



Agenda

COUNCIL MEETING

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 11, 1985

Day: Thursday

Time: 6:00 p.m.

Place: Council Chamber

Approx.
Time *

Presented By

6:00 CALL TO ORDER
ROLL CALL

1. Introductions
2. Councilor Communications
3. Executive Officer Communications
4. Written Communications to Council on Non-Agenda Items
5. Citizen Communications to Council on Non-Agenda Items

6:20 6. APPROVAL OF MINUTES of the Meeting of March 14, 1985
7. ORDINANCES

6:25 7.1 Consideration of Ordinance No. 85-187, for the
Purpose of Adopting a Final Order and Amending
the Metro Urban Growth Boundary in Contested
Case No. 83-1 (Second Reading)

Hinckley

8. RESOLUTIONS

6:35 8.1 Consideration of Resolution No. 85-554, for the
Purpose of Adopting a Council Position on
Senate Bill 662, Modifying State Landfill
Siting Authority

Fell

* All times listed on this agenda are approximate; items may not be presented in the exact order indicated.

(continued)

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9. OTHER BUSINESS

6:45 9.1 Consideration of Awarding the West Bear Grotto Rich
 Remodel and Related Areas Construction Contract
 to Bishop Contractors, Inc.

6:55 10. COMMITTEE REPORTS

7:00 INFORMAL WORK SESSION: Discussion of Key Budget Issues
 For Fiscal Year 1985-86

8:00 ADJOURN

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3176C/D5-4
4/2/85

Meeting Date April 11, 1985

MINUTES OF THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

March 14, 1985

Councilors Present: Councilors DeJardin, Gardner, Hansen,
Kirkpatrick, Kelley, Myers, Van Bergen,
Waker and Bonner

Councilors Absent: Councilors Cooper, Kafoury and Oleson

Also Present: Executive Officer Gustafson

Staff Present: Don Carlson, Eleanore Baxendale, Sonnie
Russill, Dan Durig, Doug Drennen, Norm
Wietting, Buff Winn, Randi Wexler, Phillip
Fell, Kay Rich, Jack Delaini, Chet Gregg,
Pam Juett, Ed Stuhr, Sonnie Russill

Presiding Officer Bonner called the regular meeting of the Council to order at 6:35 p.m. The meeting was held at the Washington Park Zoo's Meeting Center.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

Legislative Report. Executive Officer Gustafson reported HB 2037, the dues extension bill, had been passed by the State House of Representatives by a vote of 40 to 18.

A public hearing was held regarding the Advisory Committee on Intergovernmental Relations (ACIR) legislation. Some concern was raised regarding the \$140,000 appropriation to staff the ACIR, he reported.

A hearing regarding SB 509, licensing of exotic animals, was held earlier in the day. The current status of the bill was unknown but further developments would be reported to the Council.

A hearing before the House Intergovernmental Affairs Committee has been scheduled for April 2, 7:00 p.m., regarding the three Metro-related bills: HB 2038, making the Executive Officer a 13th member

of the Council; HB 2427, authorizing the Council to appoint the Executive Officer; and HB 2558, giving Metro the authority to appoint commissions to carry out services. The Executive Officer urged Councilors to attend this hearing.

Councilor Kirkpatrick reminded the Council it had not taken a position on HB 2038 and HB 2427 and that any testimony would reflect personal opinion. The Council decided not to take a position on the legislation, she said.

Presiding Officer Bonner recalled when information about the two bills was presented at the informal Council meeting of February 7, not enough was known about the proposed legislation to take a position. At the end of the meeting, the Council discussed which position the Council should take, if any, and whether the Council should meet informally to discuss the matter further, Presiding Officer Bonner appointed Councilor Kirkpatrick work with Councilor Myers and the Presiding Officer to develop a policy statement the Council could adopt on March 28, 1985.

Washington County Transfer & Recycling Center (WTRC). Regarding the WTRC siting process, Executive Officer Gustafson reported he and Dan Durig met with several Beaverton area corporations, including Nike, Reser's Foods and land developers, in response to concerns about the proposed facility. Major concerns centered around possible traffic flow problems. Mr. Durig added the companies were positive about the need for the facility and its proposed design. Staff were preparing an additional newsletter which would address traffic concerns, he reported, and Metro Transportation staff were preparing additional reports on projected traffic flow in the area. Metro was also offering tours of the Clackamas Transfer & Recycling Center, answering questions about sanitation, and raising levels of knowledge about solid waste and the proposed facility. He said that responding to these concerns could delay the project schedule by several weeks.

3.1 Consideration of Resolution No. 85-533, for the Purpose of
Confirming the Appointment of Vickie Rocker to the Position of
Public Affairs Director

Executive Officer Gustafson discussed the extensive selection process for the position and the fact that all the finalists interviewed were highly qualified. He then introduced Vickie Rocker to the Council, saying he was looking forward to the spirit she would bring to the organization which would enhance community involvement and confidence in Metro's programs.

Motion: Councilor Kirkpatrick moved the Resolution be adopted and Councilor Waker seconded the motion.

Councilor Kirkpatrick, a member of the selection committee, said she was pleased with the number of outstanding candidates who had applied for the position and that Metro should take pride in its ability to attract well qualified professionals. She also expressed appreciation for the fine work Sonnie Russill had done in coordinating recruiting and selection.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the Resolution was adopted.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 14, 1985

Motion: Councilor Kelley moved the minutes be approved and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the minutes were approved.

The Presiding Officer called a recess at 6:55 p.m. for Councilors to tour the Zoo's Educational Services Offices. The meeting reconvened at 7:15 p.m.

7. ORDINANCES

7.1 Consideration of Ordinance No. 85-186, for the Purpose of
Amending the FY 1984-85 Budget and Appropriations Schedule
(Continued First Reading)

Jennifer Sims explained the budget now before the Council had been amended since its first presentation in January to allow for additional expenses that would be incurred when Metro relocated its offices to the First Avenue Building. She reported the following factors had been assumed in developing the amended budget: 1) the First Avenue Building would be delivered to Metro on May 1, 1985; 2) Metro would not occupy the new building before July 1, 1985; 3) Metro would sublease approximately 5,000 square feet, possibly as much as 8,800 square feet of office space, to other tenants; 4) Metro would assume the cost of having the building's heating and cooling system inspected; and 5) \$120,000 would be budgeted for building improvements, two-thirds of which would be expended this fiscal year and the remaining sum to be expended during FY 1985-86.

Ms. Sims reported the budget estimate for a space planning consultant was estimated low, based on responses to requests for proposals recently received. She proposed to cover this additional expense by transferring, by administrative action, money previously budgeted for cost of elections. There would be no election expenses this fiscal year, she said.

In response to Councilor Kirkpatrick's question, Ms. Sims explained additional costs associated with the office move would be transferred from the Zoo and Solid Waste Operating Funds, grant funds as an allowed cost of additional overhead, and a transfer from the General Fund balance forward. She reported \$390,000 had originally been budgeted for FY 1985-86 carry forward. This figure would be reduced by \$40,000 as a result of the office move.

There being no further discussion, the Presiding Officer announced a second reading of the Ordinance would take place after the adjusted budget was returned from the Tax Supervision and Conservation Commission (TSCC), probably on April 25, 1985.

Motion: Councilor Kirkpatrick moved to amend the main motion to adopt the Ordinance to include budget revisions associated with Metro's relocation to the First Avenue Building. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the main motion to adopt the ordinance, made at the meeting of January 24, 1985, was amended.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 85-539, for the Purpose of Transmitting the FY 1984-85 Budget Amendments to the TSCC

Ms. Sims explained adoption of this Resolution was necessary to transmit the amended budget, discussed under agenda item 7.1, to the Tax Supervision and Conservation Commission (TSCC) as required by law.

Motion: Councilor Kirkpatrick moved to adopt the Resolution and Councilor Hansen seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick,
Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 85-545, for the Purpose of Adopting a Council Position on Proposed Legislation Modifying State Landfill Siting Authority

Phillip Fell reported at the meeting of February 28, the Council discussed the provisions of Legislative Counsel Draft 1353 regarding proposed processes for siting landfills. The Council had also requested staff prepare two resolutions regarding landfill siting process for consideration, one stated in general terms to respond to any state landfill legislation (Resolution No. 85-545) and another addressing a specific process (Resolution No. 85-554). Resolution No. 85-554 was prepared after the February 28 meeting and mailed to Councilors separate from the March 14 agenda packet. At the Presiding Officer's request, Mr. Fell then discussed the provisions of LC 1353.

Motion: Councilor Hansen moved to adopt Resolution No. 85-545 and Councilor Kirkpatrick seconded the motion.

Councilor Kelley said she recalled receiving a copy of Resolution No. 85-554 earlier in the week and questioned why it was not available at this meeting. Mr. Fell said it was his understanding it was printed and circulated to the Council at this meeting and apologized for the error.

Councilor Myers noted Resolution No. 85-554 was not listed on this meeting's agenda and requested the Resolution be placed on the written agenda for the March 28 Council meeting to allow for adequate public notification.

Withdrawal of Motion: Councilor Hansen withdrew the main motion so that Resolution No. 85-545 could be considered with Resolution No. 85-554.

Councilor Hansen, referring to SB 662 which Resolution No. 85-554 addressed, stated he did not think Section 5(1) related to the goal Representative Burton wanted to achieve. Mr. Fell responded staff and General Counsel had reviewed SB 662 and were preparing a detailed response to the draft legislation. He agreed there appeared to be inconsistencies which would be addressed by Counsel.

Robert C. Smith, 5856 N.E. 27th Avenue, Portland, Oregon, representing the Sierra Club, testified Judy Dehen, also a Sierra Club representative, had addressed the Council on February 28. Subsequent to her testimony, Councilor Waker had sent her a letter requesting clarification about details of her testimony. Because Ms. Dehen was out of town attending a conference, Mr. Smith said he would address Councilor Waker's concerns.

Ms. Dehen had testified she thought limiting the time frame for a landfill siting decision and appeals process would also limit citizen involvement. Mr. Smith said he had no specific answer to what would constitute adequate citizen involvement, but the appropriate amount would be somewhere between the extremes of allowing no involvement and allowing involvement to go on to the point where citizens were still commenting five years after garbage was piling up and no landfill had been sited. He did not think Representative Burton's proposed legislation addressed the need for adequate citizen involvement.

Ms. Dehen had testified on February 28 that she was also concerned about the ability of Metro to site landfills beyond its boundaries because citizens outside the District would have no Metro Councilor

representing their area. At that meeting, Councilor Hansen had asked Ms. Dehen if it would be more acceptable to site an environmentally inferior landfill inside Metro's boundaries versus an environmentally superior one outside the District. Councilor Waker's letter asked the Sierra Club to prioritize the importance of these two factors. Mr. Smith said the Sierra Club primarily objected to Metro requesting the state of Oregon to site a landfill outside the District without going through the Comprehensive Plan and County Commission. He said people in the effected area would have no local representation.

In responding to Ms. Dehen's testimony, Councilor Waker's letter pointed out that landfill siting criteria in many local comprehensive plans were ambiguous. Therefore, it would be preferable to use state-wide planning goals in siting new landfills. Mr. Smith said he doubted Ms. Dehen had testified that state-wide goals were nearly identical to acknowledged comprehensive plans as Councilor Waker had indicated in his letter. If she had made this statement, Mr. Smith said Ms. Dehen was not expressing herself well. He explained that land use planning goals were not really standards for land use planning but rather, standards by which to set standards. Planning goals and comprehensive plans could not be used independently of each other. For example, he said, state planning Goal 4 addressed protected use of forest lands unless proposed changes were in conformance with the Comprehensive Plan. He questioned how Metro could site a landfill in a forested area under Goal 4 without following the rules set out in the Comprehensive Plan.

Mr. Smith said Ms. Dehen had discussed the possibility of alternatives to landfills when she testified before the Council on February 28. Ms. Dehen was suprised the Council had not heard about these alternatives because the Sierra Club had previously communicated to staff about their proposals. This, he explained, was why Ms. Dehen did not respond in more detail to the Council's request for information about these alternatives. Mr. Smith said he was concerned about the apparent lack of communication among staff, the Exeutive Officer and the Council.

Mr. Smith advocated a waste recovery system as a good alternative to another landfill. He said this would involve about four plants which would be no more difficult to site than a solid waste transfer station. He distributed materials to the Council which described this recovery system in more detail and expalined the system was proposed by a specific vendor. The Sierra Club was not endorsing any vendor but they supported the use of the system. He explained the recovery plants would handle almost 100 percent of the regional waste stream. He requested Metro investigate this system first and use landfills as a last resort.

Finally, Mr. Smith said Metro had reached a "dead end" in siting a landfill at Wildwood. He urged the Council not to limit themselves to this one alternative because at best, Metro would site a very poor landfill. At worst, he said, nothing would happen because of lengthy court appeals.

Presiding Officer Bonner said Metro was examining alternatives to landfills very closely and invited the Sierra Club's participation in this process. Mr. Smith said he hoped Metro was examining the alternatives as closely as they were studying new landfills because it thought it was the public's perception that landfills was the only alternative Metro were considering.

Councilor Hansen said he appreciated the Sierra Club's interest in solid waste issues and invited the Club and other citizen groups to bring information and issues directly to the Council.

Councilor Kelley requested staff to provide the Council with a comment on the report submitted by Mr. Smith about the solid waste recovery system.

Councilor Gardner said he had been informed by the Executive Officer that staff had a series of discussions with the vendor of the recovery system and talks broke down when the vendor, Mr. Dingman, failed to respond to staff's request for a sample contract and more specific information about guaranteed markets for the end product. Mr. Smith said Mr. Dingman told him Metro did not appear to be sincere about the system and he preferred to give his attention to other jurisdictions who were seriously interested.

Presiding Officer Bonner invited the Sierra Club to return when the Council considered adoption of the Resource Recovery chapter of the Solid Waste Management Plan.

9. OTHER BUSINESS

9.1 Consideration of a Contract with Swan Wooster Engineering, Inc. to Design the Washington County Recycling & Transfer Center (WTRC)

Buff Winn reviewed the process for selecting the recommended contractor, as outlined in the meeting's agenda materials. He explained staff recommended contracting with Swan Wooster Engineering, Inc. because their team had extensive experience with successful local projects and senior members of their firm would be working on the WTRC project. The other finalists considered had not addressed the question of estimated man hours required to design the facility satisfactorily, he said.

Motion: Councilor Waker moved to approve the contract with Swan Wooster Engineering, Inc. and Councilor DeJardin seconded the motion.

Councilor Kirkpatrick said in all future staff reports regarding personal service type contracts, staff must provide information explaining the fees proposed by consultants and why one firm was being recommended over the others. This information was essential, she said, in making informed decisions about contract awards.

Councilor Hansen asked if area haulers would be involved in planning sessions before design work started. Mr. Winn responded haulers and other solid waste industry representatives would certainly be involved. Swan Wooster had been most enthusiastic about involving these parties in the design process, he said. Councilor Gardner requested that people in the recycling industry also be involved in the early planning stages of the project.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the contract was approved.

9.2 Consideration of an Emergency Amendment to the Contract with American Machine & Gear for Repair of the Drive System on the Zoo's Train Engine No. 2

Kay Rich explained he was requesting the Council to consider this contract amendment as an emergency because he had just learned that morning certain repairs needed to be made to the engine. To consider the action later would result in much lost revenue during the busy spring, he said.

Motion: Councilor Van Bergen moved the contract amendment be approved. Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors DeJardin, Gardner, Hansen, Kirkpatrick, Kelley, Myers, Van Bergen, Waker and Bonner

Absent: Councilors Cooper, Kafoury and Oleson

The motion carried and the contract amendment was approved.

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10. COMMITTEE REPORTS

None.

There being no further business, Presiding Officer Bonner adjourned the meeting at 8:20 p.m.

Respectfully submitted,



A. Marie Nelson
Clerk of the Council

amn
3143C/313-2
4/2/85



Memo

Agenda Item No. 8.1

Meeting Date April 11, 1985

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201-5287 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 3, 1985

To: Metro Council

From: Phillip Fell, Government Relations

Regarding: Resolution No. 85-554, for the Purpose of Adopting
a Council Position on Senate Bill 662, Modifying
State Landfill Siting Authority

This resolution and staff report will be mailed
to you before the Council meeting of April 11.
Staff is continuing to sort out the best approach
to resolving a number of minor conflicts with
the proposed legislation this resolution addresses.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING A) RESOLUTION NO. 85-554
COUNCIL POSITION ON)
SENATE BILL 662) Introduced by
) Councilor Ernie Bonner

WHEREAS, The process of siting a sanitary landfill is characterized by lengthy time requirements, ambiguous authority and criteria; and

WHEREAS, The need for a new sanitary landfill site in the Portland metropolitan area is manifest; and

WHEREAS, The Metropolitan Service District (Metro) is responsible for operating solid waste disposal sites and has an interest, therefore, in the siting process; and

WHEREAS, Legislation modifying existing state landfill siting authority has been introduced before the Oregon Legislative Assembly as Senate Bill 662; and

WHEREAS, Senate Bill 662 embodies the spirit of those principles which the Metro Council feels must be addressed by such legislation; now, therefore,

BE IT RESOLVED,

That the Council of the Metropolitan Service District supports passage of Senate Bill 662 and that this support does not preempt support of similar legislation which may be introduced at a later date.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1985.

Ernie Bonner, Presiding Officer

Senate Bill 662

Sponsored by COMMITTEE ON GOVERNMENT OPERATIONS AND ELECTIONS (at the request of Representative Mike Burton)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Requires joint assembly of county commissioners of counties within metropolitan service district for purpose of selecting landfill disposal sites. Requires recommendation of sites to metropolitan service district no later than July 1, 1986. Requires metropolitan service district to review recommended sites. Requires metropolitan service district, if it approves site, to seek permits necessary to operate landfill on site. Authorizes Environmental Quality Commission to select site and issue necessary permits if joint assembly does not recommend site; if metropolitan service district does not approve site; or if necessary permits cannot be obtained. Specifies criteria by which Environmental Quality Commission must choose site and issue permits for operation of landfill on that site. Requires surcharge of 50 cents per ton from person depositing solid waste in landfill created under this Act after July 1, 1986. Provides that fees collected as surcharge be used to promote economic development of specified area within Multnomah County.

A BILL FOR AN ACT

Relating to solid waste disposal; and appropriating money.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Sections 2 to 4 of this Act are added to and made a part of ORS chapter 459.

SECTION 2. (1) Within 60 days after the effective date of this 1985 Act, the governing bodies of all the counties located wholly or partially within a metropolitan service district shall meet in a joint assembly for the purpose of determining appropriate locations for a landfill disposal site within the boundaries of their counties.

(2) Not later than 30 days after the effective date of this 1985 Act, the governing body of the most populous county within the metropolitan service district shall call the joint assembly of the county governing bodies. The governing body of the most populous county shall cause notice of the joint assembly to be sent by certified mail to each member of the governing body of each county. The notice shall specify the time and place of the joint assembly.

(3) At the joint assembly, a majority of the members of each governing body constitutes a quorum for the transaction of business.

(4) The members of the county governing bodies at the joint assembly shall adopt rules for the conduct of the joint assembly and any further proceedings that may be necessary for carrying out the requirements of this section.

✓ The joint assembly of county commissioners shall establish criteria for selecting preferred and appropriate sites.

The members of the county governing bodies shall order a study to be conducted to determine the preferred and appropriate sites for a landfill within their counties. The study shall be completed not later than July 1, 1986.

(5) Upon completion of the study, but not later than July 1, 1986, the members of the governing bodies of the affected counties shall jointly recommend preferred sites for a landfill to the council of the metropolitan service district. The governing bodies may also jointly recommend a preferred site for a resource recovery facility.

✓ ~~(6) Notwithstanding any acknowledged comprehensive plan of a city or county, when making its determination on the location of a landfill disposal site, the joint assembly of county commissioners need~~

consider only the state-wide planning goals relating to solid waste management adopted under ORS 197.005 to 197.430 and the provisions of the solid waste management plan adopted by the metropolitan service district for the area.

(6)-(7) A county shall be barred from contesting or seeking review of a decision by the Environmental Quality Commission relating to selection of a landfill disposal site under section 4 of this 1985 Act if the commission is required to select the landfill disposal site because a site is not selected and recommended by the joint assembly of county commissioners under this section.

(7)(8) Unless the cost is apportioned differently according to an agreement among the counties, the cost of the study required under this section shall be paid by each county in such proportion as the population of the county bears to the total population of all the affected counties.

(8) For the purpose of Sections 2, 3 and 4 of this 1985 Act "landfill" means a landfill which accepts all solid wastes as defined in ORS 459.005(18).

SECTION 3. (1) If, upon review but not later than April 1, 198⁷, the council of the metropolitan service district approves a proposed landfill disposal site recommended by the county governing bodies under section 2 of this 1985 Act, the metropolitan service district shall apply to the local government unit with jurisdiction over the proposed site for any license, permit or other form of approval necessary under a comprehensive plan or land use regulations to establish or operate a landfill on that site.

(2) ORS 215.428 and 227.178 apply to an application made under this section. However, the metropolitan service district shall not ask for any extension of time that allows final action on its application to be taken later than one year after the date on which the application was first made.

(3) Judicial review of any permit, license or other approval necessary to establish the landfill disposal site selected by Metro, other than the land use decision defined in ORS Chapter 197, may be obtained by an aggrieved person by filing a notice of intent to appeal in the Court of Appeals within 30 days of the date of the decision appealed. Copies of notice shall be served upon the person making the decision and upon the metropolitan service district. The record shall be filed with the Court of Appeals and served on the metropolitan service district within 30 days of the filing of the notice of intent to appeal. The Court of Appeals shall issue a final order on the appeal within 120 days of the filing of the record or a longer period upon a finding by the court that the ends of justice served by granting a continuance outweigh the best interest of the public and the parties in having a decision within 120 days.

SECTION 4. (1) The Environmental Quality Commission shall review the sites recommended by the county governing bodies under section 2 of this 1985 Act and any other alternative disposal sites or resource recovery systems ^{or} facilities recommended by the metropolitan service district or Department of Environmental Quality and select a site if:

(a) A site is not selected and recommended by the joint assembly of county commissioners under section 2 of within the counties described in Section 2(1)

24 this 1985 Act;

25 (b) The metropolitan service district did not approve ^Athe site~~s~~ selected and recommended by the joint
26 assembly of county commissioners; or

27 (c) The necessary permits, licenses or other forms of approval for a ^{selected}site ~~cannot be obtained~~ by the
28 metropolitan service district, ^{selected}have not been issued or have been issued and are
overturned on appeal.

29 (2) In making its determination on the location of a landfill disposal site, the Environmental Quality
30 Commission shall consider only:

31 (a) The provisions of the solid waste management plan adopted by the metropolitan service district for the
32 area;

33 (b) The state-wide planning goals adopted under ORS 197.005 to 197.430^{except Goal 2 requiring consistency with} and
^{adopted comprehensive plans and implementing}
^{Ordinances.}

34 (c) Rules adopted by the Department of Environmental Quality relating to solid waste disposal.

35 (3) ^(a)Notwithstanding any city or county charter or ordinance, ^{or state or local government rule}the Environmental Quality Commission is
36 authorized to issue ^{to the metropolitan service district}all permits required for a landfill disposal site ^{selected pursuant to Subsection (1) of}within the boundaries of an affected local
37 ^{government unit} if the commission finds that ^{this}
^{section}

38 ~~-(a)-~~ The action is consistent with the state-wide planning goals ^{giving paramount consideration of Goal 11}relating to solid waste management adopted
39 under ORS 197.005 to 197.430^{and} and the solid waste management plan adopted by the metropolitan service
40 district; and --

41 ~~-(b)-~~ The metropolitan service district is unable to establish a landfill disposal site. --

1 (b) ~~-(4)-~~ The Environmental Quality Commission shall issue all permits necessary for the establishment and
2 operation of a landfill disposal site within one year after the date on which it makes the findings of fact described
3 in subsection (1) of this section.

4 (4) ~~-(5)-~~ Judicial review of any order of the Environmental Quality Commission under this section may be
5 obtained by any aggrieved person by petition to the Court of Appeals in the manner provided for review of orders
6 in contested cases.

Appeal of the order shall be filed within 30 days of the date of the order. Copies of the notice shall be served on the Environmental Quality Commission and at the metropolitan service district. The record shall be filed with the Court of Appeals and served on the metropolitan service district within 30 days of the filing of the petition. The Court shall issue its opinion within 140 days from the return of the record. The Court may take evidence on constitutional issues.

7 SECTION 5. (1) Any person using a landfill disposal site established under this Act after July 1, 1986, shall
8 pay, in addition to other fees paid for the use of the site, a fee of 50 cents per ton of solid waste deposited in the
9 site.

10 (2) Fees collected under this section are continuously appropriated to the Economic Development
11 Commission for the purpose of promoting the economic development of that area in Multnomah County
12 situated west of Interstate Highway 5 between the Willamette and Columbia Rivers.

SECTION 6. This Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Act takes effect on its passage.

ATTACHMENT A

FY 1985-86 RECYCLING PROMOTIONAL CAMPAIGN

The FY 1985-86 budget request includes materials and services to mount a comprehensive recycling promotional campaign to increase the extent of recycling in the region.

Planning for the campaign already has begun. An important early step will be an in-house workshop to determine goals and objectives for the campaign. This forum will establish how the campaign will balance recycling themes within the context of overall solid waste concerns.

Another early step, presently underway, is market research to define target audiences for the recycling campaign and the messages that will be most effective in reaching these audiences. This effort begins with analysis of existing data from local and national market surveys. If needed, we will commission a market survey to supplement existing information.

We plan to engage services of a professional marketing/advertising firm or firms to shape the campaign and develop many of the campaign materials. Metro does not have sufficient resources in house to mount a campaign of this scope. A company with expertise in marketing and advertising design will assure the campaign meets highest professional standards and has maximum impact.

Based on market research findings, the marketing/advertising consultant will refine and modify the campaign elements from those in the budget request. Costs included in the budget take into account typical elements of a promotional campaign and are representative of elements we will actually use, including billboards and transit ads; television and radio public service announcements; newspaper and magazine articles and advertisements; and contests and events.

Effectiveness of the campaign and its major elements will be evaluated with follow-up surveys. Survey results will be useful in planning promotional campaigns for future years.

A breakdown of anticipated costs for the FY 1985-86 recycling campaign, organized by campaign elements rather than by budget line items, is attached.

The promotional campaign will be coordinated with other activities and programs within the Solid Waste Department. For example, staff from the Recycling Information Center will support the marketing/advertising campaigns with neighborhood recycling workshops, programs in schools, and demonstrations at regional shopping centers and other locations.

FY 85-86 RECYCLING PROMOTIONAL CAMPAIGN

Fall Recycling Campaign

40 billboards	\$8,000	
(Printing 5,000, posting 3,000)		
100 bus cards, exterior	4,000	
(printing 2,000, posting 2,000)		
100 bus cards, interior	1,000	
(printing 500, posting 500)		
12 signs for CTRC trucks	3,000	
(printing 2,000 posting 1,000)		
1-2 TV PSA's (production costs)	10,000	
3-5 radio PSA's (production costs)	5,000	
Newspaper, magazine advertisements	15,000	
Agency fee (for creative work and production)	15,000	
Evaluation Survey	5,000	
		\$ 66,000

Recycling Week Promotion

Poster, flyer (1,000 copies)	2,500	
Event logistics (space rental, sound, equipment rental, installation, etc.)	2,500	
Advertisements	5,000	
		10,000

Christmas Tree Recycling Promotion

Advertisements	5,000	
School poster contest materials	1,000	
Printing, distribution of winning poster	2,500	
		8,500

Spring Yard Debris (or other recycling) Promotion

100 Bus cards, exterior	4,000	
100 Bus cards, interior	1,000	
12 signs for CTRC trucks	3,000	
1-2 TV PSA's	10,000	
3-5 radio PSA's	5,000	
Newspaper, magazine advertisements	15,000	
Agency fee (for creative work and production)*	10,000	
Evaluation	5,000	
		53,000

Recycling Forum (6 issues)

Printing (3,000 copies)	3,000	
Mailing		
(Postage 3,000 x .125¢ = 375 x 6)	2,250	
(mailing house 3 x \$15 = 45 x 6)	270	
		5,520

\$ 143,020

*Additional agency fee is included as mark-ups on advertisement buys.



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 9, 1985
To: Metro Council
From: Donald E. Carlson, Deputy Executive Officer
Ray Barker, Council Assistant
Regarding: Regional Parks Study Status Report

The following was prepared to bring the Council up to date regarding the proposed regional parks study.

Citizens League Report and Recommendations

On October 25, 1984, the Metropolitan Citizens League presented their report on regional parks. The League recommended that Metro conduct an indepth study of parks in the region and form a task force to oversee the study. A panel of elected officials representing the three counties in the region and the City of Portland responded to the League's report and indicated their support for a parks study. They stated that Metro should be the lead agency in the study and that the counties and the City of Portland should participate.

Council Direction

The Metro Council, at their meeting of November 20, 1984, directed staff to develop a proposed parks study outline and a task force structure. The Council recommended that city and county park professionals assist with the development of the study proposal.

Technical Assistance Group

County officials and officials from the City of Portland and the Tualatin Hills Park and Recreation District were contacted for recommendations of individuals to help prepare a proposal for a regional parks study. The following individuals were recommended and have been serving on the Technical Assistance Group:

Rick Daniels, Director
Washington County Land Use and Transportation

Nancy Chase, Planner
Multnomah County Parks

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John Sewell, Planner
Portland Parks Bureau

Ron Willoughby, Assistant Director
Tualatin Hills Park and Recreation District

Dan Zinzer, Parks Administrator
Clackamas County

Ken Martin, Executive Officer
Portland Metropolitan Area Boundary Commission

Study Proposal

The Technical Assistance Group (TAG) has prepared a proposal for a regional parks study. A copy of the latest draft is attached for your review. Also attached is a sample resolution that could be used by the appropriate agencies to indicate support for the study and form a task force to oversee the study. During the discussions of TAG, the largest single issue was: should the study include all parks in the region or only regional parks?

The consensus of TAG was to do the study as outlined. The strongest supporters of this position were representatives from Multnomah and Washington counties, and the Tualatin Hills Park and Recreation District. The City of Portland and the Columbia Willamette Futures Forum support the study of all parks in the region. The proposal as recommended is a three-phase study which includes an inventory of all parks in the first phase and a focus on regional parks in the last two phases.

Proposal Review and Support

We have met with city, county and state officials, and the Tualatin Hills Park and Recreation District to discuss the latest draft of the park study proposal, receive suggestions, and determine what financial support they could give to the study. While they all support the need for the study, they have indicated that they are in a "tight" budget situation and cannot commit to a financial contribution at this time. They will discuss the study during their budget process.

In addition to the above meetings, we have met with representatives of various groups interested in parks to obtain their input regarding the proposed study and to see if they would be willing to serve on the proposed task force to oversee the study. These groups include the Portland Area Recreational Coalition (PARC), Oregon Parks Foundation, Audubon Society and the Columbia Wilamette Futures Forum. They have all expressed a need for a parks study and an

Memorandum
April 9, 1985
Page 3

interest in being represented on the task force. Other groups will be contacted also for their input.

Time and Cost Estimates

We have met with representatives of three consulting firms to obtain general time and cost estimates for the proposed study: Don Barney, Arnold Cogan and Richard Brainard. Cost estimates range from \$35,000 to \$100,000. Time estimates are six months to 12 months. The wide-range is due to several factors: the use of consultants, use of in-house staff on a "loaned" basis, the number of phases in the study, how much information is already available, etc.

Future Action

We plan to continue meeting with local officials and interested park groups to develop further support for the study. Also, we will do additional work on a more detailed work plan in order to get a more precise estimate on costs to complete the study.

RB/gl
3242C/D1-3

PROPOSAL FOR REGIONAL PARK STUDY

DRAFT

STUDY OBJECTIVE

- o Analyze the provision of park facilities within the Portland metropolitan area. The study should focus on existing and potential park facilities located within the tri-county area, particularly those which attract users from various parts of the region. It should focus on park facilities not recreational programs.
- o Prepare a plan for improving the provision of park facilities to residents of the Portland metropolitan area. The plan should take into consideration existing park facilities and their uses, unmet needs for park facilities by geographic area, the potential for further development of existing underdeveloped parks and the costs for operating and maintaining existing, and acquiring and developing potential park facilities.
- o Develop a strategy for implementing the park facility improvement plan. The strategy should include an analysis of possible organizational and legal arrangements for acquiring and developing, and operating regional park facilities and an analysis of funding mechanisms for a stable long-range funding base for regional park facilities.

STUDY OUTLINE

PHASE I: Analysis of Existing Park Facilities

Task A: Develop an inventory of all existing park facilities including local and regional parks.

1. Size of parks.
2. Type of facilities in park.
3. Use of parks.

Task B: Identify and describe existing organizational arrangements and funding mechanisms for the acquisition, operation, maintenance and development of park facilities.

1. Public Agencies - counties, cities, special districts and state.
2. Private agencies.

Task C: Distinguish those park facilities which are regional in nature (perceived to be used by residents of or benefit a significant portion of the region) from those park facilities that are local in nature (perceived to be used by residents of or benefit a more local area).

1. Develop criteria.
2. Apply criteria to existing facilities.

The product of this phase is a regional data base for parks.

PHASE II: Develop a plan for improving regional parks operation, acquisition and development.

Task A: Further analysis of existing and potential park facilities.

1. Survey of park use and user needs.
2. Identification and analysis of unmet park needs by geographic area.
3. Identification and analysis of existing under-developed parks.

Task B: Financial analysis of existing and potential park facilities.

1. Analysis of costs for adequate operation and maintenance of existing park facilities.
2. Estimate of costs for acquisition and development of underdeveloped or potential park facilities including further operation and maintenance.

The product of this phase is a conceptual park improvement plan.

PHASE III: Recommendations for implementing regional park improvement plan.

Task A: Analysis of possible organizational and legal arrangements for the development, operation and maintenance of park facilities.

1. Identification and analysis of organizational structures in comparative metropolitan areas.
2. Identification and analysis of potential arrangements under current Oregon law.

Task B: Identification and analysis of funding mechanisms to provide a stable long-range, cost-effective funding base for the acquisition, development, operation and maintenance of park facilities.

1. Comparative analysis of other metropolitan areas.
2. Options under current Oregon law.

Task C: Development of recommendations for implementing regional park improvement plan.

1. Organizational
2. Financial

The product of this phase is a set of recommendations to the governing bodies of the region.

DRAFT

SAMPLE RESOLUTION

BEFORE THE COUNCIL OF THE

FOR THE PURPOSE OF SUPPORTING) RESOLUTION NO.
A STUDY OF PARKS IN THE REGION AND)
ESTABLISHING A TASK FORCE TO)
OVERSEE THE STUDY)

WHEREAS, The Metropolitan Citizens' League conducted a limited study of parks in 1984 and determined that there is a need for an indepth study of parks in the Portland region; and

WHEREAS, The Parks Committee of the Columbia Willamette Futures Forum's Critical Choices '84 Conference focused on the future of parks and determined that funding for parks must be restructured to wisely provide for a future system; that we need to take full advantage of existing resources and systems, and to strive for greater equity between who pays for and who uses park services; and

WHEREAS, Officials of Clackamas, Multnomah and Washington counties, the City of Portland, Tualatin Hills Park and Recreation District, and the Metropolitan Service District have expressed an interest in conducting a study of parks in the Portland region; and

WHEREAS, A Technical Assistance Group made up of park planners and professionals representing Clackamas, Multnomah and Washington counties, the City of Portland, Tualatin Hills Park and Recreation District, and the Metropolitan Service District has been formed to develop an outline for a parks study; now, therefore,

BE IT RESOLVED,

1. That Clackamas, Multnomah and Washington counties, the City of Portland, the Metropolitan Service District, the Tualatin

Hills Park & Recreation District, and the State Parks and Recreation Division support the creation of a Regional Parks Task Force to oversee the study of parks in the Portland region.

2. That the composition of the Task Force include individuals from Clackamas, Multnomah and Washington counties, the City of Portland, the Metropolitan Service District, and the State of Oregon as follows:

a. Member of County Commission/Executive (one from each county)	3
b. City of Portland	1
c. Metropolitan Service District	1
d. Tualatin Hills Park & Recreation District	1
e. State Parks and Recreation Division	1
f. Metropolitan Citizens' League	1
g. Columbia Willamette Futures Forum	1
h. Portland Area Recreational Coalition	1
i. Friends of Tryon Creek	1
j. 40-Mile Loop Land Trust	1
k. Friends of the Willamette River Greenway	1
l. Oregon Parks Foundation	1
m. Oregon Parks Association	1
n. Oregon Park and Recreation Society	1
o. Portland Chapter of the Audubon Society	1
	<u>17</u>

3. That the purpose of the Regional Parks Task Force is to oversee the Regional Park Study as outlined in Exhibit "A" attached including:

- a. Receiving and considering information presented to it by project staff.
- b. Making recommendations to the project sponsors at appropriate times during the study process.

4. That Clackamas, Multnomah and Washington counties, the City of Portland, the Metropolitan Service District, the Tualatin Hills Parks & Recreation District, and the State Parks and Recreation Division will provide financial assistance to the study according to the following schedule:

DRAFT

Clackamas County
Multnomah County
Washington County
City of Portland
Metropolitan Service District
Tualatin Hills Park & Recreation Dist.
State Parks & Recreation Division

\$ _____

5. That each of the above agencies shall provide existing information, such as maps, inventories and budget information to assist with the conduct of the study.

6. That the Metropolitan Service District shall provide the necessary staff services to the Regional Park Task Force.

ADOPTED by the _____ this _____ day of _____, 1985.

Presiding Officer or Chairman

RB/srs
2888C/405-3
02/15/85

CONSIDERATION OF ORDINANCE NO. 85-187 ADOPTING A
FINAL ORDER AND AMENDING THE METRO URBAN GROWTH
BOUNDARY FOR CONTESTED CASE NO. 83-1: McCARTHY
AND DeSHIRLIA PROPERTIES (SECOND READING)

Date: March 29, 1985

Presented by: Jill Hinckley

FACTUAL BACKGROUND AND ANALYSIS

In 1983, Carl DeShirlia filed a petition for locational adjustment of the Urban Growth Boundary to add 10.85 acres southwest of Gresham. Metro action on this petition was postponed in order to: 1) receive local government comment on the petition; and 2) allow for its consolidation with an adjacent 3.49 acres owned by Mary Catherine McCarthy. During this process, Mr. DeShirlia purchased and included in his petition an additional .43 acre lot that would otherwise have been surrounded by the Urban Growth Boundary on three sides.

Both Gresham and Multnomah County have held hearings on the DeShirlia/McCarthy petition and recommend approval. Applicants anticipate annexation to Gresham if the Urban Growth Boundary adjustment is approved.

Hearings Officer E. Andrew Jordan conducted the hearing for the Metropolitan Service District (Metro) on February 19, 1985. No one appeared in opposition, nor were any exceptions to the Hearings Officer's report subsequently filed. His report, finding that Metro's standards have been met and recommending that the petition be approved, is attached as Exhibit "B."

Mr. Jordan has further recommended that the Urban Growth Boundary adjustment follow the centerline of the adjacent streets rather than the property lines that border these streets. A staff memo on this change is attached as Exhibit "C" for Council information and future reference, but need not be incorporated in the Ordinance.

EXECUTIVE OFFICER'S RECOMMENDATION

Staff has reviewed the Hearings Officer's report and is satisfied that it includes findings that address all applicable standards in a complete and appropriate manner adequately substantiated by evidence in the record. According, the Executive Officer recommends that the Council accept the Hearings Officer's report and adopt Ordinance No. 85-187.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

AN ORDINANCE ADOPTING A FINAL ORDER) ORDINANCE NO. 85-187
ORDER AND AMENDING THE METRO URBAN)
GROWTH BOUNDARY FOR CONTESTED CASE)
NO. 83-1: McCARTHY AND DeSHIRLIA)
PROPERTIES)

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. The Council hereby accepts and adopts as the Final Order in Contested Case No. 83-1 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. 83-1 may appeal this Ordinance under Metro Code Section 2.05.050 and ORS ch. 197.

ADOPTED by the Council of the Metropolitan Service District
this _____ day of _____, 1985.

Ernie Bonner, Presiding Officer

ATTEST:

Clerk of the Council

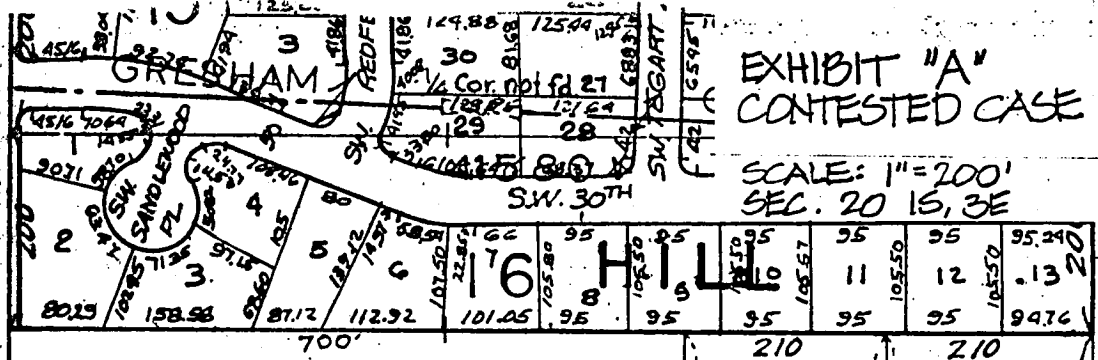
JH/srs
3066C/411-3
03/14/85

SEC. 17

EXHIBIT "A" CONTESTED CASE 83-1

SCALE: 1"=200'
SEC. 20 15, 3E

51 CoSurv
32

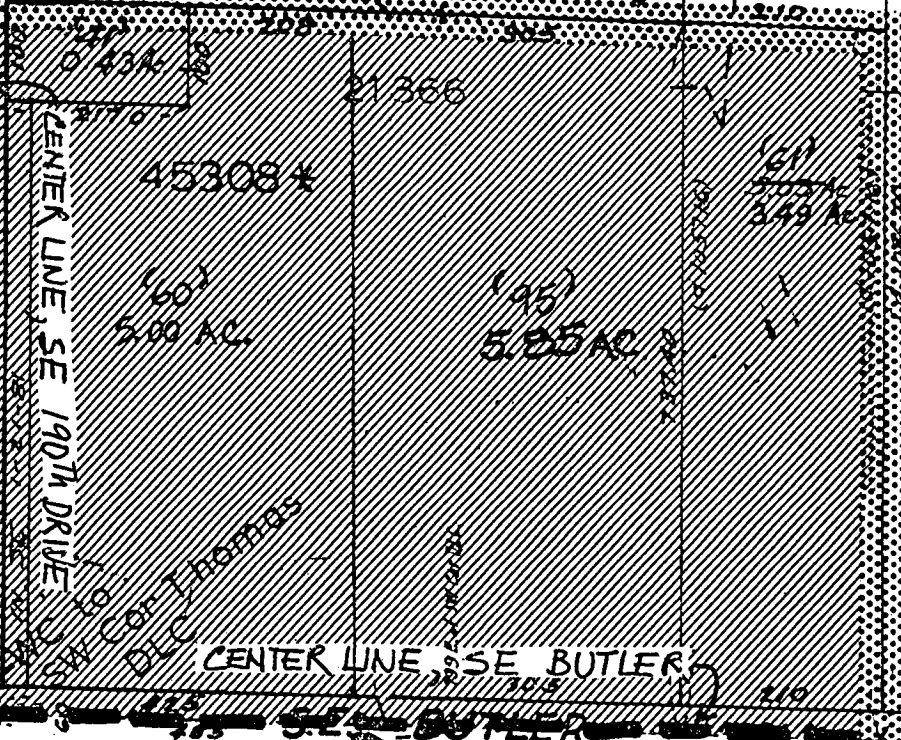


(65)
5.26 Ac
44908*

(82)
1.54 Ac

6.73 Ac
(70)

EXISTING UGB



664340.58
1495756.91
CoSurv 7

2.78 Ac
5.38 Ac

24279

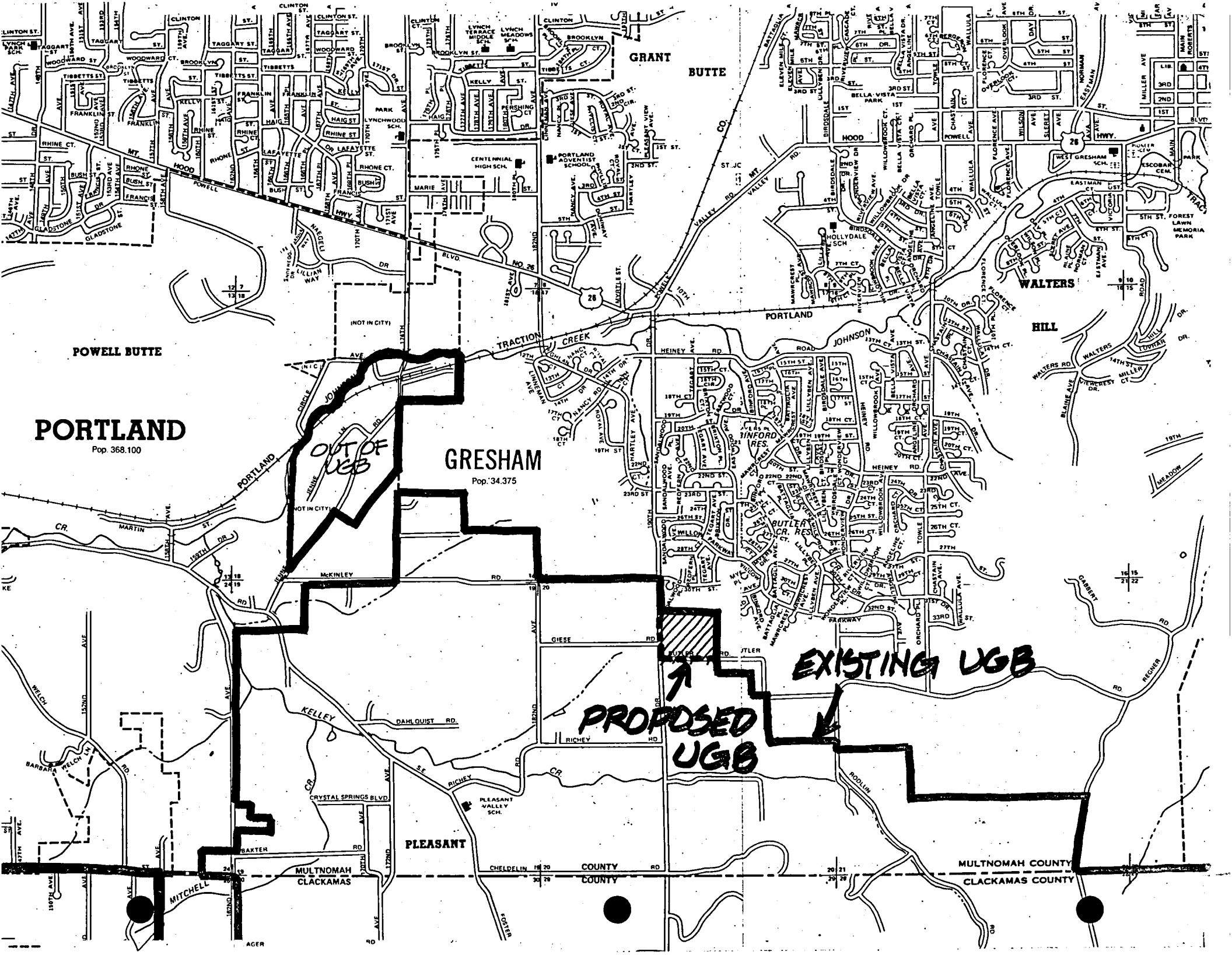
22149
210 150

(81)
2.60 Ac

PROPOSED
UGB

(6)
19.61 Ac

6640358.8
1,497,364.6
664021.76
1,497,310.8



PORTLAND

Pop. 368,100

GRESHAM

Pop. 34,375

EXISTING UGB

PROPOSED UGB

OUT OF UGB

MULTNOMAH CLACKAMAS

PLEASANT

COUNTY

MULTNOMAH COUNTY
CLACKAMAS COUNTY

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

In the Matter of the Requests)	UGB Contested Case No. 83-1
for Additions to the Urban)	
Growth Boundary by Carl)	HEARINGS OFFICER'S
DeShirlia and Michael and)	RECOMMENDATION AND
Mary McCarthy)	PROPOSED ORDER

This recommendation is submitted to the Council of the Metropolitan Service District as a result of two petitions for locational adjustment to add to the Urban Growth Boundary 14.3 acres of rural land in Multnomah County, located at the northeast corner of S.E. 190th Drive and Butler Road. The property is contiguous to the City of Gresham. A map of the proposed change is attached as Attachment A.

A hearing was held upon the completed petitions on February 19, 1985 before Hearings Officer Andrew Jordan; testifying were Jill Hinckley, Metro staff, Jeff Davis, City of Gresham, and Mary McCarthy, co-petitioner. The contents of the record are attached hereto as Attachment B.

The Hearings Officer finds that the petitions comply with Metro Code Chapter 3.01, and recommends approval of the petitions by the Metro Council.

FINDINGS OF FACT

This is a consolidated proceeding for a locational adjustment to the Metro Urban Growth Boundary. Michael C. and Mary C. McCarthy filed a petition for addition to the Urban Growth Boundary of land located near the intersection of S.E. 190th Drive and Butler Road, more specifically described as

1 Tax Lot 61, Section 20, T1S, R3E (see Attachment A). The
2 McCarthys are the owners of said lot. The lot is contiguous to
3 the Urban Growth Boundary and the Gresham city limits to the
4 north and east. The lot is currently vacant, is not being
5 farmed, and consists primarily of a grove of small deciduous
6 trees.

7 In addition, Carl DeShirlia filed a petition for
8 addition to the Urban Growth Boundary of land located at the
9 northeast corner of S.E. 190th Drive and Butler Road, more
10 specifically described as Tax Lots 60 and 95, Section 20, T1S,
11 R3E (see Attachment A). Mr. DeShirlia is apparently a contract
12 purchaser of said lots. The lots are contiguous to the Urban
13 Growth Boundary and the Gresham city limits on the north and to
14 the McCarthy property on the east. The two lots presently
15 support one residence and a metal out-building apparently used
16 for storage. The remainder of the two lots is vacant, is not
17 being farmed, and consists primarily of blackberries and open
18 field.

19 In addition to these three lots, Mr. DeShirlia has
20 purchased, subsequent to the petitions, Tax Lot 41 (Section 20,
21 T1S, R3E) located at the northwest corner of Tax Lot 60. Tax
22 Lot 41 adjoins the Urban Growth Boundary and Gresham city limits
23 on the north and the DeShirlia's property on the south and
24 east. The lot is .43 acres in size and is wholly in residential
25 use. Petitioners and the City of Gresham have requested that
26 Tax Lot 41 be included in the DeShirlia petition for addition to

1 the Urban Growth Boundary pursuant to Metro Code
2 §3.01.040(d)(2), which provides that the petition should include
3 all similarly situated contiguous property.

4 For purposes of this proceeding, the two petitions were
5 consolidated by the Hearings Officer, including Tax Lot 41,
6 resulting in a proposed Urban Growth Boundary addition of 14.77
7 acres.

8 The subject properties, taken together, abut S.E. 190th
9 Drive on the west and S.E. Butler Road on the south. Southeast
10 190th Drive is designated as a major arterial in the Gresham
11 Comprehensive Plan, is designed for a capacity of 16,000 average
12 daily trips, and currently supports between 1,252 and 6,784
13 trips per day near the site. Butler Road is designated as a
14 collector in the Gresham Comprehensive Plan, is designed for a
15 capacity of 4,000 to 10,000 trips per day, and currently
16 supports 615 trips per day. Both facilities will, upon
17 development of adjacent properties, be improved to urban design
18 standards. Development of the subject property is estimated to
19 generate an additional 700 trips per day.

20 The property to the north, east and southeast of the
21 subject property is within the City of Gresham and is available
22 for urban development. The properties to the west (across 190th
23 Drive) and to the south (across Butler) are designated Rural
24 Residential on the Multnomah County Plan. They are generally in
25 agricultural use (pasture, tree stock, row crops) but the

26 ***

1 agricultural uses are largely buffered from the subject property
2 by houses along both roads as well as by the roads themselves.

3 Sewer service is presently available from adjacent
4 properties and the subject properties can be efficiently served
5 by normal extension of lines. A small portion of Tax Lot 60
6 slopes away from the existing gravity flow area, necessitating a
7 sewage lift station for development of that portion of the
8 subject property. According to the City of Gresham, such lift
9 station can and will be appropriately sized so as to be
10 economical without creating urban pressure to the south or west
11 of the property served by the lift station. Also, according to
12 the City, property to the east of the subject property, which is
13 otherwise available for urban development, can be efficiently
14 served with sewers only by running existing lines down 190th
15 Drive and across the subject property.

16 Regarding water service, the City indicates that once
17 the developers of the Hunters Highland Development south of
18 Johnson Creek and west of 190th Drive construct the reservoir
19 they are required to build, adequate water service will be
20 available to the subject property by extension of lines from the
21 north.

22 With respect to police protection and fire protection,
23 the City of Gresham testified in writing that both services are
24 available upon annexation and can be provided without difficulty
25 to the City. With respect to schools, the Centennial School
26 District reports approval of the proposal.

1 Finally, the City testified that storm drainage
2 facilities will be available through normal extension of
3 existing facilities. The southwest corner of Tax Lot 60 may
4 require on-site detention facilities, but such facilities will
5 be both efficient and economical.

6 The residence on Tax Lot 41 is an older, vacant,
7 dilapidated, woodframe house. The residence on Tax Lot 60 is an
8 occupied, older, woodframe house at the intersection of 190th
9 Drive and Butler Road. There is also what appears to be a metal
10 storage building behind the house. These observations are based
11 upon the Hearings Officer's inspection of the property.

12 As indicated on Attachment A, the present Urban Growth
13 Boundary runs south along the centerline of 190th Drive to the
14 northwest corner of the subject properties. Though the
15 petitions do not specifically request that the Urban Growth
16 Boundary include the eastern half of 190th Drive, or any of
17 Butler Road, it is reasonable to interpret the petitions as
18 requesting that the Urban Growth Boundary continue south along
19 the centerline of 190th Drive and then run east along the
20 centerline of Butler Road. In addition, it has long been the
21 policy of Metro that where the Urban Growth Boundary runs along
22 a roadway, it should run along the centerline of such roadway.

23 Notwithstanding the above, the City of Gresham has
24 requested, by letter dated February 25, 1985, that the Urban
25 Growth Boundary run along the western boundary of the 190th
26 Drive right of way so that the entire road will fall within the

1 Urban Growth Boundary and thus, according to the City, qualify
2 for federal funds for urban roads.

3 APPLICATION OF STANDARDS TO THE FACTS

4 The relevant standards for approval of a locational
5 adjustment (addition) to the Urban Growth Boundary are Metro
6 Code §3.01.040(a), (d)(2), and (d)(3).

7 1. Metro Code §3.01.040(d)(3) provides as follows:

8 "Additions shall not add more than 50
9 acres of land to the UGB and generally
10 should not add more than 10 acres of
11 vacant land to the UGB. Except as
12 provided in subsection (4) of this
13 subsection, the larger the proposed
14 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."

15 In this case, the proposed addition is 14.77 acres (including
16 Tax Lot 41), 13.34 of which constitutes "vacant land" under
17 Metro Code §3.01.010(j). Because the proposal is in excess of
18 10 acres of vacant land, Metro Code §3.01.040(d)(3) requires a
19 greater disparity of suitability between the existing and
20 proposed UGB than would otherwise be necessary; notwithstanding,
21 however, the excess of vacant land over 10 acres is de minimus
22 and not easily susceptible of accurate identification of
23 suitability differences. The Hearings Officer finds compliance
24 with this section as fully explained in the discussion below of
25 the factors of subsection (a).

26 ***

1 2. Metro Code §3.01.040(d)(2) requires as follows:

2 "For all other additions, the proposed
3 UGB must be superior to the UGB as
4 presently located based on a
5 consideration of factors in
6 subsection (a). The minor addition
7 must include all similarly situated
8 contiguous land which could also be
9 appropriately included within the UGB
10 as an addition based on the factors in
11 subsection (a)."

12 Analysis of the proposal under the standards of
13 subsection (a) follows, and the Hearings Officer does conclude
14 that the proposed UGB is superior to the present location.

15 Tax Lot 41 is a similarly situated contiguous lot
16 because it (a) is contiguous to Tax Lot 60; (b) would
17 necessarily be served by the same facility and utility
18 extensions as the rest of the subject property; (c) would
19 constitute a virtual island of rural land if not included in the
20 Urban Growth Boundary; and (d) cannot, because of its size, be
21 put to any economic use other than urban development if the
22 surrounding properties are urbanized. Therefore, Tax Lot 41 is
23 also analyzed below against the standards of subsection (a).

24 There exists other contiguous property, which is not
25 already within the Urban Growth Boundary, to the west and south
26 of the subject property. The Hearings Officer finds that such
27 property is not similarly situated and should not be included in
28 the UGB for the following reasons:

29 ***

30 ***

1 a) There is no evidence in the record to suggest that
2 inclusion of said property is necessary to facilitate
3 development of existing Urban land.

4 b) Though the property is technically contiguous to
5 the subject property, it is also separated from the subject
6 property by a minor arterial and major collector.

7 c) The existing development densities on the property
8 to the west are substantially less than the densities of the
9 subject property.

10 d) Though the development of the subject property will
11 have little impact upon neighboring agricultural uses,
12 development of the contiguous property to the west and south
13 would definitely impact neighboring agricultural uses because no
14 buffer would exist between the properties and such agricultural
15 uses.

16 Therefore, Tax Lot 41 is the only similarly situated
17 contiguous land which can be included within the proposal based
18 upon the factors in Metro Code §3.01.040(a).

19 3. Metro Code §3.01.040(a)(1) provides as follows:

20 "Orderly and economic provision of
21 public facilities and services. A
22 locational adjustment shall result in a
23 net improvement in the efficiency of
24 public facilities and services,
25 including but not limited to, water,
26 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."

1 There is substantial evidence in the record,
2 principally based upon testimony from the City of Gresham and
3 Multnomah County, that the public facilities and services
4 indicated in subsection (a)(1) can be provided efficiently and
5 economically. In addition, the proposal will result in a more
6 efficient use of public facilities and services and will result
7 in a net improvement in the provision of public facilities to
8 adjoining lands. That part of the City of Gresham which is east
9 and south of the properties is largely undeveloped and does not
10 have access to water and sewer lines. Much of this city area
11 can only be developed by extending water and sewer lines
12 southward along 190th Drive and eastward across the subject
13 property. The development of the subject properties prior to
14 the development of the city area to the east and south would
15 result in a more efficient extension of public facilities than
16 would otherwise be necessary without inclusion of the subject
17 properties in the Urban Growth Boundary. Therefore, the
18 proposed UGB is superior to the existing location and the
19 required net improvement in service efficiency is present.

20 4. Metro Code §3.01.040(a)(2) provides as follows:

21 "Maximum efficiency of land uses.
22 Considerations shall include existing
23 development densities on the area
24 included within the amendment, and
 whether the amendment would facilitate
 needed development on adjacent existing
 urban land."

25 The two residential structures on the subject property
26 are located on the periphery of the property; therefore, even if

1 the two structures were retained, they would not impede
2 efficient residential development at the densities proposed
3 (7,000 square foot lots). It is reasonable to assume that the
4 residential structure on Tax Lot 41 would be removed, if not the
5 structure on Tax Lot 60. In any event, these structures should
6 not impede normal development.

7 In addition, as described in paragraph 3 above, the
8 proposal will facilitate development of existing city land to
9 the east and south of the subject properties. If the subject
10 properties are included in the Urban Growth Boundary, this would
11 facilitate an orderly development pattern from north to south to
12 east. Without inclusion of the subject property, both
13 transportation and sewer/water access to city property to the
14 east would necessarily be through rural land.

15 5. Metro Code §3.01.040(a)(3) provides as follows:

16 "Environmental, energy, economic and
17 social consequences. Any impact on
18 regional transit corridor development
19 must be positive and any limitations
imposed by the presence of hazard or
resource lands must be addressed."

20 As indicated by written testimony from Multnomah
21 County, there are no significant natural resources or
22 limitations to development on the subject properties. Based
23 upon testimony from the City of Gresham, and based upon the
24 number of trips projected to be generated by development of the
25 subject property, there is no measurable impact upon regional
26 transit corridor development. If any impact exists, it would be

1 positive because of the relative proximity of the subject
2 property to the Banfield LRT.

3 6. Metro Code §3.01.040(a)(4), as it existed at the
4 time of petition filing, provided as follows:

5 "Retention of agricultural land. When
6 a petition includes land with Class
7 I-IV soils that is not irrevocably
8 committed to nonfarm use, the petition
9 shall not be approved unless the
10 existing location of the UGB is found
11 to have severe negative impacts on
12 service or land use efficiencies in the
13 adjacent urban area and it is found to
14 be impractical to ameliorate those
15 negative impacts except by means of the
16 particular adjustment requested."

17 The Hearings Officer takes judicial notice of the
18 Multnomah County Comprehensive Plan and the fact that it has
19 been acknowledged by LCDC. Because that plan designates the
20 subject property for residential rather than agricultural use,
21 it is found that the property is committed to non-farm use.
22 Therefore, findings on the remaining standards of Metro Code
23 §3.01.040(a)(4) are unnecessary.

24 Notwithstanding the above finding, the Hearings Officer
25 finds in the alternative that the proposed amendment does comply
26 with the standards of Metro Code §3.01.040(a)(4).

27 The agricultural capability rating of the soils in the
28 subject area is Class III. This rating indicates that the soil
29 has a moderate suitability for farming while having some
30 limitation because of seasonal wetness due to a high water
31 table. The existing lot sizes of 3.49 acres, 10.85 acres and

1 .43 acres are not particularly supportive of commercial farming
2 activity, especially since the 11 acre parcel includes an
3 existing residence with out-building. The current rural
4 residential zoning of the properties allows 5 acre lots and,
5 with the exception of the rural center zone, allows the highest
6 residential density of any rural zone. A residence proposed on
7 a rural residential zoned lot is a listed primary use in the
8 Multnomah County Zoning Code without having to be used in
9 conjunction with a farming or forestry use. Under current
10 zoning, the property would lawfully support at least two
11 additional residences which would further negate the value of
12 the land for agricultural purposes. Therefore, in light of the
13 factors indicated in paragraphs 3 and 4 above, the positive
14 impacts on services and land use efficiency that would result
15 from the proposed change clearly outweigh the negative impact
16 of developing a site with Class III soils. Without approval of
17 the petition, the provision of urban services to city land to
18 the east and south of the subject property would be difficult,
19 if not impractical, resulting in severe negative impacts on
20 service and land use efficiencies in those adjacent urban
21 areas.

22 In addition, if incorporated properties abutting the
23 subject properties to the north and east are developed, there
24 would be no buffer between those properties resulting in a
25 further inability to put the subject properties to any
26 economical agricultural use.

1 7. Metro Code §3.01.040(a)(5) provides as follows:

2 "Compatibility of proposed urban uses
3 with nearby agricultural activities.
4 When a proposed adjustment would allow
5 an urban use in proximity to existing
6 agricultural activities, the
7 justification in terms of factors (1)
8 through (4) of this subsection must
9 clearly outweigh the adverse impact of
10 any incompatibility."

11 The proposal would allow an urban use in proximity to
12 existing agricultural activities to the west and south.
13 However, those agricultural activities are largely buffered from
14 the subject area by 190th Drive and Butler Road and the
15 residences which exist along the west side of 190th Drive and
16 the south side of Butler Road. This is especially true to the
17 south of the subject areas. To the west, the agricultural uses
18 are already impacted by neighboring residential development to
19 the north and northeast.

20 Therefore, it is apparent that any adverse impact upon
21 adjacent agricultural land is minimal. In comparison, the
22 justification for the Urban Growth Boundary amendment, as
23 indicated in previous sections of this report, is substantial,
24 particularly regarding the need for services to already
25 incorporated property, the ease of service extension to the
26 subject property, and the unlikelihood that the subject property
27 would ever return to agricultural use.

28 Finally, it is necessary to respond to the request of
29 the City of Gresham pertaining to the location of the Urban
30 Growth Boundary with respect to the 190th Drive right of way.

1 The City's request would necessitate either a jog in the Urban
2 Growth Boundary at the northwest corner of the subject
3 properties, to take in all of 190 Drive, or inclusion of all of
4 the 190th Drive right of way from the southwest corner of the
5 subject properties all the way to the point at which the Urban
6 Growth Boundary leaves the right of way north of the subject
7 properties. Since it is the past practice of Metro to run the
8 Urban Growth Boundary along the centerline of rights of way, and
9 since it is not clear in the record that failure to include the
10 entire right of way will necessarily preclude receipt of federal
11 funds, it appears that no reason exists why the Urban Growth
12 Boundary should not run along the centerline of both 190th Drive
13 and Butler Road.

14 CONCLUSIONS

15 Based upon the above findings of fact, the Hearings
16 Officer concludes as follows:

17 1. The proposed Urban Growth Boundary would be, for
18 several reasons indicated above, superior to the Urban Growth
19 Boundary as presently located.

20 2. The inclusion of Tax Lot 41 in the proposed
21 amendment is appropriate because it is both similarly situated
22 contiguous property and because it is consistent with the
23 factors in Metro Code §3.01.040(a). There is no other similarly
24 situated property which can appropriately be added.

25 3. Though the subject property is in excess of 10
26 acres of vacant land, the differences in suitability between the

1 existing and proposed Urban Growth Boundary, based upon the
2 considerations of the factors in Metro Code §3.01.040(a), are
3 substantial. Therefore, the proposal complies with Metro Code
4 §3.01.040(d)(3).

5 4. For the reasons indicated hereinabove, the
6 proposal is clearly consistent with Metro Code
7 §3.01.040(a)(1)-(5).

8 5. The Urban Growth Boundary to the west and south
9 of the subject properties should be placed along the centerlines
10 of 190th Drive and Butler Road.

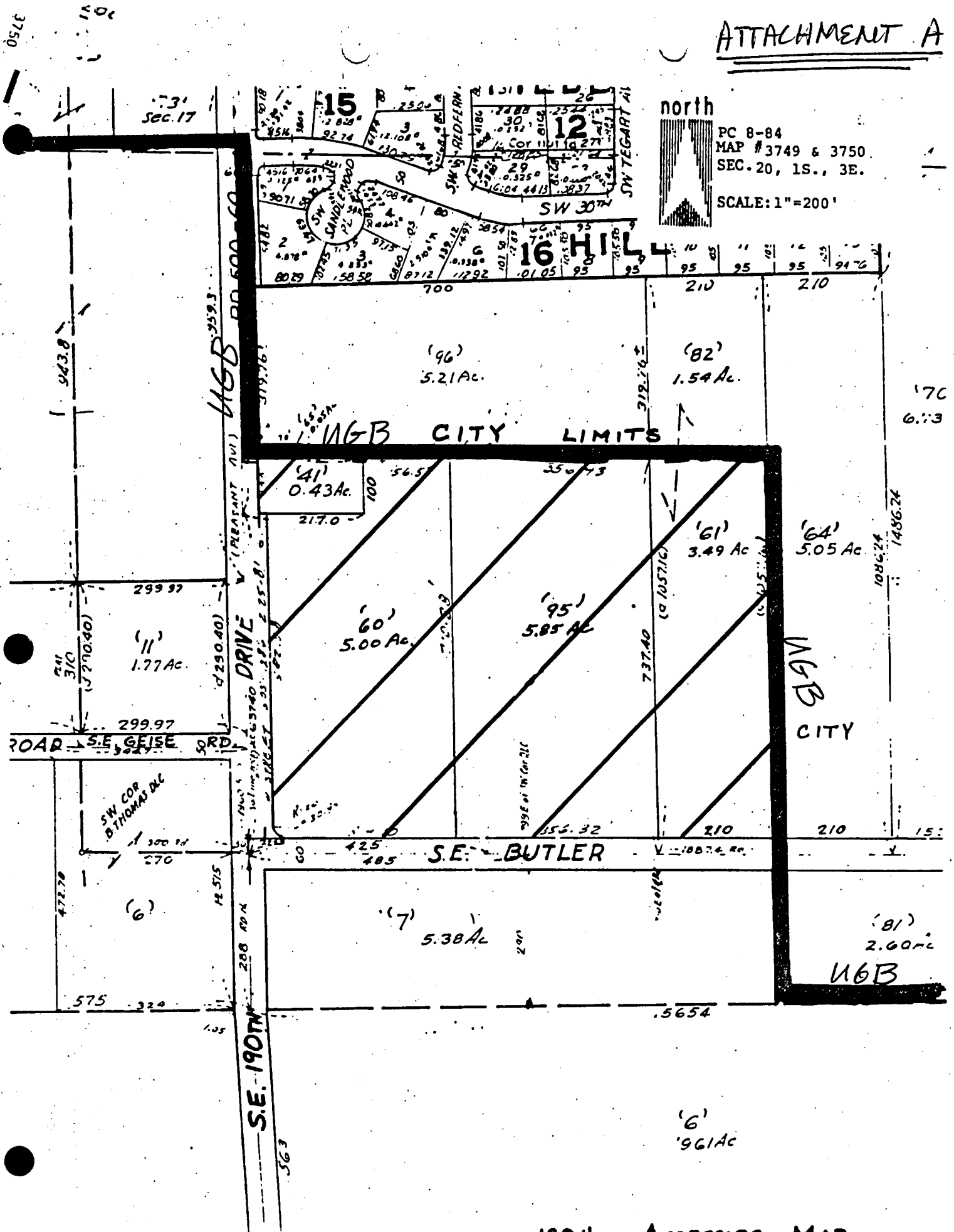
11 RECOMMENDATIONS

12 Based upon the above Findings of Fact and Conclusions,
13 the Hearings Officer recommends approval of the petitions for
14 Urban Growth Boundary locational adjustment, to include Tax
15 Lot 41 as requested by the petitioners and as recommended by the
16 City of Gresham and Multnomah County and to include all property
17 to the centerlines of 190th Drive and Butler Road. In addition,
18 the Hearings Officer recommends adoption by the Metro Council of
19 the proposed order submitted herewith or an appropriate
20 ordinance.

21 Dated this 6 day of March, 1985.

22 
23
24 E. Andrew Jordan,
25 Hearings Officer
26

ATTACHMENT A



ATTACHMENT B
DESIGNATION OF RECORD

- Exhibit 1 - Petition, Carl DeShirlia (Tax Lots 60 & 95).
- Exhibit 2 - Petition, Michael and Mary McCarthy (Tax Lot 61).
- Exhibit 3 - Letter from petitioners dated July 27, 1984.
- Exhibit 4 - McCarthy Deed with map of subject area.
- Exhibit 5 - Letter from City of Gresham (May 17, 1984) with City Order No. 182, Staff Report and related memoranda; also July 17, 1984 letter from City of Gresham with meeting notices attached.
- Exhibit 6 - Multnomah County Resolution PC 8-84 and Staff Report.
- Exhibit 7 - Metro notice and addresses of persons notified of Metro hearing.
- Exhibit 8 - Packet of notice returns.
- Exhibit 9 - Letter from Jill Hinkley dated February 12, 1985.
- Exhibit 10 - Letter from Jill Hinkley dated January 28, 1985.
- Exhibit 11 - Letter from Centennial High School.
- Exhibit 12 - February 1, 1985 memo to cities and counties.
- Exhibit 13 - Metro Regional Transportation Plan.
- Exhibit 14 - Excerpt from City of Gresham Zoning Ordinance reference storm drainage requirements.
- Exhibit 15 - Letter from City of Gresham, February 21, 1985.



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: March 14, 1985
To: Contested Case No. 83-1 File
From: Jill Hinckley, Land Use Coordinator
Regarding: Placing the Urban Growth Boundary Along Road Centerlines

The Urban Growth Boundary (UGB) immediately north of the petition area is defined by Gresham city limits, which are in turn defined by the centerline of S.E. 190th Drive. Petitioners have requested only that their own properties be included within the UGB, which would place the boundary along the property lines at the east edge of S.E. 190th Drive.

Metro staff supports the Hearings Officer's recommended use of the street centerline rather than property lines because: 1) it would allow the UGB to continue southward from its present location in a straight line, rather than crooking some 30 feet to the east; and 2) when the UGB was originally established, street centerlines were followed wherever the boundary was defined by a road (CRAG Land Use Framework Element, III.1.a., p. 3) and continuation of this practice makes the boundary simpler and more consistent.

Following is a discussion of the additional factors considered in making this recommendation.

Notice

All owners of property within 250 feet of the centerline boundary were notified of the petition hearing. None testified on the case orally or in writing. The boundary modification has no practical impact on actual development for the area.

Annexation

The Portland Metropolitan Area Local Government Boundary Commission has approved city annexation outside the UGB in the past when urbanization of the area affected is precluded by physical circumstance or local policies and regulations. Metro staff has coordinated with and supported the Boundary Commission staff in such cases.

Boundary Commission staff has indicated, and Metro staff concurs, that the fact that a portion of each road would lie outside the UGB

would not in itself interfere with approval of a petition to annex the entire road to Gresham, should the City request it.

Extraterritorial Service Extensions

Water and sewer lines will be laid under S.E. 190th Drive but the precise location of the UGB along that road will not effect the potential for properties on the non-urban portion of the road to connect to these lines. Boundary Commission approval would always be required for water extensions and extensions of sewer lines greater than eight inches but (somewhat surprisingly, never for smaller, single-service, sewer lines, whether the UGB is on the urban side, non-urban side or in the center of the road.

Eligibility for Federal Aid Urban (FAU) Funds

In order for street improvements to be eligible for FAU funding, the street must be located within the FAU boundary adopted by Metro and approved by the Oregon Department of Transportation. This boundary generally follows the UGB but deviates as needed to include any non-urban portions of streets that are nonetheless intended to serve an urban traffic junction.

Thus, whether the UGB is placed along the centerline or along the western or eastern sides does not affect FAU eligibility because: 1) the FAU boundary would have to be amended to include this stretch of S.E. 190th Drive in any case; and 2) such an amendment does not necessarily require that the road be within the UGB. Indeed, such an amendment would also have to include a 600 foot segment of 190th directly to the north, unaffected by this action but in the same position: half in the UGB but entirely outside the FAU boundary. Any amendments to the FAU boundary that are needed and appropriate as a result of UGB amendments will be considered annually in conjunction with the Regional Transportaton Plan Update.

Affected Jurisdictions

Neither Multnomah County nor Gresham raised this issue in their formal reviews of the petition. When consulted about it, Gresham staff asked that all of S.E. 190th Drive be included, but only because of concern about FAU eligibility. When advised that this was not a problem, they had no problem with centerline placement.

Multnomah County staff raised some questions relating to subsequent annexation of all or a portion of the road by Gresham. When assured that the precise placement of the UGB in this area would neither promote nor impede such an annexation, they had no concerns about the current action.

Memorandum
March 14, 1985
Page 3

Summary and Conclusions

When a road divides urban from non-urban properties, it makes little practical difference whether the UGB is defined as the centerline or one or the other sides of the road. Use of the centerline is recommended in this case because it is consistent with the CRAG policy used to define the UGB elsewhere and avoids an unnecessary (and so potentially confusing) jog in the boundary.

JH/srs
3059C/D2-3
03/14/85

STAFF REPORT

CONSIDERATION OF AWARDING THE WEST BEAR GROTTA REMODEL AND RELATED AREAS CONSTRUCTION CONTRACT TO BISHOP CONTRACTORS, INC.

Presented by: A. M. Rich

April 1, 1985

FACTUAL BACKGROUND AND ANALYSIS

The remodel of the West Bear Grotto and related areas is a priority one project in the Zoo Master Plan, adopted by the Metro Council on December 20, 1983. The design was done by the firm of Jones and Jones. In accordance with Council policy adopted November 8, 1984, exempting the Zoo from a straight low bid procedure, the Zoo advertised on December 14, 1984, for applications from qualified contractors to negotiate a construction contract for the remodel and construction of the West Bear Grotto and related areas. Applications were received from fourteen contractors. A screening committee consisting of George Van Bergen, James Riccio, McKay Rich, Steve McCusker, Robert Porter, Jack Delaini and Gayle Rathbun reviewed the applications and narrowed the list to twelve.

The twelve contractors were invited to the Zoo for interviews on January 21, 1985. Criteria for evaluation of the contractors included: a) other projects costing one million dollars or more, demonstrating competence in this type and complexity of construction, b) a list of at least three projects demonstrating competence in this or a similar type of negotiated process, c) specification of at least three staff members who will be assigned to this project including the superintendent and foreman,

d) the value of projects now under construction, e) information demonstrating their firm's ability to build projects within budget and on time, and f) information demonstrating the firm's ability to meet disadvantaged business goals. On the basis of the evaluations the list of contractors was narrowed to the following six firms: Humphrey Construction, Robert A. Gray, Bishop Contractors, Inc., Todd Building Company, Vik Construction and L. D. Mattson.

These contracting firms were issued plans and specifications and instructed that bids were due on February 28, 1985. Within a week Humphrey Construction dropped out of the process. The remaining five firms submitted bids on February 28. Lump sum bids ranged from a low of \$2,275,000 to a high of \$2,452,050.

Under the adopted process, negotiations continued with the three low bidders: Todd Building Company, Bishop Contractors, Inc. and Robert A. Gray. As was noted in the advertisement, the contract would be awarded to the lowest bidder based on the lump sum bid less the contractor's acceptable cost savings proposals. These three firms were to submit cost savings proposals by March 15, 1985.

A representative of Robert A. Gray notified the Zoo that because that company's lump sum bid exceeded the next low bid by about \$100,000 that firm would prefer to drop out at this stage. He was very complimentary of the process, particularly for work as unique as that done at the Zoo. He expressed a desire to participate in future projects.

At separate meetings, Todd Building Company and Bishop Contractors, Inc. presented their cost savings to the Zoo on March 15. The acceptable savings presented by Todd amounted to \$27,900.00. Their lump sum less this amount was \$2,247,600.00. Bishop Contractor's acceptable cost savings amounted to \$109,869.00. Their lump sum less this amount was \$2,199,131.00. At this time it was determined to complete negotiations with Bishop Contractors, Inc. Further negotiations have reduced the cost of the project to \$2,170,000.00 which is within budget. Bishop Contractors has a DBE participation of 10% which meets the Metro goal.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends the contract for the remodel of the West Bear Grotto and Related Areas be awarded to Bishop Contractors.

Attached for your information is Resolution No. 84-513, authorizing an exemption to the Public Contracting Procedures for the construction of the Bear Grotto Project, and a list of MBE subcontractors to be used on this project.

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AUTHORIZING AN)	RESOLUTION NO. 84-513
EXEMPTION TO THE PUBLIC CONTRACT-)	
ING PROCEDURE SET OUT IN METRO)	Introduced by the
CODE SECTION 2.04.001 ET SEQ FOR)	Executive Officer
THE CONSTRUCTION OF THE BEAR)	
GROTTO PROJECT)	

WHEREAS, The Metropolitan Service District (Metro) is considering construction of a Bear Grotto project at the Washington Park Zoo; and

WHEREAS, Metro Code Section 2.04.011 of the Metro Contract Procedures identifies contracts for construction of public improvements as public contracts and requires such contracts be entered into based on competitive bids; and

WHEREAS, As part of the competitive bid process Metro wishes to evaluate experience, interpretive abilities and cost-saving ideas as well as price; and

WHEREAS, Metro Code Section 2.04.011(c) allows an exemption to the process upon findings: 1) that it is unlikely that such exemption will encourage favoritism or substantially diminish competition, and 2) that awarding the contract pursuant to the exemption will result in substantial cost savings to Metro considering appropriate factors; and

WHEREAS, The solicitation and selection process described in the Staff Report and Exhibit "A" attached hereto is unlikely to encourage favoritism or substantially diminish competition: 1) because the contractual criteria and evaluation criteria will be clearly stated in the bid package, 2) because bidders' comments and

questions on the bid package will be addressed, and 3) because competition will be limited only on the basis of ability to carry out the contract; and

WHEREAS, The solicitation and selection process set out in the Staff Report and Exhibit "A" will result in substantial cost savings because bidders are encouraged to provide cost-saving proposals and because the interview and negotiation processes contribute: 1) to selection of contractors who understand the project well, and 2) to knowledgeable bids by contractors; now, therefore,

BE IT RESOLVED,

That the contract for the construction of the Bear Grotto project is exempted from the competitive bid process because the Council of the Metropolitan Service District finds that the requirements of Metro Code Section 2.04.011(c) have been met by following a procedure approximately as described in Exhibit "A."

ADOPTED by the Council of the Metropolitan Service District
this 8th day of November, 1984.

Conly Kirkpatrick
Presiding Officer

ESB/gl
2279C/402-2
10/30/84

BISHOP CONTRACTORS, INC.



MBE PARTICIPATION

WEST BEAR GROTTO

3-6-85

<u>Name</u>	<u>Work</u>	<u>Amount</u>
Ed Galang Enterprises Far-East Construction Co. 4904 N.E. 48th Avenue Vancouver, Washington (206) 254-9259	Dump Trucking & Granular Fill	\$ 20,000.00
Christian Electric Corp. 8504 N. Allegheny Portland, Oregon 97203 (503) 287-0151	Electrical	\$103,000.00
C & D Constructors 11675 S.W. 66th Portland, Oregon 97223 (503) 639-4914	Mechanical	\$ 47,000.00
Brainard Sheetmetal 159 S. 47th Springfield, Oregon (503) 726-8931	Mechanical	\$ 90,000.00

Metro Contract Officer verification: The above subcontractors total 12 percent of the total project cost. All of the above firms are on the City of Portland Certified Minority Vendor List.

REPORT CONCERNING EDUCATION/GRAPHICS CENTER

BACKGROUND AND ANALYSIS

The Education Division has nine full time employees, fourteen part time (or seasonal) employees, and utilizes as many as 100 volunteers per year. In fiscal year 1984-85, the Education Division's operating budget is projected at \$420,623. The Education Division is responsible for several programs including:

1. Maintenance and improvement of existing graphics and other interpretive materials.
2. Supporting the graphics needs of the Zoo and acting as consultants to the Friends of the Zoo.
3. Community outreach programs for institutions and schools combined with the traveling exhibit to inform the public at off-grounds facilities and events about the Zoo and its programs.
4. Operation of the Children's Zoo, Insect Zoo, summer programs and maintenance of Dinosaur Park.
5. Provide general Zoo visitors and special audiences with programs, materials and tours.

The building housing education and graphics programs has evolved from an unroofed picnic and patio area used for birthday parties and wine tastings to a space that now houses the education offices, graphics offices, and volunteer headquarters. However, the current situation is barely functional and, as division responsibilities grow, the current building is not sufficient to accommodate this growth. At present, storage space is totally used. The building is not weatherproof and cannot be adequately heated or cooled for current functions.

In 1983, the Metro Council adopted a Zoo Master Plan to "address future operation and capital improvements, and to provide planning recommendations and solutions for implementing these improvements." That plan includes a list of capital projects planned for completion by 1997. The Priority I projects are currently in progress

(at least through design phases) and, except for the Africa Bush Phase III, the first major capital improvements in Priority II Group are scheduled to begin in fiscal year 1988/89. The new Education/Graphics Center is included in Priority II. However, for the reasons outlined below, it has become evident that a change in priorities is desirable.

It is estimated that to bring the space up to a reasonably functional level will cost from \$75,000 to \$100,000. To expend these funds on a structure scheduled to be torn down in the Master Plan (in the near future) does not seem prudent. In the opinion of the staff, it would be more reasonable to apply these funds toward the new Education/Graphics Center called for in the Master Plan. The new Center would relieve the current space shortages in both the administrative and education buildings. The darkroom facility could be moved away from the feline house and into the new building. Volunteers would gain use of an area they could be proud of and the graphics employees would have space to share with their work-study students. The new Center would provide these special work areas needed for educational services including classrooms and library space.

While the present education building has never been an acceptable office space, it would make an acceptable short-term storage space. As changes take place that move the Zoo development along the general path of the Master Plan, the use for this area will change.

Finally, the new building would enhance the Zoo's image, but, more importantly, it would provide the space needed to expand revenue producing activities, such as classes and special programs, that will help the Zoo meet its overall goal of operating with only 50% of its revenue coming from tax support.

The projected cost for this facility and its impact on the capital funds are shown in Exhibit A.

EXHIBIT A

Zoo Capital Plan

Expenditures	1984-85 (Projected)	1985-86	1986-87	1987-88
Alaska Tundra	\$ 955,000	\$ 30,000		
West Bear Grotto	840,000	1,768,392		
Africa Bush Ph. I	407,500	2,000,000	\$1,980,935	\$ 30,000
Africa Bush Ph. II		300,000	1,500,000	2,026,225
Elephant Museum	120,000	280,000		
Cascades Exhibit	20,000	20,000	300,000	300,000
Gift Shop/Cash Room		100,000		
Education Graphics Building		700,000		
Sculpture Garden	6,000			
Miscellaneous Impro.	60,000	140,000	130,000	120,000
Unappropriated Bal.	4,980,110	2,823,381	1,590,694	
Total	\$7,388,610	\$8,161,773	\$5,501,629	\$2,476,225

Revenues

Beginning Fund Bal.	4,821,610	\$4,980,110	\$2,823,381	\$1,590,694
Donations/Bequests	200,000	300,000	300,000	300,000
Interest	403,000	433,540	225,870	127,256
Transfer from Oper- ations	1,964,000	2,448,123	2,152,378	458,275*
Total	\$7,388,610	\$8,161,773	\$5,501,629	\$2,476,225

*Metro has filed a claim on the Alaska Tundra performance bond for over one million dollars. Funds from that claim will be used to finance the completion of Africa Bush Phase II. In the event those funds have not become available by that time, cost savings in operations will be required to provide the \$458,275 or new public support will be required.



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 11, 1985

To: The Council of the Metropolitan Service District

From: Steve Siegel, Administrator
Intergovernmental Resource Center

Regarding: Intergovernmental Resource Center Budget Issues:
Authorized but Unfunded Programs

As the Intergovernmental Resource Center (IRC) concept became an understood, credible entity within government circles; requests for programs have increased. Unfortunately, the demand for IRC services is increasing faster than the related resources. The major role for the IRC Advisory Committee was to recommend which programs merited dues funding and which would remain unfunded.

In preparing the IRC budget, two options existed:

- (a) exclude unfunded programs from the budget
- (b) include the programs and budget required revenues from an unidentified "miscellaneous" source.

Since the unfunded programs were considered credible by the Advisory Committee, it appeared that, in effect, maintaining the authority to pursue those programs was a reasonable course of action. Thus, for the FY 86 budget, option (b) was selected.

The following summarizes the unfunded portion of the IRC budget:

TITLE:	Development Constraints Report
FUNDED:	0
UNFUNDED:	\$7,516 staff time, perhaps ultimately funded from savings in other projects
TITLE:	Urban Service Forum
FUND:	0
UNFUNDED:	\$5,011

April 11, 1985

Page 2

TITLE: Convention, Trade and Spectator Facilities
FUNDED: \$30,807 in staff resources to support the CTS Task Force
UNFUNDED: \$100,000 which may be derived from a pool of local resources for contract work, or Metro may decide to fund if it were to become the funding mechanism for the project.

TITLE: Telecommunications
FUNDED: 0
UNFUNDED: \$10,022 in staff time. Perhaps funded by supplemental public/private agreements. Perhaps funded by Metro contributing some general fund revenue, if a multi-organizational revenue pool is created.

TITLE: Regional Parks
FUNDED: 0
UNFUNDED: \$57,527 (\$12,257 in staff time, \$45,000 in contract) Intergovernmental pool of resources is a possibility.

TITLE: Metro Managers' Association
FUNDED: 0
UNFUNDED: \$5,011 in staff time. Possible funding by savings in other projects.

SS:gpw



Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 11, 1985
To: Metro Council
From: Rick Gustafson, Executive Officer *Rick*
Regarding: Proposed Strategy and Schedule for Council Decision
on May 1986 Tax Base Election

Based on the assumption that Metro will place before the voters a tax base measure at the May 1986 Primary election, the following general schedule and strategy is proposed for your consideration.

Time Frame

Activity

June to September
1985

Convene meetings with various interest groups to discuss Metro financial situation and alternative proposals for tax base measure. The alternatives appear to be: 1) Zoo measure only; 2) Zoo and General Government measure; 3) Zoo, General Government and IRC measure; 4) other combinations and types of levies. The principal interest groups appear to be legislators, local government officials, Friends of the Zoo and other interested citizens.

September to
December 1985

Council deliberation and decision on alternative proposals and recommendations from interest groups and citizens.

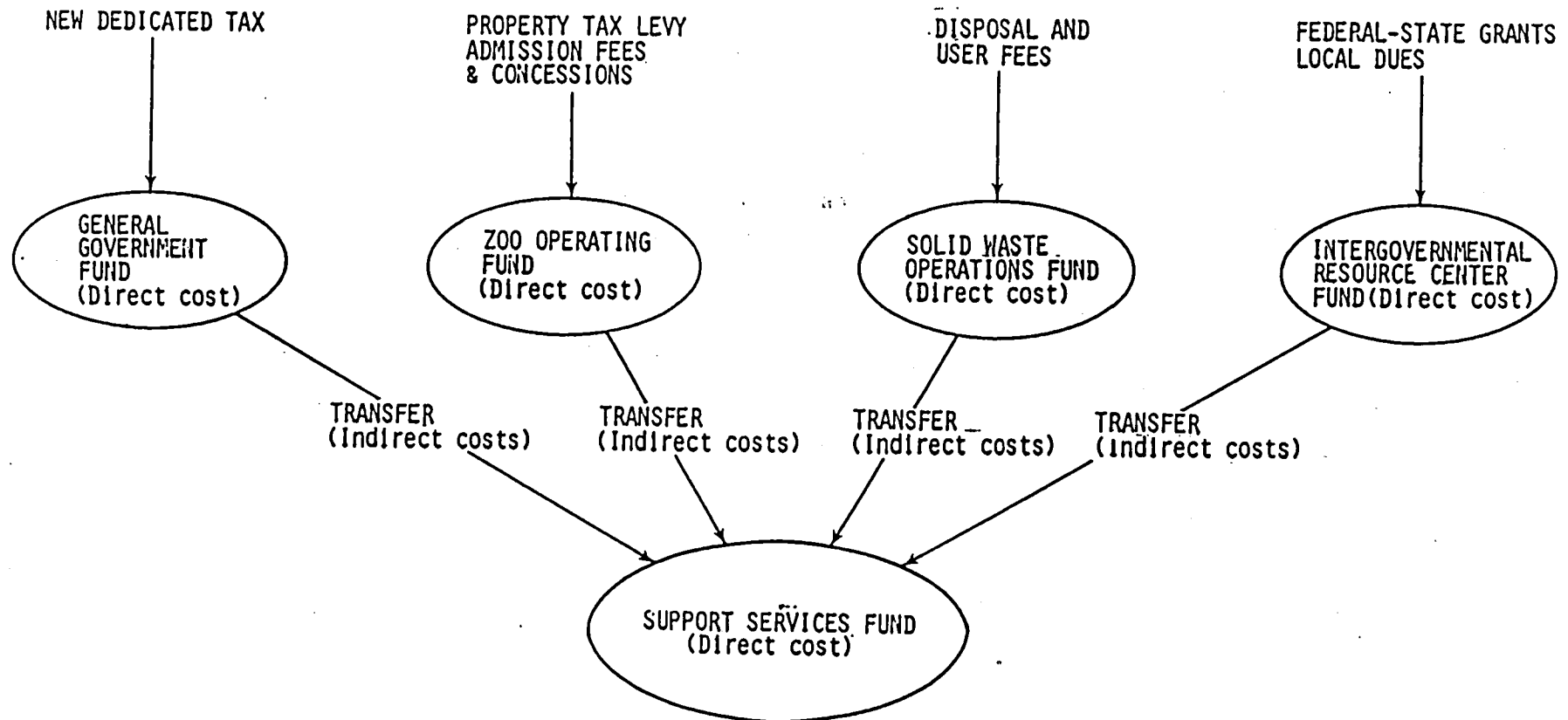
January to May 1986

Public information campaign on proposed tax base levy measure.

RG/DEC/amn
3318C/D2-2
4/11/85

Fig. 1

Proposed Five Operation Fund System





Executive Officer Report

RICK GUSTAFSON, Executive Officer
METROPOLITAN SERVICE DISTRICT 527 SW Hall St., Portland, OR 97201-5287 503 221-1646

April 11, 1985

1985 Legislature

There has been no change in the status of our future funding bills. The dues bill, HB 2037, and the Zoo uncoupling bill, HB 2036, have not been acted upon by the Senate Government Operations & Elections Committee.

Councilors Waker and Myers, Carl Halvorson, Roger Martin and I met with Governor Atiyeh to discuss Metro and our legislative financial package. The Governor is not very supportive of regional government and we left the meeting uncertain of whether or not he will veto our dues bill.

Tuesday evening, April 2, the House Intergovernmental Affairs Committee conducted a hearing in Portland on four bills relating to Metro--two bills relating to the Executive Officer position (HB 2038 and HB 2427), one allowing Metro to create commissions (HB 2558), and one relating to the appointment of Tri-Met Board members (HB 2572). Councilors Bonner and Kirkpatrick testified, along with several others. Because of the financing issues before the Legislature, it is unlikely action will be taken by the Committee on structure issues during this Session, except possibly the bill regarding the appointment of Tri-Met Board members.

On April 10, I met with Senators Simmons and Hanlon to discuss our dues bill and general Metro issues. Additional meetings with Senators are scheduled next week. I also testified on SB 662 at the landfill siting hearing.

Regional Convention,
Trade, and Spectator
Facilities

The next meeting of the Task Force, scheduled April 24, will focus on setting the work program and membership of the three key study committees.

Intergovernmental
Resource Committee

Councilors Kirkpatrick and Waker and I met with the Washington County Board of Commissioners to review the IRC program and dues level. They were pleased to receive an update and discuss the current status.

I intend to meet with other jurisdictions in the coming months and will notify Councilors of these meetings.

Southern Pacific
Railroad Abandonment

A case is being made, as a result of the work by volunteer Ernie Munch, Friends of Willamette Greenway, that SP would benefit by donating the abandoned right-of-way in the Macadam Corridor rather than selling it. Support for this approach is being obtained from public officials.

Travel Forecasts

Forecasts for the year 2005 will be available this month.

Air Quality

The Downtown Parking Advisory Committee will be meeting to discuss the current parking lid in downtown Portland. The lid continues to be supported by planners and environmentalists and opposed by downtown developers.

Federal Budget Workshop

On March 29 the IRC sponsored a workshop on the impacts of the proposed FY 86 Federal Budget on the Portland metropolitan area. Staff from our Congressional Delegation presented budget information and answered questions. I encourage you to read the summary prepared for this meeting and distributed by IRC. The elimination of general revenue-sharing and community development funds will substantially impact this region.

Regional Landfill Site

Our appeal has been filed with LUBA and a hearing is scheduled May 2. On April 9, our staff presented information to the Multnomah County Task Force on the solid waste system, waste reduction and alternative technologies. On April 17, we will testify on landfills and transfer stations.

St. Johns Landfill

Volumes at St. Johns are at an all time high as a result of the continued flow of waste from Clark County (4000 tons per month) and a rate increase at KFD and Woodburn. Increased flows are not only filling St. Johns faster than projected but we are experiencing some traffic backups (approximately 20-min. waits during peak hours) on Columbia Blvd. Traffic problems should be minimized with installation of our new computer system which is expected to be installed in July.

Clackamas Transfer
& Recycling Center

The rate increases at KFD and Woodburn Landfill are also creating problems at CTCR. Volumes for the first two weeks in April are over the limit. The staff has met with

several haulers from Washington County to try to divert waste voluntarily. If the voluntary diversion is not sufficient, action on rates or flow control may be necessary.

Washington Transfer & Recycling Center

Following a year of informational meetings in the Beaverton and Washington County area and Advisory Group meetings, a well publicized public meeting was held March 5 to discuss sites currently under consideration.

Businesses in the Sunset Corridor area and the Beaverton Chamber have raised objections to the sites selected for further study and their compatibility with hi-tech industry. We have had conversations and correspondence with those expressing concern to let them know that the process is still open. We anticipate receiving other site proposals as we meet with interested parties and the Advisory Group. Meetings are scheduled on April 11 with Nike, April 15 with Beaverton City Council, and April 16 with the Washington County Board.

Waste Reduction

Dan Durig and Dennis Mulvihill spoke to the Portland Association of Sanitary Service Operators (PASSO) at their monthly meeting. Dan explained the Solid Waste Management Plan and Dennis discussed Metro's recycling goals and industry participation.

Wayne Rifer attended a San Francisco conference on composting and recycling. Wayne received a good introduction to some policy issues which the Council will need to consider. The recycling programs of the Bay Area have much to learn from.

Alaska Tundra Exhibit

A total of 15,000 turned out on the sunny weekend of March 16 & 17 to visit this wonderful new exhibit.

Africa Bush Exhibit

The architect for this project along with Gene Leo and Steve McCusker are traveling to the East Coast to visit similar exhibits and gain some firsthand insights on designing this exhibit at our Zoo.

Friends of the Zoo

The Friends Board and the Zoo are beginning a strategic planning process for future Zoo development activities. This joint effort includes Councilors Kafoury and Kirkpatrick and should result in a more productive partnership working on behalf of the Zoo.

Zoo Traffic

Interest has again surfaced in a westbound entrance to the Sunset Highway. Directors of OMSI, Western Forestry Center and the Zoo have sent a letter to ODOT urging that this matter be given serious consideration due to the traffic jams which result from visitors leaving these facilities. Andy Cotugno will assist in preparing a formal project application for inclusion in ODOT's 6-year program.

More Zoo news. .

Several Humboldt penguin chicks have hatched and two young female zebras have arrived but will be in quarantine for 90 days.

Parks Study

A parks study proposal, resulting from the meetings of the technical study group, is being reviewed with elected officials.

Office Move

A flurry of activity has begun on our move. Staff are busy measuring their work space, desks, etc. to assist our space planners, Fletcher, Finch, Farr and Ayotte...Judy Munro has been hired as our Support Services Supervisor and will oversee the entire move. Agreed upon building repairs have begun...45 parking spaces have been rented...Negotiations are in progress with a potential 9000 sq. ft. tenant for the fourth floor. Metro will occupy the 2nd and 3rd floors.

FY 1985-86 Budget

Five Budget Review Committee meetings have been held to date including the orientation session and a public hearing. Two additional meetings are scheduled with a committee recommendation to be considered by the full Council on April 25.

Oregon COG Meeting

The Oregon Directors met at Metro on April 9 to discuss the cigarette tax and use of the lottery funds. Dick Hartman, Executive Director of NARC, discussed the impact of Federal Budget cutbacks and the role of COGs and NARC at the local level.

New Employees

March 1985

IRC

Neil McFarlane, transferred to
Development Services Analyst 3
(formerly Transportation Analyst 3)

Solid Waste

Dennis Yeomans, Gatehouse Attendant
Harold Richards, Gatehouse Attendant

F&A

Judy Munro, Support Services Supervisor



Agenda

--INFORMAL COUNCIL MEETING--

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: April 11, 1985

Day: Thursday

Time: 7:00 p.m.

Place: Council Chamber

FY 1985-86 Budget Issues

- | | |
|--|-----------------------------------|
| 1. Introduction | Rick Gustafson, Executive Officer |
| 2. General Government/Support Services | Don Carlson, Deputy |
| * Personnel | |
| * Data Processing | |
| 3. Zoo | Kay Rich, Assistant Director |
| * Education Building | |
| * Gift Shop | |
| 4. IRC | Steve Siegel, Administrator |
| * Non-funded programs | |
| 5. Solid Waste | Dan Durig, Director |
| * Methane Fund | |
| * Waste Reduction public information program | |
| 6. Financial Principles/Policies | Rick Gustafson, Executive Officer |
| * Postponement of the Five Fund System in FY 1985-86 | |
| * May 1986 Primary Election property tax proposal | |
| 7. Conclusion | |