

COUNCIL

Metropolitan Service District

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

Agenda

Date: January 4, 1979  
Day: Thursday  
Time: 7:00 p.m.  
Place: Conference Room "C"

CALL TO ORDER - Temporary Chairman Berkman

1. Adoption of Council Procedural Rules (Res. No. 79 - 1) <sup>6.02 noted</sup>
2. Election of Officers - ~~CRAIG~~
3. Written Communications to Council
4. Citizen Communications to Council on Non-Agenda Items
5. Old Business
  - 5.1 Consideration of Budget Adjustments (Ord. No. 79 - 64)
  - 5.2 Consideration of Urban Growth Boundary
  - 5.3 Consideration of Joint Personnel Rules
6. New Business
  - 6.1 Action on Advisory Committees - Dave McBride - ?

ADJOURNMENT

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

TO:           MSD Council  
FROM:         Executive Officer  
SUBJECT:      Council Procedural Rules

BACKGROUND: The Council has previously had prepared a compilation of procedural rules for the conduct of its business. Said compilation is attached in the form of a resolution.

Adoption of the rules by resolution is sufficient to establish interim procedures, but it is not sufficient for the adoption of permanent rules. Therefore, it is suggested that the attached resolution be adopted immediately and that the rules be introduced at the next meeting of the Council in final ordinance form. This process will give the Council temporary operating procedures, yet allow for public review and comment prior to final adoption and codification.

BUDGET IMPLICATIONS:   None

POLICY IMPLICATIONS:   None

ACTION RECOMMENDED:   Adoption of Resolution No. 79 - 1

AJ:mec

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1/4/79

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the matter of the adoption )  
of rules of procedure for the )  
conduct of Council meetings, ) Resolution No. 79-1  
the transaction of Council )  
business and repealing all prior )  
rules of procedure. )

The Council will take office on January 1, 1979, pursuant to Ch. 665, Or. Laws 1977, thereby succeeding the present governing body of the Metropolitan Service District (MSD); and

The Council is authorized by Sec. 6 of Ch. 665, Or. Laws 1977, to adopt and enforce rules of procedure governing its proceedings; and

It appears to the Council that it is appropriate that a full revision of previously adopted rules of procedure relating to the conduct of meetings be adopted.

RESOLVED, that the Council of the Metropolitan Service District does hereby adopt the following rules of procedure.

Section 1. Officers

1.01 The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its presiding officer for the ensuing year. Sec. 6, Ch. 665. The Council shall also elect at the same time a deputy presiding officer. The affirmative vote of the majority of the Council (7) is required to elect the presiding officer and deputy presiding officer.

1.02 The presiding officer will preside at all meetings of the Council and will preserve order and decorum. The presiding officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The presiding officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of presiding officer for the purpose of making such motion.

1.03 The deputy presiding officer shall be the presiding officer in the absence or incapacity of the presiding officer, and will have the authority and perform the duties of the presiding officer.

1.04 In the absence or incapacity of the presiding officer and the deputy presiding officer, the presiding officer may designate a Councilor to act as the temporary presiding officer.

1.05 The presiding officer or temporary presiding officer may be removed by the Council upon the affirmative vote of 3/4 of the Councilors (9).

## Section 2. Clerk of the Council

The clerk of the Council, or a qualified alternate designated by the presiding officer, shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be electronically or stenographically recorded. ORS 192.650; 198.560(1)(b). The clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours.

## Section 3. Regular Meetings

The Council shall meet regularly on the second and fourth Thursdays of each month at a time designated by the presiding officer. Regular meetings shall be held at a place designated in the published agenda of the meeting. ORS 192.640. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

## Section 4. Special Meetings

The presiding officer or a majority of the Council (7) may call a special meeting of the Council provided that at least 24 hours notice is given to the Council and the general public. ORS 192.640; Sec. 6, Ch. 665. The agenda shall be limited to the purpose for which the meeting is called. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

## Section 5. Emergency Meetings

In case of an actual emergency, the presiding officer or a majority of the Council may call an emergency meeting of the Council upon such notice as is appropriate to the circumstances. ORS 192.640; Sec. 6, Ch. 665. The agenda shall be limited to the purposes for which the meeting is called. To the extent possible, telephone calls and news releases to the media and interested persons should be made to give public notice of the agenda and time and place of the meeting.

## Section 6. Notice and Agenda

6.01 An agenda that sets forth the time, date, and place of the meeting, that includes a brief description of the ordinances to be considered, and that states that copies of ordinances are available at the office of the Metropolitan Service District shall be published in a newspaper of general circulation within the District not more than ten nor less than four days before a regular meeting of the Council. ORS 192.640; 198.540. If an executive session will be held, the notice shall state the specific provision of the law authorizing the executive session. ORS 192.640.

6.02 The presiding officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees or the executive officer. Each Councilor may request that items be placed upon the agenda of the next regular meeting by notifying the clerk of the Council and specifying the subject of the agenda items. The presiding officer may, at his discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors, Council committees and the Executive Officer of such due dates.

## Section 7. Ordinances

7.01 The legislative action of the Metropolitan Service District shall be by ordinance. ORS 268.360(1).

7.02 Except as provided in Section 7.07 of these rules, before an ordinance is adopted, it shall be read during two regular meetings of the Council on two different days at least six days apart. ORS 198.550. The reading shall be full and distinct unless at the meeting:

(a) A copy of the ordinance is available for each person who desires a copy; and

(b) The Council directs that the reading be by title only. ORS 198.550.

7.03 Except as provided in Section 7.07 of these rules, the affirmative vote of the majority of the members of the Council (7) is required to adopt an ordinance. ORS 198.550(2). A roll call vote shall be taken on all ordinances.

7.04 Ordinances may be placed upon the agenda by the Council, a Councilor, a committee of the Council or the executive officer. Sec. 5 and 8, Ch. 665.

7.05 Within seven (7) days after adoption of an ordinance, the enrolled ordinance shall be:

(a) Signed by the presiding officer;

(b) Attested by the person who served as recording secretary of the Council at the meeting at which the Council adopted the ordinance; and

(c) Filed in the records of the District. ORS 198.560.

7.06 If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas Counties.

7.07 Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to Sections 7.02 and 7.03 above.

#### Section 8. Motions and Resolutions

8.01 All matters other than legislation and rules coming before the Council and requiring Council action shall be handled by motion or resolution.

8.02 Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a motion or a resolution. Procedural matters shall be subject to Robert's Rules of Order unless these rules provide otherwise.

8.03 Motions and resolutions shall become effective upon adoption unless a later date is specified therein.

#### Section 9. Conduct of Meetings

9.01 A quorum of the Council is seven (7) members. If a quorum is present, the Council may proceed with the transaction of its business.

9.02 Minutes of each meeting shall be prepared by the clerk of the Council, and shall include at least the following information:

- (a) All members of the Council present;
- (b) All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
- (c) The results of all votes, and the vote of each Councilor by name;

(d) The substance of any discussion on any matter.  
ORS 192.650.

9.03 Minutes of executive sessions may be limited consistent with ORS 192.660. ORS 192.650.

9.04 The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the clerk of the Council. ORS 192.650.

9.05 Council members present, but not voting or not specifically abstaining shall be counted as voting with the majority. In the event that there is no such majority, such members shall be counted as abstaining.

9.06 Except for ordinances and rules, the presiding officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors. If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote and at least two Councilors concur in such request, in which case a roll call vote shall be taken.

9.07 Any matter not covered by these rules shall be determined by Robert's Rules of Order, latest revised edition.

9.08 All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

#### Section 10. Adoption and Amendment of Rules

No standing rule of procedure of the Council shall be adopted, amended, or rescinded except upon the affirmative vote of a majority of the members of the Council (7).

#### Section 11. Reconsideration

11.01. When a matter has been adopted or defeated, any Councilor voting on the prevailing side may move for reconsideration of the matter.

11.02. Notice of the intention to move for reconsideration of an ordinance or rule must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day on which the vote to be reconsidered was taken. Notice of the intention to move for reconsideration of other matters should be made to the presiding officer prior to publication of the next meeting agenda *or at the next business meeting*.

11.03 Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

11.04 A motion for reconsideration must receive the affirmative vote of a majority of the Council (7) in order to be adopted.

11.05 There shall be only one reconsideration of any final vote even though the action of Council reverses its previous action.

## Section 12. Communications from the Public

Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council; provided, however:

(a) Persons addressing the Council shall do so from the rostrum upon first gaining recognition of the presiding officer and after stating name or address.

(b) To facilitate the orderly transaction of business, the presiding officer may limit the time and number of appearances.

## Section 13. Order of Business

13.01 The general order of business for the Council shall be:

- (a) Call to order.
- (b) Roll call.
- (c) Communications from the public for matters not on the agenda.
- (d) Consent calendar.
- (e) Challenges to referrals.
- (f) Reports from standing committees.
- (g) Reports from special committees.
- (h) Reports from advisory committees.
- (i) Report from the executive officer.
- (j) Old business.
- (k) Introduction and consideration of resolutions and ordinances.
- (l) New business.
- (m) Other business.
- (n) Adjournment.



13.02 Questions relating to the priority of business shall be decided without debate. The general order of business shall no be varied except upon the affirmative vote of a majority of the Council present and voting, a quorum being present.

13.03 A unanimous consent calendar shall be presented for the consideration and vote of the Council only at regular meetings. Copies of the consent calendar shall be printed and distributed to the Council prior to consideration.

13.04 Before calling for the vote on the consent calendar, the presiding officer shall ask if any Councilor objects to any matter on the consent calendar. If any matter on the consent calendar is objected to by a member of the Council, that matter shall be removed from the consent calendar and placed upon the agenda of the Council under other business.

#### Section 14. Committees of the Council

14.01 The Council may establish standing committees as it deems necessary.

14.02. Members of all standing and special committees shall be appointed by the presiding officer subject to confirmation of the Council. The first named shall be chairperson and the second named shall be vice chairperson.

14.03 A majority of the members of the standing or special committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in these rules, all standing and special committees of the Council shall be governed by Robert's Rules of Order, latest revised edition.

14.04 All committees shall meet at the call of the chair or upon the request of a majority of the members of the committee.

14.05 The purposes of committees of the Council are to:

(a) Make studies of and inquiries into areas of concern and interest of the Council.

(b) Report information to the Council.

(c) Prepare and submit recommendations, proposals and ordinances to the Council.

14.06 Unless otherwise specifically provided, committees of the Council shall have the power to:

(a) Hold meetings at such times and places as the committee considers expedient.

(b) Hold public hearings and take testimony.

(c) Make findings, conclusions and recommendations.

(d) Draft and prepare motions, resolutions and ordinances for consideration by the Council.

(e) Appoint task forces and committees to advise the committees of the Council, subject to Council approval.

14.07 Each committee member shall have one vote and the chairman may vote and discuss any issue before the committee without relinquishing his position as chairman.

14.08 All matters and issues shall be referred to the presiding officer. The presiding officer shall refer each matter or issue to an appropriate standing committee of the Council, or to a local government advisory committee. Notice of referral shall be in writing and distributed to each Councilor. At the next regular meeting, any Councilor may object and request a different referral of any matter or issue referred since the last regular meeting.

14.09 The term for a committee member shall be one year. Except for filling vacancies, committee appointments shall be made in January of each year.

14.10 No committee will incur any indebtedness or hire any personnel without the express approval of the Council.

14.11 The chairperson, vice chairperson or committee members may be removed from their committee assignment(s) upon the affirmative vote of the majority of the Council (7).

#### Section 15. Local Government Advisory Committees

15.01 The Council shall appoint such advisory committees comprised of local government officials from the metropolitan area and any other areas receiving services from the District as may be necessary to assist the Council in the performance of its duties. The number of members and term for each committee so appointed shall be established by the Council.

15.02 Each member shall have one vote and the chairman may vote on and discuss any matter coming before the committee.

15.03 Unless otherwise specifically provided, local government advisory committees shall have a power to:

(a) Select a chairman and vice chairman.

(b) Hold meetings at such times and places as the committee considers expedient.

(c) Prepare and submit proposals and recommendations to the Council.

(d) Perform other functions assigned by the Council.

15.04 A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in these rules, all committees of local government officials shall be governed by Robert's Rules of Order, latest revised edition.

15.05 All committees shall meet at the call of the chairman or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings Law.

#### Section 16. Other Advisory Committees

The Council may appoint other advisory committees as necessary to assist the Council or committees of the Council in the performance of their duties. The purposes and powers of each advisory committee shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Council.

#### Section 17. Amendment and Repeal of Previous Rules

17.01 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby repealed:

(a) Chapter 1.1 (Charter Rules) of the Code of the Columbia Region Association of Governments.

(b) Chapter 2 (Procedural Rules) of the Code of the Columbia Region Association of Governments.

(c) Chapter 5 (Areas and Activities of Regional Impact) of the Code of the Columbia Region Association of Governments.

(d) Chapter 4.02 of the Code of the Metropolitan Service District.

17.02 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby amended as follows:

(a) All references in the Codes of both agencies to the "Board" or "Board of Directors" are amended by substitution of the term "Council" therefor.

ADOPTED, By the MSD Council this 4th day of January, 1979.

\_\_\_\_\_  
Presiding Officer

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BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

ORDINANCE NO.

An ordinance providing for ~~adoption of~~ rules of procedure for conduct of Council meetings, transaction of Council business and repealing all prior rules of procedure

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS FOLLOWS:

Section 1. Officers

1.01 The Council shall, at its first meeting after the first Monday in January of each year, elect one Councilor to serve as its Presiding Officer for the ensuing year. Sec. 6, Ch. 665. The Council shall also elect at the same time a deputy Presiding Officer. The affirmative vote of the majority of the Council (7) is required to elect the Presiding Officer and deputy Presiding Officer.

1.02 The Presiding Officer will preside at all meetings of the Council and will preserve order and decorum. The Presiding Officer is authorized to sign all documents memorializing Council's action on behalf of the Council. The Presiding Officer will have a vote on each matter before the Council, but will not make motions unless first relinquishing the position of Presiding Officer for the purpose of making such motion.

1.03 The deputy Presiding Officer shall be the Presiding Officer in the absence or incapacity of the Presiding Officer, and will have the authority and perform the duties of the Presiding Officer.

1.04 In the absence or incapacity of the presiding officer and the deputy Presiding Officer, the Presiding Officer may designate a Councilor to act as the temporary Presiding Officer.

1.05 The Presiding Officer or temporary Presiding Officer may be removed by the Council upon the affirmative vote of 3/4 of the Councilors (9).

## Section 2. Clerk of the Council

The Clerk of the Council, or a qualified alternate designated by the Presiding Officer, shall act as recording secretary for the Council, shall be present at each meeting of the Council and shall provide that the proceedings be electronically or stenographically recorded. ORS 192.650; 198.560(1)(b). The clerk shall also maintain a journal of Council proceedings that shall be available to the public during regular office hours.

## Section 3. Regular Meetings

The Council shall meet regularly on the second and fourth Thursdays of each month at a time designated by the Presiding Officer. Regular meetings shall be held at a place designated in the published agenda of the meeting. ORS 192.640. Regular meetings may be adjourned to a specific time and place before the day of the next regular meeting. Published notice of the time and place of an adjourned meeting is not required. Matters included on the agenda of a regular meeting that is adjourned to a later date need not be republished. New matters to be considered at the adjourned meeting shall be published in the same manner as the agenda for a regular meeting.

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ORS 192.640; Sec. 6, Ch. 665. The agenda shall be limited to the purpose for which the meeting is called. Except for the provisions of this section, special meetings are subject to the same rules as regular meetings. If possible, the agenda and time and place of the meeting should be published in a newspaper of general circulation in the district. If publication is not possible, the provisions for notifying the public of emergency meetings should be followed.

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meeting of the Council. ORS 192.640; 198.540. If an executive session will be held, the notice shall state the specific provision of the law authorizing the executive session. ORS 192.640.

6.02 The Presiding Officer shall establish the agenda from the agenda items submitted by the Councilors, Council committees or the Executive Officer. Each Councilor may request that items be placed upon the agenda of the next regular meeting by notifying the Clerk of the Council and specifying the subject of the agenda items. The Presiding Officer may, at his discretion, determine the time by which agenda items must be submitted for inclusion in the next succeeding agenda and shall notify the Councilors, Council committees and the Executive Officer of such due dates.

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(a) A copy of the ordinance is available for each person who desires a copy; and

(b) The Council directs that the reading be by title only. ORS 198.550.

7.03 Except as provided in Section 7.07 of these rules, the affirmative vote of the majority of the members of the Council (7) is required to adopt an ordinance. ORS 198.550(2). A roll call vote shall be taken on all ordinances.

7.04 Ordinances may be placed upon the agenda by the Council, a Councilor, a committee of the Council or the Executive Officer. Sec. 5 and 8, Ch. 665.

7.05 Within seven (7) days after adoption of an ordinance, the enrolled ordinance shall be:

- (a) Signed by the Presiding Officer;
- (b) Attested by the person who served as recording secretary of the Council at the meeting at which the Council adopted the ordinance; and
- (c) Filed in the records of the District. ORS 198.560.

7.06 If required by law a certified copy of each ordinance shall be filed with the Division of Courts Process of Multnomah County, and the County Clerk for Washington and Clackamas Counties.

7.07 Pursuant to ORS 198.550(3), an ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Council at the meeting, a quorum being present, is required to adopt an emergency ordinance. Failing such approval, an emergency ordinance shall be considered pursuant to Sections 7.02 and 7.03 above.

#### Section 8. Motions and Resolutions

8.01 All matters other than legislation and rules coming before the Council and requiring Council action shall be handled by motion or resolution.



8.02 Excluding procedural matters, the affirmative vote of a majority of the Council present and voting, a quorum being present, is required to adopt a motion or a resolution. Procedural matters shall be subject to Robert's Rules of Order unless these rules provide otherwise.

8.03 Motions and resolutions shall become effective upon adoption unless a later date is specified therein.

Section 9. Conduct of Meetings

9.01 A quorum of the Council is seven (7) members. If a quorum is present, the Council may proceed with the transaction of its business.

9.02 Minutes of each meeting shall be prepared by the Clerk of the Council, and shall include at least the following information:

- (a) All members of the Council present;
- (b) All motions, proposals, resolutions, orders, ordinances and rules proposed and their dispositions;
- (c) The results of all votes, and the vote of each Councilor by name;
- (d) The substance of any discussion on any matter.

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9.03 Minutes of executive sessions may be limited consistent with ORS 192.660. ORS 192.650.

9.04 The written minutes shall be available to the public within a reasonable time after the meeting, and shall be maintained as a permanent record of the actions of the Council by the Clerk of the Council. ORS 192.650.

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9.06 Except for ordinances and rules, the presiding officer may order the unanimous approval of any matter before the Council unless there is an objection from one or more Councilors. If there is an objection, then a voice vote shall be taken, unless the objecting Councilor requests a roll call vote and at least two Councilors concur in such request, in which case a roll call vote shall be taken.

9.07 Any matter not covered by these rules shall be determined by Robert's Rules of Order, latest revised edition.

9.08 All meetings of the Council, its committees and advisory committees shall be held and conducted in accordance with the Oregon Public Meetings Law.

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11.02. Notice of the intention to move for reconsideration of an ordinance or rule must be given orally by the Councilor who intends to make the motion prior to adjournment on the same day

on which the vote to be reconsidered was taken. Notice of the intention to move for reconsideration of other matters should be made to the Presiding Officer prior to or at the next meeting.

11.03 Motion to reconsider shall be made and voted on not later than the next regular meeting after the meeting on which the vote to be reconsidered was taken. The motion for reconsideration has precedence over any other motion.

11.04 A motion for reconsideration must receive the affirmative vote of a majority of the Council (7) in order to be adopted.

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Communications from the public both for matters on the agenda and matters not on the agenda may be allowed by the Council; provided, however:

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- (e) Challenges to referrals.
- (f) Reports from standing committees.
- (g) Reports from special committees.
- (h) Reports from advisory committees.
- (i) Report from the Executive Officer.
- (j) Old business.
- (k) Introduction and consideration of resolutions and ordinances.
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14.04 All committees shall meet at the call of the chair or upon the request of a majority of the members of the committee.

14.05 The purposes of committees of the Council are to:

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14.09 The term for a committee member shall be one year. Except for filling vacancies, committee appointments shall be made in January of each year.

14.10 No committee will incur any indebtedness or hire any personnel without the express approval of the Council.

14.11 The chairperson, vice chairperson or committee members may be removed from their committee assignment(s) upon the affirmative vote of the majority of the Council (7).

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15.02 Each member shall have one vote and the chairman may vote on and discuss any matter coming before the committee.

15.03 Unless otherwise specifically provided, local government advisory committees shall have a power to:

(a) Select a chairman and vice chairman.

(b) Hold meetings at such times and places as the committee considers expedient.

(c) Prepare and submit proposals and recommendations to the Council.

(d) Perform other functions assigned by the Council.

15.04 A majority of the members of the committee shall constitute a quorum for the transaction of business before the committee. Except as otherwise provided in these rules, all committees of local government officials shall be governed by Robert's Rules of Order, latest revised edition.

15.05 All committees shall meet at the call of the chairman or upon the request of a majority of the members of the committee or upon the request of the Council. All meetings of the committee shall be subject to the Oregon Public Meetings Law.

Secton 16. Other Advisory Committees

The Council may appoint other advisory committees as necessary to assist the Council or committees of the Council in the performance of their duties. The purposes and powers of each advisory committee shall be expressly stated at the time of appointment. Advisory committees shall serve at the pleasure of the Council.

Section 17. Amendment and Repeal of Previous Rules

17.01 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby repealed:

(a) Chapter 1.1 (Charter Rules) of the Code of the Columbia Region Association of Governments.

(b) Chapter 2 (Procedural Rules) of the Code of the Columbia Region Association of Governments.

(c) Chapter 5 (Areas and Activities of Regional Impact) of the Code of the Columbia Region Association of Governments.

(d) Chapter 4.02 of the Code of the Metropolitan Service District.

17.02 The following previously adopted rules of procedure of the Metropolitan Service District and the Columbia Region Association of Governments are hereby amended as follows:



(a) All references in the Codes of both agencies to the "Board" or "Board of Directors" are amended by substitution of the term "Council" therefor.

ADOPTED, By the MSD Council this \_\_\_\_ day of \_\_\_\_\_,  
1979.

\_\_\_\_\_  
Presiding Officer

ATTEST:

\_\_\_\_\_  
AJ:gh  
1910A  
0033A

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

TO:           MSD Council  
FROM:         Rick Gustafson, Executive Officer  
SUBJECT:      Budget Adjustments

BACKGROUND: As you will recall, during our recent "retreat" consensus was reached on a number of items which necessitate some immediate minor budget adjustments to implement the proposals. These adjustments in the General Fund will provide for the proper funding categories for the first quarter of 1979. This process can be accomplished by an ordinance adopted by the Board. During that period, a formal supplemental budget adjustment process will be scheduled to transfer appropriations between budget funds to distribute the adjustment impacts throughout the various funding sources until the end of the fiscal year.

Major items involved in this adjustment action provide for the agreed upon Council expense items and authorization of positions and titles to accommodate the proposed MSD organization structure. Authorization of positions which have some short term budget impact through immediate fund transfers are as follows:

- \*a) Authorization of "Director of Management Services" position. The funding of this position will be partially offset through transfer of funds previously budgeted for the now vacant MSD "Director of Administration" slot and a down-grading of the "Director of Administrative and Membership Services" position.
- \*b) Authorization of "Administrative Assistant to Executive Officer" position.

\*(Funding for these positions will be provided through the recommended transfers within the currently approved budget totals.)

- c) Authorization of "Director of Environmental and Technical Services" position. It is not planned to immediately fill this position which would supervise a combined Public Facilities and Solid Waste Division at this time. Filling of this position would be contingent upon identifying funding beyond the actions included in this recommended budget adjustment.

Continuation of these positions in FY 1980 will be provided either through savings from the current year's budget or through securing additional non-local funding.

d) Authorize position title changes:

- 1) Eliminate the position of "Director of Natural Resources" and create the position of "Director of Metropolitan Development."
- 2) Eliminate the position of "CRAG Executive Director" and create the position of "Chief Administrative Officer." This action has no short term budgetary impact and supports the recommendation made by the transition committee and transition consultants.
- 3) Eliminate the "Director of Administrative and Membership Services" and create the position of "Manager, Personnel and Support Services."
- 4) Change the title of "Local Government Assistance Coordinator" to "Director, Local Government and Citizen Involvement Services."

Formal job descriptions for each of the above positions are being developed and copies will be provided to the Council for information as soon as possible.

**BUDGET:** The impact of the recommended changes does not increase currently approved budget totals. The action requested transfers existing amounts to other budget categories as detailed in the attached ordinance. The amount involved in this requested ordinance is redistribution of \$7,400 to various accounts. The supplemental budget process which is anticipated to be presented by March 31 would redistribute an additional \$33,000 to various accounts.

**POLICY IMPLICATIONS:** The requested action will institute expenditures on which the Council and Executive Officer have reached consensus concerning organization structure and Council support. A subsequent supplemental budget action will be required prior to March 31, 1979.

**ACTION REQUESTED:** Approval of the attached budget transfer ordinance.

RG:gh  
1803A  
0033A  
1/4/79

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT  
ORDINANCE NO. 79-64

An ordinance amending Budget Ordinance No. 60 to Transfer appropriations within funds and declaring an emergency

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS  
FOLLOWS:

Section 1. Section 4 of Ordinance No. 60 is hereby amended for the fiscal year beginning July 1, 1978, as shown in the revised schedule of appropriations, Exhibit A, attached hereto and by reference made a part of this ordinance.

Section 2. In order for this transfer of appropriation to take effect by January, 1979, and facilitate the expenditure of funds, an emergency is declared to exist and this ordinance shall take effect upon its passage.

ADOPTED this \_\_\_\_\_ day of January, 1979.

\_\_\_\_\_  
Presiding Officer

ATTEST:  
  
\_\_\_\_\_

EXHIBIT A  
 METROPOLITAN SERVICE DISTRICT  
 TRANSFER OF APPROPRIATIONS WITHIN FUNDS  
 FOR FISCAL YEAR 1978-1979  
 Beginning July 1, 1978

	Revised Budget Ord. #63	Transfer Cr (Cr)	Revised Budget
Requirements:			
Personal Services	121,540		121,540
Materials & Serv.	107,219	7,400	114,619
Capital Outlay	2,745	(1400)	1,345
Contingency	10,717	(6000)	4,717
Unappropriated Bal.	<u>525</u>		<u>525</u>
	242,746	0	242,746

No change for:

Planning Fund  
 Drainage Fund  
 Solid Waste Fund  
 Solid Waste Debt Service Fund  
 Solid Waste Capital Improvement Fund  
 City/Zoo  
 Zoo


# Memorandum



# CRAG

Columbia Region  
Association of  
Governments

527 S.W. Hall Street  
Portland, Oregon 97201  
503/221-1646

Date: December 22, 1978  
To: Rick Gustafson and Denton Kent  
From: John Gregory   
Subject: Resources to Cover Additional General Fund Expenses

Based upon our conversation, Chuck Estes and I have researched the general and planning funds expenditure budgets to obtain the necessary resources.

Our assumption was that we were trying to cover the additional expenses for those items:

1. Administrative Assistant	\$ 10,000
2. Director, <del>Administrative Services</del>	17,000
3. Board Expenses <i>Support Services</i> <i>Internal</i>	24,000
	<u>\$ 51,000</u>

Following is a breakdown of resources between the two funds:

A. General Fund	
Networking Capital	\$ 5,200
Interest	1,200
Personal Services	11,500
Capital Outlay	1,400
Contingency	6,000
	<u>25,300</u>
Less supplies overrun	(900)
	<u>\$ 24,400</u>
B. Planning Fund	
Rent	\$ 8,500
Insurance	3,000
Board	12,000
Recruitment	3,100
	<u>\$ 26,600</u>
TOTAL	<u>\$ 51,000</u>

*net Dec 31*

As you know, transfers between line items within a fund can be accommodated by an ordinance adopted by the Board. However, to transfer appropriations between funds requires a supplemental budget process.

Memorandum  
December 22, 1978  
Page 2

I might suggest that we initially transfer appropriations within the general fund to cover a portion of the expenses, say the first three months. To cover the remaining expenditures, we will have to go through another supplementary budget process in March to transfer appropriation from the planning fund to the general fund.

JG:gh  
1776A

M O T I O N

I move:

1. That each Councilor should be allotted \$1,000 for the remainder of the fiscal year to cover necessary expenses.
2. That the following expenses are allowable as of January 1, 1979, if necessary and directly related to a Councilor's duties:
  - a. Travel and meal expenses in accordance with personnel rules.
  - b. Meal expenses for persons other than Councilors when necessary for conduct of Council business.
  - c. Necessary meeting and conference expenses, other than regular Council meetings.
3. That Councilors receive \$30 per meeting as per diem compensation.
4. That Council per diem and expense policies be reviewed annually in conjunction with the budget cycle.
5. That the Executive Officer shall make payments pursuant to this motion.

MC:gh  
1906A  
0033A



M O T I O N

I move:

1. That each Councilor should be allotted \$1000 annually to cover necessary expenses. *For the remainder of budget fiscal*

2. That the following expenses are allowable as of January 1, 1979, if necessary and directly related to a Councilor's duties:

a. Travel and meal expenses in accordance with personnel rules.

b. Meal expenses for persons other than Councilors when necessary for conduct of Council business.

c. Necessary meeting and conference expenses, other than regular Council meetings. *hold out*

3. That the following additional expenses should be allowed if and when HB 2070 is amended to permit them:

a. Association membership fees.

b. Child care expenses other than for regular meetings.

c. Education expenses including individual purchase/subscription of publications.

4. That constituent communications (newsletters) be held in abeyance until budgeting and staffing can be fully considered; that no newsletters be published within five months of an election; and that newsletters not be used for any political campaign.

3. That Councilors receive \$30 per meeting as per diem compensation.

4. That Council per diem and expense policies be reviewed annually in conjunction with the budget cycle.

5. That the Executive Officer shall make payments pursuant to this motion.

M O T I O N

I move:

1. That each Councilor should be allotted \$2000 annually to cover necessary expenses.
2. That the following expenses are allowable as of January 1, 1979, if necessary and directly related to a Councilor's duties:
  - a. Travel and meal expenses in accordance with personnel rules.
  - b. Meal expenses for persons other than Councilors when necessary for conduct of Council business.
  - c. Necessary meeting and conference expenses, other than regular Council meetings.
3. That the following additional expenses should be allowed if and when HB 2070 is amended to permit them:
  - a. Association membership fees.
  - b. Child care expenses other than for regular meetings.
  - c. Education expenses including individual purchase/subscription of publications.
4. That constituent communications (newsletters) be held in abeyance until budgeting and staffing can be fully considered; that no newsletters be published within five months of an election; and that newsletters not be used for any political campaign.
5. That Councilors receive \$30 per meeting as per diem compensation.
6. That Council per diem and expense policies be reviewed annually in conjunction with the budget cycle.
7. That the Executive Officer shall make payments pursuant to this motion.

M O T I O N

I move:

1. That each Councilor should be allotted \$<sup>500</sup>~~1,000~~ for the remainder of the fiscal year to cover necessary expenses.
2. That the following expenses are allowable as of January 1, 1979, if necessary and directly related to a Councilor's duties:
  - a. Travel and meal expenses in accordance with personnel rules.
  - b. Meal expenses for persons other than Councilors when necessary for conduct of Council business.
  - c. Necessary meeting and conference expenses, other than regular Council meetings.
3. That Councilors receive \$30 per meeting as per diem compensation.
4. That Council per diem and expense policies be reviewed annually in conjunction with the budget cycle.
5. That the Executive Officer shall make payments pursuant to this motion.

MC:gh  
1906A  
0033A

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

TO:           MSD Council  
FROM:         Rick Gustafson, Executive Officer  
SUBJECT:      Urban Growth Boundary (UGB)

BACKGROUND: CRAG's Urban Growth Boundary (UGB) was first adopted in December, 1976, in concert with Land Conservation and Development Commission (LCDC) Goals which indicate the need to separate urban and nonurban land uses. The establishment of an Urban Growth Boundary enables local jurisdictions to approve development proposals within the boundary without taking an agricultural goal exception. Following an LDCD order that required CRAG to make additional findings to show the premises on which the line was based, additional work including development of findings and an annual amendment process took place in 1978. CRAG Board actions in October and November approved certain amendments, resolved remaining Study Areas, and adopted findings in consideration of State Goal #14 (Urbanization) criteria in response to the LCDC order.

At the December 21, 1978 meeting, the CRAG Board acted to readopt the Urban Growth Boundary and instructed staff to officially seek acknowledgement of the Urban Growth Boundary from LCDC. That acknowledgement process will take a minimum of 90 days to complete. The UGB, plus the entire Land Use Framework Element, as adopted by Rule, will therefore be carried over to the new MSD.

There are differing opinions about whether the new MSD power to set Goals and Objectives and to conduct functional planning includes the prerogative to establish and enforce an Urban Growth Boundary. In-house counsel and counsel for the 1000 Friends of Oregon have both prepared briefs which indicate that the new MSD has the power and responsibility to incorporate an Urban Growth Boundary within its planning functions. Other legal minds have a different opinion and hold that through the absence of a specific reference to the UGB in the MSD enabling legislation, the adopted UGB does not automatically carry-over to the MSD for enforcement, i.e., a power which is not held by MSD cannot be transferred to it.

The problem for the new MSD is how to resolve these differences. Three major options appear to be available to MSD.

- A.   Accept the CRAG established Urban Growth Boundary and enforce it as a planning and review criteria. If this course is followed, the MSD position will be challenged by a suit and the disposition of the matter will be up to the Courts.

AGENDA MANAGEMENT SUMMARY

Page 2

- B. Disavow responsibility for the Urban Growth Boundary and indicate that the growth boundary responsibilities lay with the county governments. This action would be at odds with a prior legal decision (Sherwood order) which held that only the area-wide agency had the ability to set an Urban Growth Boundary and only an area-wide boundary made sense. Also, since this would place an additional time and monetary requirement on counties with respect to LCDC funding and compliance schedules, some antagonism would be directed toward the MSD.
- C. The MSD could solicit a state legislator to request an Attorney General's Opinion as to whether or not the legislation provides authority for MSD to establish and implement an Urban Growth Boundary.

BUDGET: Existing resources could cover any of the options outlined above on the short term. However, protracted defense of the Urban Growth Boundary, or additional work on the UGB findings would require reallocation of funds or additional funds from those currently budgeted.

POLICY IMPLICATIONS: The choice that is made on this issue in the short term will likely set the tone and activity of MSD's involvement in land use planning for the long term.

RECOMMENDATION: It is recommended by the Executive Officer that option C -- the securing of an Attorney General's Opinion -- be the course that is followed at this time. Both options A and B have long term impacts and it is not necessary to trigger the consequences of those decisions at this time if option C is pursued.

RG:DUK:md  
1811A  
0033A

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the Matter of securing )  
an Attorney General opinion )  
regarding the Metropolitan )  
Service District power to )  
enact and enforce an Urban )  
Growth Boundary )

Resolution No. 79 - 6

WHEREAS, The Columbia Region Association of Governments (CRAG) adopted a Land Use Framework Plan containing an Urban Growth Boundary, and

WHEREAS, Section 25 of Chapter 665 Oregon Laws 1977 requires that all rules of CRAG continue in effect, and

WHEREAS, The question has been raised concerning the authority of the Metropolitan Service District (MSD) after January 1, 1979, to enforce the CRAG Urban Growth Boundary or to adopt and revise such a boundary,

*Be it further resolved that the MSD accept the CRAG adopted Urban Growth*

NOW, THEREFORE, BE IT RESOLVED That the ~~Executive Officer~~ MSD be directed to solicit an opinion from the Attorney General of the State of Oregon concerning the authority of the MSD to adopt, revise and enforce an Urban Growth Boundary.

ADOPTED By the Council of the Metropolitan Service District this 4th day of January, 1979.

\_\_\_\_\_  
Presiding Officer

*(combine A & C)*

*And shall enforce it as a planning and review criteria*

1 METROPOLITAN SERVICE DISTRICT  
2 LEGAL OPINION 79-1

3 Question: Does the Urban Growth Boundary adopted by  
4 Columbia Region Association of Governments (CRAG) remain appli-  
5 cable and enforceable by the Metropolitan Service District  
6 (MSD), after January 1, 1979, and does the MSD, after that  
7 date, have statutory authority to adopt and implement an urban  
8 growth boundary within the district?

9  
10 Answer: Yes

11  
12 Discussion: In December, 1976, CRAG adopted an Urban  
13 Growth Boundary (UGB) as a part of its Land Use Framework Ele-  
14 ment of the CRAG Regional Plan. The element and the boundary  
15 were adopted pursuant to CRAG's land use planning authority  
16 (ORS 197.755) and its rule making authority (ORS 197.735) and  
17 were adopted as rules of the planning district. See CRAG Land  
18 Use Framework Element Rules, Section 1. Since 1976, the UGB  
19 was amended several times and was re-adopted in its amended  
20 form on December 18, 1978. See CRAG Order No. 78-35. This  
21 opinion assures the lawful adoption of the UGB by CRAG and its  
22 validity as of December 31, 1978.

23 On January 1, 1979, CRAG was abolished and was merged  
24 into the Metropolitan Service District (MSD) by ORS Chapter 268  
25 as amended by Chapter 665, Oregon Laws 1977. Section 25 of  
26 that 1977 Act provides as follows:

1 "Section 25. Notwithstanding the repeal  
2 of ORS 197.705 to 197.795 by this Act, the  
3 lawfully adopted rules of a regional plan-  
4 ning district in effect on the operative  
5 date of this Act which are applicable with-  
6 in the district shall continue in effect  
7 until lawfully superseded or repealed by  
8 rules enacted by the metropolitan service  
9 district. References in rules of the re-  
10 gional planning district to the regional  
11 planning district or an officer or employe  
12 thereof are considered to be references to  
13 the metropolitan service district or an  
14 officer or employe thereof."

9 On the face of this section, all rules lawfully  
10 adopted by CRAG are continued in effect until superceded or  
11 repealed by the MSD. Since the CRAG UGB was adopted by CRAG as  
12 a rule, it is apparent that the UGB continues in effect, at  
13 least within the jurisdictional boundaries of the MSD.

14 It has been suggested by some that, for some reason,  
15 the term "rules" in Section 25 might not include land use rules  
16 but only procedural or organizational rules of CRAG. This sug-  
17 gession appears to be unfounded for at least two reasons:

18 first, Section 25 makes no attempt to distinguish between vari-  
19 ous types of CRAG rules and it would have been a simple matter  
20 for the Legislature to have created such a distinction. Se-  
21 cond, CRAG's enabling legislation (specifically ORS 197.735 and  
22 197.755) clearly indicates that CRAG's land use regulations  
23 were to have been adopted by rule. Therefore, the Legislature  
24 was on notice of the effect of Section 25 of the Act.



1           Another suggested interpretation of Section 25 is  
2 that the section either does not or can not authorize the con-  
3 tinuation of a regulation (the UGB) which the MSD itself has  
4 not the power to adopt. This suggestion assumes, of course,  
5 that the MSD lacks such power, an assumption which is reflected  
6 hereinbelow. But even assuming said lack of authority, Section  
7 25 does not distinguish between CRAG rules which the MSD itself  
8 could or could not adopt. Again, it would have been simple for  
9 the Legislature to have drawn such a distinction had it been so  
10 inclined. Lacking such a distinction, however, Section 25  
11 appears to require the continuation of all CRAG rules, and  
12 there is no apparent ambiguity in this requirement. Therefore,  
13 it seems inescapable that the CRAG UGB is presently effective  
14 and may be enforced by the MSD pursuant to the MSD's statutory  
15 authority to enforce its own regulations.

16           The question whether the MSD has authority, indepen-  
17 dent of Section 25 of the 1977 Act, to adopt and implement an  
18 UGB is less clear on the face of the Act than the question of  
19 continuance of the CRAG UGB.

20           Assuming that an UGB, one definition of which may be  
21 found in Statewide Goal #14 of the Land Conservation and Deve-  
22 lopment Commission, is a land use related regulation or mecha-  
23 nism, the MSD's land use powers must be looked to for the an-  
24 swer. Section 3 of the 1977 Act amends ORS 268.030 by adding a  
25 subparagraph (4) to read as follows:

26

1           "(4) A district, where formed, shall pro-  
2           vide for those aspects of land use planning  
3           having metropolitan significance."

4           The term "metropolitan significance" is defined by  
5           Section 2 of the Act to mean "having major or significant dis-  
6           trict-wide impact." Though this definition is not terribly  
7           precise or definitive, it's apparent breadth lends support to a  
8           contention that the land use planning authority of the MSD is  
9           indeed quite broad and largely undefined. It must be noted,  
10          however, that Section 3 of the Act is a general grant of power  
11          which is more specifically defined in two other sections of the  
12          Act.

13          Section 17 of the Act provides as follows:

14          "Section 17. A district council shall:

15          (1) Adopt land-use planning goals and ob-  
16          jectives for the district consistent with  
17          goals and guidelines adopted under ORS  
18          197.005 to 197.430;

19          (2) Review the comprehensive plans in  
20          effect on the operative date of this 1977  
21          Act, or subsequently adopted by the cities  
22          and counties within the district and recom-  
23          mend or require cities and counties, as it  
24          considers necessary, to make changes in any  
25          plan to assure that the plan conforms to  
26          the district's metropolitan area goals and  
27          objectives and the state-wide goals;"

28          The above section requires the MSD to adopt land use  
29          planning goals and objectives. There is no definition in the  
30          legislation for the terms "goals and objectives" which leaves  
31          open the question of what a goal or an objective is supposed to  
32          look like. As a matter of precedent, goals and objectives in  
33          this state have generally taken the form of narrative policy

1 statements. However, I see no reason to believe that an objec-  
2 tive, for instance, could not take the form of a boundary line  
3 on a map, if indeed such a line constituted a legitimate land  
4 use planning objective of the agency adopting it. Even if the  
5 word "objective" could not be construed to include a boundary  
6 on a map, I see no reason to believe that an objective could  
7 not take the form of a narrative legal description of land in  
8 the metropolitan area which is appropriate for urban develop-  
9 ment.

10 To assert that goals or objectives cannot legally  
11 take the form of a boundary, whether a legal description or a  
12 map, is to argue that goals and objectives are somehow limited  
13 in their form. One might argue that goals and objectives are  
14 inherently broad policy statements as distinguished from maps,  
15 boundaries and detailed land use regulatory devices. Such an  
16 argument is unsound for two reasons: first, there is no lan-  
17 guage in the statute indicating that such a limiting interpre-  
18 tation is necessary or was intended by the Legislature; second,  
19 the Land Conservation and Development Commission, also charged  
20 with the legal requirement to adopt land use planning "goals,"  
21 has indeed adopted a goal which includes sitespecific land use  
22 regulations and a boundary line. See LCDC Goal #15 (Willamette  
23 River Greenway). Thus, there is no law which indicates that  
24 goals and objectives are necessarily limited in their form, and  
25 there is precedent in Oregon for using goals to establish  
26 boundaries.

1           Section 18 of the Act provides as follows:

2           "Section 18. A district council shall:

3           (1) Define and apply a planning procedure  
4           which identifies and designates areas and  
5           activities having significant impact upon  
6           the orderly and responsible development of  
7           the metropolitan area, including, but not  
8           limited to, impact on:

- 9           (a) Air quality;
- 10           (b) Water quality; and
- 11           (c) Transportation.

12           (2) Prepare and adopt functional plans for  
13           those areas designated under subsection (1)  
14           of this section to control metropolitan  
15           area impact on air and water quality,  
16           transportation and other aspects of metro-  
17           politan area development the council may  
18           identify."

19           Pursuant to Section 18 of the 1977 Act, the MSD is  
20           required to identify areas and activities having significant  
21           impact upon the development of the region and to prepare func-  
22           tional plans to control those impacts. I believe that it goes  
23           without saying that urban growth and urban sprawl are indeed  
24           activities which impact the orderly development of the region,  
25           and therefore, I do not see any reason why a functional plan or  
26           plans could not be adopted to control that impact. It may be  
          argued that an urban growth boundary could not be included in  
          such a plan and could not be adopted by the MSD Council as a  
          planning mechanism to control those impacts. I do not find  
          such a limitation in the legislation. If the Council finds  
          that such a boundary is a necessary measure to control the  
          identified impact, then such a boundary appears statutorily  
          permissible.

1           It might also be argued that even though the MSD can  
2 adopt numerous "functional" plans, it cannot adopt a "compre-  
3 hensive" plan and that because a "comprehensive" plan is not  
4 allowed, an urban growth boundary cannot be adopted. Applying  
5 such logic, one would have to conclude that the difference, or  
6 at least one difference, between "functional plans" and a "com-  
7 prehensive plan" is the existence or non-existence of an urban  
8 growth boundary. I find no legal authority to support such a  
9 proposition.

10           Since there is no expressed prohibition or authority  
11 in the Act for any kind of boundaries, it would be difficult to  
12 argue that MSD lacks authority to adopt an UGB without also  
13 arguing a lack of authority to establish any boundaries.

14           For example, could a boundary exist in a transporta-  
15 tion functional plan beyond which public transportation would  
16 not be provided? Could a boundary exist in a functional hous-  
17 ing plan beyond which residential subdivisions could not be  
18 developed? Could a boundary exist in a functional sewer plan  
19 beyond which no public sewers could be provided? Could a  
20 boundary exist in a functional parks and recreation plan beyond  
21 which no public parks could be provided? I believe that it  
22 would be easy to show that boundary lines are very often neces-  
23 sary, and at least traditional components of any kind of land  
24  
25  
26

1 use related plan. Given that, and given the fact that the MSD  
2 enabling legislation grants broad regional planning power with  
3 no restrictive definition of "functional plan," I see no reason  
4 why such boundaries are precluded.

5 It has been suggested that Section 18 of the Act re-  
6 quires MSD to adopt "functional plans" for the district, in-  
7 cluding but not limited to, air and water quality, and trans-  
8 portation plans. On the contrary, Section 18 does not provide  
9 for air and water quality plans or a transportation plan.

10 Rather, it provides for functional plans of an unlimited number  
11 and nature which will control impacts upon air quality, water  
12 quality, transportation and other aspects of development. The  
13 distinction is important because, if the section is read as  
14 written, the scope of planning power of the MSD appears much  
15 wider than limiting the MSD to three functional plans.

16 Further, it might be suggested that an urban growth  
17 boundary is not sufficiently similar, in a generic sense, to  
18 air, water and transportation plans, and, therefore, that an  
19 urban growth boundary cannot be construed as an unspecified but  
20 permissible plan. In fact, however, the act identifies air  
21 quality, water quality, transportation, etc., not as the sub-  
22 jects of plans but rather as aspects of development, the im-  
23 pacts upon which are to be controlled by whatever plans are  
24 deemed necessary by the MSD. Therefore, the suggestion that an  
25 urban growth boundary may not be generically equivalent to an  
26

1 air quality, water quality or transportation plan is simply  
2 irrelevant to the question of whether such a boundary may be  
3 adopted by the MSD.

4 Another argument which has been posed is that CRAG  
5 and it's planning powers were abolished to preclude the region-  
6 al planning agency from establishing boundary lines. The argu-  
7 ment is based primarily upon the fact that HB 2070 abolished  
8 the concept of a "regional comprehensive plan" in favor of a  
9 series of discretionary "functional plans." Compare ORS  
10 197.755 (repealed) with Chapter 665, Oregon Laws 1977, Section  
11 18.

12 According to the drafters of this substitution, the  
13 purpose behind the elimination of the regional comprehensive  
14 planning approach was to eliminate duplication of planning  
15 efforts between the regional agency and local jurisdictions.  
16 Assuming that the MSD does indeed confine itself to regional  
17 issues, there can be no duplication since local jurisdictions  
18 cannot plan regionally. The fact that both the local agencies  
19 and the MSD draw boundaries is not duplicative because the  
20 boundaries serve very different purposes. Cities and counties  
21 cannot determine by themselves how large the metropolitan area  
22 should be. Only where the local-regional distinction is ig-  
23 nored does duplication occur. It cannot be asserted that  
24 "line-drawing" is a purely local function or that a regional  
25 UGB is a duplication of local planning. A regional UGB is, by  
26

1 definition, not a local function. And the statute seems to  
2 give wide discretion to the MSD to determine regional functions  
3 and prepare plans therefor.

4 Finally, it is instructive to focus upon the express  
5 language of MSD's planning power. Section 18 contemplates a  
6 two-step planning process. First, the agency must identify  
7 areas and activities having significant impact upon the deve-  
8 lopment of the metropolitan area. I can find nothing in this  
9 requirement which would prevent the Council from determining  
10 that urban growth, urban sprawl, or consumption of farmland for  
11 urbanization are indeed such areas or activities. Second, the  
12 Council is authorized to adopt functional plans for designated  
13 areas to control impacts upon various aspects of metropolitan  
14 area development. This authority would seem to permit the  
15 Council to adopt a plan to control metropolitan area impacts  
16 upon urban growth and development. Given that authority, an  
17 urban growth boundary would appear to be an appropriate plan-  
18 ning mechanism which is certainly not proscribed by the Act.  
19 The MSD planning authority is replete with broad, largely unde-  
20 fined planning powers. Each such power is discretionary and  
21 specifically permits the Council an unlimited choice of "areas"  
22 to be planned.

23  
24 Conclusion: I find nothing in the Act upon which to  
25 conclude that the MSD cannot legally adopt an urban growth  
26 boundary either as a goal, objective or functional plan.



1 Though it is a generally accepted principle of law that municipi-  
2 pal corporations have only those powers which are either ex-  
3 pressed or necessarily implied in enabling legislation, that  
4 principle would not prohibit an UGB because the MSD's enabling  
5 legislation specifically provides for broad planning powers  
6 which could, at the Council's discretion, include a wide vari-  
7 ety of planning subjects and mechanisms. Boundaries are simply  
8 devices used for planning purposes. Since the MSD has a wide  
9 range of planning power, there is no reason to conclude that a  
10 typical planning device like a boundary is unauthorized.  
11 Rather, I believe that the Council has sufficient authority to  
12 utilize those planning devices which most effectively carry out  
13 the powers granted by the Act. Had the Legislature seen fit to  
14 specify a list of various planning mechanisms which might be  
15 included in a plan and had the Legislature excluded UGB's from  
16 the list, the result would be quite different.

17 If it is determined by the Council that urban growth  
18 is a proper subject for a goal, objective or plan, then nothing  
19 in the Act would preclude utilization of an urban growth bound-  
20 ary.

21  
22 Dated: January 4, 1979

/s/ Andrew Jordan  
General Counsel, MSD

23  
24 AJ:gh  
25 1893A  
0022A

26

16 November 1978

To: CRAG Board

From: CRAG Staff

Subject: Report on Procedural Implications of Board Order 78-16  
(Resolution of Happy Valley Study Area)

Attached is a report on the procedural implications of the Board order on the Happy Valley Study Area adopted in October. This report was written while revisions were still being made to Petition #14 (Growth Management Strategy). Since the completion of this report, staff has prepared recommendations on Petition #14 which would eliminate any reference in the Land Use Framework Element (LUF) to Immediate Growth or Future Urbanizable Areas. In the following summary of the attached report, *comments with respect to the implications of the recommended changes to Petition #14 have been added in italics.*

I. What compliance with the Board Order would mean for Happy Valley

A. What an urban designation means: Although an urban designation is generally the least restrictive of the three CRAG land use categories, the nature of compliance with LCDC Goals and with the Regional Plan may differ for urban and rural areas. While an overall density of one housing unit to every one-and-a-half acres may be acceptable in an urban area, specific densities provided for must be responsive to LCDC Goal #10. Similarly, while the comprehensive plan may set aside certain lands which will not be developed to urban density by the year 2000, the public facilities element of the plan must be responsive to LCDC Goal #11. This need not mean, however, that the city design a sewer system to serve even those areas which will not be developed to urban density.

*No changes to the LUF being considered affect the meaning of an urban designation.*

B. What "Future Urbanizable" means: A comprehensive plan is a plan for development to the year 2000. The designation of land as an Immediate Growth or Future Urbanizable area is a method for phasing implementation of that plan. Land designated as "Future Urbanizable" is land which is held back from urban-level development, as shown for that land in the comprehensive plan, until it is judged ready for urbanization.

*Recommended changes to Petition #14 would eliminate reference to Immediate Growth and Future Urbanizable Areas. The phased conversion of urbanizable land to urban use would still be controlled by LCDC Goal #14 and by new or existing policies in the LUF for urban areas. The Board's intent that Happy Valley be designated Future Urbanizable should be interpreted to mean that all land in Happy Valley should be recognised as urbanizable land which has not yet been converted to urban and would thus be subject to all relevant policies for conversion.*

C. What the Board's conditions for urbanization mean: Three of the conditions listed in the Board order--preparation of a land use plan, density study, and service evaluation--are explicit or implicit elements of compliance with LCDC Goals generally and Goals #2,10 and 11 in particular. The fourth condition, preparation of a Capital Improvements Program (CIP), need not be part of plan compliance but the Board's intent is that it be accomplished prior to implementation of the plan through designation of Immediate Growth Areas.

*No changes to the LUFÉ being considered would affect the compliance acknowledgement process with respect to consideration of the first three conditions as part of CRAG's plan review. The Board intent with respect to preparation of a CIP can be interpreted to mean that no urbanizable land should be converted to urban use prior to preparation of a CIP.*

## II. Happy Valley's Planning Options with respect to the Board Order

### A. Meeting the Board's intent

To meet the Board's intent, Happy Valley would designate all land in the city Future Urbanizable until receiving compliance acknowledgement for its comprehensive plan. After that time, Immediate Growth Areas would be established on a phased basis in conjunction with preparation of a CIP.

*If the LUFÉ is amended to eliminate reference to Immediate Growth and Future Urbanizable Areas, the city could meet the Board's intent by not authorizing any urban level parcelization or service extension until compliance acknowledgement, and subsequently extending authorization only in conjunction with preparation of a CIP. While the city could still accomplish this type of phased urbanization by means of Future Urbanizable and Immediate Growth designations, the Board's intent should not be interpreted to mean that it is required to do so where such designations are not required in the LUFÉ.*

### B. Other Planning Options

The city might postpone designating any land Immediate Growth or Future Urbanizable until submitting its plan for compliance acknowledgement or might designate Immediate Growth Areas either before compliance acknowledgement or after acknowledgement but prior to preparation of a CIP.

*Any conversion of urbanizable land to urban use, through authorization of urban-level parcelization or service extension or other means, prior to compliance acknowledgement and, subsequently, prior to preparation of a CIP would still violate the Board's intent regardless of changes to the LUFÉ.*

## III. CRAG/MSD Options with respect to the Board order

It would be difficult for the CRAG Board to take any action to enforce its intent prior to MSD consolidation. Subsequently, the MSD Council could enforce the Board intent if it found that failure to meet it violated LCDC Goals or the Regional Plan.

*Such findings would be based on the LUFÉ as amended, including new or existing policies affecting the phasing of growth in urban areas.*

PROCEDURAL IMPLICATIONS OF BOARD ORDER 78-16  
(RESOLUTION OF HAPPY VALLEY STUDY AREA)

On October 26, 1978, the CRAG Board voted to designate the Happy Valley Study Area urban and expressed an intent that the city of Happy Valley adopt a "Future Urbanizable" designation and that it not convert any land to an "Immediate Growth Area" before certain conditions listed in the Order had been met.

This report is designed to ensure that the CRAG Board, the city of Happy Valley and interested jurisdictions understand the meaning and implications of the Board Order.

I. What compliance with the Board Order would mean for Happy Valley.

A. What an urban designation means.

An urban designation recognizes that Happy Valley will be urban by the year 2000 and requires that the comprehensive plan for the area plan for this eventuality.

In general, an urban designation is the least restrictive of CRAG's three broad land use categories (urban, rural and natural resource). Comprehensive plans for urban areas can permit any and all land uses and public facilities and services, provided that the plan complies with State goals and the Regional Plan. An urban designation does affect the way a plan will be evaluated with respect to compliance with certain LCDC Goals, however.

No jurisdiction, whether designated urban, rural or natural resources, can achieve all LCDC goals equally well. Compliance with the goals does not require full achievement in every area. Rather, it requires that each goal be given full and careful consideration, and be achieved to the fullest extent possible given potential conflicts between goals and prioritization among them.

Rural and natural resource areas, as regulated by CRAG policy, must, of necessity, give more weight to LCDC Goals #3 and #4 (Agricultural and Forest Lands) than to such goals as those for Housing (#10) and Public Facilities (#11). Because urban areas, on the other hand, are exempted from compliance with Goals #3 and #4, they must give more consideration to the achievement of other goals. Priorities may still be established among the remaining goals. Comprehensive plans must, nonetheless, consider each of the goals in turn and address their achievement to the fullest extent possible.

Following is a discussion of how an urban designation might affect goal compliance for those goals affected most directly by this designation.

1. Goal #10: Housing

This goal provides that "plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

CRAG's Initial Housing Policies (IHP) provide some preliminary guidance with respect to appropriate strategies and tactics for regional compliance with Goal #10. For example, the IHP provides that "CRAG will ensure that member jurisdictions affirmatively plan and provide reasonable opportunity for an appropriate variety and choice of housing, including low and moderate income housing, to meet the needs, desires and resources of all categories of people who may desire to live within their boundaries. Member jurisdictions may not adopt regulations or policies which thwart or preclude that opportunity."

The degree of sophistication and thoroughness with which jurisdictions assess housing needs, as defined by CRAG and LCDC, must necessarily vary with the size of the jurisdiction and its impact on the regional housing market. CRAG/MSD, the three constituent counties, and the larger cities have a much higher burden to bear to demonstrate compliance than do the small cities in the region.

Small cities must, however, make a good faith effort to comply with LCDC Goal #10 and CRAG Initial Housing Policies as far as possible given their limited planning resources and possible conflicts with other goals. At a minimum, this means: (1) some flexibility and variety with respect to housing types, included some forms of housing suitable for low or moderate income families (mobile homes or other prefabricated housing, small-lot single family housing, row housing, small-scale apartments such as duplexes and triplexes, condominiums, etc.); (2) findings showing why full achievement of this goal is constrained by achievement in other goal areas, such as open space (#5) or natural hazards (#7).

In summary, an urban designation for Happy Valley does not mean that the city must plan for high rise apartments or for any specified amount of any specified type of housing. It does, however, require that the city include in its comprehensive plan a housing element which demonstrates that Goal #10 has been considered and complied with to the fullest extent possible.

2. Goal #11: Public Facilities and Services

This goal provides that jurisdictions "plan and develop timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

A wider range of facilities and services must be planned for urban than for rural areas. Urban facilities and services, as defined in the goal, refer to "key facilities and to appropriate types and levels of at least the following: police protection; fire protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services."

This does not mean, however, that all of these services must be supplied in a uniform manner to all areas designated urban.

Happy Valley's primary concern has been the provision of sewer service. While it is expected that sewer service will be provided where land is developed to a sufficient density to require it, an urban designation does not mean that all land must be so developed. Even within an urban area, certain land may be identified as unsuitable for an urban-level density of development and held out from development through large-lot zoning. Both Goal #10 and Goal #11 require that adequate findings be prepared to show why this land cannot be further developed, and Goal #2 and Goal #11 require that sufficiently strong implementation measures be adopted to preclude development before the year 2000. Under these circumstances, however, there is nothing in LCDC Goals or the CRAG Regional Plan which would require that land not planned for an urban-level density of development be extended sewer service.

DEQ will give consideration to local plans when evaluating sewer system plans for which a federal grant is requested. It is CRAG staff's understanding that this means that if Happy Valley can show that it will serve all land for which urban level development is planned by the year 2000, it need not size that system to serve lands which are not planned for development. CRAG staff will continue to provide coordination between DEQ and Happy Valley in this matter.

### 3. Goal #14: Urbanization

This goal has two components: (1) seven considerations for the establishment of urban growth boundaries; and (2) four considerations for the conversion of urbanizable land to urban use within that boundary.

CRAG is responsible for regional compliance with the first component. The urban designation of Happy Valley was based on the seven considerations listed, as shown in the findings, and constitutes compliance with this component.

It is Happy Valley's responsibility to comply with the second component through the establishment and extension of Immediate Growth Areas, in compliance with CRAG policy. The CRAG Board's interpretation of the manner in which this component should be addressed is the subject of the Board's expression of intent in paragraph 2 of the Board Order, and is discussed below.

#### B. What "Future Urbanizable" means.

In an urban area, a comprehensive plan may be seen as a plan for how that area should develop once it has all been designated for immediate growth. In other words, a comprehensive plan may be seen as a picture of what a jurisdiction would like to be like in the year 2000. Implementation of this plan involves two components: (1) development of ordinances which control growth in such a way as to lead development toward that year 2000 picture; and (2) adoption of plans and/or ordinances for the phased application of these implementing ordinances to discrete areas within the planning area as they become ready for the type of growth provided for.

In other words, the comprehensive plan controls what urban development should be like; implementing ordinances control how this level and type of development should be achieved in areas designated for immediate growth; and the phased application of these ordinances to newly designated immediate growth areas controls when such development should take place.

The designation of an area as "Future Urbanizable" is a statement that urban development of that area cannot yet be accomplished in a manner consistent with LCDC Goal #14 and that it should be held back from development until the four considerations in the goal can be complied with.

Development to densities proposed in an adopted and acknowledged comprehensive plan cannot take place until an area has been designated for immediate growth.

It is a local jurisdiction's responsibility to establish and extend Immediate Growth Areas. Paragraph 2 of the Board Order expresses the intent, however, that all land in Happy Valley be designated Future Urbanizable until certain conditions are met.

C. What the Board's conditions for urbanization mean.

The Board's intent, as expressed in paragraph 2 of the Board Order is that no land be designated for immediate growth until the following conditions have been met.

1. Preparation of a land use plan: LCDC Goal #2 requires all jurisdictions in the region to prepare a land use plan as part of the comprehensive planning effort. Failure to do so would be a violation of this Goal. Happy Valley is currently in the process of preparing such a plan, however, and it is expected that any land use plan adequate to comply with this and other LCDC Goals and CRAG policies would be adequate to meet the terms of this condition.
2. Evaluation of services: As discussed above with reference to compliance with LCDC Goal #11, the type and level of facilities and services needed in urban areas must be included in comprehensive plans.

A public facilities and services element was not included in the Happy Valley draft plan and will need to be prepared in order for the plan to receive compliance acknowledgement. This element should address plans for the provision of the following public facilities and services: transportation, sewerage disposal, stormwater drainage, water service, schools, parks and recreation, police and fire protection, planning and zoning. To the extent possible, this element should include an estimate of activity necessary in each area to serve the projected population, and an estimate of the cost of each activity and of how it would be funded.

It is expected that any public facilities element adequate to comply with LCDC Goal 14 and other relevant goals would be adequate to meet the terms of this condition.

3. Density study: Based on discussion at the October 26, 1978 Board meeting, staff understands this condition to refer to an evaluation of densities proposed in Happy Valley's Comprehensive Plan with respect to possible impacts on:
  - a. Natural hazards
  - b. Water quality (including impact of stormwater drainage and sewage disposal)



- c. The local and regional transportation system (including impact on traffic on roads serving the city and evaluation of any improvements needed)
- d. Efficient provision of public facilities and services (including evaluation of services needed and estimated cost per household)
- e. Housing costs (including total cost per household of service assessments and any property taxes, relative to the regional housing market and to compliance with LCDC Goal #10, Housing)
- f. Open space and other natural resources

Where identified impacts may be in violation of LCDC or CRAG goals or policies, alternative densities may need to be considered and evaluated.

Unlike the first two conditions, preparation of a density study of this type is not an explicit component of LCDC Goals. Staff finds, however, that the necessity for such a study is implicit if a comprehensive plan is to comply with LCDC Goals #5, 7, 10 and 11. It is expected that any housing component of a comprehensive plan (including proposed residential densities) which adequately complied with these and other goals would be adequate to meet the terms of this condition.

#### D. Capital Improvement Program (CIP).

This condition refers to a five-year program for the extension of capital facilities needed for immediate growth.

While the city has indicated plans to prepare a capital improvement program, this item has not yet been included in their work program or their draft comprehensive plan. Such a program would be expected to identify initial areas to be designated for immediate growth, identify capital facilities needed to serve those areas (e.g., sewer system construction), and establish a budget and schedule for the provision of those services over a five-year period.

Although desirable, CIP's are neither an explicit nor implicit condition of LCDC goal compliance.

## II. Happy Valley's options with respect to the Board Order.

Paragraph 1 of the Board Order designates the entire Happy Valley Study Area as urban. Paragraph 2 expresses Board intent with respect to future planning activity in the city of Happy Valley. The unincorporated enclaves in the study area are not affected by this paragraph. The city's planning options are listed below.

A. Meeting the Board's intent.

The following sequence of events would allow the city of Happy Valley to meet the Board's intent as expressed in paragraph 2 of the Board Order.

1. Designation of Happy Valley as Future Urbanizable.

- a. Task: Adoption by Happy Valley of an ordinance or resolution designating the city as future urbanizable and including a brief statement of findings as to why no land in the city is now suitable for immediate growth. Reference to the Board Order could be included if desired.
- b. CRAG Board action required: None. CRAG staff would review for compliance with State Goals and the Regional Plan.
- c. Timing: Happy Valley must submit the above material prior to receiving compliance acknowledgement of its comprehensive plan from LCDC. It may be submitted any time the city is prepared to do so; staff would hope to receive it at the earliest possible date. Prior to its submission, Happy Valley would be responsible for complying with LCDC Goal #14 with respect to all interim development.

2. Adoption of a Comprehensive Plan.

- a. Task: Adoption by the Happy Valley City Council of a comprehensive plan in compliance with LCDC goals and the CRAG Regional Plan, and submission to MSD for review prior to compliance acknowledgement. This plan should include a land use element, a housing element, (including proposed housing densities based on consideration of all relevant LCDC Goals) and a public facilities element.
- b. MSD Council action required: approval of a resolution recommending the plan to LCDC for compliance acknowledgement.
- c. Timing: Happy Valley's current compliance schedule anticipates compliance by March 1978. It is expected that this date will have to be extended not only to give consideration to the Board Order but to address issues raised in CRAG staff's preliminary plan review. Additional funds might be available from LCDC for plan completion if compliance were extended into FY 1978-79 if accompanied by an adequate work program for compliance.

3. Designation of Immediate Growth Areas on a Phased Basis.

- a. Task: Adoption by the Happy Valley City Council of an ordinance or resolution establishing each new immediate growth area. Accompanying this ordinance should be findings that such action complies with CRAG policy for urban areas in general and immediate growth areas in particular. To meet the Board's intent, these findings should include a capital improvement program showing when and how all areas designated in such immediate growth areas will be served within five years from the time the designation is made. Development of immediate growth areas would be regulated by the comprehensive plan and implementing ordinances.
- b. MSD Council action required: None. MSD staff will review for compliance with State Goals and the Regional Plan.
- c. Timing: CRAG has not yet established any policies for the timing of the conversion of future urbanizable land for immediate growth. It *is* assumed, however, that policies for Future Urbanizable Areas are sufficiently restrictive to create substantial pressure for the city to begin some urbanization at the earliest possible opportunity.

B. Other Planning Options.

As discussed below, only the first paragraph of the Board Order, designating Happy Valley urban, has an immediate and binding effect on the city. If the city does not choose to meet the Board's intent, it could: (1) postpone designating any areas for immediate growth or future urbanization prior to submission of its comprehensive plan for compliance acknowledgement; (2) designate areas for immediate growth prior to compliance acknowledgement without meeting the four conditions in the Board Order; or (3) designate areas for immediate growth after compliance acknowledgement but prior to completion of the CIP. Possible Board action in response to such actions is discussed in the following section.

III. CRAG/MSD options with respect to the Board Order.

The expression of Board intent in Order 78-16 is not itself directly enforceable. Instead, it should be viewed as direction to the city of Happy Valley and to CRAG staff with respect to criteria to be used in evaluating future planning activity in Happy Valley with respect to compliance with State Goals and

the Regional Plan. It is up to the CRAG Board, and subsequently the MSD Council, to decide whether or not the necessary actions should be taken to enforce that intent at such time as action is required.

The CRAG Board may, in theory, take such action as it feels necessary to enforce local compliance with the Regional Plan or to appeal to LCDC any local action which it feel violates State Goals. Practically, however, the procedures for such actions are sufficiently elaborate and time consuming as to make it impossible for the Board to take such action prior to MSD consolidation. After consolidation, the MSD Council may take whatever action it feels necessary to enforce either the Regional Plan or State Goals.

Any such action would, however, have to be based on findings as to how the local action was in violation of either the Regional Plan or the State Goals.

Staff finds that three of the conditions, those requiring a land use plan, service evaluation, and a density study, are integral to LCDC goal compliance and could be enforced as part of MSD review of Happy Valley's submission of its comprehensive plan for compliance acknowledgement. Staff will review any immediate growth areas established by Happy Valley prior to its receiving compliance acknowledgement and prepare findings and recommendations to the CRAG Board or MSD Council as to whether or not State Goals or the Regional Plan have been violated, in light of the Board's expressed intent for their application.

The fourth condition, requiring preparation of a capital improvements program, is not one which all jurisdictions would be expected to meet in order to receive compliance acknowledgement. Furthermore, while the first three conditions are closely tied to the nature of urban development, a CIP relates more closely to the timing of urban development. Thus, while it is appropriate to use compliance acknowledgement as the forum for reviewing Happy Valley's compliance with the first three conditions of the Board Order, it is not necessary that the fourth condition be reviewed until such time as Happy Valley wishes to implement its plan by designating land for immediate growth. At this time, an ordinance designating land for immediate growth would be submitted to MSD for review. If a CIP had not been prepared in conjunction with adoption of this ordinance, any member of the MSD Council, or another interested party or jurisdiction, could ask the Council to consider whether or not this was a violation of Regional Plan policy for Immediate Growth Areas. Staff would then prepare findings and recommendations on this issue for the Council, which would then vote on whether or not to enforce this condition.

#### IV. Summary

Board Order 78-16 has two components: (1) the urban designation of the Happy Valley Study Area directly affects the content of Happy Valley's comprehensive plan; (2) the Board expression of intent with respect to a Future Urbanizable designation for the city of Happy Valley affects when and how that plan should be implemented. The first component is immediately binding on the city; the second establishes the Board's intent with respect to possible future action.

Staff will respond to the Board's intent by referring to the four conditions listed in the Order when reviewing future planning activity in Happy Valley for possible violations of State Goals or the Regional Plan. Should violations be identified on this basis, it will be up to the MSD Council to decide if and how it wishes to enforce the Board's intent. Staff will continue to work with Happy Valley in the plan review process to assist the city in complying with State Goals and the Regional Plan in general and the terms of the Board's Order in particular.

JH:kk  
1338A  
0001Z

November 15, 1978  
R E C E I V E D

CRAG Board  
527 S.W. Hall  
Portland, OR

NOV 16 1978

RE: Order 78-16 (Happy Valley)

COLUMBIA REGION  
ASSOC. OF GOVERNMENTS

We understand, from reading the material you recently sent us, that the City of Happy Valley has now been declared urban by the CRAG Board. However, it is also stated that the intent of the Board is to designate the City future urbanizable.

We want to take this opportunity to once again inform the Board that our platted land located in the Scotts View Heights subdivision is immediate urban. This one acre has remained unbuildable solely because the City of Happy Valley will not allow sewers within the city limits. We feel that any further study of this subdivision is totally unnecessary as all of the landuse framework elements were considered 13 years ago.

In speaking with Messrs. Sanders and Abraham of the Clackamas County Service District, I was informed that the sewer is available to us. I submitted a preliminary outline of my plans to run the sewer to my property. I was informed that there were no insurmountable problems and that the District would certainly cooperate in any way they could. However, Mr. Abraham also cautioned me that other people had attempted to obtain sewer service in the past and the problem has always been that the City of Happy Valley refuses to annex into the sewer district. I have talked with the neighbors adjoining my property and have told them of my plans. We have discussed sharing the costs between us and thereby enabling them to also obtain the sewer at a much lower cost than it will be even 6 months from now.

We feel that a year and a half has already been lost to us because the CRAG Board has blatantly disregarded LCDC's administrative rule OAR 660-01-305 and CRAG's own staff recommendations. It has personally cost us a 30% increase in the cost of building a home on our land. In addition, thousands of taxpayers' dollars have been wasted when the money and time should have been spent in a more constructive way. We feel that if the Board members continue to make decisions that are beneficial to their own political interests, totally disregarding the constitutional rights of others, we will be forced to obtain financial restitution for costs and punitive damages from the individuals on the Board.

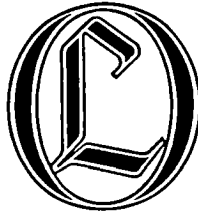
We request that the Board insist that our subdivision be declared immediate urban so we may proceed with our proposed plans of building our home on our property.

Sincerely,

*Kendall & Emma-Lee Butler*

Kendall & Emma-Lee Butler  
4915 S.E. 79th  
Portland, OR 97206

cc: CRAG Staff



R E C E I V E D

NOV 16 1978

CITY OF LAKE OSWEGO

COLUMBIA REGION  
ASSOC. OF GOVERNMENTS

November 10, 1978

Columbia Region Association of Governments  
527 SW Hall Street  
Portland, Oregon 97201

Gentlemen:

The City Council of Lake Oswego is aware of the discussion paper requesting input regarding the process for determining those items of local concern and those matters of regional significance.

The City Council has discussed the need to respond and to provide CRAG their input on this most important subject. However, the Council, because of the press of other important items, primarily review of ordinances to implement the comprehensive plan, does not have time prior to the November 16th CRAG meeting to properly consider the item in order to provide input.

However, each Councilman expressed their concern for the problem and feels a need to adequately address the issue. The majority urgently request consideration after 1 January, 1979 when the new MSD Board and City Council have taken office.

Please give ample notice so that scheduling can allow adequate study by the local jurisdictions.

Very truly yours,

William H. Gerber  
Mayor

WHG:hb

cc: CRAG Members



RECEIVED

NOV 16 1978

COLUMBIA REGION  
ASSOC. OF GOVERNMENTS

P.O. Box 167  
Sherwood, Oregon 97140  
625-5522 625-5523

November 15, 1978

Board of Directors  
Columbia Region Association of Governments  
527 SW Hall Street  
Portland, Oregon 97201

Members of the Board:

As the City of Sherwood's liason to CRAG would like to offer the following testimony concerning your staff's recommended changes in the Urban Growth Management Strategy (Petition 14).

I am concerned that provisions of Petition 14 did not receive adequate review and comment by local public officials. Although City planning staffs have been involved in the process of refining a "new" growth management strategy, elected officials have not had meaningful input. The "final draft" of the recommended changes in the growth strategy was received the day before the meeting in which you were to take action (November 15). In view of the fact that provisions in the revised draft will most certainly cause a strong reaction among landowners in our planning area, more care should have been taken to insure that elected officials were contacted about the potential effects of these proposed changes.

Although I was present at the Washington County hearing on proposed Land Use Framework Plan amendments I was not aware of any formal input from local elected bodies on Petition 14.

Considering the lengthy and complicated process that the cities in the region have been through to develop a regional growth management strategy it seems inappropriate to take action on such potentially controversial new provisions without adequate feedback from those who must contend with landowner and developer reaction.



Nov. 15, 1978

I therefore recommend that action be postponed on Petition 14 until local elected bodies have an opportunity to respond to a formal request by CRAG for comments and recommendations on this matter.

Sincerely,

*Marjorie Stewart*

Marjorie Stewart  
Mayor-Elect  
City of Sherwood

cc: Jim Larkins  
Tad Milburn  
Denton Kent

## SUPPLEMENTAL FINDINGS

### Rock Creek Study Area and Petition #6 (Seiben Lane)

#### GOAL #14: URBANIZATION

##### Criteria 3-7

Findings so far prepared for this area (Exhibit "A") may be summarized as follows: urbanization of the area would be costly in both fiscal and social terms but would nonetheless be more efficient than urbanization of new areas outside the current Urban Growth Boundary which are less proximate to existing urban development, existing transportation networks, existing sewerage treatment facilities, and proposed commercial and industrial development.

The decision as to whether the area should be designated urban or rural thus rests primarily on whether or not there is a demonstrated need for this land to be urban, sufficient to establish regional benefits from urbanization of the area which outweigh local costs.

##### Criteria 1 and 2

The CRAG staff report "Urban Growth Boundary Findings" presented to the Board in October assumed both the Seiben Lane area and the southwest portion of the Rock Creek Study Area to be urban. Since the October 26, 1978 meeting, staff has revised the assumptions used in this report to reflect Board action at this meeting. As a result, some new lands were assumed to be urban (most notably Happy Valley and the West Union area), while some lands previously assumed to be urban (most notably the subject area) were eliminated from the calculations. The result of the new calculations is that the estimated urban land within the Urban Growth Boundary (excluding the subject area) should be adequate to meet projected year 2000 need for urban land, given a plus or minus ten percent confidence range.

It is, of course, impossible to make any decisive conclusions on long-range needs at this time. The report does demonstrate that there is currently sufficient land within the current UGB to avoid any short-term shortages which might affect the cost of housing in the next five years. Whether or not the boundary will prove to be sufficient in the long term depends on such factors as the actual level of regionwide population growth, the mix of single family; multi-family construction, the density of single family construction, and the level of rural development outside the UGB.

Each of these factors can, to some extent, be influenced by land use policies which affect growth within the UGB. If policies are established, either locally or regionally, which favor the intensification of growth within the UGB over extension of the UGB itself, there is a greater likelihood that land now designated urban will be sufficient to meet regional needs to the year 2000. Policies of this kind taken by Clackamas County and the cities of the north

Clackamas area would go a long way toward assuring that the Rock Creek and Seiben Lane area will not be needed for urban growth by the year 2000.

Staff finds that there is no short-term need for additional land within the Urban Growth Boundary and that a long-term need for additional land has not yet been demonstrated, in this or any other sub-area of the region. Under these circumstances, no land not assumed to be urban in the "Urban Growth Boundary Findings" should be approved for an urban designation at this time. Future additions to the Urban Growth Boundary, if any, should include a showing that there is a local or regional need for urban land which cannot be met within the UGB as it stands.

These findings support a rural designation for both the Seiben Lane area and for that portion of the Rock Creek Study Area for which an urban designation was originally recommended. In addition, consideration of other LCDC goals also can be used to support a rural designation as follows:

#### GOAL #1: CITIZEN PARTICIPATION

Both the LCDC and CRAG goals call for "a continuity of citizen participation." While this need not mean that planning decisions must be in agreement with citizen input, it does mean that citizens should be able to follow how their input has been considered and responded to. Some testimony was received at public hearings to the effect that this was not the case in Clackamas County's process leading to a vote on their recommended Study Area resolution. Where local jurisdictions do not provide for a continuity of citizen participation, citizen input should be given more weight at the regional level than would be appropriate where the local jurisdiction has already heard and responded to citizen concerns. Public testimony strongly favored a rural designation for the entire area.

#### GOAL #2: LAND USE PLANNING

In support of this goal, CRAG has adopted the following objective (Objective V, Section 2a): "Designation and change of urban, natural resource and rural area boundaries shall be a cooperative process between CRAG and affected cities and counties." The jurisdictions of Multnomah County and the City of Portland have testified with respect to their concerns that the area's transportation system cannot support urban development at this time. Representatives from these jurisdictions along with the representative from Clackamas County, have voted in favor of a rural designation for this area. A rural designation is thus supportive of cooperation between CRAG and affected jurisdictions.

#### GOAL #3: AGRICULTURAL LAND

Thirty percent of the Sieben Lane area is Class II soil. Class II and III soils predominate in the Rock Creek Study Area. Sixty-six percent of the Sieben Lane area and 68 percent of the Rock Creek

area remain undeveloped. Although steep slopes and extensive parcelization of this land makes large-scale commercial agricultural use impractical, there are still opportunities for some small-scale commercial farm activities (e.g., testimony was received from owners of a commercial orchard and a commercial rabbitry) and for the "hobby farms" enjoyed by many residents. While an urban designation would not threaten any prime agricultural land, a rural designation would allow for the continuation of some agricultural activities in a manner supportive of the broad goal to "preserve and maintain agricultural land."

Goal #5: OPEN SPACES

Testimony received identified the Sieben Lane and Rock Creek areas as possessing: (1) land needed or desirable for open space; (2) outstanding scenic views and sites, (3) cultural areas (in the sense of a well defined community with distinctive beliefs and a distinctive life style). A rural designation would encourage the preservation of these resources.

GOAL #7: AREAS SUBJECT TO NATURAL HAZARD

About 15 percent of the undeveloped land in the area is constrained by natural hazards (slopes over 25 percent or flooding). A rural designation for these lands would help protect life and property from natural hazards by reducing the possible density of development.

SUMMARY AND CONCLUSIONS

Evidence relevant to the seven Goal #14 criteria for evaluating an urban designation contains elements which support an urban designation and elements which support a rural designation. Absent conclusive findings with respect to a local or regional need for urban use in this area, it is appropriate to consider other LCDC goals relevant to the designation of this area.

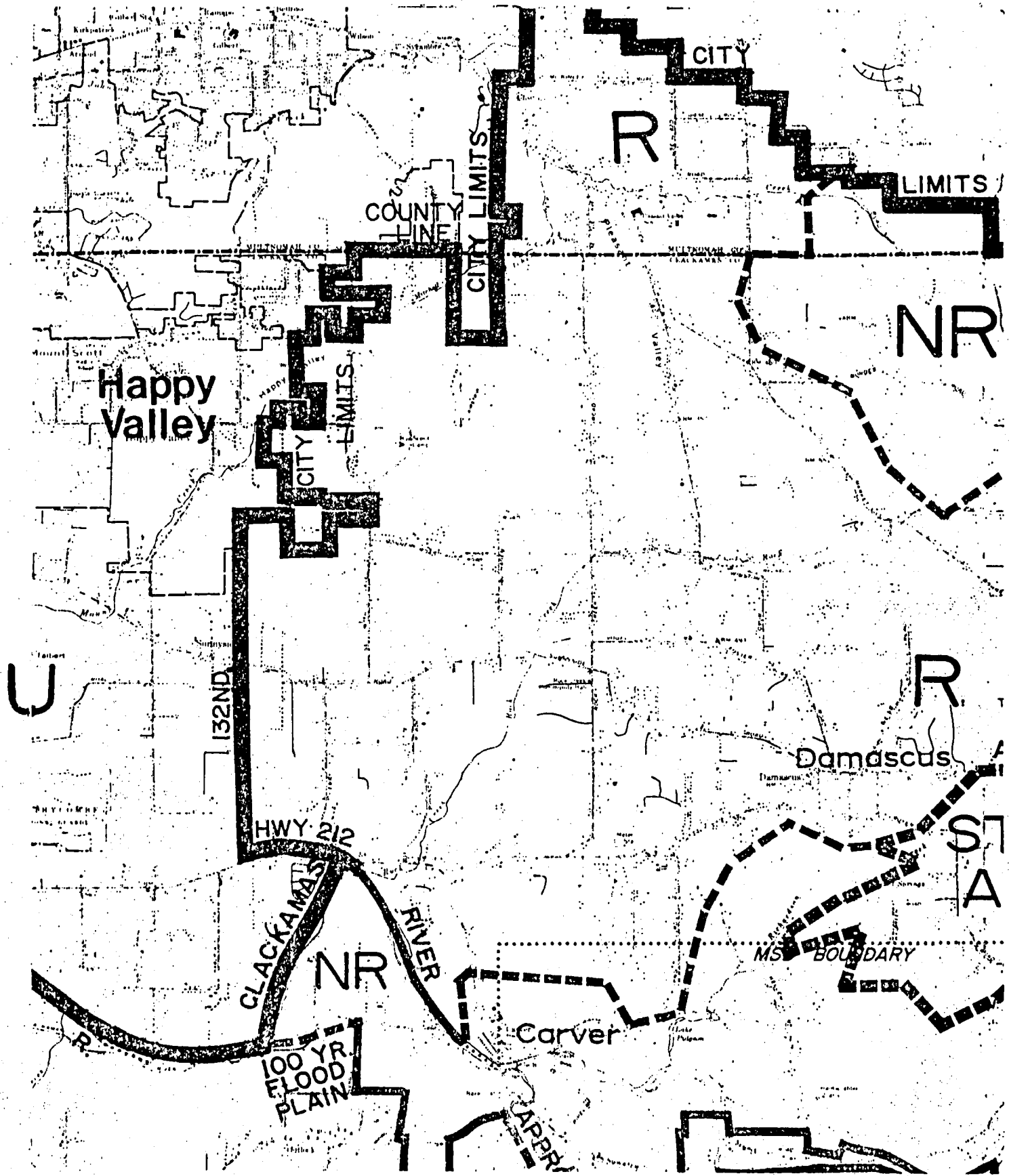
Staff finds that there is sufficient evidence relative to Goals #1, 2, 3, 5, 7 and 14 to support a rural designation for Sieben Lane (Petition #6) and the Rock Creek Study Area.

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1"=4000'

ATTACHMENT A  
ROCK CREEK STUDY AREA  
and PETITION # 6

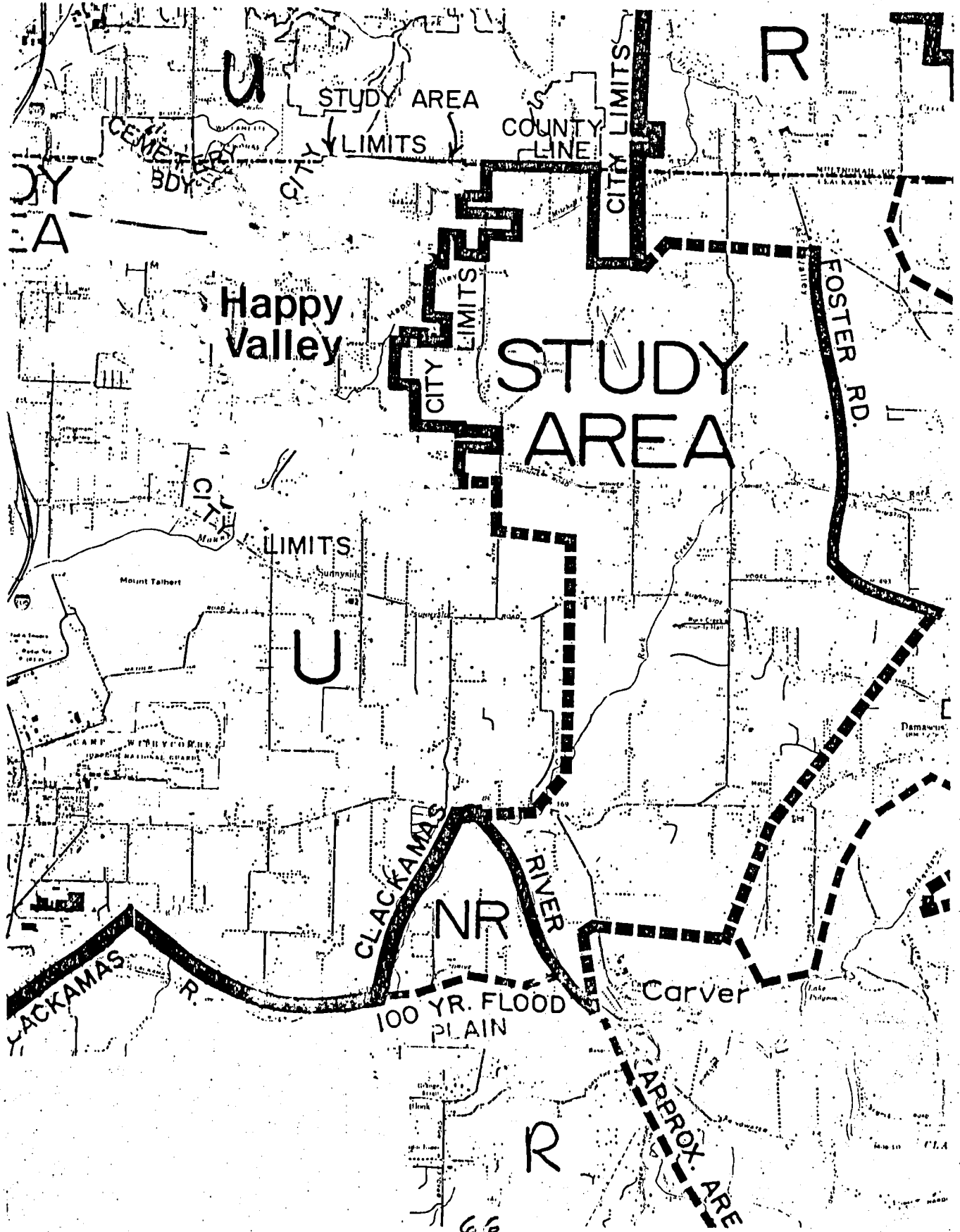
AFTER



CRAG  
9-78  
1" = 4000'

ROCK CREEK STUDY AREA  
and PETITION # 6

**BEFORE**



PETITION IDENTIFICATION NUMBER: #6 (SE of Happy Valley) DATE: 9/28/78

A. NAME OF PETITIONER: Mr. Michael F. Schmauch

B. GENERAL DESCRIPTION OF PROPOSED AMENDMENT:

Goals & Objectives                       Land Use Framework Map  
 Land Use Framework Text               Land Use Framework Rules  
 Page Number: \_\_\_\_\_ Section Number: \_\_\_\_\_

C. SPECIFIC DESCRIPTION OF PROPOSED AMENDMENT:

Request to change the designation of a 1000 acre area (approx.) in Clackamas Co. from urban to rural. The area is "defined by SE 132nd on the west; approx. 155th on the east; approx. hwy 212 on the south; and Happy Valley on the North. See Map.

D. PETITIONER'S REASON FOR AMENDMENT: (Organized by LCDC goal 14 criteria)

3) Use of off-peak capacity to treat sewage is "very wasteful". Funds to build new schools are hard to come by and existing schools are full. Similarly, funds for other urban services may be difficult to obtain.

5) Many residents prefer a rural designation (154 name petition)

E. C-R-A-G STAFF FINDINGS: (Organized by LCDC goal 14 criteria)

1 & 2) C-R-A-G has demonstrated a regional need for all urban land within the UGB. 3) The conclusion that off-peak capacity is "very wasteful" has not been substantiated. It appears that such usage makes efficient use of plant capacity & reduces public expenditures. Of the school districts in the county, the N. Clackamas District appears to be in a better position than most to serve new development. This area will have the Clackamas Town Center to support its tax base. County staff does not anticipate any serious problems in providing other urban services in this area, any more than in other developing areas. 4) Parcelization is well advanced (79% of parcels are less than 5 acres in size). No evidence of current traffic capacity deficiencies were found. Improvements to Sunnyside Rd. are scheduled which may increase capacity. 5) Some localized pollution due to septic tank failure. 6) Only 30% of the area is class II soil and less than 1% class I. Only a small percentage of the area is used for agriculture.

Petition #6

G. FINDINGS AND RECOMMENDATIONS

The area is currently designated urban. The petition requests that the area be designated rural. A hearing was held October 9 to seek public input.

A petition with 60 signatures was received requesting further study on the pretext that more data is needed so that a better decision can be made. There appears to be some confusion between the type of detailed data required to develop community plans and the less detailed information required to make a decision as to whether an area should be designated urban or rural. CRAG staff contends that the basic information to support an urban designation is available and is included herein in summary form.

Sunnyside Road bisects the area. Sunnyside Road today is similar in character to many arterial roads in Urban areas in Washington County. Sunnyside Road is scheduled to undergo improvements in FY 1979 to upgrade it to urban designations. These improvements will help traffic flow and improve safety.

Current traffic counts north of Sunnyside Road on 147th Avenue indicate less than 500 vehicles per day compared to 2,900 vehicles per day on 172nd Avenue. (147th Avenue runs through the middle of the petition area.) This seems to suggest that the circuitous road system in the city of Happy Valley discourages travel between the petition area and the City of Portland "hook" area.

See "E. CRAG STAFF FINDINGS"

Upon reviewing the findings CRAG staff concludes that insufficient evidence exists to warrant changing the current urban designation of the area to rural.



Rock Creek Study Area  
Findings

Criterion 1     Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

Criterion 2     Need for housing, employment opportunities, and livability.

Criterion 1 and 2 are considered on a regional basis in "Land Requirements to the Year 2000 and Urban Land Supply." The criteria support the inclusion of a portion of the Rock Creek Study Area in the UGB (the portion shown as urban on the map).

Criterion 3     Orderly and economic provision for public facilities and services.

Nine alternative methods have been investigated by CH2M Hill for providing sewer service to portions or all of the Rock Creek basin. Service to the entire basin would require construction of a new interceptor to transmit sewage to the proposed Tri-Cities Sewage Treatment Plant.

Approximately one-third of the basin could be served by utilizing the existing Clackamas interceptor which leads to the Kellog Sewage Treatment Plant. Due to the nature of the topography the smaller system (one-third of the land) could accommodate approximately one-half of the people that could be accommodated in the whole basin. The smaller system is more efficient, one-third of the cost of the larger, to serve one-half as many people. This efficiency is gained by storing sewage from Rock Creek at peak flow periods and pumping through the existing Clackamas interceptor at low flow periods. This method would not conflict with a decision to urbanize Happy Valley, as the city would rely on the Mt. Talbert interceptor.

Three water districts serve portions of the Rock Creek basin. There are unserved areas between the districts and some portions of each district are not served. Provision of urban level water service would not be a problem as a sufficient source exists from the Clackamas River. Improvements would be necessary for storage and distribution. The largest part of the basin lacking service is to the north. No problems have been identified with storm drainage.

Highway 212 serves the southern portion and Sunnyside Road the northern portion of the study area. Highway 212 is experiencing congestion in the I-205 area. Sunnyside Road is funded and is soon to be upgraded to urban standards between I-205 and 142nd Avenue. The road has a capacity in excess of 10,000 cars per day which compares to a current volume of 2,700 cars per day at 172nd Avenue. If congestion is to be avoided, eventually Sunnyside Road will have to be widened, if the area is to fully develop. Roads will have to be

upgraded and widened over time in other study areas in the region too. In the Rock Creek area there is time to plan and implement future road improvements, particularly if the county stresses phased development.

The North Clackamas School District serves most of the Rock Creek basin and has the administrative capacity to provide an urban level of service. Additional schools would need to be constructed to accommodate increased enrollment under an Urban designation. Of the school districts in the county, the North Clackamas School District appears to be in a better position than most to serve new development. This area will have the Clackamas Town Center and Clackamas industrial area to support its tax base. Declining enrollment is occurring in some parts of the district such as the west end of the school district in Milwaukie. This should mean less expense through lower operating costs and possibly free up resources for elsewhere in the district. If only the southwest quadrant is urbanized, the Pleasant Valley and Damascus School districts would not be affected.

Fire protection is provided by three fire districts which have mutual aid agreements. Improvements necessary for urbanization would be mostly increased personnel. Likewise, additional police protection could be provided by increasing personnel. The county provides planning, zoning and governmental services.

According to this criterion, the designation could be urban or rural. However, the area for which urban level services could most efficiently be provided is the southwestern part of the Rock Creek basin.

Criterion 4 Maximum efficiency of land uses within and on the fringe of the existing urban area.

The eastern section of Clackamas Service District one is developing quickly. There is an unserved area currently inside the Urban Growth Boundary (Sieben Lane) which should be annexed, serviced and developed before Rock Creek. The Rock Creek Basin is contiguous to the currently designated urban area. According to this criterion, the southwestern part of the basin should have priority for urbanization. The southeastern part is surrounded on three sides by rural and natural resource land. A rural designation for this part would make it consistent with surrounding uses to the south, east and north.

An Urban designation for the southwestern part of the basin is consistent with this criterion.

Criterion 5 Environmental, energy, economic and social consequences.

The water quality in the area is now affected adversely by scattered subdivisions on septic tanks. Much of the land suited for septic tank use has been developed. If further subdivisions on small lots

are to occur, they should be on a community sewer system. An Urban designation would have a positive effect on water quality.

The air quality of the region is primarily affected by auto emissions. Ascertaining these effects is difficult. Generally speaking, the length of average auto trips and thus energy consumption in the region would be less if development occurs in areas closer to employment and shopping centers. This would also result in better air quality.

The major increases in employment projected for the nearby Clackamas industrial area and the retail opportunities in the Clackamas Town Center will stimulate the demand for housing the area. Failure to meet this demand may add to the cost of housing. Also, Urban designation of an area less proximate to shopping and employment centers may be less economical. The social consequences of urbanizing a portion or all of Rock Creek involve increased population, loss of open space and consequently a change in the character of the community. Future residents are expected to have middle to upper incomes and live in single family homes. The social consequences of urbanization are difficult to ascertain on a regional basis.

Overall an Urban designation is consistent with this criterion.

Criterion 6 Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.

The Rock Creek area has a mixture of soil classes but, Classes II and III predominate. The area has no Class I soils. Parcelization is so extensive that agricultural use is very limited. Other areas in Clackamas County which potentially could be designated urban, have better agricultural suitability. According to this criterion, Rock Creek is relatively more desirable for urbanization.

Criterion 7 Compatibility of the proposed urban uses with nearby agricultural activities.

Although soils of the Rock Creek Basin meet LCDC's definition of agricultural land, Classes I through IV, there are few agricultural activities to conflict with urbanization. For this reason an urban designation is consistent with this criterion.

#### Conclusion based on Criteria 3 through 7

A portion of the study area in the south-central part of the basin should be designated Urban and the remainder Rural for the following reasons:

1. Urban level services can most easily be provided to this area.
2. The area is a logical and efficient utilization of land on the fringe of the urban area.
3. Positive environmental, energy and economic benefits will be realized.

4. Extensive parcelization and comparatively poorer soils make the area a lower priority for preservation of agricultural lands.
5. The absence of intensive agricultural activities will result in few conflicts in conversion to urban uses.

Of the two urban alternatives most actively considered by the county, alternative 2 is favored by the county and CRAG staff over alternative 3. Alternative 2 tends to minimize capital investment in sewers, and future traffic could be accommodated in existing transportation corridors. Alternative 2 is consistent with the CRAG staff recommendation. Alternative 3 would make the whole study area urban.

Conclusions based on Criteria 1 and 2 lend support to an Urban designation for the portion of this area recommended. Concern was expressed in the hearing process by some residents of the area that sufficient opportunity has not been provided for citizen involvement and that more time is needed for detailed studies.

In response,

- citizens have had two years to make their views known since the study area was created,
- informational meetings and hearings have been held by Clackamas County,
- CRAG held public hearings, and
- Clackamas County, CRAG and their consultants have conducted studies and sufficient information has been compiled to reach a decision regarding a regional land use designation for the study area. CRAG staff recommends that citizens of the area be given every opportunity by Clackamas County to participate in developing community plans for the area.

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November 16, 1978

To: CRAG Board

From: CRAG staff

Subject: Status of Petition # 8 (Joseph Pellicano) and the  
Type II Boundary South of Lake Oswego

Peter Harvey, City Manager of Lake Oswego, has informed CRAG staff that the city has initiated procedures to hear Mr. Pellicano's petition as a plan amendment. These procedures, which include a pre-application conference, a Planning Commission hearing and a City Council hearing, will take several months to complete.

At the October 26, 1978 meeting, the Board voted to refer this matter back to Lake Oswego in order to insure that Mr. Pellicano was given a forum in which his petition could be heard. It now appears that this hearing cannot take place in time for the CRAG Board to consider the results when upgrading the Type II boundary South of Lake Oswego.

Staff recommends that the Board the attached Order 78-26, upgrading the Type II boundary to a Type I boundary following the line currently adopted by the City of Lake Oswego. If the city subsequently approves an amendment to this line, in response to Mr. Pellicano's petition, a petition from the city to amend the regional Framework Map could be heard any time during the upcoming year at the request of an MSD Council member or as part of next September's annual review of the Regional Plan.

BEFORE THE BOARD OF DIRECTORS OF THE  
COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

1 In the Matter of Resolution )  
of the Type II Boundary south )  
2 of Lake Oswego on the Land Use )  
Framework Element )  
3

ORDER  
No. 78 - 26

4  
5 It appearing that the city of Lake Oswego has submitted a  
6 proposed resolution on the Type II boundary on the Land Use Frame-  
7 work Element (LUFÉ) pursuant to Section 6 of the Land Use Framework  
8 Element Rules, and

9 It appearing that said section provides for administrative  
10 conversion of Type II boundaries to Type I boundaries under approval  
11 by CRAG.

12  
13 IT IS HEREBY ORDERED:

14 1. That the proposal for conversion of the Type II  
15 boundary to the Type I boundary on the LUFÉ, which is attached  
16 hereto as Exhibit "A" and incorporated herein by this reference,  
17 are approved.

18 2. That the Executive Director shall revise the LUFÉ Map  
19 to reflect the boundary conversions herein.  
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BEFORE THE BOARD OF DIRECTORS OF THE  
COLUMBIA REGION ASSOCIATION OF GOVERNMENTS

1 In the Matter of Resolution )  
of the Type II Boundary south )  
2 of Lake Oswego on the Land Use )  
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ORDER  
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10 conversion of Type II boundaries to Type I boundaries under approval  
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12  
13 IT IS HEREBY ORDERED:

14 1. That the proposal for conversion of the Type II  
15 boundary to the Type I boundary on the LUFÉ, which is attached  
16 hereto as Exhibit "A" and incorporated herein by this reference,  
17 are approved.

18 2. That the Executive Director shall revise the LUFÉ Map  
19 to reflect the boundary conversions herein.  
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1 SO ORDERED by the Board of Directors this 16th day of  
2 November, 1978.

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ATTEST: Denton U. Kent, Executive Director

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City of Cornelius

120 N 13th Avenue

P.O. Box 607

CORNELIUS, OREGON 97113

City Clerk 357-9112

Police Chief 357-2184

City Manager 648-1197

RECEIVED

NOV 8 1978

November 7, 1978


Ms. Jill Hinckley  
CRAG  
527 S. W. Hall  
Portland, Oregon 97201

Dear Jill:

The Hearings Officer report regarding Cornelius' petition for an Urban Boundary change includes one Finding - #3, which is incorrect. The six acre parcel is not developed as part of a mobile home park. It does have an urban use on one side - a mobile home park on the south. The smaller parcel is developed as part of a mobile home park.

Please make whatever corrections are required.

Very truly yours,

  
Stephen C. Goodrich  
City Manager

SCG/ma

PROCEDURAL IMPLICATIONS OF BOARD ORDER 78-16  
(RESOLUTION OF HAPPY VALLEY STUDY AREA)

On October 26, 1978, the CRAG Board voted to designate the Happy Valley Study Area urban and expressed an intent that the city of Happy Valley adopt a "Future Urbanizable" designation and that it not convert any land to an "Immediate Growth Area" before certain conditions listed in the Order had been met.

This report is designed to ensure that the CRAG Board, the city of Happy Valley and interested jurisdictions understand the meaning and implications of the Board Order.

I. What compliance with the Board Order would mean for Happy Valley.

A. What an urban designation means.

An urban designation recognizes that Happy Valley will be urban by the year 2000 and requires that the comprehensive plan for the area plan for this eventuality.

In general, an urban designation is the least restrictive of CRAG's three broad land use categories (urban, rural and natural resource). Comprehensive plans for urban areas can permit any and all land uses and public facilities and services, provided that the plan complies with State goals and the Regional Plan. An urban designation does affect the way a plan will be evaluated with respect to compliance with certain LCDC Goals, however.

No jurisdiction, whether designated urban, rural or natural resources, can achieve all LCDC goals equally well. Compliance with the goals does not require full achievement in every area. Rather, it requires that each goal be given full and careful consideration, and be achieved to the fullest extent possible given potential conflicts between goals and prioritization among them.

Rural and natural resource areas, as regulated by CRAG policy, must, of necessity, give more weight to LCDC Goals #3 and #4 (Agricultural and Forest Lands) than to such goals as those for Housing (#10) and Public Facilities (#11). Because urban areas, on the other hand, are exempted from compliance with Goals #3 and #4, they must give more consideration to the achievement of other goals. Priorities may still be established among the remaining goals. Comprehensive plans must, nonetheless, consider each of the goals in turn and address their achievement to the fullest extent possible.

Following is a discussion of how an urban designation might affect goal compliance for those goals affected most directly by this designation.

1. Goal #10: Housing

This goal provides that "plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density."

CRAG's Initial Housing Policies (IHP) provide some preliminary guidance with respect to appropriate strategies and tactics for regional compliance with Goal #10. For example, the IHP provides that "CRAG will ensure that member jurisdictions affirmatively plan and provide reasonable opportunity for an appropriate variety and choice of housing, including low and moderate income housing, to meet the needs, desires and resources of all categories of people who may desire to live within their boundaries. Member jurisdictions may not adopt regulations or policies which thwart or preclude that opportunity."

The degree of sophistication and thoroughness with which jurisdictions assess housing needs, as defined by CRAG and LCDC, must necessarily vary with the size of the jurisdiction and its impact on the regional housing market. CRAG/MSD, the three constituent counties, and the larger cities have a much higher burden to bear to demonstrate compliance than do the small cities in the region.

Small cities must, however, make a good faith effort to comply with LCDC Goal #10 and CRAG Initial Housing Policies as far as possible given their limited planning resources and possible conflicts with other goals. At a minimum, this means: (1) some flexibility and variety with respect to housing types, included some forms of housing suitable for low or moderate income families (mobile homes or other prefabricated housing, small-lot single family housing, row housing, small-scale apartments such as duplexes and triplexes, condominiums, etc.); (2) findings showing why full achievement of this goal is constrained by achievement in other goal areas, such as open space (#5) or natural hazards (#7).

In summary, an urban designation for Happy Valley does not mean that the city must plan for high rise apartments or for any specified amount of any specified type of housing. It does, however, require that the city include in its comprehensive plan a housing element which demonstrates that Goal #10 has been considered and complied with to the fullest extent possible.

2. Goal #11: Public Facilities and Services

This goal provides that jurisdictions "plan and develop timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."

A wider range of facilities and services must be planned for urban than for rural areas. Urban facilities and services, as defined in the goal, refer to "key facilities and to appropriate types and levels of at least the following: police protection; fire protection; sanitary facilities; storm drainage facilities; planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; and community governmental services."

This does not mean, however, that all of these services must be supplied in a uniform manner to all areas designated urban.

Happy Valley's primary concern has been the provision of sewer service. While it is expected that sewer service will be provided where land is developed to a sufficient density to require it, an urban designation does not mean that all land must be so developed. Even within an urban area, certain land may be identified as unsuitable for an urban-level density of development and held out from development through large-lot zoning. Both Goal #10 and Goal #11 require that adequate findings be prepared to show why this land cannot be further developed, and Goal #2 and Goal #11 require that sufficiently strong implementation measures be adopted to preclude development before the year 2000. Under these circumstances, however, there is nothing in LCDC Goals or the CRAG Regional Plan which would require that land not planned for an urban-level density of development be extended sewer service.

DEQ will give consideration to local plans when evaluating sewer system plans for which a federal grant is requested. It is CRAG staff's understanding that this means that if Happy Valley can show that it will serve all land for which urban level development is planned by the year 2000, it need not size that system to serve lands which are not planned for development. CRAG staff will continue to provide coordination between DEQ and Happy Valley in this matter.

3. Goal #14: Urbanization

This goal has two components: (1) seven considerations for the establishment of urban growth boundaries; and (2) four considerations for the conversion of urbanizable land to urban use within that boundary.

CRAG is responsible for regional compliance with the first component. The urban designation of Happy Valley was based on the seven considerations listed, as shown in the findings, and constitutes compliance with this component.

It is Happy Valley's responsibility to comply with the second component through the establishment and extension of Immediate Growth Areas, in compliance with CRAG policy. The CRAG Board's interpretation of the manner in which this component should be addressed is the subject of the Board's expression of intent in paragraph 2 of the Board Order, and is discussed below.

B. What "Future Urbanizable" means.

In an urban area, a comprehensive plan may be seen as a plan for how that area should develop once it has all been designated for immediate growth. In other words, a comprehensive plan may be seen as a picture of what a jurisdiction would like to be like in the year 2000. Implementation of this plan involves two components: (1) development of ordinances which control growth in such a way as to lead development toward that year 2000 picture; and (2) adoption of plans and/or ordinances for the phased application of these implementing ordinances to discrete areas within the planning area as they become ready for the type of growth provided for.

In other words, the comprehensive plan controls what urban development should be like; implementing ordinances control how this level and type of development should be achieved in areas designated for immediate growth; and the phased application of these ordinances to newly designated immediate growth areas controls when such development should take place.

The designation of an area as "Future Urbanizable" is a statement that urban development of that area cannot yet be accomplished in a manner consistent with LCDC Goal #14 and that it should be held back from development until the four considerations in the goal can be complied with.

Development to densities proposed in an adopted and acknowledged comprehensive plan cannot take place until an area has been designated for immediate growth.

It is a local jurisdiction's responsibility to establish and extend Immediate Growth Areas. Paragraph 2 of the Board Order expresses the intent, however, that all land in Happy Valley be designated Future Urbanizable until certain conditions are met.

C. What the Board's conditions for urbanization mean.

The Board's intent, as expressed in paragraph 2 of the Board Order is that no land be designated for immediate growth until the following conditions have been met.

1. Preparation of a land use plan: LCDC Goal #2 requires all jurisdictions in the region to prepare a land use plan as part of the comprehensive planning effort. Failure to do so would be a violation of this Goal. Happy Valley is currently in the process of preparing such a plan, however, and it is expected that any land use plan adequate to comply with this and other LCDC Goals and CRAG policies would be adequate to meet the terms of this condition.
2. Evaluation of services: As discussed above with reference to compliance with LCDC Goal #11, the type and level of facilities and services needed in urban areas must be included in comprehensive plans.

A public facilities and services element was not included in the Happy Valley draft plan and will need to be prepared in order for the plan to receive compliance acknowledgement. This element should address plans for the provision of the following public facilities and services: transportation, sewerage disposal, stormwater drainage, water service, schools, parks and recreation, police and fire protection, planning and zoning. To the extent possible, this element should include an estimate of activity necessary in each area to serve the projected population, and an estimate of the cost of each activity and of how it would be funded.

It is expected that any public facilities element adequate to comply with LCDC Goal 14 and other relevant goals would be adequate to meet the terms of this condition.

3. Density study: Based on discussion at the October 26, 1978 Board meeting, staff understands this condition to refer to an evaluation of densities proposed in Happy Valley's Comprehensive Plan with respect to possible impacts on:
  - a. Natural hazards
  - b. Water quality (including impact of stormwater drainage and sewage disposal)

- c. The local and regional transportation system (including impact on traffic on roads serving the city and evaluation of any improvements needed)
- d. Efficient provision of public facilities and services (including evaluation of services needed and estimated cost per household)
- e. Housing costs (including total cost per household of service assessments and any property taxes, relative to the regional housing market and to compliance with LCDC Goal #10, Housing)
- f. Open space and other natural resources

Where identified impacts may be in violation of LCDC or CRAG goals or policies, alternative densities may need to be considered and evaluated.

Unlike the first two conditions, preparation of a density study of this type is not an explicit component of LCDC Goals. Staff finds, however, that the necessity for such a study is implicit if a comprehensive plan is to comply with LCDC Goals #5, 7, 10 and 11. It is expected that any housing component of a comprehensive plan (including proposed residential densities) which adequately complied with these and other goals would be adequate to meet the terms of this condition.

#### D. Capital Improvement Program (CIP).

This condition refers to a five-year program for the extension of capital facilities needed for immediate growth.

While the city has indicated plans to prepare a capital improvement program, this item has not yet been included in their work program or their draft comprehensive plan. Such a program would be expected to identify initial areas to be designated for immediate growth, identify capital facilities needed to serve those areas (e.g., sewer system construction), and establish a budget and schedule for the provision of those services over a five-year period.

Although desirable, CIP's are neither an explicit nor implicit condition of LCDC goal compliance.

## II. Happy Valley's options with respect to the Board Order.

Paragraph 1 of the Board Order designates the entire Happy Valley Study Area as urban. Paragraph 2 expresses Board intent with respect to future planning activity in the city of Happy Valley. The unincorporated enclaves in the study area are not affected by this paragraph. The city's planning options are listed below.

A. Meeting the Board's intent.

The following sequence of events would allow the city of Happy Valley to meet the Board's intent as expressed in paragraph 2 of the Board Order.

1. Designation of Happy Valley as Future Urbanizable.

- a. Task: Adoption by Happy Valley of an ordinance or resolution designating the city as future urbanizable and including a brief statement of findings as to why no land in the city is now suitable for immediate growth. Reference to the Board Order could be included if desired.
- b. CRAG Board action required: None. CRAG staff would review for compliance with State Goals and the Regional Plan.
- c. Timing: Happy Valley must submit the above material prior to receiving compliance acknowledgement of its comprehensive plan from LCDC. It may be submitted any time the city is prepared to do so; staff would hope to receive it at the earliest possible date. Prior to its submission, Happy Valley would be responsible for complying with LCDC Goal #14 with respect to all interim development.

2. Adoption of a Comprehensive Plan.

- a. Task: Adoption by the Happy Valley City Council of a comprehensive plan in compliance with LCDC goals and the CRAG Regional Plan, and submission to MSD for review prior to compliance acknowledgement. This plan should include a land use element, a housing element, (including proposed housing densities based on consideration of all relevant LCDC Goals) and a public facilities element.
- b. MSD Council action required: approval of a resolution recommending the plan to LCDC for compliance acknowledgement.
- c. Timing: Happy Valley's current compliance schedule anticipates compliance by March 1978. It is expected that this date will have to be extended not only to give consideration to the Board Order but to address issues raised in CRAG staff's preliminary plan review. Additional funds might be available from LCDC for plan completion if compliance were extended into FY 1978-79 if accompanied by an adequate work program for compliance.



3. Designation of Immediate Growth Areas on a Phased Basis.

- a. Task: Adoption by the Happy Valley City Council of an ordinance or resolution establishing each new immediate growth area. Accompanying this ordinance should be findings that such action complies with CRAG policy for urban areas in general and immediate growth areas in particular. To meet the Board's intent, these findings should include a capital improvement program showing when and how all areas designated in such immediate growth areas will be served within five years from the time the designation is made. Development of immediate growth areas would be regulated by the comprehensive plan and implementing ordinances.
- b. MSD Council action required: None. MSD staff will review for compliance with State Goals and the Regional Plan.
- c. Timing: CRAG has not yet established any policies for the timing of the conversion of future urbanizable land for immediate growth. It *is* assumed, however, that policies for Future Urbanizable Areas are sufficiently restrictive to create substantial pressure for the city to begin some urbanization at the earliest possible opportunity.

B. Other Planning Options.

As discussed below, only the first paragraph of the Board Order, designating Happy Valley urban, has an immediate and binding effect on the city. If the city does not choose to meet the Board's intent, it could: (1) postpone designating any areas for immediate growth or future urbanization prior to submission of its comprehensive plan for compliance acknowledgement; (2) designate areas for immediate growth prior to compliance acknowledgement without meeting the four conditions in the Board Order; or (3) designate areas for immediate growth after compliance acknowledgement but prior to completion of the CIP. Possible Board action in response to such actions is discussed in the following section.

III. CRAG/MSD options with respect to the Board Order.

The expression of Board intent in Order 78-16 is not itself directly enforceable. Instead, it should be viewed as direction to the city of Happy Valley and to CRAG staff with respect to criteria to be used in evaluating future planning activity in Happy Valley with respect to compliance with State Goals and

the Regional Plan. It is up to the CRAG Board, and subsequently the MSD Council, to decide whether or not the necessary actions should be taken to enforce that intent at such time as action is required.

The CRAG Board may, in theory, take such action as it feels necessary to enforce local compliance with the Regional Plan or to appeal to LCDC any local action which it feel violates State Goals. Practically, however, the procedures for such actions are sufficiently elaborate and time consuming as to make it impossible for the Board to take such action prior to MSD consolidation. After consolidation, the MSD Council may take whatever action it feels necessary to enforce either the Regional Plan or State Goals.

Any such action would, however, have to be based on findings as to how the local action was in violation of either the Regional Plan or the State Goals.

Staff finds that three of the conditions, those requiring a land use plan, service evaluation, and a density study, are integral to LCDC goal compliance and could be enforced as part of MSD review of Happy Valley's submission of its comprehensive plan for compliance acknowledgement. Staff will review any immediate growth areas established by Happy Valley prior to its receiving compliance acknowledgement and prepare findings and recommendations to the CRAG Board or MSD Council as to whether or not State Goals or the Regional Plan have been violated, in light of the Board's expressed intent for their application.

The fourth condition, requiring preparation of a capital improvements program, is not one which all jurisdictions would be expected to meet in order to receive compliance acknowledgement. Furthermore, while the first three conditions are closely tied to the nature of urban development, a CIP relates more closely to the timing of urban development. Thus, while it is appropriate to use compliance acknowledgement as the forum for reviewing Happy Valley's compliance with the first three conditions of the Board Order, it is not necessary that the fourth condition be reviewed until such time as Happy Valley wishes to implement its plan by designating land for immediate growth. At this time, an ordinance designating land for immediate growth would be submitted to MSD for review. If a CIP had not been prepared in conjunction with adoption of this ordinance, any member of the MSD Council, or another interested party or jurisdiction, could ask the Council to consider whether or not this was a violation of Regional Plan policy for Immediate Growth Areas. Staff would then prepare findings and recommendations on this issue for the Council, which would then vote on whether or not to enforce this condition.

#### IV. Summary

Board Order 78-16 has two components: (1) the urban designation of the Happy Valley Study Area directly affects the content of Happy Valley's comprehensive plan; (2) the Board expression of intent with respect to a Future Urbanizable designation for the city of Happy Valley affects when and how that plan should be implemented. The first component is immediately binding on the city; the second establishes the Board's intent with respect to possible future action.

Staff will respond to the Board's intent by referring to the four conditions listed in the Order when reviewing future planning activity in Happy Valley for possible violations of State Goals or the Regional Plan. Should violations be identified on this basis, it will be up to the MSD Council to decide if and how it wishes to enforce the Board's intent. Staff will continue to work with Happy Valley in the plan review process to assist the city in complying with State Goals and the Regional Plan in general and the terms of the Board's Order in particular.

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## SUPPLEMENTAL FINDINGS

### Rock Creek Study Area and Petition #6 (Seiben Lane)

#### GOAL #14: URBANIZATION

##### Criteria 3-7

Findings so far prepared for this area (Exhibit "A") may be summarized as follows: urbanization of the area would be costly in both fiscal and social terms but would nonetheless be more efficient than urbanization of new areas outside the current Urban Growth Boundary which are less proximate to existing urban development, existing transportation networks, existing sewerage treatment facilities, and proposed commercial and industrial development.

The decision as to whether the area should be designated urban or rural thus rests primarily on whether or not there is a demonstrated need for this land to be urban, sufficient to establish regional benefits from urbanization of the area which outweigh local costs.

##### Criteria 1 and 2

The CRAG staff report "Urban Growth Boundary Findings" presented to the Board in October assumed both the Seiben Lane area and the southwest portion of the Rock Creek Study Area to be urban. Since the October 26, 1978 meeting, staff has revised the assumptions used in this report to reflect Board action at this meeting. As a result, some new lands were assumed to be urban (most notably Happy Valley and the West Union area), while some lands previously assumed to be urban (most notably the subject area) were eliminated from the calculations. The result of the new calculations is that the estimated urban land within the Urban Growth Boundary (excluding the subject area) should be adequate to meet projected year 2000 need for urban land, given a plus or minus ten percent confidence range.

It is, of course, impossible to make any decisive conclusions on long-range needs at this time. The report does demonstrate that there is currently sufficient land within the current UGB to avoid any short-term shortages which might affect the cost of housing in the next five years. Whether or not the boundary will prove to be sufficient in the long term depends on such factors as the actual level of regionwide population growth, the mix of single family; multi-family construction, the density of single family construction, and the level of rural development outside the UGB.

Each of these factors can, to some extent, be influenced by land use policies which affect growth within the UGB. If policies are established, either locally or regionally, which favor the intensification of growth within the UGB over extension of the UGB itself, there is a greater likelihood that land now designated urban will be sufficient to meet regional needs to the year 2000. Policies of this kind taken by Clackamas County and the cities of the north

Clackamas area would go a long way toward assuring that the Rock Creek and Seiben Lane area will not be needed for urban growth by the year 2000.

Staff finds that there is no short-term need for additional land within the Urban Growth Boundary and that a long-term need for additional land has not yet been demonstrated, in this or any other sub-area of the region. Under these circumstances, no land not assumed to be urban in the "Urban Growth Boundary Findings" should be approved for an urban designation at this time. Future additions to the Urban Growth Boundary, if any, should include a showing that there is a local or regional need for urban land which cannot be met within the UGB as it stands.

These findings support a rural designation for both the Seiben Lane area and for that portion of the Rock Creek Study Area for which an urban designation was originally recommended. In addition, consideration of other LCDC goals also can be used to support a rural designation as follows:

#### GOAL #1: CITIZEN PARTICIPATION

Both the LCDC and CRAG goals call for "a continuity of citizen participation." While this need not mean that planning decisions must be in agreement with citizen input, it does mean that citizens should be able to follow how their input has been considered and responded to. Some testimony was received at public hearings to the effect that this was not the case in Clackamas County's process leading to a vote on their recommended Study Area resolution. Where local jurisdictions do not provide for a continuity of citizen participation, citizen input should be given more weight at the regional level than would be appropriate where the local jurisdiction has already heard and responded to citizen concerns. Public testimony strongly favored a rural designation for the entire area.

#### GOAL #2: LAND USE PLANNING

In support of this goal, CRAG has adopted the following objective (Objective V, Section 2a): "Designation and change of urban, natural resource and rural area boundaries shall be a cooperative process between CRAG and affected cities and counties." The jurisdictions of Multnomah County and the City of Portland have testified with respect to their concerns that the area's transportation system cannot support urban development at this time. Representatives from these jurisdictions along with the representative from Clackamas County, have voted in favor of a rural designation for this area. A rural designation is thus supportive of cooperation between CRAG and affected jurisdictions.

#### GOAL #3: AGRICULTURAL LAND

Thirty percent of the Sieben Lane area is Class II soil. Class II and III soils predominate in the Rock Creek Study Area. Sixty-six percent of the Sieben Lane area and 68 percent of the Rock Creek

area remain undeveloped. Although steep slopes and extensive parcelization of this land makes large-scale commercial agricultural use impractical, there are still opportunities for some small-scale commercial farm activities (e.g., testimony was received from owners of a commercial orchard and a commercial rabbitry) and for the "hobby farms" enjoyed by many residents. While an urban designation would not threaten any prime agricultural land, a rural designation would allow for the continuation of some agricultural activities in a manner supportive of the broad goal to "preserve and maintain agricultural land."

#### Goal #5: OPEN SPACES

Testimony received identified the Sieben Lane and Rock Creek areas as possessing: (1) land needed or desirable for open space; (2) outstanding scenic views and sites, (3) cultural areas (in the sense of a well defined community with distinctive beliefs and a distinctive life style). A rural designation would encourage the preservation of these resources.

#### GOAL #7: AREAS SUBJECT TO NATURAL HAZARD

About 15 percent of the undeveloped land in the area is constrained by natural hazards (slopes over 25 percent or flooding). A rural designation for these lands would help protect life and property from natural hazards by reducing the possible density of development.

#### SUMMARY AND CONCLUSIONS

Evidence relevant to the seven Goal #14 criteria for evaluating an urban designation contains elements which support an urban designation and elements which support a rural designation. Absent conclusive findings with respect to a local or regional need for urban use in this area, it is appropriate to consider other LCDC goals relevant to the designation of this area.

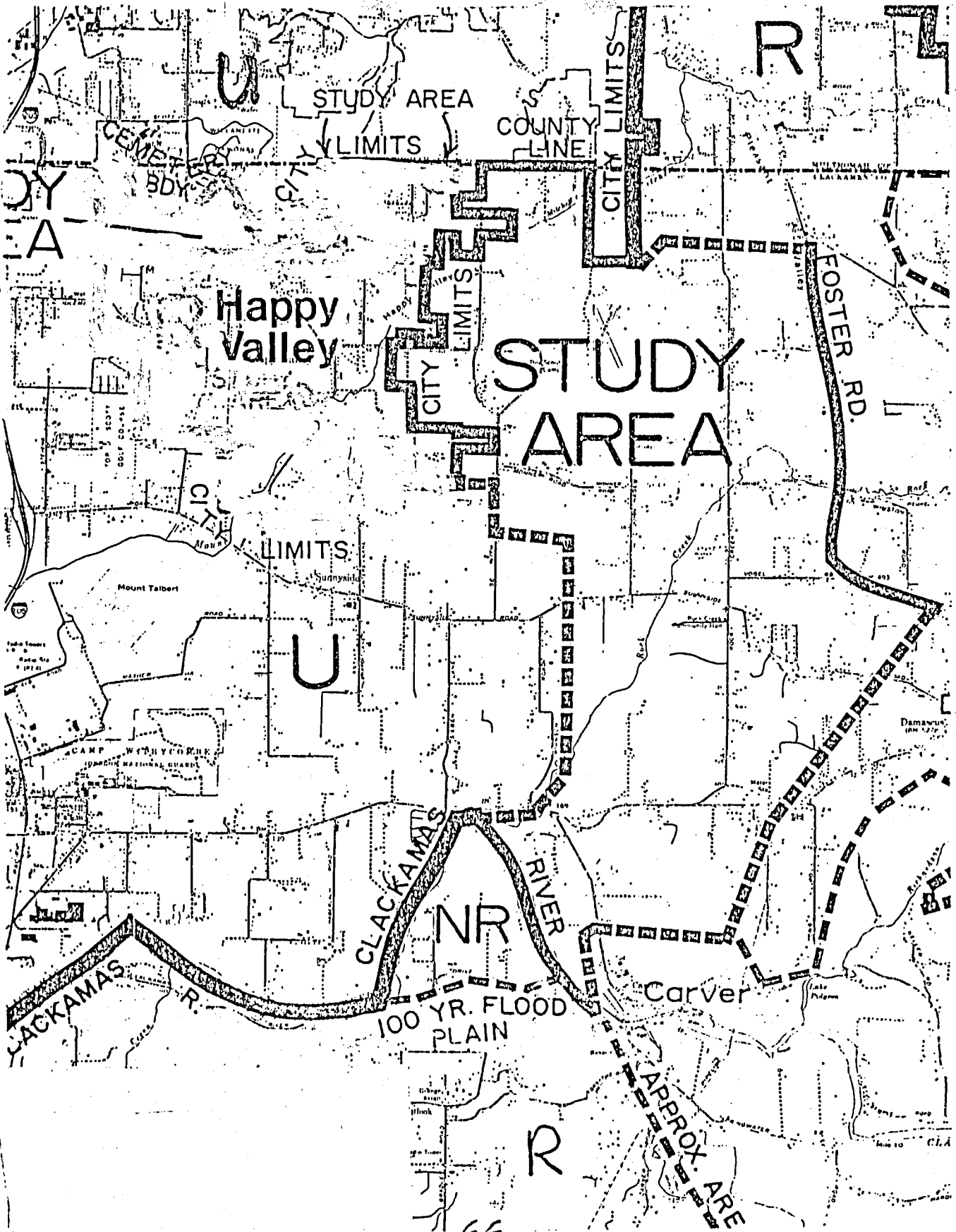
Staff finds that there is sufficient evidence relative to Goals #1, 2, 3, 5, 7 and 14 to support a rural designation for Sieben Lane (Petition #6) and the Rock Creek Study Area.

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1" = 4000'

# ROCK CREEK STUDY AREA and PETITION # 6

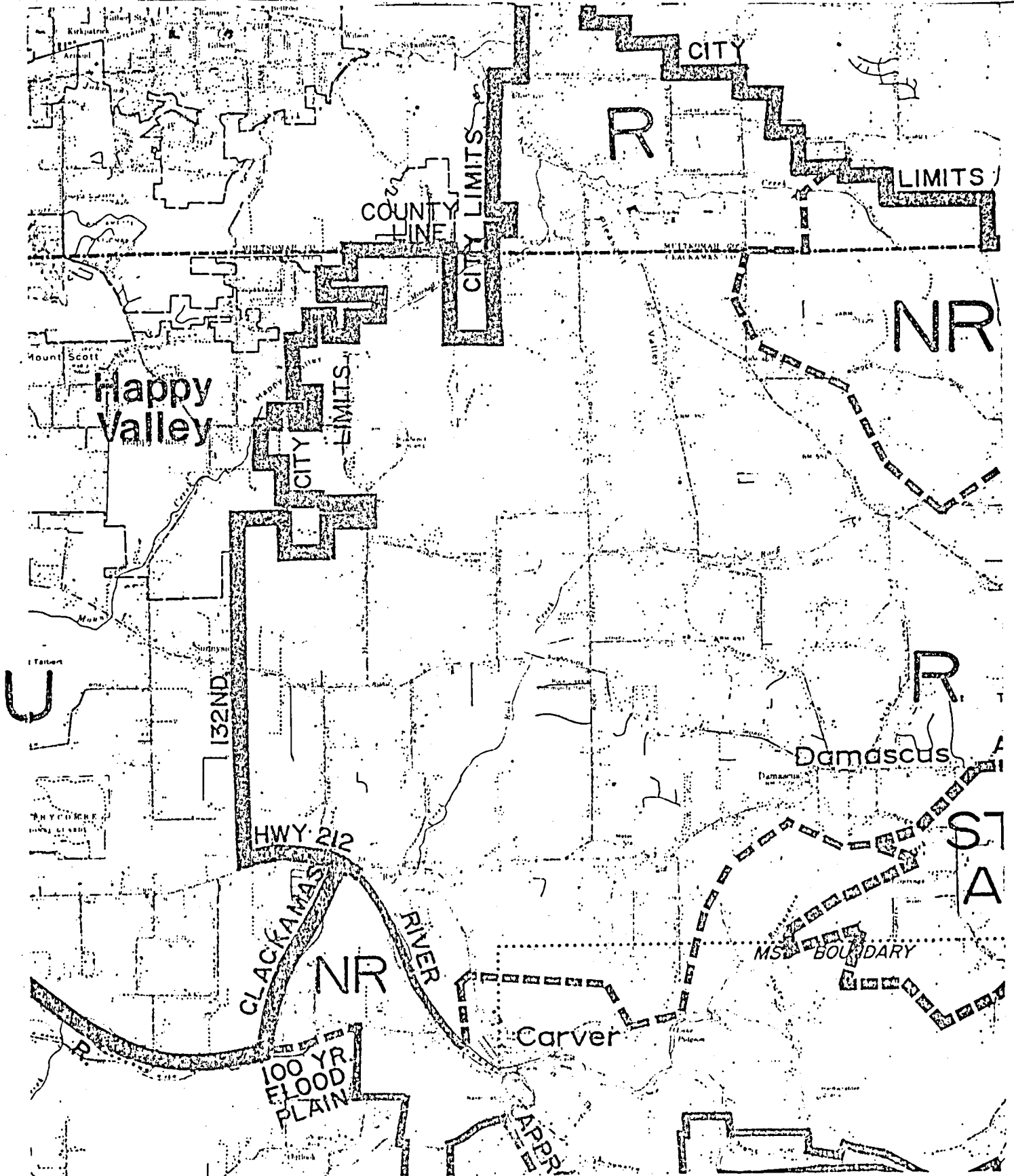
## BEFORE



Crag  
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1"=4000'

ATTACHMENT "A"  
ROCK CREEK STUDY AREA  
and PETITION # 6

AFTER





PETITION IDENTIFICATION NUMBER: #6 (SE of Happy Valley) DATE: 9/28/78

A. NAME OF PETITIONER: Mr. Michael F. Schmauch

B. GENERAL DESCRIPTION OF PROPOSED AMENDMENT:

Goals & Objectives                       Land Use Framework Map  
 Land Use Framework Text                 Land Use Framework Rules  
 Page Number: \_\_\_\_\_ Section Number: \_\_\_\_\_

C. SPECIFIC DESCRIPTION OF PROPOSED AMENDMENT:

Request to change the designation of a 1000 acre area (approx.) in Clackamas Co. from urban to rural. The area is "defined by SE 132nd on the west; approx. 155th on the east; approx. hwy 212 on the south; and Happy Valley on the North. See Map.

D. PETITIONER'S REASON FOR AMENDMENT: (Organized by LCDC goal 14 criteria)

3) Use of off-peak capacity to treat sewage is "very wasteful". Funds to build new schools are hard to come by and existing schools are full. Similarly, funds for other urban services may be difficult to obtain.

5) Many residents prefer a rural designation (154 name petition)

E. CRAG STAFF FINDINGS: (Organized by LCDC goal 14 criteria)

1 & 2) CRAG has demonstrated a regional need for all urban land within the UGB. 3) The conclusion that off-peak capacity is "very wasteful" has not been substantiated. It appears that such usage makes efficient use of plant capacity & reduces public expenditures. Of the school districts in the county, the N. Clackamas District appears to be in a better position than most to serve new development. This area will have the Clackamas Town Center to support its tax base. County staff does not anticipate any serious problems in providing other urban services in this area, any more than in other developing areas. 4) Parcelization is well advanced (79% of parcels are less than 5 acres in size). No evidence of current traffic capacity deficiencies were found. Improvements to Sunnyside Rd. are scheduled which may increase capacity. 5) Some localized pollution due to septic tank failure. 6) Only 30% of the area is class II soil and less than 1% class I. Only a small percentage of the area is used for agriculture.

Petition #6

G. FINDINGS AND RECOMMENDATIONS

The area is currently designated urban. The petition requests that the area be designated rural. A hearing was held October 9 to seek public input.

A petition with 60 signatures was received requesting further study on the pretext that more data is needed so that a better decision can be made. There appears to be some confusion between the type of detailed data required to develop community plans and the less detailed information required to make a decision as to whether an area should be designated urban or rural. CRAG staff contends that the basic information to support an urban designation is available and is included herein in summary form.

Sunnyside Road bisects the area. Sunnyside Road today is similar in character to many arterial roads in Urban areas in Washington County. Sunnyside Road is scheduled to undergo improvements in FY 1979 to upgrade it to urban designations. These improvements will help traffic flow and improve safety.

Current traffic counts north of Sunnyside Road on 147th Avenue indicate less than 500 vehicles per day compared to 2,900 vehicles per day on 172nd Avenue. (147th Avenue runs through the middle of the petition area.) This seems to suggest that the circuitous road system in the City of Happy Valley discourages travel between the petition area and the City of Portland "hook" area.

See "E. CRAG STAFF FINDINGS"

Upon reviewing the findings CRAG staff concludes that insufficient evidence exists to warrant changing the current urban designation of the area to rural.

EXHIBIT 11

Rock Creek Study Area  
Findings

Criterion 1     Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals.

Criterion 2     Need for housing, employment opportunities, and livability.

Criterion 1 and 2 are considered on a regional basis in "Land Requirements to the Year 2000 and Urban Land Supply." The criteria support the inclusion of a portion of the Rock Creek Study Area in the UGB (the portion shown as urban on the map).

Criterion 3     Orderly and economic provision for public facilities and services.

Nine alternative methods have been investigated by CH2M Hill for providing sewer service to portions or all of the Rock Creek basin. Service to the entire basin would require construction of a new interceptor to transmit sewage to the proposed Tri-Cities Sewage Treatment Plant.

Approximately one-third of the basin could be served by utilizing the existing Clackamas interceptor which leads to the Kellogg Sewage Treatment Plant. Due to the nature of the topography the smaller system (one-third of the land) could accommodate approximately one-half of the people that could be accommodated in the whole basin. The smaller system is more efficient, one-third of the cost of the larger, to serve one-half as many people. This efficiency is gained by storing sewage from Rock Creek at peak flow periods and pumping through the existing Clackamas interceptor at low flow periods. This method would not conflict with a decision to urbanize Happy Valley, as the city would rely on the Mt. Talbert interceptor.

Three water districts serve portions of the Rock Creek basin. There are unserved areas between the districts and some portions of each district are not served. Provision of urban level water service would not be a problem as a sufficient source exists from the Clackamas River. Improvements would be necessary for storage and distribution. The largest part of the basin lacking service is to the north. No problems have been identified with storm drainage.

Highway 212 serves the southern portion and Sunnywide Road the northern portion of the study area. Highway 212 is experiencing congestion in the I-205 area. Sunnyside Road is funded and is soon to be upgraded to urban standards between I-205 and 142nd Avenue. The road has a capacity in excess of 10,000 cars per day which compares to a current volume of 2,700 cars per day at 172nd Avenue. If congestion is to be avoided, eventually Sunnyside Road will have to be widened, if the area is to fully develop. Roads will have to be

upgraded and widened over time in other study areas in the region too. In the Rock Creek area there is time to plan and implement future road improvements, particularly if the county stresses phased development.

The North Clackamas School District serves most of the Rock Creek basin and has the administrative capacity to provide an urban level of service. Additional schools would need to be constructed to accommodate increased enrollment under an Urban designation. Of the school districts in the county, the North Clackamas School District appears to be in a better position than most to serve new development. This area will have the Clackamas Town Center and Clackamas industrial area to support its tax base. Declining enrollment is occurring in some parts of the district such as the west end of the school district in Milwaukie. This should mean less expense through lower operating costs and possibly free up resources for elsewhere in the district. If only the southwest quadrant is urbanized, the Pleasant Valley and Damascus School districts would not be affected.

Fire protection is provided by three fire districts which have mutual aid agreements. Improvements necessary for urbanization would be mostly increased personnel. Likewise, additional police protection could be provided by increasing personnel. The county provides planning, zoning and governmental services.

According to this criterion, the designation could be urban or rural. However, the area for which urban level services could most efficiently be provided is the southwestern part of the Rock Creek basin.

Criterion 4 Maximum efficiency of land uses within and on the fringe of the existing urban area.

The eastern section of Clackamas Service District one is developing quickly. There is an unserved area currently inside the Urban Growth Boundary (Sieben Lane) which should be annexed, serviced and developed before Rock Creek. The Rock Creek Basin is contiguous to the currently designated urban area. According to this criterion, the southwestern part of the basin should have priority for urbanization. The southeastern part is surrounded on three sides by rural and natural resource land. A rural designation for this part would make it consistent with surrounding uses to the south, east and north.

An Urban designation for the southwestern part of the basin is consistent with this criterion.

Criterion 5 Environmental, energy, economic and social consequences.

The water quality in the area is now affected adversely by scattered subdivisions on septic tanks. Much of the land suited for septic tank use has been developed. If further subdivisions on small lots

are to occur, they should be on a community sewer system. An Urban designation would have a positive effect on water quality.

The air quality of the region is primarily affected by auto emissions. Ascertaining these effects is difficult. Generally speaking, the length of average auto trips and thus energy consumption in the region would be less if development occurs in areas closer to employment and shopping centers. This would also result in better air quality.

The major increases in employment projected for the nearby Clackamas industrial area and the retail opportunities in the Clackamas Town Center will stimulate the demand for housing the area. Failure to meet this demand may add to the cost of housing. Also, Urban designation of an area less proximate to shopping and employment centers may be less economical. The social consequences of urbanizing a portion or all of Rock Creek involve increased population, loss of open space and consequently a change in the character of the community. Future residents are expected to have middle to upper incomes and live in single family homes. The social consequences of urbanization are difficult to ascertain on a regional basis.

Overall an Urban designation is consistent with this criterion.

Criterion 6 Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority.

The Rock Creek area has a mixture of soil classes but, Classes II and III predominate. The area has no Class I soils. Parcelization is so extensive that agricultural use is very limited. Other areas in Clackamas County which potentially could be designated urban, have better agricultural suitability. According to this criterion, Rock Creek is relatively more desirable for urbanization.

Criterion 7 Compatibility of the proposed urban uses with nearby agricultural activities.

Although soils of the Rock Creek Basin meet LCDC's definition of agricultural land, Classes I through IV, there are few agricultural activities to conflict with urbanization. For this reason an urban designation is consistent with this criterion.

#### Conclusion based on Criteria 3 through 7

A portion of the study area in the south-central part of the basin should be designated Urban and the remainder Rural for the following reasons:

1. Urban level services can most easily be provided to this area.
2. The area is a logical and efficient utilization of land on the fringe of the urban area.
3. Positive environmental, energy and economic benefits will be realized.

4. Extensive parcelization and comparatively poorer soils make the area a lower priority for preservation of agricultural lands.
5. The absence of intensive agricultural activities will result in few conflicts in conversion to urban uses.

Of the two urban alternatives most actively considered by the county, alternative 2 is favored by the county and CRAG staff over alternative 3. Alternative 2 tends to minimize capital investment in sewers, and future traffic could be accommodated in existing transportation corridors. Alternative 2 is consistent with the CRAG staff recommendation. Alternative 3 would make the whole study area urban.

Conclusions based on Criteria 1 and 2 lend support to an Urban designation for the portion of this area recommended. <sup>π</sup> Concern was expressed in the hearing process by some residents of the area that sufficient opportunity has not been provided for citizen involvement and that more time is needed for detailed studies.

In response,

- . citizens have had two years to make their views known since the study area was created,
- . informational meetings and hearings have been held by Clackamas County,
- . CRAG held public hearings, and
- . Clackamas County, CRAG and their consultants have conducted studies and sufficient information has been compiled to reach a decision regarding a regional land use designation for the study area. CRAG staff recommends that citizens of the area be given every opportunity by Clackamas County to participate in developing community plans for the area.

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BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the matter of establishing )  
and maintaining a good ) Resolution No. 79 - 3  
relationship with local government )  
jurisdictions )

WHEREAS, The Metropolitan Service District wishes to establish a basis for cooperation with and service to the local government jurisdictions within its boundaries,

NOW, THEREFORE, BE IT RESOLVED That it is the intent of the Council, the Executive Officer and the staff of the Metropolitan Service District that priority attention be given to establishing and maintaining strong lines of communication, ongoing working relationships and amicable rapport with local government jurisdictions within the boundaries of the Metropolitan Service District.

ADOPTED By the Council of the Metropolitan Service District  
this 4th day of January, 1979.

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Presiding Officer

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

TO:           MSD Council  
 FROM:        Executive Officer  
 SUBJECT:     Joint Personnel Rules

**BACKGROUND:** As part of the transition effort, a joint committee of CRAG and MSD employees, representing management as well as general employees, prepared a set of Joint Personnel Rules to recommend for adoption by the MSD Council. The following rules reflect the results of that effort except for modifications which are listed below. These modifications have been made in accordance with the expressed policy desire to continue existing separate benefit programs rather than immediately merge the benefit plans as was recommended in the original Joint Personnel Rules document.

- Section 30 Salary Administration (b) (c) and (e) were changed to reflect a bi-weekly pay period.
- Section 31 Holidays (e) the provision was changed to provide only 1 1/2 times hourly rate for working on a holiday, deleting the additional provision for a day off at a later date.
- Section 32 Vacation (c) reduced to one year, rather than two, for the amount of vacation time which may be accrued. (d) Added "seniority" as a consideration in scheduling vacations.
- Section 33 Vacation Credit and Accrual Rate, Section 34, Sick Leave, and Section 35 Leave of Absence Without Pay, were all modified to correspond with CRAG and MSD provisions as of 12/31/78.
- Section 36 Leave of Absence With Pay (a) Compassionate leave, was not changed although CRAG's current rules call for 3 days rather than 4. (d) Military leave, was left at 14 days although MSD's rules currently provide for 15 days. The Executive Officer can make a special ruling should an employee's military order require 15 days.
- Section 38 Workmen's Compensation Insurance was changed by provision for an "income supplement" which existed in MSD as of 12/31/78.
- Section 39 Insurances was rewritten to reflect CRAG and MSD provisions as of 12/31/78.

In summary, the changes above provide for the continuance of the two separate benefit packages in order to provide the Council with time sufficient to develop a single new benefit program. They also vary from the recommendations of the joint staff committee which, in essence, proposed a set of benefits that reflected the best provisions of both agencies.



BUDGET IMPLICATIONS: There are no short-term implications for budget in this proposal in that all elements of the rules requiring expenditure have been previously provided for by CRAG, MSD and the Zoo.

POLICY IMPLICATIONS: The structuring of joint personnel rules to provide the basic premises under which the personnel system for MSD will operate is a responsibility for the MSD Council under enabling legislation. Once adopted, the personnel rules provide guidance for the Executive Officer in administering the operations of the agency. The finalization of merging benefits and operational procedures as they relate to personnel matters should be finalized prior to the initiation of the next budget year, which begins July 1, 1979.

ACTION REQUESTED: It is the recommendation of the Executive Officer that the MSD Council pass a resolution providing for interim adoption of the joint personnel rules as modified to reflect a continuation of separate benefit programs. As soon as possible, the joint personnel rules should be formally revised and any necessary modifications proposed by the Council for final adoption to be effective no later than the beginning of the next budget year.

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BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the matter of the adoption )  
of interim joint personnel rules ) Resolution No. 79 - 2  
for the Metropolitan Service )  
District )

WHEREAS, Prior to consolidation of the constituent agencies comprising the Metropolitan Service District, each constituent agency maintained its own personnel rules, and

WHEREAS, The staff has formulated proposed interim joint personnel rules for the Metropolitan Service District which provide guidance to the Executive Officer to administer the operations of the agency and which reflect a temporary continuation of separate employee benefit programs,

NOW, THEREFORE, BE IT RESOLVED that the Interim Joint Personnel Rules as proposed by the staff, which are attached hereto, are hereby adopted, and

BE IT FURTHER RESOLVED that staff is instructed to prepare permanent personnel rules incorporating any modifications proposed by the Council for final adoption prior to FY 1980.

ADOPTED By the Council of the Metropolitan Service District  
this 4th day of January, 1979.

\_\_\_\_\_  
Presiding Officer

D R A F T

Joint Personnel Rules

CRAG/MSD

December 26, 1978

## PERSONNEL RULES

### ARTICLE I. GENERAL

- Section 1. Administration of the Rules
- Section 2. Adoption and Amendment
- Section 3. Separability
- Section 4. Purpose
- Section 5. Variances
- Section 6. Definitions
- Section 7. Legal Interpretations

### ARTICLE II. PERSONNEL POLICIES AND PROCEDURES

- Section 8. Appointment
- Section 9. Probationary Period
- Section 10. Attendance
- Section 11. Personnel Records
- Section 12. Transfers
- Section 13. Layoffs
- Section 14. Travel Expense
- Section 15. Employee Organizations and Representation
- Section 16. Political Activity
- Section 17. Nepotism

### ARTICLE III. GENERAL CONDUCT, DISCIPLINE, TERMINATION, AND APPEAL

- Section 18. Disciplinary Action
- Section 19. Grievance Procedure

### ARTICLE IV. CLASSIFICATION PLAN

- Section 20. Position Classification Plan
- Section 21. Titles and Specifications
- Section 22. Reclassification
- Section 23. New Positions
- Section 24. New or Reclassified Positions
- Section 25. Effect on Incumbents of Positions Being Reclassified

### ARTICLE V. PAY PLAN AND COMPENSATION

- Section 26. Pay Plan
- Section 27. Analysis of Pay Plan
- Section 28. Appointee Compensation
- Section 29. Overtime Compensation
- Section 30. Salary Administration

ARTICLE VI. FRINGE BENEFITS

- Section 31. Holidays
- Section 32. Vacation
- Section 33. Vacation Credit and Accrual Rate
- Section 34. Sick Leave
- Section 35. Leave of Absence Without Pay
- Section 36. Leave of Absence With Pay
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ARTICLE VII. ORIENTATION

- Section 40. Orientation

## ARTICLE I. GENERAL

### Section 1. Administration of the Rules

The Executive Officer shall be responsible for:

- (a) Administering or delegating the administration of all the provisions of the personnel rules; and
- (b) Preparing or causing to be prepared amendments to such rules.

### Section 2. Adoption and Amendment of the Rules

The original set of personnel rules shall be proposed by the Executive Officer, and shall be adopted and amended by the Council. Daily administration and administration amendments will be processed by the Executive Officer or his designated representative; policy and/or benefit changes will be amended and adopted by the Council. The rules shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related matters which are pertinent to the maintenance and effective operation of the Metropolitan Service District. Furthermore, the personnel rules shall be presented, adopted, and amended in a spirit of good faith, and shall be subject to review and comment by MSD employees prior to adoption.

### Section 3. Separability

If any section, subsection, sentence, clause, or phrase of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these rules.

### Section 4. Purpose

The purpose of these rules is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal, and other matters affecting the status of employees of the Metropolitan Service District. Said rules and regulations are provided to maintain uniformity and equity in personnel matters, and to encourage each employee to give their best service to the organization and citizens served by the Metropolitan Service District.

### Section 5. Variances

The Executive Officer shall have the power to vary or to modify the strict application of the provisions of these rules in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships on either the agency or employee or both.

## Section 6. Definitions

As used in these rules, as well as in day to day personnel matters, the following terms shall have the meanings indicated:

Administrative Officer. The appointed administrative officer, selected by and responsible to the Executive Officer for the administration of MSD organization according to Chapter 665 Oregon Laws 1977, Section 7(5).

Anniversary Date. The employee's original date of employment.

Appeal. A request to a Division Head or the Executive Officer for reconsideration of a decision adverse to an employee's best interests.

Appointing Power. The Executive Officer, to whom authority is vested to make the appointment to fill a vacant position, and through whom authority may be delegated to Division Heads where appropriate and expedient.

Central Personnel File. A file which contains complete personnel records of all MSD employees.

Class. A group of positions sufficiently alike in responsibilities and authorities to require similar qualifications.

Class Specification. A written description of each class of positions including a class title and a statement of objectives. Positions--not individuals--are classified.

Continuous Service. Uninterrupted employment with MSD. Reasonable absences due to military leave or other extended leaves approved by the Executive Officer do not constitute a break in continuous employment.

Demotion. A transfer of an employee from a position in one class or pay scale to a position in another class or pay scale which reduces the employee's pay.

Division. A major functional unit of MSD.

Division Head. A person responsible for the administration of a division.

Disciplinary Action. Imposition of certain personnel actions (e.g., reprimand, warning, suspension, dismissal, or demotion) as a result of conduct detrimental to MSD.

Dismissal. Termination of employment with MSD for reasons attributable to the employee.

Employee. Anyone who is salaried or who receives wages for employment with the Metropolitan Service District.

Examination. A test for the purpose of evaluating an applicant for an employment vacancy.

Executive Officer. The elected chief executive officer of the Metropolitan Service District who is directly responsible to the Council for the direction of all affairs of the Metropolitan Service District.

Fiscal Year. Twelve (12) month period beginning July 1, and ending June 30.

Grievance. An employee's oral or written expression of dissatisfaction with some aspect of their employment, a management decision affecting them, or an alleged violation of his/her rights for the purpose of attempting to gain adjustment of said cause of dissatisfaction.

Hourly Rate. Rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year (2080).

Immediate Family. The husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, or any relative living in the employee's household.

Layoff. A separation from employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting discredit upon the employee.

Leave of Absence. Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the Executive Officer.

Month. One calendar month.

Military Leave. Leave of absence for an employee entering reserve military training duty.

Non-Occupational Disability. Disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties.

Non-Union Employee. Any employee exempt from the provisions of a formally written union agreement with MSD.

Occupational Disability. Disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.

Overtime. Overtime shall be considered as time worked in excess of eight hours in any one day, or forty hours in any one week as defined in ORS 279.340.



Personnel Action. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.

Probationary Period. A working test period during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

Promotion. The advancement of an employee from one classification to a higher classification.

Reclassification. A change in classification of a position by raising it to a higher class, reducing it to a lower class, or changing it to another class at the same level.

Reduction. The transfer of an employee from his/her present position to one of a lower classification and/or pay scale and which is considered a voluntary action of the employee for non-disciplinary purposes.

Supplemental Employee. Any employee other than a permanent fulltime employee.

Suspension. Temporary separation of an employee from employment without pay for disciplinary purposes.

Transfer. A change of an employee from one position to another in the same class, or to a position in a comparable class within the organizational structure of MSD.

Workday. The regularly scheduled workday shall be from 8:00 a.m. to 5:00 p.m., with one hour off for lunch except where flexible hours, on a regular schedule, may otherwise be approved by the Executive Officer.

Workweek. The regularly scheduled workweek shall be from Sunday through Saturday.

## Section 7. Legal Interpretations

When it is found necessary to seek a legal opinion as to the interpretation or intent of these rules, it shall be incumbent upon management to process said requests as soon as is practicable.

## ARTICLE II. PERSONNEL POLICIES AND PROCEDURES

### Section 8. Appointment

- (a) All original appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities

shall be determined through careful and impartial evaluation of the following:

- (1) The applicant's level of training relative to the requirements of the position for which he/she has applied;
  - (2) The applicant's level of education relative to the requirements of the position for which he/she has applied; and
  - (3) The results of an oral interview and/or an examination, if any.
- (b) No question in any examination or in any application form or by any appointing power shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sexual orientation, or political or religious affiliation for the purpose of discriminating on employment.
- (c) All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.
- (d) MSD employees are encouraged to apply for any vacant position for which they feel qualified. Such applications will be considered without prejudice to their present positions. Full-time permanent staff will be given first consideration in filling a vacant position. Where the position is currently filled by a CETA or supplemental (part-time or temporary) employee, and the position has been reclassified to a permanent staff position, the incumbent shall be considered equally and at the same time as permanent employee applicants. Should a full-time permanent employee not apply or be selected for any vacant position, supplemental (part-time or temporary) and CETA employees will be considered. If the position is not filled as a result of in-house recruitment, recruitment outside the agency will commence.

#### Section 9. Probationary Period

- (a) All original appointments to full-time permanent positions shall be tentative, and subject to a standard probationary period of at least six consecutive months of service. Such period shall not apply to transferees.
- (b) In cases where a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond twelve (12) months from the date of appointment. The employee shall be notified in writing of any extension and the reasons therefore.
- (c) During the probationary period, the employee shall not be eligible for vacation benefits unless by permission of the

Executive Officer, but he/she shall earn vacation credit to be taken at a later date.

- (d) Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, and shall be so informed.
- (e) In the case of an original appointment, a probationary employee may be terminated without cause at any time without hearing or appeal and without previous, lesser disciplinary action.
- (f) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period, and be reinstated in the class designation from which he/she was promoted, even though this may necessitate the layoff of the employee occupying the position.

#### Section 10. Attendance

- (a) Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves of absence.
- (b) Employees shall not absent themselves from work for any reason other than those specified in these rules authorizing sick leave without making prior arrangements with their Division Head or the Executive Officer. Unless such prior arrangements are made, an employee, who for any reason fails to report to work, shall make a sincere effort to immediately notify his/her Division Head or the Executive Officer of the reason for being absent.
- (c) Any unauthorized absence of an employee from duty may be deemed to be an absence without pay and may be cause for disciplinary action.

#### Section 11. Personnel Records

- (a) The Executive Officer shall cause a service or personnel record to be maintained for each employee in the service of MSD.
- (b) The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received, and such other information as may be considered pertinent.
- (c) A Personnel Action Notice shall be used as the single document to initiate and to update personnel records. Any document filed on the employee's record relating to salary, benefits or work conditions of the employee shall be duplicated and sent to the employee.

(d) Employee personnel records shall be considered confidential and, subject to state law, shall be accessible only to the following:

- (1) The employee concerned;
- (2) Selected officials authorized by the Executive Officer. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access.

### Section 12. Transfers

Requests from employees for transfers to different work units within the organization shall be made in writing, and shall be directed to the employee's present Division Head and referred to the Executive Officer. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which they do not possess the minimum qualifications.

### Section 13. Layoff

- (a) If there are changes of duties in the organization, lack of work or lack of funds, the Executive Officer may lay off employees; however, the Executive Officer shall first make every reasonable effort to retain those employees by transfer. When layoffs are required, the Executive Officer shall base the decision on relative merit, and shall give due consideration to seniority only where the employees' qualifications and ability are relatively equal. Management shall give all salaried employees not on probation a minimum of two weeks written notice of their termination from MSD employment.
- (b) Any employee voluntarily terminating their employment with MSD shall give a minimum of two weeks written notice of termination from MSD.

### Section 14. Travel Expense

- (a) When employees are required to travel on official business, reimbursement for expenses incurred shall be determined as follows:
  - (1) Travel on official business by a single individual should be via public carrier or MSD-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate of \$.17 per mile. This rate includes insurance, but not storage expense of the vehicle, which is an eligible expense.
  - (2) When travel by MSD-owned vehicle or by public carrier is practical but the employee elects to use his/her own vehicle, the employee shall not be reimbursed.

- (3) Reimbursement for travel and subsistence on official trips outside the metropolitan area by bus, train, or airplane, shall only be the amount of actual and reasonable expense incurred during the performance of official duty as an MSD employee for the benefit of MSD. MSD will pay the actual costs of travel and meals or a fixed fee of \$15.00 per diem. The actual cost of conference registration fees will be paid. The actual costs of accommodations will be paid as well as taxi or bus fare. MSD will not pay for first class air travel unless tourist class is not available. Airline tickets should be ordered and paid for by MSD. Advances for anticipated trip costs may be made upon approval of the Executive Officer.

#### Section 15. Employee Organizations and Representation

- (a) Employees of MSD shall have the right to form, to join, and to participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions. Employees may form an Employee Advisory Committee to the Executive Officer for the purpose of employee input to management on matters relating to wages, fringe benefits, working hours, and working conditions.

Such committee, if formed, should be formally recognized by the Executive Officer and all meetings and communications should be documented and recorded for both parties.

#### Section 16. Political Activity

Nothing contained within these rules shall affect the right of the employee to hold membership in and to support a political party, to vote as they choose, to privately express their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings. An employee must exercise all due caution in such activities to prevent public misunderstanding of such actions as representing MSD or to bring discredit to MSD, the Council, Executive Officer or his/her immediate supervisor.

#### Section 17. Nepotism

- (a) No person shall be employed at MSD in a division over which another immediate family member exercises line authority. Neither shall a supervisor be placed in a position whereby the supervisor must make recommendations that affect the salary of members of his/her immediate family.
- (b) Nothing in this policy should be construed as to prevent the employment of more than one member of a family at MSD, provided that employment has been based upon merit principles, and a member of the employee's family does not influence selection by the appointing authority.

(c) No relative shall be employed if such action would constitute a violation of any law of the state of Oregon or of the United States, or any rule promulgated pursuant thereto, with which MSD is required to comply.

ARTICLE III. GENERAL CONDUCT, DISCIPLINE, TERMINATION, AND APPEAL

Section 18. Disciplinary Action

- (a) Disciplinary action ranges from oral or written reprimands to suspension, demotion, and finally dismissal from employment, and depends upon the severity of the offense as well as the number and the frequency of previous acts of misconduct.
- (b) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of these personnel rules. No employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by these personnel rules.
- (c) Any of the following may constitute grounds for disciplinary action:
- (1) Abandonment of position;
  - (2) Absence from duty without leave;
  - (3) Abuse of leave privileges;
  - (4) Below standard work performance;
  - (5) Discourteous treatment of the public or other employees;
  - (6) Intoxication during working hours;
  - (7) Fraud in securing appointment or promotion;
  - (8) Insubordination;
  - (9) Misuse of MSD property, funds, or records;
  - (10) Neglect of duty;
  - (11) Willful deceit;
  - (12) Other acts which are determined by the Executive Officer to be incompatible with the best interests of MSD or which reflect discredit on MSD.
  - (13) Any conviction which would be incompatible with the work performed for MSD by the affected employee.
- (d) Any of the following types of disciplinary action may be utilized. It is appropriate, though not necessary in every circumstance, that the following steps be taken progressively. Use of each disciplinary action should be well thought out and documented before action is taken unless extenuating circumstances prevail.
- (1) Counseling: Disciplinary counseling is any discussion with an employee designed to help the employee remedy identified problems in skills, abilities, or work performance. It should be used whenever possible before taking more formal action, and should always be used as follow-up after formal action;
  - (2) Oral Warning: Oral Warning is notice to an employee that his/her behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and

informs the employee that failure to improve may result in more serious action. The Division Head should record the date and content of the oral warning, but no record need be placed in the employee's personnel record;

- (3) Written Warning: Written Warning is formal notice to the employee that his/her performance or behavior must be improved. It contains the same elements as the oral warning. When appropriate, it should be used in conjunction with a Plan for Individual Improvement as proposed by the Division Head and as approved by the Executive Officer. A copy of the written warning and Plan for Individual Improvement is placed in the employee's personnel record. This copy may be removed if successful corrective action follows. Written warning will be approved by the Division Head and the Executive Officer prior to being forwarded to an employee and placed in his/her file.
  - (4) Reprimand: A Reprimand shall be the function of the Executive Officer. It represents an official written notice to the employee that his/her performance or behavior is seriously below standard and that continuation will subject him/her to more serious disciplinary action, including discharge. A reprimand shall not be issued until the employee has been informed of the charges against him/her and has had an opportunity to reply to them. The reprimand and the employee's response, if any, becomes a permanent part of the employee's personnel record.
  - (5) Suspension: Suspension is the temporary removal of the employee from his/her duties without pay. Suspension without pay should be used when all other positive means have been tried without success and the Division Head has reason to believe that the suspension will bring about the needed improvement in the employee's performance or behavior. Suspensions can only be made by the Executive Officer.
  - (6) Demotion: A Demotion is the same as a reduction; however, a demotion may be issued by reducing the employee's compensation for a period not to exceed six months. At the end of the demotion period, the employee will be reinstated to his/her original level, or dismissed. Demotions can only be made by the Executive Officer.
  - (7) Discharge: Discharge is the removal of the employee from the service of MSD. Discharge shall not require advance notice and may be affected immediately. Discharges can only be made by the Executive Officer.
- (e) The power to suspend, reduce, demote, reprimand or discharge is granted solely to the Executive Officer. The Executive Officer shall personally inform the employee in writing of the charges against him/her.



- (f) Notice of suspension or demotion: The Division Director shall give an employee whose suspension or demotion is sought written notice of the proposed action stating any and all reasons, specifically and in detail, for the proposed action. The notice becomes a permanent part of the employee's personnel record.
- (g) Employee's answer: The employee is entitled to at least three (3) working days for answering the notice of proposed suspension or demotion and for furnishing written support of his or her answer. If the employee answers, the Division Director shall consider the answer before reaching a final decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the Division Director shall appoint a representative or representatives available to hear his or her answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed suspension or demotion or to recommend what final decision should be made. The Division Director shall give a written decision on the answer within two (2) work days. The written answer and decision become a permanent part of the employee's personnel record.
- (h) Notice of discharge (except as provided in 17 (c) of these rules): The Division Director shall give an employee whose discharge is sought at least fourteen (14) days written notice of:
1. The proposed discharge;
  2. Any and all reasons, specifically and in detail, for the proposed discharge; and
  3. The employee's right to a contested case hearing before an impartial hearing examiner, pursuant to provisions in these rules.

This notice becomes a permanent part of the employee's personnel record.

- (i) Employee's answer: The employee shall notify the Division Director within seven (7) days of the receipt of the notice of discharge that he or she desires a contested case discussion by filing with the Division Director a written answer and request for a discussion. The answer shall set forth the employee's reasons for contesting the proposed discharge, with such offer of proof and pertinent documents as he or she is able to submit. In the absence of a timely answer and request, discharge may be effected without further notice.

- (j) Division Director reply: The Division Director shall reply in writing within two (2) working days following the meeting. An extension of time may be mutually agreed upon.
- (k) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 19 of these rules.

#### Section 19. Grievance Procedure

- (a) The Executive Officer shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships; however, informal adjustment of grievances between supervisors and employees is encouraged.
- (b) The following steps shall be followed in submitting and processing a grievance:
  - (1) Step 1: The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within five working days of its occurrence. The supervisor shall give his/her reply within five working days of the date of presentation of the grievance, not including the date of presentation. (If the Division Head is the immediate supervisor, then Step 1 should be eliminated.)
  - (2) Step 2: If the grievance is not settled in Step 1, then it shall be put in writing, dated, and signed by the aggrieved employee or group of employees, and shall be presented to the Director of Management Services within five working days after the immediate supervisor's oral reply is given, not including the day the answer is given. The Director of Administrative and Membership Services shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of its presentation.
  - (3) Step 3: If the grievance is not settled in Step 2, then it shall be put in writing, dated and signed by the aggrieved employee or group of employees, and shall be presented to the Executive Officer within five working days after the Division Head's written reply is given, not including the day the answer is given. The Executive Officer shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of its presentation. The Executive Officer may conduct a formal hearing before rendering a decision. If such hearing is called, it shall be formal with a recording of the proceeding. There should be no more than 20 work days used in order to process the hearing and render a written finding.

- (c) The decision of the Executive Officer shall be final and binding on the employee or the group of employees.
- (d) Any grievance not taken to the next step within five working days after receipt of a decision from the previous step shall constitute an action of acceptance and the grievance shall be considered settled.
- (e) If the appropriate course of action fails to meet or to answer any grievance within the time limits prescribed for such action by this Section, such grievance shall automatically advance to the next Step.
- (f) The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing, and shall be signed by all parties involved. Time limits may be extended unilaterally one time by each party for five days in cases of documented emergencies.
- (g) No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.
- (h) In cases of suspension, demotion or discharge resulting in loss of pay or benefits, which action is subsequently reversed through the grievance procedure, said loss shall be reimbursed by MSD following the successful grievance action.

## ARTICLE IV. CLASSIFICATION PLAN

### Section 20. Position Classification Plan

- (a) A Position Classification Plan shall be adopted, and may be amended by the Council.
- (b) The Classification Plan shall consist of staff positions in the Metropolitan Service District defined by class specifications, and identified by the class titles. The Classification Plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority, and character or work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

### Section 21. Titles and Specifications

- (a) The Position Classification Plan shall include titles for the various classes or positions as a guide toward equal pay for equal work. Job titles shall refer to a particular position, not to the individual filling a particular position, and shall be used in all personnel, budget, and financial records.
- (b) Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.
- (c) The Classification Plan shall be supplemented by a Class Specification Sheet containing the Description Title, education or training required, and types of duties to be performed.

### Section 22. Reclassification

- (a) Positions may be reclassified by the Executive Officer whenever the duties of the positions change materially, provided the reclassification can be accomplished within the limitations of the current budget.
- (b) Reclassification of a position shall not be used as a substitute for disciplinary action or to avoid restrictions concerning compensation.

### Section 23. New Positions

- (a) The Executive Officer shall be responsible for keeping the Classification Plan current through periodic studies of the positions within the organizational structure of MSD. New positions must be approved by the Council, provided that the Executive Officer may create new temporary positions subject to budgetary constraints.

## Section 24. New or Reclassified Positions

Whenever a Division Head wishes to create a new position or reclassify an existing position, he/she shall make recommendation to the Executive Officer on forms provided. The Executive Officer shall refer all relevant information to the Director of Management Services for investigation and recommendation. Upon approval of the Executive Officer and the Council of the creation of the class or position, the Director of Administrative and Membership Services shall allocate the position accordingly.

## Section 25. Effect on Incumbents of Positions being Reclassified

- (a) If an occupied position is reclassified, the incumbent shall be promoted, demoted or transferred to the new class in accordance with regular recruitment and selection procedures, except as indicated below.

The Executive Officer may grant status to a qualified incumbent, directly upon reclassification of the position only:

- (1) As part of a general reclassification affecting the entire organization in whole or part, or
- (2) When the reclassification represents a transfer in relation to the former classification and no additional or different education, experience or professional or technical qualification are present in the minimum qualifications requirements for the class to which the position is reclassified, or
- (3) When an entire class and all of its incumbents are being reclassified, involving the abolition of the former class and merger with a new class, or
- (4) When a reclassified position is reallocated upward, and when there is a clear showing that the duties of the position have gradually evolved without any purpose on the part of anyone to evade these rules provided that the incumbent has occupied the position for at least one (1) year and the reallocation is between classes within the same occupational group with no more than three (3) salary ranges or no more than fifteen percent (15%) between the former and the new class.
- (5) Should a permanent incumbent of a position that has been reallocated upward not qualify for the new class, upon continuing approval of the appointing authority, the incumbent may remain in the position as an underfill in the former class.
- (6) When a position is reallocated downward, upon continuing approval of the appointing authority, a permanent incumbent may remain in the position in his/her former class by

overfilling for a period not to exceed six (6) months from the effective date of the reallocation. If, at the expiration of the six (6) month period, the incumbent still remains in the position, the employee shall either take a voluntary demotion to the new class, without loss of current salary, or be laid off.

## ARTICLE V. PAY PLAN AND COMPENSATION

### Section 26. Pay Plan

- (a) The Executive Officer shall prepare a Compensation Plan which shall prescribe a minimum and a maximum rate of pay appropriate for each class. Said plan shall be approved by the Council. Each class specification shall identify its exempt status relating to overtime compensation.
- (b) The rate or range for each class shall equitably reflect the difference in duties and responsibilities, and shall be related to compensation for comparable positions in other places of public and private employment within the same job market.

### Section 27. Analysis of Pay Plan

The Executive Officer shall study MSD employee compensation at least once annually. Said study may cover such items as changes in Consumer Price Index and salaries and benefits received by employees in the defined labor market. The Executive Officer will report the findings of said study at least once annually to the Council, with recommended actions as needed.

### Section 28. Appointee Compensation

- (a) Upon initial appointment to a position, the employee should receive the minimum salary for the class to which the position is allocated.
- (b) However, when the appointee is exceptionally qualified, the Executive Officer may make the appointment at a salary level above the minimum.

### Section 29. Overtime Compensation

- (a) Overtime may be allowed, and overtime compensation shall be paid, both pursuant to ORS 279.340 and 279.342, and pursuant to this section. Compensation for overtime shall be paid only to employees who are not exempted from the provision of ORS 279.340 by ORS 279.342.
- (b) Division Heads shall assign to each employee regular work duties and responsibilities which normally can be accomplished within the established workday and workweek. No overtime for non-exempt employees can be worked without the approval of the Division Head and the Executive Officer.
- (c) All exempt personnel shall be eligible for time off from normal working hours as dictated by individual workloads.

### Section 30. Salary Administration

- (a) MSD employees shall be paid according to salary plan adopted by the Council. Adjustments to the salary plan and/or administrative procedures may be made upon recommendation of the Executive Officer and approval by the Council.
- (b) Employees shall be paid bi-weekly.
- (c) Payday shall occur bi-weekly. In the event the normal payday falls on a holiday, payday shall occur the day before the holiday. If the normal payday falls on a Saturday or a Sunday, payday shall be the prior Friday.
- (d) Payroll deductions will be made for income tax withholding, workmen's compensation insurance, employee contributions to employee benefits, and may be made for the United Good Neighbor's Fund, payments to the Employee's Credit Union and other agencies as approved by the Executive Officer at the request of the employee(s).
- (e) Bi-weekly time sheets shall be kept by each employee.
- (f) Employees promoted to a class having a higher salary range shall be appointed at the beginning step or receive an adjustment of 5 percent more than their present salary whichever is greater.
- (g) The salary plan adopted by the Council shall contain administrative procedures and shall be considered as supplemental to these rules.



## ARTICLE VI. FRINGE BENEFITS

### Section 31. Holidays

- (a) All full-time, permanent employees of MSD shall be entitled to the holidays listed below with pay. Supplemental employees shall receive pay for holidays proportionate to the time normally worked per week.
- (1) New Years Day;
  - (2) Washington's Birthday;
  - (3) Memorial Day;
  - (4) Independence Day;
  - (5) Labor Day;
  - (6) Veterans Day;
  - (7) Thanksgiving Day;
  - (8) Christmas Day;
  - (9) Two floating holidays are allowed each fiscal year on days of each employee's choice, subject to approval of the supervisor. Employees hired after January 1 of each fiscal year shall be entitled to one such holiday in that fiscal year.
- (b) If any such holiday falls on a Sunday, the following Monday shall be given as that holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.
- (c) Holidays which occur during vacation or sick leave shall not be charged against such leave.
- (d) Additional days designated by the Congress of the United States or by the Governor of Oregon as legal holidays shall be observed by MSD.
- (e) A permanent employee who is required to work on a recognized holiday shall be allowed time off computed at the overtime rate of one and one-half times their hourly rate for time worked. Said time off shall be scheduled by the Division Head.

### Section 32. Vacation

- (a) Subject to the provision on probation, all full-time permanent employees shall be granted annual vacation leave with pay.
- (b) Employees who have been with MSD for more than six consecutive months but less than 12 consecutive months, may be granted accrued vacation leave by approval of the Executive Officer. Special consideration of vacation needs of employees can be considered by the Executive Officer upon request.
- (c) Employees shall not accumulate more than one year's earned vacation (see Section 33) without the specific approval of the Executive Officer.

- (d) Division Heads shall schedule vacation for their respective staff with due consideration for seniority, the desires of the staff and for the work requirements facing the division. Vacation schedules may be amended to allow the division to meet emergency situations.
- (e) Any employee who resigns, retires, or is laid off, suspended, or discharged from employment from MSD shall be entitled to immediate lump sum payment for accrued and unused vacation at his/her existing salary rate provided that separation occurs after the initial probationary period has been served.

Section 33. Vacation Credit and Accrual Rate

As an interim measure to accommodate the varying vacation schedules resulting from the MSD/CRAG merger, the following vacation schedules shall be in effect January 1, 1979:

Current Permanent MSD Employees Employed by MSD  
Prior to January 1, 1979 (other than management)

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire to 1	3 1/3 hours	40 hours
1 through 4	6 2/3 hours	80 hours
5 through 9	10 hours	120 hours
10 through 14	11 2/3 hours	140 hours
15 through 19	13 1/2 hours	160 hours
20 through 24	15 hours	180 hours
25 or more	16 2/3 hours	200 hours

Current Permanent MSD Management Employees\*  
Employed by MSD Prior to January 1, 1979

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire through 2	6.67 hours	80 hours
3 through 5	10 hours	120 hours
6 through 8	13.33 hours	160 hours
9 through plus years	16.67 hours	200 hours

\* See Appendix A for positions.

Current Permanent MSD Employees Employed by CRAG  
Prior to January 1, 1979

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire through 3	6.67 hours	10 days
4 through 9	10 hours	15 days
9 plus years	12 hours	18 days

All Permanent MSD Employees Employed After January 1, 1979

All permanent employees falling into this category shall begin accruing vacation time starting with the first day of employment at a rate to be established by the new MSD Council.

Section 34. Sick Leave

- (a) All current full-time permanent MSD employees employed by MSD prior to January 1, 1979 shall earn sick leave with full pay at a rate of four (4) hours per bi-weekly payroll period; and, shall not be accumulated in excess of 520 hours.

All current full-time permanent MSD employees employed by CRAG prior to January 1, 1979 shall earn sick leave with full pay at a rate of 3.7 hours per bi-weekly payroll period; and, shall not be accumulated in excess of 720 hours.

- (b) Employees are eligible for sick leave for the following reasons:

- (1) Personal illness or physical disability;
- (2) Quarantine of an employee by a physician for nonoccupationally related disability;
- (3) Illness in the immediate family requiring the employee to remain at home.

- (c) Sick leave shall be charged as follows:

- (1) Employees working a regular workweek shall be charged leave on the basis of one day sick leave for each duty day absent;
- (2) Not less than one hour of sick leave may be charged for any portion of workday missed due to sickness.

- (d) Abuse of the sick leave privilege shall be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in Section 34(b) above shall report the reason for his/her absence to the Division Head. Sick leave with pay may not be allowed unless such report has been made. Unused sick leave credit shall not be compensated for in any way at the time of resignation or dismissal of an employee.

Section 35. Leave of Absence Without Pay

- (a) Disability Leave: Upon application, supported by a statement of the physician, a leave of absence will be granted without pay for a period not to exceed six months in cases of the physical disability of a full-time permanent employee. Any employee requesting such leave shall file such request in writing

with the Executive Officer and attach thereto a statement of the attending physician. Such statement must indicate that the duration of leave requested is necessary for recovery from the disability.

Such disabled employee, upon ceasing work, may use such vacation and sick leave as he/she may have earned, except that such vacation must have been regularly available to him/her during the calendar year, and the sick leave shall not exceed the amount which has been earned up to the time the leave of absence begins. The leave of absence without pay shall commence immediately upon completion of the vacation and sick leave.

During the first three months of disability leave, MSD shall continue to provide health, dental, life insurance, accidental death and dismemberment and long term disability benefits, to the same extent provided other employees, and shall pay all appropriate premiums therefore. If the leave extends beyond three months, the employee may elect to continue such benefits for up to six months from the date the leave began and, upon such election, premiums for such extended coverage shall be paid by the employee. Such extension of coverage beyond the three months shall be subject to any restrictions in each applicable benefit policy or plan.

- (b) Maternity Leave: All provisions in Section 35(a) above relating to disability leave shall apply equally to employees who are disabled for reasons of pregnancy.
- (c) Other Than Maternity or Disability Leave: All current full-time permanent MSD employees employed by MSD prior to January 1, 1979 may be granted leave of absence without pay and fringe benefits for a period not to exceed three (3) months provided such leave can be scheduled without adversely affecting the operations of MSD. The same opportunity may be granted to current full-time permanent MSD employees employed by CRAG prior to January 1, 1979 provided, however, a period not to exceed six (6) months may be granted. A subsequent provision for all employees employed after January 1, 1979 will be formulated by the MSD Council.

Requests for leave of absence without pay shall be in writing, shall be directed to the Executive Officer, and shall contain reasonable justification for approval. The employee may elect to continue fringe benefits, and upon such election, premiums for such extended coverage shall be paid by the employee.

### Section 36. Leave of Absence with Pay

Employees may request leave of absence with pay for the purposes specified in this Section. Each request shall be judged by the Division Head on its merits and on the basis of the guidelines provided in this Section.

- (a) Compassionate Leave: In the event of a death in the employee's immediate family, an employee may be granted leave of absence with pay not to exceed four working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.
- (b) Funeral Participation: When an employee serves as a pallbearer or in some other way participates in a funeral ceremony, he/she may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect accrual of vacation or sick leave.
- (c) Witness or Jury Duty: When an MSD employee is called for jury duty or is subpoenaed as a witness, he/she shall not suffer any loss of his/her regular compensation during such absence; however, the amount of compensation an employee receives for such duty shall be deducted from his/her monthly gross salary. Time not worked because of such duty shall not affect accrual of vacation and sick leave.
- (d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard or of a reserve component of the Armed Forces of the United States or of the United States Public Health Service shall be entitled, upon application, to a leave of absence for a period not exceeding fourteen (14) calendar days in any one (1) calendar year. Such leave shall be granted without loss of time, pay, or other leave, and without impairment of merit ratings or other rights or benefits to which he is entitled. Military leave with pay shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty.
- (e) Conferences and Conventions: Decisions concerning attendance at conferences, conventions, or other meetings at MSD's expense shall be authorized by the Division Head and approved by the Executive Officer. Permission shall be granted on the basis of an employee's participation in or the direct relation of his work to the subject matter of the meeting. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interests of MSD. MSD shall pay for professional or trade memberships for employees when deemed appropriate by the Executive Officer.

### Section 37. Education Opportunities

- (a) All MSD employees are encouraged to pursue educational opportunities which are directly related to the employee's work, as well as any other opportunities which will add to the employee's education and/or skill level.

- (b) Employees who register for courses which are adjudged to be of direct and significant benefit to MSD may receive some reimbursement for expenses incurred on the employee while taking approved courses.
- (c) Approval of courses for which an employee may receive some reimbursement, and the type and amount of reimbursement shall be made by the Executive Officer on an individual basis subject to budget limitations.
- (d) Normally, the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If MSD purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of MSD.

#### Section 38. Workmen's Compensation Insurance

- (a) All employees are covered for medical expenses and disability benefits for injuries or illness resulting from employment. An injury or illness sustained on the job must be immediately reported. The appropriate accident report form must be completed and sent to the State Industrial Accident Fund of the State of Oregon.
- (b) Payment of medical expenses and lost time disability benefits is determined by the insurance carrier, the State Accident Insurance Fund, on the basis of the doctor's statement and the Workmen's Compensation Insurance schedule of the State of Oregon.
- (c) The cost of Workmen's Compensation Insurance is paid by MSD with the exception of the employee contribution mandated by the Workmen's Compensation Law of the State of Oregon.
- (d) All current permanent full-time MSD employees employed before January 1, 1979 shall be entitled by MSD to receive an income supplement from the MSD in an amount equal to the difference between his or her daily base rate of pay and the amount received from the Fund per day, during an absence due to an industrial accident which has been accepted by the State Accident Insurance Fund.

#### Section 39. Insurances

All MSD full-time permanent employees employed by CRAG prior to January 1, 1979 receive health, life, disability and dental insurance, and they are members of the retirement plan in existence at the time CRAG merged with the MSD.

All MSD full-time permanent employees employed by MSD prior to January 1, 1979 receive health, life, disability, vision and dental insurance and are members of MSD's retirement plan. Additional life insurance coverage may be purchased by the employee and the premiums paid by the employee.

All MSD employees employed after January 1, 1979 shall be provided similar benefits as shall be developed by the MSD Council.

ARTICLE VII. ORIENTATION

Section 40. Orientation

All new employees shall be provided with a copy of the Personnel Rules and other information about the structure, employees, and activities of this agency as may be deemed appropriate.



APPENDIX A

List of Management Employees by title  
covered by special personnel rules.

Administrative Division Director

Accounting System Manager

Clerk of the Board

Solid Waste Division Director

Implementation and Compliance Manager

Engineering and Analysis Manager

Zoo Division Director

Zoo Division Assistant Director

Visitor Services Manager

Building and Grounds Manager

Animal Management Department Manager

Education Department Manager

Engineering and Analysis Manager

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MSD Council - 12/28

Rec - Personnel Rules to be a January agenda item

Rule ~~Legislative Program~~ to reflect adjustment to include other necessary expenses for councilors

per diem of \$30 for official meetings

Section 17 - not absolutely necessary



Motion for expenses - by January report in 3 mos.

\* amount will be reviewed

\* and

Continuation of Advisory Committees - list them (2nd CRAG - Housing)

Resolutions - have them available on the 1st

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# Metropolitan Service District

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

## Memorandum

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Date: January 4, 1979  
To: MSD Council  
From: Caroline Miller and Gene Peterson  
Subject: Changes to Consider in Joint Personnel Rules

Assuming an appropriate committee will be charged with reviewing the Interim Personnel Rules for the purpose of subsequently amending them in the next three months in order to establish a set of standard Personnel Rules, we request that the following items be assigned to the committee for consideration during its review of the Interim Rules:

### General

1. Need to establish which staff appointments, if any, will require confirmation by Council.
2. Which staff employees, if any, will be directly responsible to the Council.
3. Need to compare proposed rules against other public agency rules.

### Specific

4. Sec. 5 Variances. Suggest that this section require that any variances granted be reported to the Council.
5. Sec. 9 Probationary Period. (e) Termination of a probationary employee should require notification, in writing, citing the reasons, although not necessarily reasons constituting "cause."
6. Sec. 11 Personnel Records. (d) (2) Committee should consider requiring that an employee's authorization be obtained before anyone other than pre-selected authorized officials be given access to her/his personnel file. In addition, the employee may authorize in writing her/his representative to give access.

7. Sec. 13 Layoff. (a) Suggest a provision be added giving laid-off employees rehire preference for \_\_\_ months following layoff.
8. Sec. 18 Disciplinary Action. (c)(12) This provision appears to be much too broad - possibly should be eliminated.
9. Sec. 18(d)(2) Oral Warning. Suggest that record should "temporarily" be placed in employee's personnel file, and that file may be purged by Executive Officer at a later date. Key issue is where documentation of an oral reprimand is kept and for how long.
10. Sec. 18(d)(b) Demotion. Suggest deletion of phrase that "demotion is the same as a reduction" since reduction is not a disciplinary matter.
11. Sec. 18(d)(7) Discharge. Suggest this language is too broad and could be abused.
12. Sec. 18(e) the word, "reduce" should be deleted.
13. Sec. 18(g) Employee's answer. Provision should be made to permit the employee to be represented.
14. Sec. 18(h) Notice of Discharge. Provision should be made to purge personnel records should employee win case.
15. Sec. 19 Grievance Procedure. These procedures should be tightened up in this section and in (h) to specifically identify who and how it is decided whether an arbiter should be appointed, and whether the selection should be within or outside staff. Also, this section needs to be clarified as to its application to union employees. Also, Step 1 of the procedures should require that both the grievance and answer be required to be in writing.
16. Section 23. New Positions. (a) In the last sentence the use of the term "temporary positions" should be referenced to the term "supplemental (temporary) employee."
17. Sec. 25 Effect on Incumbents of Positions being Reclassified. (4) This provision may impose too stringent conditions on management in upward reclassifications.
18. Sec. 25 Effect of Incumbents . . . (5) Substitute the word "new" for "former" in the last line of this paragraph. Recommend exploration of the validity of this provision.

19. Sec. 25 Effect on Incumbents . . . (6) Committee should consider limiting "overfilling" to those employees who have been with the organization for a (minimum) number of years. Should an incumbent employee be layed off, she/he should have recall rights.
20. Sec. 26 Pay Plan. (a) This paragraph could be clarified by substituting the word, "range" for the words "minimum and maximum" rate of pay. The reference to "exempt status" refers to identifying whether an employee is exempt from overtime compensation as described in Sec. 29 Overtime Compensation. This paragraph should also reference the Supplemental Employee Pay Plan.
21. Sec. 27
22. Sec. 28 Appointee Compensation. This section could be clarified by adding a provision that "appointment at the minimum (entry) level should be the rule, with appointments above that level being the exception for outstanding qualifications and experience."
23. Sec. 31 Holidays. (a) In the second sentence, change "supplemental employees" to "employees other than permanent full-time employees."
24. Sec. 31 Holidays. (e) Should add a provision that compensatory time off be taken within ( ) days from the point in time originally worked.
25. Sec. 34 Sick Leave (b) (2) Quarantine. Suggest accrued sick leave not be diminished as a result of being quarantined.
26. Sec. 34 Sick Leave. (d) Suggest committee consider an incentive provision for converting sick leave to pay or vacation under specific conditions. Also suggest that committee consider strengthening the requirement to verify sick leave by physician statement.
27. Sec. 35 (c) Other than Maternity or Disability Leave. Suggested permitting employee the right to elect to continue medical coverage with personal contribution.
28. Sec. 35 Leave of Absence. In second sentence substitute "recommend" for the word "judged" and, at the end of the sentence add the phrase, "all subject to review by the Executive Officer."

29. Sec. 36 (d) Military. Correct the second sentence by substituting "he/she" for he.

RM:kk  
1900A

~~DRAFT~~  
*Interim*

Joint Personnel Rules

CRAG/MSD

December 26, 1978

## PERSONNEL RULES

### ARTICLE I. GENERAL

- Section 1. Administration of the Rules
- Section 2. Adoption and Amendment
- Section 3. Separability
- Section 4. Purpose
- Section 5. Variances
- Section 6. Definitions
- Section 7. Legal Interpretations

### ARTICLE II. PERSONNEL POLICIES AND PROCEDURES

- Section 8. Appointment
- Section 9. Probationary Period
- Section 10. Attendance
- Section 11. Personnel Records
- Section 12. Transfers
- Section 13. Layoffs
- Section 14. Travel Expense
- Section 15. Employee Organizations and Representation
- Section 16. Political Activity
- Section 17. Nepotism

### ARTICLE III. GENERAL CONDUCT, DISCIPLINE, TERMINATION, AND APPEAL

- Section 18. Disciplinary Action
- Section 19. Grievance Procedure

### ARTICLE IV. CLASSIFICATION PLAN

- Section 20. Position Classification Plan
- Section 21. Titles and Specifications
- Section 22. Reclassification
- Section 23. New Positions
- Section 24. New or Reclassified Positions
- Section 25. Effect on Incumbents of Positions Being Reclassified

### ARTICLE V. PAY PLAN AND COMPENSATION

- Section 26. Pay Plan
- Section 27. Analysis of Pay Plan
- Section 28. Appointee Compensation
- Section 29. Overtime Compensation
- Section 30. Salary Administration



ARTICLE VI. FRINGE BENEFITS

- Section 31. Holidays
- Section 32. Vacation
- Section 33. Vacation Credit and Accrual Rate
- Section 34. Sick Leave
- Section 35. Leave of Absence Without Pay
- Section 36. Leave of Absence With Pay
- Section 37. Education Opportunities
- Section 38. Workmen's Compensation Insurance
- Section 39. Insurances

ARTICLE VII. ORIENTATION

- Section 40. Orientation

## ARTICLE I. GENERAL

### Section 1. Administration of the Rules

The Executive Officer shall be responsible for:

- (a) Administering or delegating the administration of all the provisions of the personnel rules; and
- (b) Preparing or causing to be prepared amendments to such rules.

### Section 2. Adoption and Amendment of the Rules

The original set of personnel rules shall be proposed by the Executive Officer, and shall be adopted and amended by the Council. Daily administration and administration amendments will be processed by the Executive Officer or his designated representative; policy and/or benefit changes will be amended and adopted by the Council. The rules shall provide means to recruit, select, develop, and maintain an effective and responsive work force, and shall include policies and procedures for hiring and advancement, training and career development, job classification, salary administration, retirement, fringe benefits, discipline, discharge, and other related matters which are pertinent to the maintenance and effective operation of the Metropolitan Service District. Furthermore, the personnel rules shall be presented, adopted, and amended in a spirit of good faith, and shall be subject to review and comment by MSD employees prior to adoption.

### Section 3. Separability

If any section, subsection, sentence, clause, or phrase of these rules is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these rules.

### Section 4. Purpose

The purpose of these rules is to provide systematic and equitable procedures and regulations relating to the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal, and other matters affecting the status of employees of the Metropolitan Service District. Said rules and regulations are provided to maintain uniformity and equity in personnel matters, and to encourage each employee to give their best service to the organization and citizens served by the Metropolitan Service District.

### Section 5. Variances

The Executive Officer shall have the power to vary or to modify the strict application of the provisions of these rules in any case in which the strict application of said provisions would result in practical difficulties or unnecessary hardships on either the agency or employee or both.

## Section 6. Definitions

As used in these rules, as well as in day to day personnel matters, the following terms shall have the meanings indicated:

Administrative Officer. The appointed administrative officer, selected by and responsible to the Executive Officer for the administration of MSD organization according to Chapter 665 Oregon Laws 1977, Section 7(5).

Anniversary Date. The employees original date of employment.

Appeal. A request to a Division Head or the Executive Officer for reconsideration of a decision adverse to an employee's best interests.

Appointing Power. The Executive Officer, to whom authority is vested to make the appointment to fill a vacant position, and through whom authority may be delegated to Division Heads where appropriate and expedient.

Central Personnel File. A file which contains complete personnel records of all MSD employees.

Class. A group of positions sufficiently alike in responsibilities and authorities to require similar qualifications.

Class Specification. A written description of each class of positions including a class title and a statement of objectives. Positions--not individuals--are classified.

Continuous Service. Uninterrupted employment with MSD. Reasonable absences due to military leave or other extended leaves approved by the Executive Officer do not constitute a break in continuous employment.

Demotion. A transfer of an employee from a position in one class or pay scale to a position in another class or pay scale which reduces the employee's pay.

Division. A major functional unit of MSD.

Division Head. A person responsible for the administration of a division.

Disciplinary Action. Imposition of certain personnel actions (e.g., reprimand, warning, suspension, dismissal, or demotion) as a result of conduct detrimental to MSD.

Dismissal. Termination of employment with MSD for reasons attributable to the employee.

Employee. Anyone who is salaried or who receives wages for employment with the Metropolitan Service District.

Examination. A test for the purpose of evaluating an applicant for an employment vacancy.

Executive Officer. The elected chief executive officer of the Metropolitan Service District who is directly responsible to the Council for the direction of all affairs of the Metropolitan Service District.

Fiscal Year. Twelve (12) month period beginning July 1, and ending June 30.

Grievance. An employee's oral or written expression of dissatisfaction with some aspect of their employment, a management decision affecting them, or an alleged violation of his/her rights for the purpose of attempting to gain adjustment of said cause of dissatisfaction.

Hourly Rate. Rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year (2080).

Immediate Family. The husband, wife, son, daughter, father, mother, brother, sister, father-in-law, mother-in-law, or any relative living in the employee's household.

Layoff. A separation from employment because of organizational changes, lack of work, lack of funds, or for other reasons not reflecting discredit upon the employee.

Leave of Absence. Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the Executive Officer.

Month. One calendar month.

Military Leave. Leave of absence for an employee entering reserve military training duty.

Non-Occupational Disability. Disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties.

Non-Union Employee. Any employee exempt from the provisions of a formally written union agreement with MSD.

Occupational Disability. Disability from an accident or sickness suffered or contracted as a result of the performance of assigned duties.

Overtime. Overtime shall be considered as time worked in excess of eight hours in any one day, or forty hours in any one week as defined in ORS 279.340.

Personnel Action. Any action taken with reference to appointment, compensation, promotion, transfer, layoff, dismissal, or other action affecting the status of employment.

Probationary Period. A working test period during which an employee is required to demonstrate fitness for the position to which the employee is appointed by actual performance of the duties of the position.

Promotion. The advancement of an employee from one classification to a higher classification.

Reclassification. A change in classification of a position by raising it to a higher class, reducing it to a lower class, or changing it to another class at the same level.

Reduction. The transfer of an employee from his/her present position to one of a lower classification and/or pay scale and which is considered a voluntary action of the employee for non-disciplinary purposes.

Supplemental Employee. Any employee other than a permanent fulltime employee.

Suspension. Temporary separation of an employee from employment without pay for disciplinary purposes.

Transfer. A change of an employee from one position to another in the same class, or to a position in a comparable class within the organizational structure of MSD.

Workday. The regularly scheduled workday shall be from 8:00 a.m. to 5:00 p.m., with one hour off for lunch except where flexible hours, on a regular schedule, may otherwise be approved by the Executive Officer.

Workweek. The regularly scheduled workweek shall be from Sunday through Saturday.

## Section 7. Legal Interpretations

When it is found necessary to seek a legal opinion as to the interpretation or intent of these rules, it shall be incumbent upon management to process said requests as soon as is practicable.

## ARTICLE II. PERSONNEL POLICIES AND PROCEDURES

### Section 8. Appointment

- (a) All original appointments to vacancies shall be made solely on the basis of merit, efficiency and fitness. These qualities

shall be determined through careful and impartial evaluation of the following:

- (1) The applicant's level of training relative to the requirements of the position for which he/she has applied;
  - (2) The applicant's level of education relative to the requirements of the position for which he/she has applied; and
  - (3) The results of an oral interview and/or an examination, if any.
- (b) No question in any examination or in any application form or by any appointing power shall be so framed as to attempt to elicit information concerning race, color, ancestry, national origin, sexual orientation, or political or religious affiliation for the purpose of discriminating on employment.
- (c) All statements submitted on the employment application or attached resume shall be subject to investigation and verification prior to appointment.
- (d) MSD employees are encouraged to apply for any vacant position for which they feel qualified. Such applications will be considered without prejudice to their present positions. Full-time permanent staff will be given first consideration in filling a vacant position. Where the position is currently filled by a CETA or supplemental (part-time or temporary) employee, and the position has been reclassified to a permanent staff position, the incumbent shall be considered equally and at the same time as permanent employee applicants. Should a full-time permanent employee not apply or be selected for any vacant position, supplemental (part-time or temporary) and CETA employees will be considered. If the position is not filled as a result of in-house recruitment, recruitment outside the agency will commence.

#### Section 9. Probationary Period

- (a) All original appointments to full-time permanent positions shall be tentative, and subject to a standard probationary period of at least six consecutive months of service. Such period shall not apply to transferees.
- (b) In cases where a longer period is necessary to demonstrate an employee's qualifications, the probationary period may be extended; however, no probationary period shall be extended beyond twelve (12) months from the date of appointment. The employee shall be notified in writing of any extension and the reasons therefore.
- (c) During the probationary period, the employee shall not be eligible for vacation benefits unless by permission of the

Executive Officer, but he/she shall earn vacation credit to be taken at a later date.

- (d) Upon completion of the probationary period, the employee shall be considered as having satisfactorily demonstrated qualifications for the position, shall gain regular status, and shall be so informed.
- (e) In the case of an original appointment, a probationary employee may be terminated without cause at any time without hearing or appeal and without previous, lesser disciplinary action.
- (f) In the case of promotional appointments, the promoted employee may be demoted at any time during the probationary period, and be reinstated in the class designation from which he/she was promoted, even though this may necessitate the layoff of the employee occupying the position.

#### Section 10. Attendance

- (a) Employees shall be in attendance at their work in accordance with the rules regarding hours of work, holidays, and leaves of absence.
- (b) Employees shall not absent themselves from work for any reason other than those specified in these rules authorizing sick leave without making prior arrangements with their Division Head or the Executive Officer. Unless such prior arrangements are made, an employee, who for any reason fails to report to work, shall make a sincere effort to immediately notify his/her Division Head or the Executive Officer of the reason for being absent.
- (c) Any unauthorized absence of an employee from duty may be deemed to be an absence without pay and may be cause for disciplinary action.

#### Section 11. Personnel Records

- (a) The Executive Officer shall cause a service or personnel record to be maintained for each employee in the service of MSD.
- (b) The personnel record shall show the employee's name, title of position held, the department to which assigned, salary, change in employment status, training received, and such other information as may be considered pertinent.
- (c) A Personnel Action Notice shall be used as the single document to initiate and to update personnel records. Any document filed on the employee's record relating to salary, benefits or work conditions of the employee shall be duplicated and sent to the employee.

(d) Employee personnel records shall be considered confidential and, subject to state law, shall be accessible only to the following:

- (1) The employee concerned;
- (2) Selected officials authorized by the Executive Officer. The employee shall be notified as to all persons having access to their personnel records and the reasons for such access.

#### Section 12. Transfers

Requests from employees for transfers to different work units within the organization shall be made in writing, and shall be directed to the employee's present Division Head and referred to the Executive Officer. Such requests shall be given consideration when a suitable vacancy occurs; however, no employee shall be transferred to a position for which they do not possess the minimum qualifications.

#### Section 13. Layoff

- (a) If there are changes of duties in the organization, lack of work or lack of funds, the Executive Officer may lay off employees; however, the Executive Officer shall first make every reasonable effort to retain those employees by transfer. When layoffs are required, the Executive Officer shall base the decision on relative merit, and shall give due consideration to seniority only where the employees' qualifications and ability are relatively equal. Management shall give all salaried employees not on probation a minimum of two weeks written notice of their termination from MSD employment.
- (b) Any employee voluntarily terminating their employment with MSD shall give a minimum of two weeks written notice of termination from MSD.

#### Section 14. Travel Expense

- (a) When employees are required to travel on official business, reimbursement for expenses incurred shall be determined as follows:
  - (1) Travel on official business by a single individual should be via public carrier or MSD-owned vehicle. If the employee is authorized to use a private vehicle, mileage shall be paid at the rate of \$.17 per mile. This rate includes insurance, but not storage expense of the vehicle, which is an eligible expense.
  - (2) When travel by MSD-owned vehicle or by public carrier is practical but the employee elects to use his/her own vehicle, the employee shall not be reimbursed.



- (3) Reimbursement for travel and subsistence on official trips outside the metropolitan area by bus, train, or airplane, shall only be the amount of actual and reasonable expense incurred during the performance of official duty as an MSD employee for the benefit of MSD. MSD will pay the actual costs of travel and meals or a fixed fee of \$15.00 per diem. The actual cost of conference registration fees will be paid. The actual costs of accommodations will be paid as well as taxi or bus fare. MSD will not pay for first class air travel unless tourist class is not available. Airline tickets should be ordered and paid for by MSD. Advances for anticipated trip costs may be made upon approval of the Executive Officer.

#### Section 15. Employee Organizations and Representation

- (a) Employees of MSD shall have the right to form, to join, and to participate in the activities of labor organizations of their own choosing for the purpose of representation and collective bargaining on matters relating to wages, hours, and working conditions. Employees may form an Employee Advisory Committee to the Executive Officer for the purpose of employee input to management on matters relating to wages, fringe benefits, working hours, and working conditions.

Such committee, if formed, should be formally recognized by the Executive Officer and all meetings and communications should be documented and recorded for both parties.

#### Section 16. Political Activity

Nothing contained within these rules shall affect the right of the employee to hold membership in and to support a political party, to vote as they choose, to privately express their opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings. An employee must exercise all due caution in such activities to prevent public misunderstanding of such actions as representing MSD or to bring discredit to MSD, the Council, Executive Officer or his/her immediate supervisor.

#### Section 17. Nepotism

- (a) No person shall be employed at MSD in a division over which another immediate family member exercises line authority. Neither shall a supervisor be placed in a position whereby the supervisor must make recommendations that affect the salary of members of his/her immediate family.
- (b) Nothing in this policy should be construed as to prevent the employment of more than one member of a family at MSD, provided that employment has been based upon merit principles, and a member of the employee's family does not influence selection by the appointing authority.

(c) No relative shall be employed if such action would constitute a violation of any law of the state of Oregon or of the United States, or any rule promulgated pursuant thereto, with which MSD is required to comply.

ARTICLE III. GENERAL CONDUCT, DISCIPLINE, TERMINATION, AND APPEAL

Section 18. Disciplinary Action

- (a) Disciplinary action ranges from oral or written reprimands to suspension, demotion, and finally dismissal from employment, and depends upon the severity of the offense as well as the number and the frequency of previous acts of misconduct.
- (b) It shall be the duty of all employees to comply with and to assist in carrying into effect the provisions of these personnel rules. No employee shall be disciplined except for violation of established rules and regulations, and such discipline shall be in accordance with procedures established by these personnel rules.
- (c) Any of the following may constitute grounds for disciplinary action:
- (1) Abandonment of position;
  - (2) Absence from duty without leave;
  - (3) Abuse of leave privileges;
  - (4) Below standard work performance;
  - (5) Discourteous treatment of the public or other employees;
  - (6) Intoxication during working hours;
  - (7) Fraud in securing appointment or promotion;
  - (8) Insubordination;
  - (9) Misuse of MSD property, funds, or records;
  - (10) Neglect of duty;
  - (11) Willful deceit;
  - (12) Other acts which are determined by the Executive Officer to be incompatible with the best interests of MSD or which reflect discredit on MSD.
  - (13) Any conviction which would be incompatible with the work performed for MSD by the affected employee.
- (d) Any of the following types of disciplinary action may be utilized. It is appropriate, though not necessary in every circumstance, that the following steps be taken progressively. Use of each disciplinary action should be well thought out and documented before action is taken unless extenuating circumstances prevail.
- (1) Counseling: Disciplinary counseling is any discussion with an employee designed to help the employee remedy identified problems in skills, abilities, or work performance. It should be used whenever possible before taking more formal action, and should always be used as follow-up after formal action;
  - (2) Oral Warning: Oral Warning is notice to an employee that his/her behavior or performance must be improved. It defines areas where improvement is needed, sets goals, and

informs the employee that failure to improve may result in more serious action. The Division Head should record the date and content of the oral warning, but no record need be placed in the employee's personnel record;

- (3) Written Warning: Written Warning is formal notice to the employee that his/her performance or behavior must be improved. It contains the same elements as the oral warning. When appropriate, it should be used in conjunction with a Plan for Individual Improvement as proposed by the Division Head and as approved by the Executive Officer. A copy of the written warning and Plan for Individual Improvement is placed in the employee's personnel record. This copy may be removed if successful corrective action follows. Written warning will be approved by the Division Head and the Executive Officer prior to being forwarded to an employee and placed in his/her file.
  - (4) Reprimand: A Reprimand shall be the function of the Executive Officer. It represents an official written notice to the employee that his/her performance or behavior is seriously below standard and that continuation will subject him/her to more serious disciplinary action, including discharge. A reprimand shall not be issued until the employee has been informed of the charges against him/her and has had an opportunity to reply to them. The reprimand and the employee's response, if any, becomes a permanent part of the employee's personnel record.
  - (5) Suspension: Suspension is the temporary removal of the employee from his/her duties without pay. Suspension without pay should be used when all other positive means have been tried without success and the Division Head has reason to believe that the suspension will bring about the needed improvement in the employee's performance or behavior. Suspensions can only be made by the Executive Officer.
  - (6) Demotion: A Demotion is the same as a reduction; however, a demotion may be issued by reducing the employee's compensation for a period not to exceed six months. At the end of the demotion period, the employee will be reinstated to his/her original level, or dismissed. Demotions can only be made by the Executive Officer.
  - (7) Discharge: Discharge is the removal of the employee from the service of MSD. Discharge shall not require advance notice and may be affected immediately. Discharges can only be made by the Executive Officer.
- (e) The power to suspend, reduce, demote, reprimand or discharge is granted solely to the Executive Officer. The Executive Officer shall personally inform the employee in writing of the charges against him/her.

- (f) Notice of suspension or demotion: The Division Director shall give an employee whose suspension or demotion is sought written notice of the proposed action stating any and all reasons, specifically and in detail, for the proposed action. The notice becomes a permanent part of the employee's personnel record.
- (g) Employee's answer: The employee is entitled to at least three (3) working days for answering the notice of proposed suspension or demotion and for furnishing written support of his or her answer. If the employee answers, the Division Director shall consider the answer before reaching a final decision. The employee is entitled to answer personally, or in writing, or both personally and in writing. The right to answer personally includes the right to answer orally in person by being given a reasonable opportunity to make any representations which the employee believes might sway the final decision, but does not include the right to a trial or formal hearing with examination of witnesses. When the employee requests an opportunity to answer personally, the Division Director shall appoint a representative or representatives available to hear his or her answer. The representative or representatives designated to hear the answer shall be persons who have authority either to make a final decision on the proposed suspension or demotion or to recommend what final decision should be made. The Division Director shall give a written decision on the answer within two (2) work days. The written answer and decision become a permanent part of the employee's personnel record.
- (h) Notice of discharge (except as provided in 17 (c) of these rules): The Division Director shall give an employee whose discharge is sought at least fourteen (14) days written notice of:
1. The proposed discharge;
  2. Any and all reasons, specifically and in detail, for the proposed discharge; and
  3. The employee's right to a contested case hearing before an impartial hearing examiner, pursuant to provisions in these rules.

This notice becomes a permanent part of the employee's personnel record.

- (i) Employee's answer: The employee shall notify the Division Director within seven (7) days of the receipt of the notice of discharge that he or she desires a contested case discussion by filing with the Division Director a written answer and request for a discussion. The answer shall set forth the employee's reasons for contesting the proposed discharge, with such offer of proof and pertinent documents as he or she is able to submit. In the absence of a timely answer and request, discharge may be effected without further notice.

- (j) Division Director reply: The Division Director shall reply in writing within two (2) working days following the meeting. An extension of time may be mutually agreed upon.
- (k) Employees who are affected by a disciplinary action may initiate a grievance under the provisions of Section 19 of these rules.

#### Section 19. Grievance Procedure

- (a) The Executive Officer shall promptly consider and equitably adjust employee grievances relating to employment conditions and relationships; however, informal adjustment of grievances between supervisors and employees is encouraged.
- (b) The following steps shall be followed in submitting and processing a grievance:
  - (1) Step 1: The aggrieved employee or group of employees shall orally present the grievance to the immediate supervisor within five working days of its occurrence. The supervisor shall give his/her reply within five working days of the date of presentation of the grievance, not including the date of presentation. (If the Division Head is the immediate supervisor, then Step 1 should be eliminated.)
  - (2) Step 2: If the grievance is not settled in Step 1, then it shall be put in writing, dated, and signed by the aggrieved employee or group of employees, and shall be presented to the Director of Management Services within five working days after the immediate supervisor's oral reply is given, not including the day the answer is given. The Director of Administrative and Membership Services shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of its presentation.
  - (3) Step 3: If the grievance is not settled in Step 2, then it shall be put in writing, dated and signed by the aggrieved employee or group of employees, and shall be presented to the Executive Officer within five working days after the Division Head's written reply is given, not including the day the answer is given. The Executive Officer shall reply in writing to the grievance within five working days of the date of the presentation of the written grievance, not including the day of its presentation. The Executive Officer may conduct a formal hearing before rendering a decision. If such hearing is called, it shall be formal with a recording of the proceeding. There should be no more than 20 work days used in order to process the hearing and render a written finding.

- (c) The decision of the Executive Officer shall be final and binding on the employee or the group of employees.
- (d) Any grievance not taken to the next step within five working days after receipt of a decision from the previous step shall constitute an action of acceptance and the grievance shall be considered settled.
- (e) If the appropriate course of action fails to meet or to answer any grievance within the time limits prescribed for such action by this Section, such grievance shall automatically advance to the next Step.
- (f) The time limits prescribed in this section for the initiation and completion of the steps of the grievance procedure may be extended by mutual consent of the parties involved. Likewise, any step in the grievance procedure may be eliminated by mutual consent. Mutual consent shall be indicated in writing, and shall be signed by all parties involved. Time limits may be extended unilaterally one time by each party for five days in cases of documented emergencies.
- (g) No employee shall be disciplined or discriminated against in any way because of the employee's proper use of the grievance procedure.
- (h) In cases of suspension, demotion or discharge resulting in loss of pay or benefits, which action is subsequently reversed through the grievance procedure, said loss shall be reimbursed by MSD following the successful grievance action.

## ARTICLE IV. CLASSIFICATION PLAN

### Section 20. Position Classification Plan

- (a) A Position Classification Plan shall be adopted, and may be amended by the Council.
- (b) The Classification Plan shall consist of staff positions in the Metropolitan Service District defined by class specifications, and identified by the class titles. The Classification Plan shall be developed and maintained so that all positions substantially similar with respect to duties, responsibilities, authority, and character or work are included within the same class, and that the same schedules of compensation may be made to apply with equity under like working conditions to all positions in the same class.

### Section 21. Titles and Specifications

- (a) The Position Classification Plan shall include titles for the various classes or positions as a guide toward equal pay for equal work. Job titles shall refer to a particular position, not to the individual filling a particular position, and shall be used in all personnel, budget, and financial records.
- (b) Each position shall be allocated to an appropriate class on the basis of the duties and responsibilities of the position.
- (c) The Classification Plan shall be supplemented by a Class Specification Sheet containing the Description Title, education or training required, and types of duties to be performed.

### Section 22. Reclassification

- (a) Positions may be reclassified by the Executive Officer whenever the duties of the positions change materially, provided the reclassification can be accomplished within the limitations of the current budget.
- (b) Reclassification of a position shall not be used as a substitute for disciplinary action or to avoid restrictions concerning compensation.

### Section 23. New Positions

- (a) The Executive Officer shall be responsible for keeping the Classification Plan current through periodic studies of the positions within the organizational structure of MSD. New positions must be approved by the Council, provided that the Executive Officer may create new temporary positions subject to budgetary constraints.



## Section 24. New or Reclassified Positions

Whenever a Division Head wishes to create a new position or reclassify an existing position, he/she shall make recommendation to the Executive Officer on forms provided. The Executive Officer shall refer all relevant information to the Director of Management Services for investigation and recommendation. Upon approval of the Executive Officer and the Council of the creation of the class or position, the Director of Administrative and Membership Services shall allocate the position accordingly.

## Section 25. Effect on Incumbents of Positions being Reclassified

- (a) If an occupied position is reclassified, the incumbent shall be promoted, demoted or transferred to the new class in accordance with regular recruitment and selection procedures, except as indicated below.

The Executive Officer may grant status to a qualified incumbent, directly upon reclassification of the position only:

- (1) As part of a general reclassification affecting the entire organization in whole or part, or
- (2) When the reclassification represents a transfer in relation to the former classification and no additional or different education, experience or professional or technical qualification are present in the minimum qualifications requirements for the class to which the position is reclassified, or
- (3) When an entire class and all of its incumbents are being reclassified, involving the abolition of the former class and merger with a new class, or
- (4) When a reclassified position is reallocated upward, and when there is a clear showing that the duties of the position have gradually evolved without any purpose on the part of anyone to evade these rules provided that the incumbent has occupied the position for at least one (1) year and the reallocation is between classes within the same occupational group with no more than three (3) salary ranges or no more than fifteen percent (15%) between the former and the new class.
- (5) Should a permanent incumbent of a position that has been reallocated upward not qualify for the new class, upon continuing approval of the appointing authority, the incumbent may remain in the position as an underfill in the former class.
- (6) When a position is reallocated downward, upon continuing approval of the appointing authority, a permanent incumbent may remain in the position in his/her former class by

overfilling for a period not to exceed six (6) months from the effective date of the reallocation. If, at the expiration of the six (6) month period, the incumbent still remains in the position, the employee shall either take a voluntary demotion to the new class, without loss of current salary, or be laid off.

## ARTICLE V. PAY PLAN AND COMPENSATION

### Section 26. Pay Plan

- (a) The Executive Officer shall prepare a Compensation Plan which shall prescribe a minimum and a maximum rate of pay appropriate for each class. Said plan shall be approved by the Council. Each class specification shall identify its exempt status relating to overtime compensation.
- (b) The rate or range for each class shall equitably reflect the difference in duties and responsibilities, and shall be related to compensation for comparable positions in other places of public and private employment within the same job market.

### Section 27. Analysis of Pay Plan

The Executive Officer shall study MSD employee compensation at least once annually. Said study may cover such items as changes in Consumer Price Index and salaries and benefits received by employees in the defined labor market. The Executive Officer will report the findings of said study at least once annually to the Council, with recommended actions as needed.

### Section 28. Appointee Compensation

- (a) Upon initial appointment to a position, the employee should receive the minimum salary for the class to which the position is allocated.
- (b) However, when the appointee is exceptionally qualified, the Executive Officer may make the appointment at a salary level above the minimum.

### Section 29. Overtime Compensation

- (a) Overtime may be allowed, and overtime compensation shall be paid, both pursuant to ORS 279.340 and 279.342, and pursuant to this section. Compensation for overtime shall be paid only to employees who are not exempted from the provision of ORS 279.340 by ORS 279.342.
- (b) Division Heads shall assign to each employee regular work duties and responsibilities which normally can be accomplished within the established workday and workweek. No overtime for non-exempt employees can be worked without the approval of the Division Head and the Executive Officer.
- (c) All exempt personnel shall be eligible for time off from normal working hours as dictated by individual workloads.

## Section 30. Salary Administration

- (a) MSD employees shall be paid according to salary plan adopted by the Council. Adjustments to the salary plan and/or administrative procedures may be made upon recommendation of the Executive Officer and approval by the Council.
- (b) Employees shall be paid bi-weekly.
- (c) Payday shall occur bi-weekly. In the event the normal payday falls on a holiday, payday shall occur the day before the holiday. If the normal payday falls on a Saturday or a Sunday, payday shall be the prior Friday.
- (d) Payroll deductions will be made for income tax withholding, workmen's compensation insurance, employee contributions to employee benefits, and may be made for the United Good Neighbor's Fund, payments to the Employee's Credit Union and other agencies as approved by the Executive Officer at the request of the employee(s).
- (e) Bi-weekly time sheets shall be kept by each employee.
- (f) Employees promoted to a class having a higher salary range shall be appointed at the beginning step or receive an adjustment of 5 percent more than their present salary whichever is greater.
- (g) The salary plan adopted by the Council shall contain administrative procedures and shall be considered as supplemental to these rules.

## ARTICLE VI. FRINGE BENEFITS

### Section 31. Holidays

- (a) All full-time, permanent employees of MSD shall be entitled to the holidays listed below with pay. Supplemental employees shall receive pay for holidays proportionate to the time normally worked per week.
- (1) New Years Day;
  - (2) Washington's Birthday;
  - (3) Memorial Day;
  - (4) Independence Day;
  - (5) Labor Day;
  - (6) Veterans Day;
  - (7) Thanksgiving Day;
  - (8) Christmas Day;
  - (9) Two floating holidays are allowed each fiscal year on days of each employee's choice, subject to approval of the supervisor. Employees hired after January 1 of each fiscal year shall be entitled to one such holiday in that fiscal year.
- (b) If any such holiday falls on a Sunday, the following Monday shall be given as that holiday. If any such holiday falls on a Saturday, the preceding Friday shall be given as a holiday.
- (c) Holidays which occur during vacation or sick leave shall not be charged against such leave.
- (d) Additional days designated by the Congress of the United States or by the Governor of Oregon as legal holidays shall be observed by MSD.
- (e) A permanent employee who is required to work on a recognized holiday shall be allowed time off computed at the overtime rate of one and one-half times their hourly rate for time worked. Said time off shall be scheduled by the Division Head.

### Section 32. Vacation

- (a) Subject to the provision on probation, all full-time permanent employees shall be granted annual vacation leave with pay.
- (b) Employees who have been with MSD for more than six consecutive months but less than 12 consecutive months, may be granted accrued vacation leave by approval of the Executive Officer. Special consideration of vacation needs of employees can be considered by the Executive Officer upon request.
- (c) Employees shall not accumulate more than one year's earned vacation (see Section 33) without the specific approval of the Executive Officer.

- (d) Division Heads shall schedule vacation for their respective staff with due consideration for seniority, the desires of the staff and for the work requirements facing the division. Vacation schedules may be amended to allow the division to meet emergency situations.
- (e) Any employee who resigns, retires, or is laid off, suspended, or discharged from employment from MSD shall be entitled to immediate lump sum payment for accrued and unused vacation at his/her existing salary rate provided that separation occurs after the initial probationary period has been served.

Section 33. Vacation Credit and Accrual Rate

As an interim measure to accommodate the varying vacation schedules resulting from the MSD/CRAG merger, the following vacation schedules shall be in effect January 1, 1979:

Current Permanent MSD Employees Employed by MSD  
Prior to January 1, 1979 (other than management)

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire to 1	3 1/3 hours	40 hours
1 through 4	6 2/3 hours	80 hours
5 through 9	10 hours	120 hours
10 through 14	11 2/3 hours	140 hours
15 through 19	13 1/2 hours	160 hours
20 through 24	15 hours	180 hours
25 or more	16 2/3 hours	200 hours

Current Permanent MSD Management Employees\*  
Employed by MSD Prior to January 1, 1979

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire through 2	6.67 hours	80 hours
3 through 5	10 hours	120 hours
6 through 8	13.33 hours	160 hours
9 through plus years	16.67 hours	200 hours

\* See Appendix A for positions.

Current Permanent MSD Employees Employed by CRAG  
Prior to January 1, 1979

Total Years of Service	Monthly Accrual Rate	Equivalent Annual Hours
Date of Hire through 3	6.67 hours	10 days
4 through 9	10 hours	15 days
9 plus years	12 hours	18 days

## All Permanent MSD Employees Employed After January 1, 1979

All permanent employees falling into this category shall begin accruing vacation time starting with the first day of employment at a rate to be established by the new MSD Council.

### Section 34. Sick Leave

- (a) All current full-time permanent MSD employees employed by MSD prior to January 1, 1979 shall earn sick leave with full pay at a rate of four (4) hours per bi-weekly payroll period; and, shall not be accumulated in excess of 520 hours.

All current full-time permanent MSD employees employed by CRAG prior to January 1, 1979 shall earn sick leave with full pay at a rate of 3.7 hours per bi-weekly payroll period; and, shall not be accumulated in excess of 720 hours.

- (b) Employees are eligible for sick leave for the following reasons:

- (1) Personal illness or physical disability;
- (2) Quarantine of an employee by a physician for nonoccupationally related disability;
- (3) Illness in the immediate family requiring the employee to remain at home.

- (c) Sick leave shall be charged as follows:

- (1) Employees working a regular workweek shall be charged leave on the basis of one day sick leave for each duty day absent;
- (2) Not less than one hour of sick leave may be charged for any portion of workday missed due to sickness.

- (d) Abuse of the sick leave privilege shall be cause for disciplinary action. An employee who is unable to report to work because of any of the reasons set forth in Section 34(b) above shall report the reason for his/her absence to the Division Head. Sick leave with pay may not be allowed unless such report has been made. Unused sick leave credit shall not be compensated for in any way at the time of resignation or dismissal of an employee.

### Section 35. Leave of Absence Without Pay

- (a) Disability Leave: Upon application, supported by a statement of the physician, a leave of absence will be granted without pay for a period not to exceed six months in cases of the physical disability of a full-time permanent employee. Any employee requesting such leave shall file such request in writing

with the Executive Officer and attach thereto a statement of the attending physician. Such statement must indicate that the duration of leave requested is necessary for recovery from the disability.

Such disabled employee, upon ceasing work, may use such vacation and sick leave as he/she may have earned, except that such vacation must have been regularly available to him/her during the calendar year, and the sick leave shall not exceed the amount which has been earned up to the time the leave of absence begins. The leave of absence without pay shall commence immediately upon completion of the vacation and sick leave.

During the first three months of disability leave, MSD shall continue to provide health, dental, life insurance, accidental death and dismemberment and long term disability benefits, to the same extent provided other employees, and shall pay all appropriate premiums therefore. If the leave extends beyond three months, the employee may elect to continue such benefits for up to six months from the date the leave began and, upon such election, premiums for such extended coverage shall be paid by the employee. Such extension of coverage beyond the three months shall be subject to any restrictions in each applicable benefit policy or plan.

- (b) Maternity Leave: All provisions in Section 35(a) above relating to disability leave shall apply equally to employees who are disabled for reasons of pregnancy.
- (c) Other Than Maternity or Disability Leave: All current full-time permanent MSD employees employed by MSD prior to January 1, 1979 may be granted leave of absence without pay and fringe benefits for a period not to exceed three (3) months provided such leave can be scheduled without adversely affecting the operations of MSD. The same opportunity may be granted to current full-time permanent MSD employees employed by CRAG prior to January 1, 1979 provided, however, a period not to exceed six (6) months may be granted. A subsequent provision for all employees employed after January 1, 1979 will be formulated by the MSD Council.

Requests for leave of absence without pay shall be in writing, shall be directed to the Executive Officer, and shall contain reasonable justification for approval. The employee may elect to continue fringe benefits, and upon such election, premiums for such extended coverage shall be paid by the employee.

#### Section 36. Leave of Absence with Pay

Employees may request leave of absence with pay for the purposes specified in this Section. Each request shall be judged by the Division Head on its merits and on the basis of the guidelines provided in this Section.



- (a) Compassionate Leave: In the event of a death in the employee's immediate family, an employee may be granted leave of absence with pay not to exceed four working days. Time not worked because of such absence shall not affect accrual of vacation or sick leave.
- (b) Funeral Participation: When an employee serves as a pallbearer or in some other way participates in a funeral ceremony, he/she may be granted a reasonable time off to perform such duty. Time not worked because of such absence shall not affect accrual of vacation or sick leave.
- (c) Witness or Jury Duty: When an MSD employee is called for jury duty or is subpoenaed as a witness, he/she shall not suffer any loss of his/her regular compensation during such absence; however, the amount of compensation an employee receives for such duty shall be deducted from his/her monthly gross salary. Time not worked because of such duty shall not affect accrual of vacation and sick leave.
- (d) Military Leave: An employee who has successfully completed the probationary period and who is a member of the National Guard or of a reserve component of the Armed Forces of the United States or of the United States Public Health Service shall be entitled, upon application, to a leave of absence for a period not exceeding fourteen (14) calendar days in any one (1) calendar year. Such leave shall be granted without loss of time, pay, or other leave, and without impairment of merit ratings or other rights or benefits to which he is entitled. Military leave with pay shall be granted only when an employee receives bona fide orders to temporary active or training duty, and shall not be paid if the employee does not return to his/her position immediately following the expiration of the period for which he/she was ordered to duty.
- (e) Conferences and Conventions: Decisions concerning attendance at conferences, conventions, or other meetings at MSD's expense shall be authorized by the Division Head and approved by the Executive Officer. Permission shall be granted on the basis of an employee's participation in or the direct relation of his work to the subject matter of the meeting. Members of professional societies may be permitted to attend meetings of their society when such attendance is considered to be in the best interests of MSD. MSD shall pay for professional or trade memberships for employees when deemed appropriate by the Executive Officer.

### Section 37. Education Opportunities

- (a) All MSD employees are encouraged to pursue educational opportunities which are directly related to the employee's work, as well as any other opportunities which will add to the employee's education and/or skill level.

- (b) Employees who register for courses which are adjudged to be of direct and significant benefit to MSD may receive some reimbursement for expenses incurred on the employee while taking approved courses.
- (c) Approval of courses for which an employee may receive some reimbursement, and the type and amount of reimbursement shall be made by the Executive Officer on an individual basis subject to budget limitations.
- (d) Normally, the cost of textbooks and technical publications required for such courses shall be the responsibility of the employee. If MSD purchases any of the textbooks and publications for such courses, said textbooks and publications shall become the property of MSD.

#### Section 38. Workmen's Compensation Insurance

- (a) All employees are covered for medical expenses and disability benefits for injuries or illness resulting from employment. An injury or illness sustained on the job must be immediately reported. The appropriate accident report form must be completed and sent to the State Industrial Accident Fund of the State of Oregon.
- (b) Payment of medical expenses and lost time disability benefits is determined by the insurance carrier, the State Accident Insurance Fund, on the basis of the doctor's statement and the Workmen's Compensation Insurance schedule of the State of Oregon.
- (c) The cost of Workmen's Compensation Insurance is paid by MSD with the exception of the employee contribution mandated by the Workmen's Compensation Law of the State of Oregon.
- (d) All current permanent full-time MSD employees employed before January 1, 1979 shall be entitled by MSD to receive an income supplement from the MSD in an amount equal to the difference between his or her daily base rate of pay and the amount received from the Fund per day, during an absence due to an industrial accident which has been accepted by the State Accident Insurance Fund.

#### Section 39. Insurances

All MSD full-time permanent employees employed by CRAG prior to January 1, 1979 receive health, life, disability and dental insurance, and they are members of the retirement plan in existence at the time CRAG merged with the MSD.

All MSD full-time permanent employees employed by MSD prior to January 1, 1979 receive health, life, disability, vision and dental insurance and are members of MSD's retirement plan. Additional life insurance coverage may be purchased by the employee and the premiums paid by the employee.

All MSD employees employed after January 1, 1979 shall be provided similar benefits as shall be developed by the MSD Council.

ARTICLE VII. ORIENTATION

Section 40. Orientation

All new employees shall be provided with a copy of the Personnel Rules and other information about the structure, employees, and activities of this agency as may be deemed appropriate.

APPENDIX A

List of Management Employees by title covered by special personnel rules.

Administrative Division Director  
Accounting System Manager  
Clerk of the Board  
Solid Waste Division Director  
Implementation and Compliance Manager  
Engineering and Analysis Manager  
Zoo Division Director  
Zoo Division Assistant Director  
Visitor Services Manager  
Building and Grounds Manager  
Animal Management Department Manager  
Education Department Manager  
Engineering and Analysis Manager

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

TO:           MSD Council  
FROM:         Executive Officer  
SUBJECT:      Advisory Committees

BACKGROUND:     Based on past conversations with the Council concerning Council organization, there appears to be two distinct options the Council may take concerning committee structures in the short term.

Option one would entail the Council organizing itself into a committee structure which would replace many of the major functions of existing advisory committees created by CRAG, and the MSD.

The second option is to request that existing advisory committees continue to function until the Council has had an opportunity to review its first few months of operation and decision making process so that it may make a more informed choice regarding the committee structure.

There are seven committees which functioned to advise the CRAG Board, and two committees which advised the former MSD Board. These committees are: Transportation Technical Advisory Committee (TTAC), (as well as its subcommittees Interagency Coordination Committee (ICC) and Transportation Improvement Program (TIP) Committee), Law Enforcement Advisory Committee (LEAC), Housing Committee, Environmental Services Citizens Advisory Committee (ESCAC), Water Quality Committee and Land Monitoring Committee. An additional committee, the Air Quality Advisory Committee, was established by the Department of Environmental Quality, but was formally recognized by CRAG as an advisory body. The former MSD Board established a Solid Waste Advisory Committee and the Zoo Advisory Committee.

BUDGET IMPLICATIONS:   There are no short term budget impacts through this decision. However, in the long term, available staff resources to provide support for both Council and advisory committees should be a careful consideration in deciding how committee structures will be organized.

POLICY IMPLICATIONS:   The Council has a variety of policy options in structuring committees. The Council may seek to structure itself into standing committees or ad hoc committees in a manner that members of the Council directly participate in the committee process, and as such, become knowledgeable and familiar with the operations of a specific function of the agency. The question of how advisory committees would relate to these council committees poses the issue of "layering" and the speed with which various decisions can be made. There is also a policy question how to best meet the legal and policy commitment to involve local governments in the MSD decision-making process. Some alternatives may be to structure a local government advisory committee to which matters would be referred at the request of the Council or to structure specific duties for local government advisory committee(s) and/or include local government representatives on advisory or standing committees.

AGENDA MANAGEMENT SUMMARY  
PAGE 2

The implications of organizing the committee structure are far reaching and should not be decided in haste.

ACTION REQUESTED: It is the recommendation of the executive officer that the Council pass the resolution continuing the operation of the advisory committees established by CRAG and MSD until such time as the Council has reached a decision as to how it wishes to organize the advisory and committee functions to best discharge the responsibilities of the agency.

DUK:mec

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1/4/79

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the Matter of continuing                    )  
the functions of existing                    )  
advisory committees created by            )  
the Columbia Region Association         )  
of Governments and the Metropolitan)        )  
Service District                            )

Resolution 79 - 5

WHEREAS, The former Columbia Region Association of Govern-  
ments had seven committees to advise the Board of Directors, these  
committees being the Transportation Technical Advisory Committee (as  
well as its subcommittees the Interagency Coordination Committee and  
the Transportation Improvement Program Committee), Law Enforcement  
Advisory Committee, Housing Committee, Environmental Services Citizens  
Advisory Committee, Water Quality Committee and Land Monitoring  
Committee, as well as an Air Quality Advisory Committee which was  
established by the Department of Environmental Quality, but was  
formally recognized by CRAG as an advisory body, and

WHEREAS, the former Metropolitan Service District had two  
committees to advise the Board of Directors, these committees being a  
Solid Waste Advisory Committee and the Zoo Advisory Committee, and

WHEREAS, The Council has the option to continue such ad-  
visory committees until such time as the Council reaches a decision  
how best to organize advisory and other committee functions to best  
discharge the responsibilities of the agency,




NOW, THEREFORE, BE IT RESOLVED, That the Council of the Metropolitan Service District instructs the Executive Officer and the staff to continue to schedule meetings of the aforementioned advisory committees herein listed, until such time as the Council reaches a decision to discontinue such committees.

ADOPTED By the Council of the Metropolitan Service District this 4th day of January, 1979.

\_\_\_\_\_  
Presiding Officer

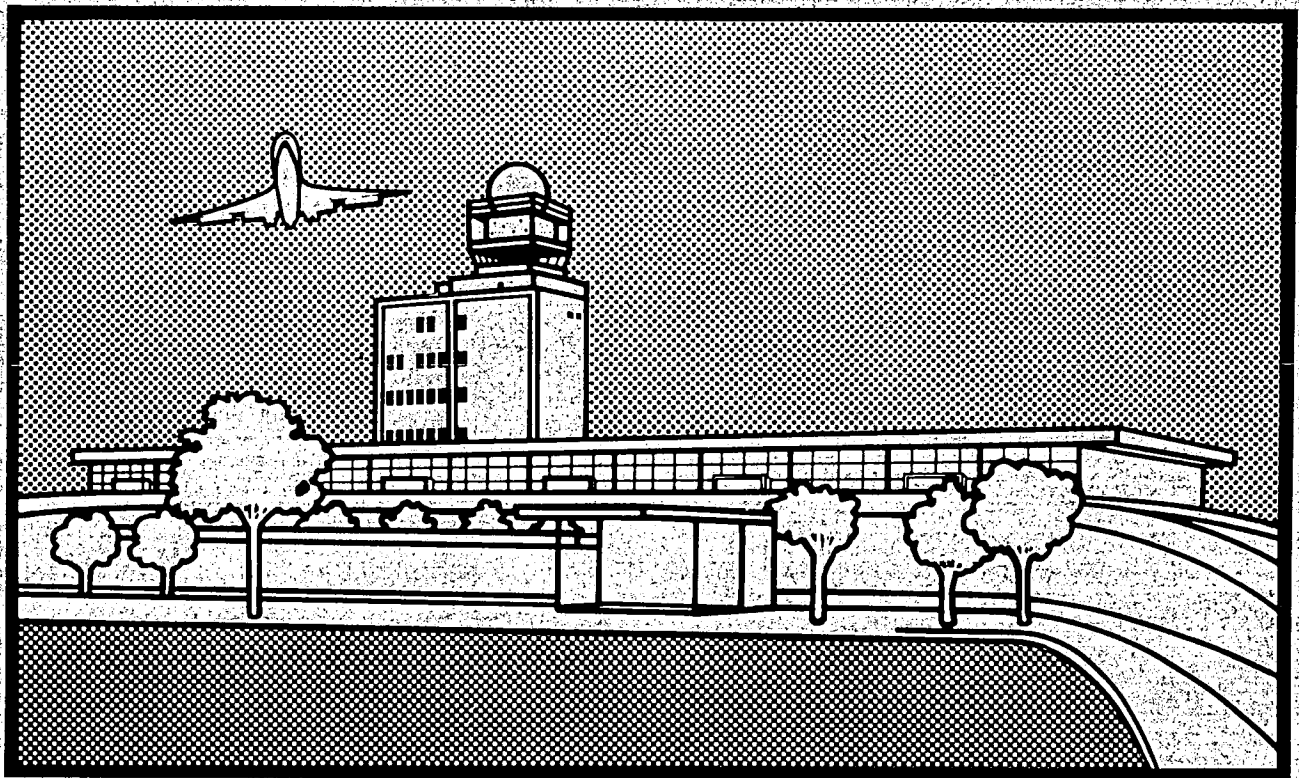
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 Port of Portland  
with participation  
by City of Portland  
Multnomah County  
Columbia Region  
Association of  
Governments

November 1978

# PIA Masterplan

Portland International Airport and Vicinity Area — 2000



## RECOMMENDED AIRPORT PLANS

Airport Development Plan  
Terminal Area Plan  
Access and Parking Plan  
Long-Range Terminal Area Plan  
Composite Airport and Vicinity Area Plan

Prepared by Peat, Marwick, Mitchell & Co., San Francisco, California

RECOMMENDED AIRPORT PLANS

PORTLAND INTERNATIONAL AIRPORT AND VICINITY AREA  
MASTER PLAN STUDY--2000

AIRPORT DEVELOPMENT PLAN, TERMINAL AREA PLAN,  
ACCESS AND PARKING PLAN, LONG-RANGE TERMINAL AREA PLAN,  
AND COMPOSITE AIRPORT AND VICINITY AREA PLAN

Prepared for

PORT OF PORTLAND  
Portland, Oregon

The preparation of this report was financed in part through an Airport Master Planning Grant from the Federal Aviation Administration under the provisions of Section 13 of the Airport and Airway Development Act of 1970.

Prepared by

Peat, Marwick, Mitchell & Co.  
San Francisco, California

November 1978

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### Future Uses of This Information

After acceptance by the Port of Portland, the recommended Airport Development and Land Use Plan, Terminal Area Plan, Airport Access Plan, and Staging Plan will be refined and modified as necessary. On the basis of the accepted Airport Development Plan, the Airport Layout Plan and Approach and Clear Zone Plan will be prepared. The cost estimates associated with the accepted Airport Development Plan will be refined, and the financial plan for the recommended development program will be prepared. The environmental studies will be documented into an Environmental Impact Assessment Report on the Airport improvement project scheduled for development during Phase I (1978-1985) of the Portland International Airport Development Plan.

## INTRODUCTION

During the summer of 1978, a series of development concept alternatives to accommodate forecast facility requirements at Portland International Airport and in the Vicinity Area were formulated and evaluated by the Port of Portland and its consultants, the airlines, and the City of Portland, Multnomah County, and the Columbia Region Association of Governments. The evaluation of Airport and Vicinity Area alternatives was documented in Technical Memorandums 8.2, "Evaluation of Airport Development Concept Alternatives," and 9.7, "Evaluation of Vicinity Area Concept Plan Alternatives," issued earlier.

In September 1978, meetings were held with the Policy, Technical, and Citizens Advisory Committees, and public meetings were held in the neighborhoods to review and discuss the Airport and Vicinity Area alternatives. The purpose of these meetings was to obtain comments from all of these groups to assist in selecting and recommending a development plan for Portland International Airport and the Vicinity Area.

On the basis of the technical evaluations in Technical Memorandums 8.2 and 9.7; the reviews and evaluations of the Study Advisory Committees; and the citizen involvement process--the consultants, in concert with Port staff, have developed plan recommendations for both the Airport and the Vicinity Area.

This document sets forth the recommended plans for the continuing development of Portland International Airport through the year 2000. These include the Airport Development Plan, Terminal Area Plan, Access and Parking Plan, Long-Range Terminal Area Plan, Staging Plan, and a composite plan of the Airport and Vicinity Area. The recommended sketch plan for the Vicinity Area is described in a separate document.

Recommended Port of Portland Commission Policies for the development of Portland International Airport are attached in Appendix A. These policies were prepared by the Port of Portland.

## PLANNING BACKGROUND

### Policies and Objectives

As a basis for understanding the recommended development plan for Portland International Airport, it is useful to review briefly the policies and objectives for the Master Plan Study and the development alternatives that resulted from these objectives.

The four primary planning objectives established by the Port at the outset of the Study were:

- To maximize airport operation with the present runway alignment and within the existing Airport site
- To accommodate projected commercial aviation needs of the region for a 20-year period in accordance with FAA requirements
- To minimize potential noise impacts through land use and zoning in the Vicinity Area and through noise abatement operational procedures
- To jointly prepare a compatible Vicinity Area plan with local units of government to be considered for adoption with their respective planning programs

The formulation of the Airport development concept alternatives was based on a specific planning objective established at the outset of the Study by the Port: to maximize the potential of the existing Airport site and the existing Airport facilities through management and operational policies, where possible, before considering the expansion of physical facilities.

All Airport development alternatives were formulated within the context of this planning objective. In addition, the alternatives were based on two planning criteria also established by the Port at the outset of the Study: (1) all future development on the Airport should be within the existing Airport boundaries; and (2) the existing runway alignment should be retained.



## Formulating the Alternatives

The two functional areas on a commercial airline airport that have the highest planning priority are: (1) the airfield and (2) the passenger terminal complex. Consequently, the airport planning process must first provide for accommodating the forecast requirements for these two areas (including reserving land areas for currently unforeseeable demand). Other land uses are then allocated in relation to the space and land requirements of these two primary areas.

The airfield demand/capacity analyses performed in the first phase of the Study indicated that, with the construction of certain taxiway improvements and installation of additional navigational aids, the operation of the airfield can be maximized to accommodate air traffic demand through the year 2000 (and probably well beyond) with the existing runways.

On the other hand, the extent to which additional aircraft parking apron and terminal building facilities will be required in the future will depend on the policy for operating the airline terminal facilities, i.e., the extent to which exclusive-use airline facilities will be provided in the future.

The overall size of the aircraft parking apron and related terminal facilities stems directly from the number of aircraft parking positions requested by the airlines. At U.S. airports, this number has historically been influenced by the preference of the U.S. airlines to occupy aircraft parking positions and associated holdroom space on an exclusive basis. This "exclusive-use" practice, along with increasing passenger volumes and peak-hour scheduling, has been the primary contributing factor to the continuing expansion of facilities at airports.

Simply stated, the greater the number of exclusive-use facilities, the greater the amount of apron and building space required, and the greater the cost.

At Portland, the airlines use apron space on a preferential basis and occupy holdroom space adjacent to the aircraft parking positions on an exclusive basis. Although the aircraft parking positions are used on a preferential basis, the exclusive holdroom operating arrangement results in a generally exclusive-use policy for the aircraft apron.

Continuation of the current terminal operating policy (essentially exclusive-use) would result in a requirement for 42 aircraft parking positions to satisfy the year 2000 aviation demand forecasts, as compared with a requirement

for 25 positions under a maximum joint-use policy. Only by changing or adjusting this exclusive-use operating policy can a lower number of apron parking positions (with its concomitant reduction in apron and building space) satisfy the forecasts.

Because of the Port's objective to maximize the potential of existing terminal facilities through management and operational policies before considering expansion of facilities, it was determined essential to evaluate the impact on physical development over the 20-year planning period of moving toward an operating policy that provides multiple use (or greater sharing) of aircraft parking positions and other airline facilities.

Therefore, it was determined that the terminal development alternatives (and therefore the Airport development alternatives) should encompass a range of possible terminal operating practices--from the current terminal operating policy (preferential gate use and exclusive holdrooms) to one of greater sharing (joint use) by the airlines of terminal facilities--as follows:

<u>Alternative number</u>	<u>Number of aircraft parking positions required</u>	<u>Operating policy</u>
1, 1A, 1B	42	<u>Current Terminal Operating Policy</u> , which would continue the current airline operating practices at Portland International Airport that provide for preferential (but essentially exclusive) use of airline aircraft parking positions and exclusive use of airline passenger holdrooms.
2	35	<u>Joint/Exclusive Use Terminal Operating Policy</u> , which represents a combination of exclusive and joint use of airline facilities, and assumes the airlines will move to a practice of greater joint use (or sharing) of aircraft parking positions and passenger holdrooms than at present. For purposes of this analysis, it was assumed that greater than half of the aircraft parking positions and associated holdrooms would be joint use.
3	25	<u>Maximum Joint Use Terminal Operating Policy</u> , which represents maximum joint use (or sharing) of passenger holdrooms and aircraft parking positions by the air carriers.

Initially, about a dozen sketch concept alternatives for the terminal area were developed. After review and approval by the Port, the airlines, and the advisory committees, five overall Airport development alternatives, reflecting the five terminal area alternatives, were selected for detailed evaluation. The components of the five alternatives are summarized in Appendix Table A-1.

### Selection of the Recommended Plan

On the basis of the technical evaluation of the five alternative concepts (described in Technical Memorandum 8.2) and the reviews by the airlines, the advisory committees, and the general public, Alternative 2 (35 aircraft parking positions accommodated in a moderate expansion of the existing terminal building) was selected as the plan for development of Portland International Airport through the year 2000.

This alternative meets the Port's objectives to maximize the use of the existing terminal facilities through greater sharing of airline facilities than today, while preserving two options that reflect the current exclusive-use operating policy (Alternative 1 or 1B) for development of terminal facilities after 1990, depending on then-current industry conditions.

Alternative 2 relates well to the contractual arrangements of the Port with the airlines and with the fixed base operator, both of whom have operating agreements and related financial obligations through 1990. Specifically, in the case of the airlines, the estimated costs of implementing Alternative 2 fall within the capital program provided under the Airline-Airport Use Agreement. In the case of the fixed base operator, Alternative 2 provides for expansion of the terminal complex without disrupting the current general aviation area.

Two other major industry conditions argue strongly for prudent and conservative planning at this time: (1) the uncertainties with regard to the long-term potential of discount fares and (2) the uncertainties with regard to the effects of deregulation.

At the time of the writing of this report (October 1978), the air transportation industry is again in a period of dynamic change. The introduction (and phenomenal success) of discount fares, coupled with the increasing use of widebody aircraft, is currently creating tremendous pressures on airports throughout the country. However, it is not yet certain whether this

trend will continue. Many industry observers believe that increased operating costs will offset the revenues from discount fares to such an extent that the discount fares will be modified or even discontinued altogether. Consequently, air traffic demands could return to more normal levels, with more normal load factors, thereby reducing the pressures that are currently being experienced and the demand for expanded facilities.

Another major uncertainty is the impact of the bill providing for deregulation of the airlines, which was signed into law on October 25, 1978. It will be some time before the full impact of this new law can be assessed, not only at Portland but at airports throughout the country. Some industry observers anticipate a consolidation of the major carriers (i.e., mergers); others argue that the "freer entry and exit" provisions of the law will result in a greatly increased number of carriers, and therefore greatly increased facilities requirements at airports--particularly the larger ones.

Because of the uncertainties of future airline operating policies in relation to current operating and regulatory matters, and because of the tremendous costs associated with capital improvement programs, it is even more important than in the past to carry out the Port's basic planning objective, i.e., to maximize the use of existing facilities to the greatest extent practical before building new facilities. The key consideration in pursuing the maximization objective is to proceed prudently, keep planning options open, and ensure that the adopted plan provides the capability and flexibility to develop greatly expanded facilities if and when the need arises.

The recommended plan, illustrated in Figure 1 and described in the section that follows, maximizes existing facilities to the greatest extent practical while keeping future planning options open.

## RECOMMENDED AIRPORT DEVELOPMENT PLAN

The recommended Airport Development Plan for Portland International Airport is illustrated in Figure 1.

The Plan provides for all future development to be accommodated within the present FAA-approved Airport boundary and integrates long-term airfield and terminal complex requirements with related ground transportation needs. The Plan represents a guide for airport development through the year 2000, and indicates possible developments beyond the year 2000 for which land should be reserved now. This recommended Airport Development Plan will provide the basis for developing the Airport Layout Plan.

The primary functional areas of the Plan, as illustrated in Figure 1, are:

- Airfield
- Aircraft apron and passenger terminal complex
- Air cargo and mail
- General aviation
- Airport utilities and support
- Airport access and parking
- Airport approach and protection areas

General adherence to the land use allocations and circulation patterns as shown on Figure 1 will ensure that continuing development of the Airport will take place in an orderly manner within the framework of the long-range development potential.

From a physical planning standpoint, the important consideration in a long-range development plan is to reserve sufficient land within the Airport for the construction of Airport facilities to accommodate forecast demand. In addition, to guarantee the longevity of the Airport beyond the current planning period, additional lands should be reserved on the Plan to accommodate demand for facilities that may be required beyond the 20-year planning period. On the other hand, actual physical facilities should be constructed only as the demand arises.

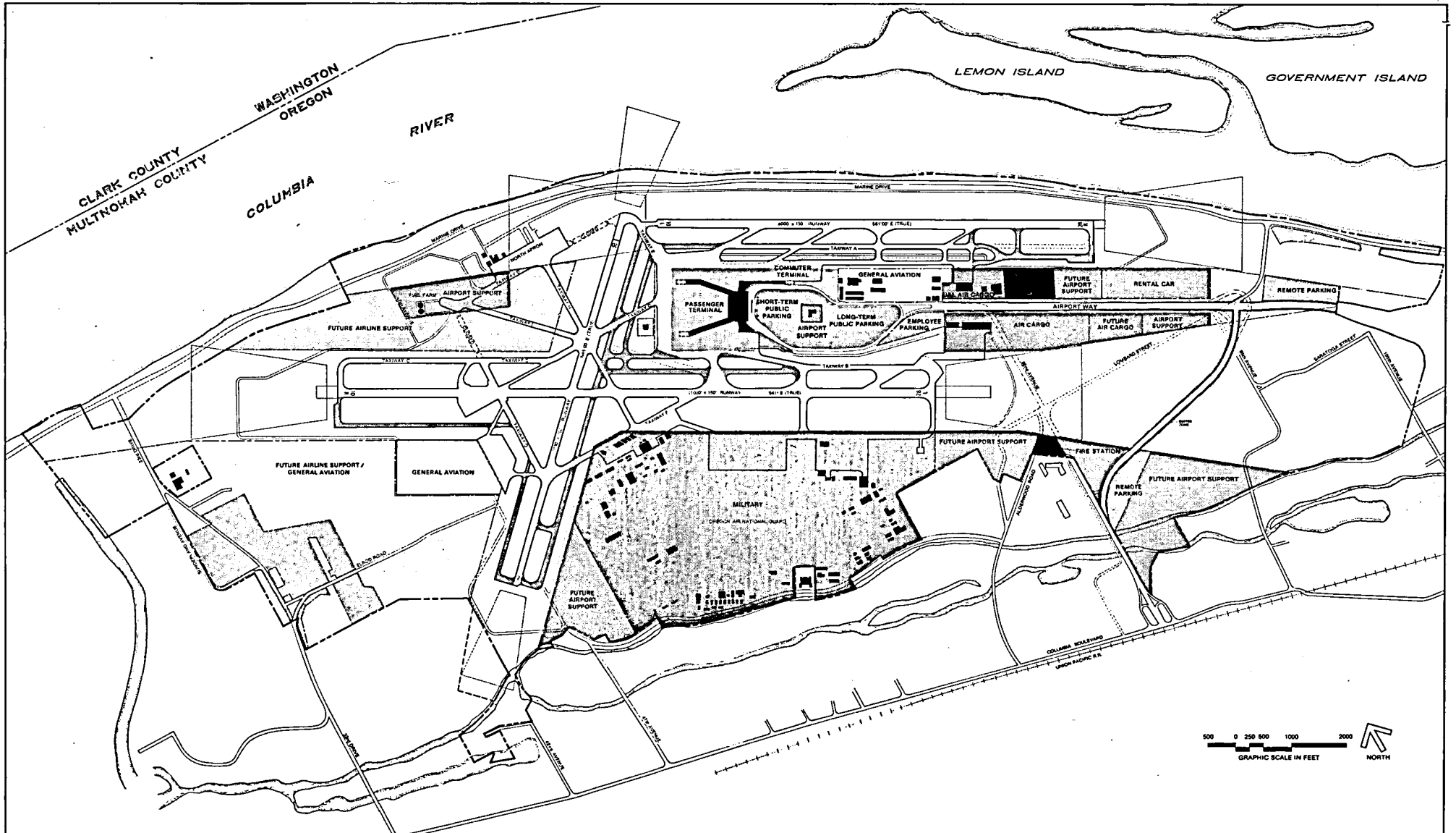


FIGURE 1  
 RECOMMENDED AIRPORT DEVELOPMENT PLAN  
 JOINT/EXCLUSIVE USE TERMINAL OPERATING POLICY  
 CENTRAL TERMINAL CONCEPT  
 35 AIRCRAFT POSITIONS

PORTLAND INTERNATIONAL AIRPORT  
 PMM&CO. NOVEMBER 1978

## Airfield

The recommended airfield configuration is illustrated in Figure 1; recommended improvements are listed in Table 1.

The Plan retains the existing runway alignments and lengths, and provides for new construction of taxiways and installation of additional navigational aids to maximize the operational capacity of the airfield.

Airfield Improvements. With the recent completion of the Runway 10L-28R and parallel taxiway reconstruction program, the existing airfield and apron pavements are capable of accommodating current and forecast types of aircraft. On the basis of forecast aircraft operations, it is expected that additional pavement overlays will be needed during the planning period. An additional two-stage asphalt concrete overlay is anticipated for Runway 10L-28R.

The recommended taxiway width is 75 feet, except for the two partial parallel taxiways serving the area southwest of Runways 10R-28L and 2-20. These two taxiways should be 50 feet wide because they will serve only general aviation aircraft. Medium intensity taxiway lighting (MITL) should be installed along the new taxiways.

Navigational Aids. It is recommended that instrument landing systems (ILS) and approach light systems be provided on Runways 10L and 28L.

It is also recommended that the existing glide slope antenna for the ILS approach for Runway 28R be replaced and relocated at least 200 feet to the north, in conjunction with the relocation of the east end of parallel Taxiway A by 200 feet to the south. The precise relocation should be coordinated by the Port with FAA.

Runway centerline lights are recommended for Runway 10L-28R with touchdown zone lighting (TDZ) at the Runway 10L end. It is recommended that the existing VASI-4 equipment be upgraded to Walker 3-bar VASI systems on Runways 10L, 28L, and 20.

## Table 1

### AIRFIELD AND NAVIGATIONAL AID IMPROVEMENTS Portland International Airport

#### Runway 10L-28R

- Realign the east end of parallel Taxiway A at 600 feet from the runway centerline.
- Extend Taxiway A west from exit Taxiway N5 to Taxiway E.
- Develop two new exit taxiways at 5,500 feet and 6,500 feet from the end of Runway 10L.
- Provide a holding apron for Runway 28R.
- Provide runway centerline lights.
- Provide an instrument landing system (ILS) on Runway 10L.

#### Runway 10R-28L

- Realign parallel Taxiway B to the west between exit Taxiways S6 and S4 at 400 feet from the runway centerline.
- Develop a new apron taxiway parallel to Taxiway B in the terminal area.
- Construct a new partial parallel taxiway 600 feet south of Runway 10R-28L to serve the new southwest general aviation area.
- Provide a holding apron for Runway 10R.
- Provide an instrument landing system (ILS) on Runway 28L.

#### Runway 2-20

- Construct a full-length parallel taxiway 400 feet east of the runway centerline.
- Develop a new apron taxiway in the terminal area.
- Construct a new partial parallel taxiway 400 feet west of Runway 2-20 to serve the new southwest general aviation area.
- Provide a holding apron for Runway 2.



## Aircraft Apron and Passenger Terminal Complex

The recommended Terminal Area Plan, illustrated in Figure 2, is based on the continued development of the existing passenger terminal complex in accordance with Alternative 2 (joint/exclusive-use concept). Ultimately, the terminal complex could be expanded in accordance with either Alternative 1 or 1B, depending on the conditions at the time.

The basic terminal complex (aircraft parking apron, the terminal building, access and service roads, and automobile parking) can be expanded to accommodate forecast traffic volumes through 1990 and to the year 2000 without sacrificing the architectural integrity of the existing structure. The introduction of any other terminal concept during this period would involve major relocation and/or replacement of existing facilities and a major expenditure of capital funds without any significant improvement in level of service.

A basic purpose of the Terminal Area Plan is to ensure that the necessary land area will be reserved for future expansion of the passenger terminal complex. In addition, the Terminal Area Plan, like the Airport Development Plan, is sufficiently flexible to permit expansion of individual elements as specific requirements arise without affecting the overall terminal area concept. Specific tenant and user space requests will be necessary to establish precise dimensions and design requirements for buildings and other areas on the Plan.

Aircraft Parking Apron. The recommended aircraft parking apron, as shown in Figure 2, provides up to 35 aircraft parking positions; 17 of these can accommodate widebody aircraft such as the DC-10, L-1011, and B-747, and new aircraft currently being developed such as the B-757 and B-767.

As noted earlier, a key date in the implementation of the recommended Plan is 1990, when the Certificated Airline Operating Agreement (for overall use of the Airport) and the Terminal Building Lease and Agreement (for use of terminal building space) governing airline use of Portland International Airport terminates.

The recommended aircraft parking apron for the 1990 forecast in the joint/exclusive-use concept requires approximately 30 aircraft parking positions. The recommended apron

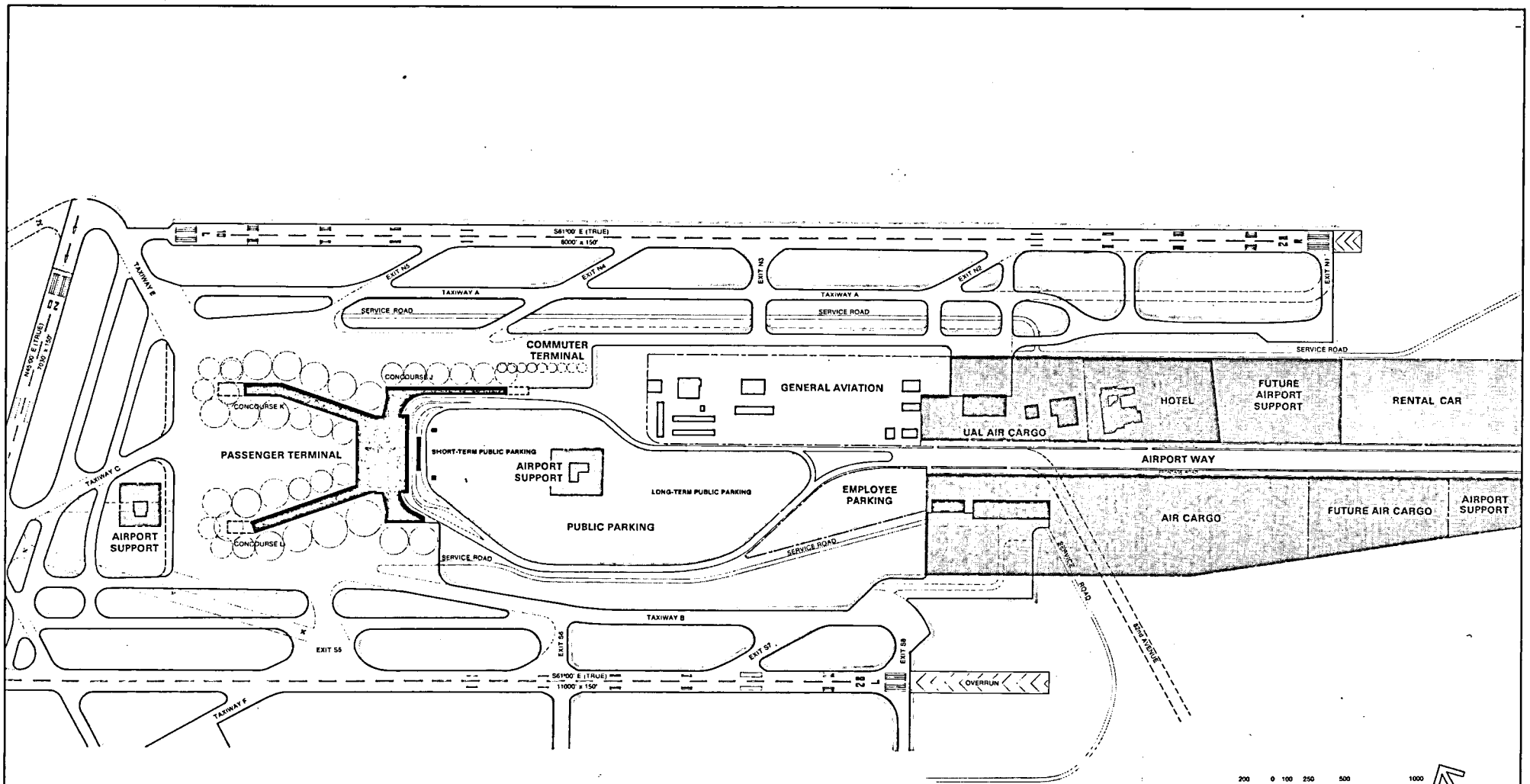


FIGURE 2  
**RECOMMENDED TERMINAL AREA PLAN**  
 JOINT/EXCLUSIVE USE TERMINAL OPERATING POLICY  
 CENTRAL TERMINAL CONCEPT  
 35 AIRCRAFT POSITIONS

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layout for 30 aircraft parking positions is shown by solid lines in Figure 2. The proposed apron layout to accommodate the additional five gates required after 1990 is shown by dashed lines.

To accommodate the 1990 requirements for 30 aircraft parking positions, Concourses J and K would be extended and a new Concourse M would be developed at the south end of the terminal building.

Concourse J would be extended to the east to accommodate 5 parking positions for the B-727 type aircraft. Concourse K would be extended to the west to accommodate 12 parking positions, 7 of which would be sized for widebody aircraft. Concourse L, without any extension, would accommodate 11 aircraft parking positions, 6 of which would be sized for widebody aircraft.

The new Concourse M, south of the central terminal, would accommodate 2 widebody aircraft parking positions.

A waiver by FAA to Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace, would be required for 2 widebody aircraft parking positions on the north side of Concourse K and 1 widebody position on the south side of Concourse L. (Such a waiver is currently in effect for certain aircraft parking positions around Concourses K and L in accordance with FAA Order 5325.2.)

To accommodate the year 2000 requirements, the recommended Plan provides for additional extensions of Concourses J, K, and L. One additional aircraft parking position would be provided at Concourse J; 2 additional parking positions would be provided at both Concourses K and L.

The additional extension of Concourses K and L to the west would require widening of the aircraft apron to the west to permit aircraft to taxi around the concourses. The apron should be widened north of Concourse J and south of Concourse L to improve circulation around the concourses for taxiing aircraft and aircraft entering and pushing back from aircraft parking positions.

Passenger Terminal Building. The recommended passenger terminal building, as shown in Figure 2, is based on a continuation of the existing central terminal concept with expansion of the building to the north, south, and west.

The existing concourses would also be extended, as described in the preceding paragraphs, and a new concourse would be provided south of the terminal building. The basic two-level circulation scheme, with passenger enplaning and deplaning functions on separate levels, would be maintained in the Plan.

The recommended expansion provides for development of four additional gate/holdrooms in Concourse J, two in the new Concourse M to the south, and four in Concourse K.

The extension of Concourse L would not result in an increase in gate/holdrooms because of the increased number of widebody aircraft apron parking positions to be accommodated at the concourse.

In the terminal building proper, a two-level extension, conforming to the existing building width, would be provided up to approximately 150 feet to the north and 150 feet to the south. On the upper (enplaning) level, this addition would accommodate new ticketing/check-in facilities with a lobby queueing depth equal to the existing, backed up by airline offices and baggage make-up areas.

At the lower (deplaning) level, the north extension of the building would provide new baggage claim facilities. These new facilities would be capable of accommodating two additional mechanized claim devices, known as "racetracks," and variations thereof, for a total of nine baggage claim devices. A "T" type racetrack claim device is recommended as best suited to the building configuration. (Existing racetrack units can handle the required flow, according to FAA terminal planning criteria.)

Two new stairway/escalator systems would be located at each end of the extended building. These systems would provide direct connections between the new ticketing/check-in and baggage claim areas and would allow easier circulation between the terminal building levels.

The second-level lobby and concession area would be expanded to the north, south, and west when additional second-level lobby and concession requirements become necessary.

Commuter Airline Facilities. The Port has just concluded negotiations with the commuter airlines for relocating commuter facilities east of Concourse J by the end of 1978. The Port has requested that these facilities be retained in the same general area shown in Figure 2.

On the recommended Plan, the commuter airline facilities would be located at the east end of Concourse J. Ticketing facilities would be located at the second level, and passengers would enplane and deplane on the apron (at ground level). This space would be converted to additional air carrier holdroom space when required in the future, and the commuter facilities could continue to be relocated to the east end of further extensions of Concourse J.

The location shown on the Plan is east of the interim commuter airline facilities to be constructed in 1978. The interim facility would have to be phased out by 1985 to provide for the required extension of Concourse J to accommodate certificated air carrier facilities requirements.

Apron space for six commuter aircraft parking positions is provided on the Plan east of Concourse J to accommodate current and foreseeable commuter air carrier aircraft operations.

If necessary, the Plan could provide for the development of a separate commuter airline terminal, east of the air carrier terminal, for the processing of commuter passengers. Such a terminal would provide space for commuter ticketing and operations offices, baggage claim and make-up areas, passenger waiting areas, and concession space, all at ground level. A separate curbside roadway from Airport Way to serve the commuter terminal, as well as short-term load/unload automobile parking spaces for commuter passengers, could also be provided adjacent to a separate commuter terminal. However, an underpass from the automobile parking lot to the terminal could be required to provide passenger access.

International Federal Inspection Services Facility. The existing Federal Inspection Services (FIS) facility at Concourse K is expected to continue in use for several years until Concourse K requires extension. On the basis of analyses described in Technical Memorandum 8.2, it is recommended that the long-range FIS facility eventually be located at the lower level of Concourse M, south of the expanded terminal building.

## Air Cargo and Mail Facilities

The recommended Airport Development Plan reserves land areas east of the existing south air cargo facility for future cargo facilities development. The four air carrier cargo aircraft apron parking positions forecast to be needed by 1990 would be provided at the United Airlines and south air cargo areas.

The recommended Plan retains the existing United Airlines air cargo and maintenance facility north of Airport Way.

A new service road is recommended between Taxiway A and the north apron taxiway connecting the United Airlines cargo facility and the passenger terminal apron, and is illustrated in Figure 2. This new service road would minimize conflicts between aircraft and service vehicles that currently occur on the apron taxiway.

For the south cargo area, the existing separate service road would continue to be used by service vehicles.

## General Aviation Area

It is the policy of the Port (see Appendix A) to ensure the continued viability of Portland International Airport as an air carrier airport by providing convenient and well-equipped general aviation reliever airports to attract general aviation aircraft away from Portland International Airport. To this end, the Port has established a ceiling of 150 based general aviation aircraft on Portland International Airport. This ceiling has been used in developing recommended general aviation area improvements for Portland International Airport. At present, there are approximately 120 based aircraft. Based aircraft are forecast to reach a level of 150 by 1985.

As indicated in Figure 1, the recommended Airport Development Plan provides for general aviation development in two areas--the existing area north of Airport Way and an area southwest of Runways 2-20 and 10R-28L. By 1990, the present general aviation area will be required for fixed base operator (FBO) facilities and itinerant aircraft parking.

By 1990, a total of 40 to 50 acres would be required for general aviation facilities to accommodate 150 based aircraft and other general aviation activities and facilities.

Therefore, the Staging Plan (described later) recommends that additional aircraft basing facilities (hangars, including corporate hangars, and tiedowns) be developed in the new southwest general aviation area before 1990. Eventually, all the existing aircraft storage hangars, including corporate hangars, should be relocated to the southwest area.

The Plan provides space to accommodate the year 2000 aircraft basing facilities, T-hangars, tiedowns, and noncommercial general aviation areas (i.e., corporate hangars) in the new southwest general aviation area. Space for parking over 90 itinerant or transient aircraft would be provided in the existing general aviation area. The ceiling of 150 based aircraft would not impose a ceiling on itinerant aircraft operations.

#### Airport Utilities and Support Facilities

Utilities. The major components of the Airport wastewater collection system have considerable excess capacity to accommodate future wastewater flows. However, it will be necessary to run connector lines from any new buildings in the cargo, general aviation, and rental car areas to the sewer main running east, north of Airport Way, to the Inverness treatment plant. There is a 10-foot easement (5 feet on either side) along the sewer main on the Airport property along which no buildings should be constructed. The new general aviation area to the southwest could be connected to the City sewer line along 33rd Avenue.

The existing water transmission mains have a capacity in excess of the projected year 2000 Airport water demand. Additional water lines will be needed from the transmission mains to serve any buildings in the cargo, general aviation, and rental car areas.

Support Facilities. The recommended Plan provides for relocation of the Port Airport maintenance facility and the Lockheed Air Terminal building, presently located immediately east of the passenger terminal, to a 10-acre plot along the easterly extension of Airport Way. The service station in the median of Airport Way also should be relocated to provide for expansion of the automobile parking lot and a new location near the intersection of Airport Way and the realigned N.E. 82nd Avenue is recommended.

A new City fire station is proposed on the west side of the existing N.E. 82nd Avenue alignment, and south of the Runway 28L clear zone, to satisfy the criteria for a response time of 4 minutes to the passenger terminal building. This location also provides good access to Marine Drive, I-205, south along N.E. 82nd Avenue, and west toward the Oregon Air National Guard complex.

A new service road is provided between Taxiway A and the apron taxiway north of the passenger terminal building, extending from Taxiway N5, near the passenger terminal apron, to the United Airlines air cargo area.

The existing perimeter road around the Airport is used to the maximum extent feasible, and is supplemented by new perimeter roads around the south end of Runway 2-20 and the east end of Runway 10R-28L. In some instances, where it is not possible to provide a separate roadway, it will be necessary for the perimeter road to continue to run across the apron or taxiway areas, particularly north of the Oregon Air National Guard area.

Frontage roads are provided along both sides of Airport Way east of the cargo areas to serve future development north and south of Airport Way. In addition to serving the existing cargo and hotel facilities, the frontage road will channel vehicular traffic off Airport Way going to the new rental car and Airport support areas.

#### Airport Access and Parking

The recommended Access and Parking Plan is illustrated in Figure 3.

Access. After 1982 a major new access route to the Airport will be in service via an extension of Airport Way east to the interchange with Interstate Highway I-205. However, it is expected many vehicles will continue to use N.E. 82nd Avenue even after Airport Way is extended to I-205.

Analysis of the year 2000 traffic volumes on Airport Way indicates that two lanes in each direction would provide adequate peak-period capacity. However, the capability for three lanes in each direction should be preserved to allow a higher level of service and to accommodate turning traffic movements.



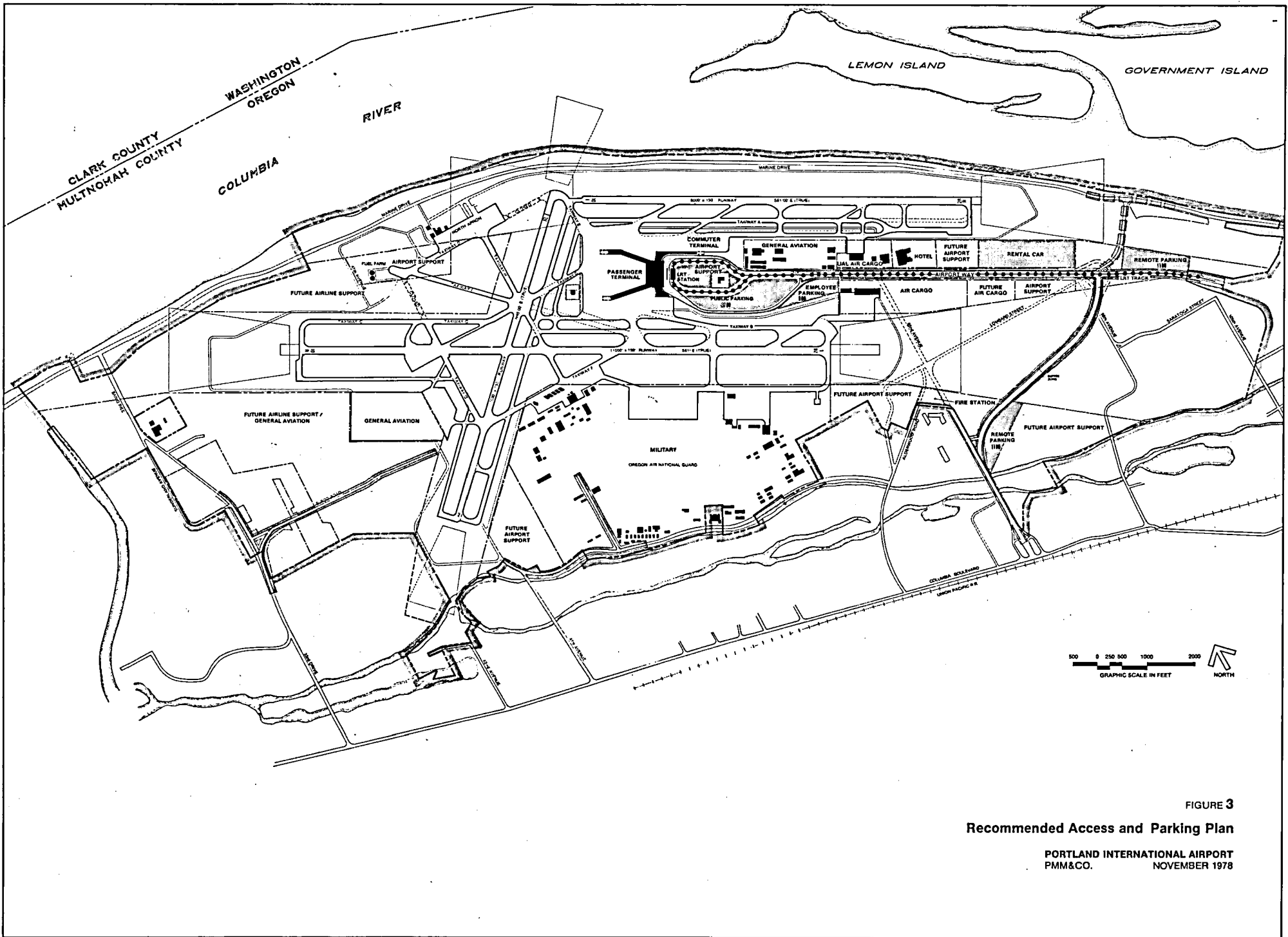


FIGURE 3  
 Recommended Access and Parking Plan  
 PORTLAND INTERNATIONAL AIRPORT  
 PMM&CO. NOVEMBER 1978

On the basis of an analysis of several different alignments, it is recommended that the four-lane N.E. 82nd Avenue be realigned to the east, between Columbia Boulevard and Airport Way, as shown in Figure 3. This alignment places the road outside the Runway 28L clear zone and would permit development of future Airport facilities on both sides of the road.

The recommended alignment does not require a new bridge over Columbia Slough. At the north end, the new alignment intersects Airport Way where Lombard Street currently crosses the Airport Way alignment. The proposed intersection is approximately 3/4 mile west of the I-205 interchange. An at-grade signalized intersection would be capable of accommodating the year 2000 traffic volumes. However, the Airport Development Plan and Access and Parking Plan reserve space to construct a grade-separated intersection at some future time.

The City of Portland has requested that Lombard Street, between Marine Drive and the extended Airport Way, not be open to through-traffic. This matter will be the subject of future discussions with Multnomah County, which owns the highway right-of-way. If the Lombard connection were closed to through-traffic, it could still be used to provide access to and from the remote parking and rental car areas along Airport Way.

A new connector road is provided between existing N.E. 82nd Avenue and Alderwood Road. Improved access is also provided from the existing development west of N.E. 82nd Avenue, and immediately south of the Airport, to the realigned N.E. 82nd Avenue. (At present, vehicles from this area must travel south on the frontage road to Columbia Boulevard and then north to the Airport on N.E. 82nd Avenue.)

The new general aviation area to the southwest of Runways 2-20 and 10R-28L would be served from Elrod Avenue and 33rd Avenue. Any future cargo development adjacent to the Oregon Air National Guard area would be served off N.E. 47th Avenue and Cornfoot Road.

With improved efficiency of the terminal building curbside, the existing enplaning curbside length (600 feet) can accommodate the future requirements. Similarly, the outer deplaning curbside for transit vehicles, taxis, and courtesy

limousines is adequate for forecast future use. The recommended inner deplaning curbside length (700 feet) is provided by extending the existing curbside to both the north and south.

Parking. The Plan provides surface parking areas to accommodate up to the "status quo" year 2000 parking space requirements of 6,800 (5,900 public and 900 employee) spaces. (The status quo case assumes continuation of current passenger transit ridership levels of 6% for airline passengers and 4% for Airport employees.)

The Plan provides a total of 4,600 terminal area parking spaces at grade level in two areas. One is an enlargement of the existing public parking lot to the east to provide 3,700 spaces (1,200 short-term spaces and 2,500 long-term spaces); and the other, on the east side of the realigned terminal exit road, is a 900-space employee lot.

Two remote long-term parking lots are also provided, each with 1,100 spaces along both extended Airport Way and the realigned N.E. 82nd Avenue. An extended shuttle bus system will be required to connect both the remote and close-in long-term parking lots with the passenger terminal building.

The specific policies for access and parking, described in Appendix A, identify increased transit ridership target levels by the year 2000 of 15% for airline passengers and 12% for Airport employees. If these ridership levels are achieved, then the parking space requirements will decrease to 5,700 public and 700 employee parking spaces (compared with 5,900 and 900, respectively, for the status quo case).

The recommended Plan provides for all rental car facilities (ready/return and service and storage) to be located in a 25-acre area between the hotel and Lombard Street along the north side of the Airport Way extension. A shuttle bus system would be required to transfer rental car users to and from the passenger terminal building.

Space for bus, taxi, and limousine staging areas is retained in the existing location.

Transit. Based on analyses performed as part of the study, an estimated 60% of the potential transit trips to the Airport would be from along, or adjacent to, the Banfield Corridor from such locations as Downtown Portland and the

Lloyd Center. Depending upon the type of vehicle used and the type of service to be provided (e.g., nonstop, or several stops), the transit service may or may not operate along the Banfield Corridor.

Transit service will also be provided to the Airport from other origin/destination centers, such as Downtown Vancouver, Beaverton, and Salem, by either limousine, as at present, or by bus as the demand increases in the future.

The potential patronage for the various types of transit vehicles will depend upon their ability to accommodate the special problems of many Airport users, e.g., baggage handling, frequency of service to allow sufficient time to connect to a flight, transfers, and the need to travel when only limited transit service is provided.

Buses would operate on Airport roads and not on separate roadways. A bus transit system would continue to load and unload passengers at the terminal curbsides in the same way as at present.

The capability to accommodate a future light rail transit (LRT) system to serve the Airport has been reserved on the recommended Plan. To serve the Airport, an LRT line would extend north from the Gateway station, at the junction of I-205 and the Banfield Freeway, approximately 6 miles from the Airport passenger terminal, to the I-205/Airport Way interchange and then west into the passenger terminal area, at the Airport.

A double track LRT system to serve the passenger terminal could be accommodated in the median of Airport Way from the I-205 interchange to a point about one-half mile east of the passenger terminal. It would then branch into a single track loop around the perimeter of the parking lot. The LRT station should be located adjacent to the elevator and escalator facilities in the public parking lot. Typical light rail transit vehicles (such as those being considered for the Portland area LRT System) are about 9 feet wide and require a minimum overall right-of-way about 20 feet wide for a single track and 35 feet wide for a double track.

The LRT loop system serving the Airport terminal area is based on the assumption that the LRT vehicles will operate in one direction only. However, as work proceeds on the development of an LRT system for the Portland region, a decision may be made to use a bi-directional vehicle. The

use of a bi-directional vehicle could permit a spur into the terminal area rather than a loop system and would reduce the number of intersections with terminal area roadways.

### Airport Approach and Protection Areas

The planning of airport facilities and particularly the planning of airfield facilities, must consider the long-term development potential of all currently developed and undeveloped lands surrounding the airport site. In particular, the critical areas from an environmental standpoint are the lands underlying the approaches and takeoff paths to and from the runways.

The recommended Airport and Vicinity Area Plan provides for approach and protection areas for runways that will reduce the impact of aircraft operations on development in areas surrounding the Airport. It is recommended that both the Airport approach and the Airport protection areas abutting the Airport be used for compatible land uses.

Airport Approach Areas and Clear Zones. Ideally, the Port should own the land areas underlying the clear zones, as indicated on Figure 1, to provide for the unobstructed passage of aircraft landing on or taking off from the runways. To accomplish this for all existing runways, the Port would have to purchase additional acres to the south and west of the present FAA-approved Airport boundary for protection of Runways 2 and 10R.

An objective of the present study is to develop a master plan within the existing Airport property. The recommended clear zones for all runways should be within the Airport property to the extent feasible. If acquisition of the clear zones is not practicable or feasible, then avigation easements should be acquired. The Port has an avigation easement for that part of the Runway 2 clear zone outside Airport property. A similar easement is recommended for that part of the Runway 10R clear zone outside Airport property.

Precision instrument runway clear zones have been provided on both ends of Runways 10-28. Nonprecision instrument runway clear zones, for runways with visibility minimums greater than 3/4 mile, have been provided on both ends of Runway 2-20. The clear zones shown on the Airport Development Plan (Figure 1) satisfy published FAA criteria.

A 50:1 approach surface slope is currently required, as per FAR Part 77, for Runways 10R and 28R, and is recommended for Runways 10L and 28L. This condition currently exists for Runways 10L, 10R, and 28L. The levee along the Columbia River penetrates the clear zone for Runway 28R directly north of the end of the runway, resulting in a 0:1 approach surface slope. However, Runway 28R is currently equipped for precision instrument ILS approaches, and the condition with the levee has been in existence for many years and is so noted in the Airport Operations Manual. To eliminate this obstruction would require relocation of the levee, with the road on top of it, into the Columbia River.

The required approach surface slope for Runway 2 is 20:1, whereas the existing slope is 16:1. The controlling obstruction for Runway 2 is a tree on the golf course located south of the Airport boundary. The Port is seeking to reach an agreement with the golf course to reduce the height of the tree to comply with the recommended approach surface slope criteria. If possible, it is recommended that a 34:1 approach surface slope be maintained in the future.

The required approach surface slope for a nonprecision approach to Runway 20 is 34:2, and is presently 24:1. Trees 6,500 feet from the displaced threshold, on the Vancouver side of the Columbia River, are the controlling obstacles for the approach to Runway 20. The terrain on the Vancouver side also penetrates a 34:1 approach surface slope to the displaced threshold.

The levee, south of the Columbia River, penetrates a 34:1 slope without the displaced threshold, but is below the 34:1 slope with the existing 500-foot displaced threshold.

FAA criteria for obstruction zoning in airport approach areas (which include clear zones) are set forth in Federal Aviation Regulation (FAR) Part 77. This regulation delineates imaginary surfaces around an airport and specifies the height that man-made and natural obstructions may be without being a hazard to air navigation. The criteria relate solely to height, and will be depicted on the Approach and Clear Zone Plan to be prepared in the next phase of the study.

City and County park planners have proposed a bicycle/pedestrian trail system along the Columbia Slough, as part of a forty-mile regional system. The proposed location

around the north side of Broadmoor Golf Course would minimize right-of-way acquisition costs since most of the land is on Port of Portland property.

The trail system would be implemented by both the City and County. Since the trail would pass through the Port-owned Runway 2 clear zone adjacent to the Broadmoor Golf Club, it would have to meet a number of conditions, including:

- Being no more than 30 feet wide
- Being fenced to meet Airport security requirements on one side and the golf course requirements on the other
- Having a revocable easement so that if the golf course should be converted to another use, the trail could be moved out of the clear zone.

Airport Protection Areas. The recommended Vicinity Area sketch plan reduces the number of homes exposed to significant noise impacts (above the Ldn 68 contour) to 70 from 130 today by rezoning developed residential land for industrial or commercial use. There are 10 homes along Marine Drive, north of the Columbia-Edgewater golf club, and the remaining 60 homes are houseboats along the Columbia River. The sketch plan locates no new noise-sensitive uses (houses, nursing homes, schools, hospitals) above the Ldn 68 contour. There are no nursing homes or hospitals in the Vicinity Area today.

The Vicinity Area sketch plan proposes rezoning small residential areas along the south Airport boundary to industrial and commercial uses. This is because residential land uses along the Airport boundary could be incompatible with the Airport due to potential Airport noise and Airport land use impacts, and to adjacent industrial land uses.

Land in the Vicinity Area is zoned under City of Portland or Multnomah County ordinances. Although the Airport property was recently annexed by the City of Portland, the land has not yet been rezoned and therefore is still subject to County zoning classifications. City rezoning will occur after the Airport Master Plan is completed.

Because zoning is a prerogative of local government, the FAA cannot regulate the height of structures. Therefore, although FAR Part 77 establishes height criteria for approach areas, adoption and enforcement of appropriate height regulations must be accomplished through local action--either by ordinance or through acquisition of property rights by the airport sponsor.

In addition, where possible and practical, the land underlying the inner approach areas should ideally be clear of any structural development for 1 to 3 miles from the runway ends (also measured from the ends of the ultimate planned runway development).



## LONG-RANGE POTENTIAL FOR ON-AIRPORT LAND USES

The recommended Airport Development Plan, presented in Figure 1, reserves areas for Airport requirements through the year 2000 and beyond.

### Airfield

As previously stated, one of the basic policy objectives of the Port was to retain the existing runway alignments--and, more specifically, not to develop additional runways. The most promising way to further improve airfield capacity and reduce aircraft delays would be for FAA to implement an operational procedure that would permit instrument approaches to Runways 10L and 10R or to Runways 28L and 28R to be separated by only 2 nautical miles.

### Apron and Passenger Terminal Complex

At the time it becomes necessary to consider expanding the passenger terminal building beyond 30 gates, it is recommended that the Plan be re-evaluated to determine which of two potential options (Alternatives 1 or 1B) to pursue. Alternative 1 provides for continuing expansion of the present terminal building and aircraft parking apron to over a 40-gate terminal. In Alternative 1B, a new unit terminal(s) could be constructed east of the present passenger terminal building to provide 12 or more additional gates.

These two options are illustrated in Figure 4. As shown, the apron and passenger terminal building(s) could also be expanded to accommodate requirements beyond the year 2000.

The apron and passenger terminal building in the recommended Plan (35 aircraft parking positions) could be expanded to accommodate over 40 aircraft parking positions by extending Concourses J, K, L, and the new south Concourse M, as shown on Figure 4. However, mechanical assistance devices (moving sidewalks) could be required in the extended concourses because of the walking distances involved.

If and when the existing terminal building can no longer support the level of traffic volumes, additional capacity could be provided by developing new unit terminals on both sides of Airport Way, as shown in Figure 4. Ultimately, Concourse J and the new south Concourse M could be extended to connect to the new unit terminals.

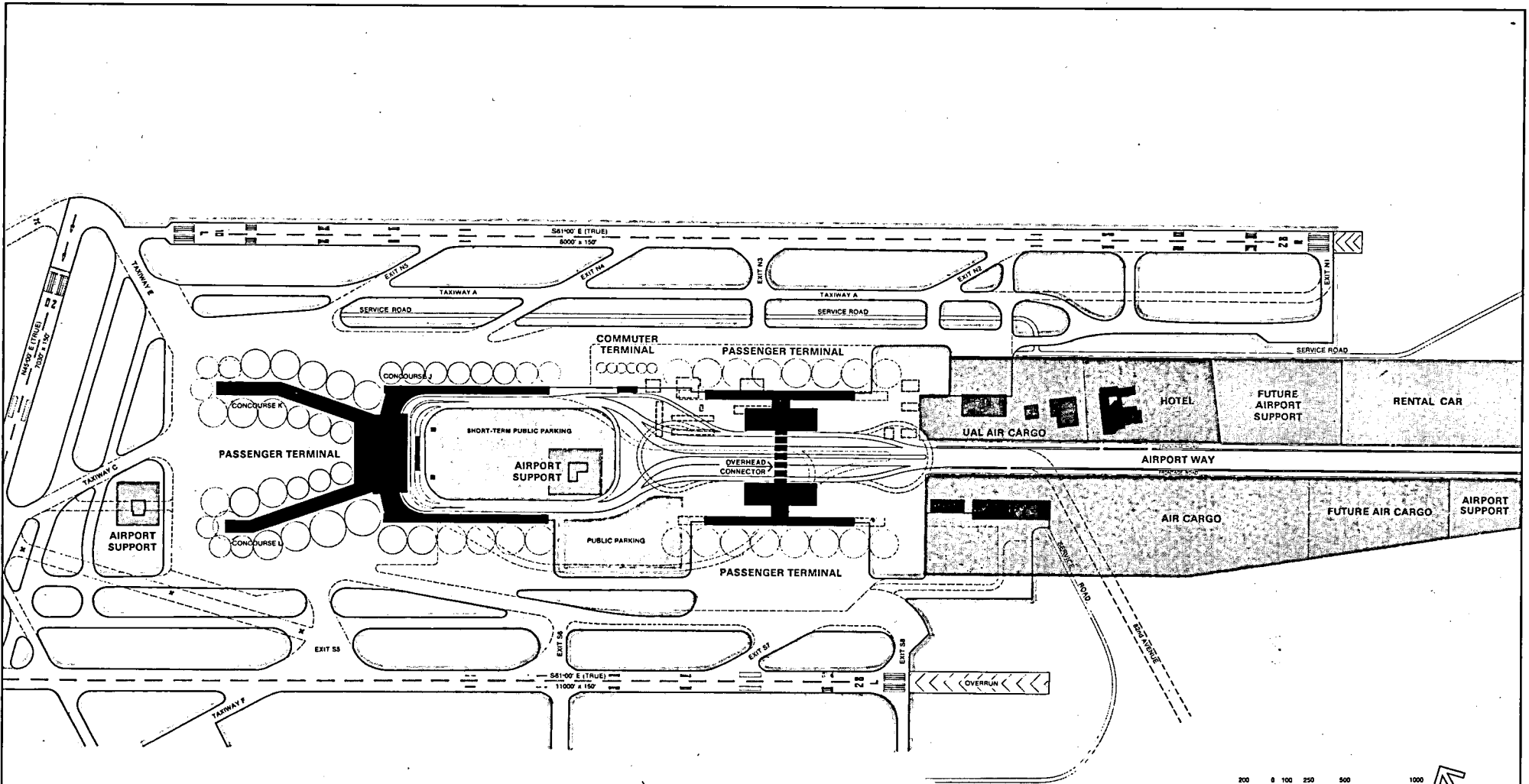


FIGURE 4  
**Long-Range Terminal Area Plan**  
 PORTLAND INTERNATIONAL AIRPORT  
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The two new unit terminals on either side of Airport Way could be expanded in both directions, and additional unit terminals could be developed to the east on both sides of Airport Way to provide up to 60 widebody (DC-10/L-1011) aircraft parking positions (considerably fewer B-747 aircraft). Any further expansion to the east than shown in Figure 4 would require relocation of both the United Airlines and south air cargo facilities.

Beyond this development, two additional unit terminals, one on either side of Airport Way, could be built farther to the east to provide up to 80 widebody aircraft parking positions west of the existing Airport Way/N.E. 82nd Avenue intersection.

A separate commuter terminal could be provided east of Concourse J. If required, the apron could be extended both east and west to provide additional aircraft parking positions or to accommodate larger commuter aircraft. Commuter aircraft could also be parked in two rows in front of the commuter terminal.

If at some time in the future the commuter airlines serving Portland International Airport introduce larger aircraft (such as the F-27, B-737, and DC-9), consideration should be given to providing space for these commuters at the air carrier passenger terminal and apron. These aircraft would be compatible with the aircraft used by the air carriers serving Portland International Airport.

#### Air Cargo and Mail

Expansion of the passenger terminal complex for requirements beyond the year 2000 could ultimately necessitate relocation of both the United Airlines and the existing south air cargo facilities. Space has been reserved east of the south air cargo area for future air cargo expansion. This area would still be relatively close to the passenger terminal area for the movement of cargo to and from the cargo buildings and the bellies of passenger aircraft.

Ultimately, it may be necessary to develop a new area on the Airport for handling air cargo. Such an area could be developed at the west end of the Oregon Air National Guard leasehold, southeast of Runways 10R-28L and 2-20. Most air cargo will continue to be shipped on passenger aircraft, and a move to this area would greatly increase the service

vehicle time in moving cargo between the passenger terminal aircraft apron and the cargo area. It would be necessary to develop a new access road, or improve existing roads, into the Oregon Air National Guard area for truck and other cargo vehicles to serve this area.

### General Aviation

Sufficient area is available for any future expansion of general aviation facilities in the southwest part of the Airport.

### Airport Utilities and Support

Areas have been reserved for future airline and Airport support facilities. Extension of utility lines would be required to serve new buildings (beyond those provided for) to satisfy requirements beyond the year 2000. Additional stormwater drainage systems would have to be incorporated as required to accommodate runoff from increased paved and building areas.

### Access and Parking

Additional close-in automobile parking spaces could be provided only through construction of a parking structure adjacent to the existing terminal building. Because of the inability to provide close-in parking adjacent to the new unit terminals on either side of Airport Way, a greatly increased shuttle bus system, or ultimately an intra-Airport ride system, would be required to transfer passengers between the terminal and remote automobile parking areas. Future parking space requirements would be accommodated in remote parking lots along Airport Way and the realigned N.E. 82nd Avenue. Airport Way, west of the hotel, could remain in its present alignment, but second-level return roadways would be required at both the east and west ends of the ultimate terminal expansion.

Another station for the LRT system could be provided in the Airport Way median to serve the new unit terminals east of the existing passenger terminal.

## PRELIMINARY STAGING PLAN AND FINANCIAL ANALYSIS

### Preliminary Staging Plan

A preliminary development schedule (in 5-, 10-, and 20-year increments) for the recommended Airport Development Plan was prepared to ensure that staging of improvements is given proper consideration in the analysis. The three-phase staging plan was related to the 1985, 1990, and year 2000 Airport facility requirements. The staging of improvements reflects the assessment of (1) the relative priorities of various improvements and (2) approximate timing of the anticipated requirements.

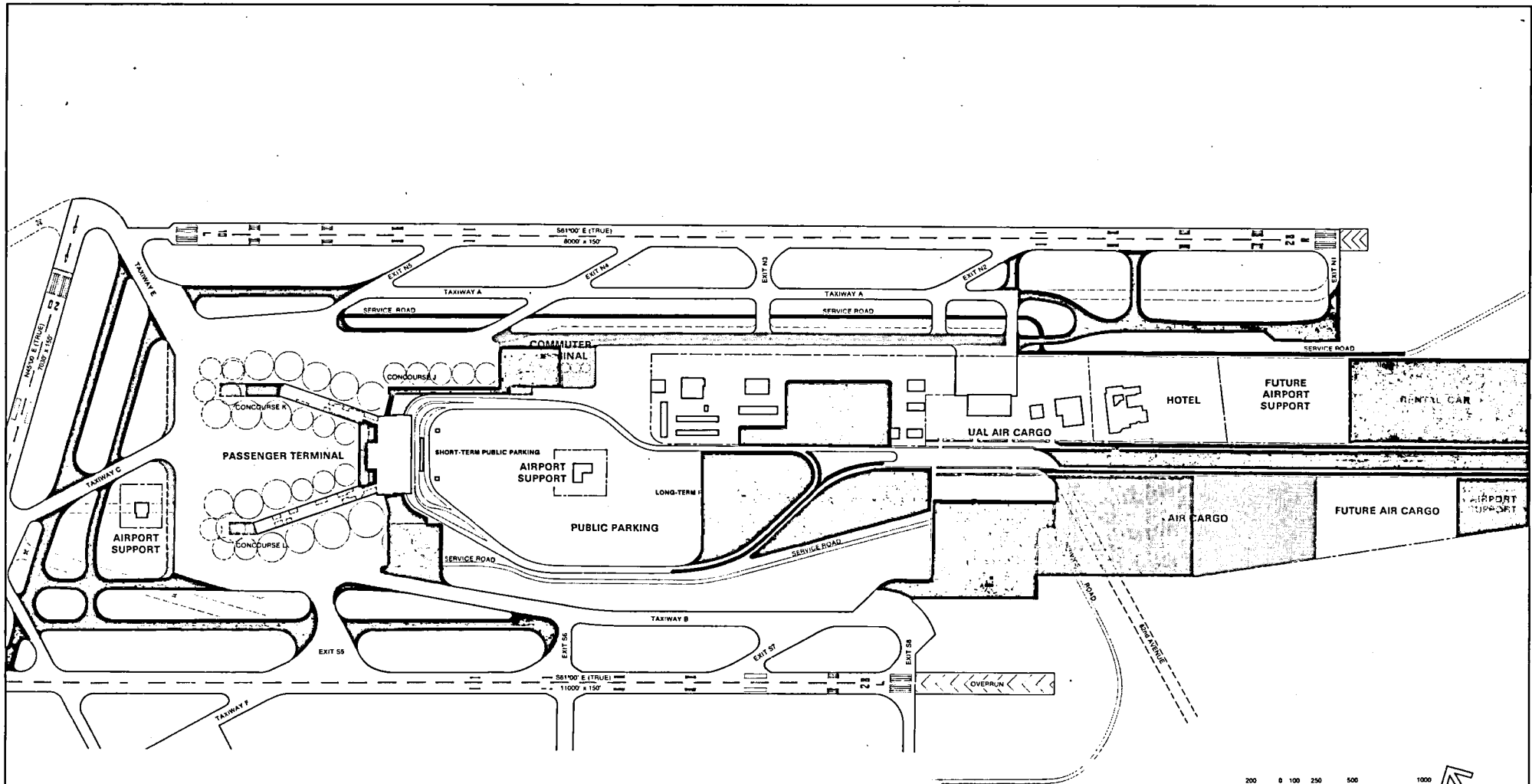
The preliminary staging plan for improvements in each of the three phases is described below and illustrated graphically in Figure 5. The capital improvement programs include projects in three basic categories: airfield improvements, terminal area improvements, and airport support facilities.

The preliminary staging plans for the proposed airfield improvements are described in Table 2. The preliminary staging plans for the proposed passenger terminal area and airport support facilities are described in Table 3.




### Preliminary Financial Analysis

Project Costs. Preliminary cost estimates for the improvements proposed in the recommended Airport Development Plan, prepared by STRAAM and PMM&Co., are presented in Table 4. The preliminary project cost estimates include base year (1978) construction costs and an allowance for architectural and engineering fees and contingencies of some 20%.

Grants-in-Aid. The Federal Aviation Administration's Airport Development Aid Program (ADAP) expires in 1980 and there is no assurance at this time that Congress will renew the program. However, for planning purposes, it is assumed that a federally sponsored airport development aid program will be in effect throughout the forecast period, with substantially the same eligibility criteria as the existing ADAP program and with increased funding levels, to enable full federal participation in all eligible projects.



**LEGEND :**

-  PHASE I
-  PHASE II
-  PHASE III

**OTHER AIRPORT IMPROVEMENTS:**

- PHASE I  
NEW PORT OF PORTLAND MAINTENANCE FACILITY
- PHASE II  
REALIGNMENT OF 82nd AVENUE  
NEW CITY FIRE STATION  
NEW SOUTHWEST GENERAL AVIATION AREA  
AND APRON / TAXIWAY IMPROVEMENTS
- PHASE III  
REMOTE PARKING FACILITY ALONG AIRPORT WAY  
REMOTE PARKING FACILITY ALONG 82nd AVENUE

**FIGURE 5**  
**Staging Plan — Recommended Terminal Area Plan**  
 JOINT/EXCLUSIVE USE TERMINAL OPERATING POLICY  
 CENTRAL TERMINAL CONCEPT  
 35 AIRCRAFT POSITIONS

PORTLAND INTERNATIONAL AIRPORT  
 PMM&CO. NOVEMBER 1978

Table 2

PRELIMINARY STAGING PLAN FOR AIRFIELD IMPROVEMENTS  
Portland International Airport

Phase I (1978-1985)

Runway 10L-28R

- Realign the east end of parallel Taxiway A at 600 feet from the runway centerline and provide holding apron for Runway 28R.
- Extend Taxiway A west from Exit Taxiway N5 to Taxiway E.
- Develop two new exit taxiways at 5,500 feet and 6,500 feet from the end of Runway 10L.
- Provide runway centerline lights.

Runway 10R-28L

- Realign parallel Taxiway B to the west between Exit Taxiways S6 and S4 at 400 feet from the runway centerline.
- Develop a new apron taxiway parallel to Taxiway B in the terminal area.

Runway 2-20

- Construct a full-length parallel taxiway 400 feet east of the runway centerline.
- Develop a new apron taxiway in the terminal area.

Phase II (1986-1990)

Runway 10L-28R

- No change.

Runway 10R-28L

- Construct a new parallel taxiway south of Runway 10R-28L to serve the new general aviation area and provide holding apron for Runway 10R.

Runway 2-20

- Construct a new parallel taxiway west of Runway 2-20 to serve the new general aviation area and provide holding apron for Runway 2.

Phase III (1991-2000)

Runway 10L-28R

- Provide an instrument landing system (ILS) on Runway 10L.

Runway 10R-28L

- Provide an instrument landing system (ILS) on Runway 28L.

Table 3

PRELIMINARY STAGING PLAN FOR  
TERMINAL AREA AND AIRPORT SUPPORT IMPROVEMENTS  
Portland International Airport

Phase I (1978-1985)

Terminal Area

- Expand the central terminal building to the west.
- Extend Concourse J.
- Relocate commuter facilities to the east end of the extended Concourse J.
- Extend the north apron to the east for commuter aircraft.
- Extend Airport Way east of N.E. 82nd Avenue to I-205. Provide frontage roads on both sides.
- Provide another 1,400 parking spaces in the central terminal area (or, alternatively, develop one of the remote parking lots<sup>a</sup>).
- Realign the terminal curbside roadway around the parking lot.
- Develop a new rental car area along extended Airport Way.
- Expand the south air cargo area and construct a new air carrier aircraft cargo apron.
- Develop additional general aviation aircraft apron.

Airport Support

- Develop a new Port maintenance facility east along N.E. 82nd Avenue.
- Provide additional drainage and water systems.
- Develop new service road north of apron area.
- Relocate service station and LAT building east along Airport Way.

Phase II (1986-1990)

Terminal Area

- Expand the central terminal building to the south and west.
- Extend Concourse K.
- Develop a new concourse south of the central terminal, and provide additional air carrier aircraft parking apron.
- Relocate N.E. 82nd Avenue to east of Runway 28L clear zone.
- Provide connection between Alderwood and existing N.E. 82nd Avenue.
- Expand the south air cargo facilities to the east.
- Provide additional general aviation facilities to the southwest.

Airport Support

- Provide additional drainage systems.
- Connect utilities to new southwest general aviation area.

Phase III (1991-2000)

Terminal Area

- Extend the central terminal to the north.
- Extend Concourses J, K, and L.
- Extend the air carrier aircraft apron to the west.
- Develop additional air carrier aircraft parking apron to the northeast.
- Strengthen the taxiway parallel to Taxiway A to serve air carrier aircraft.
- Provide 2,200 remote automobile parking spaces.
- Expand the south air cargo facilities to the east.
- Develop additional general aviation facilities to the southwest and relocate general aviation hangars to this area.

Airport Support

- Provide additional drainage systems.

a. An interim location along existing N.E. 82nd Avenue may be required.



Table 4

AIRPORT ESTIMATED DEVELOPMENT COSTS  
RECOMMENDED AIRPORT DEVELOPMENT PLAN  
(1978-2000)  
Portland International Airport  
(Thousands of 1978 dollars)

	<u>Phase I (1978-1985)</u>	<u>Phase II (1986-1990)</u>	<u>Phase III (1991-2000)</u>
Airfield	\$12,732	\$ 3,647	\$ 2,544
Passenger terminal	11,025	19,925	20,558
Aircraft aprons	612	1,277	3,804
Access	2,150	951	
Parking	1,400	--	2,200
Cargo and mail	4,080	2,370	4,290
General aviation	1,176	720	2,160
Airport support and utilities	<u>1,715</u>	<u>1,040</u>	<u>318</u>
<b>Total</b>	<b>\$34,890</b>	<b>\$29,930</b>	<b>\$35,874</b>
<u>Sources of funds</u>			
Federal	\$17,525	\$ 7,253	\$ 7,453
State	--	--	--
County	--	--	--
City	--	--	--
Port	<u>17,365</u>	<u>22,677</u>	<u>28,421</u>
<b>Total</b>	<b>\$34,890</b>	<b>\$29,930</b>	<b>\$35,874</b>

Source: Peat, Marwick, Mitchell & Co.

ADAP eligible projects at Portland International Airport currently receive 83.54% funding from FAA (except the instrument landing systems which are 100% FAA funded). The Port is eligible to receive both "entitlement" and "discretionary" funds under ADAP. Entitlement funds appropriated by Congress are apportioned each year among air carrier airports based on a formula which takes into account passenger enplanements at the airports. For the federal fiscal year ended September 30, 1979, the Port has received a commitment (i.e., apportionment) of "entitlement" funds in the amount of \$1,959,000. Assuming the Port receives additional entitlement funding in approximately the same amount in FY 1980, a total of some \$4 million of entitlement funds will be available under the existing ADAP program for Phase I of the plan that is finally recommended.

By extrapolating the amount of ADAP enplanement funds recently apportioned to the Airport, and by assuming a constant 1978 dollar funding level of \$1.9 million per year, ADAP entitlement funds are projected to amount to \$13,300,000 during Phase I (1979 to 1985), \$9,500,000 during Phase II, and \$19,000,000 during Phase III. The total of these potentially available entitlement funds (\$41.8 million in 1978 dollars) exceeds the estimate of the eligible federal share of project costs shown in Table 4 (\$32.2 million in 1978 dollars). The excess of available entitlement funding (some \$9.6 million in 1978 dollars) could be applied toward the costs of "public areas" of terminal building improvements in the Plan (as permitted under current ADAP legislation), further reducing the Port funding requirement. Again, these projections assume continuation of an airport aid program under similar terms and conditions and with increased total funding levels in line with general inflationary trends.

It may be necessary to defer some projects (e.g., certain taxiway improvements) until additional federal funding can be assured under a new successor federal aid program, in the event that the total of entitlement funds and available discretionary funds in FY 1979 and FY 1980 is insufficient to fund all eligible projects programmed for Phase I.

Certain projects in the program may be eligible for other governmental program funding, e.g., Federal Highway Administration funds for the Airport Way extension east to I-205 or the realignment of N.E. 82nd Avenue. However, because these highway projects are primary Airport access routes, it is assumed that they would be ADAP funded.

Staging of the recommended Plan should be carefully reviewed on a periodic basis to account for changing federal and State funding programs.

Financing the Port's Share of Project Costs. All unfunded project costs (total costs less grants-in-aid) would have to be financed by the Port from a combination of annual cash flow and proceeds from the sale of additional revenue bonds.

Under present financial operations, the Airport generates excess cash flow each year through funding, in the airline landing fee rate base, of 130% revenue bond debt service coverage. The 30% excess funded coverage is available for meeting various reserve fund requirements and for pay-as-you-go financing of capital improvements.

Airline Agreements. The major airlines serving the Airport each have executed the Certificated Airlines Operating Agreement and the Terminal Building Lease and Agreement (which are referred to collectively herein as the Airline Agreements). The Airline Agreements both expire in 1991.

Under the terms of the Airline Agreements, the airlines have agreed to pay rates and charges that, together with all other Airport revenues, will provide for the recovery of all Airport costs, including the costs associated with capital improvements that have been approved by the airlines. The Agreements incorporate what is referred to as a "residual cost" approach to establishing airline rates and charges--an approach often used at airports utilizing revenue bond financing.

Section 4.01 of the Certificated Airlines Operating Agreement deals with the development of the Airport and makes reference to a schedule of capital improvements which defines the "development program." The projects set forth in this schedule are the capital improvements which have already been approved by the Port and the airlines.

Section 4.01 also sets forth the provisions for amending this schedule, specifically:

". . . it may become desirable . . . to make substantial changes [to the schedule]. When it appears to any party to this Operating Agreement

that . . . substantial changes should be made, all parties thereto shall confer to agree upon any modifications.

No . . . substantial changes [to the schedule] be made unless the Port and a Majority of Interest of the Scheduled Air Carriers agree . . ."

Financial Feasibility. Given the provisions of existing airline agreements, the key to the feasibility of the program of capital improvements recommended in the Airport Plan will be the acceptance of the program by the airlines. Once approved, a revised schedule of capital improvements will be incorporated in the Operating Agreement and, as the improvements are undertaken, the maintenance, operating, and debt service costs associated with the improvements will be included in the calculation of airline rates and charges, thus assuring the continued self-sufficiency of Airport financial operations.

In the next phase of the study, the cost estimates associated with the accepted Airport Development Plan will be refined. Based on the refined cost estimates, a detailed financial plan for implementing Phase I of the recommended Airport Development Plan will be prepared, as a basis for the Port to negotiate airline approval of the specific program of capital improvements recommended in the Plan.

## ENVIRONMENTAL IMPACTS

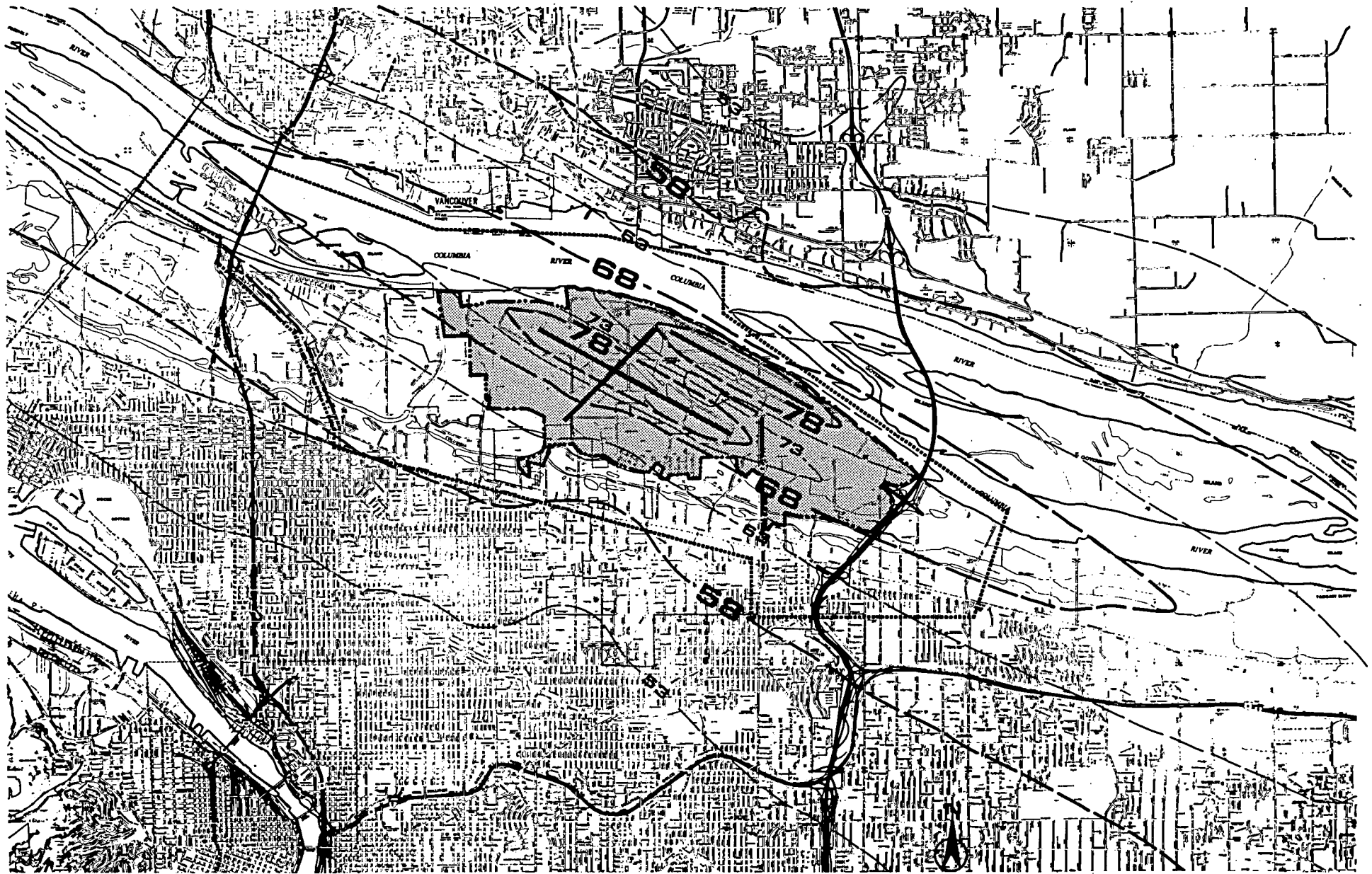
The environmental impacts associated with the recommended Airport Development Plan are discussed in this section. Summaries of the environmental impacts associated with the recommended Vicinity Area Sketch Plan are included in the Technical Memorandum for Task 9.8. The complete documentation of environmental impacts resulting from implementation of the recommended Airport and Vicinity Area Plans will be included in the environmental impact assessment report (EIAR) to be completed in the next phase of the study.

The purpose of these analyses is to describe how, where, and to what degree the environment could be expected to change over time as the recommended Airport Development Plan is implemented. Summarized below are the impacts associated with aircraft noise, drainage, water quality, air quality, wildlife, vegetation, historic and archaeological sites, and seismic safety.

### Aircraft Noise

As described earlier, no new runways are recommended, and no existing runways are to be realigned. However, changes in the noise exposure pattern will occur over time, reflecting changes in the forecast levels of aircraft operations and the mix of aircraft using the Airport (including the gradual introduction of more new, quieter aircraft) and full compliance with Federal Aviation Regulation (FAR) Part 36 which establishes noise emission limits on all existing and new aircraft. New aircraft designs are required to comply with FAR Part 36 before they can be certificated, and existing aircraft must achieve compliance with FAR Part 36 by 1985.

Baseline noise exposure patterns using the day-night average noise levels (Ldn), described in Technical Memorandum 6.2, for existing conditions, 1985, and the year 2000 are depicted in Figures 6, 7, and 8. As illustrated in Figures 7 and 8, when compared with existing conditions (Figure 6), the areas within each Ldn contour will decrease over time. This reduction in future aircraft noise exposure area (even with a 27% increase in jet aircraft operations over the 20-year planning period) is the result of (1) full compliance with FAR Part 36 by 1985 for all air carrier aircraft, (2) the increase in the number of quieter widebody aircraft, and (3) the phasing out over time of the noisier four-engine narrowbody aircraft.



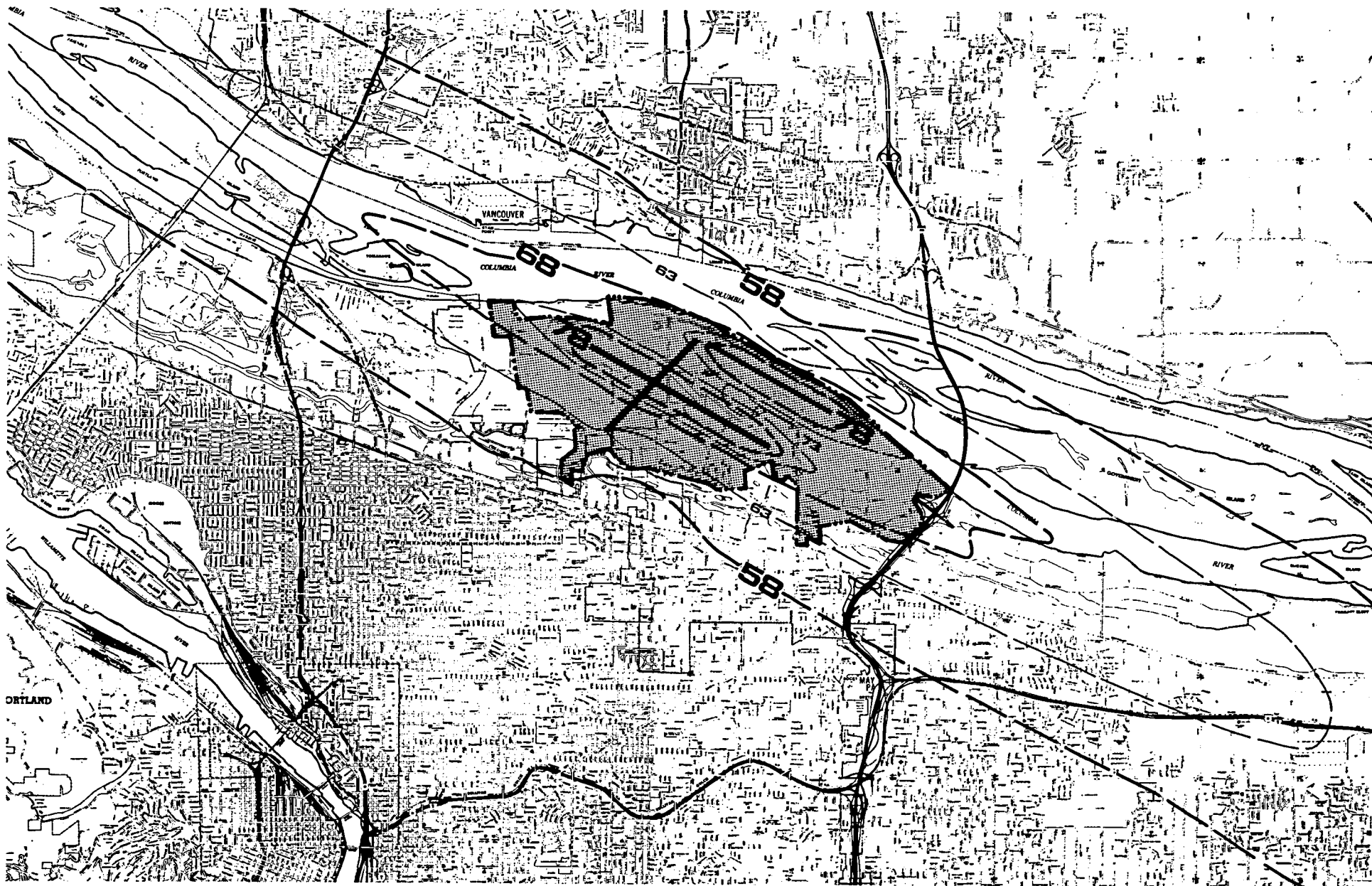
 Airport

GRAPHIC SCALE IN FEET



FIGURE 6

1976/1977 Ldn Contours  
 Portland International Airport  
 Parry Noise Consulting 1978



 Airport

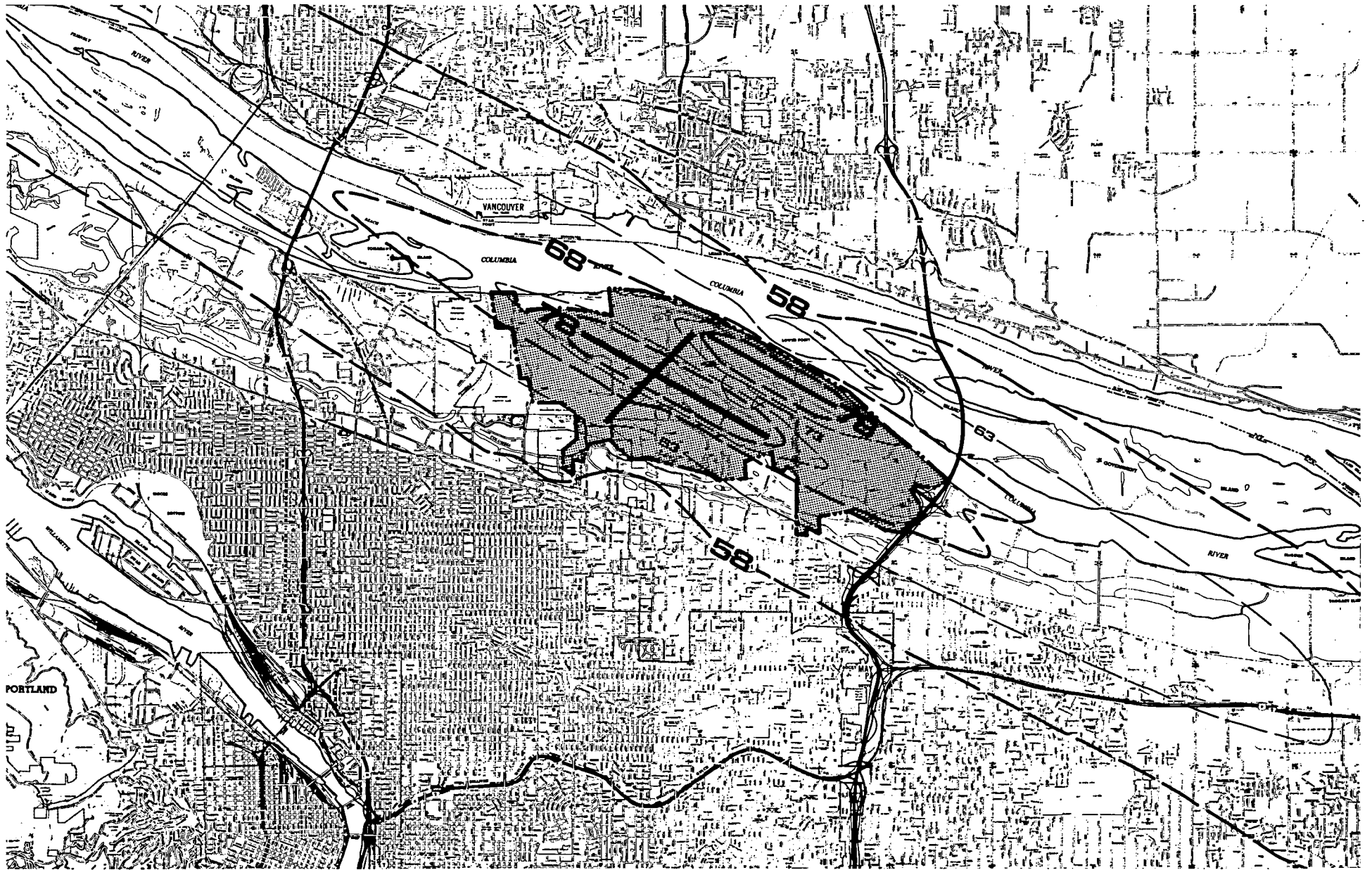
GRAPHIC SCALE IN FEET



FIGURE 7

1985 BASELINE Ldn CONTOURS

PORTLAND INTERNATIONAL AIRPORT  
THE PARRY COMPANY SEPTEMBER 1978



 Airport

GRAPHIC SCALE IN FEET



FIGURE 8

2000 BASELINE Ldn CONTOURS

PORTLAND INTERNATIONAL AIRPORT  
THE PARRY COMPANY SEPTEMBER 1978



An evaluation of the noise impact of the year 2000 baseline operations on proposed land use development in the Vicinity Area is included in the Technical Memorandum for Task 9.8.

In addition to analyzing the noise impacts associated with forecast levels of aircraft operations, a number of alternative operational procedures were also analyzed to determine their potential effectiveness in mitigating noise impacts. The operational procedures reviewed were:

1. Changes in aircraft operational procedures including:
  - (a) Night-time curfew on all aircraft operations between 10 p.m. and 7 a.m.
  - (b) Possible variations in takeoff procedures.
  - (c) Changes in aircraft operational utilization of the two east-west parallel runways.
2. An additional 500-foot displaced threshold on Runway 20.
3. Effect of higher aircraft approach altitudes to Runway 20.
4. Preferential runway use system.
5. Helicopter noise abatement procedures.
6. Aircraft engine runup locations.
7. Elimination of military jet aircraft operations.
8. Realignment of existing runways or construction of new runways.
9. Changes in existing flight patterns.

The imposition of a night-time curfew at Portland International Airport would affect about 6% of the air carrier operations forecast for the year 2000, or approximately 6,000 annual air carrier operations. The shifting of these flights to daytime hours (7 a.m. to 10 p.m.) or their elimination altogether (which most probably would be the case)

would result in a net reduction of 2 dB. However, nighttime curfews at Portland, if coupled with similar curfews at other air carrier airports in the United States, could have a very deleterious impact on the nation's air transportation system. This would be particularly true on transcontinental and international flights which cross several time zones. A nighttime curfew at Portland must be viewed in the context of possible curfews at other airports in the country. (It should be noted that almost all other major airports in the country have much greater noise problems than Portland International Airport.)

For example, a six-hour eastbound flight from Portland to an East Coast destination crosses four time zones and would have an elapsed time, in terms of local clocks, of nine hours. If the destination airport also has a 10 p.m. to 7 a.m. curfew, the flight departure from Portland would be limited to the hours of 7 a.m. to 1 p.m. (to avoid arriving at the East Coast destination after its 10 p.m. curfew). Afternoon and evening eastbound flights would be eliminated because, in order to reach an East Coast destination after 7 a.m. local time, the aircraft would have to depart Portland after 10 p.m. Thus, a curfew would also prohibit eastbound transcontinental flights during nine hours of the daytime. As a result, 75% of a 24-hour period would be unavailable for transcontinental eastbound flights because of a nighttime curfew. The impact on overseas flights could be even greater because of longer flight times. Therefore, a major result of a nighttime curfew could be greatly reduced service between Portland and east coast and overseas points.

If the same level of service were to be maintained by shifting the flights to daytime hours, the flights would be concentrated in a shorter time period. This concentration could result in the need for additional physical facilities (ticketing, gate positions, holdrooms, etc.) to handle daytime traffic.

In addition, air cargo and mail is often carried at night to ensure next day delivery. The imposition of a curfew on night operations could result in disruption of both of these services.

For these reasons, a nighttime curfew has not been proposed in the recommended Plan.

The Port of Portland, itself, cannot impose changes in flight procedures because it has no jurisdiction over aircraft in

flight. Nationwide, the air carriers and the FAA are currently reviewing different flight techniques which might serve to reduce aircraft noise exposure. The flight technique ultimately selected would be implemented by the carriers on a systemwide or national basis. Given the large number of air carrier airports in the country, it is not operationally feasible to establish different flight procedures for each airport. Therefore, changes in aircraft departure procedures are likewise not included in the recommended Airport Development Plan.

Finally, the aircraft operational procedures analysis indicated that the present aircraft utilization of the two east-west parallel runways was more effective, in terms of both airfield usage and reducing noise exposure, than having a more equal split of landing and takeoff operations on the two runways. The present procedure maximizes flight operations over the Columbia River, thus reducing noise exposure to residential neighborhoods south of the Airport.

Displacing the threshold on Runway 20 by an additional 500 feet was determined to have little or no benefit with regard to noise reduction. (There is already a 500-foot displacement in use.) A 500-foot additional displacement would result in less than a 1 dB reduction at a distance of 6,000 feet north of the runway end (the closest point of residential development on the north side of the Columbia River). An additional displacement of the Runway 20 threshold to the south would require an equivalent extension of the runway at the south end towards the Broadmoor golf course.

On the basis of an analysis of the maximum aircraft descent gradient for nonprecision approaches, as described in the United States Standard for Terminal Instrument Procedures (TERPs), aircraft are already operating at essentially the maximum permissible descent gradient on Localizer DME approaches to Runway 20 over Vancouver. Under ideal conditions, an increase of approximately 50 feet, at most, in aircraft altitudes over Vancouver, within a mile or two of the end of Runway 20, could be achieved. This would have a negligible effect on aircraft noise impacts over this area.

There is presently a preferential runway use system in effect at Portland International Airport, which has been published as a Notice to Airmen (NOTAM). The preferential runway use system reduces the use of Runway 2-20 by approximately 50%, to about 1% of the year. The Airport Development Plan recommends that the NOTAM be retained in effect.

Helicopter noise abatement procedures are currently under way. The Port of Portland, in cooperation with FAA Control Tower and the Oregon Air National Guard should continue to encourage implementation of the helicopter noise abatement procedures.

The relocation of aircraft engine runup areas is currently under way by the Oregon Air National Guard and should be completed by early 1979.

The Oregon Air National Guard does not have any plans to relocate its facility to another airport in the State. Therefore, the continuation of Air Guard operations has been included in the noise analyses for the recommended Airport Development Plan.

One of the objectives of the Master Plan Study was to retain the existing airfield within the existing Airport boundaries. Site constraints dictate against the realignment of existing runways or the construction of new runways within the present Airport boundaries. The construction of new and realigned runways was considered as a part of the 1968 Runway Extension Study. That study indicated that in order to relocate and realign the principal east-west parallel runways, extensive fill in the Columbia River would be needed. Also, the southerly parallel runway would extend into the Bridgeton-Faloma area. These alignments were found to be unacceptable and have not been considered as a part of this Plan.

Changes in aircraft approach and departure patterns to the southeast of Portland International Airport are currently being evaluated by FAA air traffic control tower personnel at Portland International Airport. This evaluation must consider not only the possible noise reduction brought about by changes in flight patterns, but also the interactions with aircraft traffic at other airports in the Portland region. Because the FAA evaluation is not yet completed, possible changes in aircraft flight patterns have not been included in the recommended Plan at this time. However, it is hoped that the evaluation can be completed in time to be documented in the EIAR to be prepared in the next phase of the Study.

#### Drainage and Water Quality

The annual stormwater runoff from the Airport is 3,900 acre-feet. Implementation of the recommended Airport Development Plan would increase the stormwater runoff by some 11% to 4,400 acre-feet. When coupled with Vicinity Area runoff

(that part of the Vicinity Area within Multnomah Drainage District No. 1), existing annual runoff is 6,700 acre-feet. The combined annual runoff is anticipated to increase 44% to 9,600 acre-feet with implementation of the recommended plans for both the Airport and the Vicinity Area.

Based on an existing annual stormwater runoff of 24,000 acre-feet from land inside and tributary to Multnomah Drainage District No. 1, the total runoff into the District resulting from implementation of the recommended plans for the Airport and Vicinity Area would increase by approximately 12% if land uses outside the Vicinity Area were to remain constant. The corresponding estimated combined runoff for a 100-year storm of 24 hours duration would be 1,200 acre-feet, an increase of 400 acre-feet (45%) over existing conditions. This increase will increase the ponding level for a 100-year storm above the existing ponding level of 16.8 feet mean sea level unless there is a corresponding increase in the pumping capacity of Multnomah Drainage District No. 1.

Increased stormwater runoff from the Airport and Vicinity Area development alternatives will result in increased washoff of surface contaminants into the Columbia Slough. However, these contaminants are not likely to result in detectable violations of existing applicable water quality standards for any alternative or combination of alternatives.

### Air Quality

Concentrations of carbon monoxide (8-hour average levels in parts per million) were estimated for principal road links in the Vicinity Area and on the Airport to determine if any violations of State or federal standards would occur in 1983 and 1987.

The results of the analysis indicate that all road links fall well below the 9 parts per million 8-hour average except for the triangle formed by N.E. Columbia Boulevard, I-205, and N.E. Sandy Boulevard east of the Airport boundary. This triangle, which contains the Best Western Motel, is estimated to have a carbon monoxide level of 12 parts per million at the present time. Estimates of future carbon monoxide levels indicate that the level for the triangle will decrease to 8 to 10 parts per million by 1983 and will be well below 9 parts per million by 1987. The high carbon monoxide levels in the triangle are the result of high traffic volumes along adjacent streets; only 3% of this traffic is estimated to be Airport-generated.

The implementation of the recommended plans for the Airport and Vicinity Area will not create any violations of State or federal air quality standards for hydrocarbons, oxides of nitrogen, lead, or suspended particulates.

#### Other Environmental Considerations

Undeveloped areas on Airport property form a habitat for small mammals, such as squirrels, rabbits, raccoons, moles, shrews, mice, and rats. Implementation of the recommended Airport Development Plan will effectively reduce the habitat areas for these small mammals, thus reducing their overall populations on Airport property. The reduction of small mammal populations could, in turn, reduce raptor (birds of prey) populations on and in the immediate vicinity of the Airport. The reduction of birds of prey could serve to reduce the potential of bird strikes by low-flying aircraft.

There are no known rare or endangered plant or wildlife species on the Airport.

## COMPOSITE AIRPORT AND VICINITY AREA PLAN

The recommended composite Airport and Vicinity Area Plan for Portland International Airport is illustrated in Figure 9. Several significant areas of interaction between the Airport and Vicinity Area are discussed below.

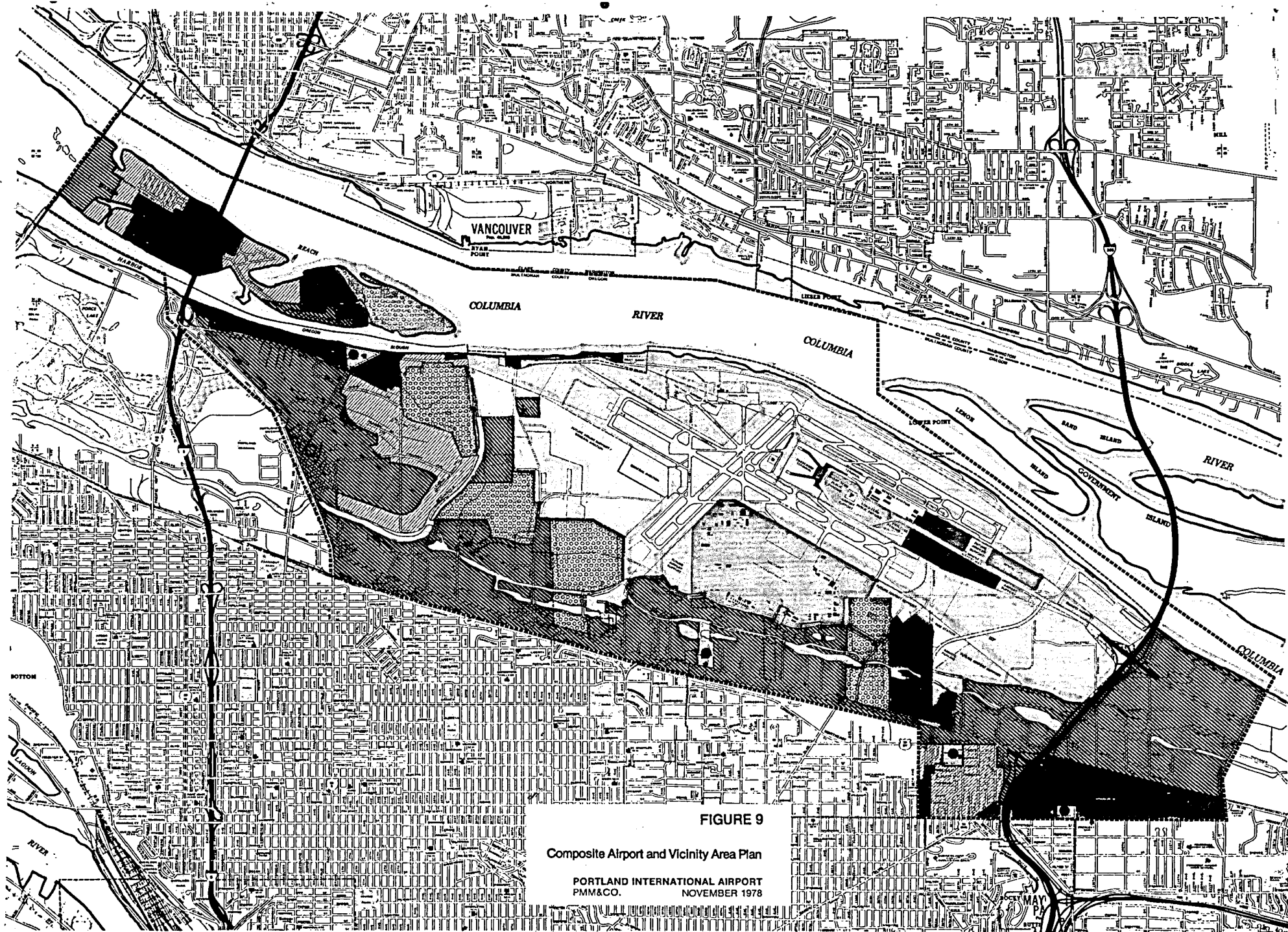
### Access and Roadways

The relocation of N.E. 82nd Avenue to the east will change the percentage of Airport-oriented traffic using N.E. 82nd Avenue in the future. On the basis of traffic assignments prepared by the Columbia Region Association of Governments (CRAG), the forecast distribution of traffic on the two principal access highways serving the Airport (extended Airport Way from I-205 and N.E. 82nd Avenue) will vary depending upon the alignment of N.E. 82nd Avenue. The Airport traffic split is estimated to be 57% on N.E. 82nd Avenue if it is retained in its present location and 38% if N.E. 82nd Avenue is relocated as recommended on the Airport Development Plan (Figure 1). This realignment would decrease the Airport-oriented daily traffic volume on N.E. 82nd Avenue in the vicinity of the Airport by some 7,000 vehicles (total in both directions) a day by the year 2000.

At present, some traffic uses the Lombard Street connection across the Airport, between Marine Drive and Columbia Boulevard, for access to and from the east end of Multnomah County. The City of Portland does not want to retain this link as a connection for through-traffic in the recommended plan for non-Airport oriented traffic. The possible closure of that part of Lombard Street between Marine Drive and the extended Airport Way will be the subject of future discussions between the Port and the City of Portland, as well as Multnomah County, which owns the highway right-of-way and wishes to keep this link open.

On the basis of the CRAG traffic assignments, the non-Airport through-traffic volumes are forecast to be very small--about 100 per day--by the year 2000. If the connection were not provided, Airport traffic (about 800 vehicles per day in the year 2000) would have to use Airport Way east to 122nd Avenue and then north to Marine Drive.

Projected traffic volumes exceed roadway capacities on Columbia Boulevard, Lombard, Killingsworth, and N.E. 82nd Avenue south of Columbia Boulevard. On these congested





segments, 10% to 15% of the traffic on Columbia, 15% to 25% on Lombard, 1% or less of the Killingsworth traffic, and 35% of the N.E. 82nd Avenue traffic, between Columbia and Sandy Boulevards, will be Airport-oriented.

New access to the realigned N.E. 82nd Avenue will be provided for the area located immediately south of the Airport and west of existing N.E. 82nd Avenue for movements to and from the Airport. These include motels, freight forwarders, and ground transportation facilities. A new connector road is also proposed between Alderwood Road and existing N.E. 82nd Avenue in this same general area.

The proposed City of Portland fire station is located along this new road between Alderwood and the existing alignment of N.E. 82nd Avenue. This location will permit fire vehicles the required response time to the passenger terminal building, as well as ready access to the other areas to be served in the Airport vicinity.

#### Land Uses

In the alternative selected for the recommended Vicinity Area Plan, all undeveloped land exposed to noise levels above Ldn 68 would be zoned for nonresidential uses. No other new noise-sensitive uses (schools, hospitals, nursing homes) are proposed in areas above the Ldn 68 in any of the alternatives. There are no schools, hospitals, or nursing homes in the present Ldn 68 contour.

The golf courses (which are now zoned for low-density residential development--one house every two acres) would be retained by placing them in a special County urban-future zone (20-acre minimum lot size). Of particular concern to the Airport would be any proposal to convert the Broadmoor golf course immediately south of Runway 2-20 to other uses, particularly residential use.

There would be no existing or new structures in the Airport clear zones for Runways 2 and 10R extending beyond the Airport property line.

#### Environmental Impacts

The environmental impacts of Airport operations on the vicinity, and in particular the noise and air quality impacts, are described earlier in the section on environmental impacts of the recommended Airport Development Plan.

## Utilities

It could be necessary to connect sewer lines from the new southwest general aviation area to the City sewer system running along 33rd Avenue.

The impact of additional paved areas on drainage patterns in both the Airport and Vicinity Area is described in the section on environmental impacts. The additional storm drains required for the recommended Airport improvements will tie into the existing Airport system of storm drains which flow into the various drainage ditches leading into the Upper Columbia Slough.

Appendix A  
POLICIES



SUBJECT: DEVELOPMENT OF PIA

COMMISSION MINUTES: Page \_\_\_\_\_, Meeting of \_\_\_\_\_

NO. \_\_\_\_\_

POLICIES RESCINDED

The following Commission policies in regard to PIA are rescinded:

- 805 Development of PIA (July 11, 1973)
- 805-6 Relocation of N.E. 82nd Avenue - PIA (March 2, 1973)
- 810-5 Waterfront Land Use - PIA (April 17, 1974)
- 825 Land Acquisition - PIA (June 13, 1973)

POLICIES ADOPTED

The overall objective for development of Portland International Airport is to continue to provide safe, efficient and environmentally compatible airport operations; attractive facilities; and a quality level of service.

Policies to be followed in developing the major functional areas of the airport are stated below. The order of the functional area policies corresponds to the Master Plan documents.

Airfield and Airspace/Air Traffic Control

- o Improve airfield facilities and navigational aids to minimize delays, diversions, and cancellations and associated inconvenience to users of the airfield.
- o Reduce airspace interactions of Portland-Troutdale Airport with Portland International Airport. Establish a ceiling of 300 based aircraft at PTA.
- o Continue to coordinate with the City of Vancouver and other appropriate agencies regarding airspace interactions between Portland International Airport and Pearson Airpark.

Terminal Building and Area Facilities

- o Promote joint use of aircraft parking (apron) positions and passenger holdrooms before proceeding to develop new apron/holdroom facilities. Prior to the implementation of Phase III of the staging plan for the recommended airport plan the extent of joint use will be evaluated.

APPROVED BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

- o Provide ticket counter space to airlines serving Portland International Airport. Reserve counter space for potential new carriers.
- o Develop terminal building facilities to maximize concession revenues.
- o Improve passenger security screening operations to minimize passenger inconvenience.

Commuter Airline Facilities

- o Provide easily accessible facilities for commuter air services on a level commensurate with increases in commuter traffic.

Access and Parking

- o Promote extended use of transit by providing additional parking facilities only as consistent with target transit ridership levels. These targets for passengers and employees are:

	<u>1980</u>	<u>1985</u>	<u>1990</u>	<u>2000</u>
Airline Passengers	7%	9%	11%	15%
Airport Employees	4%	7%	9%	12%

- o Encourage ridership on existing private transit services (such as DART and the various limousine services) and encourage new private transit service for presently unserved markets.
- o Encourage airport employees to use available public transportation and carpool and vanpool programs. Provide preferential parking for employees that carpool or vanpool. Continue the transit fare and carpool mileage reimbursement program for Port employees.
- o Continue to conduct an educational/advertisement campaign to fully inform the public about parking and transit options for trips to and from PIA.
- o Examine the potential for improved public transportation to PIA in cooperation with Tri-Met's evaluation of "cross-town" and regional transit service adjustments.
- o Maintain the flexibility in the design of Airport Way and terminal roadways to accommodate light rail transit and facilitate the movement of improved bus transit.

- o Enforce terminal curbside parking limits to encourage use of the area for passenger and baggage loading only.

#### Air Cargo Facilities

- o Reserve sufficient areas to accommodate forecasted air cargo demand.
- o Monitor effects of governmental deregulation of air cargo activity for potential increases in service and cargo volume to be accommodated at the Airport.

#### General Aviation Services and Facilities

- o Provide convenient and well-equipped general aviation airports to attract general aviation aircraft away from Portland International Airport, and thereby minimize potential problems associated with the mixing of large and small aircraft. Establish a ceiling of 150 based aircraft at PIA.
- o To the extent practicable, provide direct access to the passenger terminal building for general aviation users.

#### On-Airport Land Uses

- o Construct physical facilities as demand is demonstrated.
- o Reserve sufficient land within the Master Plan to accommodate facilities that may be required beyond the year 2000.
- o Reserve all airport lands owned and operated by the Port exclusively for direct aviation-related services and facilities. "Direct aviation-related services and facilities" are defined as services and facilities to accommodate the needs of air passengers, cargo, and mail, and include the activities of the commercial airlines, general aviation and the military, as well as support functions for those activities (concessions, fuel farms, maintenance facilities, etc.).
- o Prior to extending the term of the lease agreement with the military, consolidate military facilities, with unused lands being exchanged to the Port as appropriate.
- o Retain the existing houseboat moorage with no provision for additional facilities of this type within the airport boundary.

Environmental Considerations

- o Minimize potential adverse environmental impacts of the airport by minimizing use of crosswind runway (2/20), weather conditions permitting, and by encouraging pilot cooperation in following guidelines outlined in FAA Portland Control Tower Letter to Airmen 76-2, Portland International Airport Noise Abatement Program.
- o Minimize potential adverse environmental impacts of the airport resulting from the use of south runway (10R) for departures and south runway (28L) for approaches and by encouraging pilot cooperation in following guidelines and procedures for noise abatement over residential areas south and east of airport as outlined by the FAA Control Tower.
- o Establish an ongoing mechanism for addressing aircraft/airport noise by designation of a technically trained air operations noise officer with responsibility for responding to noise complaints, taking noise measurements in the community and serving as a liaison between the public, PIA operations, FAA, pilots and airlines.
- o Encourage the military to utilize aircraft that generate less noise in any future changes to military missions and operations at Portland International Airport.
- o Promote public understanding of the implications and limitations of aircraft noise reduction measures.
- o Pursue the most viable energy conservation measures consistent with operational and safety requirements of the airport.
- o Minimize adverse noise and air quality impacts from airport operations to achieve levels specified in adopted federal and state standards and regulations.
- o Minimize the adverse impact of any proposed development on airport storm water drainage facilities and conditions.
- o Review, update and modify as necessary the adopted standards of buildings and developments of sites on airport property.

COMPONENTS OF AIRPORT DEVELOPMENT ALTERNATIVES  
 Year 2000  
 Portland International Airport

ALTERNATIVE 1  
 Current Terminal  
 Operating Policy--  
 Central Terminal Concept  
 (1 terminal, 42 aircraft  
 positions)

ALTERNATIVE 1A  
 Current Terminal  
 Operating Policy--  
 Dual Unit Terminal Concept  
 (2 terminals, 42 aircraft  
 positions)

ALTERNATIVE 1B  
 Current Terminal  
 Operating Policy--  
 Tri Unit Terminal Concept  
 (3 terminals, 42 aircraft  
 positions)

ALTERNATIVE 2  
 Joint/Exclusive Use  
 Terminal Operating Policy--  
 Central Terminal Concept  
 (1 terminal, 35 aircraft  
 positions)

ALTERNATIVE 3  
 Maximum Joint Use  
 Terminal Operating Policy--  
 Central Terminal Concept  
 (1 terminal, 25 aircraft  
 positions)

Cargo and mail

- Expand south cargo area to the east.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

General aviation

- Retain existing general aviation area.

• Relocate existing general aviation facilities to the southwest.

• Same as Alternative 1A.

• Same as Alternative 1.

• Same as Alternative 1.

- Develop additional facilities to southwest.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

Airport support

- Develop new Port maintenance area.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1 except different location.

- Reserve land for hotel expansion.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

- Relocate National Weather Service facilities.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

Military

- Provide additional 20 acres for new alert hangars.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

• Same as Alternative 1.

OVERLAYS - Light rail transit right-of-way at ground level (could be incorporated in any alternative).

- Structured parking (one two-level structure adjacent to existing terminal in all alternatives; additional two-level structure adjacent to new unit terminal in Alternative 1A).

- Realignment of N.E. 82nd Avenue between Airport Way and Columbia Boulevard.



## Table A-1

COMPONENTS OF AIRPORT DEVELOPMENT ALTERNATIVES  
Portland International Airport  
Year 2000

ALTERNATIVE 1 Current Terminal Operating Policy-- Central Terminal Concept (1 terminal, 42 aircraft positions)	ALTERNATIVE 1A Current Terminal Operating Policy-- Dual Unit Terminal Concept (2 terminals, 42 aircraft positions)	ALTERNATIVE 1B Current Terminal Operating Policy-- Tri Unit Terminal Concept (3 terminals, 42 aircraft positions)	ALTERNATIVE 2 Joint/Exclusive Use Terminal Operating Policy-- Central Terminal Concept (1 terminal, 35 aircraft positions)	ALTERNATIVE 3 Maximum Joint Use Terminal Operating Policy-- Central Terminal Concept (1 terminal, 25 aircraft positions)
<u>Airfield</u>				
• Retain existing airfield.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.
• Relocate west end of Runway 10L by 400 feet.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.
• Provide taxiway improvements and additional navigational aids.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.
<u>Apron and passenger terminal building</u>				
• Develop 42 air carrier aircraft parking positions at expanded existing central terminal.	• Develop 42 air carrier aircraft parking positions--30 at expanded existing terminal and 12 at new unit terminal.	• Develop 42 air carrier aircraft parking positions--30 at expanded existing terminal and 12 at two new unit terminals (6 at each).	• Develop 35 air carrier aircraft parking positions at expanded existing central terminal.	• Develop 25 air carrier aircraft parking positions at expanded existing central terminal.
• Provide separate commuter terminal.	• Relocate commuters to east end of extended Concourse J.	• Same as Alternative 1A.	• Same as Alternative 1.	• Relocate commuters to Concourse J.
<u>Access</u>				
• Extend Airport Way to I-205.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.
• Realign N.E. 82nd Avenue to the east.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.
<u>Parking</u>				
• Provide 2,000 close-in and 4,000 remote surface automobile parking spaces.	• Provide 3,000 close-in and 3,800 remote surface automobile parking spaces.	• Provide 3,500 close-in and 3,300 remote surface automobile parking spaces.	• Provide 4,600 close-in and 2,200 remote surface automobile parking spaces.	• Provide 3,200 close-in and 3,600 remote surface automobile parking spaces.
• Provide remote rental car facilities.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.	• Same as Alternative 1.

# 1000 FRIENDS OF OREGON

October 19, 1978

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Subject: Planning Powers and Responsibilities  
of MSD

Dear Wes:

On September 25, 1978, you gave me a copy of Frank Ostrander's September 18, 1978 letter to you discussing the scope of the Metropolitan Service District's (MSD) land use planning powers and duties under Oregon Laws 1977, ch. 665, also known as HB 2070 of the 1977 session. At that time you asked me to give you any comments I had about the positions taken by Mr. Ostrander in the letter.

I have carefully reviewed Mr. Ostrander's discussion of the statutes. I disagree with one of the conclusions which he draws: that MSD lacks the power to adopt an urban growth boundary and, therefore, "the actual creation of such boundaries has now been left to the cities and counties." (September 18 letter, p. 9.) For the reasons which follow, I conclude that MSD has the authority, under Section 18 of ch. 665, to adopt an urban growth boundary as a portion of a functional plan to control metropolitan area impacts resulting from conversion of rural land to urban use.

### I. NO LIMITATION UPON THE SUBJECT MATTER OF MSD'S FUNCTIONAL PLANS

Mr. Ostrander's letter does not state the basis for his conclusion that MSD lacks the power to adopt an urban growth boundary. It appears to result from reading subsection (1) of Section 18 as containing an enumeration of types of "functional plans" which MSD may adopt. I believe such a reading of this statutory provision is erroneous.

Section 18 provides:

"A district council shall

- (1) Define and apply a planning procedure which identifies and designates areas and activities having significant impact upon the orderly and responsible development of the metropolitan area, including, but not limited to, impact on:
  - (a) air quality;
  - (b) water quality; and
  - (c) transportation.
- (2) Prepare and adopt functional plans for those areas designated under subsection (1) of this section to control metropolitan area impact on air and water quality, transportation and other aspects of metropolitan area development the council may identify.
- (3) Review the comprehensive plans in effect on the operative date of this 1977 act or subsequently adopted by the cities and counties within the district which affect areas designated by the council under subsection 1 of this section and recommend or require cities and counties as it considers necessary to make changes in any plan to assure that the plan and any actions taken under it conform to the district's functional plans adopted under subsection (2) of this section."

Mr. Ostrander states that Section 18 requires MSD "to adopt 'functional plans' for the district, including but not limited to air and water quality and transportation plans." (September 18, 1978 letter, p. 8; emphasis in original.) I disagree. Section 18 uses air quality, water quality and transportation as examples of "aspects of metropolitan area development" which the legislature believes to be significant for the region, not the kinds of functions which MSD plans are to regulate.

Subsection (1) of Section 18 requires MSD to apply a planning procedure which identifies areas and activities which "impact" air and water quality and transportation. Subsection (2) then directs MSD to adopt functional plans for those areas, whatever they may be, in order "to control metropolitan area impact on air and water quality, transportation, and other aspects of metropolitan area development." Air quality, then, is not the subject of a functional plan - not the "function" being controlled - but rather it is the kind of impact which requires MSD action.

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The distinction is significant. Had the legislature listed air quality plans, water quality plans and transportation plans as examples of "functional plans," there would be some basis for arguing that Section 18 does not contemplate the drawing of regional urban growth boundaries. It might then be argued that a functional plan for the control of conversion of rural land was not the same type of plan as those listed in subsection (1) of Section 18. The rule of statutory construction known as ejusdem generis is that

"[W]here general words follow the enumeration of particular classes of persons or things the general words will be construed as applicable only to persons or things of the same general nature or class as those enumerated...." State of Oregon v. Brantley, 201 Or 637, 645, 271 P2d 668 (1954).

It might be fairly debatable whether an urban growth management plan is "of the same general nature or class" as an air quality plan or transportation plan if Section 18 had said that air quality, water quality and transportation were the types of plans rather than the types of impacts which the legislature contemplated.

However, because Section 18 requires MSD to adopt functional plans for all areas which have significant impact upon air and water quality, transportation "and other aspects of metropolitan area development" of a similar nature, the rule of ejusdem generis applies to type of impacts and not to types of plans. I think it is safe to say that any "planning procedure" MSD applies under subsection (1) of Section 18 will result in the designation of developing areas and the conversion of rural land as an area and an activity which has significant impact on the full range of "aspects of metropolitan area development" identified in Section 18.

If MSD identifies the urbanization of developing areas as the proper subject of a functional plan, that plan must comply with the statewide planning goals. Goal 14 would require MSD to include an urban growth boundary and suitable measures for the efficient conversion of urbanizable lands as a part of the functional plan. Incidentally, Mr. Ostrander states that Section 18 grants to MSD the authority to adopt functional plans relating to the provision of housing or the preservation of agricultural land. (September 18 letter, p. 9.) He does not indicate why he believes those planning objectives differ from, or less significantly affect metropolitan development than, urban growth management.

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Finally, Mr. Ostrander uses the adjective "site-specific" in referring to urban growth boundaries in a way that suggests he believes that functional plans may not be site-specific. However, I see nothing in Section 18 which would preclude site-specific designations as part of an MSD functional plan. In fact, subsection (3) of Section 18 directs MSD to recommend or require changes in city and county plans "to assure that the plan and any actions taken under it conform to the district's functional plans...." (emphasis added). The admonition that specific development actions must conform to MSD's functional plans indicates that those plans may contain precise or detailed requirements or provisions which could govern "actions."

## II. THE ABSENCE OF A REGIONAL PLAN REQUIREMENT

The most significant change in language between the planning powers of MSD contained in Sections 17 and 18 of ch. 665 and the planning duties of the Columbia Region Association of Governments (CRAG) is the deletion in the MSD statute of the requirement of ORS 197.755(2) that CRAG "prepare, maintain and modify as necessary a plan for the region in accordance with the goals and objectives." Mr. Ostrander concludes from this change that MSD "is not authorized...to undertake comprehensive planning." (September 18, 1978 letter, p. 10.) However, Mr. Ostrander also notes that the provisions of ch. 665 do not prevent MSD from adopting a coordinated set of "functional plans" which have essentially the same scope as the regional plan CRAG is required to prepare. See letter, p. 9. Whatever practical effect this change in statutory language has, I do not believe that it affects the power of MSD to establish an urban growth boundary.

The change in legislative direction contained in ch. 665 is the change from a mandatory "plan for the region" to a mandatory "functional planning" approach. The distinction is that MSD is not required by the legislature to pursue the comprehensive planning approach at the regional level. A comprehensive regional plan would result only if Section 18's "planning procedure" for the identification of areas and activities having significant metro area impact indicates to MSD that a coordinated comprehensive set of "functional plans" is needed.

What the legislature meant by "functional plan" should be made clearer by comparing it with what it is not: the plan for the region currently required of CRAG by ORS 197.755(2). ORS 197.710(7) defines that regional plan as

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"...a generalized, coordinated plan for the orderly management and development of the lands within the region that interrelates all functional and natural systems and activities relating to all the use of the land, air and water within such region, including but not limited to sewer and water systems, transportation systems, recreational facilities, air and water quality management programs, residential, commercial and industrial developments and provision of public services."

This definition is substantially identical to the definition of "comprehensive plan" contained in ORS 197.015(4) which is applicable to all city and county plans. Local government members of CRAG must, under ORS 197.015(4), adopt plans which "interrelate all functional and natural systems and activities related to the use of lands." CRAG, too, must - for the same geographic areas - adopt a regional plan "that interrelates all functional and natural systems and activities relating to all the use of the land, air and water within such region..."

The plain literal meaning of ORS 197.775(2) is that CRAG must adopt a plan which duplicates the work of member jurisdictions and which, rather than focus on regional issues, must regulate "all the use" of land in the region. The Land Conservation and Development Commission, at the time it reviewed CRAG's request for a planning extension this spring, expressed the desire that CRAG avoid duplication and concentrate on matters of truly regional significance in its planning process. The substitution of functional planning for comprehensive planning in Section 18 of ch. 665 reflects an identical policy judgment by the legislature.

This is made clear by statements of the Tri-County Local Government Commission, the proponents and authors of the language which is presently Section 18 of ch. 665. The Commission, which produced the draft bill which became House Bill 2070, described the change in regional planning which it intended to produce by introducing the concept of functional planning and eliminating the regional comprehensive plan:

"However, one change from the status quo is recommended.... To reduce duplicative efforts, the commission recommends that the regional level not be involved directly in preparing a detailed comprehensive land use plan for the region. Instead, it should prepare functional plans for major areawide activities such as water, sewerage and transportation that would

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serve as framework guidelines for local comprehensive plans. Local comprehensive plans will still have to conform with areawide land use policies and goals and the broader functional plans but the duplication of detailed comprehensive planning at the regional level will be eliminated." January 28, 1977 memorandum to House Committee on Intergovernmental Affairs from Tri-County Local Government Commission, pages 14, 15 (Committee Exhibit "B", February 14, 1977 hearing). (Emphasis added.)

Evidence about the intent of the legislature is relevant, of course, only if the meaning of a statutory provision cannot be determined from the text of the statute itself. State ex rel Appling v. Chase, 224 Or 112, 116, 355 P2d 631 (1960). I do not believe that ch. 665 in general or Section 18 in particular are so unclear that resorting to legislative history is permissible. If, however, the question arises, the explanatory statement of the prestigious commission which proposed the measure will be entitled to considerable weight. In fact, because the legislature never changed the text of what are now subsections (1) and (2) of Section 18 from the version introduced by the Tri-County Commission (compare with subsections (2) and (3) of Section 19, introduced HB 2070), it may be that the Tri-County Commission's intentions are largely dispositive.

Those intentions are clear: to focus MSD planning on regional issues and to eliminate the threat of wasteful duplication which would result from a literal application of CRAG's duty to adopt a regional plan. It is also clear that the commission was proposing to the legislature language which would provide MSD with power to adopt functional plans which would be a "framework... for local comprehensive plans." Regional decisions - like the establishment of urban growth boundaries - would continue to be made at the regional level.

The statute itself helps make this clear. Section 3 of ch. 665 amends ORS 268.030 by adding the following duty to those presently imposed on MSD: that it "shall provide for those aspects of land use planning having metropolitan significance." "Metropolitan significance" is defined in Section 2 of ch. 665 as "having major or significant district-wide impact." There is no question that the establishment of urban growth boundaries for the urban portions of the district has major district-wide impact. The specific power granted to MSD to enable it to "provide for" this particular aspect of land use planning is the "functional plan" power of Section 18.

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#### CONCLUSION

MSD has the power to adopt, administer and revise an urban growth boundary. Whether MSD can be compelled by LCDC to take that action or to perform other important planning for the metropolitan area - a question raised on p. 11 of Mr. Ostrander's letter - is a separate matter. I believe ORS 197.320, 197.251 and MSD's own statutes can be interpreted to require MSD to submit a work program for its regional planning process to the commission, and to authorize the commission to issue enforcement orders, if necessary, to MSD.

Of course, as Mr. Ostrander suggests in his letter, these questions are as much political as legal. The most effective way to assure that MSD performs the planning work which the commission believes is best performed at the regional level is to obtain MSD's agreement that it should do that work. In seeking that agreement, however, the commission and the department should not assume that they lack the power, or that MSD lacks the responsibility to see the job done.

Very truly yours,

Robert E. Stacey, Jr.  
Staff Attorney

RES:ms

cc: Mr. Frank Ostrander  
Mr. Andrew Jordan  
Members, LCDC



Contact: Jack McGowan

Washington Park Zoo...For Immediate Release...January 2, 1979

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#### Mandrill Born December 30

The Washington Park Zoo is pleased to announce the birth of a mandrill on December 30 to Alice and Blue. This is Alices' second birth.

Mandrills are believed to be the largest and most colorful of the baboons. They have blue and scarlet ridges on their faces and a long narrow dog-like muzzle. Their buttocks are bright red, due to the distribution and density of blood vessels under the skin. Mandrills are native to the tropical rain forests of central West Africa. Their chief enemy in the wild is the leopard.

The gestation period for mandrills is about 245 days and they normally give birth to one offspring. They breed well in captivity. The total mandrill population at the zoo is now seven.

###

#### Colobus Baby Born January 1

A Colobus baby was born late in the afternoon on New Years Day to Maude and Harold, bringing the Colobus population at the zoo to six.

These Colobus monkeys, native to the Kilimanjaro area, are a threatened species. They faced near extinction in the 19th Century due to the popularity of their luxurious fur coats in Europe.

(OVER)

The adults are black and white and have long, white tails. At birth the infants have an all-white coat, with black fur gradually beginning to appear in about six weeks; the infant to juvenile color change is complete in about four months.

The Colobus monkey colony is located on the south side of the zoo's primate building.

###

#### Nene Eggs Hatch

Two nene goslings hatched from a clutch of four eggs on January 1. The other two eggs are expected to hatch within a week. This is the fourth clutch of nene eggs to hatch at the zoo. Normal size for a clutch of nene eggs is four to six and the incubation period is about 30 days.

Nene geese, or Hawaiian geese as they are often called, are native to the islands of Hawaii and Maui and are an endangered species. The nene goose is the state bird of Hawaii.

Nene geese faced near extinction in the early 1950's, when the population had dwindled from 25,000 birds to under 50. Extensive research and breeding programs for these geese have since resulted in a gradual increase in their numbers in the wild.

###

# MSD tackles urban growth boundary at first meeting

By FRED LEESON  
Journal Staff Writer

The Metropolitan Service District Council launched a new era of regional government Thursday night with humor and no inclination to duck its first tough issue.

After some early banter, the council voted unanimously not to back off from a controversial urban growth boundary for the Portland area created by its predecessor, the Columbia Region Association of Governments.

The boundary lines, drawn over dozens of months of debate and controversy, are aimed at curbing urban sprawl. However, it has not been determined whether the new MSD, which replaced the old CRAG on Jan. 1, legally can adopt and enforce the CRAG growth boundaries.

Rick Gustafson, MSD executive officer, recommended that the council seek a legal opinion from the state attorney general before taking a stance on the growth boundaries.

But led by Councilor Charles Williamson, the council decided by voice vote to adopt and enforce the old CRAG growth boundaries immediately. "The sooner we get sued and get a decision, the better," he said.

Denton Kent, former CRAG director, told the council that the growth boundaries already have been challenged by some persons who believe they encompass too much land and by others who believe they don't encompass enough.

Gustafson said he was "gratified" by the council's firm stand on the boundaries. The council vote also authorized Gustafson to seek an attorney general's opinion, as he had recommended.

Thursday's session was the first official meeting of the 12-member council, which was elected last November by voters in the urbanized portions of Multnomah, Clackamas and Washington Counties. Nine of the 12 councilors were present.

In other business, the new council established its own meeting procedures, allocated itself some expense money and dealt with some staff matters.

Along the way, Gustafson found that he had failed to place an item on the agenda for his own executive officer's report. "I hope next time we'll abide by the rules and provide me that opportunity," he joked.

"This is the first time a politician has imposed a gag rule on himself," replied Commissioner Craig Berkman.

The council members granted themselves \$30 expense money for each weekly meeting, plus \$500 each in travel and meal expenses for the next six months. The \$500 figure was amended from \$1,000, which was supported by Councilors Donna Stuhr and Cindy Banzer.

But most of the members did not seem interested in travel to other meetings and conferences. "I keep waiting for the boondoggles of politics," quipped Councilor Caroline Miller, "and I'm still waiting." Later she added, "I'm claustrophobic. I'm not going to be flying anywhere. And I don't think I'll be eating through all the \$500."

Councilor Mike Burton formally was elected council chairman, making official his winning of a coin toss when he and Williamson split 6 to 6 in two previous informal votes.

Noting that the coin toss method drew criticism from a local newspaper, Burton said he would not make any "flippant" remarks.



**METROPOLITAN SERVICE DISTRICT**

527 S.W. HALL PORTLAND, OREGON 97201 503/221-1646

RICK GUSTAFSON, Executive Officer

January 4, 1979

Honorable Al Ullman  
U. S. House of Representatives  
Rayburn House Office Building  
Washington, D. C. 20515

Dear Al:

Thank you for your congratulatory mailgram to myself and the Metropolitan Service District Council.

The Swearing-In Ceremony on New Year's Day was a most positive way to start the new year with a new form of regional government. I am very impressed with the MSD Council members and am looking forward to working with them in the coming months.

I will be visiting Washington D. C. in February and would like to visit with you at that time.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Rick Gustafson', is written over a light-colored background. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rick Gustafson,  
Executive Officer

RG:PH:gh  
1899A

cc: MSD Council

AL ULLMAN  
PO BOX 247  
SALEM OR 97308

**WU** Mailgram  
WESTERN UNION



4-032785E361 12/27/78 ICS IPMRNCZ CSP PTLB  
5033995724 MGM TDRN SALEM OR 100 12-27 0153P EST

RICK GUSTAFSON AND MEMBERS OF METROPOLITAN  
SERVICE DISTRICT COUNCIL  
1220 SOUTHWEST MORRISON ROOM 500  
PORTLAND OR 97204

BEST WISHES ON THIS HISTORIC OCCASION ALL OF THE CITIZENS OF THE  
METROPOLITAN SERVICE DISTRICT WILL BENEFIT FROM YOUR ENDEAVORS.  
SINCERELY,

AL ULLMAN

1354 EST

COMMITTEE MEETING TITLE

MSD Council

DATE

June 4, 1979

NAME

AFFILIATION

Judith Biberle

MSD

Ray Hammond

MSD

Bob Neil

Don Carlson

BOUNDARY COMMISSION

Ken Cease

Portland State

FRED LEGSON

OREGON JOURNAL

Bill Culham

former member  
MSD. advisory committee

CAUCY KEMAE

MSD

Karen Tipton

MSD

Barbara Hughes

MSD

FRANK ANGELO

WASH. Co.

Jan Fortier

Citizen

James R. Landa

✓ ✓

Jim Laubenthal

MSD

Sue Klobertanz

MSD

Marilyn Holstrom

MSD

WARREN LIFF

MSD

Guilaine Hill

Citizen

Barak Smith

"

[Signature]

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TERRY WAUDELE

~~CRAG~~ MSD

Keith Lantorn

MSD

Wm. Ockert

MSD

COMMITTEE MEETING TITLE

*M&D Council*

DATE

*Jan 4, 1979*

NAME

AFFILIATION

*Bob Mc*

*Staff, M&D*

*LINDA MACPHERSON*

*LCDC*

*my*

Ord 79-64

MSD COUNCIL  
ROLL CALL ROSTER

<u>AGENDA ITEM</u>	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	_____
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	_____
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	_____
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	<u>absent</u>
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	_____
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	_____	<u>absent</u>
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	<u>ab</u>	_____
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
Total	<u>9</u>	_____



MSD COUNCIL  
ROLL CALL ROSTER

*Roll call  
present  
1/4/79*  
MEETING DATE

AGENDA ITEM

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

*Quorum - 7*