESOLVED,

That the Council of the Metropolitan Service District approves the Multi-Year Intergovernmental Agreement with Clackamas County for the amount of \$60,000.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_ day of \_\_\_\_\_, 1991.

---

Tanya Collier, Presiding Officer

## STAFF REPORT

### CONSIDERATION OF RESOLUTION NUMBER 91-1399 FOR THE PURPOSE OF AUTHORIZING A MULTI-YEAR INTERGOVERNMENTAL AGREEMENT WITH CLACKAMAS COUNTY FOR THE COORDINATION OF PILOT TESTING OF CONTAINERS FOR YARD DEBRIS COLLECTION

Date: January 22, 1991

Prepared by:  
Debbie Gorham  
Pamela Kambur

#### FACTUAL BACKGROUND AND ANALYSIS

The current fiscal year Waste Reduction budget includes \$50,000 for a project to test containers for yard debris collection. Due to the interest of local governments in mechanized collection of yard debris, the costs of collection via roller carts has been added to the project. This additional container testing brings the total project cost to \$60,000. The attached intergovernmental agreement with the County of Clackamas (see "Attachment A") has been developed to achieve the project goals. Clackamas County staff were asked to assist with the project due to their valuable experience with existing yard debris collection programs in the County.

The attached Resolution (Number 91-1399) enables Council to approve this multi-year contract. The eight month project has been designed to take advantage of the peak yard debris collection months (April, May, June and July). The subsequent four month composting period (for the yard debris from biodegradable containers collected in April and May) will be completed in September. A timeline is provided on the back of this page.

The pilot project will provide comparisons of six collection containers: 2 reusable containers, 3 biodegradable containers and a conventional plastic bag (with debagging at a processor versus debagging at the curb as is currently the practice). The ease of use and costs associated with each container will be analyzed for each component of the yard debris recycling system: residents, haulers and processors.

#### BUDGET IMPACT

The \$50,000 authorized in the current fiscal year budget will be expended by June 30, 1991. The additional \$10,000 will be expended upon receipt of the Final Project Report in October of 1991. The request for budget authorization of this final payment has been included in the Solid Waste Department's budget for FY 1991-92.

# YARD DEBRIS CONTAINER PILOT PROJECT

TASKS	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
<b>STARTUP PHASE</b>								
A. Finalize routes with haulers								
B. Order containers								
C. Develop promotional materials								
D. Finalize agreements with processors								
E. Distribute containers and promotional materials								
<b>COLLECTION TEST PHASE</b>								
A. 2 Types of reusable containers (2 routes of 250 households each)								
B. 3 Biodegradable containers (3 routes of 500 households each)								
C. Conventional single-use plastic bag								
1. Debagged at curb (250 households)								
2. Debagged at processor (same 250 households as above)								
D. Develop and conduct resident survey								
<b>PROCESSING TEST PHASE</b>								
A. Separate processing of biodegradables								
1. Grinding and composting								
2. Product testing								
B. Debaggging of conventional plastic bags								
<b>EVALUATION PHASE</b>								
A. Compile results of collection test phase								
B. Compile results of processing test phase								
C. Final project report submitted								

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT dated this \_\_\_\_\_ day of \_\_\_\_\_ 1991, is between the METROPOLITAN SERVICE DISTRICT, a municipal corporation, hereinafter referred to as "METRO," whose address is 2000 S.W. First Avenue, Portland, OR 97201-5398, and COUNTY OF CLACKAMAS, Transportation and Development Department, Solid Waste Division, hereinafter referred to as "CONTRACTOR," whose address is 902 Abernethy Road, Oregon City, Oregon 97045, for the period of March 1st, through October 31st, 1991.

W I T N E S S E T H :

WHEREAS, This Agreement is exclusively for Personal Services;

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

CONTRACTOR AGREES:

1. To perform the services and deliver to METRO the materials described in the Scope of Work attached hereto;
2. To provide all services and materials in a competent and professional manner in accordance with the Scope of Work;
3. To maintain records of all project expenditures by the budget categories identified in the Scope of Work, "Project Budget/Terms of Payment," of this agreement and to provide a written record of project expenditures within seven (7) days written request by Metro;

4. To comply with any other "Contract Provisions" attached hereto as the Scope of Work; and

5. CONTRACTOR shall be an independent contractor for all purposes, shall be entitled to no compensation other than the compensation provided for in the Agreement. CONTRACTOR hereby certifies that it is the direct responsibility employer as provided in ORS 656.407 or a contributing employer as provided in ORS 656.411. In the event CONTRACTOR is to perform the services described in this Agreement without the assistance of others, CONTRACTOR hereby agrees to file a joint declaration with METRO to the effect that CONTRACTOR services are those of an independent contractor as provided under Chapter 864, Oregon Laws 1979.

METRO AGREES:

1. To pay CONTRACTOR for services performed and materials delivered in the maximum sum of SIXTY THOUSAND AND NO/100THS (\$60,000) and in the manner and at the time designated in the Scope of Work, "Project Budget/Terms of Payment"; and

2. To provide full information regarding its requirements for the Scope of Work.

BOTH PARTIES AGREE:

1. Project Manager

a) The Metro Project Manager shall be Pamela Kambur or such other person as shall be designated in writing by Debbie Gorham, Waste Reduction Manager. The

Metro Project Manager is authorized to carry out the work described in the Scope of Work, "Metro Project Manager's Responsibilities." The Metro Waste Reduction Manager is authorized to give notices as referred to herein, to terminate this Agreement as provided herein, and to carry out any other Metro actions referred to herein.

b) The County Project Manager, Contractor's representative, shall be Susan Ziolkowski or such other person as shall be designated in writing by the Clackamas County Solid Waste Division Administrator, Dave Phillips. The County Project Manager is authorized to carry out the actions referred to herein.

2. That, in the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs, including fees and costs on appeal to an appellate court;

3. That this Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any condition, be assigned or transferred by either party; and

4. That this Agreement may be amended only by the written agreement of both parties.

CLACKAMAS COUNTY, by and  
through the Board of County  
Commissioners:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Date

APPROVED:

\_\_\_\_\_  
Executive Director,  
Department of Transportation  
and Development

APPROVED AS TO FORM:

\_\_\_\_\_  
County Counsel

METROPOLITAN SERVICE DISTRICT

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

Title: \_\_\_\_\_

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Metro General Counsel

Scope of Work

Project: Pilot Testing of Containers for Yard Debris Collection, hereinafter referred to as "Pilot Project"

Contractor: Clackamas County, Solid Waste Division

Project Term: March 1, 1991, to October 31, 1991.

Contractor's Responsibilities:

The County Project Manager shall:

1. Test the effectiveness of six types of containers for the collection of residential yard debris. The effectiveness of each type of container will be analyzed in terms of cost and ease of use to each of the following: residents, haulers, and processors.

2. Negotiate with franchised haulers to select six residential collection routes to include a minimum of 250 households per route:

- 2.1 Residents along each route will receive weekly yard debris collection service for at least four months during the test period with no additional charge to the residential customer.
- 2.2 The number of homes along established yard debris collection routes may be doubled to 500 homes with a 2 month test period in order for appropriate quantities of yard debris from biodegradable containers to be collected and composted during the processing phase.
- 2.3 Each of the six routes will be comprised of approximately the same demographic mix and be of similar lot sizes to enable cross-comparison of participation levels.

3. Using standard County purchasing procedures, obtain the lowest costs for the following types of containers for distribution to single-family residential customers on the six designated collection routes:

- 3.1 2 conventional 32 gallon cans (clearly labeled "Yard Debris Only")
- 3.2 1 conventional 90 gallon roller cart (to be tested along with mechanized collection vehicles)
- 3.3 20 clear biodegradable/photodegradable plastic bags



- 3.4 20 biodegradable kraft bags
- 3.5 4 sheets of biodegradable twine-mesh sheeting
- 3.6 20 conventional single-use plastic bags.

4. Ensure reusable containers (i.e. roller carts and conventional garbage cans) are used exclusively for recycling purposes after the 4 month test period is completed. This may include continued use for yard debris collection or distribution to multi-family settings for use as recycling depots.

5. Negotiate with regional yard debris processors for the separate processing of yard debris delivered in biodegradable containers during the test period. Materials from each of the three degradable containers will be processed and analyzed separately from one another.

6. Develop an educational/promotional flyer to instruct residents on the "how-to's" and "why's" of properly preparing yard debris for recycling. The flyer will be distributed along with the containers to all residents along the six collection routes. All printed materials will be approved in advance of printing and distribution by the METRO Project Manager and will state METRO's role in the funding of the Pilot Project.

7. Develop a methodology and specific evaluation criteria to assess the effectiveness of each type of container for the following participants in the yard debris recycling system:

- 7.1 residents - survey perceptions regarding ease of use
  - develop data on participation rates (including average numbers of set outs per household per month and average number of containers per set out)
- 7.2 haulers
  - analyze opportunities/constraints regarding compatibility with existing equipment;
  - survey regarding problems with contamination
  - analyze collection time losses if de-bagging is required at the curb
- 7.3 processors-
  - analyze potential time losses spent de-bagging on-site
  - analyze impacts of biodegradable containers (potential equipment malfunctions due to twine, breakdown of biodegradable materials, quality of finished product--including testing)
  - analyze results from chemical lab tests (including formaldehyde, glues and plastic residues)
- 7.4 local governments - analyze relative costs of implementation of various container systems (including distribution options)

8. Submit periodic reports to the Metro Project Manager regarding the progress of the Pilot Project on the following schedule:

May 30 - Update on container distribution, costs and status of collection during first month (April)

July 30- Update on processing of biodegradable containers

Oct. 15- 1st Draft of Final Report

Oct. 30- Final Report.

9. Develop recommended options for long term implementation of a regional yard debris container program that include:

9.1 Means to distribute the collection containers to residents

9.2 Means to finance the container purchases  
- initial purchase if a rigid container  
- ongoing purchase if single use containers.

10. Monitor the following Project Timeline to assure completion of key tasks during dates indicated:

March 1991	-	negotiation of subcontracts with haulers and processors
late March	-	container distribution with promotional materials
April, May, June, July	-	4 month collection period (4 peak yard debris collection months)
June, July, August, September	-	4 month composting of initial materials delivered in April/May
August, September	-	complete survey of residents regarding collection process
late September	-	final product testing
October	-	final report submitted

METRO Project Manager's Responsibilities:

The METRO Project Manager shall:

1. Provide technical assistance to the County Project Manager as necessary to develop, execute, monitor and evaluate the project.

2. Provide assistance to the County Project Coordinator with promotional and educational activities and review all written information to be distributed to program participants.
3. Coordinate the lab testing process for the materials collected in the biodegradable containers with funding and technical assistance from Metro's Waste Reduction Markets Section.
4. Monitor general project progress and review Contractor's accounting records relating to project expenditures as necessary.

Project Budget and Terms of Payment:

1. Contractor shall receive \$60,000 to cover the costs of this Pilot Project. All expenditures over the \$60,000 budgeted shall be incurred by the Contractor.
2. Contractor shall maintain records of all project expenditures by the budget categories listed below and shall provide a written record of project expenditures within seven days written request by METRO.
3. Both parties agree that the budget categories noted below are estimates of Contractor's expenses and that actual expenditures may vary from the amounts listed for each category.

-----  
**PILOT PROJECT BUDGET**

Administration & Coordination		\$ 7,000
- Clackamas County staffing		
Materials and Services		\$ 5,000
- printing, postage, travel		
Container Purchase and Distribution		\$31,750
- 90 gallon roller carts	\$17,500	
- 32 gallon garbage cans	4,000	
- degradable plastic bags	1,500	
- degradable kraft bags	2,250	
- degradable twine sheeting	2,400	
- conventional plastic bags	1,500	
- Distribution	2,600	
Weekly Hauler Collection Services		\$10,500
- 3 routes without previous service	7,500	
- 3 routes with existing service	3,000	

Processing Services		\$ 5,000
3 Degradable Containers	\$4,500	
Debagging of Conventional Bags	500	

Contingency		\$ <u>750</u>
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Total Budget: \$60,000

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4. Payments for services will be paid on the following schedule upon the submittal by the Contractor of itemized invoices 15 days prior to the listed date:

March 15	Start Up Funds	\$40,000
June 15	Receipt of First Progress Report	10,000
October 30	Receipt of Final Report	<u>10,000</u>
Total Payments:		\$60,000



# GRANT/CONTRACT SUMMARY

METROPOLITAN SERVICE DISTRICT

GRANT/CONTRACT NO. 901645

BUDGET CODE NO. 531-313200-528100-75000

FUND: \_\_\_\_\_ DEPARTMENT: Solid Waste

(IF MORE THAN ONE) \_\_\_\_\_

SOURCE CODE (IF REVENUE) \_\_\_\_\_

## INSTRUCTIONS

1. OBTAIN GRANT/CONTRACT NUMBER FROM CONTRACTS MANAGER. CONTRACT NUMBER SHOULD APPEAR ON THE SUMMARY FORM AND ALL COPIES OF THE CONTRACT.
2. COMPLETE SUMMARY FORM.
3. IF CONTRACT IS —
  - A. SOLE SOURCE, ATTACH MEMO DETAILING JUSTIFICATION.
  - B. UNDER \$2,500, ATTACH MEMO DETAILING NEED FOR CONTRACT AND CONTRACTOR'S CAPABILITIES, BIDS, ETC.
  - C. OVER \$2,500, ATTACH QUOTES, EVAL. FORM, NOTIFICATION OF REJECTION, ETC.
  - D. OVER \$50,000, ATTACH AGENDA MANAGEMENT SUMMARY FROM COUNCIL PACKET, BIDS, RFP, ETC.
4. PROVIDE PACKET TO CONTRACTS MANAGER FOR PROCESSING

1. PURPOSE OF GRANT/CONTRACT Pilot Testing of Containers For Yard Debris Recycling Collection

RECEIVED IN THE CONTRACTS DIVISION ON:

2. TYPE OF EXPENSE ☐ PERSONAL SERVICES ☐ LABOR AND MATERIALS ☐ PROCUREMENT  
☐ PASS THROUGH AGREEMENT ☒ INTER-GOVERNMENTAL AGREEMENT ☐ INSTRUCTION  
☐ OTHER

JAN 25 1991

ROUTING:

OR

TYPE OF REVENUE ☐ GRANT ☐ CONTRACT ☐ OTHER

3. TYPE OF ACTION ☐ CHANGE IN COST ☐ CHANGE IN WORK SCOPE  
☐ CHANGE IN TIMING ☒ NEW CONTRACT

DEPARTMENT HEAD  
 ADMIN. SECRETARY  
 CONTR. ADMINISTRATOR  
 BUILDER'S LICENSE MGR.  
 LABOR COMPLIANCE

4. PARTIES Clackamas County, Solid Waste Division

5. EFFECTIVE DATE March 1, 1991

TERMINATION DATE October 31, 1991

(THIS IS A CHANGE FROM \_\_\_\_\_)

6. EXTENT OF TOTAL COMMITMENT: ORIGINAL/NEW  
 PREV. AMEND  
 THIS AMEND

\$ 60,000

TOTAL

\$ 60,000\*

## 7. BUDGET INFORMATION

A. AMOUNT OF GRANT/CONTRACT TO BE SPENT IN FISCAL YEAR 198 90 - 91

\$ 50,000

B. BUDGET LINE ITEM NAME Payments to other Agencies\*\* AMOUNT APPROPRIATED FOR CONTRACT

\$ 50,000

C. ESTIMATED TOTAL LINE ITEM APPROPRIATION REMAINING AS OF February 28, 1991

\$ 50,000

## 8. SUMMARY OF BIDS OR QUOTES (PLEASE INDICATE IF A MINORITY BUSINESS ENTERPRISE)

SUBMITTED BY \_\_\_\_\_

\$ \_\_\_\_\_  
 AMOUNT

☐ MBE

SUBMITTED BY \_\_\_\_\_

\$ \_\_\_\_\_  
 AMOUNT

☐ MBE

SUBMITTED BY \_\_\_\_\_

\$ \_\_\_\_\_  
 AMOUNT

☐ MBE

## 9. NUMBER AND LOCATION OF ORIGINALS

10. A. APPROVED BY STATE/FEDERAL AGENCIES? ☐ YES ☐ NO ☒ NOT APPLICABLE  
 B. IS THIS A DOT/UMTA/FHWA ASSISTED CONTRACT ☐ YES ☒ NO
11. IS CONTRACT OR SUBCONTRACT WITH A MINORITY BUSINESS? ☐ YES ☒ NO  
 IF YES, WHICH JURISDICTION HAS AWARDED CERTIFICATION \_\_\_\_\_
12. WILL INSURANCE CERTIFICATE BE REQUIRED? ☐ YES ☒ NO
13. WERE BID AND PERFORMANCE BONDS SUBMITTED? ☐ YES ☒ NOT APPLICABLE  
 TYPE OF BOND \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_  
 TYPE OF BOND \_\_\_\_\_ AMOUNT \$ \_\_\_\_\_
14. LIST OF KNOWN SUBCONTRACTORS (IF APPLICABLE)  
 NAME \_\_\_\_\_ SERVICE \_\_\_\_\_ ☐ MBE  
 NAME \_\_\_\_\_ SERVICE \_\_\_\_\_ ☐ MBE  
 NAME \_\_\_\_\_ SERVICE \_\_\_\_\_ ☐ MBE  
 NAME \_\_\_\_\_ SERVICE \_\_\_\_\_ ☐ MBE
15. IF THE CONTRACT IS OVER \$10,000  
 A. IS THE CONTRACTOR DOMICILED IN OR REGISTERED TO DO BUSINESS IN THE STATE OF OREGON?  
☒ YES ☐ NO  
 B. IF NO, HAS AN APPLICATION FOR FINAL PAYMENT RELEASE BEEN FORWARDED TO THE CONTRACTOR?  
☐ YES DATE \_\_\_\_\_ INITIAL \_\_\_\_\_

16. COMMENTS:

\*An additional \$10,000 appropriation is needed to complete this contract in the next fiscal year.

\*\*Although originally budgeted as a personal services contract, staff has chosen to treat this project as an intergovernmental agreement due to the level of expertise in yard debris collection programs provided by Clackamas County Staff.

## GRANT/CONTRACT APPROVAL

INTERNAL REVIEW

DEPARTMENT HEAD

FISCAL REVIEW 1/29/91

BUDGET REVIEW 1-29-91

CONTRACT REVIEW BOARD  
(IF REQUIRED) DATE \_\_\_\_\_

1. \_\_\_\_\_  
COUNCILOR
2. \_\_\_\_\_  
COUNCILOR
3. \_\_\_\_\_  
COUNCILOR

COUNCIL REVIEW  
(IF REQUIRED)

DATE \_\_\_\_\_

LEGAL COUNSEL REVIEW AS NEEDED:

- A. DEVIATION TO CONTRACT FORM \_\_\_\_\_
- B. CONTRACTS OVER \$10,000 \_\_\_\_\_
- C. CONTRACTS BETWEEN GOVERNMENT AGENCIES \_\_\_\_\_

Agenda Item No. 7.7  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1396

## SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF RESOLUTION NO. 91-1396, FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING PURSUANT TO METRO CODE 2.04.041, AND AUTHORIZING A CHANGE ORDER TO THE METRO SOUTH STATION MODIFICATIONS CONTRACT TO CONSTRUCT A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY

Date: February 21, 1991

Presented by: Councilor DeJardin

Committee Recommendation: At the February 19, 1991 meeting, the Committee voted 3-2 to recommend Council adoption of Resolution No. 91-1396. Voting in favor were Councilors DeJardin, McFarland, and McLain. Voting against were Councilors Gardner and Wyers.

Committee Issues/Discussion: Chuck Geyer, Solid Waste Planner, explained that staff is presenting two options for construction of a household hazardous waste facility at Metro South Station. The first alternative is to award a contract after competitive bidding; the other approach is to negotiate a change order with the current on-site contractor. Staff recommends the change order approach, since contracting with the current contractor will avoid additional engineering, construction, administrative, and environmental costs. Additionally, staff believes this approach will permit the facility to open five months sooner than if the contract is competitively bid.

Mr. Geyer said that the legislature in 1989 mandated establishment of permanent household hazardous waste depots by January 1, 1991. The Planning and Development Department studied the options available, and recommended that household hazardous waste collection facilities should be developed at regional transfer stations. After the Solid Waste Policy Advisory Committee approved this approach in spring, 1990, the project was assigned to the Engineering and Analysis Division for implementation.

Mr. Geyer said the first step was to determine FY 90-91 budget requirements, with detailed research taking place after adoption of the FY 90-91 budget. Staff then met with local officials and regulatory officials. He explained that a design engineer was retained in September, 1990. He said the project has become more complex than anticipated, primarily because of local regulatory concerns, and also because this is the first such facility to conform with the 1988 Uniform Fire Code Amendments. A conditional use permit was obtained from Oregon City in January, 1991.

Councilor Wyers asked why the modifications at Metro South and construction of the household hazardous waste facility were not combined into one project at the outset. Mr. Geyer said that the renovations were planned long before the 1989 legislative requirement, and specifications already were prepared. Jim Watkins, Engineering and Analysis Manager, noted that renovations



SOLID WASTE COMMITTEE REPORT  
Resolution No. 91-1396  
February 21, 1991  
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to Metro South must be completed before construction of the household hazardous waste facility can begin.

Councilor Wyers asked the anticipated construction cost. Mr. Watkins estimated \$600,000 (4000 square feet at \$150 per square foot). He said total design and construction costs are estimated at \$700,000. The FY 90-91 budget allocates \$300,000 for design and construction; an additional \$400,000 will be funded from contingency if necessary.

Councilor Gardner asked for an explanation of why 15 months elapsed between the legislative mandate and the award of the design agreement. Bob Martin, Solid Waste Director, said that the delay occurred because the legislature acted after the FY 89-90 budget was adopted, so project funds could not be budgeted until the FY 90-91 budget. He said that DEQ has indicated that Metro has substantially complied with the requirement to establish a household hazardous waste facility by January 1, 1991, because Metro has dedicated space for a facility at the transfer station, and has completed permitting requirements. He also said that DEQ and Metro staff believe a facility should go into operation as soon as possible, since no household hazardous waste cleanup events are scheduled.

Mr. Geyer said that the facility can be constructed sooner with the change order, because staff will be able to prepare minimum rather than full, new specifications. A competitive bid process would require time for Committee and Council review. Also, a new vendor would need time to mobilize.

Councilor Wyers asked why the current contractor might be willing to agree to less than the engineering estimate, and how much would be saved. Mr. Geyer said it depends on staff's negotiation strategy, and that precise cost savings are difficult to predict.

In response to a question from Councilor Wyers, Mr. Watkins estimated that the cost of two additional household hazardous waste cleanup days would total \$600,000.

Councilor Gardner asked about the number of change orders with the current contractor, and the dollar value. Mr. Watkins said there have been approximately \$100,000 in change orders on the initial contract of \$2.8 million, and there will be more. The project is budgeted at \$3 million, so no budget adjustments have been requested to date.

SOLID WASTE COMMITTEE REPORT  
Resolution No. 91-1396  
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Councilor McFarland said she feels uncomfortable bypassing the safeguards in the competitive process, and anticipates frequent reports from staff regarding the project. She also said she is uncomfortable with staff delay in bringing matters forward for approval.

Councilor Wyers agreed. She said she had hoped household hazardous waste cleanup days would be planned during this time. She is concerned that if the change order is not accepted, there will be no alternatives for disposal of this waste. She said she appreciated staff outlining both the advantages and disadvantages of the change order approach.

Mr. Martin said staff was not asking the Committee to do away with normal checks and balances, and that either approach to construction is acceptable, but that staff recommends approval of a change order approach. He said if the current contractor does not offer a reasonable price (i.e. less than or equal to the engineer's estimate), a bid process will be pursued.

Councilor Gardner said he strongly favors the competitive bid process for construction projects, and does not think that the reasons presented in favor of the change order approach outweigh the rationale for competitive bidding. He said he believes there is a perception of bias because the contractor is already on site.

BEFORE THE CONTRACT REVIEW BOARD OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN	)	RESOLUTION NO. 91 - 1396
EXEMPTION TO THE REQUIREMENT OF	)	
COMPETITIVE BIDDING PURSUANT TO	)	Introduced by Rena Cusma,
METRO CODE 2.04.041, AND	)	Executive Officer
AUTHORIZING A CHANGE ORDER TO THE	)	
METRO SOUTH STATION MODIFICATIONS	)	
CONTRACT TO CONSTRUCT A HOUSEHOLD	)	
HAZARDOUS WASTE COLLECTION FACILITY)	)	

WHEREAS; The Metropolitan Service District (Metro) is required to establish permanent depots to receive household hazardous waste; and

WHEREAS, Metro has determined that a household hazardous waste collection facility should be constructed at the Metro South Station; and

WHEREAS, As described in the accompanying staff report (EXHIBIT "A"), it is in the public interest to construct the facility as soon as possible; and

WHEREAS, Construction of the facility can be expedited through the use of the existing on site contractor through negotiation of a change order to the Metro South Station Modifications Contract; and

WHEREAS, Under Metro Code 2.04.045 (a) (2) such an amendment cannot be approved, because the cost of the change order exceeds 10% of the original contract price, unless an exemption from public bidding procedures is granted by the Metro Contract Review Board; and

WHEREAS, Metro Code 2.04.041 (c) and ORS 279.015 (2) authorizes the Metro Contract Review Board to exempt public contracts from competitive bidding if it finds that the exemption will not

encourage favoritism or substantially diminish competition for public contracts and that such exemption will result in substantial cost savings; now, therefore,

BE IT RESOLVED,

1. That based on the information presented in EXHIBIT "A", the Metropolitan Service District Contract Review Board finds that:
  - a) It is unlikely that exempting a change order for the construction of a household hazardous waste facility at the Metro South Station will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
  - b) The change order will result in substantial cost savings to the Metropolitan Service District; and
2. That based on these findings, the Metropolitan Service District Contract Review Board authorizes the Solid Waste Department to enter into negotiations with Emerick Construction Company for a change order to the Metro South Station Modifications Contract for

construction of a household hazardous waste collection facility; and

3. That the Executive Officer of the Metropolitan Service District is authorized to execute the negotiated change order if the change order price is less than or equal to the Engineer's Estimate for the project, as prepared by Sweet-Edwards/Emcon, Inc.

ADOPTED by the Metropolitan Service District Contract Review

Board this \_\_\_\_ day of \_\_\_\_\_, 1991.

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Tanya Collier, Presiding Officer

## EXHIBIT "A"

### STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 91-1396 FOR THE PURPOSE OF AUTHORIZING AN EXEMPTION TO THE REQUIREMENT OF COMPETITIVE BIDDING PURSUANT TO METRO CODE 2.04.041, AND AUTHORIZING A CHANGE ORDER TO THE METRO SOUTH STATION MODIFICATIONS CONTRACT TO CONSTRUCT A HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY

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Date: February 5, 1991

Presented by: Chuck Geyer

#### Proposed Action

Adopt Resolution No. 91-1396 to permit negotiation and award of a change order to construct a household hazardous waste collection facility (HHWCF) at Metro South Station in a timely manner.

#### Factual Background and Analysis

In 1989, the 65th Oregon Legislative Assembly passed House Bill 3515 which requires that "On or before January 1, 1991, the metropolitan service district shall establish permanent depots to receive household hazardous waste." The Metro Planning & Development Department subsequently developed a short term strategy to comply with the state mandate, which concluded that "Metro will concentrate on developing (household hazardous waste) depots at Metro regional transfer facilities."

In September of 1990, Metro entered into a Design Services Agreement to design the HHWCF at the Metro South Station. Design is expected to be completed by March, 1991. Metro has also initiated regulatory reviews by the City of Oregon City, DEQ and OSHA. These processes are expected to be completed by March, 1991.

The Metro South Station is currently undergoing modifications to relocate the compaction of waste from the current loading tunnel to the opposite end of the facility. These modifications must be substantially completed in order to begin the HHWCF construction since the compactor in the loading tunnel must first be moved. It is expected that the modifications will be substantially completed in February, 1991, and the compactor moved in early March.

Given the legislative mandate and the fact that Metro will not undertake household hazardous waste collection events in 1991, it is in the public interest to construct the HHWCF at Metro South Station

as soon as possible. Given the above concurrent processes, construction could begin in March, 1991. This is only possible if a change order to the modifications contract is used to construct the HHWCF (see Attachment No. 1). If such a process is used, the HHWCF could open as early as June, 1991.

If a bid process is used to construct the facility, opening would probably be delayed until November, 1991. The later opening would be due to the need to develop more detailed specifications, obtain Council approval of bid documents, conduct the bid process, obtain Council award of the contract, and the additional time required by a new contractor to mobilize for the project.

In order to use a change order process, the Contract Review Board must exempt the change order from the competitive bid process. The exemption is required since the cost of the work would exceed 10% of modifications contract.

Under Metro Code Section 2.04.041(c) and ORS 279.015(2), the board may, by resolution, exempt certain contracts from competitive bid requirements, if it finds as follows:

(a) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and

(b) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency. In making such finding, the director or board may consider the type, cost, amount of the contract, number of persons available to bid and such other factors as may be deemed appropriate.

In addition, ORS 279.015(5) states that the board shall:

(a) Where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern or innovative contracting and purchasing methods, which are also consistent with public policy of encouraging competition.

(b) Require and approve or disapprove written findings by the public contracting agency that support the awarding of a particular public contract or a class of public contracts, without competitive bidding. The findings must show that the exemption of a contract or class of contracts complies with the requirements of paragraphs (a) and (b) of subsection (2) of this section.

The following findings are recommended in support of an exemption from public bidding requirements for construction of a Household Hazardous Waste Collection Facility at Metro South Station:

1. It is not likely that the exemption will encourage favoritism or substantially diminish competition for public contracts.

"Favoritism" implies that there is a bias on the part of the contracting agency to award a contract to a particular contractor for reasons other than the furtherance of sound public policy and the intent of the public contracting system. Such favoritism is not encouraged through the awarding of this particular contract to Emerick, because the driving force behind the award is not bias, but instead, demonstrated public policy concerns outlined below. The contractor has not requested that it be awarded the contract, but would be directed to submit a proposal to do the work as a change order to its existing contract with Metro.

Awarding the contract to Emerick would allow Metro to bring its Household Hazardous Waste Collection Facility on line expeditiously. It brings the agency into compliance with the state mandate for development of such a facility in a more timely manner and shows good faith on the part of the agency.

In addition, there are overriding environmental concerns in further delaying construction of the facility. The success of the now discontinued "collection events" has demonstrated a high level of public willingness to segregate hazardous waste from the waste stream. Segregated collection prevents household hazardous wastes from being disposed of in ways likely to result in environmental degradation or increased risks to human health. It is important that the educational and habit-building gains made through past "collection events" not be lost due to inconsistent collection efforts by Metro. The possibility of a collection "gap" and attendant consequences serves as a justification for awarding the contract to the contractor who can most quickly complete the project.

Staff believe the above policy concerns override any perceived "bias" that may result from awarding the contract to Emerick simply because they happen to be on-site and in a position to perform more expeditiously.

In a like manner, competition will not be substantially diminished if the work is awarded to Emerick under the existing public contract. A public contract has already been awarded to Emerick Construction, Inc. for modifications to the Metro South facility. The contract to Emerick was awarded through a competitive bid process in which Emerick was determined to be the lowest responsible bidder. Emerick is currently on site and fully mobilized. Emerick is the only contractor in a position to perform within the time frames necessary to meet the public policy objectives outlined in this report.

The engineering firm of Sweet-Edwards/Emcon has been hired by the agency to provide specifications and cost estimates for the project. If Emerick's proposal is not reasonable in light of the engineer's estimate, it will be rejected as non-competitive, and the project will



be submitted to the competitive bid process. In this manner, Metro will balance the intent of the public contracting law (encouraging competition) with the important public policy objectives sought to be met through construction of the facility without further delay.

## **2. Awarding of the contract will result in substantial cost savings for the agency.**

Costs that will be avoided fall into two categories. In the first category are avoided construction, engineering and administrative costs. Since the proposed contractor is already fully mobilized on the site, all costs associated with mobilization will be avoided. It is anticipated that these costs would account for approximately 10% of the total costs of a project. There are also avoided engineering costs, because specifications prepared for an on site contractor require less detail than those prepared for a contractor newly introduced to the site. Avoided engineering costs are estimated by staff at approximately \$8,000. Avoided administrative costs include the costs of the bid process and the legal expenses of establishing a new contractual relationship.

In the second category are avoided environmental costs. Further delay will result in the continued improper disposal of household hazardous wastes and a loss of momentum in public education efforts. While less easy to define, these environmental costs are expected to be substantial. No "collection events" are planned or budgeted for 1991 to collect household hazardous wastes while permanent facilities are being constructed.

The costs associated with a delay are substantial, and together with a mandate to construct a HHWCF in a timely manner, justify an exemption from public bidding to allow Emerick Construction, Inc. to complete the work as an amendment to the existing contract between Emerick and Metro.

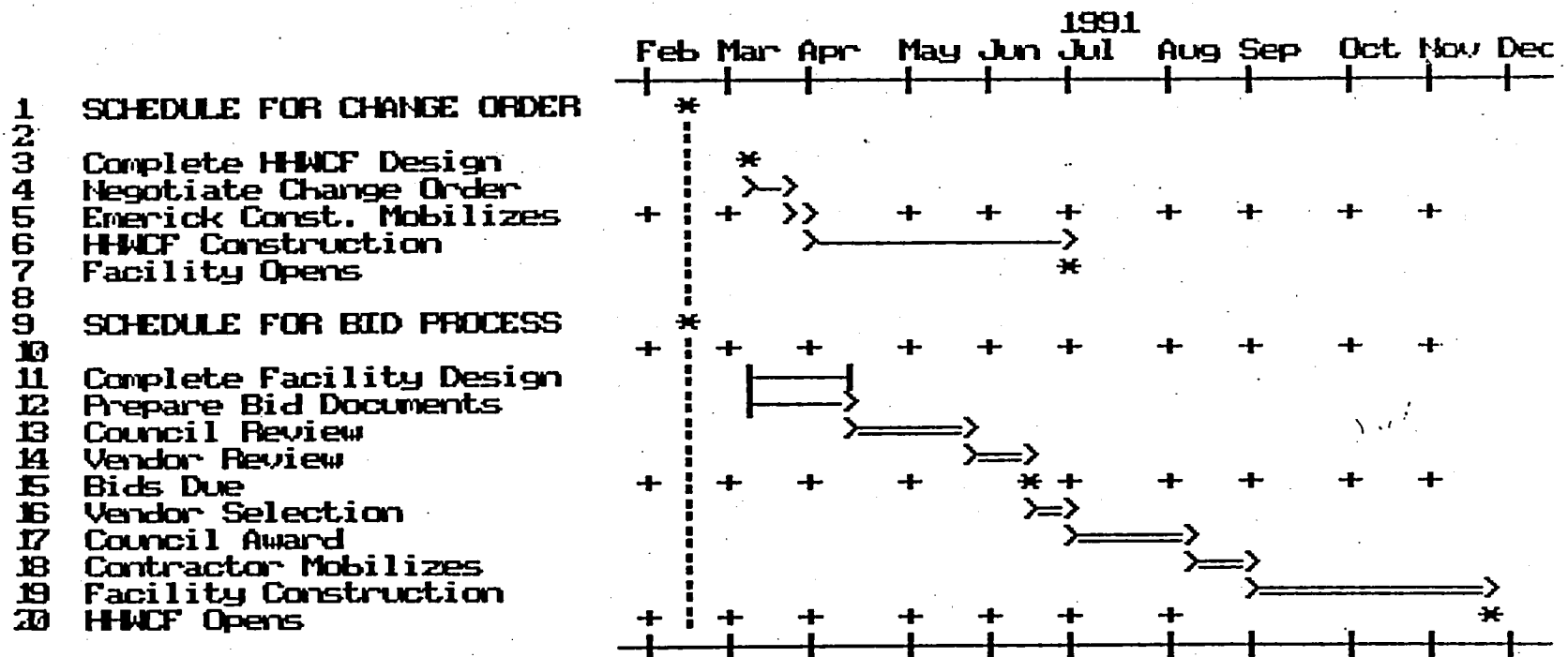
### **Budget Impacts**

The current fiscal year budget for this project is \$300,000. Additional funds, estimated to be \$100,000, will be transferred from contingency as needed.

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

The Executive Officer recommends adoption of Resolution No. 91-1396.

**Attachment No. 1**



Agenda Item No. 7.8  
Meeting Date: February 28, 1991

RESOLUTION NO. 91-1395A

**TRANSPORTATION and PLANNING  
COMMITTEE REPORT**

**RESOLUTION NO. 91-1395, PROVIDING THE ASSESMENT OF  
DUES TO LOCAL GOVERNMENTS FOR FY 1991-92**

**Date: February 13, 1991**

**By: Councilor Gardner**

**COMMITTEE RECOMMENDATION**

At its February 12, 1991 meeting, Metro Council's Transportation and Planning Committee voted 4 - 1 (Councilors Bauer, Devlin, Gardner and McLain in favor, Councilor Van Bergen opposed) to recommend Council adopt Resolution No. 91-1395 as amended in Resolution No. 91-1395A.

The amendment deletes the first numbered paragraph of the Resolution

1. That the Metro Council hereby establishes local government dues assessment within the District in the amount of \$.35 per capita for FY 1991-92.

and replaces it with the following:

1. That the Metro Council intends to assess local governments at a rate not to exceed \$.43 per capita and amounts shown on Exhibit A attached hereto. The Council may lower the assessment rate and amount based on deliberations on the FY 1991-92 budget.

**COMMITTEE DISCUSSION**

Councilors made reference to a Note in Metro's FY 90-91 Budget, saying Council intended to reduce the assessment to \$.35 in steps which included a reduction to .43 in FY 1990-91 and addressing the next reduction during deliberations on the FY 1991-92 budget.

Councilors said Council has not made determinations about the level of revenue and services for FY 91-92, which is part of its budget process. They were concerned about what level of revenue would be necessary to support planning activities which would be proposed for FY 1991-92 and would directly benefit the dues-paying jurisdictions. No Councilor had filed Resolution No. 91-1395.

The Committee did not approve Councilor Van Bergen's motion to allow Council maximum flexibility by setting the maximum assessment at \$.51.

**BACKGROUND**

Metro may assess cities, counties, port and mass transit districts within Metro's boundary for land use planning and functional planning services at a rate not to exceed \$.51 per capita if, by March 1, 1991, Council notifies the jurisdictions of its intent to assess and the amount it proposes to assess each jurisdiction. Before determining if it is necessary to charge the jurisdictions, Council must consult with its local government advisory committee.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PROVIDING ) RESOLUTION NO. 91-1395A  
THE ASSESSMENT OF DUES TO LOCAL ) Introduced by Tanya Collier,  
GOVERNMENTS FOR FY 1991-92 ) Presiding Officer

WHEREAS, ORS 268.513 authorizes the Council of the Metropolitan Service District (Metro) to "charge the cities and counties within the District for the services and activities carried out under ORS 268.380 and 268.390"; and

WHEREAS, Metro Ordinance 84-180 requires the Metro Council to seek the advice of the Local Government Advisory Committee regarding the assessment of dues as authorized by ORS 268.513; and

WHEREAS, The Joint Policy Advisory Committee on transportation was appointed as the Local Government Advisory committee to review Transportation Department use of the local government dues by Resolution No. 90-1212 and this requirement has been fulfilled; now therefore,

BE IT RESOLVED:

1. ~~[That the Metro Council hereby establishes local government dues assessment within the District in the amount of \$.35 per capita for FY 1991-92.]~~ That the Metro Council intends to assess local governments at a rate not to exceed \$.43 per capita and amounts shown on Exhibit A attached hereto. The Council may lower the assessment rate and amount based on deliberations on the FY 1991-92 budget.

2. That notification of the assessment be sent to all cities and counties within the District, Tri-Met and the Port of

Portland prior to March 3, 1991.

ADOPTED by the Metro Council this \_\_\_\_\_ day of February  
1991.

Tanya Collier, Presiding Officer

91-1395.RES  
a:s11395.RES

## COUNCIL STAFF REPORT

### RESOLUTION NO. 91-1395, PROVIDING THE ASSESMENT OF DUES TO LOCAL GOVERNMENTS FOR FY 1991-92

Date: February 11, 1991

By: Martin Winch

Metro assesses dues to local governments by statute which provides:

- + Council may charge cities, counties, port and mass transit districts within Metro's boundary for land use planning and functional planning services.
- + The rate may not exceed \$.51 per capita per year.
- + The power ends with FY 1992-93.
- + By March 1, 1991 (120 days before July 1), Council must notify each city and county of
  - + its intent to assess, and
  - + the amount it proposes to assess each jurisdiction.
- + Before determining if it is necessary to charge the jurisdictions, Council must consult with its local government advisory committee. (In Resolution No. 90-1212, Council designated JPACT and UGPAC as local government dues advisory committee for FY 90-91; it has made no designation for FY 91-92.)

In Metro's FY 90-91 Budget, Council approved a Budget Note (Attachment Z) to the Planning and Development Fund - Transportation Planning Fund. The Note says, in part:

"...the service charge assessment potentially could be reduced to .35 per capita if the District is successful in implementing the excise tax authority. It is the intent of Council to achieve that objective in steps by reducing the service charge level to .43 per capita during FY 1990-91 and addressing the next reduction during deliberations in the FY 1991-92 budget."

Council has not made determinations about the level of revenue and services for FY 91-92, which is part of its budget process. The Resolution is Council's notification to local jurisdictions of its intent to assess dues and the amount it intends to assess in FY 91-92.

Resolution No. 91-1395, setting dues at .35, has been widely distributed among local jurisdictions since Transportation prepared it on January 24, 1991 and forwarded it to Council with the Executive Officer's recommendation. Transportation's Technical Policy Advisory Committee recommended the Resolution to JPACT on February 8th. The Resolution has been distributed with the JPACT agenda for February 14. Planning and Development has not submitted Resolution No. 91-1395 to UGPAC because all dues revenue is budgeted in Transportation.

Council will need to amend Resolution No. 91-1395 if it wants flexibility from the .35 rate as it enters its budget process.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF PROVIDING ) RESOLUTION NO. 91-1395  
THE ASSESSMENT OF DUES TO LOCAL ) Introduced by Tanya Collier,  
GOVERNMENTS FOR FY 1991-92 ) Presiding Officer

WHEREAS, ORS 268.513 authorizes the Council of the Metropolitan Service District (Metro) to "charge the cities and counties within the District for the services and activities carried out under ORS 268.380 and 268.390"; and

WHEREAS, Metro Ordinance 84-180 requires the Metro Council to seek the advice of the Local Government Advisory Committee regarding the assessment of dues as authorized by ORS 268.513; and

WHEREAS, The Joint Policy Advisory Committee on Transportation was appointed as the Local Government Advisory Committee to review Transportation Department use of the local government dues by Resolution No. 90-1212 and this requirement has been fulfilled; now, therefore,

BE IT RESOLVED:

1. That the Metro Council hereby establishes local government dues assessment within the District in the amount of \$.35 per capita for FY 1991-92.
2. That notification of the assessment be sent to all cities and counties within the District, Tri-Met and the Port of Portland prior to March 3, 1991.

ADOPTED by the Metro Council this \_\_\_\_ day of February 1991.

Tanya Collier, Presiding Officer



## STAFF REPORT

### CONSIDERATION OF RESOLUTION NO. 91-1395 FOR THE PURPOSE OF PROVIDING THE ASSESSMENT OF DUES TO LOCAL GOVERN- MENTS FOR FY 1991-92

Date: January 25, 1991

Presented by: Andrew Cotugno

## FACTUAL BACKGROUND AND ANALYSIS

### Assessment Authorization and Procedure

ORS 268.513 (Attachment A) authorizes the Metro Council to:

"charge the cities and counties within the District for the services and activities carried out under ORS 268.380 and 268.390."

If the Council follows the recommendation of the Local Government Advisory Committee and determines that it is necessary to charge these local governments, it must establish the total amount to be charged and assess each city and county on the basis of population. The assessment cannot exceed \$.51 per capita per year.

In making the assessment, the Council is required to notify each city, county, Tri-Met and the Port of Portland of its intent to assess and the amount of the assessment at least 120 days before the beginning of the fiscal year for which the charge will be made. The notification for the FY 1991-92 assessment must be made prior to March 3, 1991. Assessments must be paid before October 1, 1991.

### Proposed FY 1991-92 Assessment

Attachment B shows the population figures and proposed dues assessment schedule. The values are based upon the latest certified population figures from the Center for Population Research and Census at Portland State University. Each county's unincorporated population estimate is based upon data provided by the Center for Population Research and Census using a formula devised by Metro staff (Attachment C).

The maximum assessment at \$.51 per capita for cities and counties and at 12.5 percent of that rate for Tri-Met and the Port of Portland is \$686,388. In the FY 90-91 budget, the actual dues assessment was approved at \$.43 which in FY 91-92 would be \$578,719. However, the FY 90-91 budget also establish the Metro Council's intent to reduce the dues to \$.35 in the FY 91-92 budget. The proposed budget for the Transportation Department is therefore based upon a \$.35 assessment for a total of \$471,050.

Use of the dues assessment for Transportation Planning generally falls into the following major categories:

1. Grant Match - \$89,650 - The dues plus ODOT and Tri-Met local match are used to leverage federal funding toward Transportation Planning. The program areas, which must be approved in the FY 92 Unified Work Program, include:

Model Refinement  
Regional Transportation Plan  
Transportation Finance  
Transportation Improvement Program  
Bi-State Study  
Southeast Corridor Study  
Northwest Subarea Transportation Study  
Regional LRT System Plan  
Management and Coordination  
Technical Assistance to Local Governments

2. Data Resource Center - \$318,900 - The Data Resource Center publishes periodic updates of historical and forecasted population and employment growth throughout the Portland metropolitan area. In addition, the Regional Land Information System (RLIS) is under development to improve the quality and utility of land use-related data. Funding sources for the Data Resource Center include dues, transportation grants, solid waste fees and Metro's General Fund. In general, the dues share is approximately 25 percent of the Data Section budget. Revenues collected from data sales are used to reduce the dues share of this budget.
3. Transportation/Land Use Consultant - \$62,500 - It is proposed that dues funding be used for 25 percent of the cost of a consultant task to develop land use and transportation alternatives to implement the Regional Urban Growth Goals and Objectives (RUGGO). The other funding sources are proposed from the Metro excise tax, Tri-Met and ODOT.

#### EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 91-1395.

## ATTACHMENT A

**268.513 Service charge for planning functions of district.** (1) The council shall consult with the advisory committee appointed under ORS 268.170 before determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51 cents per capita per year. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and coun-

ties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) When the council determines that it is necessary to impose the service charges authorized under subsection (1) of this section for any fiscal year, each mass transit district organized under ORS chapter 267 and port located wholly or partly within the district shall also pay a service charge to the district for that fiscal year for the services and activities carried out under ORS 268.380 and 268.390. The charge for a mass transit district or port shall be the amount obtained by applying, for the population of the mass transit district or port within the boundaries of the district, a per capita charge that is 12-1/2 percent of the per capita rate established for cities and counties for the same fiscal year. Subsections (2) and (3) of this section apply to charges assessed under this subsection.

(5) This section shall not apply to a fiscal year that begins on or after July 1, 1993.  
[1977 c.665 §16; 1979 c.804 §10; 1991 c.353 §5; 1993 c.210 §1; 1999 c.327 §2]

ATTACHMENT B

**\* PRELIMINARY FY 91-92 METRO DUES**

JURISDICTION	POP EST 1990	ASSESSMENT AT \$.51/	ASSESSMENT AT \$.43/	ASSESSMENT AT \$.35/	IN METRO	TOTAL COUNTY	NOT IN METRO
CLACKAMAS CO. (Unincorp.)	107087	\$54,614.13	\$46,047.21	\$37,480.28			
Gladstone	10225	\$5,214.75	\$4,396.75	\$3,578.75			
Happy Valley	1605	\$818.55	\$690.15	\$561.75			
Johnson City	535	\$272.85	\$230.05	\$187.25			
Lake Oswego	30800	\$15,708.00	\$13,244.00	\$10,780.00			
Milwaukie	18950	\$9,664.50	\$8,148.50	\$6,632.50			
Oregon City	16100	\$8,211.00	\$6,923.00	\$5,635.00			
Rivergrove	310	\$158.10	\$133.30	\$108.50			
West Linn	16200	\$8,262.00	\$6,966.00	\$5,670.00			
Wilsonville	7075	\$3,608.25	\$3,042.25	\$2,476.25	208887	279500	70613
MULTNOMAH CO. (Unincorp.)	59158	\$30,170.83	\$25,438.15	\$20,705.47			
Fairview	2515	\$1,282.65	\$1,081.45	\$880.25			
Gresham	68000	\$34,680.00	\$29,240.00	\$23,800.00			
Maywood Park	780	\$397.80	\$335.40	\$273.00			
Portland	440000	\$224,400.00	\$189,200.00	\$154,000.00			
Troutdale	7775	\$3,965.25	\$3,343.25	\$2,721.25			
Wood Village	2800	\$1,428.00	\$1,204.00	\$980.00	581028	583500	2472
WASHINGTON CO. (Unincorp.)	128086	\$65,324.08	\$55,077.16	\$44,830.25			
Beaverton	51750	\$26,392.50	\$22,252.50	\$18,112.50			
Cornelius	6100	\$3,111.00	\$2,623.00	\$2,135.00			
Durham	760	\$387.60	\$326.80	\$266.00			
Forest Grove	13300	\$6,783.00	\$5,719.00	\$4,655.00			
Hillsboro	37350	\$19,048.50	\$16,060.50	\$13,072.50			
King City	2040	\$1,040.40	\$877.20	\$714.00			
Sherwood	3125	\$1,593.75	\$1,343.75	\$1,093.75			
Tigard	29100	\$14,841.00	\$12,513.00	\$10,185.00			
Tualatin	15160	\$7,731.60	\$6,518.80	\$5,306.00	286771	313000	26229
Local Assessment	1076686	\$549,110.09	\$462,975.17	\$376,840.26	1076686	1176000	99314
Port of Portland		\$68,638.76	\$57,871.90	\$47,105.03			
Tri-Met		\$68,638.76	\$57,871.90	\$47,105.03			
TOTAL PROPOSED ASSESSMENT		\$686,387.61	\$578,718.97	\$471,050.32			

\*Preliminary population estimates subject to change based upon 1990 Census.

# ATTACHMENT C

Population estimates are based on the July 1, 1990 preliminary estimates of population for Oregon prepared by the Center for Population Research and Census, Portland State University.  
The unincorporated county population estimate inside Metro is based upon data from the 1980 U.S. Census and from the 1980 Center for Population Research and Census estimates.

## CLACKAMAS COUNTY

1990 Unincorporated population estimate	=	177700
1980 Census unincorporated population	=	146265
Difference	=	31435
31435 / 146265	=	0.2149
0.2149 * 88143 (1980 inside Metro)	=	18944
18944 + 88143 (1980 inside Metro)	=	107087

## MULTNOMAH COUNTY

1990 Unincorporated population estimate	=	61630
1980 Census unincorporated population	=	150839
Difference	=	-89209
-89209 / 150839	=	-0.5914
-0.5914 * 144790 (1980 inside Metro)	=	-85632
-85632 + 144790 (1980 inside Metro)	=	59158

## WASHINGTON COUNTY

1990 Unincorporated population estimate	=	154315
1980 Census unincorporated population	=	141368
Difference	=	12947
12947 / 141368	=	0.0916
0.0916 * 117340 (1980 inside Metro)	=	10746
10746 + 117340 (1980 inside Metro)	=	128086

## Budget Notes

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4. The transfer of resources to the Planning and Development Fund shall be made monthly on the basis of actual expenditures in the Planning and Development Fund for Solid Waste planning purposes.

### ***Planning and Development Fund -- Transportation Planning Fund***

#### ***Local Government Planning Service Charge:***

Since its existence, Metro has assessed planning service charges on local governments within its boundaries to carry out planning activities which benefit local governments in the region. Programs carried out by Metro with the assistance of these funds include transportation planning, urban growth management, data resources, and parks and natural area planning. Historically, the District has set the service charge level at the statutory maximum of 51¢ per capita. During the last legislative session representatives of the District indicated in informal discussions with the Governor and legislative leaders that the service charge assessment potentially could be reduced to 35¢ per capita if the District is successful in implementing the excise tax authority. It is the intent of the Council to achieve that objective in steps by reducing the service charge level to 43¢ per capita during FY 1990-91 and addressing the next reduction during deliberations in the FY 1991-92 budget. This phased approach will enable the District to carry out planning programs at a level which continue to benefit local governments in the region and levy the excise tax at a level which will enable it to last for several years at the 6 percent level set by Council in its levying ordinance.

### ***Transportation Planning Fund***

1. ***Lobbyist Cost-Share for Surface Transportation Act Renewal***

Within the Transportation Planning Fund Contingency, line item number 599999, \$15,000 is earmarked for expenditure on a



**METRO**

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

# Memorandum

**DATE:** February 7, 1991

**TO:** Metro Council  
Executive Officer  
Interested Parties

**FROM:** Paulette Allen, Clerk of the Council *PA*

**RE:** ORDINANCE NO. 91-384, AN ORDINANCE ADOPTING A FINAL ORDER AND  
AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE  
NO. 90-3: WASHINGTON COUNTY

The above referenced ordinance and staff's report were printed in the agenda packet for the Council meeting February 14 with a memo explaining those and supporting documents Exhibit A, Vicinity Map, and Exhibit B, Report and Recommendation of the Hearings Officer, would be distributed under separate cover due to the volume of the documents.

Those documents are attached. Please bring this packet with you to the Council meeting February 14 for consideration of the ordinance.

## STAFF REPORT

### CONSIDERATION OF AN ORDINANCE ADOPTING A FINAL ORDER AND AMENDING THE METRO URBAN GROWTH BOUNDARY FOR CONTESTED CASE 90-3: WASHINGTON COUNTY

Date: FEBRUARY 14, 1991

Presented By: Larry Shaw  
Ethan Seltzer

#### FACTUAL BACKGROUND AND ANALYSIS

Contested Case No. 90-3 is a petition from Washington County for a locational adjustment of the Urban Growth Boundary (UGB) in Washington County. The property proposed for inclusion within the UGB includes a total of about 6.7 acres, now a portion of two tax lots located south of the present right-of-way of Tualatin-Sherwood Road in the vicinity of Cipole Road. The present UGB is the centerline of the present right-of-way for Tualatin-Sherwood Road. The amendment is being proposed in order to allow the realignment and reconstruction of Tualatin-Sherwood Road, consistent with the RTP, and for purposes of improving safety and capacity. The City of Tualatin supports the petition.

Metro Hearings Officer Larry Epstein held a hearing on this matter on January 3, 1991, beginning at 1:30 pm in the Tualatin City Council chambers. Testimony was presented by Washington County staff and by a consultant to the County. No opposition was expressed either in writing or during the hearing. The Hearings Officer's Report and Recommendation, attached as Exhibit B, concludes that the proposal meets all applicable standards and should be approved. No exceptions were submitted by parties to the case.

Locational adjustments are meant to be small scale, technical adjustments to the Urban Growth Boundary (UGB). They are a device used to adjust the boundary when a mistake was made in the original drawing of the boundary line, when the addition of a small acreage will uniquely facilitate the development of lands adjacent to the proposed addition and already in the UGB, or the addition involves an addition of two acres or less intended to make the UGB coterminous with property lines. In any case, the need for the property in the UGB is not a factor in judging the suitability of the proposed addition.

In brief, a successful demonstration of compliance with the standards must show that the adjustment will:

- result in a net improvement in the efficiency of the delivery of public facilities and services in adjoining areas within the UGB, and that the land in question itself can be served in an orderly and economic manner;



--lead to maximum efficiency of land uses;

--positively relate to any regional transit corridors and positively address any limitations imposed by the presence of hazard or resource lands;

--retain agricultural land when the petition involves lands for which no exceptions to goals 3 and 4 have been granted; and

--be compatible with nearby agricultural uses, or show why adherence to all the other conditions clearly outweigh any incompatibility.

In addition, a locational adjustment adding land to the UGB must be for less than 50 acres and must include within its boundaries all similarly situated contiguous lands, in order to avoid the piecemeal expansion of the UGB through a series of contiguous locational adjustments.

This case raises two notable issues:

1) Appropriateness - As a general comment, this petition exemplifies the way in which the locational adjustment process should work. The petition stems from a road project that has been extensively reviewed by the petitioner, both in terms of petitioner's comprehensive plan as well as in coordination with the plans of Sherwood and Tualatin. Alternatives to meeting the service needs of the County other than through a UGB amendment were evaluated. Only the land needed to accomplish the service objective is included in the petition. This kind of analysis and the linkage to comprehensive land use plans is an appropriate use of the locational adjustment process.

2) Proposal involves rural lands not excepted from Statewide Planning Goals 3 and 4 - The locational adjustment process was intentionally designed to be very protective of agricultural and forest resource lands. Care was taken to ensure that the process not become a "backdoor" exceptions process for rural resource lands adjacent to the urban growth boundary, or lead to the exacerbation or creation of conflicts with existing agricultural practices.

In this instance, the petitioner demonstrated and the Hearings Officer concluded that although the proposed addition contains high-quality, Class II soils, "(r)etention of the subject property as agricultural would preclude the efficient and economical provision of an arterial road for, and therefore urbanization of, land within the UGB..." (emphasis added). The Hearings Officer also concluded that the proposed realignment of the road and amendment of the Urban Growth

page 3

Boundary would be compatible with the agricultural uses adjoining the site.

Since no exceptions to the Hearings Officer's report were received, the Council can decide whether it wants or needs to hear from parties following presentation of the case. In its deliberations, the Council may consider motions to remand the findings to the Hearings Officer or to staff for revisions. If no such motions are approved, the Council may allow Ordinance No. 91-384 to proceed to a second reading with the findings and recommendation as proposed in the Hearings Officer's report.

ES/es  
2/1/91



WASHINGTON  
COUNTY,  
OREGON

January 30, 1991

Ethan Seltzer  
Metro  
2000 S.W. First Avenue  
Portland, OR 97201

Dear Ethan,

The Washington County staff have received the hearings officer's report and recommendation for case number 90-03, and generally concur with his findings. We do not intend to take an exception to his report. We would appreciate it if you would schedule this matter for the Metro Council at the earliest opportunity.

Sincerely,

Mark Brown  
Principal Planner

MB/se

c: Jill Hinckley

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER )      ORDINANCE NO. 91-384  
AND AMENDING THE METRO URBAN )  
GROWTH BOUNDARY FOR CONTESTED CASE )  
NO. 90-3:WASHINGTON COUNTY )

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY  
ORDAINS:

Section 1. The Council of the Metropolitan Service District hereby accepts and adopts as the Final Order in Contested Case No. 90-3 the Hearings Officer's Report and Recommendations in Exhibit B of this Ordinance, which is incorporated by this reference.

Section 2. The District Urban Growth Boundary, as adopted by Ordinance No. 79-77, is hereby amended as shown in Exhibit A of this Ordinance, which is incorporated by this reference.

Section 3. Parties to Contested Case No. 90-3 may appeal this Ordinance under Metro Code Section 205.05.050 and ORS Ch. 197.

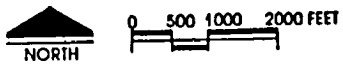
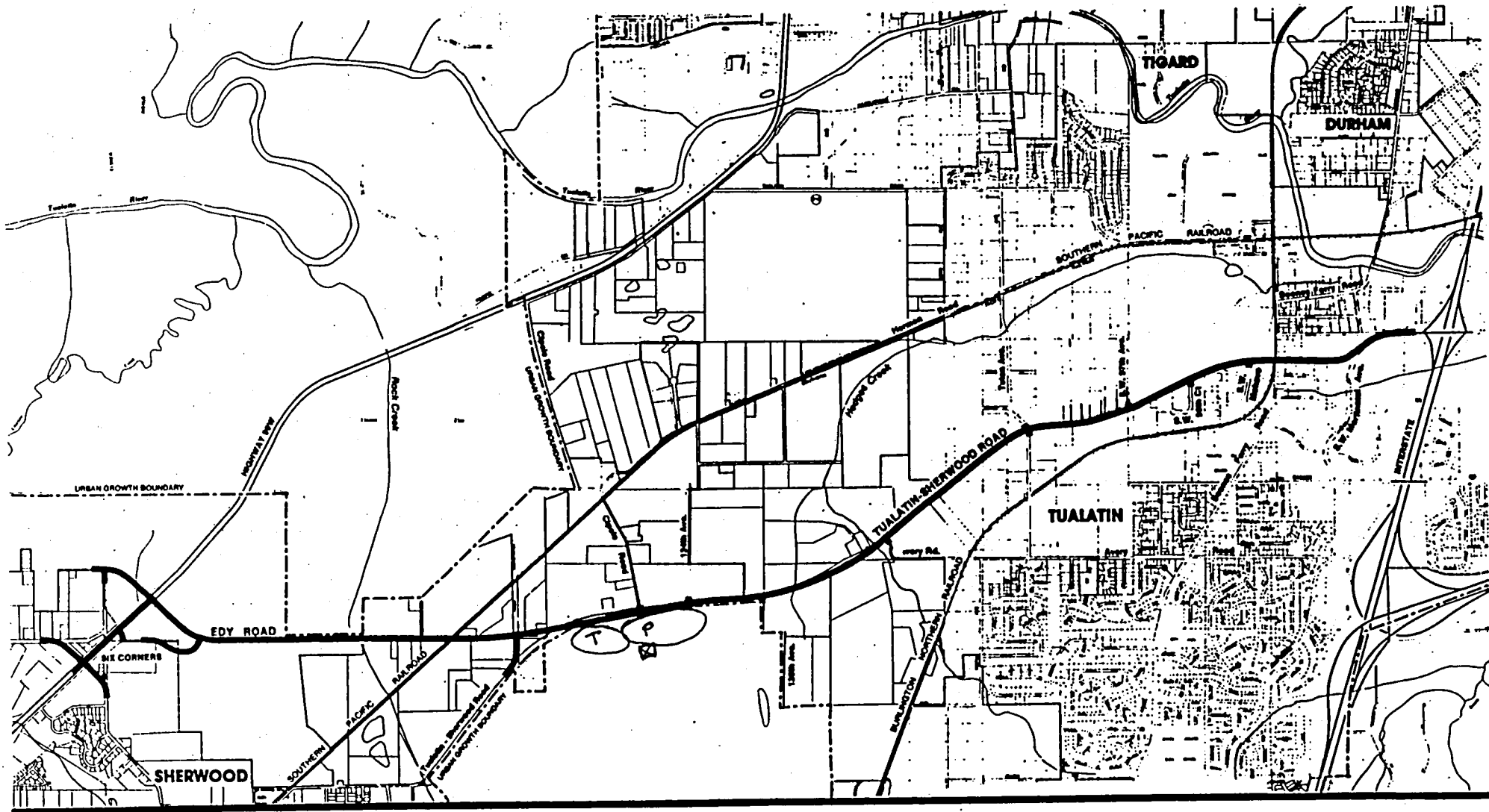
ADOPTED by the Council of the Metropolitan Service District  
this \_\_\_\_\_ day of \_\_\_\_\_, 1991.

Tanya Collier, Presiding Officer

ATTEST:

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

ES/es  
2/1/91

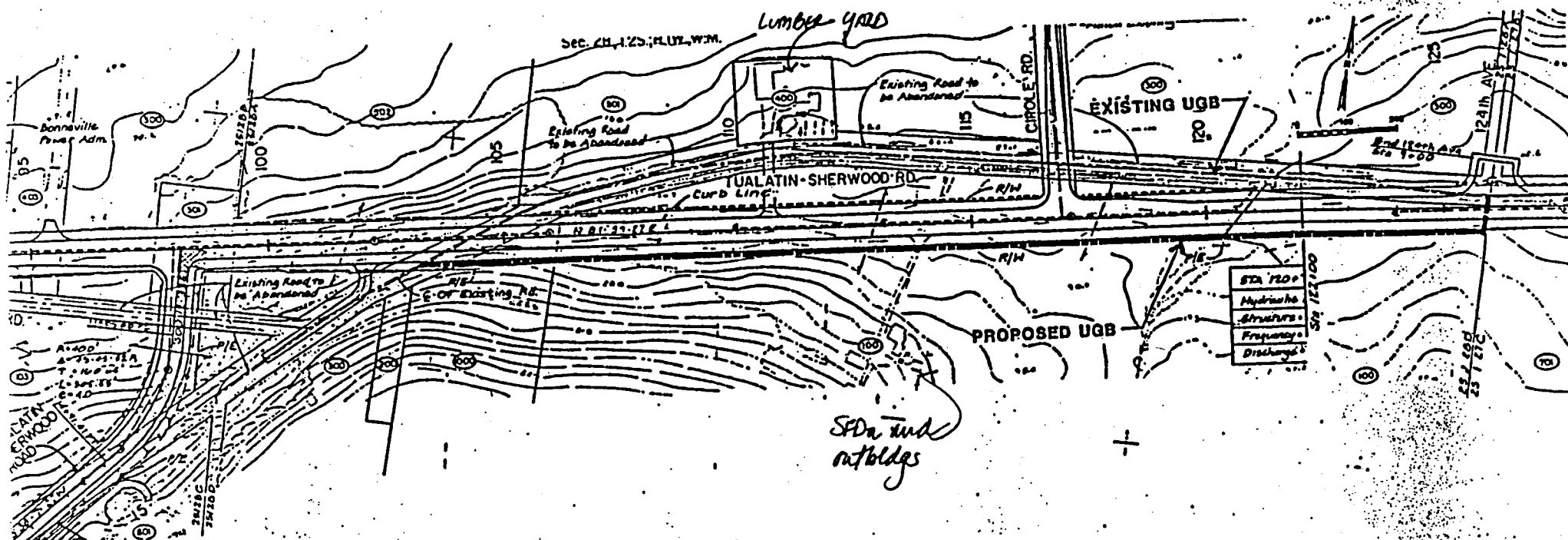


## THE BUILD ALTERNATIVE

TUALATIN-SHERWOOD/  
EDY ROAD PROJECT

CH2M HILL

2-4



**Figure 2**

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

In the matter of the petition of Washington County to amend the Urban Growth Boundary at Tualatin-Sherwood Road in Washington County	) ) ) )	<u>Contested Case No. 90-03</u>  REPORT AND RECOMMENDATION OF THE HEARINGS OFFICER
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I. PROCEDURE AND RECORD

A. History and Proceedings.

1. On or about June 29, 1990, John Rosenberger for Washington County (petitioner) filed a petition for a locational adjustment to add about 6.7 acres to the UGB. See Exhibits 6.

2. On December 6, the hearings officer mailed notice (Exhibit 3) of a hearing to consider the petition by certified mail to the owners of property within 250 feet of the Subject Property, the petitioner, CPO-5, and the Cities of Sherwood and Tualatin. The certificates of mailing are included as Exhibit 1. A notice of the hearing also was published in *The Oregonian* at least 10 days before the hearing. A notice of the hearing also was mailed to DLCD on November 6. See Exhibit 5

3. On January 3, 1991, the hearings officer held a public hearing at the Tualatin City Hall to consider the petition. Only the petitioner testified in person or writing. The hearings officer closed the public record at the conclusion of the hearing.

B. Written record.

The following documents are in the public record of this petition:

<i>Exhibit No.</i>	<i>Subject matter</i>
1	Certificate of mailing of public notices
2	List of property owners and other parties to whom notice was sent
3	Notice of public hearing
4	Memo dated December 2 from Ethan Seltzer to hearings officer
5	Notice to DLCD
6	Petition for locational adjustment

- 7 Letter of authorization from property owner
- 8 Comment from Sherwood School District
- 9 Comment from Washington County drainage agency
- 10 Comment from Washington County transportation agency
- 11 Comment from City of Tualatin re: water
- 12 Comment from City of Tualatin re: sewer
- 13 Comment from City of Sherwood re: water
- 14 Comment from City of Sherwood re: sewer
- 15 Comment from Tualatin Valley Fire & Rescue
- 16 Comment from City of Tualatin dated June 19, 1990
- 17 Comment from City of Tualatin dated December 18, 1990
- 18 Comment from Washington County Board of Commissioners
- 19 Draft Environmental Impact Statement for Tualatin-Sherwood/Edy Road
- 20 Assessment & Taxation Map 2S-1-28D
- 21 Letter from Seltzer to Jill Hinkley dated July 2, 1990

C. Responses from service providers and affected jurisdictions.

The Tualatin Fire Protection District, Cities of Tualatin and Sherwood, Washington County Board of Commissioners and its transportation and drainage agencies, and the Sherwood School District recommended approval of the petition.

**II. BASIC FINDINGS ABOUT THE SUBJECT PROPERTY & SURROUNDING AREA**

A. Location.

The land to be added, (the Subject Property), is situated south of the centerline of Tualatin-Sherwood Road from the east edge of Section 28, T2S, R1W, WM in Washington County to a point about 2100 feet west of that edge. It extends from roughly SW 124th Avenue to a point about 300 feet east of Edy Road. Sherwood is north of Tualatin-Sherwood Road west of Cipole Road. Tualatin is north of Tualatin-Sherwood Road east of Cipole Road.



#### B. Legal description.

The Subject Property is a portion of Tax Lots 100 and 1000, Section 28, T2S, R1W, WM in Washington County and the south half of Tualatin-Sherwood Road adjoining those tax lots.

#### C. Size, shape, and physical characteristics.

1. The Subject Property is an irregularly-shaped parcel about 2100 feet wide (east-west). At the east end, it narrows to about 60 feet. At the west end, it narrows to a point. In the middle, it extends about 225 feet (north-south) south of the centerline of Tualatin-Sherwood Road. It contains about 6.7 acres including the right of way.

2. The Subject Property consists generally of SCS Agricultural Class II soils, although the soils have a relatively low rating for agriculture based on the EIS (Exhibit 19, p. 4-58). The majority of the Subject Property is pasture and tilled farm land sloped less than 8%. The west end of the Subject Property contains about 1/10-acre of mature conifer trees on land sloped up to 16%.

#### D. Plan designation & zoning.

The Subject Property and adjoining land to the south and west are designated Exclusive Forest and Conservation on the Washington County Comprehensive Plan map and are zoned EFC (Exclusive Forest and Conservation District). Property to the east is designated and zoned Exclusive Farm Use and EFU, respectively. Property to the north across Tualatin-Sherwood Road is designated Industrial on the Sherwood and Tualatin Comprehensive Plans and zoned MG (General Manufacturing) and GI (General Industrial), respectively. Cipole Road divides the Sherwood and Tualatin designations and zones.

#### E. Existing and proposed uses.

1. The Subject Property is not developed with structures. It is predominantly pasture. The west 1/10-acre contains mature conifer trees in a grove that extends west and south. The north part of the Subject Property is the south half of Tualatin-Sherwood Road, a two-lane arterial street between partial gravel shoulders that carries traffic east and west between Sherwood (99W) and Tualatin (I-5).

2. The petitioner proposes to develop the south 3 acres of the Subject Property for a realignment of Tualatin-Sherwood Road as part of a redevelopment of a 4 1/2-mile section of the road from Tualatin to the 6-Corners area in Sherwood. The remainder of the road project is inside the Urban Growth Boundary (UGB). Only the Subject Property is outside the UGB. The road on the Subject Property would be widened to three lanes and would be straightened from 124th Avenue to east of Edy Road. See Exhibit 19 for a complete description of the road project.

3. About 3 acres of land that now is outside the UGB would remain north of the realigned Tualatin-Sherwood Road, including the vacated half-width right of way for the road. The petitioner does not propose specific uses, annexation and rezoning for that area. The hearings officer assumes that area would be annexed to receive sewer and water service and redesignated and rezoned for urban use.

#### F. Surrounding uses.

1. The land south and east of the Subject Property is used for agriculture. There also is a single family home south of the Subject Property on the remainder of TL 1000. The land across Tualatin-Sherwood Road to the north is used for a lumber yard, a single family home, and pasture. Land to the west is used for a single family home and timber.

2. Land south of the Subject Property is part of an area known as the Tonquin Scablands Geologic Area which consists of typically featureless basalt uplands with deep, frequently dry channels. These features were formed 10,000 to 20,000 years ago when torrential glacial meltwaters flooded the area, scouring and eroding hilltops, forming channels, and depositing a large quantity of sand and gravel.

#### G. Public services and facilities.

1. *Sewer.* The Subject Property is not served by a public sewer at this time because it is not developed with uses that require such service. However, Sherwood has an 8-inch diameter sewer line about 500 feet west of the Subject Property at Edy Road, and Tualatin has a sewer line within 1/2-mile of the Property to the east. Based on comments from Sherwood and Tualatin, both jurisdictions can provide sewer service to the portion of the Subject Property north of realigned Tualatin-Sherwood Road.

2. *Water.* There is a 12-inch diameter water line in the Tualatin-Sherwood Road right of way. This line will be vertically relocated as part of the road project, but will continue to be situated in the realigned road right of way. Based on comments from Sherwood and Tualatin, this line can provide water service to the Subject Property.

3. *Storm drainage.* Storm drainage for the Subject Property is provided by roadside ditches and culverts. As part of the road project, the petitioner will relocate the roadside ditches and culverts and enlarge them to accommodate a 50-year design storm.

4. *Transportation.* The Subject Property includes Tualatin-Sherwood Road, part of the main traffic route between Interstate-5 in Tualatin and Highway 99W in Sherwood.

a. That road has and will have problems:

(1) Peak hour traffic volume on Tualatin-Sherwood Road at the Subject property will grow 53% from 10,800 vehicles to 16,500 vehicles by 1998.

(2) The Level of Service (LOS), a measure of traffic movement through intersections, will drop to a level "F" on Tualatin-Sherwood Road where it crosses the Subject Property (e.g., at Cipole Road). LOS "F" is unacceptable, based on Washington County and Metro standards.

(3) There are no pedestrian, bicycle or emergency pull-off features on this section of the road, creating hazardous conditions for pedestrian, bicycle and vehicular traffic.

(4) The intersection of Tualatin-Sherwood Road and Edy Road west of the Subject Property is atypical: through traffic has to stop; traffic continuing to Sherwood has a continuous right turn; traffic entering Tualatin-Sherwood Road from Sherwood must cross through traffic. Traffic must make unusual movements at that intersection, creating a potential traffic hazard. This potential is compounded by its location in the shade of tall conifer trees to the south; winter weather conditions make the intersection quick to freeze and slow to thaw.

b. If the Subject Property is included in the UGB and the road project is completed, then Tualatin-Sherwood Road will be straightened and widened, improved shoulders will be provided for bicycles and pedestrians, and the intersection with Edy Road will be redesigned to avoid unusual traffic movements.

c. Reasonable alternatives to the proposed realignment of Tualatin-Sherwood Road on the Subject property do not exist, because of the relationship of the road sections to the east and west, existing infrastructure, and existing land uses.

(1) The petitioner has improved the road section east of the site with a 3- to 5-lane section, curbs, storm sewers and sidewalks. The east end of the road approach cannot be relocated.

(2) To the west of the Subject Property, the petitioner wants to remedy the Edy Road/Tualatin-Sherwood Road intersection so that through traffic continues without an unusual turning movement and secondary traffic stops at an intersection of streets that join at a 90° angle. The petitioner's alternatives are constrained by two existing sets of structures. One constraint is an at-grade railroad crossing west of the Edy Road intersection. The petitioner cannot move the rail line and should cross the railroad at as near a 90° angle as possible to provide the most sight distance. Another constraint is a set of power lines and associated towers west of the Edy Road intersection. The petitioner must maintain a certain minimum clearance between the power lines (at the midpoint between towers where they sag most) and the road to prevent arcing or other problems. Moving power line towers to increase vertical separation would cost \$1/2 million, assuming two towers have to be moved, and would take years to accomplish. This limits the practicable intersection location to a small horizontal envelope. Beneath the Subject Property is a major interstate petroleum line. This precludes excavating to increase the distance between the grade of the road and the power lines.

(3) The speed limit of the road is 50 to 55 miles per hour. Given that speed limit, drivers' expectation that the road will continue to allow that speed, and constraints noted above, there is not enough room to provide a safe transition into and out of an S-curve connecting Tualatin-Sherwood Road to the east and a realigned Edy Road intersection to the west if limited to land already in the UGB. A safe transition requires a super elevated roadway (i.e., a roadway with lanes sloped to use centrifugal force to help hold vehicles on the road) of a certain length given the speed of traffic on the road. It is

possible to reduce speed limits and reduce the length of the transition, but that would be contrary to drivers' expectations and may lead to speeding or other unsafe practices. A more northerly location would have a sharper angle with the railroad line, would conflict with power line clearance minimums, and would adversely affect the lumber yard and home to the north.

5. *Fire protection.* The Subject Property is in the Tualatin Fire Protection District and can be served by district facilities, based on Exhibit 15.

6. *Schools.* The Subject Property is in the Sherwood School District. Granting the petition would not affect school services, because the site is not used for a residential purpose. No change in school district boundaries are planned or reasonably expected as a result of granting the petition.

### III. APPLICABLE APPROVAL STANDARDS

#### A. Background.

1. The UGB is intended to accommodate urban growth through the year 2000. But changes can be made in either of two ways. One method involves Major Amendments, which generally results in a change of more than 50 acres in the UGB. To obtain approval of a Major Amendment, a petitioner generally must show the change complies with all Statewide Planning Goals and fills a regional need for urban land, among other standards.

2. The other way to change the UGB is called a locational adjustment. Metro Ordinance No. 81-105, codified in Metro Code Chapter 3.01, provides that a locational adjustment may be warranted where a patent mistake was made when the UGB was drawn, where the addition uniquely facilitates development of land already in the UGB, where the addition of two acres or less would make the UGB coterminous with property lines, or where other conditions warrant the addition based on standards in that ordinance. The need for more land in the urban area is not relevant to a request for a locational adjustment.

a. A locational adjustment cannot add more than 50 acres of land to the UGB. To prevent contiguous, incremental amendments from exceeding the 50 acre maximum, a locational adjustment cannot add more than 50 acres including all similarly situated land.

b. It is assumed that a change of 50 acres or less in the region would not have a perceptible effect on the efficiency of major public facilities, considering the population base and area for which major public facilities are designed. However all land in the UGB is intended to be developed for urban uses. If 50 acres is added to one part of the UGB, it is assumed it would supplant development of a comparable size area or combination of areas elsewhere in the UGB. This could affect the efficiency of public services and increase energy consumption and air pollution associated with travel in the region. That is, there would be costs and potential service inefficiencies because public facilities would be available to serve land in the UGB that would not be developed because other land is added to the UGB and developed instead, and there would be costs to serve the land that is added.

c. To ensure the effect of adding land to the UGB is warranted despite the potential service inefficiencies elsewhere in the region, Ordinance 81-105 requires Metro to consider whether the addition of a given area to the UGB would increase the efficiency of public services and facilitate development inside the existing UGB. If so, then the benefit from adding the land can outweigh the cost that may accrue from not developing a comparable area or areas inside the UGB.

d. The larger the size of the area to be added, then the greater the cost that may accrue from not developing a comparable area or areas inside the UGB. The cost of leaving a 10 acre or smaller parcel inside the UGB vacant is so small that it is not significant if, as a result of adding a comparable size area to the UGB, any benefit accrues to land in the UGB abutting the land to be added.

e. Statewide Planning Goal 3 (Agriculture) is intended to protect agricultural land. The UGB is one way to fulfill that goal by clearly delineating urban and nonurban areas. The locational adjustment standards reflect this priority by allowing agricultural land to be included in the UGB only under very limited circumstances.

**B. Locational Adjustment standards.** The relevant standards for addition of land to the UGB, contained in Metro Code Section 3.01.040(a), are as follows.

(a) As required by subsections (b) through (d) of this section, Locational Adjustments shall be consistent with the following factors:

(1) *Orderly and economic provisions of public facilities and services.* A Locational Adjustment shall result in a net improvement in the efficiency of public facilities and services, including but not

limited to, water, sewerage, storm drainage, transportation, fire protection and school in the adjoining areas within the UGB; and any area to be added must be capable of being served in an orderly and economical fashion.

(2) *Maximum efficiency of land uses.* Considerations shall include existing development densities on the area included within the amendment, and whether the amendment would facilitate needed development on adjacent existing urban land.

(3) *Environmental, energy, environmental and social consequences.* Any impact on regional transit corridor development must be positive and any limitations imposed by the presence of hazard or resource lands must be addressed.

(4) *Retention of agricultural land.* When a petition includes land with Class I-IV soils that is not irrevocably committed to non-farm use, the petition shall not be approved unless it is factually demonstrated that:

- Retention of the agricultural land would preclude urbanization of an adjacent area already inside the UGB, or
- Retention of the agricultural land would prevent the efficient and economical provision of urban services to an adjacent area inside the UGB.

(5) *Compatibility of proposed urban uses with nearby agricultural activities.* When a proposed adjustment would allow an urban use in proximity to existing agricultural activities, the justification in terms of factors (1) through (4) of this subsection must clearly outweigh the adverse impact of any incompatibility...

(d) Petitions to add land to the UGB may be approved under the following conditions:

(2) ... the proposed UGB must be superior to the UGB as presently located based on consideration of the factors on subsection (a). The minor addition must include all similarly situated contiguous land which could also be appropriately included within the UGB as an addition based on the factors in subsection (a).

#### IV. FINDINGS AND CONCLUSIONS APPLYING APPROVAL STANDARDS TO THE CASE

##### A. Provision and efficiency of public facilities and services (§ 3.01.040(a)(1)).

1. *Water.* The Subject Property can be served by public water, based on finding IIG2. Inclusion of the Subject Property in the UGB has no effect on the efficient delivery of sewer services inside the UGB, because of its small size.

2. *Sewer.* The Subject Property can be served by a public sewer system, based on finding IIG1. Inclusion of the Subject Property in the UGB has no effect on the efficient delivery of sewer services inside the UGB, because of its small size.

3. *Storm drainage.* Storm water from the Subject Property will be directed to improved drainage features included in the realigned right of way. This provides a timely and efficient way to manage storm water. Including the Subject Property in the UGB enables improvement of the storm drainage system along Tualatin-Sherwood Road including land already in the UGB. That increases the efficiency of storm drainage in the vicinity.

4. *Transportation.* The Subject Property does and will contain a portion of Tualatin-Sherwood Road. Including the Subject Property in the UGB increases the efficiency of the road by facilitating improvements that increase its safety and capacity and thereby providing for increased traffic speed and volume to land already in the UGB.

5. *Fire protection.* The Subject Property can be served with fire protection services, based on finding IIG5. Including the Subject Property in the UGB results in more efficient fire protection services to land already in the UGB, because it improves the speed and safety with which emergency vehicles can travel on Tualatin-Sherwood Road.

6. *Schools.* Granting the petition will not affect school services, because the Subject Site is not used for residences. Including the Subject Property in the UGB results in more efficient school bus service to land already in the UGB, because it improves the safety with which buses can travel on Tualatin-Sherwood Road.

**B. Land use efficiency (§ 3.01.040(a)(2)).**

Granting the petition would be consistent with promoting the maximum efficiency of land uses by facilitating road improvements that increase the safety and maintain the speed of access to property already in the UGB between Tualatin and Sherwood without requiring otherwise unwarranted relocation of high power electric transmission lines, a railroad crossing, or an underground petroleum pipeline. Unless the Subject property is included in the UGB and the road is realigned, traffic will exceed the capacity of the road



leading to inefficient travel. That will reduce the attractiveness of the adjoining urban land for development for purposes for which it is zoned.

C. Environmental, energy, economic and social consequences (§ 3.01.040(a)(3)).

1. The Subject Property is not in or near a Regional Transportation Corridor identified in Metro's Regional Transportation Plan. Therefore it does not have any impact on public mass transit demand. It does, however, increase the efficiency and safety of potential future transit connecting urban destinations in the region.

2. The Subject Property does not include any natural hazards or historic resources. Therefore, its inclusion in the UGB and proposed development is not affected by those resources or hazards. An historic single family dwelling identified in Exhibit 19 (p. 4-62) does not qualify for listing on the National Registry and will be buffered from development on the Subject Property by a substantial distance.

3. The Subject Property does contain SCS Agricultural Class II soils and land in use for farm and forest purposes. These soils will be lost from agricultural and forest use if the Subject Property is included in the UGB. However, the area lost is relatively small. Also the road to be built along the south edge of the Subject Property will help separate urban to the north from nonurban land to the south. This minimizes the potential for adverse effects from urban development on resource land to the south. Including the Subject Property in the UGB does not appreciably increase access to resource land, because Tualatin-Sherwood Road already exists on the north edge of the Subject Property.

4. The road to be built along the south edge of the Subject Property will help separate urban to the north from the Scabland Geologic Area to the south.

5. Including the Subject Property in the UGB facilitates a road improvement that helps reduce energy consumption for motor vehicle travel and reduces air contaminants from vehicles by reducing engine idling due to a poor LOS and by providing pedestrian and bicycle facilities that reduce reliance on motor vehicles.

D. Agricultural land (§ 3.01.040(a)(4) and (5)).

1. The Subject Property contains Class II soils and is not irrevocably committed to non-farm use. Retention of the Subject Property as agricultural would preclude the efficient and economical provision of an arterial road for, and therefore urbanization of, land within the UGB, based on the discussion of alternatives in finding IIG4c.

2. There are agricultural uses east and south of the site. Urban use of the Subject Property is compatible with those agricultural uses, because the realigned road will separate urban uses on the Subject Property from resource uses to the south and east and will not increase access to resource lands. The increased efficiency with which the realigned road will provide transportation services, and resulting positive energy and air quality effects, clearly outweigh the adverse impacts due to loss of roughly 5 acres of resource land and to the potential increased traffic volume on Tualatin-Sherwood Road.

E. Superiority of proposed UGB & similarly situated land (§ 3.01.040(d)).

1. Granting the petition would result in a superior UGB, because it would facilitate improvement of the regional transportation network, benefitting land already in the UGB with improved urban emergency service delivery, energy efficiency, and air quality.

2. The petition includes all similarly situated land. The Subject Property is bounded on the south by the south edge of the proposed right of way. The right of way distinguishes the Subject Property from adjoining land to the south.

**V. CONCLUSIONS AND DECISION.**

A. Public services and facilities, including water, sewer, storm drainage, transportation, schools, and police and fire protection, can be provided to the Subject Property in an orderly and economical fashion.

B. Addition of the Subject Property would result in an improvement in the efficiency of public transportation services, because it enables the safe and efficient realignment of Tualatin-Sherwood Road.

C. The subject property is classified as resource land, but qualifies for inclusion in the UGB, because of its small size, lack of adverse effects on resource land in the vicinity, and compatibility with resource uses in the vicinity, and because of the merits of realigning Tualatin-Sherwood Road.

D. The petition includes all similarly situated contiguous land outside the UGB.

E. The proposed UGB is superior to the existing UGB, based on consideration of the factors in § 3.01.040(a).

F. For the foregoing reasons, the Hearings Officer recommends that the Metro Council approve the petition in Contested Case 90-03 and adopt a Resolution of Intent to amend the UGB to include the Subject Property.

Dated this 18th day of January, 1991.

  
Larry Epstein, Hearings Officer

CONTESTED CASE NO. 90-3 .

CASE RECORD - EXHIBITS

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL

PS Form 3877, Sept. 1986

NAME AND ADDRESS OF SENDER		LARRY EPSTEIN, P.C. Attorney At Law 722 SW Second Avenue Suite 400 PORTLAND, OREGON 97204 (503) 223-4855		Indicate type of mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Insured <input type="checkbox"/> COD <input type="checkbox"/> Certified <input type="checkbox"/> Express Mail		Check appropriate block for Registered Mail: <input type="checkbox"/> With Postal Insurance <input checked="" type="checkbox"/> Without Postal Insurance		Affix stamp here if issued as certificate of mailing or for additional copies of this bill. POSTMARK AND DATE OF RECEIPT				
Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regis.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee
1	397437 224	KELLY SAMPSON CPOS 22360 SW 108th TUALATIN 97062	25	85								
2	" 225	MARK BROWN BLUT 155 N 1ST ST HUSBORO 97124										
3	" 226	JIM RAPP 90 NW PARK ST SHERWOOD 97140										
4	" 227	STEVE RHODES PO BOX 369 TUALATIN 97062										
5	" 228	WILL & MARY YOUNG 20605 SW CIPOLLE RD SHERWOOD 97140										
6	" 229	MARK & JULIE CHOLSTON 13450 SW TUALATIN RD SHERWOOD 97140										
7	" 230	ROBERT RONALD ENDICOTT 12200 SW MYSLONY RD SHERWOOD 97140										
8	" 231	RAY ORR 12900 SW TUALATIN RD SHERWOOD 97140										
9	" 232	WASH. CO 155 N 1ST ST HUSBORO 97124										
10	" 233	ALLO DEV. CO PO BOX 1037 HUSBORO 97070										
11	" 234	MAC EQUIPMENT % WIM YOUNG PO BOX 278 TUALATIN 97062										
12	" 235	YOUNG HERITAGE % NORAK RT 1 BOX 9 BE WOODLAND, MA 98674										
13	" 236	WILL & MARY YOUNG % MARSHALL CO PO BOX 278 TUALATIN 97062										
14	" 237	ALFRED CHAVEZ 460 COCHRAN DR SHERWOOD 97140										
15	" 238	MARGARET LINDA THOMPSON 12350 TUALATIN RD TUALATIN 97062										
Total Number of Pieces Listed by Sender 15		Total Number of Pieces Received at Post Office Fifteen		POSTMARK (Name of receiving employee) PORTLAND, OREGON SEP 6 1990 USPS		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD, \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.						

Case # 90-3 Exhibit # 1  
 Offered by METRO  
 Date received 12/6/90 By LE  
 METRO HEARINGS OFFICER

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1988

FOR REGISTERED, INSURED, C.O.D., CERTIFIED, AND EXPRESS MAIL  
PS Form 3877, Sept. 1986

NAME AND ADDRESS OF SENDER



**LARRY EPSTEIN, P.C.**

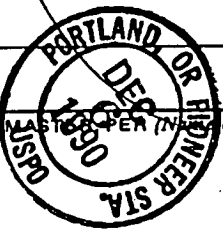
Attorney At Law  
722 SW Second Avenue Suite 400  
PORTLAND, OREGON 97204  
(503) 223-4855

Indicate type of mail  
☒ Registered  
☐ Insured  
☐ COD  
☐ Certified ☐ Express Mail

Check appropriate block for Registered Mail:  
☐ With Postal Insurance  
☒ Without Postal Insurance

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (If Regs.)	Insured Value	Due Sender If C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	397437239	EARL FLORIS ITTEL 12155 TUALATIN RD SHERWOOD 97062	25	85									
2	" 240	MICHAEL ITTEL 20900 SW 120th AVE TUALATIN 97062											
3	" 241	WYOP THAENKACH 11340 SW TUALATIN RD SHERWOOD 97140											
4	" 242	EARL ITTEL 12155 TUALATIN RD TUALATIN 97062											
5													
6													
7													
8													
9													
10													
11													
12													
13													
14													
15													
Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office	POSTMASTER PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$500 for COD and \$500 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.								
4		Four											

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN

U.S. GOVERNMENT PRINTING OFFICE: 1988 197-

**METROPOLITAN SERVICE DISTRICT**  
2000 S.W. First Avenue

Portland, OR 97201  
(503) 221-1646

FAX Number  
(503) 241-7417

Case # 90-3 Exhibit # 2  
Offered by MEMO  
Date received 12/3/90 By LE  
METRO HEARINGS OFFICER

**PLEASE DELIVER THE FOLLOWING MATERIAL AS SOON AS POSSIBLE:**

DATE: 12/3/90

TO: LARRY EPSTEIN / FAX# 225-7365

COMPANY: \_\_\_\_\_

FROM: ETAN SEITZ

EXT. 537

SUBJECT: CASE 90-3 NOTIFICATION

# OF PAGES (including this page): 2

**PLEASE NOTIFY IMMEDIATELY IF NOT RECEIVED PROPERLY**

COMMENTS:



**METRO**

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

# Memorandum

December 3, 1990

To: Larry Epstein

From: Ethan Seltzer

Re: Notification List for Contested Case No. 90-3: Washington County

Please add the following people to the notification list for Case No. 90-3:

Kelly Sampson  
CPO-5  
22360 SW 108th  
Tualatin, OR 97062

Mark Brown, Senior Planner  
Washington County DLUT  
155 North First Avenue  
Hillsboro, OR 97124

Jim Rapp, City Manager  
City of Sherwood  
90 NW Park Street  
Sherwood, OR 97140

Steve Rhodes, City Manager  
City of Tualatin  
P.O. Box 369  
Tualatin, OR 97062

Thanks!



**NOTICE OF PUBLIC HEARING**  
**METROPOLITAN SERVICE DISTRICT**

Thursday, January 3, 1991, at 1:30 pm in the Tualatin City Council Chambers, 18880 SW Martinazzi Avenue, Tualatin, Oregon, the Metropolitan Service District (Metro) will hold a public hearing on petition Number 90-3 to include approximately 6.7 acres within the Portland Metropolitan Area Urban Growth Boundary (UGB) (SEE ATTACHED MAP).

The petitioner, Washington County, has requested a locational adjustment of the UGB, a specific land use action included in the Metro Code. The property is comprised of portions of two tax lots located south of the existing alignment of Tualatin-Sherwood Road at its intersection with Cipole Road. The purpose for the proposed amendment of the UGB is to accommodate the improvements planned for the Tualatin-Sherwood-Edy Road Project. The legal description is 6.7 acres total drawn from the northern portions of Tax Lots 100 and 1000, T2S, R1W, Section 28D. The present zoning is EFC, as described in the Washington County comprehensive land use plan.

**BACKGROUND**

Under ORS 268.390 Metro is responsible for management of the Urban Growth Boundary for the Portland metropolitan area consistent with the Statewide Planning Goals adopted by LCDC. LCDC Goal 14 (Urbanization) lists seven factors that must be considered when an urban growth boundary is amended, and also requires compliance with the standards and procedures for taking a goal exception, as listed in Goal 2 (Land Use Planning).

Metro has adopted standards and procedures for smaller adjustments to its Urban Growth Boundary that LCDC has acknowledged for compliance with the requirements of Goal 14 and Goal 2. These standards and procedures are contained in Chapter 3.01 of the Metro Code and apply to this case. The purpose of these minor "locational adjustments" of the UGB are to recognize instances where a small addition of land to the urban area, through the relocation of the UGB, can technically make the location of the UGB better serve the needs of land already designated for urban uses. In this case, petitioner Washington County asserts that such an amendment of the urban growth boundary is warranted because of the contribution that the subject property can make to resolving existing and future urban service needs in the vicinity.

Copies of the applicable code sections and the standards for locational adjustments are available from Metro staff.

**HEARING**

The hearing will be conducted before attorney, Larry Epstein, who has been designated as Hearings Officer by the Metro Council.

Notice for Hearing on Metro UGB Case 90-3 - page 2

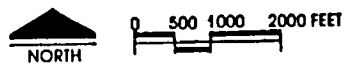
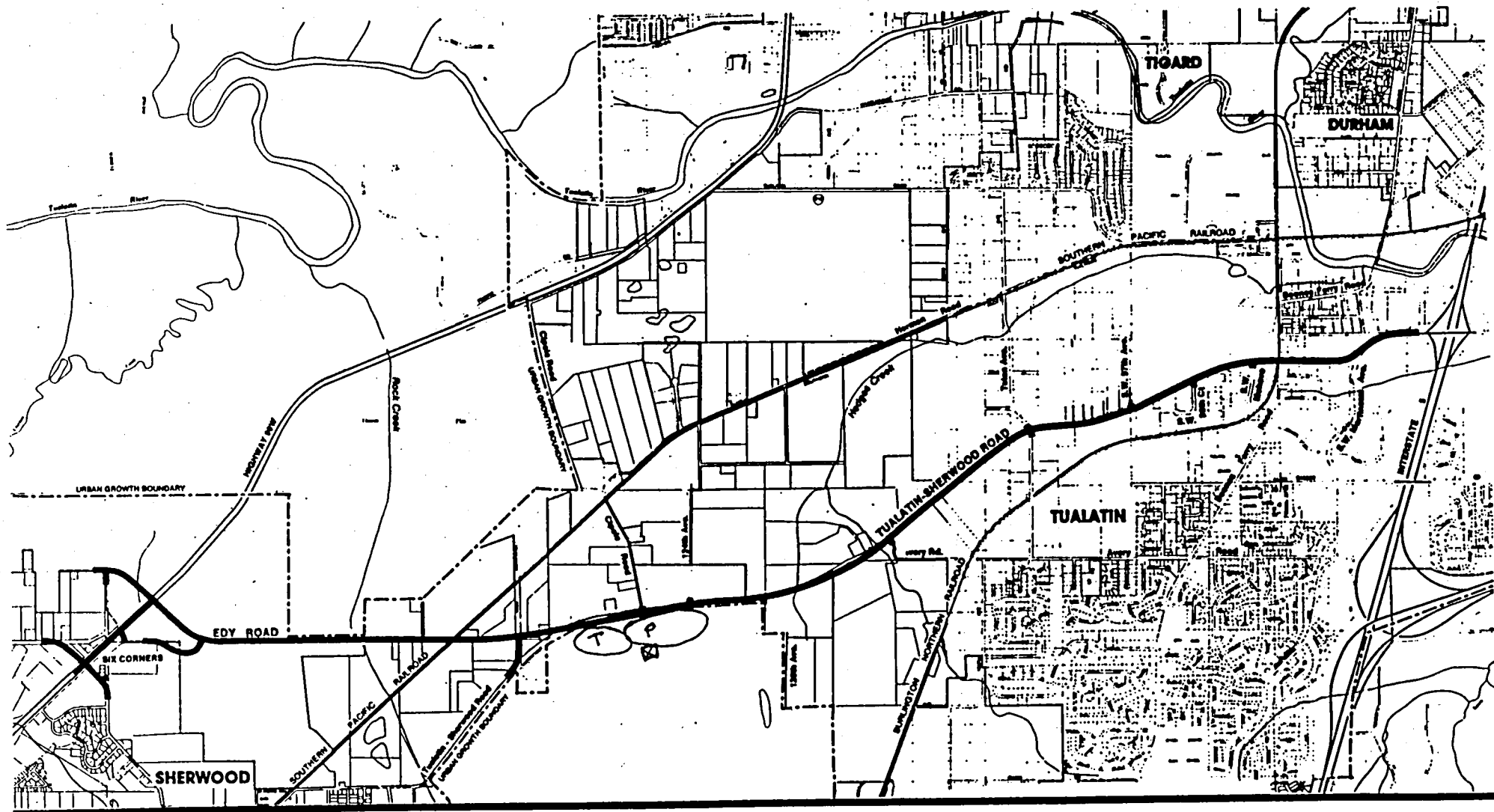
Procedures for the hearing are those set forth in Metro Code Chapters 2.05 and 3.01. Following the close of the hearing record, the Hearings Officer will prepare a written report and recommendation to the Metro Council recommending that the application be approved or denied. Thereafter, the Council will hold a public meeting and either approve or deny the application or remand the matter to the Hearings Officer for further proceedings. Parties at the hearing may, but need not, be represented by an attorney.

In order to have standing in this case, both before the Metro Council and later, should an appeal result, you must either testify at the hearing or submit written comments to the Hearings Officer prior to the close of the hearing record. Therefore, not participating at this stage of the process could effect your ability to participate at a later date.

The hearing will commence promptly at 1:30 pm and continue until completed. Interested persons may submit additional testimony orally or in writing. Please address written testimony to Larry Epstein, Attorney at Law, 722 SW Second Avenue, Suite 400, Portland, OR 97204. Depending upon the number of persons wishing to testify, the Hearings Officer may impose time limits on testimony. The Hearings Officer may continue the hearing without further notice.

FOR MORE INFORMATION...

For further information about this case, about the standards for approving the request, or about any aspect of the proceeding, please contact Ethan Seltzer, Land Use Coordinator, at the Metropolitan Service District, 2000 S.W. First Avenue, Portland, Oregon 97201-5398, telephone 220-1537. Copies of a summary of hearing procedures and of the standards of approval will be mailed upon request, and will be available at the hearing. Other relevant materials may be copied and mailed at cost, or may be reviewed at the Metro Office.

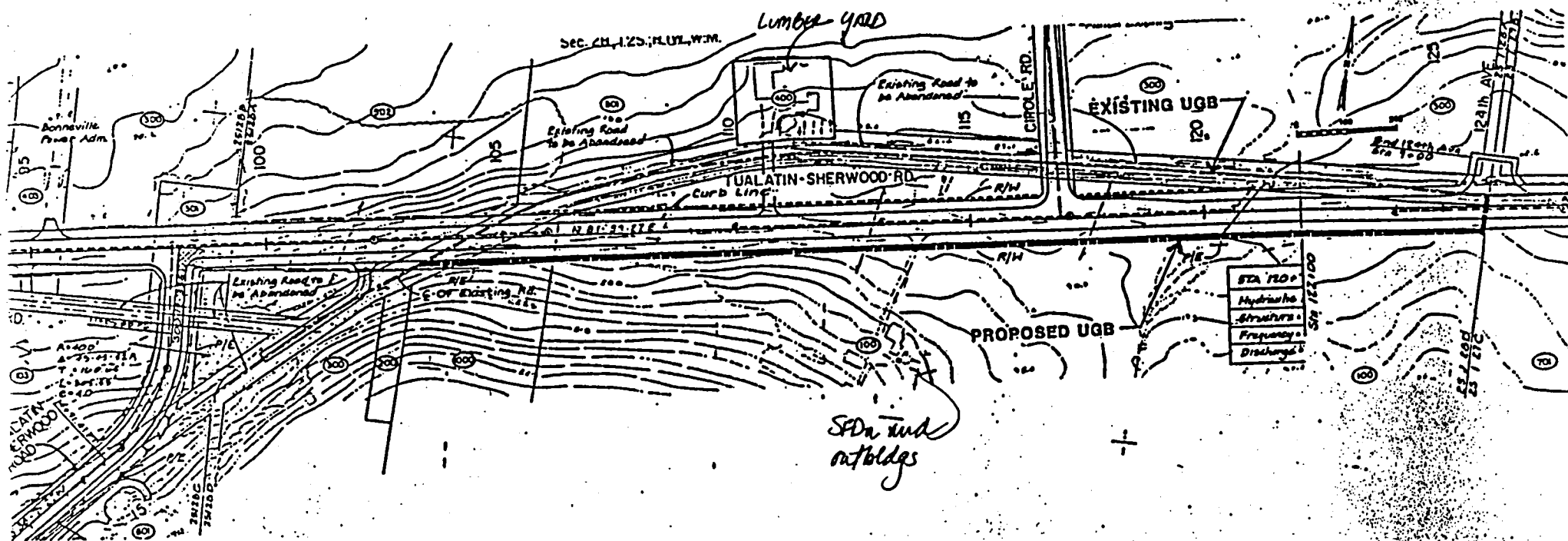


## THE BUILD ALTERNATIVE

TUALATIN-SHERWOOD/  
EDY ROAD PROJECT

CH2M HILL

2-4



**Figure 2**



**METRO**

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

# Memorandum

Case # 90-3 Exhibit # 4  
Offered by METRO  
Date received 12/3/90 By UE  
METRO HEARINGS OFFICER

December 2, 1990

To: Larry Epstein, Hearings Officer  
From: Ethan Seltzer, Land Use Coordinator  
Re: STAFF REPORT ON CONTESTED CASE NO. 90-3, PETITION FROM  
WASHINGTON COUNTY FOR A LOCATIONAL ADJUSTMENT OF THE  
URBAN GROWTH BOUNDARY

Petitioner requests the addition of approximately 6.7 acres located south of the existing alignment of Tualatin-Sherwood Road at its intersection with Cipole Road. To be approved, the petitioner must demonstrate compliance with the standards in Metro Code Section 3.01.040.

Locational adjustments are meant to be small scale, technical adjustments to the Urban Growth Boundary (UGB). They are a device used to adjust the boundary when a mistake was made in the original drawing of the boundary line, when the addition of a small acreage will uniquely facilitate the development of lands adjacent to the proposed addition and already in the UGB, or the addition involves an addition of two acres or less intended to make the UGB coterminous with property lines. In any case, the need for the property in the UGB is not a factor in judging the suitability of the proposed addition.

In brief, a successful demonstration of compliance with the standards must show that the adjustment will:

--result in a net improvement in the efficiency of the delivery of public facilities and services in adjoining areas within the UGB, and that the land in question itself can be served in an orderly and economic manner;

--lead to maximum efficiency of land uses;

--positively relate to any regional transit corridors and positively address any limitations imposed by the presence of hazard or resource lands;

--retain agricultural land when the petition involves lands for which no exceptions to goals 3 and 4 have been granted; and

--be compatible with nearby agricultural uses, or show why adherence to all the other conditions clearly outweigh any incompatibility.

In addition, a locational adjustment adding land to the UGB must be for less than 50 acres and must include within its boundaries all similarly situated contiguous lands, in order to avoid the piecemeal expansion of the UGB through a series of contiguous locational adjustments.

I have reviewed the materials submitted by the petitioner and would like to direct your attention to the following issues for further examination during the hearing on this matter, scheduled for January 3, 1991:

1) Appropriateness - As a general comment, this petition exemplifies that way in which the locational adjustment process should work. The petition stems from a road project that has been extensively reviewed by the petitioner, both in terms of petitioner's comprehensive plan as well as in coordination with the plans of Sherwood and Tualatin. Alternatives to meeting the service needs of the County other than through a UGB amendment were evaluated. Only the land needed to accomplish the service objective is included in the petition. This kind of analysis and the linkage to comprehensive land use plans is an appropriate use of the locational adjustment process.

2) Proposal involves rural lands not excepted from Statewide Planning Goals 3 and 4 - The locational adjustment process was intentionally designed to be very protective of agricultural and forest resource lands. Care was taken to ensure that the process not become a "backdoor" exceptions process for rural resource lands adjacent to the urban growth boundary, or lead to the exacerbation or creation of conflicts with existing agricultural practices. At hearing, petitioner should be requested to:

- a) explain the role that the petition and the approximately 2000 feet of realigned road plays in the overall Tualatin-Sherwood-Edy Road Project;
- b) explain the consequences to the entire Tualatin-Sherwood-Edy Road project of not making the amendment;
- c) comment on the shortcomings of the alternative alignments not selected for meeting the overall project objectives; and
- d) describe the reasons why such a realignment requires an amendment of the urban growth boundary.

Please feel free to contact me should you have any questions. I have furnished a copy of this staff report to the petitioner.

# NOTICE OF PROPOSED

Must be sent to DLCD 45 days prior to  
See OAR 660-18-020

Case # 90-3 Exhibit # 5  
Offered by MDMD  
Date received 12/3/90 By LG  
METRO HEARINGS OFFICER

Jurisdiction Metro

Date Mailed 11/7/90 Local File Number 90-3

Date Set for Final Hearing on Adoption January 3 1991  
Month Day Year

Time and Place for Hearing 1:30 PM Tualatin City Council Chambers  
18880 SW Martinazzi Ave., Tualatin

Type of Proposed Action (Check all that apply)

☒ Comprehensive  
Plan Amendment

☐ Land Use  
Regulation Amendment

☐ New Land Use  
Regulation

Please Complete (A) for Text Amendments and (B) for Map Amendments

A. Summary and Purpose of Proposed Action (Write a brief description of the proposed action. Avoid highly technical terms and stating "see attached"):

Action on petition for locational adjustment of Metro's Urban  
Growth Boundary to add 6.7 acres to facilitate the realignment of  
Tualatin-Sherwood-Edy Road in the vicinity of its intersection with  
Cipole Road.

B. For Map Amendments Fill Out the Following (For each area to be changed, provide a separate sheet if necessary. Do not use tax lot number alone.):

Current Plan Designation:

Rural

Proposed Plan Designation:

Urban

Current Zone:

EEC

Proposed Zone:

N/A

Location: T2S, R1W, Section 28D, TL 100 and 1000.

Acreage Involved: 6.7

Does this Change Include an Exception? Yes ☒ No

For Residential Changes Please Specify the Change in Allowed Density in Units Per Net Acre:

Current Density:

Proposed Density:



**List Statewide Goals Which May Apply to the Proposal:**

Metro takes the position that Goals 1, 2, 3, and 4 do not apply directly to locational adjustment proposals, but only through the standards and procedures adopted in Chapter 3.01 of the Metro Code, which has been

List any State or Federal Agencies, Local Government or Local Service Districts which may be interested in or impacted by the Proposal:

Washington County, City of Sherwood, City of Tualatin, ODOT.

**Direct Questions and Comments To: Ethan Seltzer, Land Use Coordinator**

Metro, 2000 SW First Avenue

Portland, OR 97201

(Phone) 220-1537

**Please Attach Three (3) Copies of the Proposal to this Form and Mail To :**

Department of Land Conservation and Development  
1175 Court Street, N.E  
Salem, Oregon 97310-0590

**NOTE:** If more copies of this form are needed, please contact the DLCD office at 373-0050, or this form may be duplicated on green paper. Please be advised that statutes require the "text" of a proposal to be provided. A general description of the intended action is not sufficient. Proposed plan and land use regulation amendments must be sent to DLCD at least 45 days prior to the final hearing (See OAR 660-18-020).

**\* \* \* FOR DLCD OFFICE USE \* \* \***

DLCD File Number \_\_\_\_\_ # Days Notice \_\_\_\_\_

<pa>proposedform



Petition for Locational Adjustment  
Metro's Urban Growth Boundary (UGB) (check)☒ addition ☐ removal

Note:

To add land in one location and remove land in another,  
please complete one form for the addition and another for  
the removal.

## 1. a. Petitioner's name and address:

Brent Curtis, Planning Manager  
WASHINGTON COUNTY, Dept of Land Use & Transportation  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
Phone number: 640-3519b. Contact person, if other than petitioner (consultant or  
attorney) or if petitioner is a local government:JILL HINCKLEY  
419 SE 15TH  
PORTLAND, OREGON 97214  
Phone number: 234-2113

## 2. What is petitioner's interest in the property:

- ☒
- Property Owner
- 
- ☐
- Contract Buyer
- 
- ☐
- Option to buy
- 
- ☐
- Other legal interest (Specify:
- 
- )
- 
- ☒
- Local government

3. County in which property is located: WASHINGTON4. If the locational adjustment requested were approved, would you  
seek annexation to (or de-annexation from) a city?       

- ☐
- Yes, the City of
- 
- 
- ☒
- No

5. Description of properties included in the petition (list each  
lot individually and attach a copy of the appropriate tax  
assessor's map(s)):

- a. Legal Description
- 
- (Township, Range,
- 
- Section, Lot):

T2S R1W Section 28D  
Tax Lots 100 & 1000

b. Acres: 6.7

c. Owner's Name Same  
& Address  
(Mark "Same"  
if same as  
petitioner):

d. Improvements Tualatin Sherwood Road runs from centerline over  
on property about 1 acre.  
(e.g., none,  
one single  
family dwelling,  
barn, gas station,  
etc.):

Attach additional sheets as needed.

6. a. What sewerage facilities currently serve the property?

☒ None, all land is vacant

☐ Package sewage treatment plant

☐ Sewer Line to public system

☐ Septic Tank

b. If septic tanks, have any septic tanks in the area failed?

☐ Yes, (Explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_)

☐ No

7. How close is the nearest sewer trunk? 500'

8. a. Are additional sewer trunks for the area planned?

☐ Yes

☒ No

b. If yes, how close to the property would planned  
sewer lines run? \_\_\_\_\_

9. How is water provided to the property?

☐ Private Well

☐ inch water line provided by \_\_\_\_\_  
(city or water district)

☒ No water provided

10. How close is the nearest water main? at site
11. a. Are additional water mains for the area planned?  
       Yes      X No
- b. How close to the property would planned water lines run?
12. Are there any natural or man-made boundaries to development running along or near your property (rivers, cliffs, etc.)?  
       Yes (Describe: \_\_\_\_\_)  
Mark location on assessor's map or attach other map or photo.  
X No
13. What is the current local plan designation of the property? EFC EXCLUSIVE FOREST & CONSERVATION DISTRICT
14. What is the current local zoning designation? EFC
15. Does the comprehensive plan identify any natural hazards in this area?  
       Yes (Describe and explain applicable comprehensive plan policies: \_\_\_\_\_)  
X No
16. Does the comprehensive plan identify any natural or historic resources in this area?  
       Yes (Describe resources and explain applicable plan policies: T.L. 100 has been identified as part of the Tonquin Scabland Area; a Significant Natural Area; under Policy 11, development is permitted when alteration of the area is limited.)
17. How do you plan to develop the property if your petition is approved?  
REALIGNMENT OF TUALATIN SHERWOOD ROAD
18. On a separate sheet of paper, please discuss how approval of your petition would comply with each of the applicable standards from the Metro Code (attached green sheets). Only petitions found consistent with these standards may be approved. Metro staff will use the information received from

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

<u>Name</u>	<u>Tax Lot</u>	<u>Date</u>
<u>John E. [Signature]</u>	<u>T2S, R1W, Sect. 28D</u>	<u>6-29-90</u>
<u> </u>	<u>T.L. 100 &amp; 1000</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>

JH/gl  
2383B/223  
05/07/87

## Attachment 1

### Findings of Compliance with Locational Adjustment Standards

#### Introduction

The Tualatin-Sherwood/Edy Road Project is a part of the County's Major Streets Transportation Improvement Program (MSTIP) designed to improve the 4.5 mile route between I-5 in Tualatin and Highway 99W in Sherwood. Along a 2000-foot segment of the Tualatin-Sherwood Road, at the Cipole Road intersection, proposed road widening and realignment would place the new right-of-way outside the existing UGB.

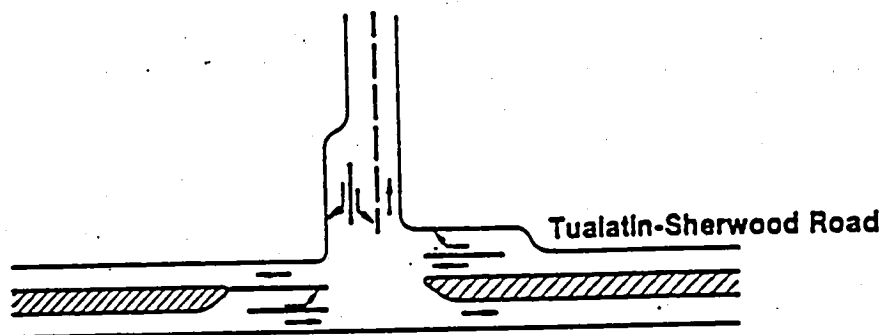
Tualatin-Sherwood/Edy Road provides the major connection between Interstate 5 in Tualatin and Highway 99W in Sherwood. In order for this road to meet the capacity and safety demands of existing and proposed development, a series of design and capacity improvements are proposed to bring the roads to minor arterial design standards, and road capacity to at least level of service D. The project's purpose and need were summarized as follows in its draft Environmental Impact Statement released in May 1988:

The proposed project would widen Tualatin-Sherwood Road to five lanes from Boones Ferry Road to Teton Avenue, including two through-lanes in each direction and a raised median. The remainder of the road would be widened to three lanes, with one through-lane in each direction and a center median/left-turn lane. The existing Tualatin-Sherwood/Edy Road intersection and the Six Corners intersection would be reconfigured to better accommodate existing and projected traffic patterns and volumes. West of Boones Ferry Road to Highway 99W in Sherwood, Tualatin-Sherwood Road tapers to a two-lane rural highway with narrow shoulders, no pedestrian or bicycle facilities, and no refuge for left-turning vehicles. The current configuration of the Tualatin-Sherwood/Edy Road intersection requires traffic movements inconsistent with driver expectations. The western terminus of the project at Six Corners is a complex six-legged intersection that has substantial congestion during peak hours.

Two-way average daily traffic (ADT) is projected to increase by 43 percent on the east end of the project near Tualatin and will increase by 75 percent on the west end near Six Corners by the year 1998. One turning movement from Edy Road onto Highway 99W is currently operating at capacity. With no improvements to the existing roadway, the intersections of Tualatin-Sherwood Road with Avery and Cipole Roads and the Six Corners intersection are expected to exceed capacity.

Although accident rates are currently close to the statewide average, all types of accidents (sideswipes, head-on, pedestrian, bicycle) are expected to increase under existing conditions. Pedestrian and bicycle travel is currently inconvenient and hazardous along the roadway because of the variable width and condition of the unpaved shoulders, irregular pavement edges, narrow roadway travel lanes, numerous horizontal and vertical curves, and high volume of truck traffic. Tualatin-Sherwood/Edy Road was removed from the Regional Bicycle Plan at Washington County's request because of the current unsafe condition of the road for cyclists. With continued urban development in the corridor, consistent with comprehensive plans for Washington County, Tualatin, and Sherwood, demand for pedestrian and bicycle facilities will increase.

Washington County is petitioning Metro for a locational adjustment of the UGB to add 6.7 acres of land directly south of the Tualatin-Sherwood road at the intersection with Cipole Road (see Figures 1 and 2). The addition is requested in order to accommodate needed road widening and realignment as part of the project along Tualatin-Sherwood/Edy Road. Improvements to this segment of the project include the addition of turning lanes at Cipole Road and straightening of the alignment in order to improve traffic flow and safety (see Figure 3).

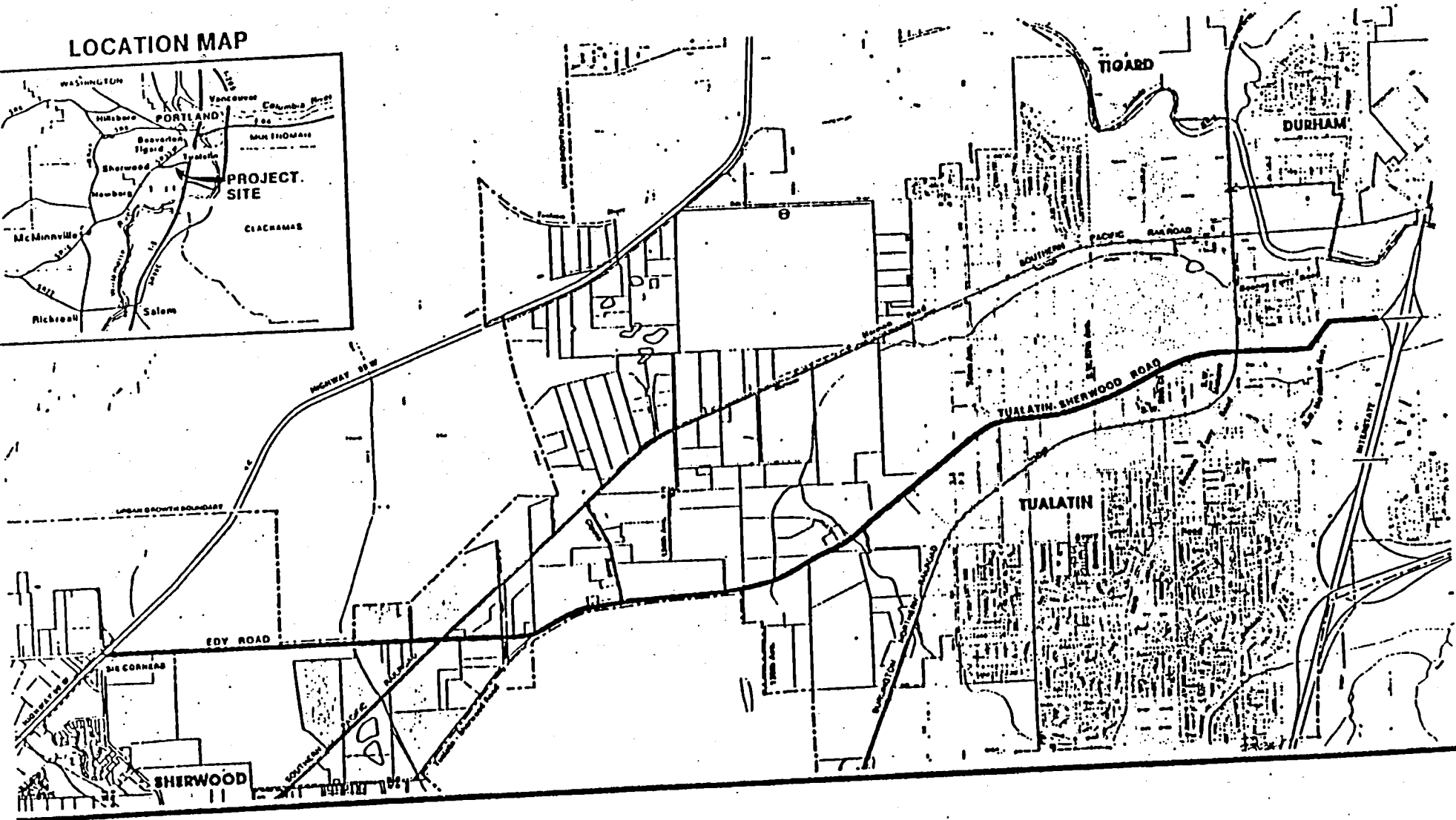
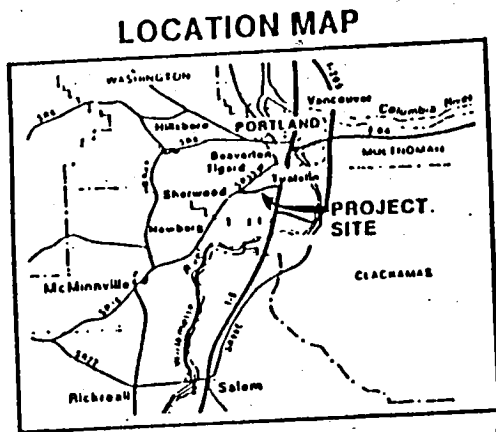


### APPROACH LANE CONFIGURATIONS

TUALATIN-SHERWOOD/  
EDY ROAD PROJECT

CH2M HILL

FIG. 3



0 500 1000 2000 FEET

#### LEGEND

- Existing Roadway Alignment
- Incorporated Areas

### VICINITY MAP

TUALATIN-SHERWOOD/  
EDY ROAD PROJECT

CH2M HILL

Figure 1

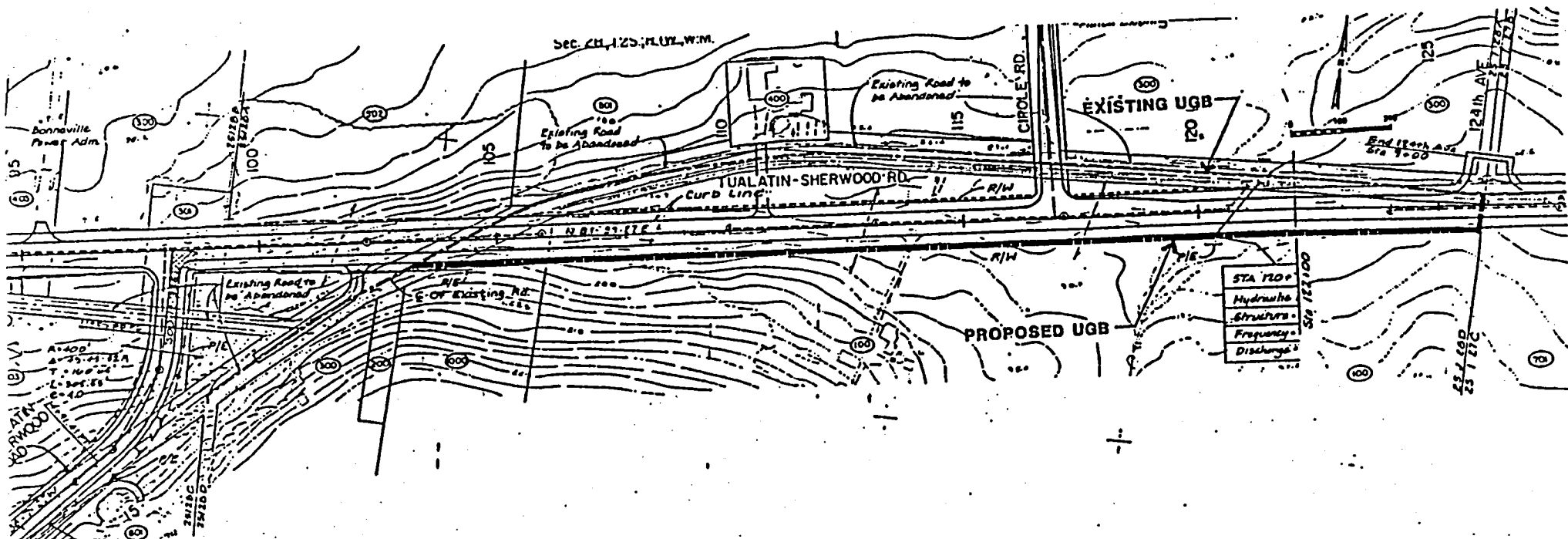


Figure 2



Without these improvements, level of service at this intersection would drop to level F by 1998. Safety would be significantly impaired if the alignment were not corrected, as the existing radius would require vehicles to slow through that stretch in a potentially hazardous manner, and sight distance for vehicles turning from or onto Cipole Road would be limited. The proposed reconfiguration of the intersection with Edy Road would necessitate an S-curve design that would further exacerbate these problems.

Constraints to the alignment along the remainder of the project, which include petroleum pipe lines, electric power lines, existing developments and adjunct natural resources, leave too short a distance along this stretch to provide the appropriate superelevation and run-off distances necessary to maintain safety consistent with driver expectations for the new facility.

The property itself is part of two tax lots totalling 100 acres currently designated for Exclusive Forest and Conservation Use (EFC) in the County's Comprehensive Plan. It is currently in agricultural use. A dense stand of mixed conifer-broadleaf trees begins at the northwest corner of the 100 acre site.

The adjacent parcel to the east is designated for Exclusive Farm Use (EFU). Properties to the north and west, inside the UGB, and located within the cities of Sherwood and Tualatin, have been designated for industrial use.

The proposed road realignment would create the addition of approximately three acres of developable land north of the new right of way and south of the existing UGB. Given the small size of this addition and its likely industrial zoning, the impact on services for the area will be minimal. Cipole Road currently forms the dividing line between Sherwood and Tualatin, and it is anticipated that the developable land remaining after construction would itself be so divided. Either city is capable of providing urban services.

#### Review Criteria

Metro has adopted procedures governing locational adjustments of the UGB including removal, trades and additions of land. The procedures contain standards under which adjustments may be allowed. The following discussion reviews the proposed locational adjustments against the Metro criteria. Each Metro standard (capitalized) is quoted, followed by the applicable findings of fact.

I. GENERAL STANDARDS

(a) AS REQUIRED BY SUBSECTIONS (b) THROUGH (d) OF THIS SECTION, LOCATIONAL ADJUSTMENTS SHALL BE CONSISTENT WITH THE FOLLOWING FACTORS:

- (1) ORDERLY AND ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES. A LOCATIONAL ADJUSTMENT SHALL RESULT IN A NET IMPROVEMENT IN THE EFFICIENCY OF PUBLIC FACILITIES AND SERVICES, INCLUDING BUT NOT LIMITED TO, WATER, SEWERAGE, STORM DRAINAGE, TRANSPORTATION, FIRE PROTECTION AND SCHOOLS IN THE ADJOINING AREAS WITHIN THE UGB; AND ANY AREA TO BE ADDED MUST BE CAPABLE OF BEING SERVED IN AN ORDERLY AND ECONOMICAL FASHION.

Water and Sewer: A 12" water line runs along the Tualatin-Sherwood Road and an 8" sewer line is located 500' west, within the city of Sherwood at Edy Road. These lines will be vertically relocated as part of the project, but will otherwise be unchanged. Sewer lines have also been extended to within a half-mile of the UGB amendment area to the east in Tualatin.

Neither Sherwood nor Tualatin anticipate any water or sewer capacity problems and, in any case, the addition of two and one-half acres of developable industrial land will have only the most minimal affect on these services.

Storm Drainage: Petition approval will have only a very minimal impact on storm drainage, since the only increase in impervious surface will result from increased road width and whatever structure might be placed on the remaining land to the north in conjunction with its development for urban use.

As part of the overall project, existing culverts will be replaced with new culverts designed to accommodate a 50-year flow, based on projected land use, at or below an allowable headwater.

Because these culverts would be included in the project even if improvements were not made to the segment in question, approval of a UGB amendment to authorize those improvements cannot be said to improve the provision of storm drainage facilities in the adjacent urban area. But the new facilities insure that the petition area itself can adequately be served by storm drainage facilities, and that inclusion of the area within the UGB will have no negative impact on storm drainage in the adjoining urban area.

Transportation: The Tualatin-Sherwood Road is part of the main route connecting I-5 in Tualatin with Highway 99W in Sherwood, and offers the only direct access to either city for the adjoining urban area to the north. Traffic volumes are projected to increase 58% by 1998. Peak hour traffic flow at this point will grow from 10,800 to 16,500 vehicles by 1998. The level of service will drop to F, unacceptable by both County and Metro standards, unless improvements are undertaken to increase capacity. Correcting the horizontal and vertical alignments along this segment will also improve traffic safety.

Because of the small amount of land to be added, the site itself could be adequately served with transportation facilities even if the project were not completed as proposed. However, petition approval to allow the road to be widened and straightened at this point will significantly improve transportation service for the adjoining urban area.

Fire Protection: Property is within the Tualatin Fire and Rescue District, which will continue to provide emergency services. The entire project in general and the improvements proposed for the subject segment in particular will measurably decrease average travel time for emergency vehicles using Tualatin-Sherwood/Edy Road, especially during morning and evening peak hours. The provision of full-width travel and bicycle lanes, together with the separation of these travel lanes by a wide painted or raised median, will provide a means for emergency vehicles to bypass stalled or slow-moving vehicles. The increased capacity provided at all major intersections will reduce average vehicle delays and stops, thereby resulting in an overall improvement in the delivery of emergency services.

Schools: The property lies within Sherwood School District 88J. Because industrial development is expected on the portion of the site north of the new right-of-way, the adjustment would provide a slight increase in the district's assessed value without requiring any additional school services.

Summary: The site can be provided with needed urban services. Additional sewer and water capacity requirements are minimal and can be readily provided by the cities of Sherwood and Tualatin. Storm drainage facilities will be reconstructed in conjunction with the overall project. Transportation access for the developable portion of the site will be adequate once the planned improvements are completed.

The Tualatin Valley Fire and Rescue District can provide adequate protection. The road improvements authorized by petition approval will enhance the quality of fire protection and other emergency services for the subject property and for the adjacent urban area. Because the acreage not needed for the new right-of-way will likely be developed for industrial use, no school facilities will be utilized.

The small portion of the site that would require urban services would not require any capacity increases, but could be served by existing and planned facilities. Thus a very small increase in the efficiency of sewer, water, storm drainage and fire protection service would result.

The adjustment is needed in order to provide safe and efficient transportation service to the adjoining urban area, by allowing for turning lanes at the Cipole Road intersection, increasing sight distance at this intersection and for vehicles entering the road from adjacent properties. Without the proposed improvements, traffic would reach level of service F by 1998, below acceptable County standards. Because of the road curvature at this point, realignment to the south is the only practical way to accommodate needed improvements.

Inclusion of the site within the UGB will have no impact on the provision of water, sewerage, storm drainage and school service to the adjoining urban area, but will significantly improve the efficiency of transportation service and fire protection. Petition approval would thus result in a significant net improvement in the efficiency and effectiveness with which public services would be provided to the adjoining urban area.

- (2) MAXIMUM EFFICIENCY OF LAND USES. CONSIDERATIONS SHALL INCLUDE EXISTING DEVELOPMENT DENSITIES IN THE AREA INCLUDED WITHIN THE AMENDMENT, AND WHETHER THE AMENDMENT WOULD FACILITATE NEEDED DEVELOPMENT ON ADJACENT EXISTING URBAN LAND.

There is no existing development on the site. The adjoining urban area has been designated for industrial development in the Comprehensive Plans of Sherwood and Tualatin (see Figure 4). Without the proposed improvements, congestion at the Cipole Road intersection could seriously impede the area's ability to achieve its maximum potential for industrial development. The degree of congestion that would be present (level of service F) could be expected to

discourage new development relying on truck transport or frequent vehicle trips. Petition approval would facilitate planned development by providing transportation capacity commensurate with planned growth.

Although the effect of an inadequate transportation system is less easy to document or predict than that of, say, the infeasibility of providing sanitary sewers, the planned road improvements will support maximum efficiency by alleviating the congestion which would otherwise be likely to interfere with development to the full extent allowed by the cities' comprehensive plans.

- (3) ENVIRONMENTAL, ENERGY, ECONOMIC AND SOCIAL CONSEQUENCES. ANY IMPACT ON REGIONAL TRANSIT CORRIDOR DEVELOPMENT MUST BE POSITIVE AND ANY LIMITATIONS IMPOSED BY THE PRESENCE OF HAZARD OR RESOURCE LANDS MUST BE ADDRESSED.

There is no transit service along the Tualatin-Sherwood road, nor is the site within one-quarter mile of a Regional Transit Corridor, as identified in Metro's Regional Transportation Plan.

No hazards have been identified on the site. Although there are no historic resources on the site, the Orr residence to the south was built in the 1900's and identified in a survey of cultural resources conducted for the Tualatin-Sherwood/Edy Road Draft Environmental Impact Statement (Vol. 1, p. 4-62). The report concluded that this structure did not meet minimum criteria for listing on the National Registry. The County's Historic and Cultural Resource Overlay has not been applied to this property. In any case, realignment of the road in front of this house will have no impact on it.

The site contains Class II soil and has been designated EFC in the County's plan. That portion of the five acres situated between the existing and proposed right-of-ways would be isolated from the remaining resource land to the south, and the possible future agricultural or forest use of this land would be impaired.

The land to the south is part of an area known as the Tonquin Scablands Geologic Area which consists of typically featureless basalt uplands with deep, frequently dry channels. These features were formed 10,000 to 20,000 years ago when torrential glacial meltwaters flooded the scablands area and surrounding

region. The swift-moving flood waters scoured and eroded the hilltops, formed many deep channels, and deposited large quantities of sand and gravel.

The subject site itself does not contain any features of geologic interest and the realigned road would provide a buffer of sorts between the Scablands and urban development to the north. Because the project improves an existing route, and would be constructed even if the proposed improvements on the site could not be accomplished, improvements on the site are not expected to increase traffic along the route. In any case, the impacts of any increased traffic on protection of the lands to the south for farm or park use would be minimal.

There is a stand of trees on the southwest corner of the subject property. The few trees on the site itself (approx. .10 Ac<sup>2</sup>) would be removed as part of the road realignment.

The improvement in traffic flow that would be achieved as a result of the requested adjustment represents a significant savings in terms of energy consumption and air quality. By improving the level of service from level F to level B, the project would reduce average stop delay idling time at least 75%, from 60 seconds per vehicle to 5 - 15 seconds. For the project as a whole, the savings in terms of air quality and energy consumption are summarized in Tables A and B below.

TABLE A  
ESTIMATED DAILY EMISSIONS  
(kilograms per day)

Pollutant	Existing	With Project		Without Project	
		1998	2008	1998	2008
Carbon monoxide	1,342.1	1,262.1	1,274.9	1,412.2	1,419.4
Nonmethane hydrocarbons	186.7	126.7	111.6	131.9	118.2
Nitrogen oxides	272.0	237.7	190.7	240.9	195.9

TABLE B  
Estimated 1998 Energy consumption  
(gallons)

	<u>With Project</u>	<u>Without Project</u>	<u>Difference/ Benefit</u>
Fuel consumption	860,000	1,115,000	_____
Fuel consumption equivalent of electrical energy for street lights and traffic signals	<u>28,000</u>	<u>9,000</u>	
TOTAL:	888,000	1,124,000	236,000

In addition, by adding a bike lane, the project may further reduce energy consumption and air pollution by encouraging more bicycle and pedestrian travel.

Summary: The proposed adjustment would not impact any Regional Transit Corridor, nor are any natural hazards to development present. Although it would have no significant impact on adjacent resource land, the five acres included in the adjustment itself would be lost to resource use. However, the benefits to air quality and energy consumption produced by the project outweigh this loss and produce a net benefit in terms of energy and environmental consequences.

(4) RETENTION OF AGRICULTURAL LAND:

(A) WHEN A PETITION INCLUDES LAND WITH CLASS I-IV SOILS DESIGNATED IN THE APPLICABLE COMPREHENSIVE PLAN FOR FARM OR FOREST USE CONSISTENT WITH THE REQUIREMENTS OF LCDC GOALS NO. 3 OR 4, THE PETITION SHALL NOT BE APPROVED UNLESS IT IS FACTUALLY DEMONSTRATED THAT:

(i) RETENTION OF THE AGRICULTURAL LAND WOULD PRECLUDE URBANIZATION OF AN ADJACENT AREA ALREADY INSIDE THE UGB, OR

(ii) RETENTION OF THE AGRICULTURAL LAND WOULD PREVENT THE EFFICIENT AND ECONOMICAL PROVISION OF URBAN SERVICES TO AN ADJACENT AREA INSIDE THE UGB, OR

- (iii) THE PROPERTY IS A LEGAL PARCEL OR PARCELS 10 ACRES OR SMALLER IN AGGREGATE ZONED FOR EXCLUSIVE FARM USE UNDER PROVISIONS OF ORS CHAPTER 215 AND OCCUPIED BY ONE OR MORE PERMANENT STRUCTURES,..... (The balance of this standard has been omitted as the provisions do not apply here.)

The addition complies with to standard (ii) above. Because the road curves to the south, there is no way to correct the horizontal alignment without taking some of the resource land which runs south of the existing right-of-way. Nor could the left turn lane safely be included without correcting the horizontal alignment. Without these improvements, the level of service on the Tualatin-Sherwood Road, the main road serving all adjacent urban land, would drop to level F, an inadequate level of transportation service.

A reversing curve such as would be created if the facility were designed to retain the existing alignment along this stretch, requires a banking or superelevation, that gently increases and then runs off for distances twice as long as the curve itself. The design of the Edy Road intersection to the west, tightly constrained vertically by an SPRR gas pipeline and Bonneville and PGE power lines, and horizontally by sloping topography and the stand of trees to the south, precludes provision of the super elevation needed to maintain safety through this curve.

Retaining the site in agricultural use would thus prevent the efficient and economical provision of urban transportation service to all adjacent lands within the UGB.

- (5) COMPATIBILITY OF PROPOSED URBAN USES WITH NEARBY AGRICULTURAL ACTIVITIES. WHEN A PROPOSED ADJUSTMENT WOULD ALLOW AN URBAN USE IN PROXIMITY TO EXISTING AGRICULTURAL ACTIVITIES, THE JUSTIFICATION IN TERMS OF FACTORS (1) THROUGH (4) OF THIS SUBSECTION MUST CLEARLY OUTWEIGH THE ADVERSE IMPACT OF ANY INCOMPATIBILITY.

There will be industrial uses north of the Tualatin-Sherwood Road adjacent to existing agricultural uses whether or not this adjustment is approved. The only impact of the adjustment is to change the location of the road and the proposed industrial use to the north. There should be no adverse impact from this change. Even if there were some adverse impact, it would be strongly outweighed by the benefits to traffic flow and safety, and the attendant improvement in emergency services and reduction in projected air pollution and energy consumption.



II. ADDITION STANDARDS

(d) PETITIONS TO ADD LAND TO THE UGB MAY BE APPROVED UNDER THE FOLLOWING CONDITIONS:

- (1) AN ADDITION OF LAND TO MAKE THE UGB COTERMINOUS WITH THE NEAREST PROPERTY LINES MAY BE APPROVED WITHOUT CONSIDERATION OF THE OTHER CONDITIONS IN THIS SUBSECTION IF THE ADJUSTMENT WILL ADD A TOTAL OF TWO ACRES OR LESS, THE ADJUSTMENT WOULD NOT BE CLEARLY INCONSISTENT WITH ANY OF THE FACTORS IN SUBSECTION (a) AND THE ADJUSTMENT INCLUDES ALL CONTIGUOUS LOTS DIVIDED BY THE EXISTING UGB.

Not applicable.

- (2) FOR ALL OTHER ADDITIONS, THE PROPOSED UGB MUST BE SUPERIOR TO THE UGB AS PRESENTLY LOCATED BASED ON A CONSIDERATION OF THE FACTORS IN SUBSECTION (a). THE MINOR ADDITION MUST INCLUDE ALL SIMILARLY SITUATED CONTIGUOUS LAND WHICH COULD ALSO BE APPROPRIATELY INCLUDED WITHIN THE UGB AS AN ADDITION BASED ON THE FACTORS IN SUBSECTION (a).

The proposed UGB is superior to the existing UGB because it allows for road improvements which will substantially improve transportation service, in terms of both safety and efficiency, for both the immediate and larger urban area. Improving traffic flow in this road segment will also benefit emergency services, air quality, and energy conservation.

The addition includes only about three acres of developable land outside the new right-of-way. It is expected that this land, like adjoining urban land, will be designated for urban use. Because its development can be easily accommodated by existing and planned public facilities and services such as sewer, water, storm drainage, and fire protection, its inclusion will achieve a slight increase in the efficiency of these facilities and services as well. It will add to the tax base for school support without requiring any school services.

The proposed UGB will have no more adverse impact on adjacent agricultural areas than the current UGB--which is, indeed, likely to be almost none. Although the site is protected resource land, the southerly curve of the road requires the inclusion of this land in order to accomplish the proposed improvement.

Overall, the benefits of the proposed UGB, as compared with the existing UGB, strongly outnumber and outweigh its disadvantages.

All of the benefits identified in discussing compliance with subsection (a) above apply only to this proposed adjustment. This adjustment is intended to allow for a specific, clearly delineated road realignment. Adjacent properties, not needed for the realignment, are not similarly situated, and therefore they cannot be included in the UGB on the same basis.

- (3) ADDITIONS SHALL NOT ADD MORE THAN 50 ACRES OF LAND TO THE UGB AND GENERALLY SHOULD NOT ADD MORE THAN 10 ACRES OF VACANT LAND TO THE UGB. EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SUBSECTION, THE LARGER THE PROPOSED ADDITION, THE GREATER THE DIFFERENCES SHALL BE BETWEEN THE SUITABILITY OF THE PROPOSED UGB AND SUITABILITY OF THE EXISTING UGB, BASED UPON CONSIDERATION OF THE FACTORS IN SUBSECTION (a) OF THIS SECTION.

The proposed addition would add only 6.7 acres to the UGB, roughly an acre of which is currently paved right-of-way to be replaced by a similar amount of paved right-of-way in the new alignment. The small size of this adjustment, under the ten-acre standard, establishes a relatively light burden of proof, which is more than met by the significant improvements this adjustment will accomplish, as discussed above.

#### Summary and Conclusions

This adjustment is requested in order to accommodate a needed widening and straightening of Tualatin-Sherwood Road near the intersection with Cipole Road. These improvements are an integral part of the Tualatin-Sherwood/Edy Road Project included in the MSTIP, and are needed to avoid peak hour traffic flows at level of service F, unacceptable under both County and Metro standards. They will enhance traffic safety and promote increases in bicycle and pedestrian traffic. These benefits also achieve reductions in air pollution and energy consumption over levels otherwise projected.

Although the adjustment includes identified resource land, there is no practical alternative that would avoid doing so. The amount of resource land included is relatively small, and the impact on the adjacent farmlands will be minimal.

Overall, the benefits of the proposed adjustment clearly outweighs its costs and it should be approved.



WASHINGTON  
COUNTY,  
OREGON

Case # 90-3 Exhibit # 7  
Offered by WASH CO  
Date received 2/3/90 By CE  
METRO HEARINGS OFFICER

October 24, 1990

To: Ethan Seltzer, Metro

From: Mark Brown, Principal Planner *[Signature]*

Subject: APPLICATION FOR UGB LOCATIONAL ADJUSTMENT FOR TUALATIN-SHERWOOD/EDY ROAD PROJECT

By the time you receive this memo, the County will have acquired that portion of tax lot 1000 from Mary Young that we needed for the above road project. We had previously signed the UGB Locational Adjustment application for this parcel.

Our negotiations are continuing on tax lot 100 with the property owner Ray Orr (attachment). In the meantime, we have secured his signature on an application form. This should complete the required signatures for the properties involved.

Jill Hinckley will be contacting you to schedule a hearing.

Attachment

c: Brent Curtis  
Jill Hinckley

MB:lt (mark-10a)

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

<u>Name</u>	<u>Tax Lot</u>	<u>Date</u>
<u>Ray C. Orr</u>	<u>T2S, R1W, Sect. 28D</u>	<u>8-3-90</u>
<u> </u>	<u>T.L. 100</u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>
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<u> </u>	<u> </u>	<u> </u>

JH/gl  
2383B/223  
05/07/87

Request for Comment from Se

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Sherwood School District  
Name of Service Provider

From: Washington County Planning Department  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

DR. B. J. J.

Date

7/20/90

Title

Supt. of School

Request for Comment from Service Provider

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Washington County: Storm Drainage  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but **NO LATER THAN** July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

John Zander  
Title Deputy Director, DLUT

Date 7-6-90

Request for Comment from Service

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Washington County: Transportation  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

Jim Zuber

Date

7-6-90

Title

Deputy Director, DLUT

JUN 10 1990

Requester \_\_\_\_\_ Provider \_\_\_\_\_

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Tualatin: Water Service  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

James Jacks

Date

7/6/90

Title

Planning Director, City of Tualatin



JUN 10 1990

Request 1 \_\_\_\_\_ Provider

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Tualatin: Sewer Service  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

X Support Approval

\_\_\_\_\_ Oppose Approval

\_\_\_\_\_ Have No Comment

\_\_\_\_\_ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

James Jacks

Date

7/6/90

Title

Planning Director, City of Tualatin

Request for Comment from Serv---

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Sherwood: Water Service  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but **NO LATER THAN** July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

James H. Rapp

Date

7/2/90

Title

City Manager

Request for Comment from Servi

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: City of Sherwood: Sewer Service  
Name of Service Provider

From: Washington County, Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

James H. [Signature]  
City Manager

Date

7/2/90

Case # 70-3 Exhibit # 15  
Offered by WASH Co.  
Date received 12/3/90 By LG  
METRO HEARINGS OFFICER

RECEIVED

JUL 11 1990



## ***TUALATIN VALLEY FIRE & RESCUE***

20665 S.W. Blanton St. • Aloha, OR 97007 • 503/649-8577 • FAX 642-4814

WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND  
TRANSPORTATION

July 10, 1990

Mark Brown  
Senior Planner  
Dept. of Land Use  
and Transportation  
155 N. First Avenue  
Hillsboro, Oregon 97124

Dear Mark,

Enclosed is your "Request for Comment from Service Provider" filled out. Thank you for soliciting Tualatin Valley Fire and Rescue input on this matter.

For your information, Tom Thompson has retired from Tualatin Valley Fire and Rescue effective June 30, 1990. Please send all future correspondence to my attention.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kai Carlson", written over a horizontal line.

Kai Carlson

Request for Comment from Service Provider

(Part I to be completed by petitioner and submitted to each service provider listed on "Summary of Requests for Comments from Service Providers." Part II to be completed by the service provider and returned to Land Use Coordinator, Metropolitan Service District, 2000 S.W. 1st Avenue, Portland, Oregon 97201-5398)

Part I

To: Tualatin Valley Fire and Rescue  
Name of Service Provider

From: Washington County Planning Division  
Name of Petitioner

Attached is a copy of a petition for a locational adjustment to Metro's Urban Growth Boundary (UGB). Please review this petition and submit your comments on it to Metro as soon as possible, but NO LATER THAN July 13, 1990.

In general, land placed inside the UGB will develop to a residential density of at least four units a net acre or for urban commercial or industrial use, as determined by local zoning. Land outside the UGB cannot be served by sewer, and generally, cannot be developed at more than one unit to the net acre. In reviewing this petition, please consider: (1) whether its approval would make it easier (less expensive) or harder (more expensive) to serve other, adjacent areas for which service is planned or expected; and (2) how easy or difficult it would be to extend your service to the area included in the petition if the petition were approved.

Thank you for your help. Please call the Land Use Coordinator, at Metro, 221-1646, if you have any questions.

Part II

I have reviewed the attached petition for a locational adjustment to Metro's UGB and I:

☒ Support Approval

☐ Oppose Approval

☐ Have No Comment

☐ Support with Conditions

Comments and explanation (explain any conditions)

(Attach additional pages if needed.)

Signed

John W. Hook  
Fire Chief

Date

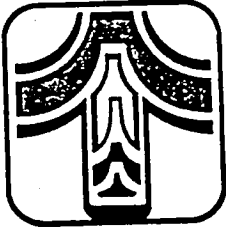
7/13/90



Case # 90-3 Exhibit # 16  
Offered by NAH Co-TUALATIN  
Date received 12/3/90 By \_\_\_\_\_  
METRO HEARINGS OFFICER

RECEIVED

JUN 20 1990



**CITY OF TUALATIN**  
18880 SW MARTINAZZI AVE. PO BOX 369  
TUALATIN, OREGON 97062-0369  
(503) 692-2000

WASHINGTON COUNTY  
DEPARTMENT OF LAND USE AND  
TRANSPORTATION

June 19, 1990

Mr. Mark Brown, Senior Planner  
Department of Land Use and Transportation  
155 North First Avenue  
Hillsboro, OR 97124

Dear Mark:

RE: TUALATIN-SHERWOOD/EDY ROAD PROJECT - PROPOSED UGB AMENDMENT

Thank you for your June 8 memo forwarding a copy of the June 7 staff report from Brent Curtis to the Washington County Planning Commission. We understand that the Planning Commission has recommended that the Board of Commissioners forward the UGB adjustment application to Metro, and we further understand that the Board has done so.

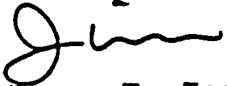
The City of Tualatin supports the efforts of Washington County for this minor modification to the UGB to provide for construction of the Tualatin-Sherwood/Edy Road project. The area that would affect the City of Tualatin Comprehensive Plan is from SW 124th to SW Cipole Road. The current Urban Growth Boundary follows the existing alignment of Tualatin-Sherwood Road and the proposed UGB would follow the south right-of-way line of the new Tualatin-Sherwood Road. The area added to the Tualatin UGB would be about 0.77 acres or 33,750 square feet.

In addition to our support of the project, we have one additional comment to make regarding planning responsibility for the new area. I want to confirm our telephone conversation on June 13 wherein I asked who would be responsible for planning in the area outside the city limits but inside the new UGB. Your response was, the City of Tualatin. The County had no interest in administering a planning program for that small area. The City concurs with that position and once the UGB has been expanded would initiate an amendment to the map of our Comprehensive Plan to show the added area and to designate it as General Manufacturing to match the surrounding area that is in the Tualatin UGB.

Mr. Mark Brown  
June 19, 1990  
Page 2

Again, thank you for sending the information to the City. Should you have any questions, please call me at 692-2000.

Cordially



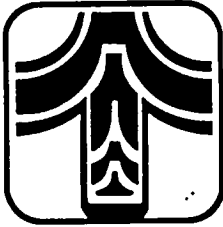
James F. Jacks, AICP  
Planning Director

jb

c: City Manager  
City Engineer  
Operations Director  
Economic Development Director  
Associate Planner (DR)  
Associate Planner (DG)  
Assistant Planner (LL)

file: WCC-90-02





## CITY OF TUALATIN

PO BOX 369  
TUALATIN, OREGON 97062-0369  
(503) 692-2000

December 18, 1990

Mr. Larry Epstein, Attorney at Law  
722 SW 2nd Avenue, Suite 400  
Portland, OR 97204

Dear Mr. Epstein:

RE: URBAN GROWTH BOUNDARY AMENDMENT, PETITION NO. 90-03--  
TUALATIN-SHERWOOD ROAD (2S1 28D, 100, 1000)

The City of Tualatin has been fully involved in the Tualatin-Sherwood Road/Edy Road construction project over the last several years. It will improve regional traffic circulation and significantly improve traffic flow within Tualatin. We were involved with Washington County prior to the application's submittal and assisted the County's consultant in its preparation.

The City supports the County's application. Tualatin-Sherwood (T-S) Road is designated as an arterial in the Tualatin Community Plan (11.090). T-S Road is the primary link between Interstate 5 and Highway 99W in the south metro area. T-S Road is the only truck route between I-5 and 99W in the south metro area since the City of Tigard removed its truck route designation from Durham Road in 1987.

It is important that the Tualatin-Sherwood Road/Edy Road improvement be constructed to traffic engineering standards for horizontal and vertical alignment to ensure the facility is as safe as possible. The UGB should be adjusted to accommodate a road that will be safe, rather than the road being adjusted to the current UGB.

Should you have any questions, please call me at 692-2000.

Cordially,

James F. Jacks, AICP  
Planning Director

jb

c: City Manager  
City Engineer  
Operations Director  
Economic Development Coordinator  
Ethan Seltzer, Land Use Coordinator, Metro, 2000 SW 1st, 97201  
Brent Curtis, Washington County Land Use and Transportation  
file: METRO: UGB Amendment T-S Road

LOCATED AT: 18880 SW Martinazzi Avenue

# AGENDA

## WASHINGTON COUNTY BOARD OF COMM

Case # 90-3 Exhibit # 18  
Offered by WASH CO.  
Date received 12/3/91 By LE  
METRO HEARINGS OFFICER

Agenda Category Action Item  
UGB LOCATIONAL ADJUSTMENT FOR TUALATIN-  
Agenda Title SHERWOOD/EDY ROAD PROJECT  
To be presented by Bruce A. Warner, Director, DLUT

### SUMMARY (Attach Supporting Documents if Necessary)

In order to advance the MSTIP Tualatin-Sherwood/Edy Road Project, it has been determined that a minor locational adjustment to the UGB is necessary. This will allow the road realignment to be within the UGB. In order to accomplish this, staff will submit a petition to Metro on July 1, 1990 for the UGB locational adjustment. The Planning Commission will review this application and make recommendation at their June 13th meeting.

Attachment: Memo

### DEPARTMENT'S REQUESTED ACTION:

Authorize staff to submit petition for a UGB Locational Adjustment, and recommend approval of the application to Metro.

BC  
BAW/MB:lt/3  
(MM\DOC\BCC-5)

### COUNTY ADMINISTRATOR'S RECOMMENDATION:

APPROVED WASHINGTON COUNTY  
BOARD OF COMMISSIONERS

MINUTE ORDER # 90-231

DATE 6-19-90

BY Pam Ruppert  
CLERK OF THE BOARD

Agenda Item No. 5.0  
Jun 19, 1990  
Date: \_\_\_\_\_

WASHINGTON



COUNTY

## **MEETING NOTICE FOR THE PLANNING COMMISSION FOR WASHINGTON COUNTY**

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WEDNESDAY  
JUNE 13, 1990

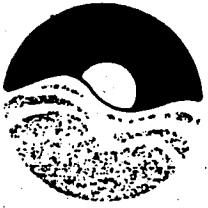
WORK SESSION ---- 1:00 P.M.  
PUBLIC MEETING ---- 1:30 P.M.

---

THE PLANNING COMMISSION AND STAFF WILL MEET  
IN THE AUDITORIUM OF THE WASHINGTON COUNTY  
PUBLIC SERVICES BUILDING...  
155 NORTH FIRST AVENUE, HILLSBORO, OREGON

**SEE ATTACHED AGENDA**

  
Brent Curtis, Planning Manager



WASHINGTON  
COUNTY,  
OREGON

PUBLIC MEETING BEFORE THE PLANNING COMMISSION  
AUDITORIUM PUBLIC SERVICES BUILDING  
WEDNESDAY JUNE 13, 1990 1:00 PM

ALL PUBLIC MEETINGS ARE RECORDED

A G E N D A

CHAIRMAN : MARTIN  
VICE CHAIRMAN: CHRISTY  
COMMISSIONERS: BAKER, EASTON, FYRE, KING, RANDALL

- I. CALL TO ORDER - 1:00 P.M. - ROOM 140
- II. ROLL CALL
- III. DIRECTOR'S REPORT
- IV. WORK SESSION
- V. APPROVAL OF MINUTES - 1:30 P.M. - AUDITORIUM
- VI. ORAL COMMUNICATIONS

(Citizens are allowed up to 2 minutes per person to address the Planning Commission concerning any planning related topic that is not on the agenda)

- VII. RECOMMENDATION ON URBAN GROWTH BOUNDARY LOCATIONAL ADJUSTMENT FOR TUALATIN-SHERWOOD EDY ROAD PROJECT
- VIII. PUBLIC HEARINGS: QUASI-JUDICIAL PLAN AMENDMENT APPLICATIONS
  - A. Explanation of Hearing Process
  - B. Swearing in of Staff
  - C. Public Hearing Items

- (1)           Item Number:    90-149-PA (continued from May 23, 1990)  
              Applicant:     Land Development Consultants  
              Request:       Plan amendment from AF-10  
                              (Agriculture and Forestry District)  
                              to AF-5 (Agriculture and Forestry  
                              District).  
              Community Plan: Rural/Natural Resource  
              Location:       North side of terminus of Vandehey  
                              Road.

APPLICABLE GOALS, POLICIES AND REGULATIONS:

- A.    LCDC Statewide Planning Goals 1,2,5,6,7,11,&12.
- B.    Oregon Administrative Rules Section 660-04-018.
- C.    Rural/Natural Resource Plan Policies  
        1,2,6,7,8,10,18,19,& 22.
- D.    Washington County Transportation Plan Policy 9.
- E.    Washington County Community Development Code  
        Article II, Procedures; and Article III, Land Use  
        Districts.

- (2)           Item Number:    90-207-PA  
              Applicant:     James W. and Jean C. Bayless  
              Request:       Plan amendment from R-5  
                              (Residential District - 5 units per  
                              acre) to R-9 (Residential District  
                              - 9 units per acre).  
              Community Plan: Raleigh Hills-Garden Home  
              Location:       East of Oleson Road, south of  
                              Beaverton Hillsdale Highway.

APPLICABLE GOALS, POLICIES AND REGULATIONS

- A.    LCDC Statewide Planning Goals 1,2,10,11,&12.
- B.    Washington County Comprehensive Framework Plan  
        Policies 1,2,14,18,21,&22.
- C.    Raleigh Hills-Garden Home Community Plan.
- D.    Washington County Transportation Plan Policies 9 &  
        12.
- E.    Washington County Community Development Code  
        Article II, Procedures; and Article III, Land Use  
        Districts.

IX. ADJOURN

pcagenda

WASHINGTON COUNTY PLANNING COMMISSION  
MINUTES MAY 9, 1990  
ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER

The meeting was called to order at 1:01 p.m. in Room 408, Administration Building, by Chairman Martin.

II. ROLL CALL

Planning Commissioners present: Chairman Martin, Commissioners Baker, Easton, King, and Randall. Commissioner Christy arrived after roll call. Commissioner Fyre was absent.

Staff present: Frank Angelo, Hal Bergsma, Kevin Martin, Marie Bennett, Lynda Trost, DLUT; David Noren from County Counsel's office.

Jean Taylor, CPO 1 Chairman, was present as observer.

III. DIRECTOR'S REPORT

In Brent Curtis' absence Frank Angelo explained that, due to scheduling conflicts among the various agencies vying for meeting space, the May 23rd evening public hearing meeting has been changed from the Auditorium of the Public Services Building to Room 409 of the Administration Building.

Mr. Angelo reported that on May 8, the Board of County Commissioners (BCC) approved by R&O the Proposed Periodic Review Order for the urban area. Staff is forwarding it to LCDC. They acknowledged the importance of the additional issues raised at the Planning Commission public hearing of April 25, i.e., the Bethany concerns, noise abatement, wetlands preservation, radio towers, enforcement issues, Leahy Road traffic patterns and Neighborhood Commercial. They will prioritize these and other subjects for further consideration in approximately November, 1990.

Mr. Angelo distributed copies of an issue paper previously given to the BCC regarding the Proposed Local Review Order for the Urban Comprehensive Plan.

Mr. Bergsma distributed application material relating to matters planned for the May 23rd meeting. The Planning Commission was informed that there will be three AF-10 to AF-5 plan amendments on the evening agenda prior to consideration of the Gales Creek Ironworks plan amendment application at the next meeting.

Mr. Angelo announced the resignation of Commissioner Dorr. BCC has authorized the staff to advertise the position. Notification of the opening will be sent to CPO'S and cities for the at-large position. Applications for Commissioner Stanfill's vacant position are due by Friday, May 11, and will go before the BCC in approximately three weeks.

Mr. Angelo reported that a LUBA brief was received from the McKay Creek Valley Association regarding appeal of Code amendments which were part of the Code Ordinances last year.

Mr. Noren summarized the 35 page brief as focusing on seven assignments of error. The first six assignments of error pertain to dwellings in the EFC district not being farm-related dwellings or to inadequate distinction in the Code language with regard to the necessary criteria. They also argue that AF-20 is a mixed forest/farm zone and that forest district rules should apply. He mentioned that a major issue would be the quantity of evidence in the records to support the findings on farm income standards. The seventh assignment of error involves a general series of allegations about the new HB-2288 and what it requires in terms of notice and procedures for code amendments.

Chairman Martin inquired about the next step in this matter.

Mr. Noren replied that the respondent's brief will be filed in several weeks, but there is still a question regarding the legal status of Lee and Marion Blakesley as intervenors. Oral arguments will be in mid-June with a decision approximately July/August, 1990.

Mr. Angelo said that some Code amendments may be necessary and Joanne Rice is working on the response and issues involved. The Planning Commission will be kept informed of the process. Also, local ordinances resulting from the County's submission of the Periodic Review Order to LCDC likely will come before the Planning Commission in a June/July timeframe.

Mr. Angelo mentioned Roger Ellingson's concerns at the last meeting about signage for noise along Barnes Road. He distributed a copy of the response letter from Mike Maloney, LUT Operations Manager, regarding the inability to put up signs.

Chairman Martin asked the status of the Barnes Road realignment.

Mr. Noren said the County's Flood Plain Application was processed and appealed to the Hearings Officer who subsequently denied it. That decision was appealed by the County. There is a petition for a partial de novo hearing to submit new engineering plans; it is scheduled for BCC Tuesday, May 15.

Commissioner Randall asked the identity of the applicant. Mr. Noren replied that it was the Engineering Department of Land Use and Transportation. They are seeking legal counsel as to whether their status as petitioner is appropriate.

Chairman Martin asked about the status of the Peterkort property. Mr. Angelo said that the master plan developed in the 1980's is still in effect; however, no developer has submitted any development applications for the site.

Mr. Angelo distributed live holly plants to the Commissioners, courtesy of Teufel Nursery.

Commissioner Randall mentioned that Ethan Seltzer from Metro would be today's guest speaker. He asked if he should arrange for other speakers in the near future, and the members agreed he should proceed.

#### IV. APPROVAL OF MINUTES

Commissioner Baker moved, Easton second, to approve the minutes of February 20, 1990. Motion carried 6-0.

Commissioner Randall moved, Christy second, to approve the minutes of March 14, 1990. Motion carried 4-0 (Easton and King abstained).

Commissioner Baker moved, Christy second, to approve the minutes of March 28, 1990. Motion carried 6-0.

#### V. ORAL COMMUNICATIONS NOT ON AGENDA

There was no one present who wished to speak on a non-agenda item.

#### VI. PLANNING COMMISSION WORKSESSION

Mr. Angelo introduced speaker Ethan Seltzer, Land Use Coordinator for Metropolitan Service District (Metro), who is a member of the Washington County Transportation Coordinating Committee for policy and technical matters. He is also the staff for Metro's Periodic Review of the Urban Growth Boundary (UGB).



Mr. Seltzer summarized the development process of the UGB in the 1970's per Goal 14 in Oregon law which refers to a mandate for efficient transition between urban and rural areas. He generally explained the role of Metro as it relates to the Urban Growth Boundary, and related some primary concerns.

1. Unlike the counties, Metro has no procedures to govern major changes to the Boundary and the State requirements are minimal. However, with such a large UGB (223,00 acres, 200 mile perimeter), Metro felt the current Periodic Review process would be the appropriate time to develop codified procedures and criteria for making future changes to the UGB.

In the last 10 years about 25,000 acres (1%) have been added to the UGB, including two large parcels in the Sunset Corridor. Metro concludes there is enough land within the current UGB for the next 20-year growth cycle.

2. When assessing the adequacy of the UGB, Metro assumes that there has been no net rural residential growth in Multnomah and Washington counties. However, Mr. Seltzer drew attention to the existence of many Clackamas County exception lands near the UGB which reflect the history of changes in settlement patterns. Now there is a market for development of rural subdivisions because of the pre-existing parcels of 2 to 10 acres in that area. Long term (10-30-50 years), Metro is concerned that if these exception lands are developed as a belt around the UGB the only alternative for expansion of the UGB would be the use of prime farm and forest resource lands.

3. Inside the UGB, the comprehensive plans of many jurisdictions do a good job of funding services and seeking solutions. However, some jurisdictions are purposely under-building and this affects the underlying assumptions about the rates at which urban land is consumed.

4. Regarding vacant urban land, Metro doesn't have mechanisms in place to account for infill and redevelopment. These will be needed to manage future changes to the UGB.

The latest forecast (2010) for growth and population will see the highest development in the fringes around the urban area where the larger, ready-to-develop parcels are located. This has major consequences on the following:

A. The journey to work. Metro has found that the greatest trip growth is intra-suburban due to dispersion of employment nodes. This is caused by changes in family composition and behavior (such as 2 wage-earners) with travel patterns that are not amenable to public transit. The results are a change in traffic peaks and commuting over longer periods each day.

B. Location and cost of housing. The norm used to be broad diversification and range in housing prices throughout the Portland area. New residential developments now feature larger, more expensive homes that fewer households can afford. Median house prices are increasing in Portland.

C. Other concerns are air quality, water quality and drainage, and parks and open spaces.

Metro has been meeting with the Washington County Transportation Coordinating Committee (WCTCC) and holding workshops to prioritize local issues. The Growth Conference found the following:

1. A major priority for Metro and the State is to involve and educate the public to participate in the legislative planning process rather than just the quasi-judicial process.
2. This area is characterized by in-migration with a projected population growth of 500,000 in Multnomah, Clackamas and Washington counties, plus Clark County over the next twenty years.
3. Transportation issues are the most visible aspect of area changes.

The Regional Urban Growth Goals and Objectives will focus on a) the built environment (there is a lack of coordination in rapidly growing areas among jobs, housing, transportation, and public services/facilities) with attention to housing location/affordability, multi-family zoning, and sharing of densities near transit routes, and b) preservation of natural environment.

Urban form will be the subject for next year's Regional Growth Conference, and they will focus on 1) identification of future settlement patterns, 2) development of methods for infill and redevelopment, 3) urban design to allow area identity and differentiation, and 4) better citizen education and involvement in the planning process.

In response to Commissioner Easton's question about light rail links, Mr. Seltzer replied that high speed links into downtown Portland are needed despite emerging growth centers in Beaverton, Gresham, and Tigard.

Commissioner Baker asked if growth projections would require zone changes to allow a better match between planned and built densities. Mr. Seltzer commented that Clark County would absorb some growth, but infill development methods for 40-80 acre vacant parcels among "leapfrog" areas could serve to dampen some area growth; providing services to those kinds of parcels is very expensive.

11

Metro has not analyzed the relationship between job growth/salaries and housing in the Washington County area, but studies show both unemployment and transit use are down in Portland inner northeast and southeast sides. Residents (particularly in 2 wage-earner families) may be driving to newly-created jobs in other urban centers instead of relocating.

If the projected 500,000 population growth does not occur, Metro does not foresee major infill problems. Metro will review as many community Comprehensive Plans as possible for a composite overview. Whether or not the Comprehensive Plans meet future needs, there will always be some degree of "catch-up".

Metro will have a draft of their goals and objectives in June, and the results of the workshops and public review are scheduled for August. They aim for adoption of policy in October. Policy needs to be in place prior to the 1992-93 population projections and possible UGB adjustment recommendations.

An "Urban Reserve" status may be assigned to urban/future-urban lands (and so designated on UGB maps) based on availability of necessary services.

There is potential for growth in outlying satellite urban growth boundaries such as North Plains, Banks, Forest Grove, and Canby areas. Columbia County's Hwy. 30 corridor and road system could sustain further development.

Development pressures along I-5 south from Tualatin to Eugene continue to build, but Oregon residents may want to avoid the California-style urban strip sprawl along major freeways.

Oregonians have a vested interest in seeing that Washington and California get their land use planning act together because it will greatly impact Oregon's future growth patterns.


Mr. Seltzer distributed related materials, and the Planning Commission members thanked him for his information about Metro's role in the management of the Urban Growth Boundary.

VII. ADJOURN

There being no further business, Chairman Martin adjourned the meeting at 2:35 p.m.

---

F. Vance Martin, Chairman  
Washington County Planning  
Commission



---

Bruce A. Warner, Secretary  
Washington County Planning  
Commission

Submitted by Lynda Trost.

Minutes approved this \_\_\_\_\_ day of \_\_\_\_\_ 1990.

(MM\pa\ : 05-09-90)



WASHINGTON COUNTY PLANNING COMMISSION  
MINUTES  
MAY 23, 1990

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. by Chairman Martin.

II. ROLL CALL

Commissioners present: Martin, Fyre, Christy, Randall, Easton and King.

Staff present: Brent Curtis, Hal Bergsma, Marie Bennett - DLUT; David Noren, Office of County Counsel.

III. DIRECTOR'S REPORT

Brent Curtis reported that Frank Angelo has resigned his position with Washington County and is going to work for the Oregon Department of Transportation.

He also handed out a memo from Doug Olson, Facilities Manager, stating that the Auditorium of the new Public Services Building is not available for the Planning Commission meeting on the 4th Wednesday evening of each month. The memo listed alternative meeting times when the room would be available.

A discussion was held about possible meeting times. It was decided that since the next meeting is scheduled for the Auditorium for a daytime meeting, a decision would be made at that time about changing the meeting date(s). First and third Wednesdays were listed as an option for meetings as well as Mondays.

Mr. Curtis reported that a schedule is being prepared for the upcoming hearings on the Code Update process for this year as well as other ordinance issues to be considered, which will probably call for weekly meetings by the Planning Commission.

IV. WORK SESSION

Commissioner Randall inquired about costs of preparing staff reports and attachments for plan amendments. He felt there is an excessive amount of paper going into this process.

Hal Bergsma explained how this is accounted for in that the applicants are required to make a fee deposit which covers duplicating costs, or make copies at their own expense.

A discussion was held about legal requirements of having all this material sent to all Commissioners.

V. APPROVAL OF MINUTES

Commissioner Easton moved to approve the Minutes of April 25, 1990. The motion was seconded by King and carried 5-0. Commissioner Fyre abstained because he was absent at that meeting.

Commissioner Easton moved to approve the Minutes of April 11, 1990. The motion was seconded by Randall and carried 4-0. Commissioners Christy and Fyre abstained because they were absent from that meeting.

VI. ORAL COMMUNICATIONS

No one was present who wished to testify on a matter not listed on the agenda.

VII. PUBLIC HEARINGS: QUASI-JUDICIAL PLAN AMENDMENT APPLICATIONS

- A. Chairman Martin gave an explanation of the hearings process and rules for testifying and noted that there were printed sheets available outlining these rules.
- B. Planning Division staff were sworn in by Assistant County Counsel, David Noren.
- C. Public Hearing Items:

90-149-PA- Land Development Consultants

Hal Bergsma presented the staff report and showed slides of the property explaining that the property consists of 45 acres on Vandehey Road and the plan amendment request is to change the plan designation from AF-10 to AF-5. He said there is now one house on the parcel and with the present designation of AF-10 there is a possibility of a total of six houses on the property, but with the proposed AF-5 designation there is the possibility of 11 houses on the property.

Mr. Bergsma listed written testimony from four persons who are opposing the application. He said their concerns include water supply and quality, traffic impact on Vandehey -Springhill Roads as well as changing the character of the area.

Mr. Bergsma stated that, information from the applicant's statement as well as from the State Water Resources Division, indicates there is sufficient ground water recharge for development. The applicant has stated that the County Health Department representative stated that as

June 7, 1990

To: Planning Commission  
From: Brent Curtis, Planning Manager  
Subject: PROPOSED URBAN GROWTH BOUNDARY ADJUSTMENT -  
TUALATIN-SHERWOOD/EDY ROAD PROJECT

Recommendation

Planning staff requests that the Board of County Commissioners authorize submittal of the attached petition for a locational adjustment of the Urban Growth Boundary (UGB) to the Metropolitan Service District (Metro) with a recommendation for approval.

Request

The Tualatin-Sherwood/Edy Road project is a part of the County's Major Streets Transportation Improvement Program (MSTIP) designed to improve the 4.5 mile route between I-5 in Tualatin and Highway 99W in Sherwood. Along a 2000-foot segment of the Tualatin-Sherwood Road, at the Cipole Road intersection, proposed road widening and realignment would place the new right-of-way outside the existing UGB. The standards and procedures for the approval of new alignments located outside the urban area, but intended to accommodate urban traffic have been a source of ongoing uncertainty and controversy, and remain unsettled at this time. A UGB adjustment to place the project within the urban area thus appears the simplest and quickest way to establish a sound legal framework for construction.

The County will be the petitioner for this adjustment. A draft of the petition to be submitted to Metro follows as Attachment A. It requests the addition of just over five acres, of which approximately two and one-half acres would be developable land that would lie between the existing and proposed rights-of-way.

Under the provisions of Metro's rules for filing applications to amend the UGB, an application must include a written action by the governing body of the city or county with jurisdiction over the areas included in the application which:

1. Recommends that Metro approve the petition; or
2. Recommends that Metro deny the petition; or
3. Expresses no opinion on the petition.



The Board of County Commissioners is asked to review the petition in order to authorize its submittal to Metro and recommend Metro's approval.

### Description

Washington County is petitioning Metro for a locational adjustment of the UGB to add just over five acres of land directly south of the Tualatin-Sherwood road at the intersection with Cipole Road (see Figures 1 and 2). The addition is requested in order to accommodate needed road widening and realignment as part of a 4.5 mile improvement project along Tualatin-Sherwood and Edy Roads. Improvements to this segment of the project include the addition of turning lanes at Cipole Road and straightening of the alignment in order to improve traffic flow and safety.

The property itself is part of two tax lots totalling 100 acres currently designated for Exclusive Forest and Conservation Use (EFC) in the County's Comprehensive Plan. It is currently in agricultural use. A dense stand of mixed conifer-broadleaf trees begins at the northwest corner of the 100 acre site.

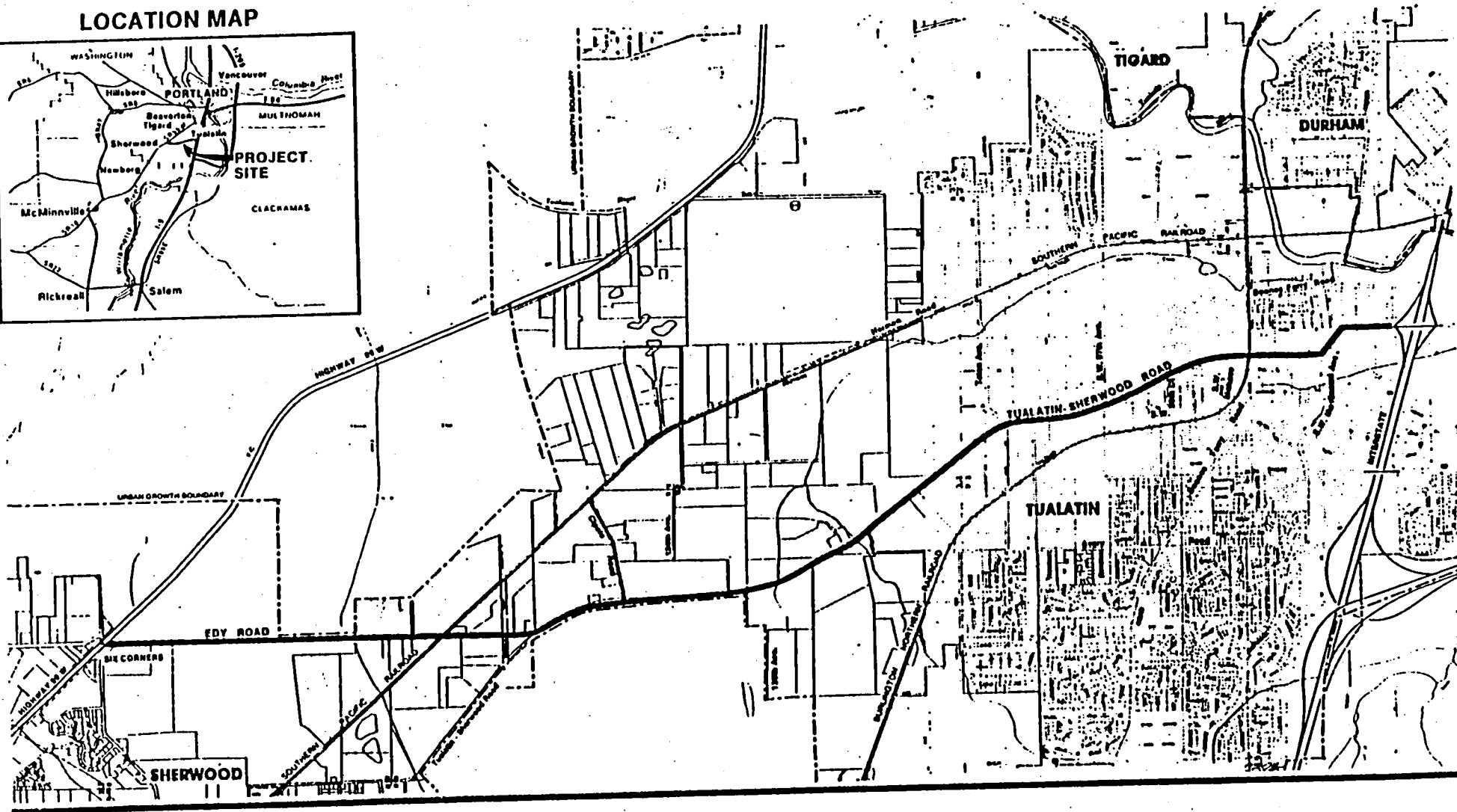
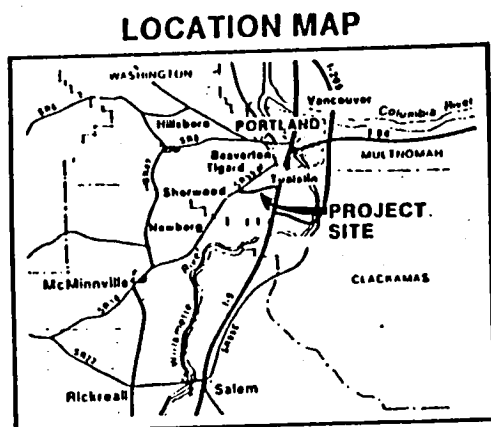
The adjacent parcel to the east is designated for Exclusive Farm Use (EFU). Properties to the north and west, inside the UGB, and located within the cities of Sherwood and Tualatin, have been designated for industrial use.

The proposed road realignment would create the addition of approximately two and one-half acres of developable land north of the new right of way and south of the existing UGB. Given the small size of this addition and its likely industrial zoning, the impact on services for the area will be minimal. Cipole Road currently forms the dividing line between Sherwood and Tualatin and it is anticipated that the developable land remaining after construction would itself be so divided. Either city is capable of providing urban services.

### Project Need

Tualatin-Sherwood/Edy Road provides the major connection between Interstate 5 in Tualatin and Highway 99W in Sherwood. In order for this road to meet the capacity and safety demands of existing and proposed development, a series of design and capacity improvements are proposed to bring the roads to minor arterial design standards, and road capacity to at least level of service D. The project's purpose and need were summarized as follows in its draft Environmental Impact Statement released in May 1988:

The proposed project would widen Tualatin-Sherwood Road to five lanes from Boones Ferry Road to Teton Avenue, including two through-lanes in each direction and a raised median. The remainder of the road would be widened to three lanes, with one through-lane in each direction and a center median/left-turn lane. The existing Tualatin-Sherwood/Edy Road intersection and the Six Corners



NORTH

0 500 1000 2000 FEET

#### LEGEND

— Existing Roadway Alignment

□ Incorporated Areas

### VICINITY MAP

TUALATIN-SHERWOOD/  
EDY ROAD PROJECT

CH2M HILL

Figure 1

31

[illegible]

**Figure 2**

intersection would be reconfigured to better accommodate existing and projected traffic patterns and volumes. West of Boones Ferry Road to Highway 99W in Sherwood, Tualatin-Sherwood Road tapers to a two-lane rural highway with narrow shoulders, no pedestrian or bicycle facilities, and no refuge for left-turning vehicles. The current configuration of the Tualatin-Sherwood/Edy Road intersection requires traffic movements inconsistent with driver expectations. The western terminus of the project at Six Corners is a complex six-legged intersection that has substantial congestion during peak hours.

Two-way average daily traffic (ADT) is projected to increase by 43 percent on the east end of the project near Tualatin and will increase by 75 percent on the west end near Six Corners by the year 1998. One turning movement from Edy Road onto Highway 99W is currently operating at capacity. With no improvements to the existing roadway, the intersections of Tualatin-Sherwood Road with Avery and Cipole Roads and the Six Corners intersection are expected to exceed capacity.

Although accident rates are currently close to the statewide average, all types of accidents (sideswipes, head-on, pedestrian, bicycle) are expected to increase under existing conditions. Pedestrian and bicycle travel is currently inconvenient and hazardous along the roadway because of the variable width and condition of the unpaved shoulders, irregular pavement edges, narrow roadway travel lanes, numerous horizontal and vertical curves, and high volume of truck traffic. Tualatin-Sherwood/Edy Road was removed from the Regional Bicycle Plan at Washington County's request because of the current unsafe condition of the road for cyclists. With continued urban development in the corridor, consistent with comprehensive plans for Washington County, Tualatin, and Sherwood, demand for pedestrian and bicycle facilities will increase.

Along the segment of the project in question, the needed improvements include widening and straightening to accommodate turning onto Cipole (see Figure 3). Without these improvements, level of service at this intersection would drop to level F by 1998. Safety would be significantly impaired if the alignment were not corrected, as the existing radius would require vehicles to slow through that stretch in a potentially hazardous manner, and sight distance for vehicles turning from or onto Cipole Road would be limited. The proposed reconfiguration of the intersection with Edy Road would necessitate an S-curve design that would further exacerbate these problems.

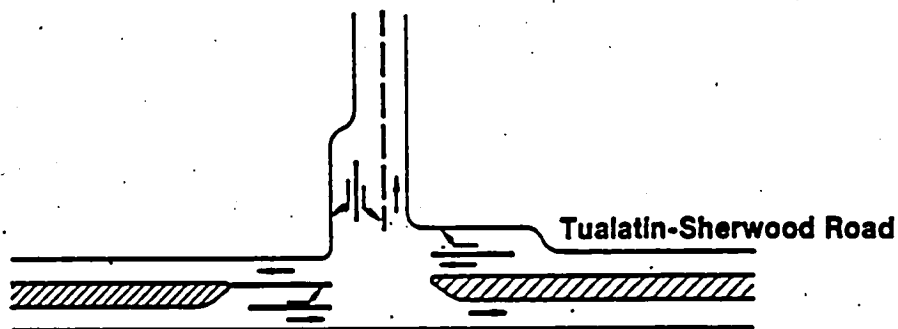
#### Review Criteria

Metro has adopted procedures governing locational adjustments of the UGB including removal, trades and additions of land. The procedures contain standards under which adjustments may be allowed. Washington County has developed additional standards which further clarify those adopted by Metro. This section reviews the proposed locational adjustments against the Metro and Washington County criteria.

Each Metro standard (capitalized) is quoted, followed by the applicable findings of fact. The County's criteria for applying that Metro standard (underscored) are listed in turn, and used to analyze compliance. Staff conclusions regarding overall compliance with each standard follows this analysis.

## TYPICAL OF THE FOLLOWING:

TUALATIN-SHERWOOD/CIPOLE  
SHERWOOD/NORTH-SOUTH CONNECTOR  
SOUTH EDY/NORTH-SOUTH CONNECTOR



## APPROACH LANE CONFIGURATIONS

TUALATIN-SHERWOOD/ EDY ROAD PROJECT	CH2M HILL
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### I. GENERAL STANDARDS

- (a) AS REQUIRED BY SUBSECTIONS (b) THROUGH (d) OF THIS SECTION, LOCATIONAL ADJUSTMENTS SHALL BE CONSISTENT WITH THE FOLLOWING FACTORS:
- (1) ORDERLY AND ECONOMIC PROVISION OF PUBLIC FACILITIES AND SERVICES. A LOCATIONAL ADJUSTMENT SHALL RESULT IN A NET IMPROVEMENT IN THE EFFICIENCY OF PUBLIC FACILITIES AND SERVICES, INCLUDING BUT NOT LIMITED TO, WATER, SEWERAGE, STORM DRAINAGE, TRANSPORTATION, FIRE PROTECTION AND SCHOOLS IN THE ADJOINING AREAS WITHIN THE UGB; AND ANY AREA TO BE ADDED MUST BE CAPABLE OF BEING SERVED IN AN ORDERLY AND ECONOMICAL FASHION.

Staff:

Water and Sewer: A 12" water line runs along the Tualatin-Sherwood Road and an 8" sewer line is located 500' west, within the city of Sherwood at Edy Road. These lines will be vertically relocated as part of the project, but will otherwise be unchanged. Sewer lines have also been extended to within a half-mile of the UGB amendment area to the east in Tualatin.

Neither Sherwood nor Tualatin anticipate any water or sewer capacity problems and, in any case, the addition of two and one-half acres of developable industrial land will have only the most minimal affect on these services.

Storm Drainage: Petition approval will have only a very minimal impact on storm drainage, since the only increase in impervious surface will result from increased road width and whatever structure might be placed on the remaining land to the north in conjunction with its development for urban use.

As part of the overall project, existing culverts will be replaced with new culverts designed to accommodate a 50-year flow, based on projected land use, at or below an allowable headwater.

Because these culverts would be included in the project even if improvements were not made to the segment in question, approval of a UGB amendment to authorize those improvements cannot be said to improve the provision of storm drainage facilities in the adjacent urban area. But the new facilities insure that the petition area itself can adequately be served by storm drainage facilities, and that inclusion of the area within the UGB will have no negative impact on storm drainage in the adjoining urban area.

Transportation: The Tualatin-Sherwood Road is part of the main route connecting I-5 in Tualatin with Highway 99W in Sherwood, and offers the only direct access to either city for the adjoining urban area to the north. Traffic volumes are projected to increase 58% by 1998. Peak hour traffic flow at this point will grow from 10,800 to 16,500 vehicles by 1998. The level of service will drop to F, unacceptable by both County and Metro standards, unless improvements are undertaken to increase capacity. Correcting the horizontal and vertical alignments along this segment will also improve traffic safety.

Because of the small amount of land to be added, the site itself could be adequately served with transportation facilities even if the project were not completed as proposed. However, petition approval to allow the road to be widened and straightened at this point will significantly improve transportation service for the adjoining urban area.

Fire Protection: Property is within the Tualatin Fire and Rescue District, which will continue to provide emergency services. The entire project in general and the improvements proposed for the subject segment in particular will measurably decrease average travel time for emergency vehicles using Tualatin-Sherwood/Edy Road, especially during morning and evening peak hours. The provision of full-width travel and bicycle lanes, together with the separation of these travel lanes by a wide painted or raised median, will provide a means for emergency vehicles to bypass stalled or slow-moving vehicles. The increased capacity provided at all major intersections will reduce average vehicle delays and stops, thereby resulting in an overall improvement in the delivery of emergency services.

Schools: The property lies within Sherwood School District 88J. Because industrial development is expected on the portion of the site north of the new right-of-way, the adjustment would provide a slight increase in the district's assessed value without requiring any additional school services.

(aa) Public facilities and services with adequate capacity to serve the additional land must be available or planned.

Staff:

The site can be provided with needed urban services. Additional sewer and water capacity requirements are minimal and can be readily provided by the cities of Sherwood and Tualatin. Storm drainage facilities will be reconstructed in conjunction with the overall project. Transportation access for the developable portion of the site will be adequate once the planned improvements are completed. The Tualatin Valley Fire and Rescue District can provide adequate protection. The road improvements authorized by petition approval will enhance the quality of fire protection and other emergency services for the subject property and for the adjacent urban area. Because the acreage not needed for the new right-of-way will likely be developed for industrial use, no school facilities will be utilized.

(bb) A net improvement in efficiency would result if existing and planned surplus capacity is utilized.

A net decrease in efficiency would result if existing or planned capacity must be expanded to accommodate the additional land and the cost of expansion must be borne by the entire service district rather than just the benefitted properties. No change in efficiency would result if the benefitted property was responsible for the costs of necessary increases in capacity.

Capacity is defined as the ability of available or planned public facilities and services to provide services through the long-range planning period (usually 20 years or the year 2000). Consideration is centered on, but not limited to, major facilities such as sewer trunk and treatment facilities; water transmission lines, storage and treatment facilities; collector and arterial streets; fire stations, engines and trucks; school buildings; and major storm drainage facilities.

Staff: The small portion of the site that would require urban services would not require any capacity increases, but could be served by existing and planned facilities. Thus a very small increase in the efficiency of sewer, water, storm drainage and fire protection service would result.

(cc) The adjustment is necessary in order to provide needed public facilities to adjacent urban land and no other practical alternatives exist to remedy the problem.

Staff: The adjustment is needed in order to provide safe and efficient transportation service to the adjoining urban area, by allowing for turning lanes at the Cipole Road intersection, increasing sight distance at this intersection and for vehicles entering the road from adjacent properties. Without the proposed improvements, traffic would reach level of service F by 1998, below acceptable County standards. Because of the road curvature at this point, realignment to the south is the only practical way to accommodate needed improvements.

(dd) The adjustment is necessary to moderate the cost of providing public facilities and services. Addition of urban land may be justified if the cost/unit of providing services to existing urban land can be reduced by more than 20 percent.

Staff: The addition will not significantly reduce the cost per unit of providing urban services to existing urban land.

The developable portion of the site can be provided with a full range of urban services without any increase in the capacity of existing or planned facilities. Inclusion of the site within the UGB will have no impact on the provision of water, sewerage, storm drainage and school service to the adjoining urban area, but will significantly improve the efficiency of transportation service and fire



protection. Petition approval would thus result in a strong net improvement in the efficiency and effectiveness with which public services would be provided to the adjoining urban area.

- (2) MAXIMUM EFFICIENCY OF LAND USES. CONSIDERATIONS SHALL INCLUDE EXISTING DEVELOPMENT DENSITIES IN THE AREA INCLUDED WITHIN THE AMENDMENT, AND WHETHER THE AMENDMENT WOULD FACILITATE NEEDED DEVELOPMENT ON ADJACENT EXISTING URBAN LAND.

**Staff:** There is no existing development on the site. The adjoining urban area has been designated for industrial development in the Comprehensive Plans of Sherwood and Tualatin (see Figure 4). Without the proposed improvements, congestion at the Cipole Road intersection could seriously impede the area's ability to achieve its maximum potential for industrial development. The degree of congestion that would be present (level of service F) could be expected to discourage new development relying on truck transport or frequent vehicle trips. Petition approval would facilitate planned development by providing transportation capacity commensurate with planned growth.

(aa) Maximum efficiency is achieved when existing urban property is developed to the extent allowed by the governing comprehensive plan.

The adjustment is needed in order to enable existing urban land to develop to the extent allowed by the governing comprehensive plan.

**Staff:** Although the effect of an inadequate transportation system is less easy to document or predict than that of, say, the infeasibility of providing sanitary sewers, the planned road improvements will support maximum efficiency by alleviating the congestion which would otherwise be likely to interfere with development to the full extent allowed by the cities' comprehensive plans.

(bb) The adjustment is necessary to bring rural land which is developed into the urban growth boundary to obtain needed public facilities and services.

**Staff:** With the exception of the paving along the southern portion of the existing right-of-way, there is no development on the site; this criterion does not apply.

- (3) ENVIRONMENTAL, ENERGY, ECONOMIC AND SOCIAL CONSEQUENCES. ANY IMPACT ON REGIONAL TRANSIT CORRIDOR DEVELOPMENT MUST BE POSITIVE AND ANY LIMITATIONS IMPOSED BY THE PRESENCE OF HAZARD OR RESOURCE LANDS MUST BE ADDRESSED.

# LEGEND

## CITY OF TUALATIN

- ML - Light Manufacturing
- MG - General Manufacturing
- CG - General Commercial
- CC - Central Commercial
- RH/HR - High Density/Highrise Residential
- PG - Parks and Greenways

## CITY OF SHERWOOD

- U - Light Industrial
- GI - General Industrial
- GC - General Commercial
- CC - Community Commercial
- OC - Office Commercial
- HDR - High Density Residential
- MDRH - Medium High Density Residential
- MDRL - Medium Low Density Residential
- Greenway

## WASHINGTON COUNTY

- EFC - Exclusive Forest and Conservation
- EFU - Exclusive Farm Use

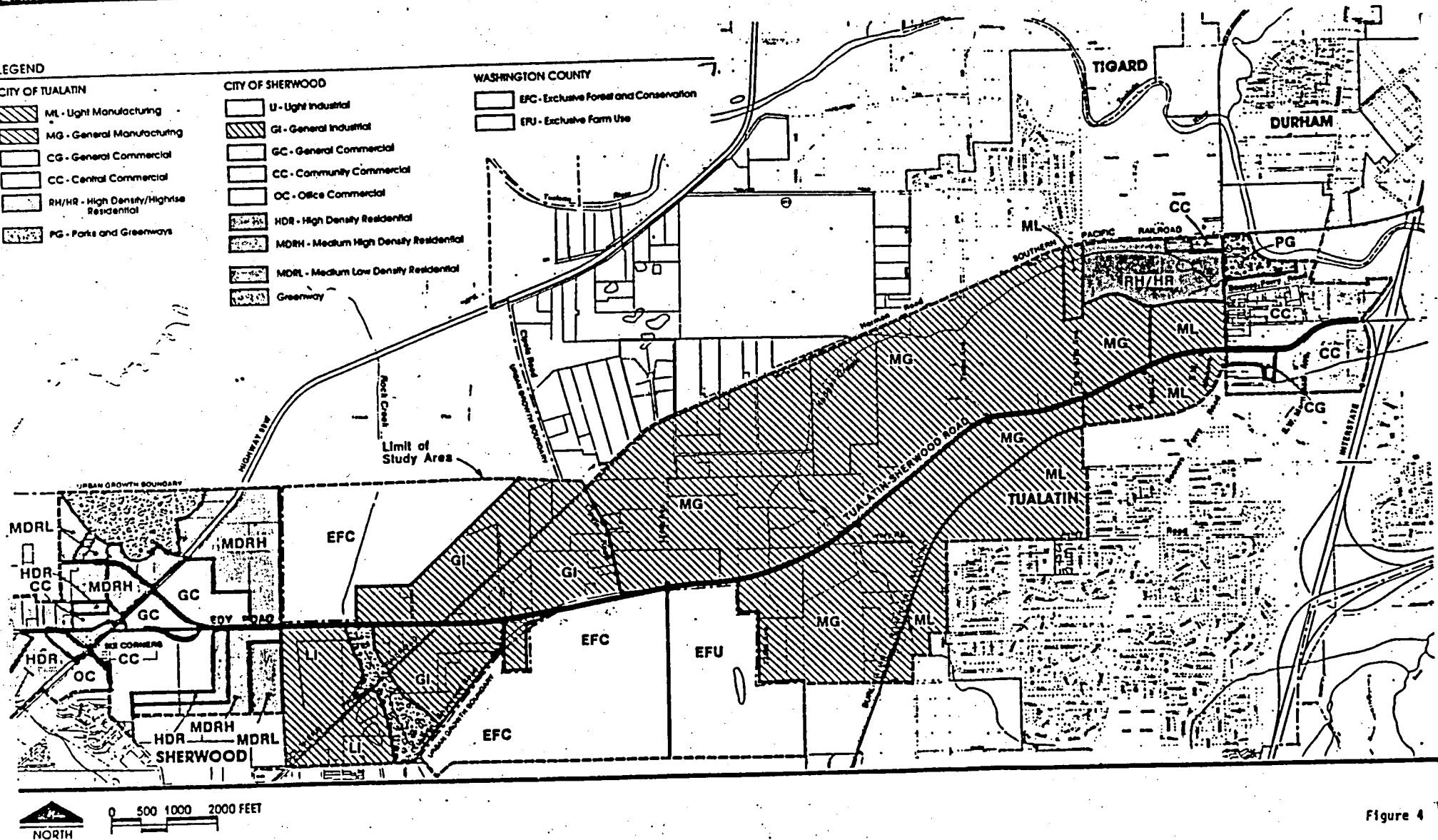


Figure 4

## COMPREHENSIVE PLANS

TUALATIN-SHERWOOD/ EDY ROAD PROJECT	CH2M HILL
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SOURCE: City of Sherwood, Comprehensive Plan Community Development Plan, Part 2, March 1982;  
City of Tualatin, Tualatin Development Code, December 1985; Washington County, Rural Natural Resource Plan

Staff:

There is no transit service along the Tualatin-Sherwood road, nor is the site within one-quarter mile of a Regional Transit Corridor, as identified in Metro's Regional Transportation Plan.

No hazards have been identified on the site. Although there are no historic resources on the site, the Orr residence to the south was built in the 1900's and identified in a survey of cultural resources conducted for the Tualatin-Sherwood/Edy Road Draft Environmental Impact Statement (Vol. 1, p. 4-62). The report concluded that this structure did not meet minimum criteria for listing on the National Registry. The County's Historic and Cultural Resource Overlay has not been applied to this property. In any case, realignment of the road in front of this house will have no impact on it.

The site contains Class II soil and has been designated EFC in the County's plan. That portion of the five acres situated between the existing and proposed right-of-ways would be isolated from the remaining resource land to the south, and the possible future agricultural or forest use of this land would be impaired.

The land to the south is part of an area known as the Tonquin Scablands Geologic Area which consists of typically featureless basalt uplands with deep, frequently dry channels. These features were formed 10,000 to 20,000 years ago when torrential glacial meltwaters flooded the scablands area and surrounding region. The swift-moving flood waters scoured and eroded the hilltops, formed many deep channels, and deposited large quantities of sand and gravel.

The subject site itself does not contain any features of geologic interest and the realigned road would provide a buffer of sorts between the Scablands and urban development to the north. Because the project improves an existing route, and would be constructed even if the proposed improvements on the site could not be accomplished, improvements on the site are not expected to increase traffic along the route. In any case, the impacts of any increased traffic on protection of the lands to the south for farm or park use would be minimal.

There is a stand of trees on the southwest corner of the subject property. Those trees on the site itself would be removed as part of the road realignment (approx. .10 Ac.).

The improvement in traffic flow that would be achieved as a result of the requested adjustment represents a significant savings in terms of energy consumption and air quality. By improving the level of service from

level F to level B, the project would reduce average stop delay idling time at least 75%, from 60 seconds per vehicle to 5 - 15 seconds. For the project as a whole, the savings in terms of air quality and energy consumption are summarized in Tables A and B below.

TABLE A  
ESTIMATED DAILY EMISSIONS  
(kilograms per day)

Pollutant	Existing	With Project		Without Project	
		1998	2008	1998	2008
Carbon monoxide	1,342.1	1,262.1	1,274.9	1,412.2	1,419.4
Nonmethane hydrocarbons	186.7	126.7	111.6	131.9	118.2
Nitrogen oxides	272.0	237.7	190.7	240.9	195.9

TABLE B  
Estimated 1998 Energy consumption  
(gallons)

	With Project	Without Project	Difference/ Benefit
Fuel consumption	860,000	1,115,000	_____
Fuel consumption equivalent of electrical energy for street lights and traffic signals	<u>28,000</u>	<u>9,000</u>	
TOTAL:	888,000	1,124,000	36,000

In addition, by adding a bike lane, the project may further reduce energy consumption and air pollution by encouraging more bicycle and pedestrian travel.

(aa) The "Regional Transit Corridors" are mapped in the Metro Regional Transportation Plan. A positive impact on regional transit corridor development occurs when manufacturing, office or residential development exceeding 8 units/acre occurs within one-quarter mile of the designated route.

Staff: There is no Regional Transit Corridor within one-quarter mile of the site; this criterion does not apply.

The proposed adjustment would not impact any Regional Transit Corridor, nor are any natural hazards to development present. Although it would have no significant impact on adjacent resource land, the five acres included in the adjustment itself would be lost to resource use. However, the benefits to air quality and energy consumption produced by the project outweigh this loss and produce a net benefit in terms of energy and environmental consequences.

(4) RETENTION OF AGRICULTURAL LAND:

- (A) WHEN A PETITION INCLUDES LAND WITH CLASS I-IV SOILS DESIGNATED IN THE APPLICABLE COMPREHENSIVE PLAN FOR FARM OR FOREST USE CONSISTENT WITH THE REQUIREMENTS OF LCDG GOALS NO. 3 OR 4, THE PETITION SHALL NOT BE APPROVED UNLESS IT IS FACTUALLY DEMONSTRATED THAT:
- (i) RETENTION OF THE AGRICULTURAL LAND WOULD PRECLUDE URBANIZATION OF AN ADJACENT AREA ALREADY INSIDE THE UGB, OR
  - (ii) RETENTION OF THE AGRICULTURAL LAND WOULD PREVENT THE EFFICIENT AND ECONOMICAL PROVISION OF URBAN SERVICES TO AN ADJACENT AREA INSIDE THE UGB, OR
  - (iii) THE PROPERTY IS A LEGAL PARCEL OR PARCELS 10 ACRES OR SMALLER IN AGGREGATE ZONED FOR EXCLUSIVE FARM USE UNDER PROVISIONS OF ORS CHAPTER 215 AND OCCUPIED BY ONE OR MORE PERMANENT STRUCTURES,..... (The balance of this standard has been omitted as the provisions do not apply here.)

Staff: In response to standard (i) above, because the road curves to the south, there is no way to correct the horizontal alignment without taking some of the resource land which runs south of the existing right-of-way. Nor could the left turn lane safely be included without correcting the horizontal alignment. Without these improvements, the level of service on the Tualatin-Sherwood Road, the main road serving all adjacent urban land, would drop to level F, an inadequate level of transportation service. Retaining the site in agricultural use would thus prevent the efficient and economical provision of urban transportation service to all adjacent lands within the UGB.

- (5) COMPATIBILITY OF PROPOSED URBAN USES WITH NEARBY AGRICULTURAL ACTIVITIES. WHEN A PROPOSED ADJUSTMENT WOULD ALLOW AN URBAN USE IN PROXIMITY TO EXISTING AGRICULTURAL ACTIVITIES, THE JUSTIFICATION IN TERMS OF FACTORS (1) THROUGH (4) OF THIS SUBSECTION MUST CLEARLY OUTWEIGH THE ADVERSE IMPACT OF ANY INCOMPATIBILITY.

- The adjustment and proposed urban uses will not adversely affect adjacent agricultural activities, especially those on property designated EFU (Exclusive Farm Use).

Staff: There will be industrial uses north of the Tualatin-Sherwood Road adjacent to existing agricultural uses whether or not this adjustment is approved. The only impact of the adjustment is to change the location of the road and the proposed industrial use to the north. There should be no adverse impact from this change. Even if there were some adverse impact, it would be strongly outweighed by the benefits to traffic flow and safety, and the attendant improvement in emergency services and reduction in projected air pollution and energy consumption.

## II. ADDITION STANDARDS

- (d) PETITIONS TO ADD LAND TO THE UGB MAY BE APPROVED UNDER THE FOLLOWING CONDITIONS:

- (1) AN ADDITION OF LAND TO MAKE THE UGB COTERMINOUS WITH THE NEAREST PROPERTY LINES MAY BE APPROVED WITHOUT CONSIDERATION OF THE OTHER CONDITIONS IN THIS SUBSECTION IF THE ADJUSTMENT WILL ADD A TOTAL OF TWO ACRES OR LESS, THE ADJUSTMENT WOULD NOT BE CLEARLY INCONSISTENT WITH ANY OF THE FACTORS IN SUBSECTION (a) AND THE ADJUSTMENT INCLUDES ALL CONTIGUOUS LOTS DIVIDED BY THE EXISTING UGB.

Not applicable.

- (2) FOR ALL OTHER ADDITIONS, THE PROPOSED UGB MUST BE SUPERIOR TO THE UGB AS PRESENTLY LOCATED BASED ON A CONSIDERATION OF THE FACTORS IN SUBSECTION (a). THE MINOR ADDITION MUST INCLUDE ALL SIMILARLY SITUATED CONTIGUOUS LAND WHICH COULD ALSO BE APPROPRIATELY INCLUDED WITHIN THE UGB AS AN ADDITION BASED ON THE FACTORS IN SUBSECTION (a).

Staff: The proposed UGB is superior to the existing UGB because it allows for road improvements which will substantially improve transportation service, in terms of both safety and efficiency, for both the immediate and larger urban area. Improving traffic flow in this road segment will also benefit emergency services, air quality, and energy conservation.

The addition includes only two and one-half acres of developable land outside the new right-of-way. It is expected that this land, like adjoining urban land, will be designated for urban use. Because its development can be easily accommodated by existing and planned public facilities and services such as sewer, water, storm drainage, and fire protection, its inclusion will achieve a slight increase in the efficiency of these facilities and services as well. It will add to the tax base for school support without requiring any school services.

The proposed UGB will have no more adverse impact on adjacent agricultural areas than the current UGB--which is, indeed, likely to be almost none. Although the site is protected resource land, the southerly curve of the road requires the inclusion of this land in order to accomplish the proposed improvement.

Overall, the benefits of the proposed UGB, as compared with the existing UGB, strongly outnumber and outweigh its disadvantages.

All of the benefits identified in discussing compliance with subsection (a) above apply only to this proposed adjustment. Because this adjustment is intended to allow for a specific, clearly delineated road realignment, adjacent properties, not needed to accomplish that realignment, cannot be considered similarly situated, and therefore they cannot be included in the UGB on the same basis.

- The inclusion of "similarly situated contiguous land" shall be subject to the limitations set forth in (d)(3) below.

See discussion at (d)(3)(aa) below.

- (3) ADDITIONS SHALL NOT ADD MORE THAN 50 ACRES OF LAND TO THE UGB AND GENERALLY SHOULD NOT ADD MORE THAN 10 ACRES OF VACANT LAND TO THE UGB. EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SUBSECTION, THE LARGER THE PROPOSED ADDITION, THE GREATER THE DIFFERENCES SHALL BE BETWEEN THE SUITABILITY OF THE PROPOSED UGB AND SUITABILITY OF THE EXISTING UGB, BASED UPON CONSIDERATION OF THE FACTORS IN SUBSECTION (a) OF THIS SECTION.

Staff: The proposed addition would add only 5.14 acres to the UGB, roughly an acre of which is currently paved right-of-way to be replaced by a similar amount of paved right-of-way in the new alignment. The small size of this adjustment, well under the ten-acre standard, establishes a relatively light burden of proof, which is more than met by the significant improvements this adjustment will accomplish, as discussed above.

(aa) When a petition proposes to add less than 10 acres of vacant buildable land, the existence of vacant buildable land already in the UGB in the vicinity of the proposed addition with the same land use designation as that contemplated for the proposed addition, shall be taken into consideration. "In the vicinity" is defined as land within approximately one-quarter mile of the proposed addition.

(bb) When a petition proposes to add more than 10 acres of vacant buildable land, the existence of vacant buildable land already in the UGB in the planning area(s) adjacent to the proposed addition with the same land use designation as that contemplated for the proposed addition, shall be taken into consideration. Planning areas are defined as Washington County Community Plans and city planning areas as defined by Urban Planning Area Agreements.

Staff: Because the petition proposes to add less than ten acres of vacant land, (aa) rather than (bb) applies here.

The area to be added would be designated for industrial use, but only about half of it would be developed for that purpose. The remainder is needed for the road realignment, a need which cannot be met on other properties already in the UGB. Although there is ample industrially zoned land already in the vicinity, the two and one-half acres of developable industrial land to be added are a necessary adjunct to the addition of the land needed for the new right-of-way.

### Conclusions

This adjustment is requested in order to accommodate a needed widening and straightening of Tualatin-Sherwood Road near the intersection with Cipole Road. These improvements are an integral part of the Tualatin-Sherwood/Edy Road Project included in the MSTIP, and are needed to avoid peak hour traffic flows at level of service F, unacceptable under both County and Metro standards. They will enhance traffic safety and promote increases in bicycle and pedestrian traffic. These benefits also achieve reductions in air pollution and energy consumption over levels otherwise projected.

Although the adjustment includes identified resource land, there is no practical alternative that would avoid doing so. The amount of resource land included is relatively small, and the impact on the adjacent farmlands will be minimal.

Overall, the benefits of the proposed adjustment clearly outweighs its costs and it should be approved.



Petition for Locational Adjustment to  
Metro's Urban Growth Boundary (UGB) (check one):

  X   addition        removal

Note: To add land in one location and remove land in another,  
please complete one form for the addition and another for  
the removal.

1. a. Petitioner's name and address:

WASHINGTON COUNTY PLANNING DEPARTMENT  
155 NORTH FIRST AVENUE  
HILLSBORO, OREGON 97124  
Phone number: 640-3519

b. Contact person, if other than petitioner (consultant or  
attorney) or if petitioner is a local government:

JILL HINCKLEY  
419 SE 15TH  
PORTLAND, OREGON 97214  
Phone number: 234-2113

2. What is petitioner's interest in the property:

  X   Property Owner  
       Contract Buyer  
       Option to buy  
       Other legal interest (Specify:       )  
  X   Local government

3. County in which property is located: WASHINGTON

4. If the locational adjustment requested were approved, would you  
seek annexation to (or de-annexation from) a city?

       Yes, the City of         
  X   No

5. Description of properties included in the petition (list each  
lot individually and attach a copy of the appropriate tax  
assessor's map(s)):

a. Legal Description  
(Township, Range,  
Section, Lot):

T2S R1W Section 28D  
Tax Lots 100 & 1000

- b. Acres: 5.14
- c. Owner's Name Same  
& Address  
(Mark "Same"  
if same as  
petitioner):
- d. Improvements Tualatin Sherwood Road runs from centerline over  
on property about 1 acre.  
(e.g., none,  
one single  
family dwelling,  
barn, gas station,  
etc.):

Attach additional sheets as needed.

6. a. What sewerage facilities currently serve the property?

- ☒ None, all land is vacant
- ☐ Package sewage treatment plant
- ☐ Sewer Line to public system
- ☐ Septic Tank

b. If septic tanks, have any septic tanks in the area failed?

☐ Yes, (Explain: \_\_\_\_\_)

\_\_\_\_\_

\_\_\_\_\_

☐ No

7. How close is the nearest sewer trunk? 500'

8. a. Are additional sewer trunks for the area planned?

☐ Yes ☒ No

b. If yes, how close to the property would planned  
sewer lines run? \_\_\_\_\_

9. How is water provided to the property?

☐ Private Well

☐ inch water line provided by \_\_\_\_\_  
(city or water district)

☒ No water provided

10. How close is the nearest water main? at site
11. a. Are additional water mains for the area planned?  
       Yes      X No
- b. How close to the property would planned water lines run?
12. Are there any natural or man-made boundaries to development running along or near your property (rivers, cliffs, etc.)?  
       Yes (Describe: \_\_\_\_\_)  
\_\_\_\_\_ )  
Mark location on assessor's map or attach other map or photo.  
X No
13. What is the current local plan designation of the property? EFC
14. What is the current local zoning designation? EFC
15. Does the comprehensive plan identify any natural hazards in this area?  
       Yes (Describe and explain applicable comprehensive plan policies: \_\_\_\_\_)  
\_\_\_\_\_  
\_\_\_\_\_ )  
X No
16. Does the comprehensive plan identify any natural or historic resources in this area?  
       Yes (Describe resources and explain applicable plan policies: T.L. 100 has been identified as part of the Tonguin Scabland Area; a Significant Natural Area; under Policy 11, development is permitted when alteration of the area is limited.)
17. How do you plan to develop the property if your petition is approved?  
REALIGNMENT OF TUALATIN SHERWOOD ROAD  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
18. On a separate sheet of paper, please discuss how approval of your petition would comply with each of the applicable standards from the Metro Code (attached green sheets). Only petitions found consistent with these standards may be approved. Metro staff will use the information received from

this petition, the local government, and other sources as needed, to prepare a list of questions for the Hearings Officer on whether these standards have been met. You and other parties may then submit any additional testimony in support of or opposition to the petition at the hearing. The Hearings Officer will then weigh the testimony received and submit the findings and recommendations to the Metro Council for action.

18. Petitioners Signatures

I/WE THE UNDERSIGNED HEREBY PETITION THE METROPOLITAN SERVICE DISTRICT TO ADD TO/REMOVE FROM THE URBAN GROWTH BOUNDARY THE PROPERTY DESCRIBED HEREIN.

SIGNED,

<u>Name</u>	<u>Tax Lot</u>	<u>Date</u>
_____	T2S, R1W, Sect. 28D	_____
_____	T.L. 100 & 1000	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

JH/gl  
2383B/223  
05/07/87



WASHINGTON  
COUNTY,  
OREGON

Date : June 7, 1990

To : Planning Commission

From : Hal Bergsma, Senior Planner *HB*

Subject: PLAN AMENDMENT CASEFILE 90-149-PA

As of the date for mailing out your Commission's packet for the June 13 meeting, staff had not received additional material from the applicant pertaining to ground water, as you had requested at your May 23 meeting. According to the applicant's representative, they have retained a geologist to provide additional information, but the new material will not be available until the meeting.

We have received one additional letter from an opponent, which is enclosed.

HB:mb

EXHIBIT 19 IS THE ENVIRONMENTAL IMPACT STATEMENT FOR THE ROAD PROJECT, AND IS TOO LARGE FOR DUPLICATION. IT IS AVAILABLE AT THE METRO OFFICES FOR REVIEW.

EXHIBIT 20 IS THE TAX MAP FOR THE PROPOSED AMENDMENT, AND IS TOO LARGE FOR DUPLICATION. IT IS AVAILABLE FOR REVIEW AT THE METRO OFFICES.

July 2, 1990

Jill Hinckley  
419 SE 15th  
Portland, OR 97214

Dear Jill,

This letter acknowledges receipt of the application of Washington County for a locational adjustment of the Metro Urban Growth Boundary. This application will be known as "Washington County" and has been assigned Case Number 90-3.

I have reviewed the application and have determined that the following elements are needed before the application can be accepted as complete:

- 1) Notification List - Metro must be furnished with a mailing list for all owners of property within 250 feet of the subject property, including local, state, and federal agencies. Recent changes in state law not yet incorporated in the Metro code require notification of all owners within 500 feet. Although the Metro UGB has not formally completed periodic review at this time, it would be advisable to include owners within the 500 foot distance to avoid potential legal claims in the future.
- 2) Service Provider Comment - Comment is required from providers of water, sewerage, storm drainage, transportation, school, and fire services to the subject property. A letter from the relevant local planning department is sufficient for transportation and storm drainage. Since the application is coming from the County, Metro will consider the application itself sufficient comment on transportation and storm drainage services unless you wish to augment either one prior to the hearing. Other service provider comments have not been received by this office to date.

It is the responsibility of the petitioner to see that all items noted above are received by this office no later than 5 pm on Monday, July 23, 1990. Failure to complete the

application as noted above will result in the rejection of the petition. Should the petition be completed, Metro will then schedule a hearing before a Hearings Officer no sooner than 45 days from the date on which the application is accepted by Metro as complete.

Finally, I will review the issue of land owner consent with Larry Shaw. I believe that the signature of Mr. Rosenberger will be sufficient for purposes of completing the application. Should the petition be completed, we can schedule the hearing around your negotiations for the land.

This letter also acknowledges receipt of your check in the amount of \$2300.00 as a deposit against Metro and Hearings Officer costs in processing this application. The check will not be deposited until Metro accepts the application as complete. If the application is not accepted, your deposit of \$2300.00 will be returned in full.

Please feel free to contact me should you have any questions.

Sincerely,

Ethan Seltzer  
Land Use Coordinator

cc: Mark Brown