

*Markham Annex School?*

COUNCIL

**Metropolitan Service District**  
527 SW Hall Portland, Oregon 97201 503/221-1646

**Agenda**

Date: January 18, 1979  
Day: Thursday  
Time: 7:00 p.m.  
Place: Conference Room "C"

CALL TO ORDER

- 1. WRITTEN COMMUNICATIONS TO COUNCIL
- 2. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS
- 3. CONSENT AGENDA

3.1 Minutes of Meeting of January 4, 1979

3.2 A-95 Reviews

3.3 Funding Authorization for Sandy Boulevard TSM Project (Resolution No. 79-9)

3.4 Funding Authorization for Planning Activities on Banfield Transitway (Resolution No. 79-7)

4. REPORTS

4.1 Reports from Executive Officer

4.2 Status of "208" Water Quality Management Plan

5. OLD BUSINESS

5.1 Ordinance No. 79-65, providing for rules of procedure for conduct of Council meetings, transaction of Council business and repealing all prior rules of procedure (First Reading)

5.2 Local Government Jurisdiction Assessments (Ordinance No. 79-66), For the purpose of assessing Local Governments for operation of the Metropolitan Service District planning function for the second half of FY 1979) (First Reading)

*want early reports on A-95 funding*

*Draw Award - LEA -  
Kemper Contract  
authorize criteria & I am not for spec  
\*Legal Opinion - Employee  
can be Council*

*Judy has given Mike a letter*

*Rick*

*approved*

5.3 Landfill Siting Procedures (Resolution No. 79-12)

BREAK

6. NEW BUSINESS

6.1 Resource Recovery Project - Financial Consultant Agreement

6.2 Resource Recovery Project - Phase II Engineering Agreement

6.3 Zoo - Entrance Plaza Bid Award

6.4 1978-1979 LCDC Planning Assistance Grant Offer (Resolution No. 79-8)

6.5 Continuation of CRAG Goals and Objectives and Plans (Resolution No. 79-10)

6.6 Cipole Sanitary Landfill (Resolution No. 79-11)

6.7 Proposed Legislative Program for the Metropolitan Service District

*Corrections at last meeting*

*Rick to introduce resolution*

*held over*  
*held over*  
*held over*

*Key*  
*Jim*  
*Andy*  
*Jim*  
*Merle*

ADJOURNMENT

*Contract - Kemper*

C O U N C I L

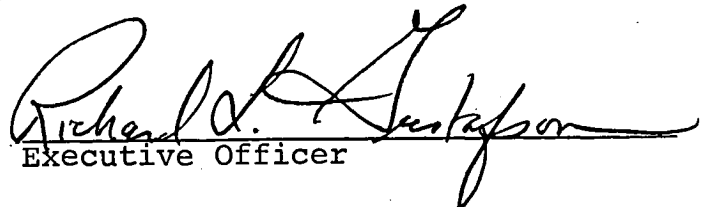
**Metropolitan Service District**  
527 SW Hall Portland, Oregon 97201 503/221-1646

## Agenda

Date: January 18, 1979  
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### C O N S E N T A G E N D A

The following business items have been reviewed by the staff and an officer of the Council. In my opinion, these items meet the Consent List Criteria established by the temporary Rules and Procedures of the Council.

  
Executive Officer

- 3.1 Minutes of Meeting of January 4, 1979  
Action Requested: Approve minutes as distributed.
- 3.2 A-95 Reviews  
Action Requested: Concur in staff findings
- 3.3 Funding Authorization for Sandy Boulevard TSM Project (Resolution No. 79-9)  
Action Requested: Adoption of Resolution No. 79-9
- 3.4 Funding Authorization for Planning Activities on Banfield Transitway (Resolution No. 79-7)  
Action Requested: Adoption of Resolution No. 79-7

APPROVED  
 APPROVED WITH CONDITIONS  
 DISAPPROVED

THE PROJECT APPLICATIONS LISTED BELOW HAVE BEEN PROCESSED BY CRAG AND A FINAL DISPOSITION HAS BEEN MADE AS SHOWN IN THE COLUMNS ON THE LEFT HAND SIDE OF THE PAGE. APPLICATIONS WITH CONDITIONS ATTACHED OR APPLICATIONS DISAPPROVED ARE DESCRIBED ON THE ATTACHED SHEETS.

January, 1979  
 \*Key to finding agency abbreviations on last page.

	PROJECT TITLE	APPLICANT	FEDERAL GRANT	STATE GRANT	LOCAL MATCH	OTHER FUNDS	TOTAL
X	Elderly and Handicapped Transportation Services	Special Mobility Services, Inc.	\$ 53,856 (UMTA)	-	\$ 13,464	-	\$ 67,320
X	362nd Drive at Skogan Road (Clackamas Co.)	Oregon Dept. of Transportation	38,700 (FHWA)	-	6,300		45,000
X	Inverness Industrial Project	Multnomah County	500,000 (EDA)	-	550,500		1,050,000
X	Alcoholism Outpatient Counseling	Multnomah County	127,050 (HEW)	-	23,949		150,949
X	Portland-Hillsboro Airport Runway Improvement	Port of Portland	240,000 (FAA)	-	60,000		300,000
X	Elderly and Handicapped Transportation Services	Clackamas County Transportation Services	14,559 (UMTA)	-	2,912		17,471
X	Elderly and Handicapped Transportation Services	Gladstone Special Recreation	8,000 (UMTA)	-	2,000		10,000
X	St. James Lutheran Church Historic Preservation Project	Oregon State Parks	80,000 (DOI)	-	80,000		160,000

THE PROJECT APPLICATIONS LISTED BELOW HAVE BEEN PROCESSED BY CRAG AND A FINAL DISPOSITION HAS BEEN MADE AS SHOWN IN THE COLUMNS ON THE LEFT HAND SIDE OF THE PAGE. APPLICATIONS WITH CONDITIONS ATTACHED OR APPLICATIONS DISAPPROVED ARE DESCRIBED ON THE ATTACHED SHEETS.

APPROVED	APPROVED WITH CONDITIONS	DISAPPROVED	PROJECT TITLE	APPLICANT	FEDERAL GRANT	STATE GRANT	LOCAL MATCH	OTHER FUNDS	TOTAL
X			COLCO Transportation	Columbia County Council of Senior Citizens	\$ 66,500 (UMTA)	\$ -	\$ 13,300	\$ -	\$ 79,800
X			Water System Improvements	Colton Water District	411,500 (FHA)		411,500	-	823,000
X			Estacada-North Fork River Crossing	Oregon Dept. of Transportation	7,500,000 (FHWA)	-	-	-	7,500,000
X			Graham Road Relocation -Portland Troutdale Airport	Port of Portland	352,000 (FAA)	-	88,000		440,000
X			Walnut Park Apartments	Oregon State Housing Division	148,656 (HUD)	873,000	-	218,300	1,239,956
X			Elderly and Handicapped Transportation Services	Loaves and Fishes Center, Inc. (Estacada)	19,096 (UMTA)	-	4,774	-	23,870
X			Air Quality Technical Assistance Demonstration Program	City of Portland	500,000 (EPA)	-	-	-	500,000
X			Fire Service Training Program	City of Portland	50,000 (U.S. Fire Admn.)				

APPROVED  
APPROVED WITH CONDITIONS  
DISAPPROVED

THE PROJECT APPLICATIONS LISTED BELOW HAVE BEEN PROCESSED BY CRAG AND A FINAL DISPOSITION HAS BEEN MADE AS SHOWN IN THE COLUMNS ON THE LEFT HAND SIDE OF THE PAGE. APPLICATIONS WITH CONDITIONS ATTACHED OR APPLICATIONS DISAPPROVED ARE DESCRIBED ON THE ATTACHED SHEETS.

PROJECT TITLE	APPLICANT	FEDERAL GRANT	STATE GRANT	LOCAL MATCH	OTHER FUNDS	TOTAL
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Funding Agency Abbreviations

DOI - Dept. of Interior	HEW - Dept. of Health, Education and Welfare
EDA - Economic Development Admin.	HUD - Dept. of Housing and Urban Development
EPA - Environmental Protection Agency	UMTA - Urban Mass Transit Admin.
FAA - Federal Aviation Admin.	
FHA - Federal Housing Admin.	
FHWA - Federal Highway Admin.	

## 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:      Funding Authorization for the Sandy Boulevard  
              Transportation System Management (TSM) Project

BACKGROUND: This project was identified in the list of critical problem areas and TSM projects (CRAG Staff Report #20, Revised), and received Category V Project approval by the CRAG Board under resolution BD 780202 in February, 1978, which set aside federal monies in the amount of \$342,820 for this project. As of September 30, 1978, these federal monies had escalated to approximately \$470,100.

Attached is a Project Information Form describing the proposed improvement. The improvement area is along Sandy Boulevard from 99th Avenue to 162nd Avenue. Adjacent commercial and nearby residential and industrial development create left turn conflicts with oncoming traffic and accident hazards at intersections and drive-ways. The situation creates lane blockages, delays to through traffic and causes left turn accidents. Autos and buses have difficulty entering Sandy from side streets because of inadequate spacing of signals.

A low cost TSM improvement strategy consisting of signalization and channelization improvements, an intersection realignment and improved transit waiting areas has been proposed to respond to these problems.

Multnomah County has requested federal monies be authorized and included in the FY 1979 Annual Element of the TIP.

BUDGET IMPLICATIONS: Funds are provided from federal and local sources. Local matching funds of \$70,000 are to be provided for this project by Multnomah County.

POLICY IMPLICATIONS: Amendment of the FY 1979 Annual Element to include this project will mean that federal obligation of the noted funds can take place. The project will also be given an affirmative A-95 approval.

ACTION REQUESTED: Authorize Interstate Transfer funds for Preliminary Engineering and construction of the project by amending the FY 1979 Annual Element of the Transportation Improvement Plan.

GS:gh  
1925A  
0033A  
1/11/79

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the Purpose of Authorizing )  
Interstate Transfer Funds and )  
Amending the Adopted Transportation ) Resolution No. 79-9  
Improvement Program (TIP) and )  
Its Annual Element )

WHEREAS, Through BD 780805, the CRAG Board of Directors adopted the TIP and its FY 1979 Annual Element; and

WHEREAS, Through BD 780202, the CRAG Board of Directors established additional Category V Project approvals and set aside 103(e)(4) monies for selected TSM projects identified in CRAG Staff Report #20, Revised; and

WHEREAS, \$342,820 of these 103(e)(4) monies were set aside for a series of Multnomah County TSM projects on Sandy Boulevard (99th Avenue to 162nd Avenue); and

WHEREAS, As of September 30, 1978 these 103(e)(4) funds had escalated to \$470,100 and are continuing to escalate; and

WHEREAS, Multnomah County has requested that funds for this project be now authorized; and

NOW, THEREFORE, BE IT RESOLVED, That \$470,100 (as of September 30, 1978) of Federal 103(e)(4) funds be authorized from Category V TSM reserves.

BE IT FURTHER RESOLVED, The MSD Council hereby finds: the project is in accordance with the region's continuing, cooperative, comprehensive planning process; is incorporated in the Annual Element of the TIP; and hereby is given affirmative A-95 approval; and



BE IT FURTHER RESOLVED, The MSD Council directs and authorizes the Executive Officer to forward the project application to the Governor through the Department of Transportation for his consideration and submission to USDOT and to take other action as necessary to carry out the purposes of this recommendation.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

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Presiding Officer

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PROJECT INFORMATION FORM - TRANSPORTATION IMPROVEMENT PROGRAM PORTLAND-DOUGLAS METROPOLITAN AREA

**PROJECT DESCRIPTION**  
 RESPONSIBILITY (AGENCY) Multnomah County  
 LIMITS Sandy Blvd (99th - 162nd) LENGTH 3.2mi  
 DESCRIPTION A TSM improvement strategy has been identified which consists of signalization and channelization improvements, intersection realignment, and improved transit waiting areas.

PROJECT NAME Sandy Blvd (99th - 162nd)  
 ID No FAU966  
 APPLICANT Multnomah County

**SCHEDULE**  
 TO ODOT \_\_\_\_\_  
 PE OK'D \_\_\_\_\_ EIS OK'D \_\_\_\_\_  
 CAT'Y \_\_\_\_\_ BID LET \_\_\_\_\_  
 HEARING \_\_\_\_\_ COMPL'T \_\_\_\_\_

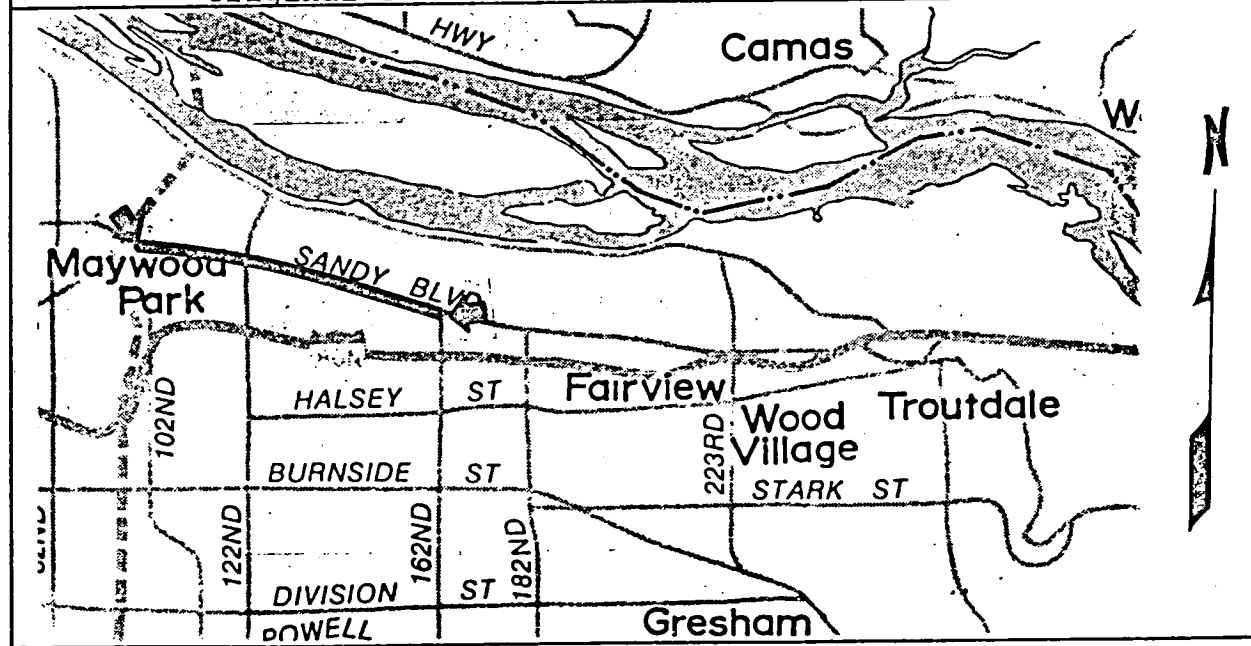
RELATIONSHIP TO ADOPTED TRANSPORTATION PLAN  
 LONG RANGE ELEMENT \_\_\_\_\_ TSM ELEMENT X

FUNDING PLAN BY FISCAL YEAR (\$000) *						
	FY 78	FY 79	FY 80	FY 81	Construct- ion	TOTAL
TOTAL		50			420	470
FEDERAL		43			357	400
STATE						
LOCAL		7			63	70

**APPLICANT'S ESTIMATE OF TOTAL PROJECT COST**

PRELIM ENGINEERING	\$ 50,000
CONSTRUCTION	420,000
RIGHT OF WAY	
TRAFFIC CONTROL	
ILLUMIN, SIGNS, LANDSCAPING, ETC	
STRUCTURES	
RAILROAD CROSSINGS	
<b>* TOTAL</b>	<b>\$ 470,000</b>

\*Original estimate unescalated



**SOURCE OF FUNDS (%)**

FEDERAL

FAUS (PORTLAND)	_____
FAUS (OREGON REGION)	_____
FAUS (WASH REGION)	_____
UMTA CAPITAL	_____ UMTA OPRTG _____
INTERSTATE	_____
FED AID PRIMARY	_____
INTERSTATE	_____
SUBSTITUTION Cat V	85

NON FEDERAL

STATE	_____	LOCAL	15
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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: Authorization for Additional Funding for Project Planning Activities on the Banfield Transitway

BACKGROUND: The CRAG previously authorized \$2,250,000 (\$1,935,000 from Mt. Hood Freeway Transfer funds) for project planning activities on the Banfield Transitway project. Of the \$2,250,000, \$1,260,000 was allocated to the Oregon Department of Transportation (ODOT is responsible for managing the planning activities), \$960,000 for Tri-Met, and \$30,000 for the City of Portland. Significant progress has been made to date in project planning activities. Major accomplishments include an analysis of project alternatives, development and review of a draft Environmental Impact Statement (EIS), and agreement by affected local jurisdictions and CRAG on a preferred mode and general alignment.

In conducting the alternative selection process, additional information was needed beyond that anticipated to respond to various concerns raised about alignment and station locations. As a result, funds intended for development of the Final EIS and refinement of the preliminary engineering were expended. In addition, funds are needed to prepare a "preferred Alternative Report" required by the Urban Mass Transportation Administration (UMTA). ODOT has estimated that an additional \$250,000 is needed to support project planning activities between now and the time federal funding approval is received (expected in December, 1979). They have requested that the federal share (\$212,500) of these additional funds be authorized from the Category I Banfield Transitway reserve (Mt. Hood Interstate Transfer funds).

BUDGET: This authorization would not affect the MSD budget.

POLICY IMPLICATION: Authorization of additional funds for Banfield Transitway project planning activities will mean that necessary planning activities can be carried out to ensure meeting schedules for federal funding approvals.

ACTION REQUESTED: Authorize an additional \$250,000 for project planning on the Banfield Transitway.

CWO:bc  
1977A  
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BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

For the Purpose of Increasing )  
the Funding Authorization for ) Resolution No. 79-7  
Project Planning on the Banfield )  
Transitway Project )

WHEREAS, The CRAG Board in Resolution BD 770406 and  
BD 771003 authorized funding for project planning on the Banfield  
Transitway Project in the amount of \$2,250,000 (total cost), and

WHEREAS, The Oregon Department of Transportation, acting  
as the manager for the Banfield Transitway Project planning effort,  
has found that additional funds are needed to complete project plan-  
ning activities on the Banfield Transitway Project through the anti-  
cipated federal approval in December, 1979;

NOW, THEREFORE, BE IT RESOLVED That the Metropolitan Ser-  
vice District Council hereby authorizes the use of \$212,500  
(\$250,000 total) additional Interstate Transfer funds (Mt. Hood  
Freeway) which have been reserved for the Banfield Transitway as set  
forth in Exhibit A as submitted, and

BE IT FURTHER RESOLVED That the Metropolitan Service Dis-  
trict Council hereby finds the project in accordance with the re-  
gion's continuing, cooperative, and comprehensive planning process,  
is incorporated in the Transportation Improvement Program and its  
FY 1979 Annual Element, and hereby is given affirmative A-95  
approval.

ADOPTED By the Council of the Metropolitan Service Dis-  
trict this 18th day of January, 1979.

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

CWO:gh  
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## Exhibit A

BANFIELD CORRIDOR PRELIMINARY FUNDS

<u>A. ODOT EFFORT</u>	<u>October 27, 1977</u>	<u>Revised</u>
<u>Field Engineering</u>	\$525,00	\$575,000
Continued field surveys - Begin in-depth design efforts to add support to the DEIS and FEIS as required - support hearing activities, manning the public information van, hold public meetings, etc., - Coordinate total effort of project - Direct project activities - Develop management structure for the final engineering and construction phases of the project development		
<u>Citizen Participation</u>	\$94,000	\$125,000
Support CAC activities - hold local meetings, news media contact, and information programs; keep public awareness up - Transitway News, newspaper supplement		
<u>Final Design</u>	\$3,500	\$4,000
Advise and assist in project development; TAC, team meetings, etc.		
<u>Bridge Design</u>	\$55,000	\$55,000
Continue preliminary bridge design for all structures and retaining walls		
<u>Preliminary Design</u>	\$15,000	\$8,000
Support hearing, etc., with exhibit material Advise and assist in design		
<u>Right-of-Way</u>	\$4,000	\$4,000
Right-of-way cost estimates and descriptions as required		
<u>Soil</u>	\$7,500	\$2,000
Perform required geological exploration		
<u>Traffic</u>	\$44,000	\$75,000
Analyze traffic data and advise suitability and effect of design changes; assist in presentations		
<u>Liaison (R/W)</u>	\$35,000	\$35,000
Citizens contact along corridor		

A. ODOT EFFORT

October 27, 1977

Revised

Utilities

\$17,000

\$12,000

Coordinate design with public utilities having facilities within the project

Photogrammetry

\$20,000

\$1,000

Aerial photography for updating base maps and use in hearings as exhibit material

Location Studies

\$2,000

\$1,000

Hydrology studies

Engineering Graphics

\$13,000

\$1,000

Graphics for citizen involvement and hearing

Planning

\$126,000

\$43,000

Reruns to test possible adjustments for presentations on traffic, etc.

Environment Section

\$270,000

\$556,000

Edit, evaluate, finalize, publish and distribute DEIS and FEIS - Support hearing - continue air-noise studies as required - advise on design

Foundation Exploration

\$21,000

\$2,000

Investigate soil for foundation of bridges and retaining walls

Hearing

\$8,000

\$11,000

Prepare, conduct, and report on hearing both information and formal

ODOT TOTALS

\$1,260,000

\$1,510,000

B. TRI-MET EFFORT

October 27, 1977

REVISED

Project Management and Management Planning

\$100,000

\$100,000

Provides for monitoring and managing the consultant effort throughout the preliminary engineering phase. Provides for the development of final engineering and construction CPM charts, development of scope of work for the final engineering phases, and identification of organizational structure for engineering, construction, and operation phases of project development. A management structure for the final engineering and construction phases of project development will be developed jointly with ODOT

Environmental Process Support

\$100,000

\$100,000

Provides for Tri-Met's assistance to ODOT in responding to the draft Impact Statement process and the preparation of a final Impact Statement after an alternative is selected

Project Evaluation Support

\$25,000

\$25,000

Provides for the development of reports required throughout the local decision process, including a staff recommendation report and preparation of alternatives analysis materials for UMTA

Systems Analysis and Selection

\$60,000

\$60,000

Provides for the technical evaluation and recommendations concerning LRT vehicles, fare collection platform configuration, support facilities location, power supply requirements and vehicle control requirements

Preliminary Design

\$465,000

\$465,000

This element comprises the bulk of the preliminary budget and consists of more detailed design of all elements of the light rail alternatives with particular concentration on the downtown area. Includes alignment refinement, track and electrification details, structures, traffic impact, construction impacts, maintenance requirements and operational features. Particular emphasis will be placed on the downtown area where both bus and LRT solutions will be investigated in more detail

	<u>October 27, 1977</u>	<u>REVISED</u>
<u>Station Analysis and Design</u>	\$100,000	\$100,000
Provides for additional work on selected stations and the development of a series of design standards for the final engineering phases of station design		
<u>Support Facility Design</u>	\$65,000	\$65,000
Provides for the preliminary design of support facilities such as the maintenance and storage facilities, central control center and electrical substations		
<u>Public Participation</u>	\$45,000	\$45,000
Provides for assistance to ODOT in carrying out the public participation program and developing appropriate materials for the program		
TRI-MET TOTALS	<u>\$960,000</u>	<u>\$960,000</u>
C. <u>CITY OF PORTLAND EFFORT</u>	\$30,000	\$30,000
Continue to assist in development of traffic data, assessment of impacts downtown, correlation of selected alternative design with downtown development		
TRI-AGENCY EFFORT TOTAL	<u>\$2,250,000</u>	<u>\$2,500,000</u>



BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the purpose of transmitting ) Resolution No.  
concerns of the Council regarding )  
the Banfield Transitway Project ) Introduced by: Gene Peterson  
Cindy Banzer  
Betty Schedeen

WHEREAS, The Oregon legislature is considering the appropriation of \$18.6 million to support construction of the Banfield Transitway Project, and

WHEREAS, Assurances have been given to the Metropolitan Service District Council by representatives of Tri-Met and Multnomah County that financial feasibility of the proposed transitway project does not rest on increasing housing densities in the I-205 to Gresham portion of the project, and

WHEREAS, Citizens and community planning groups in the I-205 to Gresham portion of the project have expressed a desire to be involved very early in the project design process and to make sure that all improvements needed to mitigate possible adverse impacts of the rail project be constructed concurrently with the rail line, with the net result being an improvement in the neighborhood environment, and

WHEREAS, The final environmental impact statement for the light rail alternative will require several months to complete,

NOW, THEREFORE, BE IT RESOLVED,

That the Metropolitan Service District Council supports the Governor's request for an \$18.6 million appropriation for the Banfield

Transitway Project, providing that the findings in the Final Environmental Impact Statement are favorable to the Project.

BE IT FURTHER RESOLVED, That the Metropolitan Service District Council urges the responsible implementation agencies to:

1) involve the community planning groups and citizen representatives most directly impacted by the project to ensure that their concerns are considered and implemented where feasible, and

2) provide that the first generation of Land Use Plans (approximately five years) and implementing zoning ordinances shall permit gradual growth but not require that residential density be increased in order to support or otherwise accommodate the Transitway Project.

ADOPTED By the Council of the Metropolitan Service District  
this 18th day of January, 1979.

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Presiding Officer

GP:mec  
23

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: Status of '208' Water Quality Management Plan  
 ("Waste Treatment Management Component of the Public  
 Facilities and Services Element of the Regional Plan").

BACKGROUND: On January 2, 1979 MSD received a letter from Donald P. Dubois, Regional Administrator for the U.S. Environmental Protection Agency Region X, officially approving the '208' Water Quality Management Plan adopted by the CRAG Board in July 1978. A copy of the letter, without attachments, is attached. Mr. Dubois' letter compliments CRAG for its efforts "to develop and implement viable solutions to the major water quality problems in the Portland Metropolitan area," and identifies several areas where additional planning is needed.

The '208' Water Quality Plan is the culmination of a unique three-year planning program in which CRAG coordinated the resources of three federal agencies (EPA, the Corps of Engineers and the U.S. Geological Survey) and managed a team of seven contractors, including the City of Portland, which also contributed substantial resources to the project. The adopted plan establishes several mechanisms for coordinating local sewerage capital improvements in the tri-county area.

1. Criteria for expansion or modification of local waste treatment facilities.
2. Regional data base to coordinate local capital improvement plans, including growth projections for "treatment system service areas" and "study areas" designated in the '208' plan.
3. Consortium approach to development of regional treatment facilities in designated "study areas".
4. Agreements with "management agencies" on their sewage collection and treatment responsibilities, approving their eligibility for federal funds for planning, implementation and regulation.
5. Process for coordinating state management of federal sewerage grants with regional policies, including initiation of sewerage works capital improvement programming.

6. Continuing planning process to develop controls for "non-point sources" (e.g. urban stormwater runoff).

The '208' planning process was conducted during the period when CRAG's Growth Management Strategy called for delineation of "urban service areas" for sewerage systems and other public facilities and services. Delineation of these service areas was completed for the outlying cities in the tri-county area and were included in the '208' Plan when it was adopted. Additional delineations in the contiguous urban area have been agreed upon by local jurisdictions since then, but must be incorporated into the plan by amendment.

In addition to the service area delineations, EPA has pointed out the following areas where additional planning is needed:

1. East Multnomah County Consortium preparation of a facilities plan for Portland's Columbia Blvd. treatment plant, Multnomah County Inverness plant, Gresham plant and Troutdale plant.
2. Implementation of City of Portland sludge disposal plan when Environmental Impact Statement is approved by EPA.
3. Development of control program for urban runoff and identification of management agencies.
4. Subject to definition of federal policy and availability of grants, identification of measures necessary to control combined sewer overflows.
5. Development of control program for septic tank pollution.
6. Development of control program for pollution caused by runoff from construction sites.
7. Maintain adequate public involvement in all new planning elements.
8. Annual update of adopted plan with upgrading of environmental, social and economic impacts of carrying out the plan(s).

(All of the above items are subject to the availability of federal funds, except items 7 and 8.)

MSD staff are currently developing a work program to address items 3, 6, 7, and 8 above.

BUDGET IMPLICATIONS: Some of the planning outlined in the list above was scheduled for this fiscal year, but federal and state processes have delayed award of the federal grant (\$121,500) originally anticipated to occur by October of 1978. Therefore, the program will require expenditure of reserve funds, as approved by the CRAG Board in the Fiscal Year '79 Budget. The actual amount of reserve funds required will be reported to the Council when final figures are available from the accounting process.

POLICY IMPLICATIONS: This program is in partial fulfillment of MSD's enabling legislation, which under Section 18(2) requires the Council to "Prepare and adopt functional plans... to control metropolitan area impact on air and water quality ...". The '208' plan ensures the most efficient and effective use of public funds for attaining and maintaining good water quality in the metropolitan area, pursuant to federal law.

ACTION RECOMMENDED None. This item is provided for the Council's information.

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION X

1200 SIXTH AVENUE  
SEATTLE, WASHINGTON 98101

R E C E I V E D



REPLY TO Mail Stop 441  
ATTN OF:

DEC 28 1978

COLUMBIA REGION  
ASSOCIATION

Mr. Denton U. Kent  
Executive Director  
Columbia Region Association  
of Governments  
527 SW. Hall  
Portland, Oregon 97201

Dear Mr. Kent:

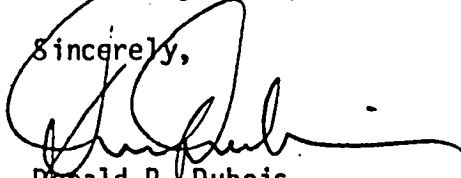
Today, I officially approved the Columbia Region Association of Governments (CRAG) 208 Water Quality Management Plan. A copy of my letter to the Governor is attached for your information. I want to compliment you and your staff for your efforts to develop and implement viable solutions to the major water quality problems in the Portland Metropolitan area. Your agency has continued to illustrate the benefits of developing local solutions to local water quality problems.

As I said in the Governor's letter, we have identified several areas where additional planning is needed in the Portland Metropolitan area. Many of these areas have been identified in the Oregon State/EPA Agreement and DEQ's five-year strategy. We would like to establish an annual implementation review between DEQ, CRAG, and EPA to evaluate the progress in implementing control programs, reaffirm water quality priorities, and confirm the direction of CRAG's future planning efforts and their relationship to DEQ's overall water quality program. This implementation, as one input to the annual mid-year evaluation between EPA and DEQ, will provide an excellent opportunity to further strengthen the involvement of areawide agencies in the State/EPA Agreement process.

Attachment A, which generally follows the format developed by the State for CRAG's plan certification, identifies in more detail the new planning areas that need to be dealt with by CRAG and DEQ in the future. This will be the basis for our implementation review each year.

I congratulate you for a successful planning program and look forward to working with you and your agency in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald P. Dubois', with a long horizontal flourish extending to the right.

Donald P. Dubois  
Regional Administrator

Attachments

cc: John Vlastelicia, 000  
William H. Young, DEQ

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

For the purpose of requesting )  
legislative support for State ) Resolution No 79 - \_\_\_  
general fund appropriations for )  
the Banfield Transitway Project ) Introduced by Marge Kafoury

WHEREAS, The proposed Banfield Transitway Project has received necessary approval from all local jurisdictions in the Portland metropolitan area and from the Oregon Department of Transportation, and

WHEREAS, The Governor of the State of Oregon has recommended a state general fund appropriation of \$18 million to finance the required match to the federal grant for the project, and

WHEREAS, It has been determined by Tri-Met that successful operation of light rail transit in the I-205 to Gresham portion of the corridor is not dependent upon increased population density, thus satisfying the major concern of the residents of that area,

NOW, THEREFORE, BE IT RESOLVED That the Council of the MSD hereby requests that the Legislature appropriate \$18 million over the period of the next three bienniums as matching funds to the federal grant for the Banfield Project.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

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

AJ:kk  
2052A  
0033A



BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the purpose of transmitting ) Resolution No.  
concerns of the Council regarding )  
the Banfield Transitway Project ) Introduced by: Gene Peterson  
Cindy Banzer  
Betty Schedeen

WHEREAS, The Oregon legislature is considering the appropriation of \$18.6 million to support construction of the Banfield Transitway Project, and

WHEREAS, Assurances have been given to the Metropolitan Service District Council by representatives of Tri-Met and Multnomah County that financial feasibility of the proposed transitway project does not rest on increasing housing densities in the I-205 to Gresham portion of the project, and

WHEREAS, Citizens and community planning groups in the I-205 to Gresham portion of the project have expressed a desire to be involved very early in the project design process and to make sure that all improvements needed to mitigate possible adverse impacts of the rail project be constructed concurrently with the rail line, with the net result being an improvement in the neighborhood environment, and

WHEREAS, The final environmental impact statement for the light rail alternative will require several months to complete,

NOW, THEREFORE, BE IT RESOLVED,

That the Metropolitan Service District Council supports the Governor's request for an \$18.6 million appropriation for the Banfield

Transitway Project, providing that the findings in the Final Environmental Impact Statement are favorable to the Project.

BE IT FURTHER RESOLVED, That the Metropolitan Service District Council urges the responsible implementation agencies to:

- 1) involve the community planning groups and citizen representatives most directly impacted by the project to ensure that their concerns are considered and implemented where feasible, and
- 2) provide that the first generation of Land Use Plans (approximately five years) and implementing zoning ordinances shall permit gradual growth but not require that residential density be increased in order to support or otherwise accommodate the Transitway Project.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

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Presiding Officer

GP:mec  
23

ORDINANCE NO. 79-65

Providing for Rules of Procedure for Conduct  
of Council Meetings, Transaction of Council Business  
and Repealing all Prior Rules of Procedure

Introduced by the Council - January 4, 1979

First Reading - January 18, 1979

Second Reading

Adoption

Effective Date

Rollcall

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

ORDINANCE NO. 79-65

An ordinance providing for 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.

#### 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 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.

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 and address.

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

## Secton 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 not 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.

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  
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## ATTACHMENT A

## MSD FY 1979 DUES COMPARISON

	C R A G 1st Half FY 1979	M S D 2nd Half FY 1979
MULTNOMAH COUNTY	\$ 34,463	\$ 33,144
PORTLAND	96,125	96,125
Fairview	430	430
Gresham	6,500	6,500
Maywood Park	265	265
Troutdale	748	747
Wood Village	570	570
WASHINGTON COUNTY	29,595	23,077
Banks	125	0
Beaverton	5,950	5,950
Cornelius	765	765
Durham	63	63
Forest Grove	2,700	2,700
Gaston	113	0
Hillsboro	5,500	5,500
King City	495	495
Sherwood	540	540
Tigard	2,963	2,962
Tualatin	1,182	1,181
CLACKAMAS COUNTY	30,217	18,576
Barlow	28	0
Canby	1,569	0
Estacada	448	0
Gladstone	2,247	2,246
Happy Valley	363	362
Johnson City	113	112
Lake Oswego	5,275	5,275
Milwaukie	4,426	4,429
Oregon City	3,525	3,525
Rivergrove	83	82
Sandy	622	0
West Linn	2,589	2,589
Wilsonville	510	510
CLARK COUNTY	16,569	0
Vancouver	7,440	0

DUES COMPARISON

	<u>1st Half FY 1979</u>	<u>2nd Half FY 1979</u>
Port of Portland	\$ 24,205	\$ 21,872
Tri-Met	<u>24,205</u>	<u>21,872</u>
TOTAL	<u>\$316,346</u>	<u>\$262,464</u>

JG:MC:gh  
1964A  
0033A

Proposed amendments to proposed MSD Ordinance #79-65. Submitted by Jim Allison, President Washington County Landowners Association.

Jan 18, 1979.

On page 4, Section 7--Ordinances:

1--Amend the first part of subsection 7.02 to read:

Except as provided in Section 7.07 of these rules, before an ordinance is adopted, it shall be read at two successive regular meetings of the Council.

2--Insert a new subsection immediately preceding subsection 7.03 to read:

"7.025 Immediately after the second reading of the proposed ordinance, the agenda shall provide for a public hearing. After the public hearing is concluded, the Council shall either schedule a third reading and a second public hearing or it shall dispose of the proposed ordinance by adopting or rejecting it. After each public hearing of the ordinance at a regular meeting of the Council, the Council shall either schedule an additional public hearing or it shall dispose of the proposed ordinance by adopting or rejecting it. The adoption of any amendment affecting the substance of the proposed ordinance shall require an additional public reading and hearing of the ordinance as amended prior to enactment. Any ordinance tabled or postponed indefinitely by the Council shall be considered as rejected and shall not be eligible for reconsideration unless reintroduced as provided in subsection 7.04."

## 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:    Local Government Jurisdiction Assessments  
              January 1, 1979, through June 30, 1979

BACKGROUND: Legislation passed in 1974 provided that CRAG could levy a per capita assessment on member jurisdictions, with their concurrence, to provide for general operating and local match (for federal grants) funds to conduct the business of the agency. Under that law, a budget was developed each year and submitted to member jurisdictions for their approval, via the General Assembly. Once approved, the dues payment became binding for the year.

In developing the budget for the current fiscal year the CRAG Board acknowledged that the new MSD would be instituted on January 1, 1979, and therefore, established an assessment billing procedure for only the first six months' work program with the understanding that the new MSD Council would provide the billing for the second six months' work program. The CRAG Board and General Assembly approved an assessment of 50¢ per capita for member jurisdictions, with a lesser assessment provided for Clark County to recognize the difference between Oregon and Washington planning laws and procedures. The attached chart provides a detail of the dues payment. The left hand column of that chart shows the assessment amount paid by jurisdictions for the first six months of the current fiscal year.

The MSD, under its enabling legislation, has the ability to require an assessment of up to 51¢ per capita from local government jurisdictions and special districts to provide general operating funds for the agency. The specific difference between the MSD power and the CRAG power is that the MSD is not mandated to seek concurrence of the local government jurisdictions prior to the establishment of the assessment amount.

The right hand column of the chart indicates the amount that would be forthcoming to MSD from jurisdictions within the MSD boundary if the 50¢ per capita assessment was continued for the remainder of the fiscal year. It should be noted that those indicated dollar amounts do not consider any form of credit or rebate that will be discussed in a later part of this summary.

As can be seen from the chart, a decrease in funds due to the drawing of the MSD boundary and the announced intent of Clark County to not participate in the new MSD provided for a shortfall situation in the

## AGENDA MANAGEMENT SUMMARY

Page 2

second six months dues, based on the approved annual work program. Money to correct this shortfall was provided through the official supplemental budget recently adopted by the MSD Board, after review by the Tax Supervisory Conservation Commission.

As was reported to the CRAG Board at its last meeting, improved management practices at CRAG in the last year provided for a larger than projected unallocated carryover fund which transfers to the new MSD agency. In discussing the disposition of that additional carryover, the CRAG Board indicated that they expected that a minimum of \$50,000 would be returned to local government jurisdictions through a credit of a proportional amount of that surplus against each jurisdiction's second six months' assessment. If the MSD Council wishes, it may approve a greater amount, to be credited against those local dues, or to use the surplus above the \$50,000 minimum return amount in some other way.

BUDGET IMPLICATIONS: Budget implications of an action to continue the 50¢ per capita assessment are to sustain the work program and budget levies approved by the CRAG Board and General Assembly at the beginning of the fiscal year. The proposed credit of \$50,000 to local government jurisdictions can be accommodated without impairing projected cash flow for the agency. The return of a proportional share of this money to Clark County and Vancouver via a cash payment versus a credit has some possible adverse legal consequences and may best be accommodated through a credit against anticipated contracts with MSD, since the Washington jurisdictions will not be dues-paying members for the second half of this fiscal year. The Council could increase the amount of credit rebate to local government jurisdictions, thereby reducing unallocated balances which could be used for other MSD purposes.

POLICY IMPLICATIONS: By levying the assessment for the last six months of the fiscal year, the MSD Council would be acting within its legislative prerogatives and, if the amount of the assessment were set at 50¢ per capita, the Council would be acting within the program and assessment policies established by the CRAG Board and General Assembly. The credit rebate to local government jurisdictions of an amount of \$50,000 would fulfill the policy desires expressed by the CRAG Board in passing the unallocated balance to MSD. Whether or not the Council wishes to increase that amount beyond the \$50,000 minimum is an issue for the Council to discuss and decide.

ACTION REQUESTED: This matter will be discussed at a Committee of the Whole meeting on January 11, 1979, to more fully brief the Council as to the financial and budgetary implications of the assessment process. It is the recommendation of the Executive Officer that the Council set the dues assessment at 50¢ per capita for the period January 1, through June 30, 1979. It is also recommended that the requested \$50,000 of the carryover amount be credited against those dues or contracts on the basis of present proportional payments.

1/11/79

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

ORDINANCE NO. 76-<sup>66</sup>~~97~~

For the Purpose of Assessing Local Governments for Operation of the Metropolitan Service District Planning Function for the Second Half of FY 1979

WHEREAS, It is deemed necessary by the Council, pursuant to Chapter 665 Oregon Laws 1977, Section 16, that the cities, counties and special districts within the MSD be charged for the conduct of MSD planning functions during the six-month period January 1 through June 30, 1979, and

WHEREAS, Notice of assessment was given local jurisdictions by CRAG at least thirty (30) days prior to the beginning of FY 1979.

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS AS FOLLOWS:

1. That each city and county wholly or partially within the boundaries of the MSD is hereby charged and assessed an amount proportional to its population within the MSD at the annual rate of fifty cents (\$.50) per capita for the period January 1, 1979 to June 30, 1979, said amounts being as indicated on the "Dues Detail" attached hereto as Attachment A and incorporated herein by this reference.

2. That the Port of Portland and the Tri-County Metropolitan Transportation District (Tri-Met) are hereby charged and assessed an amount proportional to the population within each said

district and within the MSD at the annual rate of five cents (\$.05) per capita for the period January 1, 1979 through June 30, 1979, said amounts being as indicated on the "Dues Detail" attached hereto as Attachment "A" and incorporated herein by this reference.

3. That each charge and assessment made herein shall be due and payable to the MSD no later than April 1, 1979.

4. That the population figure to be applied in the assessments herein shall be as prepared by the Population Research Census Center of Portland State University in 1975 and as updated by CRAG in 1978 for use in its FY 1979 dues assessments, such figures being as indicated in Attachment "A" hereto.

ADOPTED By the Council of the Metropolitan Service District this 10th day of January, 1979.

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

ATTEST:

\_\_\_\_\_

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0033A



## ATTACHMENT A

## MSD FY 1979 DUES DETAIL

	<u>Population FY 1979</u>	<u>2nd Half FY 1979</u>
MULTNOMAH COUNTY	132,575	\$ 33,144
PORTLAND	384,500	96,125
Fairview	1,720	430
Gresham	26,000	6,500
Maywood Park	1,060	265
Troutdale	2,990	747
Wood Village	2,280	570
WASHINGTON COUNTY	92,308	23,077
Beaverton	23,800	5,950
Cornelius	3,060	765
Durham	252	63
Forest Grove	10,800	2,700
Hillsboro	22,000	5,500
King City	1,980	495
<del>North Plains</del>	<del>845</del>	<del>211</del>
<del>Sherwood</del>	<del>2,160</del>	<del>540</del>
Tigard	11,850	2,962
Tualatin	4,725	1,181
CLACKAMAS COUNTY	74,303	18,576
Gladstone	8,985	2,246
Happy Valley	1,450	362
Johnson City	450	112
Lake Oswego	21,100	5,275
Milwaukie	17,715	4,429
Oregon City	14,100	3,525
Rivergrove	330	82
West Linn	10,355	2,589
Wilsonville	2,040	510
CLARK COUNTY		0
Vancouver		0

DUES SUMMARY

	<u>Population FY 1979</u>	<u>2nd Half FY 1979</u>
Port of Portland	878,888	\$ 21,872
Tri-Met	874,888	<u>21,872</u>
TOTAL ASSESSMENT		<u><u>\$262,675</u></u>

JG:MC:gh  
1966A  
0033A



CRAG

Columbia Region  
Association of  
Governments

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

## Memorandum

**Date:** October 20, 1978  
**To:** Denton U. Kent  
**From:** Andrew Jordan *AJ*  
**Subject:** Recent Attorney General Opinion Concerning Powers and Duties of MSD

I have reviewed the September 18, 1978, informal opinion written by Frank Ostrander, Assistant Attorney General, to Wes Kvarsten, Director of the Department of Land Conservation and Development. I find that most of Mr. Ostrander's assertions are correct. There are two matters asserted in the opinion, however, which require response. The first matter is of a general nature and the second, quite specific.

Throughout the opinion, Mr. Ostrander emphasizes the belief that the powers and duties indicated in the MSD enabling legislation constitute limitations upon the agency. Using that belief in the limiting effect of the legislation as his premise, Mr. Ostrander concludes, with respect to each and every power, that the MSD is substantially more limited in its ability to carry out its activities than was CRAG.

I assume that Mr. Ostrander's conservative premise is based upon the general rule of statutory construction requiring that municipal powers are to be construed strictly where there is doubt as to whether the power exists. Mr. Ostrander has chosen to disregard other general rules which are, in this case, equally applicable. For example, municipal corporations are generally granted those powers which are implied in enabling legislation and those powers which are deemed necessary to carry out the expressed powers in the statute. Further, municipal corporations with legislative authority are given substantial discretion in determining what measures are to be used in carrying out its powers as expressed and implied in enabling legislation. Therefore, MSD will have those powers which fall within the scope of its enabling legislation, and since the scope of that legislation is quite broad as it relates to land use planning, I fail to see any need or legal

Memorandum  
October 20, 1978  
Page 2

support for the unusually restrictive approach taken by Mr. Ostrander. And finally, since Mr. Ostrander's approach is so entirely unsubstantiated, I suggest it is more reflective of his attitude than of his research.

More specifically, Mr. Ostrander concludes on page 9 of his letter that the MSD, after January 1, 1979, will not have the power to adopt an urban growth boundary, and that the MSD may not have the authority to enforce the existing CRAG Urban Growth Boundary which, because it is a rule, is transferred to the MSD. I believe these conclusions to be simply incorrect for the reasons discussed below.

Mr. Ostrander believes that the MSD will lack authority to adopt or enforce a "site specific urban growth boundary" such as the CRAG boundary. I assume that his judgment on that matter emanates from the fact that the MSD legislation does not expressly provide for site specific boundaries generally or an urban growth boundary in particular. Mr. Ostrander does say, however, that the MSD has authority to act in the areas of housing and agricultural lands preservation even though housing and agricultural lands preservation are not specifically mentioned in the legislation. This contradiction is not explained in his letter. Further, his letter apparently creates a distinction between boundaries and other kinds of planning measures without explaining the basis for such a distinction. Indeed, I find no reason to believe that the legislation creates such a distinction at all.

Section 17 of the enabling legislation requires the MSD to adopt land use planning goals and objectives. There is no definition in the legislation for the terms "goals and objectives" which leaves open the question of what a goal or an objective is supposed to look like. As a matter of precedent, goals and objectives in this state have generally taken the form of narrative policy statements. However, I see no reason to believe that an objective, for instance, could not take the form of a boundary line on a map, if indeed such a line constituted a legitimate land use planning objective of the agency adopting it. Even if the word "objective" could not be construed to include a boundary on a map, I see no reason to believe that an objective could not take the form of a narrative legal description of land in the metropolitan area which is appropriate for urban development. Mr. Ostrander apparently finds the words "goals and objectives" to be quite limiting, without citing from whence such limitations come. I find on the other hand, that the power to adopt and implement "land use planning goals and objectives" is indeed quite broad, and, with the exception of jurisdiction, I find no express or implied limitations in the legislation.

Moving to Section 18 of the MSD enabling legislation, the agency is required to identify areas and activities having significant impact upon the development of the region and to prepare functional plans to control those impacts. I believe that it goes without saying that urban growth and urban sprawl are indeed activities which impact the orderly development of the region, and, therefore I do not see any reason why a functional plan or plans could not be adopted to control that impact. Mr. Ostrander concludes, presumably, 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 simply 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.

Mr. Ostrander also concludes that even though the MSD can adopt numerous "functional" plans, it cannot adopt a "comprehensive" plan. He goes on to conclude that because a "comprehensive" plan is not allowed, an urban growth boundary cannot be adopted. Applying such logic, one would have to conclude that the difference, or at least one difference, between "functional plans" and a "comprehensive plan" is the existence or non-existence of an urban growth boundary. Mr. Ostrander cites no authority to this effect, and I can find none.

It is also unclear why Mr. Ostrander focuses on an "urban growth" boundary as opposed to boundaries in general. For example, could a boundary exist in a transportation functional plan beyond which public transportation would not be provided? Could a boundary exist in a functional housing plan beyond which residential subdivision could not be developed? Could a boundary exist in a functional sewer plan beyond which no public sewers could be provided? Could a boundary exist in a functional parks and recreation plan beyond which no public parks could be provided? I believe that it would be easy to show that boundary lines are very often necessary, and at least traditional components of any kind of land use related plan. Given that, and given the fact that the MSD enabling legislation grants broad regional planning power with no restrictive definition of "functional plan," I see no reason why such boundaries are precluded.

Finally, Mr. Ostrander demonstrates a fundamental misunderstanding of the MSD power to adopt functional plans when he states, on page 8 of his letter, that ". . . Section 18 of the Act (HB 2070) requires MSD . . . to adopt "functional plans" for the district, including but not limited to air and water quality and transportation plans." On the contrary, Section 18 does not provide for air and water quality plans or a transpor-

tation plan. Rather, it provides for functional plans of an unlimited number and nature which will control impacts upon air quality, water quality, transportation and other aspects of development. The distinction is important because, if the section is read as written, the scope of planning power of the MSD appears much wider than Mr. Ostrander contends. He suggests that an urban growth boundary is not sufficiently similar, in a generic sense, to air, water and transportation plans, and therefore that an urban growth boundary cannot be construed as an unspecified but permissible plan. In fact, however, the act identifies air quality, water quality, transportation, etc., not as the subjects of plans but rather as aspects of development, the impacts upon which are to be controlled by whatever plans are deemed necessary by the MSD. Therefore, the suggestion that an urban growth boundary may not be generically equivalent to an air quality, water quality or transportation plan is simply irrelevant to the question of whether such a boundary may be adopted by the MSD.

In summary, Mr. Ostrander has cited no authority for his assertion that the MSD will be unable to adopt an urban growth boundary of its own or to perpetuate the urban growth boundary of CRAG. I believe to the contrary that the enabling legislation provides the new MSD with a wide range of planning powers which would reasonably and perhaps necessarily be construed to include the commonly accepted planning practice of adopting boundaries of one sort or another. There is nothing in the legislation which could lead one to believe that urban growth boundaries are excepted in the legislation from such plans, and I conclude that the MSD can adopt and implement an urban growth boundary as a part of either a goal, objective or functional plan, and that the agency may continue after January 1, 1979, to implement the currently existing CRAG urban growth boundary pursuant to Section 25(1) of the Act.

AJ:bc  
1075A

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  

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General Counsel, MSD

23

24 AJ:gh  
25 1893A  
0022A

26

## 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:      Landfill Siting Procedures

BACKGROUND: Within the Portland metropolitan area there are only two landfills accepting all types of residential, commercial and industrial solid waste. These sites are the St. Johns Landfill in North Portland and the Rossman's Landfill in Oregon City. Based on current volumes, the St. Johns Landfill will reach capacity in the spring of 1980. The City of Portland has applied to the Department of Environmental Quality (DEQ) and the Environmental Protection Agency (EPA) to expand the site 70 acres into what is classified by EPA as wetlands. If this expansion is granted, the landfill's life will be extended until 1985.

The Rossman's Landfill will also reach its capacity in the spring of 1980. The owner has applied to the DEQ for permission to add a second lift on the southerly portion of the site. If granted, the life of the Rossman Landfill will be extended until July, 1982.

On August 18, 1977, the MSD Board of Directors authorized the staff to accomplish specific work tasks essential to developing future disposal sites. The result was the report entitled "Disposal Siting Alternatives," dated September, 1978. This report identified potential short-term landfills and recommended that a search be commenced as soon as possible for a long-term site. In order to determine the feasibility of utilizing a specific site as a sanitary landfill and, at the same time, be aware of local community needs, the attached procedure has been developed. The purpose of this procedure is to select and provide a sanitary landfill for the Portland metropolitan area's solid waste needs. The goal of this effort is to provide an adequate amount of landfill space by establishing a process that selects a site and develops a design and an operational plan that will balance the regional needs with the local community values.

BUDGET IMPLICATIONS: There are no short-term budget implications in this proposal. However, expenditure of funds may be required over the long term for specific elements of the procedure. Funds have been appropriated in the current Solid Waste Division fiscal year 1978-79 budget.

POLICY IMPLICATIONS: Once adopted, this procedure will provide guidance for the Executive Officer in siting sanitary landfills and will assure involvement of affected local governments, other agencies having jurisdiction, and the general public.

ACTION REQUESTED: It is the recommendation of the Executive Officer that the MSD Council adopt the attached procedure for siting sanitary landfills through Resolution No. 79-12)

DUK:bc  
1973A/0033A

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the Purpose of Adopting )  
Procedures for Siting Sanitary ) Resolution No. 79-12  
Landfills ) Introduced by Craig Berkman

WHEREAS, There has not, in the past, been a procedure to permit involvement of affected local governments through advisory committees in connection with landfill locations, and

WHEREAS, It has become apparent that active and continuing participation on behalf of local jurisdictions will provide valuable input into effective siting, and

WHEREAS, The Council has, as a Committee of the Whole, reviewed the proposed Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A,"

NOW, THEREFORE, BE IT RESOLVED, That the Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A", is hereby adopted as a policy guideline to staff in establishing siting for landfills,

ADOPTED By the Council of the Metropolitan Service District  
this 18th day of January, 1979.

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

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the Purpose of Adopting	)	Resolution No. 79-12
Procedures for Siting Sanitary	)	Introduced by Craig Berkman
Landfills	)	<del>Amended at request of Rick</del>
		Gustafson <i>Burton</i>

WHEREAS, There has not, in the past, been a procedure to request involvement of affected local governments through local advisory committees in connection with landfill locations, and

WHEREAS, It has become apparent that active and continuing participation on behalf of local jurisdictions will provide valuable input into effective siting, and

WHEREAS, The Council has, as a Committee of the Whole, reviewed the proposed Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A,"

NOW, THEREFORE, BE IT RESOLVED, That the Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A", is hereby adopted as a policy guideline to staff in establishing siting for landfills,

BE IT FURTHER RESOLVED, That an expansion of the St. Johns' landfill is critical to avoiding a disposal crisis. The City of Portland's National Pollution Discharge Elimination System (NPDES) permit expansion application requires a schedule for siting an alternative landfill within the permit period which is five years. The MSD has previously issued a time schedule for identification and acquisition of a site which has become part of that application. The MSD Council reaffirms its intent to identify a site as outlined in the

letter of September 25, 1978.

ADOPTED By the Council of the Metropolitan Service District  
this 18th day of January, 1979.

Presiding Officer

mec  
39

PROPOSED

PROCEDURE FOR SITING SANITARY LANDFILL

PURPOSE - To select and provide a sanitary landfill for the ~~Portland~~ <sup>Portland</sup> Metropolitan area's solid waste needs. The goal of this effort is to provide an adequate amount of landfill space by establishing a process that selects a site and develops a design and an operational plan that will balance the regional needs with the local community values.

Procedure

1. A site is selected for consideration from those sites previously identified by MSD as potential disposal sites based on need, economics, public acceptance, and environmental impact. In addition, other sites may be selected for further consideration as a result of proposals received from property owners.
2. Once a site is selected for further consideration, MSD will contact the following.
  - . Local jurisdictions where the site is located informing them of MSD's interest in a particular site and requesting that the local jurisdiction appoint an advisory committee to work with the MSD staff in identifying areas of concern to be further addressed in the feasibility study and final design.
  - . Other local jurisdictions within one mile of the site informing them of MSD's interest in a particular site and requesting their input.
  - . Other governmental agencies possibly having jurisdiction, i.e., DEQ and EPA, informing them of MSD's interest in a particular site and requesting input regarding their involvement.
3. The MSD staff will commence with a preliminary feasibility study report to determine the issues facing the siting of a landfill at a particular site. The staff will work closely with the local jurisdiction advisory committee and other interested parties. Some of the siting issues to be considered include:

- . Regional Disposal Problem
- . Site Access
- . Protection of Community Water Resources
- . Visual Impact

*add ①, Energy Efficiency  
by recovering resources from  
(methane or gasification)*

*②, Potential for reclamation of resources from the  
land fill site*

*Make  
Changes*

*community*

*visited*

*results*

*results*

- . Gas and Odor Impact and Control
- . Bird Control
- . Other Vector Control
- . Property Value Fluctuations
- . Roadside Debris
- . Traffic Impact
- . Duration of Filling
- . Enforcement of Landfill Design and Operator's Criteria
- . Noise
- . ~~Alternative Uses and Final Use of Site.~~

4. Based on the results of the preliminary feasibility study reports, the staff and advisory committees will prepare a final preliminary feasibility report addressing siting problems, typical design drawings, typical operational plans and preliminary financing analysis.
5. The public will be given at least 30 days in which to provide input and comment regarding the final preliminary feasibility reports. The staff will incorporate input and comments received and prepare a final feasibility report.
6. The final feasibility reports will be presented to the MSD Council and hearings will be held to inform the public of its results and solicit comments.
7. If the MSD Council authorizes proceeding with the development of the site as a sanitary landfill, application will be made to the appropriate governing body for necessary land use approval.
8. After obtaining land use approvals, applications to operate a sanitary landfill will be made to appropriate governmental agencies having jurisdiction, i.e., DEQ, EPA, Corps of Engineers.
9. MSD will commence with final design based on requirements set forth in the land use approval and governmental agencies' permits and standards.
10. MSD will issue a call for proposal to construct and operate the landfill.

RG:kk  
1860A

*Clarify I H  
change I  
restoration of 1/4 or  
Potential restoration of surface for  
beneficial uses*

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

For the Purpose of Adopting )  
Procedures for Siting Sanitary )  
Landfills )

Resolution No. 79-12

*Introduced by Councilor Berkman*

*request* WHEREAS, There has not, in the past, been a procedure to permit involvement of affected local governments through *local* advisory committees in connection with landfill locations, and

WHEREAS, It has become apparent that active and continuing participation on behalf of local jurisdictions will provide valuable input into effective siting, and

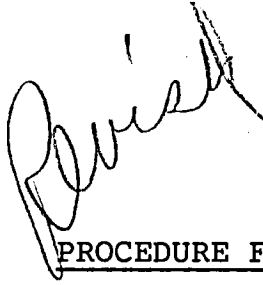
WHEREAS, The Council has, as a Committee of the Whole, reviewed the proposed Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A,"

NOW, THEREFORE, BE IT RESOLVED, That the Procedure for Siting Sanitary Landfill, attached hereto as Exhibit "A", is hereby adopted as a policy guideline to staff in establishing siting for landfills,

ADOPTED By the Council of the Metropolitan Service District  
this 18th day of January, 1979.

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





PROPOSED

PROCEDURE FOR SITING SANITARY LANDFILL

PURPOSE - To select and provide a sanitary landfill for the Portland metropolitan area's solid waste needs. The goal of this effort is to provide an adequate amount of landfill space by establishing a process that selects a site and develops a design and an operational plan that will balance the regional needs with the local community values.

Procedure

1. A site is selected for consideration from those sites previously identified by MSD as potential disposal sites based on need, economics, public acceptance, and environmental impact. In addition, other sites may be selected for further consideration as a result of proposals received from property owners.
2. Once a site is selected for further consideration, MSD will contact the following.
  - . Local jurisdictions where the site is located informing them of MSD's interest in a particular site and requesting that the local jurisdiction appoint an advisory committee to work with the MSD staff in identifying areas of concern to be further addressed in the feasibility study and final design.
  - . Other local jurisdictions within one mile of the site informing them of MSD's interest in a particular site and requesting their input.
  - . Other governmental agencies possibly having jurisdiction, i.e., DEQ and EPA, informing them of MSD's interest in a particular site and requesting input regarding their involvement.
3. The MSD staff will commence with a preliminary feasibility study report to determine the issues facing the siting of a landfill at a particular site. The staff will work closely with the local jurisdiction advisory committee and other interested parties. Some of the siting issues to be considered include:
  - . Regional Disposal Problem
  - . Site Access
  - . Protection of Community Water Resources
  - . Visual Impact

- . Gas and Odor Impact and Control
  - . Bird Control
  - . Other Vector Control
  - . Property Value Fluctuations
  - . Roadside Debris
  - . Traffic Impact
  - . Duration of Filling
  - . Enforcement of Landfill Design and Operator's Criteria
  - . Noise
  - . Alternative Uses and Final Use of Site.
4. Based on the results of the preliminary feasibility study report, the staff and advisory committees will prepare a final preliminary feasibility report addressing siting problems, typical design drawings, typical operational plans and preliminary financing analysis.
  5. The public will be given at least 30 days in which to provide input and comment regarding the final preliminary feasibility report. The staff will incorporate input and comments received and prepare a final feasibility report.
  6. The final feasibility report will be presented to the MSD Council and hearings will be held to inform the public of its results and solicit comments.
  7. If the MSD Council authorizes proceeding with the development of the site as a sanitary landfill, application will be made to the appropriate governing body for necessary land use approval.
  8. After obtaining land use approvals, applications to operate a sanitary landfill will be made to appropriate governmental agencies having jurisdiction, i.e., DEQ, EPA, Corps of Engineers.
  9. MSD will commence with final design based on requirements set forth in the land use approval and governmental agencies' permits and standards.
  10. MSD will issue a call for proposal to construct and operate the landfill.

RG:kk  
1860A

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2. Once a site is selected for further consideration, MSD will contact the following.

- Local jurisdictions where the site is located informing them of MSD's interest in a particular site and requesting that the local jurisdiction appoint an advisory committee to work with the MSD staff in identifying areas of concern to be further addressed in the feasibility study and final design. If no advisory committee is formed, this will be interpreted as rejection of the site and no further work shall be authorized.

*local jurisdictions to have veto?*

*time for community*

*Advisory to remove*

- Other local jurisdictions within one mile of the site informing them of MSD's interest in a particular site and requesting their input.
- Other governmental agencies possibly having jurisdiction, i.e., DEQ and EPA, informing them of MSD's interest in a particular site and requesting input regarding their involvement.

3. The MSD staff will commence with a preliminary feasibility study report to determine the issues facing the siting of a landfill at a particular site. The staff will work closely with the local jurisdiction advisory committee and other interested parties. Some of the siting issues to be considered include:

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- Site Access
- Protection of Community Water Resources
- Visual Impact

- . Gas and Odor Impact and Control
  - . Bird Control
  - . Other Vector Control
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  10. MSD will issue a call for proposal to construct and operate the landfill.

*does this limit  
MSD from acting  
to operate?*

RG:kk  
1860A

January 18, 1979

TO: MSD COUNCILORS  
FROM: MARGE KAFOURY

At last week's meeting, I expressed concerns about a proposed bill to permit siting of a solid waste disposal site or facility in an exclusive farm-use zone. Those concerns were:

1. The long-range implications of violating the integrity of the EFU zone. If the precedent were set, what would prevent other uses from being proposed on the basis of immediate need?
2. Providing in the language for the construction of a permanent facility, eliminating any possibility of subsequent land recovery.
3. The elimination of an incentive to jurisdictions within the MSD boundary to accept a proposed facility site, knowing that MSD could put it "out there".

I understand that the Executive Director is proposing an amendment to the original language which deletes any reference to a permanent facility. The amendment, however, satisfies just one of my three concerns. I ask the members to carefully consider the following factors in reaching a decision about this proposal:

1. Once a disposal site is filled, what period of time must pass before land may be reclaimed? For how many years are such things as leachate and methane associated with a filled site?
2. Have we adequately explored all possible sites within the MSD boundary? Have we exhausted every possibility? Have we considered, in an emergency, exercising those condemnation powers available to MSD under ORS 268.340?
3. Once the precedent is set, what will prevent other non-farm activities in the exclusive farm-use zone, for perhaps equally rational and persuasive reasons? What happens, then, to the "exclusive" nature of that protected area?
4. What happens in the future when we ask jurisdictions to accept location of an equally "unpleasant" facility, like a halfway house or a low income housing project? Will we put these "out there" too?

Please join me in voting not to submit this request to the Legislature.

# Metropolitan Service District

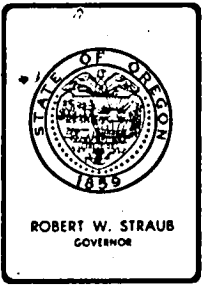
527 SW Hall Portland, Oregon 97201 503/221-1646

## Memorandum

*Date:* January 18, 1979  
*To:* MSD Council  
*From:* Executive Officer  
*Subject:* Exclusive Farm Use Zoning for Siting Landfills

The Executive Officer has interviewed both Bob Stacey of 1000 Friends of Oregon and Wes Kvarsten, Director of the Department of Land Conservation and Development. Both individuals have indicated they have no objection to a bill that would allow landfilling only in EFU zones. They do object to any facilities, transfer or resource recovery. In response to that objection the Executive Officer has revised the proposed legislation to provide for only landfilling and to require a reclamation plan for agricultural use. The director of LCDC further indicated that the process for gaining an amendment to the comprehensive plan to allow landfill in an EFU zone is very complicated and quite cumbersome and unreasonable in this situation. He has supported that exception with the proviso added in the legislation. Enclosed is a new draft proposal for approval of the Council for the legislative program.

RG:bc  
2044A




# Department of Land Conservation and Development

1175 COURT STREET N.E., SALEM, OREGON 97310 PHONE (503) 378-4926

## M E M O R A N D U M

January 16, 1979

TO: Rick Gustafson, Director  
Metropolitan Service District

FROM: W.J. Kvarsten, Director   
Department of Land Conservation and Development

SUBJECT: SANITARY LANDFILLS IN EFU

The Department believes that sanitary landfills can be established as an outright use in an EFU zone under ORS 215.213(d) as a "Utility facility necessary for public service. . ."

However, the controlling document will, in most cases, be the county zoning ordinance. Counties may elect to provide for the establishment of landfills, under conditions, subject to approval of the governing body. That is where the action will be.

WJK:kr

## 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:      Resource Recovery Project--Financial Consultants Agreement

BACKGROUND: As a result of an underwriter selection process for the Oregon City Resource Recovery Facility, the prior MSD Board identified the need to have additional outside financial consultant advice. Also, as a result of the underwriter selection process, the Board selected the firm of Paine Webber Jackson & Curtis to provide this financial advice. When it appeared that Publishers Paper Company might not be willing to monetarily commit to anticipated additional outside engineering consultant work, the financial consultant agreement was not submitted for approval. Pending the financial commitment from Publishers Paper Company, it is necessary to execute the agreement to provide the MSD with financial consultant assistance for the project.

BUDGETARY IMPLICATIONS: If the project proceeds, the consultant fee of .16 percent of the financed project cost is payable from bond sales. If the project does not proceed, MSD must bear the cost of the financial consultant stipulated in the agreement (Section 3) up to a maximum of \$42,500.

POLICY IMPLICATIONS: This agreement would provide MSD with the necessary financial analysis to implement the Resource Recovery Project and negotiations with Publishers Paper Company.

ACTION REQUESTED: The Executive Officer recommends Council authorization for execution of the agreement.

DUK:bc  
1972A  
0033A



BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

For the purpose of seeking	)	Resolution No.
legislation permitting the	)	
MSD to determine solid waste	)	
disposal and landfill sites.	)	Introduced by Craig Berkman

WHEREAS, There does exist a potential solid waste disposal site crisis in the district, and

WHEREAS, The inclusive authority to approve sites for such use resides with cities and counties pursuant to local planning and zoning authority, and

WHEREAS, It is deemed necessary that the MSD have sufficient authority to locate and determine such sites,

NOW, THEREFORE, BE IT RESOLVED, That the attached "Proposed Amendment to ORS Chapter 268" be added to the approved MSD legislative package for submission to the 1979<sup>9</sup> Legislature.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

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

AJ:gh  
2077A  
0033A

PROPOSED AMENDMENT TO ORS CHAPTER 268

Solid Waste Disposal Siting.

- (1) Notwithstanding the authority of cities and counties to plan and zone the use of land, a district shall have the authority, subject to statewide land use planning goals of the Land Conservation and Development Commission and regulations of the Environmental Quality Commission, to determine and locate sites for solid waste disposal and landfill if the Council of the District finds:
  - a. That there is a need for such a site within the district;
  - b. That the site selected best fulfills the determined need, and;
  - c. That other possible sites are not as well suited for solid waste disposal as the site selected.
- (2) In exercising the authority granted in subsection (1) of this section, a district council shall make all reasonable efforts to encourage and facilitate the participation of affected local citizens and units of local government in the district's disposal site selection process, and the views of such citizens and jurisdictions shall be considered prior to any site selection.
- (3) Upon selection of a disposal or landfill site by a district council, pursuant to subsections (1) and (2) of this section, such site may be utilized for disposal or landfill purposes without any permit from the affected city or county and without application of, or amendment to, a city or county comprehensive plan, zoning ordinance or other local regulation or ordinance.

AJ:gh  
2078A  
0033A

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

In the matter of establishing a )  
district policy in support of ) Resolution No. 79-  
resource recovery alternatives )  
to the disposal of solid wastes ) At the request of  
in landfills, and directing con- ) Rick Gustafson  
tinued efforts to obtain federal )  
funding to such ends.

WHEREAS, The Metropolitan Service District is responsible for metropolitan aspects of solid waste management and planning; and

WHEREAS, Prior to its reorganization, the MSD applied for funding through the United States Environmental Protection Agency for resource recovery project development; and

WHEREAS, The Council is cognizant of the needs of the district in solid waste management planning and strongly believes that, whenever feasible, resource recovery alternatives should replace the practice of depositing solid wastes in landfills;

NOW, THEREFORE, BE IT RESOLVED, That it is a fundamental district policy to reduce dependence on landfills for the disposal of solid wastes and to promote, develop and support resource recovery alternatives wherever and whenever feasible; and

BE IT FURTHER RESOLVED, That the Council supports, and directs the staff to continue, efforts to obtain funding from the United States Environmental Protection Agency pursuant to the

"Financial Assistance for Resource Recovery Project Development"  
program under the President's Urban Policy (Program number 66.451 of  
the Solid and Hazardous Waste Management Program).

ADOPTED By the Council of the Metropolitan Service Dis-  
trict this 18th day of January, 1979.

Presiding Officer

MS:kk  
2061A  
0033A

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

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POLICY IMPLICATIONS: This agreement would provide MSD with the necessary financial analysis to implement the Resource Recovery Project and negotiations with Publishers Paper Company.

ACTION REQUESTED: The Executive Officer recommends Council authorization for execution of the agreement.

DUK:bc  
1972A  
0033A

AGREEMENT FOR IMPLEMENTING  
RESOURCE RECOVERY FACILITIES

This Agreement, dated January \_\_\_\_, 1979, is between the Metropolitan Service District, a municipal corporation ("MSD"), and Publishers Paper Co., a Delaware corporation ("Publishers").

RECITALS

1.0 Phase I Agreement. On February 14, 1977, MSD and Publishers entered into an agreement to perform Phase I engineering and financial work (the "Phase I agreement") for a municipal refuse facility processing 400,000 tons per year of commercial and municipal solid waste.

2.0 Phase I Participants. Publishers subcontracted the Phase I engineering work to the Bechtel Corporation of San Francisco ("Bechtel"), and the Phase I financial work to White Weld Inc. of New York (now Merrill Lynch, White Weld Capital Markets Group) ("White Weld"). The work to have been performed by Bechtel and White Weld has now essentially been completed and their respective final reports issued.

3.0 Phase I Work Products.

3.1 The Bechtel report envisions a resource recovery facility, also known as a processing plant, capable of processing approximately 400,000 tons annually of municipal refuse received in the MSD area. The processing plant and a

boiler would be constructed on a site of approximately ten acres located in Oregon City, approximately 1-1/4 miles from Publishers' Oregon City mill (the "mill"). The boiler would burn the processed refuse and produce steam, which would be piped to the mill with sufficient steam produced to eliminate the use of fossil fuels at the mill. In addition, a steam turbine generator located at the mill site would provide approximately 23% of the mill's current electrical energy requirements. Ferrous metals separation equipment and picking stations for the possible recovery of newsprint and paperboard would be incorporated in the processing plant. The processing plant, the boiler, the steamline and the generator are hereafter collectively referred to as the "Project" or as the "Facilities."

3.2 According to the White Weld report, the Project would be financed in part by tax free bonds issued by MSD, in part by grant/loan funds from the State of Oregon, and in part by Publishers who would be the sole equity investor and the beneficial owner and operator. The Project would be economically self-supporting and its debt obligation self-liquidating. Bonds issued would not constitute a general obligation of any of the participants and their viability would depend on the credit of the Project itself. The Project would be capitalized and operated as a separate entity with all financial activities ultimately consolidated

into Publishers parent corporation, Times Mirror. Sources of revenue for the Project include a user fee for solid waste disposal, an energy charge to Publishers and revenues received from sale of ferrous metal, waste paper, or other by-products. As a result of the Phase I work, the capital requirements based on a 1982 completion are estimated to be:

Construction Capital (escalated through time of construction)	\$64.0 million
Working Capital	2.0 million
Bond Insurance Cost	1.4 million
Bond Reserve Fund	3.5 million
Interest during construction	7.4 million
Total	<u>\$78.3 million</u>

As a result of the Phase I work, the sources of funds are estimated to be:

Solid waste pollution control bonds	\$49.1 million
Oregon State pollution control bonds	9.0 million
Times Mirror equity	20.2 million
Total	<u>\$78.3 million</u>

4.0 Phase II Work. Based on the Phase I work, the parties believe the Project is economically and technically feasible, and want to proceed with the Phase II work. The general purpose of the Phase II work will be to bring the Project to the point of:

- 4.1 Project contracts ready for signing.
- 4.2 Documentation complete for financing of the Project.
- 4.3 Engineering adequate for a firm construction budget.



4.4 Procurement of all necessary regulatory permits.

4.5 System established for supply of refuse to the Facility.

#### AGREEMENT

In consideration of the recitals and the following mutual promises, the parties agree as follows:

##### 5.0 Phase II Contract Negotiations.

5.1 As part of the Phase II work, Publishers and MSD agree to begin meaningful negotiations concerning the necessary Project agreements.

5.2 The agreements will include, but are not limited to:

- .1 Contract for supply of refuse between the Project and the MSD.
- .2 Contract for disposal of residue and ash between the Project and the MSD.
- .3 Contract for the sale of energy between the Project and Publishers.
- .4 Contracts for the sale of by-products between the Project and purchasers.

##### 6.0 Phase II Financial.

6.1 As part of the Phase II work, a Project financial underwriter will be engaged to prepare and provide such documentation and assistance as required to bring the Project to the point of final financing.

6.2 MSD may engage a separate financial consultant who will provide assistance to MSD in contract negotiations and financial analysis.

6.3 If Project proceeds and the bonds are sold, the underwriter and financial consultant shall be paid from the Project financing.

6.4 If the Project fails to proceed, reimbursement of the financial consultant will be the exclusive responsibility of the MSD, and reimbursement of the project underwriter will be the responsibility of the parties as set forth in the Underwriting Agreement.

#### 7.0 Phase II Engineering Work.

7.1 As part of the Phase II work, Publishers will perform the Phase II Engineering work for the Facilities based on the Phase I work.

7.2 The Phase II engineering work will include the following general tasks:

- .1 Review current facilities design concepts, and consistent with the latest resource recovery technology, prepare a report summarizing any design changes proposed, and incorporate selected modifications into the proposed facilities design.
- .2 Prepare alternative design studies for the

Refuse Derived Fuel ("RDF") storage system, prepare a summary report with recommendations and revise the design to incorporate the selected RDF storage alternative.

- .3 Prepare alternative design concepts for transport of RDF to other RDF burning facilities and incorporate the selected alternative into the facilities design.
- .4 Modify the turbine generator condenser cooling water system to incorporate a cooling tower with its auxiliaries as mandated by the Oregon DEQ.
- .5 Review provisions for offsite storm water drainage and plan effluent disposal systems and incorporate any required modifications into the facilities design.
- .6 Perform required engineering and architectural design to obtain a Willamette Greenway permit for the exposed pipeline route, the turbine generator building, and the cooling tower.
- .7 Modify the Project estimates and schedules consistent with the above design changes.
- .8 Provide technical input to the contract

negotiations based on the work accomplished in Phase I and II.

- .9 Prepare preliminary Facilities outline system specifications in sufficient detail to obtain a firm, meaningful, competitive "turn key" type engineering and construction bid from qualified engineering constructors.
- .10 Establish a final operating and maintenance budget for the Facilities.

#### 8.0 Phase II Refuse Supply Work.

8.1 As part of the Phase II work, MSD will complete their analysis of refuse availability in the MSD area, including the quantity of suitable processible municipal refuse available and its geographic location.

8.2 The MSD work will include the following general tasks:

- .1 Confirm refuse supply data and establish range of tonnage of processible refuse to be available to the Facility.
- .2 Obtain, if necessary, additional local and/or state legislation to insure MSD's authority to control the flow of adequate municipal refuse to the Facility.
- .3 Establish a program with detailed system

mechanics for delivery of the municipal refuse to the Facility, including the use of transfer stations.

- .4 Develop a program, with system mechanics for disposal of unprocessed wastes, residues and ash from the Facility.

#### 9.0 Consultants; Coordination.

9.1 Publishers may hire consultants, approved by MSD's Executive Officer, to assist Publishers in the Phase II Engineering Work, and will supply sufficient and knowledgeable employees to supervise and coordinate the consultant's work. Publishers will appoint a project engineer who will have direct responsibility for all facility engineering and design under the direction of Publishers' chief engineer. Publishers will comply with all Oregon laws pertinent to public contracts. This contract is exclusively for personal services. Nothing contained in this Agreement shall create any contractual rights or relations between MSD and Publishers' consultants or subcontractors.

9.2 MSD will supply sufficient staff to work and coordinate with Publishers and its consultants to the end that the Phase II work will not be delayed.

#### 10.0 Project-Advisory Contract Negotiation Committee.

A Project Advisory Contract Negotiation Committee ("PAC")

("CNC") will be formed to monitor work performed under this Agreement. Membership on the committee will be composed of at least one two representatives from both the MSD and Publishers. ~~together with such project consultants and representatives from governmental agencies, such as the DEQ, as the parties may deem appropriate.~~ The An MSD representative shall serve as Chairman, and can call PAC CNC meetings.

11.0 Cost of Phase II Engineering Consultant Work.

11.1 The Phase II engineering work to be subcontracted by Publishers will cost approximately \$300,000.00. The final figure ("Phase II Engineering Expenses") is subject to MSD's and Publishers' respective approval and will be determined when the consultant is selected. MSD will advance the funds necessary to pay the Phase II Engineering Expenses on the following basis:

- .1 If the project proceeds and the bonds are sold, the funds advanced by MSD for Phase II Engineering Expenses will be repaid to MSD from the bond proceeds.
- .2 MSD has applied for a grant of \$456,000.00 through the United States Environmental Protection Agency ("EPA") Financial Assistance Program for Resource Recovery Project Development under the President's Urban Policy, Program No. 66.451. The parties understand

that EPA procedure requires a pre-application submittal by MSD, a review and determination by EPA if the MSD submittal should proceed to final contract development. The final contract step includes negotiation and the establishment by MSD and EPA of a final contract and work scope. EPA has advised MSD that the review and determination steps will take approximately 90 days from the date of pre-application submittal. The parties expect a response from EPA on or before April 1, 1979. Publishers acknowledges receipt of a copy of the MSD pre-application.

.3 Except as limited by the final agreement between MSD and EPA ("EPA Agreement"), MSD will apply the grant funds, when received, to the payment or reimbursement of the Phase II Engineering Expenses before using the grant funds for other purposes.

.4 If MSD is not awarded EPA grant funds for Program No. 66.451, if the grant funds allocated to MSD are less than the Phase II Engineering Expenses or if EPA has not made a final determination by April 1, 1979, Publishers may terminate the Phase II engineering consultant work, and if so

terminated, either party may terminate this Agreement in accordance with Section 12.0 except that the notice provision shall be five (5) days rather than twenty (20) days. If the Phase II engineering consultant work is terminated, Publishers will reimburse MSD for fifty percent (50%) of the Phase II Engineering Expenses incurred up to and including the date of termination which exceed the funds granted by EPA and allocated to the Phase II Engineering expenses. As part of the contract between Publishers and the Phase II engineering consultant, Publishers may limit the amount of engineering consultant work to be provided on or before April 1, 1979 to \$100,000, thereby limiting Publishers' exposure to \$50,000. If the Phase II engineering consultant work is terminated, MSD will determine the amount due from Publishers in accordance with this Agreement and bill Publishers as soon as possible after the termination. Publishers will pay MSD within 30 days after receipt of the billing.

- .5 If Publishers elects to continue the engineering consultant work after April 1, 1979, or elects to exceed the \$100,000 limit and if



MSD is not fully reimbursed for the Phase II Engineering Expenses within nine (9) months from the date of this agreement, Publishers will reimburse MSD for fifty percent (50%) of the Phase II Engineering Expenses not reimbursed to MSD. MSD shall determine the amount due and bill Publishers for this amount. Publishers will pay MSD the amount billed within thirty (30) days after receipt of the billing.

11.2 Within thirty (30) days from the date of this Agreement and prior to commencing any Phase II engineering consultant work, Publishers shall prepare a detailed plan setting forth the scope of the Phase II engineering consultant work, together with the budget therefore, which shall become a part of this Agreement after approval by MSD's Executive Officer and Publishers.

11.3 Publishers will not be reimbursed by MSD for costs which are part of its normal overhead expenses, including, without limitation, the wages of its regular employees involved in the Phase II work.

11.4 The Phase II Engineering Expenses shall be invoiced to and paid by MSD on a monthly basis.

12.0 Termination. This Agreement can be terminated by mutual consent of the parties or upon the receipt of 20

days' written notice of termination by either party. In the event of termination of the Agreement by either party, the results of the work shall become the sole property of MSD, except that Publishers shall be entitled to use the Phase II engineering work relative to the facilities located on the mill site, i.e. the turbine generator, and MSD may terminate the Project or may complete the Phase II work with other parties of its choice. It is further understood that if this Agreement is terminated, MSD may, in its sole discretion, use the Phase I and II work as a basis for further work on and implementation of the facilities.

13.0 Indemnification. Publishers shall indemnify MSD for all claims, expenses, causes of suit or action arising out of Publishers' negligence in the performance of its duties.

14.0 Implementation. Implementation of this Agreement is conditioned upon the MSD securing funds or a source of funds equal to the budgeted amount and the parties' approval of the detailed scope of work and budget in paragraph 11.2. Until Publishers receives MSD's certificate that it has the necessary funds to pay the costs and expenses to be reimbursed hereunder, Publishers shall have no obligation to proceed with the work. In the event that MSD does not satisfy such condition precedent prior to the anniversary date of this Agreement, Publishers shall have no further obligation to proceed hereunder.

15.0 Miscellaneous.

15.1 In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and court costs, including fees and costs on appeal to an appellate court.

15.2 This Agreement is binding upon the parties and their respective successors. This Agreement may not under any conditions be assigned or transferred by either party without the express written approval of the other party.

METROPOLITAN SERVICE DISTRICT

WITNESS:

By: \_\_\_\_\_

\_\_\_\_\_

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

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

PUBLISHERS PAPER COMPANY

WITNESS:

By: \_\_\_\_\_

By \_\_\_\_\_

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

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

## AGENDA MANAGEMENT SUMMARY

TO: MSD Council  
FROM: Executive Officer  
SUBJECT: Phase II Engineering Agreement - Resource Recovery Project

BACKGROUND: As part of MSD's effort to develop a Resource Recovery Facility, the need for doing additional engineering work preliminary to executing final agreements and selling bonds has been identified. While the need for doing this work is not disputed, Publishers Paper Company (PPC) and the previous MSD Board were not able to agree on an arrangement for sharing the cost of this work.

The cost sharing arrangement represented in the attached agreement is contingent upon receiving an EPA grant which would cover the cost of Phase II engineering and provide additional monies to develop other aspects of the project. If the project proceeds as planned, the cost of Phase II engineering can be recovered through the sale of bonds for the project. The EPA grant, if obtained, would reduce the bond requirements. If the project does not proceed as planned, Publishers would agree to pay up to \$50,000 of the Phase II engineering cost. Either party may terminate the agreement upon 20 days written notice. In the event the grant from EPA is not obtained, the work may be terminated immediately.

BUDGET IMPLICATIONS: Monies are authorized and budgeted for the Phase II engineering work. The contract amount is \$300,000. Initially, the total cost of the Phase II engineering would be borne by MSD and reimbursement would occur only if the project did not proceed and the EPA grant not obtained. In addition, the agreement requires that MSD do additional work outside the scope of the Phase II engineering work described in the agreement. This work includes confirming refuse supply parameters and establishing system mechanics assuring delivery of projected waste quantities to the Resource Recovery site. A firm budget for this additional work has not been established, but is estimated to cost \$100,000 to \$150,000.

In summary, the total budget implications are \$400,000 to \$450,000 for executing this agreement. These monies are available and budgeted. These monies can be recovered from bond sales. If the project proceeds, these monies can be defrayed by the EPA grant, which has been applied for, and Publishers agrees to reimburse MSD up to \$50,000 if the project does not proceed.

POLICY IMPLICATIONS. The major tasks remaining for implementation of the Resource Recovery Project are related to this agreement. The cost sharing arrangements specified in the agreement alleviate the previous MSD Board and staff's concern that Publishers has not yet made a major monetary commitment to the project. The staff feels that this monetary commitment is essential to proceeding with future negotiations, the final outcome of which must be approved by the Council.

AGENDA MANAGEMENT SUMMARY  
Page 2

ACTION REQUESTED: It is the recommendation of the Executive Officer that the MSD Council authorize execution of the Phase II agreement for implementing Resource Recovery facilities. As part of that agreement it will be necessary for the Executive Officer to approve the selection of subcontractors Publishers may use to complete this work. In addition, a detailed work scope and budget for this work would be provided to the Executive Officer for approval prior to commencing any work.

1/18/79

AGREEMENT FOR IMPLEMENTING  
RESOURCE RECOVERY FACILITIES

This Agreement, dated January \_\_\_\_\_, 1979, is between the Metropolitan Service District, a municipal corporation ("MSD"), and Publishers Paper Co., a Delaware corporation ("Publishers").

RECITALS

1.0 Phase I Agreement. On February 14, 1977, MSD and Publishers entered into an agreement to perform Phase I engineering and financial work (the "Phase I agreement") for a municipal refuse facility processing 400,000 tons per year of commercial and municipal solid waste.

2.0 Phase I Participants. Publishers subcontracted the Phase I engineering work to the Bechtel Corporation of San Francisco ("Bechtel"), and the Phase I financial work to White Weld Inc. of New York (now Merrill Lynch, White Weld Capital Markets Group) ("White Weld"). The work to have been performed by Bechtel and White Weld has now essentially been completed and their respective final reports issued.

3.0 Phase I Work Products.

3.1 The Bechtel report envisions a resource recovery facility, also known as a processing plant, capable of processing approximately 400,000 tons annually of municipal refuse received in the MSD area. The processing plant and a

boiler would be constructed on a site of approximately ten acres located in Oregon City, approximately 1-1/4 miles from Publishers' Oregon City mill (the "mill"). The boiler would burn the processed refuse and produce steam, which would be piped to the mill with sufficient steam produced to eliminate the use of fossil fuels at the mill. In addition, a steam turbine generator located at the mill site would provide approximately 23% of the mill's current electrical energy requirements. Ferrous metals separation equipment and picking stations for the possible recovery of newsprint and paperboard would be incorporated in the processing plant. The processing plant, the boiler, the steamline and the generator are hereafter collectively referred to as the "Project" or as the "Facilities."

3.2 According to the White Weld report, the Project would be financed in part by tax free bonds issued by MSD, in part by grant/loan funds from the State of Oregon, and in part by Publishers who would be the sole equity investor and the beneficial owner and operator. The Project would be economically self-supporting and its debt obligation self-liquidating. Bonds issued would not constitute a general obligation of any of the participants and their viability would depend on the credit of the Project itself. The Project would be capitalized and operated as a separate entity with all financial activities ultimately consolidated

into Publishers parent corporation, Times Mirror. Sources of revenue for the Project include a user fee for solid waste disposal, an energy charge to Publishers and revenues received from sale of ferrous metal, waste paper, or other by-products. As a result of the Phase I work, the capital requirements based on a 1982 completion are estimated to be:

Construction Capital (escalated through time of construction)	\$64.0 million
Working Capital	2.0 million
Bond Insurance Cost	1.4 million
Bond Reserve Fund	3.5 million
Interest during construction	7.4 million
Total	<u>\$78.3 million</u>

As a result of the Phase I work, the sources of funds are estimated to be:

Solid waste pollution control bonds	\$49.1 million
Oregon State pollution control bonds	9.0 million
Times Mirror equity	20.2 million
Total	<u>\$78.3 million</u>

4.0 Phase II Work. Based on the Phase I work, the parties believe the Project is economically and technically feasible, and want to proceed with the Phase II work. The general purpose of the Phase II work will be to bring the Project to the point of:

- 4.1 Project contracts ready for signing.
- 4.2 Documentation complete for financing of the Project.
- 4.3 Engineering adequate for a firm construction budget.



4.4 Procurement of all necessary regulatory permits.

4.5 System established for supply of refuse to the Facility.

#### AGREEMENT

In consideration of the recitals and the following mutual promises, the parties agree as follows:

##### 5.0 Phase II Contract Negotiations.

5.1 As part of the Phase II work, Publishers and MSD agree to begin meaningful negotiations concerning the necessary Project agreements.

5.2 The agreements will include, but are not limited to:

- .1 Contract for supply of refuse between the Project and the MSD.
- .2 Contract for disposal of residue and ash between the Project and the MSD.
- .3 Contract for the sale of energy between the Project and Publishers.
- .4 Contracts for the sale of by-products between the Project and purchasers.

##### 6.0 Phase II Financial.

6.1 As part of the Phase II work, a Project financial underwriter will be engaged to prepare and provide such documentation and assistance as required to bring the Project to the point of final financing.

6.2 MSD may engage a separate financial consultant who will provide assistance to MSD in contract negotiations and financial analysis.

6.3 If Project proceeds and the bonds are sold, the underwriter and financial consultant shall be paid from the Project financing.

6.4 If the Project fails to proceed, reimbursement of the financial consultant will be the exclusive responsibility of the MSD, and reimbursement of the project underwriter will be the responsibility of the parties as set forth in the Underwriting Agreement.

#### 7.0 Phase II Engineering Work.

7.1 As part of the Phase II work, Publishers will perform the Phase II Engineering work for the Facilities based on the Phase I work.

7.2 The Phase II engineering work will include the following general tasks:

- .1 Review current facilities design concepts, and consistent with the latest resource recovery technology, prepare a report summarizing any design changes proposed, and incorporate selected modifications into the proposed facilities design.
- .2 Prepare alternative design studies for the

Refuse Derived Fuel ("RDF") storage system, prepare a summary report with recommendations and revise the design to incorporate the selected RDF storage alternative.

- .3 Prepare alternative design concepts for transport of RDF to other RDF burning facilities and incorporate the selected alternative into the facilities design.
- .4 Modify the turbine generator condenser cooling water system to incorporate a cooling tower with its auxiliaries as mandated by the Oregon DEQ.
- .5 Review provisions for offsite storm water drainage and plan effluent disposal systems and incorporate any required modifications into the facilities design.
- .6 Perform required engineering and architectural design to obtain a Willamette Greenway permit for the exposed pipeline route, the turbine generator building, and the cooling tower.
- .7 Modify the Project estimates and schedules consistent with the above design changes.
- .8 Provide technical input to the contract

negotiations based on the work accomplished in Phase I and II.

- .9 Prepare preliminary Facilities outline system specifications in sufficient detail to obtain a firm, meaningful, competitive "turn key" type engineering and construction bid from qualified engineering constructors.
- .10 Establish a final operating and maintenance budget for the Facilities.

#### 8.0 Phase II Refuse Supply Work.

8.1 As part of the Phase II work, MSD will complete their analysis of refuse availability in the MSD area, including the quantity of suitable processible municipal refuse available and its geographic location.

8.2 The MSD work will include the following general tasks:

- .1 Confirm refuse supply data and establish range of tonnage of processible refuse to be available to the Facility.
- .2 Obtain, if necessary, additional local and/or state legislation to insure MSD's authority to control the flow of adequate municipal refuse to the Facility.
- .3 Establish a program with detailed system

mechanics for delivery of the municipal refuse to the Facility, including the use of transfer stations.

- .4 Develop a program, with system mechanics for disposal of unprocessed wastes, residues and ash from the Facility.

#### 9.0 Consultants; Coordination.

9.1 Publishers may hire consultants, approved by MSD's Executive Officer, to assist Publishers in the Phase II Engineering Work, and will supply sufficient and knowledgeable employees to supervise and coordinate the consultant's work. Publishers will appoint a project engineer who will have direct responsibility for all facility engineering and design under the direction of Publishers' chief engineer. Publishers will comply with all Oregon laws pertinent to public contracts. This contract is exclusively for personal services. Nothing contained in this Agreement shall create any contractual rights or relations between MSD and Publishers' consultants or subcontractors.

9.2 MSD will supply sufficient staff to work and coordinate with Publishers and its consultants to the end that the Phase II work will not be delayed.

10.0 Contract Negotiation Committee. A Contract Negotiation Committee ("CNC") will be formed to monitor work performed under this Agreement. Membership on the committee will be composed of at least two representatives from both the MSD and Publishers. An MSD representative shall serve as Chairman, and can call CNC meetings.

11.0 Cost of Phase II Engineering Consultant Work.

11.1 The Phase II engineering work to be subcontracted by Publishers will cost approximately \$300,000.00. The final figure ("Phase II Engineering Expenses") is subject to MSD's and Publishers' respective approval and will be determined when the consultant is selected. MSD will advance the funds necessary to pay the Phase II Engineering Expenses on the following basis:

- .1 If the project proceeds and the bonds are sold, the funds advanced by MSD for Phase II Engineering Expenses will be repaid to MSD from the bond proceeds.
- .2 MSD has applied for a grant of \$456,000.00 through the United States Environmental Protection Agency ("EPA") Financial Assistance Program for Resource Recovery Project Development under the President's Urban Policy, Program No. 66.451. The parties understand

that EPA procedure requires a pre-application submittal by MSD, a review and determination by EPA if the MSD submittal should proceed to final contract development. The final contract step includes negotiation and the establishment by MSD and EPA of a final contract and work scope. EPA has advised MSD that the review and determination steps will take approximately 90 days from the date of pre-application submittal. The parties expect a response from EPA on or before April 1, 1979. Publishers acknowledges receipt of a copy of the MSD pre-application.

- .3 Except as limited by the final agreement between MSD and EPA ("EPA Agreement"), MSD will apply the grant funds, when received, to the payment or reimbursement of the Phase II Engineering Expenses before using the grant funds for other purposes.
- .4 If MSD is not awarded EPA grant funds for Program No. 66.451, if the grant funds allocated to MSD are less than the Phase II Engineering Expenses or if EPA has not made a final determination by April 1, 1979, Publishers may terminate the Phase II engineering consultant work, and if so

terminated, either party may terminate this Agreement in accordance with Section 12.0 except that the notice provision shall be five (5) days rather than twenty (20) days. If the Phase II engineering consultant work is terminated, Publishers will reimburse MSD for fifty percent (50%) of the Phase II Engineering Expenses incurred up to and including the date of termination which exceed the funds granted by EPA and allocated to the Phase II Engineering expenses. As part of the contract between Publishers and the Phase II engineering consultant, Publishers may limit the amount of engineering consultant work to be provided on or before April 1, 1979 to \$100,000, thereby limiting Publishers' exposure to \$50,000. If the Phase II engineering consultant work is terminated, MSD will determine the amount due from Publishers in accordance with this Agreement and bill Publishers as soon as possible after the termination. Publishers will pay MSD within 30 days after receipt of the billing.

- .5 If Publishers elects to continue the engineering consultant work after April 1, 1979, or elects to exceed the \$100,000 limit and if



MSD is not fully reimbursed for the Phase II Engineering Expenses within nine (9) months from the date of this agreement, Publishers will reimburse MSD for fifty percent (50%) of the Phase II Engineering Expenses not reimbursed to MSD. MSD shall determine the amount due and bill Publishers for this amount. Publishers will pay MSD the amount billed within thirty (30) days after receipt of the billing.

11.2 Within thirty (30) days from the date of this Agreement and prior to commencing any Phase II engineering consultant work, Publishers shall prepare a detailed plan setting forth the scope of the Phase II engineering consultant work, together with the budget therefore, which shall become a part of this Agreement after approval by MSD's Executive Officer and Publishers.

11.3 Publishers will not be reimbursed by MSD for costs which are part of its normal overhead expenses, including, without limitation, the wages of its regular employees involved in the Phase II work.

11.4 The Phase II Engineering Expenses shall be invoiced to and paid by MSD on a monthly basis.

12.0 Termination. This Agreement can be terminated by mutual consent of the parties or upon the receipt of 20

days' written notice of termination by either party. In the event of termination of the Agreement by either party, the results of the work shall become the sole property of MSD, except that Publishers shall be entitled to use the Phase II engineering work relative to the facilities located on the mill site, i.e. the turbine generator, and MSD may terminate the Project or may complete the Phase II work with other parties of its choice. It is further understood that if this Agreement is terminated, MSD may, in its sole discretion, use the Phase I and II work as a basis for further work on and implementation of the facilities.

13.0 Indemnification. Publishers shall indemnify MSD for all claims, expenses, causes of suit or action arising out of Publishers' negligence in the performance of its duties.

14.0 Implementation. Implementation of this Agreement is conditioned upon the MSD securing funds or a source of funds equal to the budgeted amount and the parties' approval of the detailed scope of work and budget in paragraph 11.2. Until Publishers receives MSD's certificate that it has the necessary funds to pay the costs and expenses to be reimbursed hereunder, Publishers shall have no obligation to proceed with the work. In the event that MSD does not satisfy such condition precedent prior to the anniversary date of this Agreement, Publishers shall have no further obligation to proceed hereunder.

15.0 Miscellaneous.

15.1 In the event of any litigation concerning this Agreement, the prevailing party shall be entitled to reasonable attorneys' fees and court costs, including fees and costs on appeal to an appellate court.

15.2 This Agreement is binding upon the parties and their respective successors. This Agreement may not under any conditions be assigned or transferred by either party without the express written approval of the other party.

METROPOLITAN SERVICE DISTRICT

WITNESS:

By: \_\_\_\_\_

\_\_\_\_\_

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

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

PUBLISHERS PAPER COMPANY

WITNESS:

By: \_\_\_\_\_

By \_\_\_\_\_

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

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

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10.0 Project-Advisory Contract Negotiation Committee.

A Project Advisory Contract Negotiation Committee ("PAC")

("CNC") will be formed to monitor work performed under this Agreement. Membership on the committee will be composed of at least one two representatives from both the MSD and Publishers. together with such project consultants and representatives from governmental agencies, such as the DEQ, as the parties may deem appropriate. The An MSD representative shall serve as Chairman, and can call PAE CNC meetings.

11.0 Cost of Phase II Engineering Consultant Work.

11.1 The Phase II engineering work to be subcontracted by Publishers will cost approximately \$300,000.00. The final figure ("Phase II Engineering Expenses") is subject to MSD's and Publishers' respective approval and will be determined when the consultant is selected. MSD will advance the funds necessary to pay the Phase II Engineering Expenses on the following basis:

- .1 If the project proceeds and the bonds are sold, the funds advanced by MSD for Phase II Engineering Expenses will be repaid to MSD from the bond proceeds.
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that EPA procedure requires a pre-application submittal by MSD, a review and determination by EPA if the MSD submittal should proceed to final contract development. The final contract step includes negotiation and the establishment by MSD and EPA of a final contract and work scope. EPA has advised MSD that the review and determination steps will take approximately 90 days from the date of pre-application submittal. The parties expect a response from EPA on or before April 1, 1979. Publishers acknowledges receipt of a copy of the MSD pre-application.

- .3 Except as limited by the final agreement between MSD and EPA ("EPA Agreement"), MSD will apply the grant funds, when received, to the payment or reimbursement of the Phase II Engineering Expenses before using the grant funds for other purposes.
- .4 If MSD is not awarded EPA grant funds for Program No. 66.451, if the grant funds allocated to MSD are less than the Phase II Engineering Expenses or if EPA has not made a final determination by April 1, 1979, Publishers may terminate the Phase II engineering consultant work, and if so

terminated, either party may terminate this Agreement in accordance with Section 12.0 except that the notice provision shall be five (5) days rather than twenty (20) days. If the Phase II engineering consultant work is terminated, Publishers will reimburse MSD for fifty percent (50%) of the Phase II Engineering Expenses incurred up to and including the date of termination which exceed the funds granted by EPA and allocated to the Phase II Engineering expenses. As part of the contract between Publishers and the Phase II engineering consultant, Publishers may limit the amount of engineering consultant work to be provided on or before April 1, 1979 to \$100,000, thereby limiting Publishers' exposure to \$50,000. If the Phase II engineering consultant work is terminated, MSD will determine the amount due from Publishers in accordance with this Agreement and bill Publishers as soon as possible after the termination. Publishers will pay MSD within 30 days after receipt of the billing.

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11.4 The Phase II Engineering Expenses shall be invoiced to and paid by MSD on a monthly basis.

12.0 Termination. This Agreement can be terminated by mutual consent of the parties or upon the receipt of 20

days' written notice of termination by either party. In the event of termination of the Agreement by either party, the results of the work shall become the sole property of MSD, except that Publishers shall be entitled to use the Phase II engineering work relative to the facilities located on the mill site, i.e. the turbine generator, and MSD may terminate the Project or may complete the Phase II work with other parties of its choice. It is further understood that if this Agreement is terminated, MSD may, in its sole discretion, use the Phase I and II work as a basis for further work on and implementation of the facilities.

13.0 Indemnification. Publishers shall indemnify MSD for all claims, expenses, causes of suit or action arising out of Publishers' negligence in the performance of its duties.

14.0 Implementation. Implementation of this Agreement is conditioned upon the MSD securing funds or a source of funds equal to the budgeted amount and the parties' approval of the detailed scope of work and budget in paragraph 11.2. Until Publishers receives MSD's certificate that it has the necessary funds to pay the costs and expenses to be reimbursed hereunder, Publishers shall have no obligation to proceed with the work. In the event that MSD does not satisfy such condition precedent prior to the anniversary date of this Agreement, Publishers shall have no further obligation to proceed hereunder.



## 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: Entrance Plaza Bid Award - Z00

BACKGROUND: On October 13, 1978, the MSD Board approved the design contract for the Zoo Entrance Plaza Renovation Project. In conjunction with the firm of Robert E. Meyer Consultants, the Zoo staff has made the following progress:

1. Final design has been completed (December 8, 1978).
2. Long lead items identified and bids awarded (December 15, 1978).
3. Contract documents approved by MSD legal counsel-call for bids on general contract for Entrance Plaza Project (December 24, 1978).

At 2:00 p. m. on Thursday, January 18, 1979, bids will be opened at the MSD office. The staff will immediately prepare a recommendation to MSD Council advising bid acceptance or rejection. This recommendation will be presented to the MSD Council Thursday evening January 18, 1979. The reason for the immediacy of action is to keep this tight time line project on schedule. Construction is scheduled to begin on February 1, 1979 with completion by approximately April 1, 1979.

BUDGET IMPLICATIONS: Approval of one of the Entrance Plaza Project bidders will commit approximately \$250,000 in funds from Zoo General Capital Improvement Funds as budgeted.

POLICY IMPLICATIONS: Council action would initiate expenditures on a Capital Improvement Project which is included in the overall Zoo Development Plan and for which design fees have been approved. Long Lead Materials and Equipment fees have been approved and overall budget allocations have been previously approved.

ACTION REQUESTED: Authorization of the Executive Officer to sign construction contract.

MC:gh  
1959A  
0033A  
1/18/79



# METROPOLITAN SERVICE DISTRICT

1220 S. W. MORRISON ROOM 300 PORTLAND, OREGON 97205

(503) 248-5470

## MEMO

TO: MSD Council  
FROM: Executive Officer  
SUBJECT: Entrance Plaza Bid Award-Zoo

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As stated in agenda item 6.3, bids were opened on this project at the MSD office this afternoon. The following three bids were received:

Bart Hess Building Contractors	\$ 328,800
Gene H. Settergren	365,200
Ralph D. McDowell Corp.	333,500

Our Consulting Engineers final estimate for this portion of the project was \$324,393.

ACTION REQUESTED: Award of the the bid to the low bidder, Bart Hess Building Contractors, total \$ 328,800 and authorization of the Executive Officer to sign the construction contract.

CC: Chrono. File

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: 1978-79 LCDC Planning Assistance Grant Offer

BACKGROUND: In July, 1978, the Land Conservation and Development Commission (LCDC) offered CRAG \$40,698 for the purpose of completing regional Goal #14 (Urbanization) work during the time period of July 1, 1978 to July 1, 1979. LCDC withheld 1978-79 Goal #14 grant monies from those local jurisdictions intending to conduct local Urban Growth Boundary planning. The money withheld was to come to CRAG and later be disbursed to the local jurisdictions commensurate with completed regional Goal #14 work. The portion of the grant offer withheld from local jurisdictions during the 1978-79 grant process breaks down as follows:

<u>Jurisdiction</u>	<u>Local Goal #14 Money Withheld</u>
Washington County	\$20,000
Clackamas County	10,000
Canby	1,000
Wilsonville	750

Since the original grant offer, the Urban Growth Boundary findings have been completed and adopted by the CRAG Board (Order # 78-22). Washington and Clackamas Counties directly participated in the findings project.

With approval of this resolution, MSD will accept the grant offer in the amount of \$38,948, for work completing the CRAG Urban Growth Boundary. The money is earmarked as follows:

	<u>Grant Request</u>
Washington County	\$20,000
Clackamas County	10,000
CRAG/MSD	8,948
	<u>\$38,948</u>

MSD will be expected to disburse the funds to Clackamas and Washington Counties commensurate with work completed.

We are requesting by this action that LCDC return the additional \$1,750 directly to Canby and Wilsonville for the Goal #14 work completed which was specific to that jurisdiction.

BUDGET IMPLICATIONS: The LCDC funds budgeted for MSD would pay for the portion of Planner III and Division Director's time assigned to the growth boundary findings project.

POLICY IMPLICATIONS: Closes the financial records on UGB planning performed through 1978.

ACTION REQUESTED: It is recommended by the Executive Officer that the Council adopt Council Resolution #79-8 that accepts a portion of the LCDC Grant Offer for regional UGB planning and recommends that LCDC forward the remaining monies directly to the named jurisdiction for local Goal #14.

SK:kk

1880A

0033A

1/18/79

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

In the matter of accepting )  
a Portion of the Grant Offer )  
For Urban Growth Boundary ) Resolution No. 79-8  
Planning Activities from the )  
Land Conservation and )  
Development Commission for )  
FY 1978-79. )

WHEREAS, The Land Conservation and Development Commission approved a grant offer to CRAG for Goal #14 land use planning activities in July, 1978, and

WHEREAS, The multiplicity of jurisdictions in the region have made it necessary to prepare a regional urban growth boundary, and

WHEREAS, LCDC withheld Goal #14 monies from 1977 land use planning grants to Clackamas and Washington Counties, and

WHEREAS, Clackamas and Washington Counties directly participated in the completion of the adopted CRAG Urban Growth Boundary.

NOW, THEREFORE, BE IT RESOLVED, That the Metropolitan Service District accepts \$38,948 from the Land Conservation and Development Commission,

BE IT FURTHER RESOLVED, That the money will be used to reimburse MSD, Clackamas and Washington Counties for costs incurred in completing the Urban Growth Boundary Project, and

BE IT FURTHER RESOLVED, That the MSD Council requests that remaining grant monies in the sum of \$1,750 be returned directly from LCDC to those jurisdictions within the region that did not directly participate in regional Goal #14 work but completed Goal #14 work specific to that jurisdiction, and

BE IT FURTHER RESOLVED, That the staff is instructed to take the necessary action to carry out the purpose of this resolution.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

---

Presiding Officer

SK:kk  
1870A  
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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:      Continuation of CRAG Goals and Objectives and Plans

BACKGROUND: Prior to its demise, CRAG adopted, pursuant to its planning authority, Regional Goals and Objectives, Land Use Framework Plan and a Public Facilities and Services Plan. Each of the above were adopted as Rules of CRAG and, pursuant to Section 25 of HB 2070, these Rules continue in effect until such time as the Council of the MSD repeals or supercedes them.

The above Goals, Objectives and Plans have been utilized by CRAG in its review processes since their adoption and are currently being utilized and followed by local jurisdictions in their planning processes.

It appears advisable that the Goals, Objectives and Plans of CRAG be expressly continued by the Council to provide; (1) certainty by local jurisdictions that said Goals, Objectives and Plans are still in effect and (2) time for the MSD staff to assess the continuing utility of these regulations.

BUDGET IMPLICATIONS: None

POLICY IMPLICATIONS: Continuation of CRAG's Goals and Objectives and Plans for at least an interim period will result in the least amount of confusion on the part of local jurisdictions in their planning processes and will provide a starting point from which the MSD may begin its planning process.

ACTION REQUESTED: Adoption of Resolution 79-10, expressly continuing the CRAG Goals and Objectives, Land Use Framework Plan and Public Facilities and Services Plan.

AJ:mec  
37  
1/18/79

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

In the matter of disposition )  
of certain Rules of the Columbia )  
Region Association of Governments ) Resolution No. 79-10  
pertaining to Goals and Objectives )  
and the Regional Plan )

WHEREAS, The Columbia Region Association of Governments (CRAG), prior to January 1, 1979, adopted certain rules relating to the adoption and implementation of the CRAG Goals and Objectives and Regional Plan; and

WHEREAS, Section 25 of Chapter 665 Oregon Laws 1977 provides that the lawfully adopted rules of CRAG in effect on January 1, 1979, shall continue in effect until lawfully superceded or repealed by the Metropolitan Service District, and

WHEREAS, Because of differences in the planning authority between the Columbia Region Association of Governments and the Metropolitan Service District after January 1, 1979, it may be necessary to alter or supercede the above-mentioned rules of CRAG in the future,

NOW, THEREFORE, BE IT RESOLVED:

1. That the following chapters of the Code of the Columbia Region Association of Governments are hereby continued in effect pursuant to Chapter 665 Oregon Laws 1977 Section 25 until such time as they may be superceded or repealed by the Metropolitan Service District:

a. Chapter 3, Goals and Objectives, Rules (including Chapter 3.1, Adoption and Implementation)



b. Chapter 4 Regional Plan Rules (including Chapter 4.1, Implementation of Regional Plan Generally, Chapter 4.2, Land Use Framework Element: Adoption and Implementation, and Chapter 4.3, Public Facilities and Services Element: Adoption and Implementation; Part I Waste Treatment Management Component.)

2. The Executive Officer of the Metropolitan Service District is hereby directed to review the above-cited rules to determine their continuing necessity, viability and applicability in light of the planning powers authorized by Chapter 665 Oregon Laws 1977, and to report the results of said review to the Council within ninety (90) days of the adoption of this Ordinance. Said report should include a recommendation to the Council as to the disposition of the above-cited rules.

ADOPTED By the Council of the Metropolitan Service District this 18th day of January, 1979.

Presiding Officer

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1958A  
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AMENDMENTS TO THE CRAG GOALS AND OBJECTIVES  
DEFINITIONS SECTION

ADOPTED BY THE CRAG BOARD OF DIRECTORS: OCTOBER 27, 1977

19. Land Use Classifications.

- a. Urban - All areas within urban growth boundaries on the Regional Land Use Framework Map. *These areas intended to include areas defined by LCDC as Urban Land and Urbanizable Land.*
  - b. Rural - All areas within rural growth boundaries on the Regional Land Use Framework Map. *These areas are intended to include areas defined under paragraph (b) of the LCDC Rural Land definition.*
  - c. Natural Resource - Areas shown on the Regional Land Use Framework Map as Natural Resource Areas. *These areas are intended to include areas defined under paragraph (a) of the LCDC Rural Land definition.*
26. Public Facilities and Services. Capital improvement projects, capital and operating programs and facilities which the planning agency determines to be necessary for public health, safety and welfare. To include the provision of water, sewers, *drainage controls, transportation facilities and services,* hospitals, parks; and electricity, gas, telephone and other public and private utilities.

ADOPTED BY THE CRAG BOARD OF DIRECTORS: NOVEMBER 28, 1977

Community Water Systems. *A source of water and distribution system, whether publicly or privately owned, which services more than three residences or other uses, where water is provided for public consumption, including but not limited to, a school, a farm labor camp, an industrial establishment, a recreational facility, a restaurant, a motel or a mobile home park, or a group care home.*

Individual Water Supply System. *A privately owned source of water and distribution system which serves three or less residences.*

Transmission Line. *A line connecting a water supply source to a treatment plant or to a distribution system or a line connecting two water supply sources or distribution systems.*

*Italicized type reflects additions to the Definitions.*

Proposed amendment to proposed MSD Resolution #79-10.

Submitted by Jim Allison, President, Washington County  
Landowners Association.

Jan 18, 1979.

Amend the first paragraph following

"NOW, THEREFORE, BE IT RESOLVED:"

by inserting the underlined words as shown below:

1. That the following chapters of the Code of the  
Columbia Region Association of Governments are hereby continued  
in effect within that area of the district designated as "Urban"  
on the Land Use Framework Map pursuant to Chapter 665... (no  
additional amendment)

## 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:      Cipole Sanitary Landfill

BACKGROUND: On August 18, 1977, the previous MSD Board of Directors authorized the staff to accomplish specific work tasks essential in developing future disposal sites. The result was a report entitled "Disposal Siting Alternatives" dated September 1978. This report identified potential short term landfill sites.

In August 1978 the MSD Board of Directors authorized the staff to prepare a feasibility study report for utilizing the Durham Pits as a sanitary landfill. Because of opposition from citizens in the proximity of the Durham Pit and opposition from local city and county officials, I have directed the staff to cease work on the Durham site.

Based on the premise that the most immediate need for a sanitary landfill is in the southern portion of the District, it would appear that the Cipole site, as identified in the "Disposal Siting Alternatives" report, should be the next site investigated. The Cipole site is located on highway 99W between the cities of Sherwood and King City in Washington County. The site is currently being utilized as a sand pit and is surrounded by agricultural and low density residential uses. It has a capacity of approximately 950,000 tons of solid waste.

BUDGET IMPLICATIONS: The majority of the work to be accomplished will be performed by existing MSD personnel. Consultants may be required for technical studies such as hydrogeological and soils. Funds have been appropriated in the current fiscal year 1978-79 solid waste budget for both staff and technical consultants.

POLICY IMPLICATIONS: It is imperative that additional landfill sites be identified and constructed as soon as possible in order to meet the demands, especially in the southerly portion of the region. The feasibility study report process will actively involve affected local governments, the general public and governmental agencies having jurisdiction to assure their concerns are addressed.

ACTION REQUESTED: It is the recommendation of the Executive Officer that the MSD Council adopt the attached resolution and direct the Executive Officer to proceed with a feasibility study report for the Cipole site as a possible sanitary landfill in accordance with the landfill siting procedures adopted by the MSD Council.

1/18/79

BEFORE THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

In the matter of conducting a )  
feasability study report for a )  
sanitary landfill located in )  
the Cipole area of Washington )  
County. )

Resolution 79 - 11

Introduced by Coun. Berkman

WHEREAS, the Metropolitan Service District (MSD) is a  
municipal corporation established under ORS Chapter 268,

WHEREAS, MSD is authorized by Chapter 268 to dispose and  
provide facilities for disposal of solid waste,

WHEREAS, the St. Johns Landfill in North Portland and the  
Rossman's Landfill in Oregon City are the only two sites within  
MSD accepting generally all types of residential, commercial and  
industrial waste,

WHEREAS, the St. Johns Landfill if expanded will reach  
capacity in 1985 and the Rossman's Landfill, with expansion, will  
reach capacity in 1982,

WHEREAS, the MSD's Resource Recovery Facility in Oregon  
City will commence operation in 1983,

WHEREAS, sanitary landfills are a necessary part of any  
solid waste disposal or processing plan,

WHEREAS, MSD approved the "Disposal Siting Alternatives"  
report, dated September 1978, which identified potential sanitary  
landfills,

WHEREAS, the site known as Cipole, located in the southerly  
portion of MSD and in Washington County has been identified as a  
potential site,

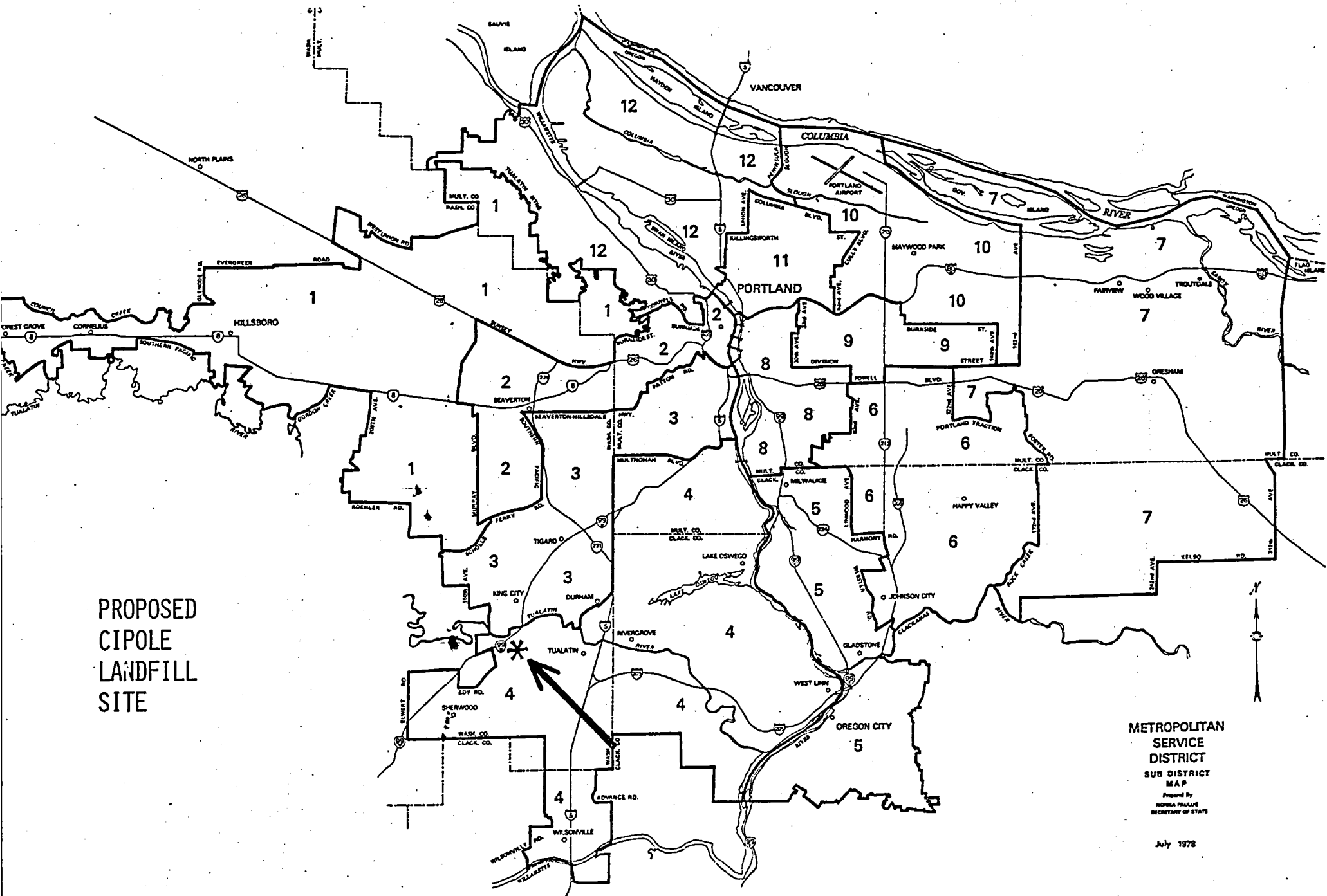
WHEREAS, MSD feels that the most immediate need for a sanitary landfill is in the southerly portion of the District,

NOW THEREFORE BE IT RESOLVED that the Council of the Metropolitan Service District instructs the Executive Officer to officially contact the Board of County Commissioners of Washington County informing them of MSD's interest in the Cipole site and requesting that Washington County appoint an advisory committee to work with MSD staff in identifying areas of concern to be further addressed in a feasibility study report and final design.

ADOPTED by the Council of the Metropolitan Service District this 18thday of January, 1979.

---

Presiding Officer



PROPOSED  
CIPOLE  
LANDFILL  
SITE

METROPOLITAN  
SERVICE  
DISTRICT  
SUB DISTRICT  
MAP

Prepared By  
NORMA PALAU  
SECRETARY OF STATE

July 1978



**METROPOLITAN SERVICE DISTRICT**

1220 S. W. MORRISON ROOM 300 PORTLAND, OREGON 97205

(503) 248-5470

December 27, 1978

MEMO

TO: Rick Gustafson

FROM: Merle Irvine

SUBJECT: Landfills

*Merle*  
*Merle - very good report.*

---

As requested, I am forwarding the following information regarding sanitary landfills.

- (1) Existing landfill summary
- (2) Potential landfill sites
- (3) Proposed procedure for siting sanitary landfills.

1.20.B.4

*Agenda - for Jan. 2 session.*  
*Process*  
*DEQ meeting*  
*negotiating team.*



## METROPOLITAN SERVICE DISTRICT

### EXISTING LANDFILL SUMMARY

#### BACKGROUND:

In May 1977 the MSD Board of Directors adopted the rules and regulations for Solid Waste Management that became effective on June 1, 1977. The rules and regulations make it unlawful for any person to operate a solid waste landfill without a certificate from MSD.

MSD has issued certificates to eight landfills. These landfills are inspected weekly by MSD to assure compliance with conditions of the certificate. The conditions are based on minimum standards established by the State of Oregon.

It should be noted that none of the existing landfills, with the exception of the Lakeside Reclamation Landfill, operated by Howard Grabhorn, consistently meet minimum state standards.

The Department of Environmental Quality has categorized these sites into three areas. They are (1) sanitary (general purpose) landfill; (2) "demolition" landfills; and (3) limited demolition landfills. The sanitary (general purpose) landfills accept all types of residential, commercial and industrial wastes, excluding explosives and hazardous wastes. The "demolition" sites generally accept all types of solid waste excluding explosives and hazardous waste. The MSD staff is of the opinion that these landfills should not be classified as "demolition" landfills, since they accept wastes other than demolition wastes. The limited demolition landfills accept only demolition and land clearing debris.

SANITARY LANDFILLS:

St. Johns Landfill (City of Portland/Multnomah County)

The City of Portland owns the St. Johns Landfill and has contracted its operation to Land Reclamation, Inc. This contract expires on June 1, 1979. The existing landfill consists of 178 acres. The City Council has established a maximum height of 80 feet, while DEQ has limited the height to an elevation of 54 feet. Based on current volumes received and an upward elevation of 54 feet, the St. Johns Landfill will reach capacity in the spring of 1980. In order to extend the life of the landfill, there are two alternatives: an upward expansion and an outward expansion. The upward expansion could extend the life of the landfill approximately three years based on current volumes. However, DEQ is concerned with the possibility of increased leachate production and visibility. The outward expansion would add approximately five years of life to the landfill. However, this outward expansion would necessitate filling in wetlands as defined by EPA. In order to fill into the wetlands, it is necessary for the City to obtain a National Pollution Elimination Discharge System (NPDES) Permit and a permit from the Corps. of Engineers to construct a dike. The City has applied to DEQ, the issuing agency for the NPDES permit, and the Corps. of Engineers. In addition, the City has obtained a permit from the Division of State Lands for this outward expansion. Action on the other expansion permits is anticipated sometime within the first quarter of 1979.

The St. Johns site is experiencing major breakouts of leachate around its entire perimeter. This leachate is flowing directly into Columbia, Blind and North Sloughs, however, DEQ, by letter, has indicated that the leachate does not appear to be affecting water quality. DEQ further indicated that the leachate will

have to be controlled and treated if the site is expanded upward. It appears to the MSD staff that DEQ's position on the impacts of leachate from St. John's is not consistent with their position relative to the Rossman site.

Rossman's (Clackamas County)

The Rossman's Landfill, in Oregon City, consisting of approximately 100 acres, is privately owned and operated by Rossman's Landfill, Inc., Jack Parker, President. This site has been in operation since 1969 and, based on current volumes, will be completed in the spring of 1980. An application has been filed with the DEQ to add a second lift on the southerly portion of the site. If granted, the life of the landfill will be extended until July 1982. It is our understanding that a conditional use permit must be granted by Clackamas County before expansion occurs.

Recently the Rossman Landfill has experienced problems from leachate and odor (methane gas) and this has resulted in DEQ requiring a modification to the operational plan. The modifications had the effect of increasing substantially the rates currently charged for landfilling. These increased rates have been approved by the Clackamas County Board of Commission and are in effect. The site is operated under a franchise granted by Clackamas County.

"DEMOLITION" LANDFILLS

Hillsboro Landfill (Washington County)

The Hillsboro Landfill is privately owned and operated and is located south of Hillsboro on Minter Bridge Road. This landfill

is classified as a "demolition" site by DEQ, however it accepts generally all types of solid waste excluding food waste, hazardous waste and explosives. This site is open to both commercial collectors and the general public. During the past two years, the only problem appears to be the breakout of leachate on the westerly boundary of this site. This leachate, however, is controlled by a dike, which was constructed this past summer. According to the operator of the landfill, Don LaVelle, this site will reach capacity in two to three years.

Because of the boundary change of MSD, the Hillsboro Landfill will no longer be within MSD as of January 1, 1979, however, the site will be contiguous. In order for the Hillsboro Landfill to continue to receive solid waste generated within MSD, it is necessary that an agreement be entered into whereby the operator will collect user fees on solid waste generated within MSD and disposed at the site. The operator is currently reviewing the agreement and it is anticipated that it will be ready for execution shortly after the first of the year. This site is the only landfill of any kind open to the public in Washington County.

#### King Road Landfill (Clackamas County)

King Road Landfill is privately owned and is operated by LaVelle Construction Company. This site is open to the public and commercial collectors and accepts generally all types of solid waste excluding food wastes, hazardous wastes and explosives. This site is projected to reach capacity within the next few months. The operator has recently stopped accepting solid waste delivered by commercial collectors and is only receiving solid waste from the general public. An application has been filed with DEQ for an expansion of this site. It would appear that DEQ will

issue a permit for expansion if certain conditions are met, however, the operator is experiencing contractual problems with the landowner, which may terminate any expansion plans. The majority of the expansion area is properly zoned and a conditional use has been granted by Clackamas County. The MSD staff explored the possibility of utilizing the King Road Landfill as a backup should the Rossman Landfill close earlier than projected. However, DEQ was not receptive to the concept of allowing food waste to be disposed at this site. The operation of the King Road Landfill is authorized through a franchise granted by the Clackamas County Board of Commissioners.

H. G. LaVelle Landfill - Rose City (Multnomah County)

The H. G. LaVelle Landfill is privately owned and operated and accepts generally all types of solid waste, excluding food wastes, hazardous wastes and explosives. This site is open to both commercial collectors and the general public. Last year this site experienced 86,600 separate uses by the public. Based on current volumes, the life expectancy of this site is two to three years. This site is located in the midst of residential development and last year experienced odor problems which resulted in a petition being filed with MSD. The operator has since modified his gas venting procedures, which appear to have eliminated the immediate odor problem.

Land Reclamation, Inc. (Union Avenue)

This landfill is privately owned and is operated by Plew's Land Reclamation, Inc. This site is open to both commercial collectors and general public and accepts generally all types of solid waste excluding food waste, hazardous waste and explosives. Based on current volumes, this site will be closed in early 1979.

The operator has begun applying final cover to the majority of the site. During the past two years, no environmental problems have been brought to our attention.

#### LIMITED DEMOLITION LANDFILLS

##### Obrist Landfill (City of Troutdale/Multnomah County)

The Obrist Landfill, located in the City of Troutdale, is privately owned and operated by Don Obrist. This Landfill is open to contractors and commercial collectors and is authorized to accept only demolition and land-clearing debris. This site is not opened to the general public. As a condition of authorizing the removal of gravel from this site, Don Obrist agreed to fill the pit with solid waste and transfer title of the property to the City of Troutdale in January 1980. The City anticipates using the property for park purposes. It is apparent that Mr. Obrist will not have the pit filled by January 1980, and it is our understanding that the City does not wish to extend its contractual agreement with Mr. Obrist. MSD and the City have entered into preliminary discussions regarding the possibility of MSD contracting with the City to fill the remainder of the pit after January 1980. MSD has identified this site as a potential short term landfill accepting food waste. MSD has opposed expansion of this site in the past, based not on environmental concerns, but rather on concerns with the current operator.

Over the past two years this site has not experienced problems of leachate or gas production. Problems have been experienced, however, with blowing paper. The property surrounding the site is rapidly developing as residential. Should this site continue or an expansion occur, more attention will have to be given to the collection and treatment of both leachate and methane gas.

### Lakeside Reclamation - Grabhorn (Washington County)

This landfill, located south of Beaverton in Washington County, is open to contractors and commercial carriers and authorized to accept only demolition and land clearing debris. The public is excluded. This site is a very well-run landfill with no operational problems being experienced over the last two years. This site, because of modifications to MSD's boundaries, effective January 1, 1979, will no longer be within MSD. The operator of this site, Howard Grabhorn, is currently reviewing an agreement with MSD which will allow him to receive solid waste generated within the service district and would require the collection of user fees. This landfill is a good example of a well managed demolition site.

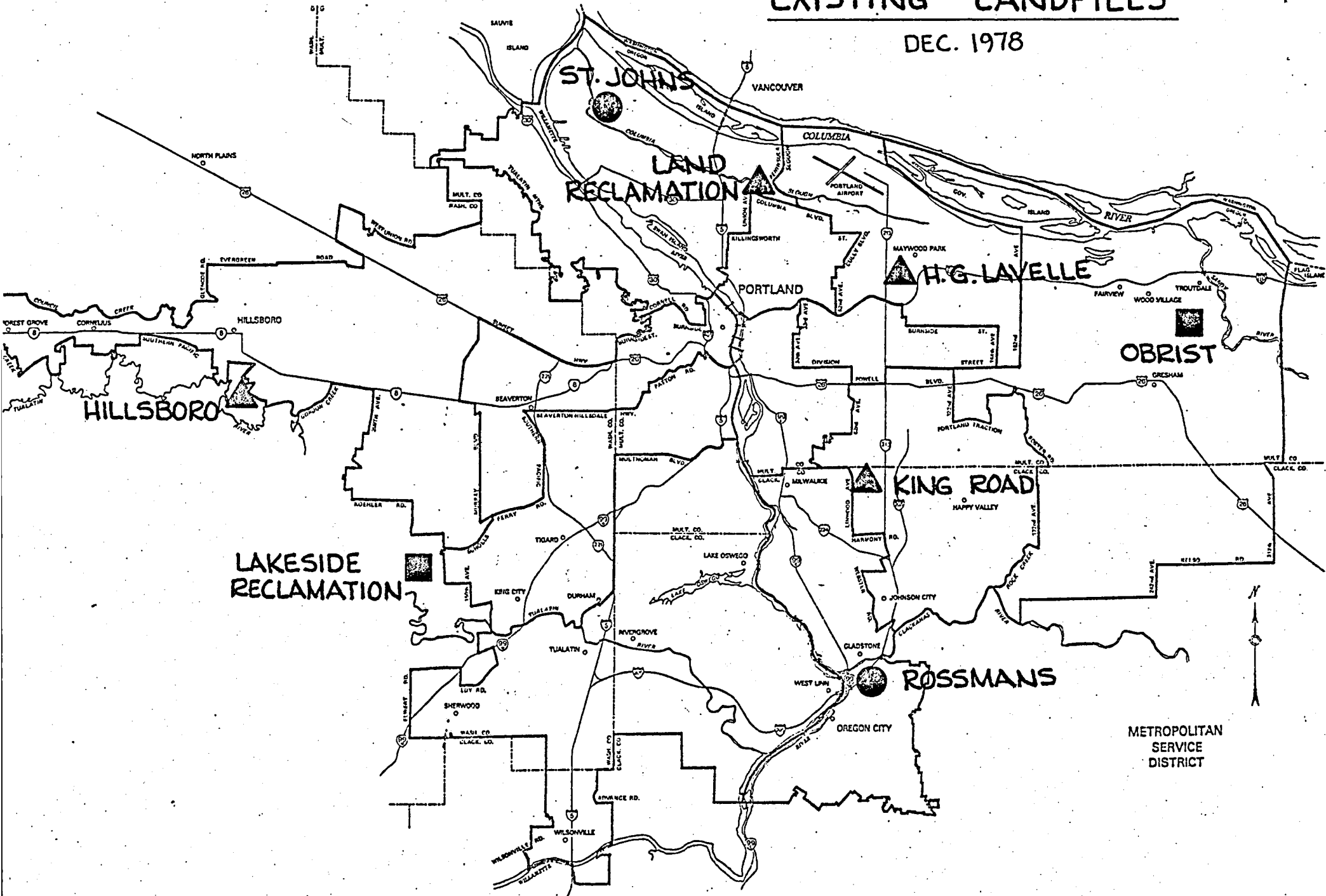
### OTHER LANDFILLS

The MSD Code makes it unlawful to dispose of solid waste at a landfill not within MSD unless the landfill has an agreement with the Service District. This agreement requires that the MSD user fee be charged on all solid waste generated within the Service District and delivered to a landfill.

When the MSD Solid Waste Code became effective, some MSD collectors were disposing of their waste at the Newberg Landfill in Newberg and the Santosh Landfill in Columbia County, both of which are outside of MSD. In order to minimize the disruption of the collection system, and since MSD did not require the solid waste at its facility, the Newberg and Santosh Landfills were authorized to accept solid waste from MSD provided the user fees were paid. In addition, MSD authorized specific collectors to use these sites. As a result of the boundary change effective on January 1, 1979, it will be necessary for a similar agreement to be developed with the Woodburn Landfill

# EXISTING LANDFILLS

DEC. 1978





METROPOLITAN SERVICE DISTRICT  
POTENTIAL LANDFILLS - DECEMBER 1978

SITE	RATING	CAPACITY**	GROUNDWATER IMPACT	FAA AIRPORT REQUIRE.	ACCESS	SURROUNDING ENVIRONMENT	AVAILABLE COVER MATERIAL	EXISTING USE	JURISDICTIONS	REMARKS
OBRIST (9)	A	750,000	Moderate to High	Yes	Fair to Poor	Farms & Resid.	Possible	Landfill/ Gravel Pit	Multnomah Co./ Troutdale	Site becomes City property January 1980
KING ROAD EXTENSION (12)	A	1,900,000	High	None	Good	Residential	None on Site	Landfill/ Gravel Pit	Clackamas Co.	Gravel pit operations continue to excavate below water table, reducing probability of use as landfill. Application for expansion filed with DEQ.
ROSSMAN'S SECOND LIFT(13)	A	500,000	Moderate	None	Excellent	Indus & Resid.	None on Site	Landfill	Clackamas Co.	DEQ is currently reviewing application for 2nd lift.
ST. JOHNS LATERAL (3)	A	1,700,000	Low	None	Good	Industrial	None on Site	Landfill	Mult Co./Portland	Wet lands permit. EPA & Corps. of Eng. involvement.
ALFORD'S (14)	* B	8,800,000	Low	None	Long Haul over Low Vol. Rd.	Farming & Forested	On Site.	Farming	Clackamas Co.	Proposed before and turned down by citizen opposition.
CIPOLE (16)	B	950,000	Moderate to High	None	Fair	Low Density Res. & Agri.	Mostly Imported	Sand Pit	Washington Co.	Portion of site within Tualatin River flood plain.
DURHAM PITS (15)	B	730,000	Moderate to High	None	Excellent	Res., Indus. Commercial	On Site	Gravel Pit	Washington Co. Tualatin, Tigard	Preliminary feasibility study terminated. City of Durham adjacent to site.
COOPER MOUNTAIN (18)	B	1,000,000	Moderate/High	None	Poor	Farming	None on Site	Rock Quarry	Washington Co.	
COLUMBIA SAND & GRAVEL (6)	B	710,000	High	None	Good	Residential	None on Site	Gravel Pit	Multnomah Co.	Multnomah Co. has recommended MSD consider this site to have High priority of filling due to cutting of N.E.122
PORTLAND SAND & GRAV.(11)	B	2,750,000	High	None	Excellent	Residential	None on Site	Gravel Pit	Multnomah Co.	
GRANT BUTTE(Vance Pit)(8)	B	950,000	High	None	Good	Industrial	Possible	Gravel Pit	Multnomah, Gresham	Portion of site old landfill.
NEWBERG LANDFILL *	B	Unknown	Low	Possible	Poor	River/Farm	None on Site	Landfill	Yamhill Co./Newberg	Possible surface water impact. Flood Plain. Long Haul
SANTOSH LANDFILL (1) *	B	Unknown	Low	Possible	Poor	Wetland	None on Site	Landfill	Columbia Co.	Possible surface water impact. Wetland. EPA & Corps of Engineers involvement. Long haul.
WOODBURN LANDFILL *	B	Unknown	Unknown	Unknown	Poor	Unknown	Unknown	Landfill	Marion Co.	Long haul.
SEXTON MOUNTAIN (17)	C	Unknown	Moderate	None	Fair to Poor	Residential	None on Site	Rock Quarry	Washington Co.	Site has high visibility.
OLD PUMPKIN (19) *	C	3,500,000	Low	None	Good/Long Haul	Woodland/Farm	On Site	Farm & Wood	Washington Co.	May not be available. Area has experienced development
HIDDEN VALLEY (2) *	C	Unknown	Low	None	Fair	Woodland Ravine	Unknown	Old landfill	Multnomah Co.	Major problem with surface water control.
HAYDEN ISLAND (4)	C	10,700,000	Low	Possible	Poor	Island in Columbia River	None on Site	None/ Wildlife	Multnomah Co.	Wetland permit. EPA & Corps. of Eng. involvement.
NASH PIT (5)	C	Unknown	Mod. to High	Yes	Excellent	Industrial	None on Site	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
OREGON ASPHALTIC (7)	C	1,400,000	High	None	Poor	Residential	None on Site	Gravel Pit	Multnomah Co.	Substantial gravel excavated below water table.
ROSELAWN (5)	C	Unknown	Mod. to High	Yes	Excellent	Indus. & Res.	Possible	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
SANDY DELTA (10)	C	Unknown	Moderate	Yes	Good	Agriculture	None on Site	Agriculture	Multnomah Co.	Would impact Portland proposed well field. Flood plain
WAYBO PIT (5)	C	Unknown	Mod. to High	Yes	Excellent	Indus & Res.	Possible	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area
PORTER-YETT (5)	C	Unknown	Mod. to High	Yes	Excellent	Industrial	None on Site	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
MIRA MONTE (20) *		Unknown	Unknown	Possible	Good	Farm	Possible	Farm	Clackamas Co.	

RATING CODE:

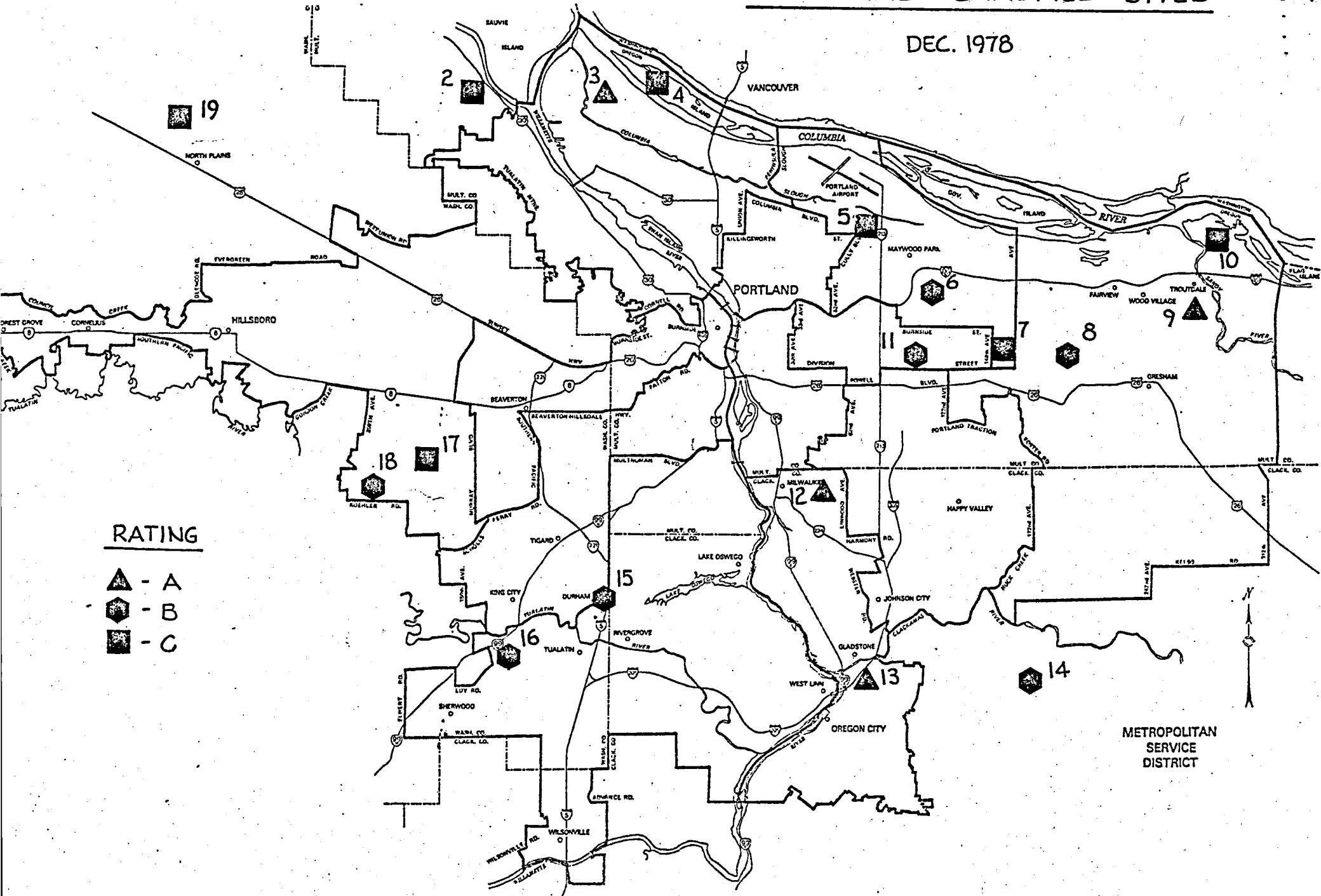
- A: NEEDS ENVIRONMENTAL ACCEPTANCE  
 B: NEEDS ENVIRONMENTAL & LAND USE ACCEPTANCE  
 C: NEEDS ENVIRONMENTAL & LAND USE ACCEPTANCE AND HAS MAJOR PROBLEMS

\*NOT WITHIN MSD BOUNDARIES

\*\*PRELIMINARY ESTIMATES

# POTENTIAL LANDFILL SITES

DEC. 1978



## RATING

- ▲ - A
- ⬡ - B
- - C

METROPOLITAN SERVICE DISTRICT

BILL #3  
SOLID WASTE LAWS

Section 10. ORS 215.213 is amended to read:

(1) The following nonfarm uses may be established in any area zoned for exclusive farm use:

- (a) \*\*\*
- (b) \*\*\*
- (c) \*\*\*
- (d) \*\*\*
- (e) \*\*\*
- (f) \*\*\*

"(g) A site or facility for the disposal of solid or liquid wastes approved by the Council of a metropolitan service district, if it is found by the Council that said site is capable of being reclaimed for farm use.

AJ:bc  
2076A  
0033A

wastes. Additionally, the Council may take into account the number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the District's solid waste management plan and whether the applicant has secured all other necessary or applicable regulatory permits.

5. Amend ORS 646.740 to add a subsection (7) as follows:  
"(7) The activities of any metropolitan service district formed under ORS Chapter 268 and the activities of any person subject to regulation by a metropolitan service district formed under ORS Chapter 268 to the extent that such activities are so regulated and are lawful throughout."

CHANGES TO MSD'S SOLID WASTE LAWS

1. Amend ORS 268.317(3) to read as follows:

"(3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the District or disposal, transfer or resource recovery sites or facilities designated by the District."

2. Amend ORS 268.317(4) to read as follows:

"(4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the District or disposal, transfer or resource recovery sites or facilities designated by the District."

3. Delete the present ORS 268.317(5) and insert the following:

"(5) Regulate, license, franchise and certify disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all disposal, transfer and resource recovery sites or facilities located within the District."

4. Add a new section to ORS 268 to read as follows:

"No disposal, transfer or resource recovery site or facility in the District shall be established, modified or extended

by any person, firm or corporation without the prior approval of the Council. The Council may deny the establishment, modification or extension of a site or facility solely on the grounds that either the District has, pursuant to its solid waste management plan, entered into contracts obligating the District to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that such sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness incurred by reason of such site or facility or the District has adopted a franchise system for the disposal of solid or liquid wastes. Additionally, but without limitation, the Council may take into account the location and number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the District's solid waste management plan and whether the applicant has complied with all other applicable regulatory requirements.

5. Amend ORS 646.740 to add a subsection (7) as follows:

"(7) The activities of any metropolitan service district formed under ORS Chapter 268 and the activities of any person subject to regulation by a metropolitan service district formed under ORS Chapter 268 to the extent that such activities are so regulated and are lawful thereunder."

METROPOLITAN SERVICE DISTRICT  
POTENTIAL LANDFILLS - DECEMBER 1978

SITE	RATING	CAPACITY**	GROUNDWATER IMPACT	FAA AIRPORT REQUIRE.	ACCESS	SURROUNDING ENVIRONMENT	AVAILABLE COVER MATERIAL	EXISTING USE	JURISDICTIONS	REMARKS
OBRIST (9)	A	750,000	Moderate to High	Yes	Fair to Poor	Farms & Resid.	Possible	Landfill/ Gravel Pit	Multnomah Co./ Troutdale	Site becomes City property January 1980
KING ROAD EXTENSION (12)	A	1,900,000	High	None	Good	Residential	None on Site	Landfill/ Gravel Pit	Clackamas Co.	Gravel pit operations continue to excavate below water table, reducing probability of use as landfill. Application for expansion filed with DEQ.
ROSSMAN'S SECOND LIFT(13)	A	500,000	Moderate	None	Excellent	Indus & Resid.	None on Site	Landfill	Clackamas Co.	DEQ is currently reviewing application for 2nd lift.
ST. JOHNS LATERAL (3)	A	1,700,000	Low	None	Good	Industrial	None on Site	Landfill	Mult Co./Portland	Wet lands permit. EPA & Corps. of Eng. involvement.
ALFORD'S (14)	* B	8,800,000	Low	None	Long Haul over Low Vol. Rd.	Farming & Forested	On Site.	Farming	Clackamas Co.	Proposed before and turned down by citizen opposition.
CIPOLE (16)	B	950,000	Moderate to High	None	Fair	Low Density Res. & Agri.	Mostly Imported	Sand Pit	Washington Co.	Portion of site within Tualatin River flood plain.
DURHAM PITS (15)	B	730,000	Moderate to High	None	Excellent	Res., Indus. Commercial	On Site	Gravel Pit	Washington Co. Tualatin, Tigard	Preliminary feasibility study terminated. City of Durham adjacent to site.
COOPER MOUNTAIN (18)	B	1,000,000	Moderate/High	None	Poor	Farming	None on Site	Rock Quarry	Washington Co.	
COLUMBIA SAND & GRAVEL (5)	B	710,000	High	None	Good	Residential	None on Site	Gravel Pit	Multnomah Co.	Multnomah Co. has recommended MSD consider this site to have high priority of filling due to cutting of N.E.122
PORTLAND SAND & GRAV.(11)	B	2,750,000	High	None	Excellent	Residential	None on Site	Gravel Pit	Multnomah Co.	
GRANT BUTTE(Vance Pit)(8)	B	950,000	High	None	Good	Industrial	Possible	Gravel Pit	Multnomah, Gresham	Portion of site old landfill.
NEWBERG LANDFILL *	B	Unknown	Low	Possible	Poor	River/Farm	None on Site	Landfill	Yamhill Co./Newberg	Possible surface water impact. Flood Plain. Long Haul
SANTOSH LANDFILL (1)	* B	Unknown	Low	Possible	Poor	Wetland	None on Site	Landfill	Columbia Co.	Possible surface water impact. Wetland. EPA & Corps of Engineers involvement. Long haul.
WOODBURN LANDFILL *	B	Unknown	Unknown	Unknown	Poor	Unknown	Unknown	Landfill	Marion Co.	Long haul.
SEXTON MOUNTAIN (17)	C	Unknown	Moderate	None	Fair to Poor	Residential	None on Site	Rock Quarry	Washington Co.	Site has high visibility.
OLD PUMPKIN (19)	* C	3,500,000	Low	None	Good/Long Haul	Woodland/Farm	On Site	Farm & Wood	Washington Co.	May not be available. Area has experienced development
HIDDEN VALLEY (2)	* C	Unknown	Low	None	Fair	Woodland Ravine	Unknown	Old landfill	Multnomah Co.	Major problem with surface water control.
HAYDEN ISLAND (4)	C	10,700,000	Low	Possible	Poor	Island in Columbia River	None on Site	None/ Wildlife	Multnomah Co.	Wetland permit. EPA & Corps. of Eng. involvement.
NASH PIT (5)	C	Unknown	Mod. to High	Yes	Excellent	Industrial	None on Site	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
OREGON ASPHALTIC (7)	C	1,400,000	High	None	Poor	Residential	None on Site	Gravel Pit	Multnomah Co.	Substantial gravel excavated below water table.
ROSELAWN (5)	C	Unknown	Mod. to High	Yes	Excellent	Indus. & Res.	Possible	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
SANDY DELTA (10)	C	Unknown	Moderate	Yes	Good	Agriculture	None on Site	Agriculture	Multnomah Co.	Would impact Portland proposed well field. Flood plain
WAY30 PIT (5)	C	Unknown	Mod. to High	Yes	Excellent	Indus & Res.	Possible	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area
PORTER-YETT (5)	C	Unknown	Mod. to High	Yes	Excellent	Industrial	None on Site	Gravel Pit	Multnomah Co.	FAA major problem. One of 5 sites in area.
MIRA MONTE (20)	*	Unknown	Unknown	Possible	Good	Farm	Possible	Farm	Clackamas Co.	

RATING CODE:

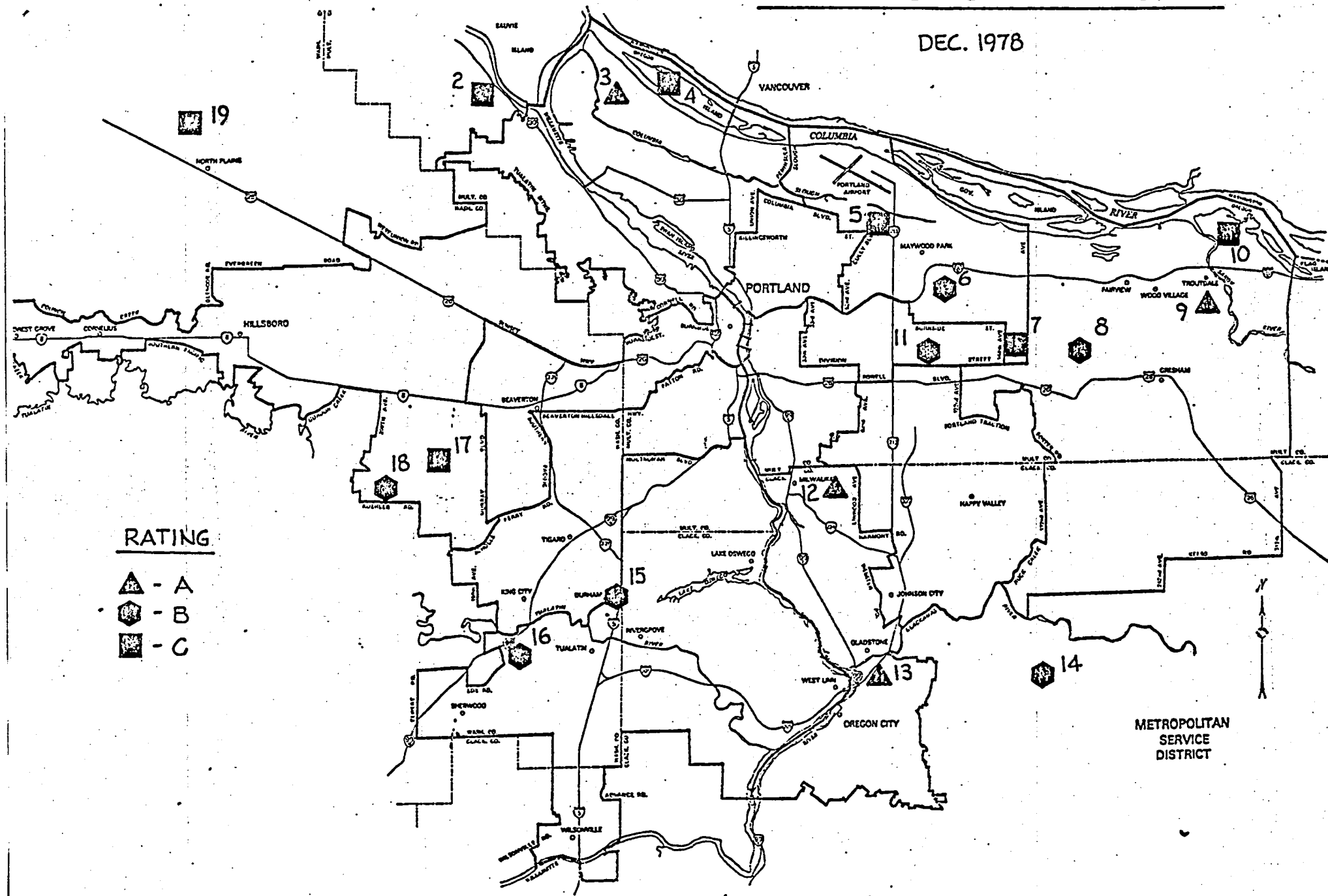
- A: NEEDS ENVIRONMENTAL ACCEPTANCE
- B: NEEDS ENVIRONMENTAL & LAND USE ACCEPTANCE
- C: NEEDS ENVIRONMENTAL & LAND USE ACCEPTANCE AND HAS MAJOR PROBLEMS

\*NOT WITHIN MSD BOUNDARIES

\*\*PRELIMINARY ESTIMATES

# POTENTIAL LANDFILL SITES

DEC. 1978



## RATING

- ▲ - A
- ⬡ - B
- - C

METROPOLITAN  
SERVICE  
DISTRICT



THE UNDERSIGNED CONCERNED CITIZENS ARE DIAMETRICALLY OPPOSED TO THE  
 ESTABLISHMENT OF A LANDFILL, (GARBAGE DUMP) IN OR NEAR THE SUGGESTED CIPOLE  
 ROAD --99W AREA.

ALL C.P.O. 5

DATE-1-17-79

Name	Address
J. L. Hovanic	19990 SW Cipole
Sue Hovanic	19990 SW Cipole
L. J. Blum	18200 S.W. Pacific Highway
Chester Fischbuch	19020 SW Cipole, Sherwood
Mary W. Fischbuch	19020 S.W. Cipole Sherwood
James Gair	18600 S.W. Pacific Dr.
Wm Young	10405 S.W. Cipole rd Sherwood
Mary Young	20605 S.W. Cipole Rd. Sherwood
Christina Cereghino	19945 S.W. Cipole Rd. Sherwood
James Cereghino	19945 S.W. Cipole Rd. Sherwood
Delmar Malgoueres	11345 SW Herman Rd Sherwood
A. E. Garen	17905 SW Pac. Hwy
C. J. Shelton	18325 SW Pac Hwy
Mary M. Mandel	18705 S.W. Kummrow - Sherwood
Ar. Roffeis	18315 SW Pacific Hwy Sherwood
Patricia A. Robbins	18315 S.W. Pacific Hwy Sherwood
Loretta Garcia	17905 S W Pacif. Hwy Sherwood
Steven Oh	18485 S.W. Pacific Dr. SHERWOOD
Kenneth Dickson	11045 S W tuatatu Rd Sherwood
Rosalee Dickson	11045 SW. Tuatatu Rd, Sherwood; OR
Leo Mandel	18705 S.W. Kummrow
Carol Harvey	11295 SW Hazelbrook Rd <sup>Sherwood</sup>
Howard Harvey	11295 SW Hazelbrook Rd <sup>97140</sup> Sherwood
Helma M. Elmer	17620 St. 115 Sherwood
Loretta G. Vanmeyer	11680 SW Hazelbrook Sherwood
Bruce A. Byrne	11515 SW HAZELBROOK SHERWOOD
Carl Stovall	17465 SW Pac Hwy Sherwood
Russell Espedal	17865 SW Pacific Hwy Sherwood
<del>J. D. Hagg</del>	12835 S.W. HERMAN Rd. Sherw.
Willa Hagg	12835 S.W. Herman Rd. Sherw.
Marg. Larry Hinnumon	19730 Cipol Road (Cipole Ind. park)
H. Arnold Schmidt	18450 S.W. Kummrow Rd
Linda Norrison	18470 SW Pacific Hwy
Donald Hagg	18470 SW Pacific Hwy Sherwood

THE UNDERSIGNED CONCERNED CITIZENS ARE UNANIMOUSLY OPPOSED TO THE  
 ESTABLISHMENT OF A LANDFILL, (GARBAGE DUMP) IN OR NEAR THE SUGGESTED CIRCLE  
 ROAD --99W AREA.

ALL C.P.O. 5

DATE--1-17-79

Name	Address
Lloyd L. [unclear]	18245 SW Pacific Hwy
Darlene [unclear]	" " "
Wad Brown	17870 SW 115 <sup>th</sup>
Walter M. [unclear]	18415 S.W. Pacific Dr.
George E. [unclear]	18415 SW Pacific Dr.
Paul R. Kaufman	18710 S.W. Kummrow Rd.
Phyllis Malwaney	13015 S.W. Herman Rd.
Margaret A. Carr	18505 SW Pacific Dr. Sherwood
Arthur L. Keesling	11075 SW Kalamata Rd. Sherwood
Boyd Carr	17785 S.W. 103 <sup>rd</sup> & Sherwood
Teresa Carr	" " "
Florence L. Logan	17585 SW Pacific Hwy Sherwood
William J. [unclear]	16165 SW Pacific Hwy Tigard

AGENDA ITEM 6.7

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:      Proposed Legislative Program for the Metropolitan Service  
              District

BACKGROUND: As you are aware, during the transition from CRAG and MSD to the new MSD, a formal record was kept of various legislative proposals which would correct housekeeping deficiencies as they appeared in HB 2070. Those changes, as well as items to clarify MSD's role in solid waste and in dealing with the Clark County, Vancouver, Washington membership question, have been described to you during the recent Council retreat.

Formal discussion of the proposed legislative program is scheduled for the Committee of the Whole meeting to be held on January 11, 1979. The results of Council response to that proposed program will be put in formalized resolution form to be acted upon at the next regularly scheduled official Council meeting to be held January 18, 1979.

BUDGET IMPLICATIONS: The proposed legislative program makes no financial provision nor does it have any direct impact on the financial operations of the Council. Funds to pay for legislative assistance are provided for in the approved budget.

POLICY IMPLICATIONS: The legislation program is based upon a policy position that the MSD will seek no additional power that is not specified in HB 2070, and is designed to clarify the MSD position in Solid Waste and provide housekeeping corrections to the original enabling legislation.

ACTION REQUESTED: Formal adoption of a resolution approving a legislative program to be submitted to the 1979 session of the Oregon Legislature.

DUK:mec

9

1/18/79

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# Metropolitan Service District

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

## Memorandum

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Date: January 18, 1979  
To: MSD Council  
From: Executive Officer  
Subject: 1979 Legislative Package

The following bills will be introduced at the 1979 Legislature subject to the approval of the MSD Council:

Bill #1 Changes in MSD Enabling Legislation

- Section 1. Amend HB 2070 to permit criminal justice planning to continue without prior approval of a tax base or income tax.
- " 2. Amend HB 2070 to apply the 51-cent assessment ceiling to cities and counties.
- " 3. Amend HB 2070 to redefine "metropolitan area" to include only land inside the MSD boundary.
- " 4. Amend the Oregon Revised Statutes to allow the Council to become its own contract review board rather than being subject to the State Public Contract Review Board.
- " 5. Amend HB 2070 to delete the applicability of the Administrative Procedures Act (APA). Repeal the provisions which prohibit emergency ordinances.
- " 6. Amend HB 2070 to delete the reference to "guidelines."
- " 7. Amend HB 2070 to permit withdrawal of MSD employees from PERS.
- " 8. Amend HB 2070 to provide the same expenses for councilors attending meetings as other state boards and special districts.

Section 9, 10, 11 and 12 Amend voters pamphlet statute to allow coverage of MSD candidates.

Section 13. Amend HB 2070 to allow Clark County to be a voting member of the Council.

" 14. Councilors and Executive Officer must be residents of their districts and the MSD at least one year prior to taking office.

Bill #2 Changes in Solid Waste Legislation ORS 268

Sections 1-2 Permit the MSD to be monopolistic in the area of waste disposal to avoid a law suit under Sherman Anti-trust. States may mandate an area of monopoly for a local government in order that complete control and regulation is possible.

Sections 3-5 Gives MSD authority to franchise landfills. Gives MSD rate-setting authority over landfills.

Bill #3 Changes in Land Use Laws relating to nonfarm uses.

Section 1. Permits waste disposal sites in an area zoned for exclusive farm use. Requires land to be reclaimed for farm use.

AK:bc  
2026A  
0033A

BILL #1  
CHANGES IN MSD ENABLING LEGISLATION

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OREGON:

Section 1. Section 10a of Chapter 665, Oregon Laws 1977 is amended to read:

(copy subsections 1-4)

(5) Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter. Notwithstanding any contrary provision of this section, a district may provide planning for any aspect of criminal and juvenile justice without a tax base or income tax having been authorized for the district, and funds provided pursuant to Chapter 665, Oregon Laws 1977, Section 16 may be used for such planning to the extent that such funds are necessary to obtain and match federal or state grants for such planning.

(6) (copy subsections 6 and 7)

Section 2. Section 16 of Chapter 665, Oregon Laws 1977 is amended to read:

(1) The council, in its sole discretion, may determine that it is necessary to charge the cities, counties and other municipal corporations within the district for the services and activities carried out under sections 17 and 18 of this 1977 Act. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district. For the purposes of this subsection the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by

the council. No assessment on a city or county under this section shall exceed the rate of 51 cents per capita each year.

Section 3. ORS 268.020 is amended to read:

As used in this chapter:

(1) "District" means a metropolitan service district established under this chapter.

(2) "Metropolitan area" means (the Oregon portion of a standard metropolitan statistical area designated by an agency of the United States.) that area which lies within the boundaries of a metropolitan service district.

(3) "Improvement" means the facilities and other property constructed, erected or acquired by and to be used in the performance of services authorized to be performed by a district.

Section 4. ORS 279.055 is amended to read as follows:

Any city (and any county), any county and any metropolitan service district organized under ORS Chapter 268 may adopt an ordinance, and any peoples' utility district organized under ORS Chapter 261 or the elected governing body of any utility authorized under ORS Chapter 225 may adopt a resolution, creating its governing body as a local contract review board for that city, county, metropolitan service district or board. The local contract review board shall have all the powers of the Public Contract Review Board.

Section 5. ORS 268.360 is amended to read as follows:

(1) For purposes of its authorized functions a district may exercise police power and in so doing adopt such ordinances and rules as a majority of the members of its governing body considers necessary for the proper functioning of the district. All legislative acts shall be by ordinance and all such ordinances shall be adopted in the manner provided in ORS Chapter 198, except where in conflict with this section. The district shall not be considered an agency for the purposes of ORS Chapter 183.

(2) REPEALED

(3) REPEALED

Section 6. Section 17 of Chapter 665, Oregon Laws 1977 is amended to read as follows:

A district council shall:

(1) Adopt land-use planning goals and objectives for the district consistent with goals (and guidelines) adopted under ORS 197.005 to 197.430;

(continued with rest of section--p. 619)

Section 7. Notwithstanding any contrary provision of ORS Chapter 237, any employe of the district who is a member of the state Public Employees' Retirement System on the date of this act may elect to withdraw from that system. Upon withdrawal, the rights of a district employe shall be governed by ORS 237.111 and shall be the same as those of any other employe who is a member of the system and is separated therefrom for any reason other than death or disability.

Section 8. Section 6 of Chapter 665, Oregon Laws 1977 is amended to read:

The council may adopt and enforce rules of procedure governing its proceedings in accordance with this chapter. At its first meeting after January 1 of each year, one councilor shall be elected by the council to serve as its presiding officer for the ensuing year. The council shall meet upon the request of the presiding officer or that of a majority of the council. Notwithstanding the provisions of ORS 198.190, councilors shall receive no other compensation for their office than a per diem for meetings, plus necessary meals, travel and other expenses as determined by the council.

Section 9. ORS 259.040 is amended to read as follows:

(1) \*\*\* (no change)

(2) ORS Chapter 255 providing for voters' pamphlets shall be applicable to a metropolitan service district organized under ORS Chapter 268 ((2)) (3) Notwithstanding subsection (1) of this section and except as provided in subsection (2) of this section and ORS 259.045, ORS Chapter 255 providing for voters' pamphlets does not apply to district elections.



Section 10. ORS 255.031 is amended to read as follows:

(1) Not later than the 68th day before the primary election, any candidate for nomination or election at the primary election to the office of President or Vice President of the United States, United States Senator, Representative in Congress, national committeeman, national committeewoman, councilor or executive officer of a metropolitan service district, or any state, county, city or legislative office, or his political agent on his behalf, may file with the Secretary of State a portrait of the candidate and a typewritten statement setting forth the reasons why the candidate should be nominated or elected.

(2) and (3) -- copy -- no change

Section 11. ORS 255.211 is amended to read as follows:

(1) \*\*\* (same)

(2) Not later than the 70th day before the regular biennial general election, any candidate nominated for election to the office of President or Vice President of the United States, United States Senator, Representative in Congress or any state or legislative office, may file with the Secretary of State a portrait of the candidate and a typewritten statement setting forth the reasons why the candidate should be elected. A candidate for a county or city office, or for councilor or executive officer of a metropolitan service district, may file a portrait and statement as provided by this subsection:

(3) (4) -- no change

Section 12. ORS 255.231 is amended to read as follows:

(1) \*\*\* same

(2) Each candidate for election at the regular biennial general election to any of the following offices, or his political agent on his behalf, shall pay to the Secretary of State at the time of filing portraits and statements under ORS 255.211, the following fee per 29.8 square inches of space in the voters' pamphlet:

(a) \*\*\*

(b) \*\*\*

(c) District attorney, circuit court judge, councilor or executive officer of a metropolitan service district, or any county or city officer, \$50.

(rest of section unchanged)

Section 13. Permits Clark County to have a vote on MSD Council (Legislative Council is drafting this section and will be ruling on the possibility of such a clause.)

Section 14. Amend Section 35 (1) of Chapter 665, Oregon Laws 1977 by adding the following:

"Each Councilor shall have been a resident of the subdistrict from which he is elected for at least one year prior to the time such councilor is to take office."

Section 15. Amend Section 7 (2) of Chapter 665, Oregon Laws 1977 by adding the following:

"The executive officer shall have been a resident of the district for at least one year prior to the time such executive officer is to take office."

BILL #2  
CHANGES TO SOLID WASTE LAWS

1. Amend ORS 268.317 (3) to read as follows:

"(3) Require any person or class of persons who generate solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the District or disposal, transfer or resource recovery sites or facilities designated by the District."

2. Amend ORS 268.317 (4) to read as follows:

"(4) Require any person or class of persons who pick up, collect or transport solid or liquid wastes to make use of the disposal, transfer or resource recovery sites or facilities of the District or disposal, transfer or resource recovery sites or facilities designated by the District."

3. Delete the present ORS 268.317 (5) and insert the following:

"(5) Regulate, license, franchise or certify all disposal, transfer and resource recovery sites or facilities; establish, maintain and amend rates charged by disposal, transfer and resource recovery sites or facilities; establish and collect license or franchise fees; and otherwise control and regulate the establishment and operation of all disposal, transfer and resource recovery sites or facilities located within the District."

4. Add a new section to ORS 268 to read as follows:

"No disposal, transfer or resource recovery site or facility in the District shall be established, modified or extended by any person, firm or corporation without the prior approval of the Council. The Council may deny the establishment, modification or extension of a site or facility solely on the grounds that either the District has, pursuant to its solid waste management plan, entered into contracts obligating the District to supply or direct minimum quantities of solid wastes to sites or facilities designated in the contract in order that such sites or facilities will operate economically and generate sufficient revenues to liquidate any bonded or other indebtedness associated with such site of facility of the District has adopted a franchise system for the disposal of solid or liquid

wastes. Additionally, the Council may take into account the number of existing sites or facilities and their remaining capacities, whether the proposed establishment, modification or extension complies with the District's solid waste management plan and whether the applicant has secured all other necessary or applicable regulatory permits.

5. Amend ORS 646.740 to add a subsection (7) as follows:  
"(7) The activities of any metropolitan service district formed under ORS Chapter 268 and the activities of any person subject to regulation by a metropolitan service district formed under ORS Chapter 268 to the extent that such activities are so regulated and are lawful throughout."

AGING AND MINORITY AFFAIRS--

Jan Wyers, Chairperson; Anthony Meeker, Vice-Chairperson;  
L. B. Day; Dell Isham; William McCoy.

AGRICULTURE AND NATURAL RESOURCES--

Charles J. Hanlon, Chairperson; Tom Hartung, Vice-Chairperson;  
Walter F. Brown; Ted Kulongoski; John Powell; Michael Ragsdale;  
Michael Thorne.

EDUCATION--

Clifford W. Trow, Chairperson; Richard Bullock, Vice-Chairperson; Walt  
Brown; Tom Hartung; William McCoy; Anthony Meeker; E.D. (Debbs) Potts.

ELECTIONS--

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HEALTH AND WELFARE--

William McCoy, Chairperson; Jim Gardner, Vice-Chairperson; Vernon  
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JUDICIARY--

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Robert F. Smith; Jan Wyers.

LABOR, CONSUMER AND BUSINESS AFFAIRS--

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Trow; George Wingard.

LOCAL GOVERNMENT--

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REVENUE AND SCHOOL FINANCE--

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Wingard.

SENATE STANDING COMMITTEE MEMBERSHIP

AGING AND MINORITY AFFAIRS--

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ENVIRONMENT AND ENERGY--

Edward N. Fadeley, Chairperson; L. B. Day, Vice-Chairperson;  
Richard Groener; Ted Hallock; Charles J. Hanlon; Kenneth  
Jernstedt; Ted Kulongoski; John Powell; Jack D. Ripper.

HEALTH AND WELFARE--

William McCoy, Chairperson; Jim Gardner, Vice-Chairperson; Vernon  
Cook; Tom Hartung; Fred W. Heard; Frank Roberts; Clifford W. Trow.

HOUSING AND URBAN AFFAIRS--

Ted Hallock, Chairperson; George Wingard, Vice-Chairperson; Keith  
A. Burbidge; Lenn L. Hannon; Tom Hartung.

JUDICIARY--

Vernon Cook, Chairperson; Walter F. Brown, Vice-Chairperson;  
Edward N. Fadeley; Jim Gardner; Stephen Kafoury; Ted Kulongoski;  
Robert F. Smith; Jan Wyers.

LABOR, CONSUMER AND BUSINESS AFFAIRS--

Richard Groener, Chairperson; Ted Kulongoski, Vice-Chairperson;  
Charles J. Hanlon; Lenn L. Hannon; Robert F. Smith; Clifford W.  
Trow; George Wingard.

LOCAL GOVERNMENT--

Frank Roberts, Chairperson; Michael Ragsdale, Vice-Chairperson;  
Richard Bullock; L. B. Day; Dell Isham; William McCoy; Jack D. Ripper.

REVENUE AND SCHOOL FINANCE--

John Powell, Chairperson; Charles J. Hanlon, Vice-Chairperson;  
Vernon Cook; Jim Gardner; Ted Hallock; Clifford W. Trow; George  
Wingard.

SENATE STANDING COMMITTEE MEMBERSHIP

AGING AND MINORITY AFFAIRS--

Jan Wyers, Chairperson; Anthony Meeker, Vice-Chairperson;  
L. B. Day; Dell Isham; William McCoy.

AGRICULTURE AND NATURAL RESOURCES--

Charles J. Hanlon, Chairperson; Tom Hartung, Vice-Chairperson;  
Walter F. Brown; Ted Kulongoski; John Powell; Michael Ragsdale;  
Michael Thorne.

EDUCATION--

Clifford W. Trow, Chairperson; Richard Bullock, Vice-Chairperson; Walt  
Brown; Tom Hartung; William McCoy; Anthony Meeker; E.D. (Debbs) Potts.

ELECTIONS--

Stephen Kafoury, Chairperson; Dell Isham, Vice-Chairperson; Jim  
Gardner; Kenneth Jernstedt; Frank Roberts.

ENVIRONMENT AND ENERGY--

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STATE AND FEDERAL AFFAIRS/RULES--

E. D. (Debbs) Potts, Chairperson; Fred W. Heard, Vice-Chairperson;  
Keith A. Burbidge; Kenneth Jernstedt; John Powell; Robert F. Smith;  
Michael Thorne; Jan Wyers.

TRADE AND ECONOMIC DEVELOPMENT--

Lenn L. Hannon, Chairperson; Kenneth Jernstedt, Vice-Chairperson;  
Jason Boe; Richard Bullock; Richard Groener; Michael Ragsdale  
(alternate for Boe).

TRANSPORTATION--

Dell Isham, Chairperson; Robert F. Smith, Vice-Chairperson;  
L. B. Day; Lenn L. Hannon; Stephen Kafoury.

WAYS AND MEANS--

Jack D. Ripper, Chairperson; Keith A. Burbidge, Vice-Chairperson;  
Edward N. Fadeley; Fred W. Heard; Anthony Meeker; E. D. (Debbs)  
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\* \* \* \*

SENATE SPECIAL COMMITTEES

PER DIEM--

Edward N. Fadeley, Chairperson; Fred W. Heard; Kenneth Jernstedt.

STATE AND FEDERAL AFFAIRS/RULES--

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Potts; Michael Thorne.

\* \* \* \*

SENATE SPECIAL COMMITTEES

PER DIEM--

Edward N. Fadeley, Chairperson; Fred W. Heard; Kenneth Jernstedt.

January 15, 1979

Tom Current  
808 NE 113th Avenue  
Portland, Oregon 97220

Tel: Bus. 221 3078  
Res. 254 7093

Mr. Martin Cramton, Director of Planning  
Multnomah County  
2115 SE Morrison Street  
Portland, Oregon 97214

Dear Martin:

Enclosed are copies of a Resolution signed by Hazelwood, Cully/Parkrose, Centennial and Wilkes Community Planning Groups, 4 of the 9 such organizations in East Multnomah County. By these resolutions, and comparable general action in other CPG's, we have created a coordinating committee among the CPG's in East Multnomah County. We have been assured that at least the Rockwood and NE County organizations will also join us along the lines of the enclosed resolutions. We have not yet established effective communication with the Errol Heights, Powellhurst and Columbia CPG's which may also choose to join with us.

Our purposes are somewhat spelled out in the Resolution but essentially pertain to working together and with you in resolving conflicts regarding policies that impact two or more of the CPG's, and in promoting a healthy continuing CPG in each community on a long term basis.

At a meeting of representatives of Wilkes, Cully/Parkrose, Hazelwood, North East County, Centennial and Rockwood CPG's, the following actions were taken:

- (1) Officers Elected: Tom Current (Hazelwood)  
Chairman  
Paul Thalhofer (Rockwood), Vice Chairman  
Coral Jean Cotterell (Cully/Parkrose),  
Secretary

- (2) It was Resolved that participating CPG's be encouraged not to adopt final wording of community plan policies which relate to the concerns authorized for negotiation between the coordinating committee and the County, until the coordinating committee refers its recommendations back to the CPG's.

- (3) It was unanimously Resolved to oppose adoption by the Multnomah County Planning Commission of the amendment to Ordinance No. 100, as prepared by County staff (Draft 3, 12-15-78). Discussion included a consensus that the amendment would short circuit the citizen participation/community planning process and is so loosely worded as to permit pro-

Page 2  
Ltr T.C./M.C. 1-15-79

miscuous application by the County. All CPG representatives present (see below) agreed that the amendment proposal was not submitted to any CPG for review and comment before adoption by the Planning Commission, as claimed.

(4) It was resolved to request that the County Planning Director, Martin Cramton, and appropriate staff, meet with the full coordinating committee as soon as possible for thorough discussion of the concerns listed in the founding Resolutions attached.

In accordance with the last action, I would appreciate an opportunity to discuss with you a time and place for a meeting as described. It is our belief that a timely meeting of this nature could greatly facilitate the process of reaching agreement between citizen and staff planners on issues that are now in dispute, at least affecting two or more CPG's.

With the good faith discussion which we propose, you may be able to hasten the process as well as assure a supportive group of citizen planning groups when the plans go to formal hearings and review at the various necessary levels.

Sincerely



Tom Current, Chmn

TC:tc

cc: Gerald Brewster, Chairman, Multnomah County Planning Com.

Attendance at founding meeting of coordinating committee on January 8, 1979, at E.S.D. Building, 220 SE 102nd Avenue:

Rich Marshall, Chmn, Hazelwood; Tom Current, V-Chmn; Anne Ficoo Secretary; Ruth Niece, member. Wilkes --  
Bob Wiggins; Jess H. Campbell, Linda Nutter, members. Dr. Peter D. Bullard, Chmn; W. E. Bullard, V-Chmn; Coral Jean Cotterell, Secretary, Cully/Parkrose; member, Gene Gambee. Clifford T. Safranski, V-Chmn, NECCA (Northeast County). Rose Marie Gilbert and Paul Thalhofer, Rockwood. Eunice Jensen, Lendamai Poole, Bob\* and Bonnie Luce, Centennial. Observers: Barbara Wiggins, Multnomah County Planning Commission; Gene Peterson, MSD.  
\*Chairman.

Encl: Copies of 4 Resolutions.



# METROPOLITAN SERVICE DISTRICT

1220 S. W. MORRISON ROOM 300 PORTLAND, OREGON 97205

(503) 248-5470

September 25, 1978

Cowles Mallory  
City of Portland  
400 S. W. 6th Avenue  
Room 313  
Portland, Oregon 97204

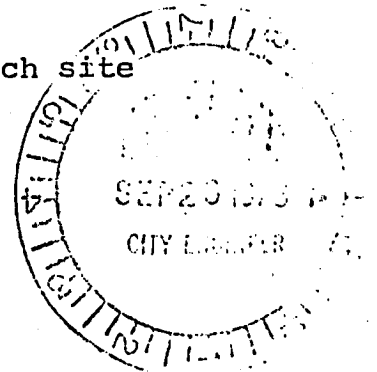
With regard to the questions asked by EPA for obtaining an NPDES permit for expansion of the St. Johns Landfill, we have provided our best estimate of a schedule to implement a long term solid waste site (ten or more years disposal capacity) for the Metropolitan Service District (MSD) area. Our immediate concerns are expressed in the report, "Solid Waste Disposal Siting Alternatives". Our priorities are: expansion of St. Johns Landfill and Rossman's Landfill, construction of a solid waste processing facility and transfer station, demonstration of a successful landfill siting and operation in a gravel pit location, and conveniently located smaller transfer stations for receiving citizens' deliveries of solid waste.

Successful implementation of all these priorities and siting of additional landfill disposal facilities and gravel pit locations could provide comprehensive disposal capacity for the MSD area through 1995.

As a precaution that the achievement of these priorities will not be successful, MSD will begin a search for and identification of a long term site by January 1, 1979.

The following work tasks and tentative schedule can be identified:

- (1) Identification of siting criteria (January 1, 1979)
- (2) Map search and solicitation of sites from local real estate industry and solid waste interest groups (July 1, 1979)
- (3) Development of general data regarding each site (January 1, 1981)



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100% RECYCLED PAPER



Page 2  
Cowles Mallory  
September 25, 1978

- (4) Elimination of preliminary non-feasible sites  
(March 1, 1981)
- (5) Ranking, or ordering, of remaining sites for  
environmental and economic data implementation  
(June 1, 1981)
- (6) Development of environmental and economic assessment  
of #1 site (See 5 above - January 1, 1982).
- (7) Obtain necessary land use and environmental permits  
(January 1, 1984)

While this schedule is necessarily general in nature at this time, it is our best effort to express the schedule concerns voiced by EPA. If you have any questions, please call.

*Corky Ketterling*

Corky Ketterling, Manager  
Engineering and Analysis

1.20.B.4  
1.20.B.41

NPDES - 62

January 18, 1979

Director and Members of the Council  
Metropolitan Service District  
Portland, Oregon

I am O. B. Harr, Chairman of Research and Information for the East County Concerned Citizens speaking in behalf of our Chairman, Rev. T. Armstrong.

The East County Concerned Citizens fully support a viable multi-destinational/time transfer mass transit system. With alternatives easily and economically adaptable to system enlargement or vehicular numbers, directly proportional to ridership demands and the transit district's ability to subsidize.

Providing the LRT was approved by a majority vote of the transit district residents, the ECCC would withdraw all opposition and support that transit system mode.

As presently constituted and routed the ECCC are fully opposed to the LRT and will continue to work in opposition.

Never-the-less, in the event construction is approved and moves forward, it is our intent to be fully involved in project design processes, the quality of construction, the good, as well as the adverse impacts on our neighborhoods, residential and business, to the completion of as acceptable facility as is possible for all concerned.

Our concerns are, in brief:

I) routing access to and from schools, churches, businesses, residencies, depots and loading areas, and especially in regard to emergency vehicle operation. The recent plane crash adds emphasis to this concern.

2) construction of paving, traffic and parking lanes, curbing, sidewalks, street lighting, retaining walls, noise berms, power and telephone lines, water and sewer lines. Referring to the quotation 'quality of construction' I would point to the present problems and lawsuits regarding construction of and on the Mall. After the fact lawsuit costs would, to all intents and purposes, price us out of the market.

3) traffic densities and overloads on arterial streets, especially in Rockwood where the LRT would aggravate a presently unacceptable traffic problem.

4) local neighborhood development on E. Burnside between IO2nd Ave. and I81st Ave. also so called 'service' facilities presently proposed around future LRT depots or loading zones.

5) population densities on the corridor; We fully realize and accept normal increased density as well as infill through out the corridor and east county. Providing we can work in the process of adapting to and accomadating our neighborhoods, such development is to be desired.

The Community Planning Groups, in the east county, have instuted a Coordinating Committee and are, so far, successfully negotiating, in regard to densities and zoning, an amicable solution with the respective political divisions and bureaus. We sincerely hope this process will continue in the future and in regard to the above stated concerns.

Interestingly, checking addresses of LRT proponents, not one of these political or public individuals resides in the East Glisan-Burnside-Stark Streets corridor. In fact the further the residency the greater the advocacy. It is very regrettable.

I would point out to the Council, as the regional transit district program develops, you will be confronted with these self-same problems.

Therefore, we request and would appreciate your support of the Resolutation before you.

For the East County Concerned  
Citizens,

O. B. Harr

Community Planning Coordinating  
Committee of East Multnomah  
County (temporary name)  
Tom Current, Chairman  
808 N E 113th Avenue RECEIVED  
Portland, Oregon 97220

January 18, 1979

Mr. Michael Burton, Chairman  
Council of the Metropolitan Service District  
527 S W Hall Street  
Portland, Oregon 97201

Dear Mr. Burton:

A conflict between a meeting of my community planning group (Hazelwood) in East Multnomah County and your meeting tonight causes me to be unable to appear at the appropriate hour on your agenda to comment upon the resolution proposed by Gene Peterson, Cindy Banzer and Betty Schedeen with reference to the Banfield Transitway Project.

For that reason, I request that this letter be entered into the record in support of the resolution and perhaps that I be permitted a brief oral comment at the beginning of your agenda about the last item on the agenda.

The organization I represent is a new coordinating committee composed of delegates from the Community Planning Groups in unincorporated East Multnomah County. The principal point we make is that the subject resolution reflects accurately our considered concerns, as expressed in the founding documents of the coordinating committee.

Nobody should be surprised that the neighborhoods along the light rail route are concerned about neighborhood impact, nor that these concerns have so far been expressed most often as opposition or total confusion on the subject.

The most critical planning phase is now at hand, requiring a Solomon-like mix of technical work and constructive discussion by disparate interests, including the neighbors.

The subject resolution gives MSD an opportunity to give as much assurance as possible to ease unnecessary apprehension about fiscally induced, artificial, extreme densities and other impact concerns. We urge adoption to encourage constructive participation in the planning by the most affected neighborhood groups and harmonious relations with staff responsible for the technical work. Thank you.

Sincerely



Tom Current, Chmn

TC:tc  
Encl.

January 11, 1979

Michael A. Stoops  
Butte Hotel  
610 N.W. Davis; #6  
Portland, OR 97209  
226-0354--Office

Mr. Rick Gustafson,  
Executive Director  
Metropolitan Service District  
527 S.W. Hall  
Portland, OR 97201

RE: MSD Council Procedural Rules

Dear Mr. Gustafson:

I would like to provide you with my opinions in regards to the Proposed MSD Council Procedural Rules:

- 1) Regular Meetings (Section 3). Since the MSD covers a tri county area, I would recommend that regular meetings be held in all parts of the district. I would suggest that regular meetings be rotated to insure that the MSD board meets at least once a year in each one of the 12 MSD subdistricts. Such an action by the MSD Council will bring this new form of regional government to the local citizenry. Having MSD meetings in the old CRAG headquarters will make people think that the MSD is just a new version of CRAG and that they have no elected representative. I would recommend that all special, emergency or annual meetings be held in one set location.
- 2) Local Government Advisory Committees. While it is extremely important to put local government officials on advisory committees to insure that they have a sense of direct input, but it is also a fact that many citizens do not trust or even know who their local officials are. Therefore, I would recommend that the rules be amended to allow for common citizens to be included on such committees. I would recommend that each advisory committee be comprised of 50% local government officials and 50% citizens who are not directly connected or employed by local governmental entities.

If you need further clarification concerning these two points, please call me at 226-0354.

I remain,

Sincerely yours,  
*Michael A. Stoops*  
Michael A. Stoops

CC. Charles Williamson, MSD #2 rep.

MSD COUNCIL  
ROLL CALL ROSTER

AGENDA ITEM

Roll call

MEETING DATE

Jan 18, 1977

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	<u>      </u>
<u>DISTRICT 7</u> Betty Schedeen	<u>7:10</u>	<u><del>      </del></u>
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	<u>      </u>
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	<u>      </u>
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	<u>      </u>
<u>DISTRICT 11</u> Marge Kafoury	<u>X</u>	<u>      </u>
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	<u>      </u>
<u>DISTRICT 1</u> Donna Stuhr	<u>X</u>	<u>      </u>
<u>DISTRICT 2</u> Charles Williamson	<u>X</u>	<u>      </u>
<u>DISTRICT 3</u> Craig Berkman	<u>X</u>	<u>      </u>
<u>DISTRICT 4</u> Corky Kirkpatrick	<u>X</u>	<u>      </u>
<u>DISTRICT 5</u> Jack Deines	<u>X</u>	<u><del>      </del></u>
Total	<u>      </u>	<u>      </u>

COMMITTEE MEETING TITLE \_\_\_\_\_

DATE \_\_\_\_\_

NAME

AFFILIATION

Maura Anderson

Black Action Committee

Ethel Lee

Board of County Commissioners (Multnomah)

Leanne Thomas

Portland

Robert Thomas

Porky Ketterling

MSD

Linda Macpherson

Dept. of Land Cons. & Development

Ronald Watson

Attorney for Land Reclamation, Inc.

Bob Weil

Carol Waters

MSD

Ray Cease

Portland State University

Ray Rich

Washington Park Zoo

Jack Bail

MSD

Marilyn Holstrom

MSD

Bob Sandmann

ODOT-5821/NEGLisan Portland

Bob Bothman

ODOT

Tom Walsh

Mixed

Peg Ruel

Publishers Paper

PETER SCHWELL

R.C. SWELSER

HOME BLDG

Judith Biberle

MSD

H. Spence

ODOT

Peg Herwood

MSD

Joanne McInnis

City of Portland



~~COMMITTEE MEETING TITLE~~

Council

DATE

Jan 18, 1979

NAME

AFFILIATION

MERLE IRVINE

MSD

TOM VANDERZANDEN

CLACKAMAS COUNTY

TERRY WALDELE

MSD

~~Bob Wiggan~~

~~MSD~~

BOB WIGGAN

CHAIRMAN WILKES GROVE

MARTIN R. CRAMTON

MULTNOMAH COUNTY

D.B. HARRIS

East County Concerned Citizens

Victor Jones

Golden Gate Univ - San Francisco

Barbara Hedges

MSD

Jan Allison

Wash Co. Landowners Assoc

Michael Alesko

The Oregonian

ERRY POWELL

GARBAGE CONSULTANT

FRANK ANGELO

WASHINGTON COUNTY

Bruce Wayne Barnes Jr.

Citizen

NANCY VANDEKAMP

Tigard Times

Steve Lockwood

AQMA Committee

Carl Wilson

Clackamas County

Paul Blunt Jr

Clackamas County

Mary-Elizabeth Blunt

Citizens L.W.U. METRO COMMITTEE

Conley Mallory

City of Portland

Susan Burkman

Portland

Kid Lessor

Oregon Journal

George Samaan

Gladstone

COMMITTEE MEETING TITLE \_\_\_\_\_

DATE \_\_\_\_\_

NAME

AFFILIATION

*John Arnold*

*Planning student, St. Peter, Mrs.*

*Bill Culham*

*Citizen —*

*Jim Sutzman*

*M SD*

MSD COUNCIL  
ROLL CALL ROSTER

*Quorum Check*  
MEETING DATE  
*1-18-79*

AGENDA ITEM

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 1</u> Donna Stuhr	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 2</u> Charles Williamson	<input type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 3</u> Craig Berkman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 4</u> Corky Kirkpatrick	<input type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 5</u> Jack Deines	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 6</u> Jane Rhodes	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 7</u> Betty Schedeen	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 8</u> Caroline Miller	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 9</u> Cindy Banzer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 10</u> Gene Peterson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 11</u> Marge Kafoury	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>DISTRICT 12</u> Mike Burton	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Total	<input type="checkbox"/>	<input type="checkbox"/>

MSD COUNCIL  
ROLL CALL ROSTER

AGENDA ITEM

Table

MEETING DATE

1-18-79

no

	<u>AYE</u>	<u>NAY</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>	_____
<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>
Total	_____	_____

MSD COUNCIL  
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

*Amendment  
No. 13C*

*1-18-78*

DISTRICT 10

Gene Peterson

AYE

NAY

\_\_\_\_\_

X

DISTRICT 11

Marge Kafoury

\_\_\_\_\_

X

DISTRICT 12

Mike Burton

\_\_\_\_\_

X

DISTRICT 1

Donna Stuhr

\_\_\_\_\_

X

DISTRICT 2

Charles Williamson

\_\_\_\_\_

X

DISTRICT 3

Craig Berkman

\_\_\_\_\_

X

DISTRICT 4

Corky Kirkpatrick

\_\_\_\_\_

X

DISTRICT 5

Jack Deines

X

\_\_\_\_\_

DISTRICT 6

Jane Rhodes

\_\_\_\_\_

X

DISTRICT 7

Betty Schedeen

\_\_\_\_\_

X

DISTRICT 8

Caroline Miller

\_\_\_\_\_

\_\_\_\_\_

*ab*

DISTRICT 9

Cindy Banzer

X

\_\_\_\_\_

Total

\_\_\_\_\_

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