

C O U N C I L

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

Agenda

Date: October 11, 1979

Day: Thursday

Time: 7:30 p.m.

Place: Council Chamber

CALL TO ORDER (7:30)

1. INTRODUCTIONS

2. WRITTEN COMMUNICATIONS TO COUNCIL

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

4. CONSENT AGENDA (7:40)*

4.1 Minutes of Meeting of September 13, 1979

4.2 A-95 Review, directly related to Metro

4.3 Contracts

5. REPORTS

5.1 Report from Executive Officer (7:45)*

5.2 Council Committee Reports (8:05)*

5.3 Phase I Work Program for Drafting of Goals and Objectives
(8:25)*

6. OLD BUSINESS

6.1 Multnomah County Request for Acknowledgment of Compliance
with LCDC Goals (Resolution available at meeting)
(8:35)*

7. NEW BUSINESS

7.1 Resolution No. 79-99, Recommending the City of Durham's
Request for Acknowledgment of Compliance with LCDC Goals (9:05)*

7.2 Administrative Procedure Rules

7.2.1 Rule No. 79-1, Establishing Notice Procedure for Rule Making (9:25)*

Rule No. 79-2, Establishing Procedure for Rule Making (9:30)*

7.2.2 Ordinance No. 79-74, Repealing Contested Case Hearings Procedures Adopted by MSD Ordinance No. 42 (1946) (First Reading) (9:40)*

Rule No. 79-3, Establishing Rules of Procedure for Contested Cases (9:50)*

7.2.3 Ordinance No. 79-75, Amending Ordinance No. 79-73 (Personnel Rules) Relating to Personnel Discharge Procedures (First Reading) (10:00)*

7.2.4 Rule No. 79-4, Establishing Rules of Procedure for District Declaratory Rulings (10:10)*

7.3 Public Contract Review

7.3.1 Ordinance No. 79-76, Designating and Creating Public Contract Review Board (First Reading) (10:15)*

7.3.2 Rule No. 79-1, Adopting Rules of Procedure for Meetings of the Metro Contract Review Board and Superseding OAR Chapter 127, Divisions 80 and 90 (10:20)*

7.3.3 Rule No. 79-2, Adopting Rules for Exemption of Certain District Contracts from Competitive Bidding Requirements (10:25)*

7.3.4 Rule No. 79-3, Adopting Rule Exempting Washington Park Zoo Primate Exhibit Contract from Competitive Bidding Procedures (10:35)*

Agenda
Metro Council
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7.4 Resolution No. 79-100, Conducting Feasibility Study Report
for Sanitary Landfill Known as Portland Sand & Gravel in
Multnomah County (10:45)*

8. ANNOUNCEMENTS

ADJOURNMENT (11:00)*

* Times proposed are suggested - actual time for consideration of
agenda items may vary.

mec

C O U N C I L

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

Agenda

Date: October 11, 1979
Day: Thursday
Time: 7:30 p.m.
Place: Council Chamber

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 Rules and Procedures of the Council.


Executive Officer

- 4.1 Minutes of Meeting of August 9, 1979
Action Requested: Approve Minutes as circulated.
- 4.2 A-95 Review, Directly Related to MSD
Action Requested: Concur in staff findings
- 4.3 Contracts
Action Requested: Approve execution of contracts

mec

DIRECTLY RELATED A-95 PROJECT APPLICATIONS UNDER REVIEW

PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
<p>1. <u>Project Title:</u> Farmworker Housing Development (# 799-8). <u>Applicant:</u> Rural Community Assistance Corp. (RCAC) <u>Project Summary:</u> Low income residents in rural areas of seven western states will receive the support and technical expertise of RCAC to develop and implement/manage housing programs. <u>Staff Recommendation:</u> Favorable Action</p>	<p>\$196,000 (DOL)</p>				<p>\$196,000</p>
<p>2. <u>Project Title:</u> Washington County Special Transportation Program (# 799-10). <u>Applicant:</u> Special Mobility Services, Inc. <u>Project Summary:</u> The project is a centrally dispatched special transportation program serving elderly and handicapped persons in Washington County. It involves a radio dispatching center and ten vehicles. <u>Staff Recommendation:</u> Favorable Action.</p>	<p>\$56,280 (DOT-UMTA)</p>		<p>\$14,070</p>	<p>\$194,543</p>	<p>\$264,893</p>
<p>3. <u>Project Title:</u> Portland/West Multnomah County Special Transportation Program (#799-10) <u>Applicant:</u> Special Mobility Services, Inc. <u>Project Summary:</u> The project is a centrally dispatched special transportation program serving elderly and handicapped persons in West Multnomah County. It involves a radio dispatching center and three vehicles. <u>Staff Recommendation:</u> Favorable Action</p>	<p>\$46,620 (DOT-UMTA)</p>	<p><i>approved</i> ADOPTED BY THE MSD COUNCIL</p>	<p>\$11,655</p>	<p>\$89,463</p>	<p>\$147,738</p>

THIS 11th DAY OF Oct, 1979
Mary E. Smith
 CLERK OF THE COUNCIL

DIRECTLY RELATED A-95 PROJECT APPLICATIONS UNDER REVIEW

PROJECT DESCRIPTION	FEDERAL \$	STATE \$	LOCAL \$	OTHER \$	TOTAL \$
<p>4. <u>Project Title:</u> Public Transportation for Non-urbanized Areas (# 799-2) <u>Applicant:</u> Tri-Met <u>Project Summary:</u> Tri-Met will act as a broker for funds to assist in providing rural transportation services in the non-urbanized areas of the tri-county region for people not presently served by regular Tri-Met service. <u>Staff Recommendation:</u> Favorable Action.</p>	<p>\$77,050 (DOT-FHWA)</p>		<p>\$77,050</p>		<p>\$154,100</p>
<p>5. <u>Project Title:</u> Salmon River (Arrah Wanna Blvd.) Bridge (# 799-11) <u>Applicant:</u> ODOT <u>Project Summary:</u> Replacement of a structurally deficient bridge with a new single span structure. <u>Staff Recommendation:</u> Favorable Action.</p>	<p>\$200,000 (DOT-FHWA)</p>		<p>\$50,000</p>		<p>\$250,000</p>

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

TO: Metro Council
 FROM: Executive Officer
 SUBJECT: Contract Review

The following is a summary of contracts reviewed by staff and submitted for Council action in accordance with Resolution No. 79-52:

SOLID WASTE/PUBLIC FACILITIES

Contractor: Portland State University

Amount: \$154,000.00

Purpose: To retain the services of Portland State University, College of Science, to evaluate the nature of instream impact of pollutants derived from various urban activities. It is also the intent of this research to evaluate the effectiveness of selected management practices in alleviating non-point source pollution related to urban stormwater runoff in the Portland Metropolitan Area.

Contractor: CH₂M HILL

Amount: \$67,500

Purpose: Remaining work tasks for Durham Technical Feasibility study contract previously approved by Metro Council on July 12, 1979.

Contractor: Writing & Communication Services

Amount: \$3,200

Purpose: Technical Writing Service for the Solid Waste Management Framework Plan.

Contractor: An RFP was issued and eight proposals were received. A "short" list of three firms was selected for interviews on Thursday, October 4, 1979.

Amount: \$43,500 maximum

Purpose: To provide technical assistance in evaluating energy markets and energy economical analysis for the Resource Recovery Project. This work was included in the EPA Urban Policy Grant Workslope.

ZOO

Contractor: Wallace Security

Amount: Maximum of \$25,000

Purpose: Security Guard Services for the Zoo.

Contractor: Treat Construction Co.

Amount: \$3,050

Purpose: Renovation work for Canteen #2.

EXECUTIVE MANAGEMENT:

Contractor: State of Oregon

Amount: \$20,000 Revenue

Purpose: Metro will provide information to the Pacific Northwest Regional Commission about federal grant awards in the region. Through the Metro's A-95 review process, information will be obtained which will assist in the development of PNRC's regional economic development plan. Additionally, Metro will list projected economic development problems and possible methods for solving these problems over the next five years.

MANAGEMENT SERVICES:

Contractor: Xerox Corporation

Amount: \$11,587.56 for a year's lease and service contract.

Purpose: The consolidation of CRAG and Metro left the organization with two copying machines. Now that the organization is entirely under one roof, there is no longer a need for two copying machines.

Competitive bids for new photocopying machinery were solicited and received from Xerox, IBM, Olivetti, and Savin. The costs for a two year lease, with a service contract, based on 30,000 copies a month were: Xerox, \$9,667.56; IBM, \$11,550.00; Savin \$8,460.00; Olivetti, \$9,774.00. The bid from Savin was considered nonresponsive because it proposed to use two different machines in order to meet our specifications. Thus the Xerox Corporation bid was the lowest.

With a projected expenditure of approximately \$10,000 per year, the new machine will cost about \$3,000 per year less than our present expenditures for copying machinery.

PB:bk
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D/5
10/11/79

Approved
ADOPTED BY THE

MSD COUNCIL
THIS 11th DAY OF October, 1979
Mary E. Carter
CLERK OF THE COUNCIL

Metropolitan Service District

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

Memorandum

Date: October 11, 1979
To: Metro Council
From: Executive Officer
Subject: Energy Contract

As noted in agenda item 4.3 Metro issued a request for proposal (RFP) to provide technical assistance in evaluating energy markets and energy economical analysis for the resource recovery project. This work was included in the EPA Urban Policy Grant work scope. The Solid Waste/Public Facilities Council Committee recommended that a contract with a "not to exceed cost of \$43,500" be executed with the firm selected as a result of interviews conducted on Thursday, October 4, 1979.

The firms interviewed included Zinder Companies, Inc., CH₂M Hill, and Jackson and Associates. The firm selected was Zinder Companies, Inc.

RG:MI:ak

cc: CF



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL PORTLAND, OREGON 97201 503/221-1646

A G E N D A

Solid Waste/Public Facilities
Council Committee

Date: October 2, 1979

Day: Tuesday

Time: 3:00 p.m.

Rick Gustafson,
Executive Officer

Place: Conference Room "A", Metropolitan Service District

MSD Council

Mike Burton,
Presiding Officer
District 12

Donna Stuhr,
Deputy Presiding
Officer
District 1

Charles Williamson
District 2

Craig Berkman
District 3

Corky Kirkpatrick
District 4

Jack Deines
District 5

Jane Rhodes
District 6

Betty Schedeen
District 7

Caroline Miller
District 8

Cindy Banzer
District 9

Gene Peterson
District 10

Marge Kafoury
District 11

I. Meeting Report of September 18, 1979

Solid Waste

II. Contracts

- Solid Waste Management Framework Plan
- Durham Technical Feasibility Study
- Portland Sand & Gravel Technical Feasibility Study

III. Possible Sanitary Landfill Sites

- Portland Sand & Gravel
- Tigard Sand & Gravel

Public Facilities

IV. Local Improvement District Ordinance

V. Contract

- Manual Practices for Urban Storm Water Runoff

VI. Johnson Creek Work Statement

VII. Portland State University Work Statement for monitoring consulting services

VIII. Other Business

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

Agenda

Date: October 17, 1979

Day: Tuesday

Time: 5:00 p.m.

Place: Conference Room "A"

WAYS AND MEANS COMMITTEE

1. Staff report on FY 1979 year-end financial records
2. Status report on Finance Task Force
3. Discussion of Administrative Procedure Rules
(Introduced for first reading at October 11 Council Meeting)
4. Discussion of addition of definition of "Anniversary Date" to Personnel Rules
5. Other Business

CS:mec

Meeting Report

DATE OF MEETING: September 18, 1979

GROUP/SUBJECT: Solid Waste/Public Facilities
Council Committee

PERSONS ATTENDING: Councilor Jack Deines, Jane Rhodes
Gene Peterson

Staff: Merle Irvine, Terry Waldele
Andy Jordan, Corky Ketterling

Guest: None

Media: None

SUMMARY:

The minutes of the September 4, 1979, meeting were approved as submitted.

The meeting began with Mr. Jordan reviewing the latest draft of an ordinance establishing procedures relating to local improvement districts and the apportionment in levy assessment related thereto. Mr. Jordan felt that if 50% of the affected property owners remonstrated against the formation of a district the district should not be formed. There was some discussion regarding various percentages for remonstrating. The staff was requested to prepare a memo outlining rationale for the various percentages of remonstrating. Mr. Jordan also pointed out that under Section 10 assessments may be levied against benefited property for planning, engineering, purchase construction, supervision reconstruction or repair of facilities. Final consideration of this ordinance by the Solid Waste/Public Facilities Council Committee is scheduled for their next meeting October 2, 1979.

Mr. Irvine reviewed a contract with Sterns, Conrad and Schmit Engineers (SCS) in the amount of \$88,500. Under the terms of the contract SCS will determine solid waste quantities and characteristics within Metro and develop flow strategies. This information is necessary in order for Metro to commit specific solid waste quantities to the resource recovery facility in Oregon City. In order to provide timely information SCS has been requested to complete the study by January, 1980. The 75% of the funds necessary to complete this contract are included in the EPA Urban Policy Grant and the remaining funds are currently budgeted in the Solid Waste Division. Councilor Peterson moved and Councilor Rhodes seconded to approve the contract. Motion passed unanimously.

John LaRiviere reviewed EPA's new policy on "208" funding. Emphasis is being changed from local government involvement to the national level. The Federal government projects that "208" funding will cease within the next few years. The Department of Environmental Quality,

SOLID WASTE/PUBLIC FACILITIES COUNCIL COMMITTEE

Meeting of September 18, 1979

Page Two

Public Advisory Committee, on "208" has recently passed a resolution proposing the new Federal policy.

Mr. Waldele and Mr. LaRiviere reviewed the contract with Portland State University for water quality sampling and testing. The maximum amount of this contract is \$154,000 with 75% paid for by a Federal Grant and 25% paid by local dues from the General Fund which have been budgeted in the current fiscal year.

Councilor Peterson inquired as to whether the contract would cover the water quality in Johnson and Fairview Creeks. Mr. Waldele indicated that water quality in Johnson Creek would be considered, however, no work would be performed on Fairview Creek. Councilor Peterson then inquired as to whether ground water quality would be considered during the term of this contract. Mr. Waldele indicated that only surface water would be monitored and tested. Councilor Peterson indicated that it was his opinion that ground water should be considered especially in the vicinity of old landfills. It was moved by Councilor Rhodes and seconded by Councilor Peterson that the contract with Portland State University in the maximum amount of \$154,000 be approved. Motion passed unanimously.

Councilor Rhodes and Mr. Waldele reviewed the progress of the Johnson Creek project. Councilor Rhodes indicated that the interim development guidelines have been approved by Clackamas County and are currently being considered by Multnomah County and Gresham. Records indicated that 100 easements were granted to the Johnson Creek Water Control District. Since this District went out of business there is some question whether or not the easements are still valid and would permit Metro access to the Creek. Councilor Rhodes indicated that Publishers Paper Company has requested from the City of Portland a conditional use permit to straighten Johnson Creek as it flows through their property. A request has been made to the City to consider the effects on Johnson Creek both upstream and downstream from the Publisher's property if the Creek is straightened.

Mr. Irvine discussed the possible use of the Tigard Sand & Gravel Pit in Washington County as a possible sanitary landfill. He indicated that the City of Tualatin had contacted Metro and urged consideration of this site as a landfill. Also the Washington County Siting Advisory Committee had indicated interest in this site. Based on preliminary investigation it appears that this pit could be used as a sanitary landfill and that the staff will be seeking approval from the Council to recognize the Tigard Sand & Gravel as a potential sanitary landfill.

The owners of the Portland Sand & Gravel Pit, located S.E. 106th and Division, have approached Metro urging use of their site as a

SOLID WASTE/PUBLIC FACILITIES COUNCIL COMMITTEE

Meeting of September 18, 1979

Page Three

landfill. The Portland Sand & Gravel Pit was identified as a potential sanitary landfill in the "Disposal Siting Alternatives" report approved by the previous MSD Board. The staff is recommending a contract be developed with CH2M Hill to conduct a technical feasibility study report of this site.

Mr. Irvine indicated that Rick Gustafson will meet with the media on Wednesday, September 19, 1979, to discuss among other things the Tigard Sand & Gravel Pit and the Portland Sand & Gravel Pit.

Mr. Irvine reviewed with the Council Committee a letter of resignation from Jerry Powell. Mr. Powell has served on the Solid Waste Policy Alternatives Committee for a number of years, however, he felt that as a consultant he would possibly have a conflict of interest. Mr. Irvine stated that the Policy Alternatives Committee has recommended that Mr. Powell's resignation not be accepted since they felt that a conflict does not exist. It was the unanimous opinion of the Council Committee that Mr. Powell remain as a member of the Solid Waste Policy Alternatives Committee and that his resignation not be accepted.

Report prepared by Merle Irvine.

Metropolitan Service District

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

Memorandum

Date: October 2, 1979
To: JPACT
From: Charlie Williamson, Chairman
Subject: JPACT Meeting

PROPOSED AGENDA:

OPEN TOPIC DISCUSSION

The JPACT meeting will be an open discussion on topics of your choice. It is rare not to have action items, but I find it an excellent opportunity to discuss in depth the subjects that are usually cut short due to time.

Date: October 11, 1979
Day: Thursday
Time: 7:30 AM
Place: Metro "C"

Agenda

Date: October 8, 1979

Day: Monday

Time: 5:00 p.m.

Place: Room C

1. INTRODUCTIONS
2. WRITTEN COMMUNICATIONS
3. CITIZEN COMMUNICATIONS ON NON-AGENDA ITEMS
4. APPROVAL OF MINUTES
5. REPORTS AND BUSINESS
 - 5.1 Discussion of Land Market Monitoring System
(Materials in September 24 agenda packet)
 - 5.2 Criminal Justice Contracts Approval*
 - 5.3 Progress Report Concerning the Development of
Guidelines for Goals/Objectives Content and
Format
 - 5.4 Multnomah County Plan Review

* Materials Attached

MEETING REPORT

DATE OF MEETING: September 24, 1979

GROUP/SUBJECT: Planning and Development Committee

PERSONS ATTENDING: Chairman Marge Kafoury; Couns. Jane Rhodes, Cindy Banzer, Gene Peterson

Guests: Jean Percy (City Recorder, Durham)
Lorraine Winthers (Council Member, Durham)
Chris Nelson (Planning Consultant)
Mr. and Mrs. Dale Seeman
Linda Macpherson (LCDC)

Staff: Sue Klobertanz, Jill Hinckley,
Peter MacIver, Ray Bartlett,
Rod Boling, Herb Beals, Gretchen Wolfe

MEDIA: None

SUMMARY:

Agenda Item 4 -- Approval of Minutes

It was moved and seconded that the September 10, 1979, minutes be approved. Coun. Peterson asked that his statement in the next-to-the last paragraph (concerning open space) be corrected to read: "Coun. Peterson expressed concern that public and private open spaces..." With this amendment the motion to approve the minutes passed.

Agenda Item 2 -- Written Communications

Andy Jordan presented a memo concerning a possible appeal to LCDC of the approval of certain subdivisions by Clackamas County outside of the UGB. After a brief discussion by the Committee, it was moved by Coun. Rhodes, seconded by Coun. Peterson, to recommend to the Council that an appeal be made to LCDC on this matter. Motion passed unanimously.

Agenda Item 5 -- Reports and Business

5.1 Approval of Goals and Objectives Work Program

Peter MacIver and Gretchen Wolfe presented a supplement to the Work Program that incorporated Coun. Peterson's suggestions. A general discussion ensued, highlights of which are summarized as follows:

Coun. Peterson reiterated his major concerns, namely: (1) What is the product of Phase I? and (2) How do we explain Goals and Objectives to the public and local jurisdictions? The relationship of Phase I to Phase II needs to be clarified. For example, the "umbrella goal" concept belongs in Phase II, but citizen involvement should begin in Phase I. Metro Goals and Objectives should be closely related to LCDC Goals. Peter MacIver explained how the revised Work Program addresses Coun. Peterson's concerns.

Coun. Rhodes agreed that citizen and local jurisdiction feedback is vital. She expressed concern about the complexity of the Goals and Objectives Phase I document for purposes of citizen involvement. She thought that citizen involvement could be added as an 11th functional area, but that in Phase I, instead of a major CI program, the Policy Advisory Committees (PAC's) primarily should be used to get reactions.

Coun. Kafoury also thought citizen and local jurisdiction participation was important, but she was concerned about making extensive changes to expand the CI work load in Phase I. If a major expansion is being considered, she had two objections: (1) It isn't clear how such additional work would be funded; and (2) Detailed contents of the program would be difficult to determine in advance.

Coun. Rhodes moved the Work Program be approved provided:

1. Phase I and Phase II be defined.
2. Add Citizen Involvement as an 11th functional area.
3. Avoid a major citizen involvement effort in Phase I.
4. Concentrate on PACs for feedback in Phase I.

Motion failed on two-to-two tie. The item was tabled.

Item 5.1 was taken up again near the meeting's end, when Coun. Banzer moved to approve the Goals and Objectives Work program, with the Supplemental Description included, provided that:

1. The public involvement work be scaled appropriately to Phase I product.
2. The relationship of the products of Phase I and II (Metro Goals and Objectives) to the LCDC Goals be identified.

Motion passed unanimously.

5.2 Durham Acknowledgment Review

Jill Hinckley reviewed the Durham Plan recommendation. After brief discussion Coun. Peterson moved to recommend to the Council that the Durham Comprehensive Plan be recommended for acknowledgment by LCDC. Motion passed unanimously.

5.3 Fairview Acknowledgment Review

Jill Hinckley reviewed the Fairview Plan recommendations to approve. After brief discussion, Coun. Banzer moved to recommend to the Council that the Fairview Comprehensive Plan be recommended for acknowledgment by LCDC. Motion passed unanimously.

5.4 Multnomah County Acknowledgment Review

Jill Hinckley reviewed the recommendation for a continuance of Multnomah County's acknowledgment request and briefly discussed testimony received for O'Donnell, Rhodes, Gerber, and Sullivan. Coun. Banzer asked about the issues relating to citizen involvement, population projections, and housing density issues. Ms. Hinckley explained that a review of the complaints has not indicated any substantive goal violation. Coun. Rhodes moved to recommend for continuance until remaining issues are resolved. Motion passed unanimously.

5.5 Presentation and Discussion of Land Market Monitoring System

The Committee agreed that due to the lateness of the hour, this item should be deferred to the next meeting.

5.6 Progress Report on UGB Acknowledgment

Ray Bartlett limited his report to explaining the dates that have been set for public hearings in the three counties. Coun. Kafoury will chair the public hearings. Councilors noted that the Washington County hearing falls on the same evening as the October 22 Planning and Development Council Committee meeting.

Councilors agreed to schedule the October 8 Planning and Development Committee meeting for 5:00 p.m., and the October 22 meeting for 4:30 p.m., to allow sufficient time to get to the Washington County public hearing. Staff was requested to reserve one or more Metro cars for transportation of Councilors to the public hearings.

The meeting adjourned at 9:00 p.m.

REPORT WRITTEN BY: Herb Beals

COPIES TO: Metro Councilors
Denton Kent
Rick Gustafson

HB:bk
5319A
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MEETING REPORT

DATE OF MEETING: October 1, 1979

GROUP/SUBJECT: Finance Task Force

PERSONS ATTENDING: Task Force Members: Chuck Williams, Jim Atkinson, Joan Smith, Keith Burns, Ted Hallock, Alan Brickley, Glen Otto, Earl Blumenauer, Corky Kirkpatrick, Executive Officer Rick Gustafson, Ron Cease, ex officio member

Staff: Denton Kent, Charlie Shell and Jennifer Sims

MEDIA: None

SUMMARY:

Chairman Corky Kirkpatrick called the meeting to order at 5:15 and presented introductory remarks on the purpose of the Finance Task Force. Executive Officer Rick Gustafson stressed the importance of the Committee and indicated that it had top priority for staff time. He introduced Charlie Shell and Jennifer Sims, the two staff members assigned to the Task Force. Jennifer Sims presented an overview of the major program responsibilities of each Metro Department. Her presentation focused on the state and federal designated responsibilities, grant funded programs and those activities carried out with discretionary funds.

Charlie Shell presented an overview of the Metro FY 1980 budget. He noted that the presentation served two purposes, first to acquaint the Task Force with the Metro budget, and second to indicate the possible impact of losing membership dues and the Zoo serial levy in this year's budget. Charlie Shell indicated that the primary impact would be a \$2.4 million decrease or 10 percent of the total budget. There would also be a \$1.1 million secondary impact in loss of grant funds caused by loss of grant match and in overhead charged to grant programs and the Zoo.

Members of the Task Force asked for additional information on the breakdown of revenues financing the Zoo's operating and capital budgets and more detail on the expenditures included in overhead charges.

The Task Force reviewed the proposed work plan and meeting schedule and agreed to meet every other Monday at 4:30 up to November 26.

The Task Force briefly discussed financing options and indicated interest in looking at the possibility of taking steps toward qualifying for revenue sharing. Other options discussed were a TV

cable franchise tax and user fees to finance current discretionary activities.

REPORT WRITTEN BY: Charles Shell

COPIES TO: Ways and Means Committee
Finance Task Force
Executive Officer

CS:gl
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MANAGEMENT SERVICES:

Contractor: Xerox Corporation

Amount: \$9,667.56 estimated for a year's lease and service contract.

Purpose: The consolidation of CRAG and Metro left the organization with two copying machines. Now that the organization is entirely under one roof, there is no longer a need for two copying machines.

Competitive bids for new photocopying machinery were solicited and received from Xerox, IBM, Olivetti, and Savin. The costs for a two year lease, with a service contract, based on 30,000 copies a month were: Xerox, \$9,667.56; IBM, \$11,550.00; Savin \$8,460.00; Olivetti, \$9,774.00. The bid from Savin was considered nonresponsive because it proposed to use two different machines in order to meet our specifications. Thus the Xerox Corporation bid was the lowest.

With a projected expenditure of approximately \$10,000 per year, the new machine will cost about \$3,000 per year less than our present expenditures for copying machinery.

PB:bk
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approved
ADOPTED BY THE
MSD COUNCIL
THIS 11th DAY OF Dec 19 79
Mary E. Case
CLERK OF THE COUNCIL

Metropolitan Service District

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

Memorandum

Date: October 11, 1979
To: Metro Council
From: Executive Officer
Subject: Energy Contract

As noted in agenda item 4.3 Metro issued a request for proposal (RFP) to provide technical assistance in evaluating energy markets and energy economical analysis for the resource recovery project. This work was included in the EPA Urban Policy Grant work scope. The Solid Waste/Public Facilities Council Committee recommended that a contract with a "not to exceed cost of \$43,500" be executed with the firm selected as a result of interviews conducted on Thursday, October 4, 1979.

The firms interviewed included Zinder Companies, Inc., CH₂M Hill, and Jackson and Associates. The firm selected was Zinder Companies, Inc.

RG:MI:ak

cc: CF

approved
ADOPTED BY THE
MSD COUNCIL
THIS 17th DAY OF October, 1979
Mary E. Gardner
CLERK OF THE COUNCIL

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

TO: Metro Council
FROM: Executive Officer
SUBJECT: Phase I Work Program for the Drafting of Goals
and Objectives

BACKGROUND: Metro is required by statute to adopt "land use planning goals and objectives." The goals and objectives will serve primarily two purposes. First, they will furnish the direction for conducting programs and formulating functional plans. Second, they will serve as the focal point for coordinating local planning with regional policies. The statute specifies that local plans shall be reviewed and changed, if necessary, to conform to the metropolitan area goals and objectives.

In August Councilors received a copy of the report Phase I Goals and Objectives. The report reviewed the issues discussed at the three Council Committee workshops and attempted to identify who had responsibility for addressing each issue -- Metro, local/state/federal governments, or the private sector. Having identified significant regional issues, Metro now needs to prepare goals and objectives in response. Section V of the report discusses some approaches to the formulation of goals and objectives, constraints which limit the type of approaches which can actually be used in Phase I, and suggests a work program for formulating goals and objectives in Phase I.

In developing goals and objectives, the Planning and Development Committee has pursued a graduated approach which will quickly lead to the production of a product (in Phase I) which will then undergo further refinement (Phase II). In Phase I Metro will begin to prepare the public for the more extensive Phase II goals and objectives program. The Phase I product will apply during the 2-5 year period it takes to complete Phase II. In Phase I regional issues for 11 functional areas would be addressed through the revision of existing goals and objectives, as contained in the MSD Policy Catalogue.

As the functional plans evolve and implementation policies are developed, weaknesses in certain Phase I goals and objectives will inevitably appear. As Council familiarity with the needs of the region increases, Council will probably wish to develop some form of "overall agency philosophy" concerning the quality of life in the region. The Phase II goals and objectives work program would address all 18 functional areas, the development of a quality of life philosophy, and the refinement of Phase I goals and objectives where necessary. It would include an extensive public involvement program.

The department directors for the 11 functional areas have reviewed the detailed work program and found it satisfactory. In addition to the updated Policy Catalogue and the August report, a report containing a set of Metro goals, objectives, and assumptions for 11 functional areas will be produced in Phase I. This "Metro Goal and Objective Report" will be submitted to Council for adoption.

A summary of the Phase I Work Program for the drafting of goals and objectives follows:

- 1) From the August list of "possible" regional issues, confirm the regional issues for the 11 functional areas. Carefully evaluate the regional issues and identify those for which goals and objectives will be prepared in Phase I and those which need to be deferred to Phase II. Prepare a report for LOAC, PACs, local jurisdictions and other interested parties, which describes the program to develop Metro goals and objectives and progress to-date. Staff prepares format and context guidelines for the drafting of goals and objectives.
- 2) The appropriate Council Committees and their staff would draft a set of preliminary goals and objectives for each of the 11 functional areas.
- 3) Identify conflicts between objectives, review responses from local jurisdictions, revise the goals and objectives as appropriate.
- 4) Prepare a report for public release, describing the proposed Metro goals and objectives and the process for public involvement. Review public comment, revise, and adopt the goals and objectives.
- 5) Prepare and agree to a Phase II goals and objectives work program.

The attached Phase I work program was unanimously approved by the Planning and Development Committee subject to the condition that the level of public involvement and education will be reduced, if the Phase I product warrants. For example, if the Phase I product closely reflects the policy position of CRAG, a modest scale public involvement component should suffice. Particularly, as Phase II will require extensive public involvement in order to develop a quality of life goal for the region.

BUDGET IMPLICATIONS: The work of drafting goals and objectives relates to work currently scheduled in the Transportation, Public Facilities, Solid Waste, and Metropolitan Development Departments for the next five months. Consequently, it would be funded out of current program budgets.

POLICY IMPLICATIONS: Will set the direction for agency programs in 11 functional areas. Will fulfill August 23 MSD Council commitment to LCDC to prepare a set of goals and objectives during the fall and winter of 1979.

ACTION REQUESTED: Information item, no action required.

PM:lz

Attachment

WORK PROGRAM FOR THE DRAFTING OF GOALS AND OBJECTIVES:

PHASE I

Lapse Time
And Dates

6 weeks

Work Program Steps:

- 1.a. For each of the 11 functional areas Councilors and staff define those regional issues for which goals and objectives will be produced. The regional issues would be based upon Sections II-IV of the August report for the most part. Having selected the major issues, staff would prepare descriptions of secondary issues associated with them, as necessary.

A set of simple instructions would be prepared by Metropolitan Development staff as a guide in drafting goals and objectives and to ensure a uniform format. The instructions would describe the way in which an assumption, goal, and objective would be used and thus, the type of content each should contain.

- b. Prepare a report for public distribution which explains the goals and objectives work program. The report would describe: the reasons for the preparation of goals and objectives, progress to-date, the subject matter of Phases I and II and the expected products, and the ways in which the public can participate with particular emphasis on Phase II. It would be based on the August goals and objectives report. The report would be circulated to the Local Officials Advisory Committee (LOAC), the Policy Alternative Committees, local elected officials, and planning directors. Copies would be made available upon request to other members of the public.
 - c. For each issue, determine whether it is sufficiently understood such that goals and objectives can be drafted in response in Phase I, or must be deferred until Phase II.
2. The appropriate Council Committees and their staff would draft a set of preliminary goals and objectives for each of the 11 functional areas. (Assumption: the drafting of goals and objectives would proceed concurrently for different functional areas, rather than in succession.)

3 weeks

- a. Staff respond to the regional issues by drafting assumptions, goals, and objectives which would be reviewed by the Executive Officer. Existing policy statements would be used, where adequate. (In instances where a goal or objective is based upon a state or federal requirement, it would be cited as such). In some instances staff may discover that they do not thoroughly understand an issue, so they are unable to draft objectives in response. In such case, the objectives would be drafted in Phase II. Staff would still proceed to draft a goal statement, if possible.

(2 weeks)

The option is available for staff to involve the Policy Alternative Committees directly in drafting the assumptions, goals and objectives. If exercised, this option would need to be completed within the overall timeframe of Phase I.

1-1/2 weeks

- b. Councilors would be asked to prepare written comments for those assumptions, goals, and objectives with which they disagreed in any way. (This procedure is similar to that used in the review of current goals and objectives.)

2 - 3 weeks

- c. Based upon the comments of Councilors, staff would re-work the goals and objectives and produce a second draft. The resultant document would contain the first draft, the revised (second) draft, and the comments of all Councilors on the appropriate Council Committee. The document would be distributed to these Councilors.

The staff assigned to produce the goals and objectives for a particular functional area would ensure that all goals and objectives are internally consistent with each other.

1 - 2 weeks
(excludes comment
response time)

- d. The Public Involvement Task Force and the three Council Committees responsible for the 11 functional areas would each hold a meeting to reconcile differences in opinion between Committee members and to finalize the wording of the document. The resultant sets of preliminary goals and objectives would be circulated for comment to the Policy Alternatives Committees, LOAC, local elected officials, and planning directors.

2 weeks

3. a. Staff assigned to the Planning and Development Committee would identify possible conflicts and complementarities between the regional issues. An interactance matrix, similar to that used in environmental impact assessments, would be constructed to help identify conflicts and complementarities between issues. Once the preliminary goals and objectives are completed (Step 2), it would be a comparatively simple task to identify conflicts, overlaps and mutually supportive objectives in a memo. If there are any conflicts between Metro and LCDC goals, these would be noted.

1/2 week

- b. Metro Councilors would be invited to participate in a Council workshop for the purpose of setting relative priorities on objectives, where necessary. The pros and cons of various trade-off possibilities between conflicting objectives would be discussed and opportunities for policy complementarities noted. Metropolitan Development Department (MDD) staff would conduct the workshop.

4-5 weeks

- c.* The preliminary goals and objectives would be revised by the appropriate Council Committees and staff, to reflect comments received from LOAC, the Policy Advisory Committee, local elected officials, and planning directors. "Where a Council Committee deems appropriate, it may hold an informal meeting with policy alternatives committees/local officials and staff, to discuss the preliminary goals and objectives which the Council Committee produced."

The goals and objectives would be modified by MDD staff to reflect the relative priorities established at the Council workshop.

3 weeks

4. a.* A report describing the proposed goals and objectives, the process used to produce them and the opportunities for public involvement in both Phase I and Phase II, would be prepared for the public. The report prepared for the public would be circulated to local elected officials, planning directors, policy alternative committees, CPO's, and pertinent special interest groups. Press briefings would be held and the report released to the general public.

(Proposed product
March 1)

1-2 weeks

b.* Metro would hold a general information meeting to describe the goals and objectives report and to answer questions. CPO's, special interest groups and local jurisdictions would be invited to attend.

5 weeks

c. Date set for public hearing. The goals and objectives would be filed for adoption in keeping with the procedures of the Metro Regular Amendment Process. Consequently, public hearings would be held at the three counties.

2-4 weeks

d. The Planning and Development Committee and staff would then revise the goals and objectives based upon public comment, and they would be submitted to Council for adoption. The adopted goals and objectives would be periodically reviewed and updated. For example, in the course of developing implementation measures for a particular objective, it may become apparent that the objective is too costly to implement and consequently, should be modified.

5. Prepare and agree to a Phase II Goals and Objectives work program. Begin preparations for Phase II (e.g., collect data, update models, etc.).

31-37 weeks
(Apr 25-Jun 6)

*NOTE: The public involvement work should be scaled appropriately to the Phase I product.

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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: Metro Council
FROM: Executive Officer
SUBJECT: Multnomah County Compliance Request

BACKGROUND: At its September 27, 1979, meeting, the Council heard the Planning and Development Committee's recommendation for a continuance of Multnomah County's acknowledgment request. The Council deferred action on its recommendation until its October 11 meeting in order to allow the Committee to review and respond to the following:

1. A letter received from County Executive Don Clark expressing the County's disagreement with the condition in the Metro report regarding realignment of the UGB in the West Hills area;
2. Testimony by Ed Sullivan, representing the Mobile Home Dealers Association, regarding the County's provisions for mobile homes; and
3. An amendment to the condition proposed by Coun. Kirkpatrick regarding groundwater pollution and the phasing out of septic tanks and cesspools.

The Planning and Development Committee discussed these issues at a special meeting October 1. Staff requested that the Committee postpone a decision on whether or not the County's position on the UGB warranted a recommendation for denial rather than a continuance until the County's position could be clarified. The Committee agreed to postpone its recommendation on this question until its October 8 meeting.

On the issue of mobile homes, the Committee heard testimony from County staff, community planning group representatives, Ed Sullivan, and 1000 Friends of Oregon. After discussion, the Committee unanimously approved a motion which staff has summarized as follows:

1. The statement in LCDC's housing policy paper that: "Where a need has been shown for housing...at particular price ranges and rent levels, housing types determined to meet that need shall be permitted...." is ambiguous and properly should be interpreted by LCDC;
2. That if LCDC's intent in this statement was to consider "housing types" as a group of various forms of housing of roughly comparable cost, then Metro finds that the County has adequately identified and provided for housing types to meet housing need;
3. If, on the other hand, LCDC's intent was to view mobile homes as a distinct housing type, the need for which should be determined and provided, then Metro finds that the Multnomah County Plan has not adequately addressed mobile homes;

4. That if LCDC supports the latter interpretation, then the County Plan should not be acknowledged until clear and objective conditions for the approval of mobile homes are established. Staff was directed to make appropriate revisions to the staff report and recommendations for final approval by the Committee at its October 8 meeting.

The Committee also heard testimony from County and DEQ staff on the issue of the provision of sewers. No motion was proposed but the Committee agreed that while continued development on septic tanks or cesspools might be appropriate on a small scale, infill basis, the issue of allowing larger scale development without sewers required closer scrutiny. Staff was directed to prepare an analysis of the impact on housing construction of a possible requirement that any development of six units or more be sewerred. The Committee will consider recommending such a requirement as a condition for acknowledgment at its October 8 meeting.

Final Committee recommendations for Council action and a revised report will be available as soon after that meeting as possible.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: Policy implications cannot be evaluated until Committee recommendations are finalized.

ACTION REQUESTED: Adoption of a Resolution to be made available at the meeting expressing Metro's recommendation to LCDC on Multnomah County's request for compliance acknowledgment.

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10/11/79

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

TO: Metro Council
FROM: Executive Officer
SUBJECT: Fairview Compliance Acknowledgment Request

BACKGROUND: The Fairview Comprehensive Plan was adopted by the Fairview City Council in August of 1977. Over the past two years the Fairview Plan has undergone considerable revision, due in part to reinterpretation of the requirements needed for compliance.

Most recently, the Fairview plan was delayed pending a resolution of the problems associated with Urban Planning Area Agreements. The ultimate resolution, in turn, necessitated some changes and additions to the plan. Based on a preliminary review conducted in February, 1979, Metro staff and the Fairview consultant developed and implemented a work program to bring the plan into compliance by June, 1979. Revisions to the plan and ordinances were adopted in May, 1979. A final preliminary review of Fairview's plan was completed using the Plan Review Checklist from Section II of the Metro Plan Review Manual. A Summary Report (Exhibit "A") was presented to and approved by the Planning and Development Committee on July 2. Staff found that Fairview's plan did comply with state and regional planning requirements and needed only a few small technical additions before it could be submitted to LCDC for compliance acknowledgment. This material was added to the Plan and Fairview submitted it to LCDC.

After the City had submitted, however, Metro staff discovered a problem which they felt needed to be resolved before they could recommend acknowledgment. In discussions with the City's planning consultant, Alonzo Wertz, regarding the methodology used for the housing analysis in the plan, staff discovered that this analysis was based on residentially zoned land, rather than on land designated for residential use on the plan map. Inconsistencies between the two maps which had been noted in the final review but not judged a threat to compliance became, in consequence, an important issue in assessing the City's compliance with Goal #10 (Housing).

This problem was discussed with Fairview's Mayor, Henry Keller, who agreed that the inconsistencies should be resolved. On September 4, Fairview's Planning Commission heard a report from Mr. Wertz on changes to the plan and zoning maps necessary to eliminate the inconsistencies and voted to recommend these changes to the City Council. The City Council will hear the matter at its September 19, meeting and is expected to resolve to undertake the needed changes, but will not be able to take final action until its October meeting, since zone changes require 30 days public notice.

Until the City Council has considered this matter, Metro cannot

finalize its acknowledgment review and recommendation. Staff will attend this meeting and present its report to the Planning and Development Committee at its September 24 meeting. Staff expects to be able to recommend acknowledgment contingent upon City Council action on the required zone changes. The staff report, committee recommendation, and resolution for Council action will be made available on pink sheets after that meeting.

In order to meet statutory deadlines for agency comment, the Council must take action on a recommendation at its September 27 meeting.

BUDGET IMPLICATIONS: None

POLICY IMPLICATIONS: While there are no direct and immediate policy implications of the requested action, it will help establish a basis for Metro Council action on compliance acknowledgment requests, consistent with the procedures and criteria contained in the Metro Plan Review Manual.

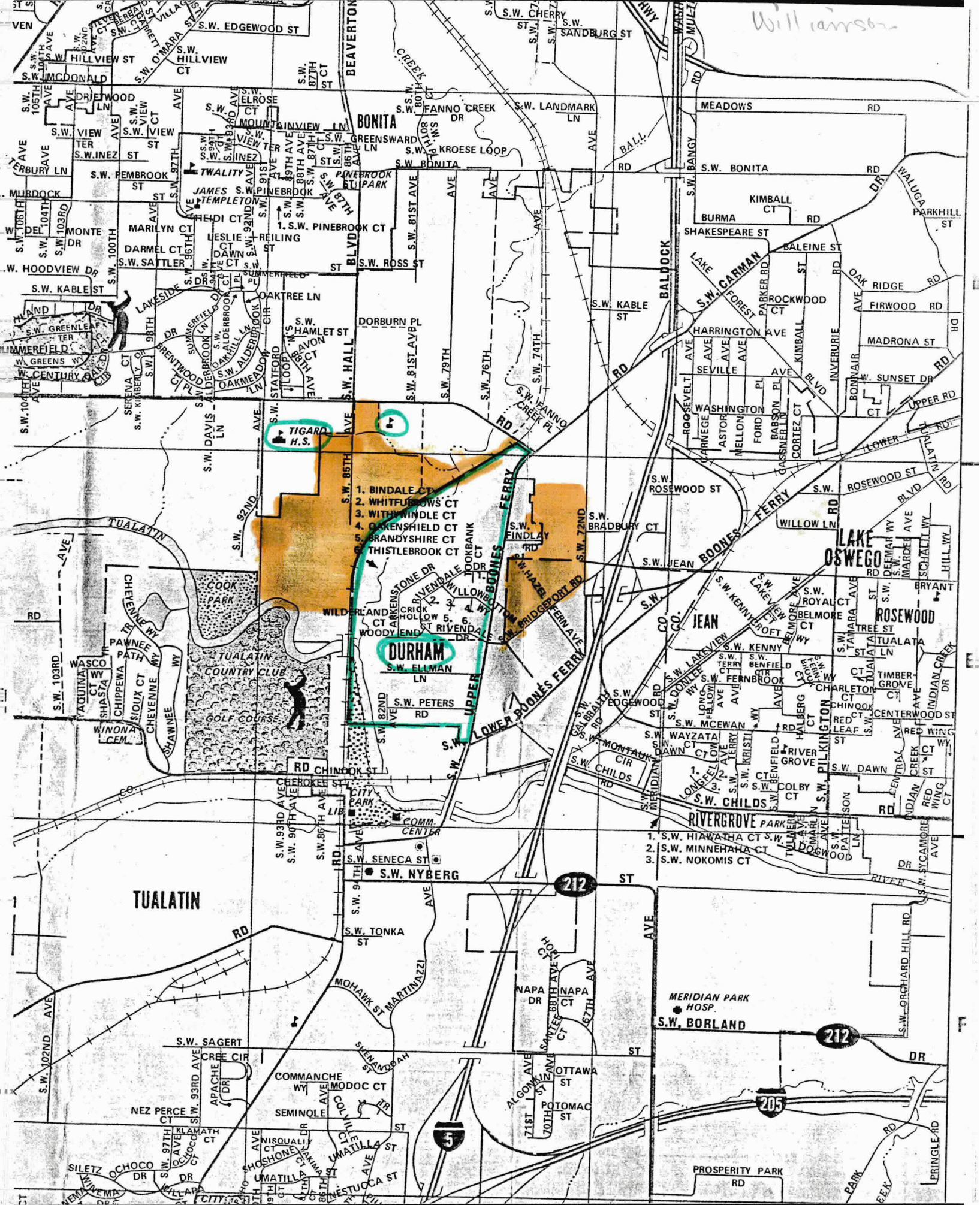
ACTION REQUESTED: Adoption of the Resolution*expressing Metro's recommendation to LCDC on the City of Fairview's request for compliance acknowledgment.

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*A Resolution will be made available at the meeting.

ADOPTED BY THE
MSD COUNCIL
THIS 11th DAY OF October 1929
Mary G. [Signature]
CLERK OF THE COUNCIL

Willamson



TIGARD H.S.

- 1. BINDALE CT
- 2. WHITFURROWS CT
- 3. WITHWINDLE CT
- 4. OAKENSHIELD CT
- 5. BRANDYSHIRE CT
- 6. THISTLEBROOK CT

DURHAM

- 1. S.W. HIAWATHA CT S.W.
- 2. S.W. MINNEHANA CT
- 3. S.W. NOKOMIS CT





Unified Sewerage Agency
of Washington County

NEIGHBORHOOD MEETING

DATE: October 15, 1979

TIME: 8:00 p.m.

ADDRESS: Durham Wastewater Treatment Facility
16580 S.W. 85th (Intersection of Durham Road and Hall Blvd.)
Tigard, OR 97223

Unified Sewerage Agency staff will be hosting a neighborhood meeting on October 15, 1979, at 8:00 p.m. in the Administration Building of the Durham Facility. You are invited to join us and bring anyone else who might be interested.

USA has been working with members of the Durham City Council in putting together this meeting. The main topic of discussion is intended to be a study that was made of the solids handling system and future plant expansion. USA staff would also like to discuss current plant operations and some thoughts about projects that may lower noise and odor levels.

The study evaluates the present sludge processing system, identifies several alternatives or modifications, and ties these possible changes in with the issue of future plant expansion. As it is the sludge processing system that has been the major source of both noise and odor, you might be very interested in the meeting discussion.

Many of you are familiar with USA staff and this type of meeting and some of you are relatively new to the area. We welcome both groups to the meeting and encourage you to ask questions and express any concerns that you may have. Perhaps we might even interest some of you in a tour of the plant on a convenient date.

If you have any preliminary questions, feel free to call Debie Garner at 639-8856, Extension 532.

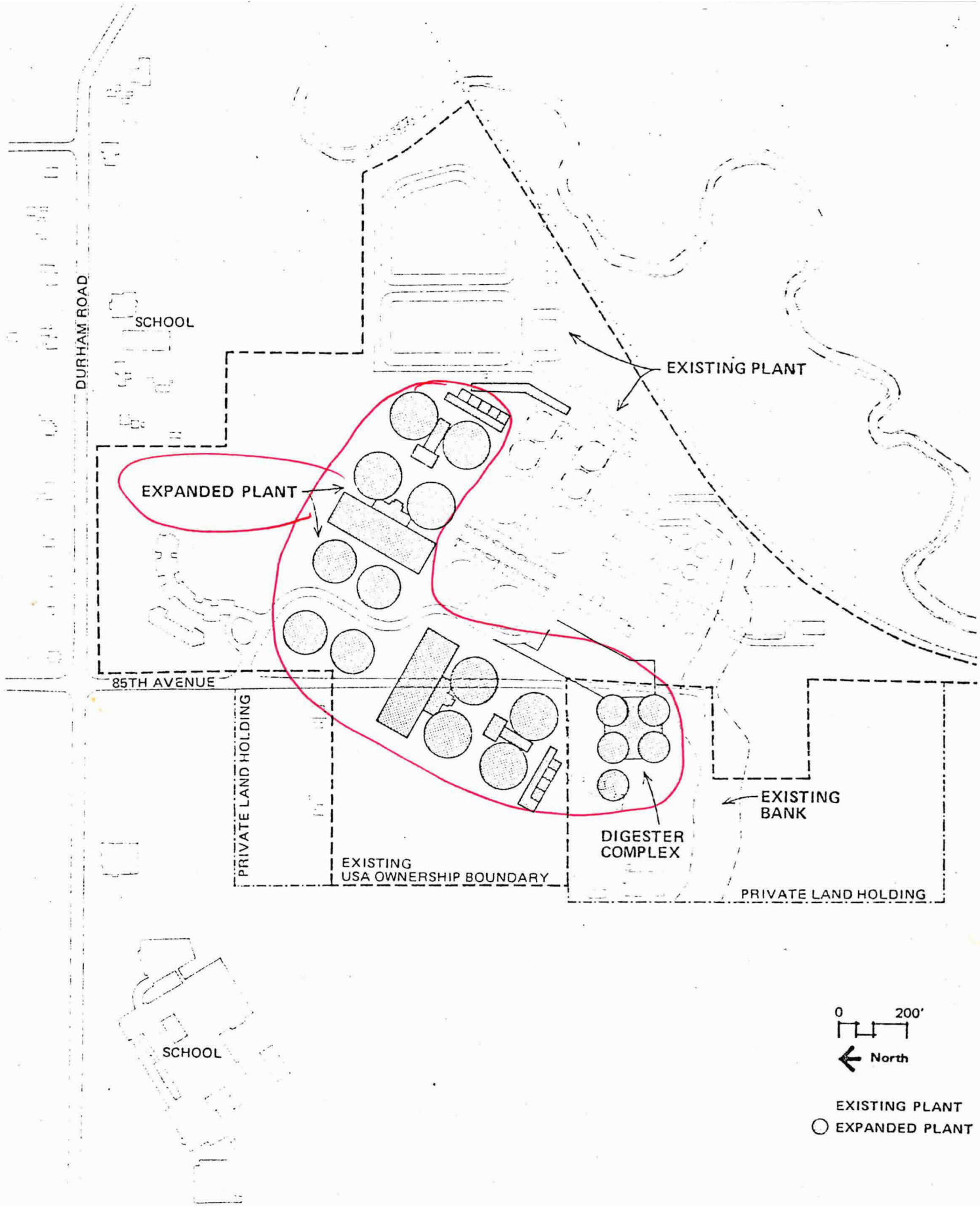


Figure 10
 ALTERNATIVES 2A & 2B
 POSSIBLE PLANT EXPANSION WITH
 ANAEROBIC DIGESTION AT EXPANDED SITE

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

TO: Metro Council
FROM: Executive Officer
SUBJECT: Durham Compliance Acknowledgment Request

BACKGROUND: The city of Durham submitted its draft comprehensive plan to Metro for a preliminary review last winter. In preparing its final review comments, Metro plan review staff asked the Planning and Development and Solid Waste Committees respectively for direction on two issues: 1) whether 20,000 square foot lots, to be developed on septic tanks, provided for an appropriate density for single family development even in a small suburban community, and 2) whether the City could include, in its plan, policy on landfill siting inconsistent with Metro procedures and criteria. Each Committee answered the question posed to it in the negative, and final review comments reflected the need to revise the plan accordingly. The review also discussed the need to eliminate vague and discretionary conditions which controlled the approval of multi-family housing and to update air quality information.

The City undertook substantial revision to its plan and submitted it this summer to LCDC for compliance acknowledgment. The revised plan addressed the two major concerns of the final review by rezoning all single family land for 10,000 square foot lots to be served by sanitary sewers and by revising its policy on landfill siting. It still contained, however, vague and discretionary conditions for the approval of multi-family housing. In addition, the newly adopted zoning map applied the greenway zone for hazard protection in a manner inconsistent with plan map designations.

Metro staff met with Durham Mayor Robert Percy, Planning Commission chairman Gery Shirado, Planning Consultant Chris Nelson and other City officials to discuss remaining changes needed in the plan for compliance acknowledgment. There was consensus at this meeting that Mr. Nelson should prepare a draft of the necessary amendments for action by the City in October.

Metro staff has reviewed a draft of proposed amendments and found them adequate to achieve compliance. Because of the LCDC deadline for agency comment, Metro must forward its recommendation to LCDC before the City Council has reviewed and adopted these amendments. Metro's recommendation for acknowledgment must, therefore, be contingent upon these amendments being adopted as proposed. These amendments are cited in the resolution as Exhibit "B" and will be forwarded to LCDC with the resolution as a record of the proposal on which the recommendation was based. Because of their length, and the fact that they cannot be readily understood or evaluated without page by page reference to the elements of the plan and code being amended, they have not been included with agenda materials. A copy is available for review in the Metropolitan Development Division.

When the amendments are adopted, they will be circulated by LCDC to all affected agencies. If they have been adopted as proposed, Metro need offer no further comment. If revisions have been made, Metro staff will return to the Council for a recommendation on whether the amendments are nonetheless adequate for compliance.

At its September 24 meeting the Planning and Development Committee approved the staff report and recommended that Durham's plan be acknowledged by LCDC if the amendments are adopted as proposed. Lorraine Winthers, City Councilor in charge of planning, Jean Percy, City Recorder and Mr. Nelson represented the City at this meeting. City residents Mr. and Mrs. Dale Seeman were also in attendance to support the Committee's action.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: The recommendation on acknowledgment is consistent with Metro plan review policy as reflected in the procedures and criteria of the Metro Plan Review Manual. Proposed housing densities are consistent with development assumptions in Metro's UGB Findings.

ACTION REQUESTED: Adoption of the attached Resolution conditionally recommending Durham's plan for compliance acknowledgment by LCDC.

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10/11/79

ADOPTED BY THE
MSD COUNCIL
THIS 11th DAY OF *Oct* 1979
Mary E. Parker
CLERK OF THE COUNCIL

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)
THE CITY OF DURHAM'S REQUEST)
FOR ACKNOWLEDGMENT OF COMPLIANCE)
WITH THE LCDC GOALS)

RESOLUTION NO. 79-99

Introduced by
The Planning and
Development Committee

WHEREAS, Metro is the designated planning coordination body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the statewide planning goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Durham's comprehensive plan and the proposed amendments to it entitled "Draft Durham Plan and Code Amendments, October 1, 1979" attached as Exhibit "B" have been evaluated using the criteria and procedures contained in the "Metro Plan Review Manual" and as summarized in the staff report attached as Exhibit "A," is found to comply with LCDC goals and to be consistent with regional plans adopted by CRAG or Metro prior to August 1979, if and only if the proposed amendments are adopted; and

WHEREAS, The city of Durham is now requesting that LCDC acknowledge its comprehensive plan as complying with the statewide planning goals; now, therefore,

BE IT RESOLVED:

1. That the Durham comprehensive plan is recommended for compliance acknowledgment by the LCDC if the proposed amendments are adopted.

2. That the Executive Officer forward copies of this Resolution and the staff report attached hereto as Exhibit "A," and the proposed amendments attached hereto as Exhibit "B," to LCDC, the city of Durham and appropriate agencies.

3. That subsequent to the adoption by the Council of any goals and objectives or functional plans after August, 1979, the Council will again review Durham's plan for consistency with regional plans and notify the city of Durham of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District this 11th day of October, 1979.

Presiding Officer

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DURHAM ACKNOWLEDGMENT REVIEW

(Numbers refer to items on the Checklist in the Metro Plan Review Manual)

Introduction

Located in rapidly growing Washington County between Tigard and Tualatin, Durham is a small city likely to more than double its population by the year 2000. In 1975, its population was 250; by 1979, it was 440. About 70 acres, one quarter of its land area, is currently buildable vacant land.

For a city its size, with its limited resources, it has done a thorough and competent job of planning for its future. It has cooperated with the Metro plan review process to insure that its plan addresses regional as well as local needs.

At the time the City submitted its plan to LCDC for compliance acknowledgment, however, some problems with the plan still remained which Metro staff felt jeopardized compliance acknowledgment. Metro staff met with City officials to discuss these problems, and the City agreed to undertake the changes needed to remedy them. The City's planning consultant, Chris Nelson, has drafted proposed plan and code amendments for this purpose. These amendments were reviewed as part of Metro's acknowledgment review and found to be adequate to achieve compliance.

CONCLUSIONS AND RECOMMENDATIONS:

Metro finds that Durham's Comprehensive Plan, as currently adopted, complies with most LCDC goals and is consistent with regional plans, with the following exceptions:

1. Application of the Greenway Zone in South Durham is needed for consistency between the plan and zoning maps (Goal #2) and to provide adequate protection from hazards (Goal #7).
2. Revision to the plan and to the land development code are needed to remove vague and discretionary conditions for the approval of needed housing types, in order to insure the availability of an adequate supply of housing at appropriate price ranges or rent levels (Goal #10).

Metro further finds that proposed plan and code amendments adequately remedy these and other significant, if not critical, deficiencies.

Metro recommends, therefore, that Durham's plan be acknowledged by LCDC if these amendments are adopted as proposed. It is hoped that these amendments can be adopted and reviewed prior to Durham's acknowledgement hearing before LCDC in December, and that the City's plan can be acknowledged at that time.

If the admendments adopted differ from those currently proposed, Metro will review the changes and forward its recommendation on them for consideration by LCDC at that time.

General Requirements

All items on the completeness check have been included. The list of documents (0.1.5) composing the package submitted for acknowledgment is included--though no description of contents (0.1.5.1) is included, the documents are so few that the plan is easily comprehended without the benefit of such a summary. There are no other major supporting documents.

The plan references the CRAG "208" population projections (0.2) and suggests that they are low for the Durham area. Because the City has no major responsibilities for facilities planning and has not planned for any increase in City size, the plan does not include and does not need, a precise population "projection." The plan does provide for a population capacity in excess of the entire year 2000 population projected in "208" for the surrounding traffic zone, but it is unlikely that full capacity will be reached by the year 2000.

The difference between the population the City could accommodate if built to capacity (about 1,500 people if estimated using the assumptions in Metro's UGB Findings) and an estimate of future growth within a range consistent with "208" (between 700 and 1400, based on the "208" projection for the surrounding census tract and the proportions of vacant land in that area which is located in the City) is, in any case, so insignificant that the availability of local and regional plans is not threatened by the "inconsistency."

Conclusion: The City satisfies general requirements.

Goal #1 Citizen Involvement

All required documentation of the citizen involvement process is included. The evaluation of the process by the CCI is positive (attachment 6). No complaints about the process have been raised to Metro or the LCDC Field Representative.

Conclusion: The City complies.

Goal #2 Land Use Planning

An Urban Planning Area Agreement (2.2.2.1) has been signed by the governing bodies of Durham and Washington County and fulfills all requirements for such agreements. The City has not documented the opportunity for agency review (2.2.2.2), but we assume that the City has followed its agency involvement program and corresponded as appropriate with the agencies on the mailing list included as an attachment to the plan (#4).

There is, however, an inconsistency between the plan and zoning maps (2.1.2.2) which jeopardizes compliance with both Goal #2 and

Goal #7. This problem is discussed under Goal #7. The City is in the process of amending its plan to eliminate this inconsistency.

Conclusion: Amendment to eliminate the inconsistency between the plan map and zoning map will be adequate for compliance.

Goal #3 Agricultural Lands -- Does not apply.

Goal #4 Forest Lands

Most of this goal is not applicable in urbanized areas. Durham has identified forested areas (4.1.4) as important to the character of the City and has adopted policies (4.2.2) to preserve them. In addition, the Development Code requires all planned development proposals to include an inventory of all trees over five inches in diameter.

Conclusion: The City complies.

Goal #5 Natural Resources

The plan addresses each of the 13 inventory items on the checklist (except for energy sources and wilderness, which are not applicable). In addition to several policies for preserving forested lands, about 70 acres (approximately 25 percent of the land within the city limits) is designated for parks and greenway. The Development Code contains a chapter on permitted and prescribed uses in the Greenway adequate to protect the City's natural resources.

Conclusion: The City complies.

Goal #6 Air, Water and Land Quality

In our preliminary reviews of the Durham Plan (letter to Gery Shirado, February 2, 1979), we indicated that the air quality data contained in the plan was outdated and that the problem could be rectified by referencing Metro data and indicating an intent to participate in the State Implementation Plan for Air Quality. Sample language was provided to the City. The Durham Plan has not been changed to comply with our requests.

This problem is not, in itself, sufficient to preclude acknowledgment. The City finished its analysis of air quality before the more current data were available; no plan can be expected to be continually current with all data updates. Moreover, though the plan does not specifically reference the SIP and the Metro role in air quality planning, it does contain a general policy expressing Durham's intent to cooperate with Metro and DEQ in maintaining and enhancing air quality (page 29). Metro believes that Durham should amend its plan to reflect current air quality data, but that the failure to have done so in the current time frame and circumstances is not a substantial goal violation. However, since Durham is now undertaking a series of plan amendments to address other compliance problems, this process provides an appropriate occasion to amend the

air quality section of the plan as well. Since the adoption of Metro's "sample language" on air quality does not require any additional staff work on the City's part, the failure to do so when adopting other plan amendments would indicate more than a pardonable oversight, but an active reluctance to recognize the problem and the process for its solution.

At Metro's request, therefore, the "sample language" has been included in the proposed amendments and Metro believes its adoption important for compliance.

The only potential threats to water quality are residential septic tanks and drainage. The plan states that neither currently present problems. Future problems are avoided by sewerage and drainage requirements for all future subdivisions and planned development (Development Code pages 9, 17).

The plan does not present information on solid waste production or methods of disposal. However, Durham has come a long way in recognizing the Metro authority for landfill siting, and has adopted a policy consistent with Metro "Procedures for Siting a Sanitary Landfill" (page 29).

Conclusion: The City complies. However, the air quality section the the plan should be revised when the City next amends its plan.

Goal #7 Natural Hazards

The plan inventories all applicable hazards defined by this goal (pages 4-24). Policies (pages 28-29) and implementing ordinances (Development Code pages 15 and 46) are included.

Because the City's hazard areas are located along the banks of the Fanno Creek and the Tualatin River, hazard protection is afforded by a Greenway Zone with Special Standards and review procedures for development. The plan map identifies Greenway areas in the north-west and southern corners of the city but only the former is currently shown on the zoning map.

Without application of a Greenway Zone to protect against hazard in the South Durham area, goal compliance is jeopardized. The City has prepared new zoning code provisions for a Greenway Overlay Zone which would be applied both to this area and an additional portion of land to the east of the current Greenway Zone. Adoption of the plan map and zoning code provisions which have been proposed would be adequate to remedy this deficiency.

Conclusion: Application of a Greenway Zone to the hazard area in south Durham will be adequate for compliance.

Goal #8 Recreation

The plan addresses all the applicable inventories required by the goal. In addition to the developed neighborhood parks, the plan

dedicates approximately 25 percent of the land area in the City to a Greenway along Fanno Creek and the Tualatin River which will serve as undeveloped recreational land. Analysis of future needs and location of facilities is presented (pages 28-34). Subdivision and Greenway Chapters of the Development Code are sufficient to ensure that recreation policies will be implemented.

Goal #9 Economy

The economic analysis presented in the plan (pages 47-52) is entirely appropriate given Durham's limited size. The plan explains the type and degree of economic growth the City desires and examines the reasons why such growth (primarily office parks) may be likely to occur in Durham. Sufficient land is zoned for the type of economic growth envisioned.

Conclusion: The City complies.

Goal #10 Housing

Because Durham has been the focus of a series of housing issues, it is instructive to review its history before analyzing its plan against the checklist.

The LCDC "Seaman Order" (April, 1978) found Durham in violation of Goal #10 because its ordinances were intended to maintain low-density housing and thus provide few housing opportunities for low-income households. The order warned other jurisdictions that LCDC would be examining plans to ensure that "jurisdictions which clearly lack meaningful diversity of housing do not turn the screws down even further." Subsequent drafts of Durham's plan showed that some multi-family housing had been added, but that minimum single family lot sizes had risen from 15,000 to 20,000 square feet. The Metro review in May, 1979 identified these extremely low densities as unacceptable. Metro staff attended two work sessions with the Durham City Council to explain again the Goal requirements. We pushed for a 65/35 single family/multi-family ratio and a variety of single family housing densities, including small single family lots (5,000 to 7,500 square feet). There was serious discussion among Council and Planning Commission members about simply submitting the unrevised plan but it was decided finally that the City Council would consider the amendments to be prepared by the consultant. These amendments were subsequently adopted and the revised plan submitted to Metro and LCDC for compliance acknowledgment.

There has never been

In general, the revised plan represents an important step forward towards goal compliance. However, although these changes have provided for more appropriate single family densities, some problems remain with review provisions for multi-family.

10.3.1.1. Sufficient land zoned for each needed housing type.

SINGLE FAMILY: All single family land is zoned for an average

minimum lot size of 10,000 square feet - twice the density provided for before the plan was amended. Some variation in actual lot sizes is provided for by means of planned development provisions and provisions for density transfers in areas located partially within the Greenway, but these provisions are discretionary in their application and, in any case, do not clearly result in any cost savings per lot. The new amendments currently being considered include revisions which specify standards for the approval of such density bonuses in a sufficiently clean and objective manner to provide assurance that some development can take place on smaller lots. Although these changes, if adopted, will strengthen the City's housing plan, Metro finds that current provisions for single family housing are adequate for goal compliance for the following reasons:

1. Until the plan's most recent amendment, Durham has been a suburban community with a minimum lot size of 15,000 square feet. The City has significantly "loosened the screws;"
2. The plan has presented ample evidence that there has been and will continue to be a demand for large lots in Durham. Metro recognizes that not all communities need have identical housing mixes and that some communities are more appropriate and efficient locations for certain types of housing than others;
3. Durham's housing mix has an insignificant impact on regional housing. Even if 50 percent of Durham's vacant buildable single family land were upzoned to R-7.5, the overall density increase would amount to one unit per year between now and the year 2000 (when buildout is assumed to occur).
4. A minimum lot size of 10,000 square feet allows for single family development densities consistent with those assumed needed in Metro's UGB Findings; in addition, the overall density of new development, including multi-family, will be over seven units an acre, above that assumed necessary in the UGB Findings.
5. Densities are sufficient to allow for the efficient sewerage of new development.

MULTI-FAMILY: The City has zoned a 13 acre area in south Durham for multi-family housing. Although some of this land lies in the flood-plain, density requirements are set on a gross acreage basis to allow for a total of 212 new units on however much or little of the land is used for actual development. Proposed amendments will help clarify these provisions.

Data from several sections in the plan can be assembled into the following summary of projected new development:

Durham: Synthesis of Housing Data
from the Comprehensive Plan

	Single Family	Multifamily
Units existing (1979)	235	18
Percentage of existing Units	93	7
Vacant buildable land	42.6 acres (net) =56.8 acres (gross)	approximately 10 acres (net) 13.3 acres (gross)
Density permitted	4 units/net acre	16 units/gross acre up to 25.6 units/net acre
Potential new units	170	212
Percentage of potential units	45	55
Total units of buildout	405	231
Percentage of total	64	36

It is apparent that the City has taken a giant step forward towards meeting its housing needs and has designated sufficient land for multi-family developments at sufficient density to allow for new multi-family development which is consistent with goal requirements and well in excess of that assumed needed in Metro's UGB Findings.

MOBILE HOMES: The plan does not include any reference to mobile homes. Nothing in the plan would preclude providing for mobile homes as needed in the future, nor is there anything to insure that such provisions will be made. Because of the City's small size and the small amount of vacant buildable land which might be suitable for a mobile home park; the fact that the plan does not contain any negative policy on mobile homes; the absence of any state or regional policy requiring that mobile homes be evaluated as a potentially needed "type" of housing; and because Durham has come so far in providing for other lower cost housing alternatives, Metro does not believe that the failure to address mobile homes jeopardizes goal compliance.

10.3.2 Approval standards clear, objective and reasonable when applied to a needed housing type.

All multi-family and all single family subdivisions must be approved as "planned developments." Current provisions for planned developments violate LCDC's "St. Helens" policy for the following reasons:

1. The Planning Commission may approve the development, deny it,

or approve with conditions. No limits are placed on the grounds for denial, nor is there an inclusive list of the range of conditions which may be attached; the partial list includes those that ensure that "the proposal is in harmony with the surrounding area."

2. A number of "program elements" are required with the preliminary plat (such as "contribution to the local economic base") which place an unfair burden on the developer and which are either superfluous or, if used in the decision process, inappropriate.
3. The proposal must also be found to be in conformance with the plan itself. The plan itself contains many vague policy statements including general standards on "physical attractiveness" which could be used to deny proposed developments.

In addition, the plan contains "residential development criteria" for services which place the burden for all service provision on the development without specifying how these criteria can be met. Requirements with respect to "adequate fire protection," "adequate drainage," "adequate recreation improvements," and "adequate provision for mass transit access" all may be sensible in theory; but how "adequacy" is to be measured and what types of design features can meet it must be specified or these criteria can be used to impose unreasonable conditions for approval which substantially increase the cost of housing or otherwise make its production unfeasible. Policies on park dedications or fees in lieu of are also contained in other sections of the plan but nowhere defined.

4. Finally, there are provisions for design review with no associated standards or criteria. Design review itself is acceptable but only where the range of features reviewed and the review standards are stated.

The problems here are not as much with standards which are altogether inappropriate as with a lack of clarity about which standards are used, when, and how. The amendments now being considered by the City would remedy this problem by:

1. Exempting multi-family housing from application of the planned development and design review approval processes;
2. Applying design review only to a limited range of conditions and only as necessary for the approval of special permits or variances;
3. Replacing vague approval standards and procedures from the planned development provisions with clear and objective conditions for approval;

4. Adding policy to the plan itself limiting the application of vague standards therein to use as guidelines for the development of specific and non-exclusionary standards in the ordinances; and
5. The addition of a few specific requirements for multi-family housing.

Metro has reviewed these amendments in draft form and finds them adequate to meet goal requirements.

SUMMARY: Durham has responded to the Seaman Order by considering regional as well as local housing needs, and in consequence, up-zoning its single family residential land, expanding opportunities for multi-family developing and committing to participation in the Areawide Housing Opportunity Plan to meet its fair share of regional needs for assisted housing. If the City had submitted its plan in its current form at the time the Seaman suit was filed, it would probably have received compliance acknowledgment. Since that time, however, LCDC has adopted new review standards in the form of the St. Helens policy paper. The City has demonstrated its good faith and its commitment to expediting construction of lower cost housing alternatives by undertaking the amendments necessary to eliminate violation of this policy.

CONCLUSIONS: Adoption of the amendments currently proposed will be adequate to achieve goal compliance.

Goal #11 Public Facilities

The plan addresses most of the criteria on the checklist. Though the City has limited responsibility with respect to public facilities, it has checked with service providers to ensure that its projected population can be accommodated. The plan is consistent with applicable regional plans.

The reduced lot sizes in the revised plan allow development to be sewered efficiently and the plan requires sewerage of new subdivisions and multi-family development.

Conclusion: The City complies.

Goal #12 Transportation

The plan contains appropriate inventories, analysis, and policy for a City of its size. Some of its objectives with respect to traffic patterns (e.g., the closing of Upper Boones Ferry Road to truck traffic) are inconsistent with current local, regional, and state plans, but the plan policy is to "pursue measures" to achieve these objectives, rather than to take any immediate action on them, and plan policy on local and regional coordination is adequate to insure that no action will be taken which is inconsistent with these plans.

CONCLUSION: The City complies.

Goal #13 Energy

The sources, consumption, and distribution of energy are all discussed (pages 25 and 56). The plan identifies methods of and policies for conserving energy (page 34), which have been adequately implemented in the plan itself and in accompanying ordinances.

Conclusion: The City complies.

Goal #14 Urbanization

Durham is entirely within (that is, is nowhere coterminous) with the regional UGB, is planning for its city limits only and has signed an Urban Planning Area Agreement with Washington County to that effect.

All buildable land within city limits (approximately 70 acres, net) is considered ready for urban development and will be provided with a full range of urban services. The plan identifies the likely timing of development in the urban area (page 64). Although the urbanization element of the plan has not been reviewed at this time for consistency with Metro policies adopted August 23, 1979, no conflicts are apparent. The City may need to adopt additional policy at a later date, however, in order to insure consistency.

Conclusion: The City complies.

Goal #15 Willamette River Greenway -- Does not apply.

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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: Metro Council
 FROM: Executive Officer
 SUBJECT: Procedure for Rule Making

BACKGROUND: The enabling statute of the Metropolitan Service District (Metro) at ORS 268.360 (1) classifies Metro as an agency. A review of the legislative history shows that Metro was classified as an agency specifically so that it would be subject to the State Administrative Procedures Act (APA), ORS ch. 183, for purposes of rule making.

The APA requires Metro to adopt a rule establishing notice procedures for rule making. Proposed Rule No. 79-1 has been approved by the Attorney General as required by ORS 183.341 (4). The notice procedure established by Rule No. 79-1 will apply only to rule making. The detailed content requirements for rule making notice are governed by State law and District rule making procedures contained in the proposed Rule No. 79-2.

The APA mandates that all agencies adopt rules of procedure for rule making. The Oregon Attorney General has adopted "Model Rules" to meet the requirements of ORS ch. 183. The "Model Rules" closely resemble the provisions of ORS ch. 183 and almost certainly meet all the statutory requirements. The proposed rule for rule making, Rule No. 79-2, is patterned after the "Model Rules" and is designed to satisfy the mandate in ORS ch. 183 that we adopt a rule making procedure.

ORS 268.360 (1) requires that Metro adopt all legislative acts by ordinance in the manner provided in ORS ch. 198. The practical effect of this limitation may be that the rule making power will only be used as follows:

1. To adopt and revise contested case procedures which, under ORS ch. 183, Metro must adopt by rule.
2. To adopt a declaratory hearing procedure which Metro may adopt by rule under ORS ch. 183.
3. When acting as the Metro Contract Review Board which by statute must act by rule.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: None. The Council is required by ORS ch. 183 to adopt notice and rule making procedures.

ACTION REQUESTED: For information only at the meeting of October 11, 1979. Adoption of Rule Nos. 79-1 and 79-2 will be requested at the meeting of October 25, 1979.

AJ/MH/gl
 5307A/0065A
 10/11/79

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING)
A NOTICE PROCEDURE FOR RULE MAKING)
)
)

RULE NO. 79-1

Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ADOPTS
THE FOLLOWING RULE:

Section 1. When Notice Required

In addition to any other notice required by State law, the Metropolitan Service District shall give notice as described in Section 2 of this rule before adopting, amending or repealing a rule.

Section 2. Notice of Rule Making

The District shall give notice of the proposed adoption, amendment or repeal of any rule by publication in a newspaper of general circulation throughout the region as follows:

- (a) Not more than fifteen (15) days nor less than five (5) days prior to a hearing on the proposed rule.
- (b) Not less than fifteen (15) days before the adoption of a rule without a public hearing.

Section 3. Contents of Notice

The contents of a notice of proposed adoption, amendment or repeal of a rule shall be as prescribed by State law and the District rule on rule making.

ADOPTED by the Council of the Metropolitan Service District this ___ day of _____, 1979.

Presiding Officer

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING
A PROCEDURE FOR RULE MAKING

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RULE NO. 79-2

Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ADOPTS
THE FOLLOWING RULE:

Section 1. Scope of Rule Making

District directives, standards and regulations may be adopted by rule if they implement the District's legislative authority or an ordinance adopted thereunder.

Section 2. Definitions

Unless otherwise required by context, as used in these rules:

a. "District" means the Metropolitan Service District of Portland, Oregon.

b. "Council" means the Metropolitan Service District Council.

Section 3. Notice of Rule Making

a. The District shall give notice of the proposed adoption, amendment or repeal of any rule:

- (1) By publication in a newspaper of general circulation throughout the region not more than fifteen (15) days nor less than five (5) days prior to the hearing provided for in Section 8 of these rules. Notices shall contain a brief description of the proposed rule, the time and

place of the hearing, the method by which interested persons may present testimony and the name of the District officer or employee from whom additional information can be obtained. The Executive Officer may also give other notice by any other means. Failure to comply strictly with the time limits in this Section shall not invalidate rules adopted under these procedures.

- (2) In the Secretary of State's bulletin at least fifteen (15) days prior to the effective date.
- (3) By mailing copies to persons on the mailing list established pursuant to ORS 183.335 (6).

b. The District shall include with the notice required in Sub Section (a) of this Section:

- (1) A citation of the legal authority for the rule.
- (2) A statement of the need for the rule and how the rule meets the need.
- (3) A statement listing the documents relied upon in preparing the rule and a statement of where those documents may be viewed.
- (4) A statement of the fiscal impact of the rule.

Section 4. Contents of Notice When The District Contemplates a Public Hearing

- a. When the District will hold or contemplates a public

hearing, the notice referred to in Section 3 shall include the following:

- (1) A description of the District's proposed action (adoption, amendment or repeal of rule), and where practicable and appropriate, the verbatim language of any rule proposed to be adopted, amended or repealed.
- (2) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his/her interest may be affected.
- (3) The time and place of the public hearing and the manner in which interested persons may present their views.
- (4) A designation of the officer or other person(s) who will preside at and conduct the hearing.

b. If the proposed rule, amendment or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place and manner in which the rule or amendment may be obtained.

Section 5. Contents of Notice Where The District Does Not Intend to Hold Public Hearing

a. When the District does not plan to hold a public hearing, the notice referred to in Section 3 shall include the following:

- (1) A description of the District's proposed action (adoption, amendment or repeal of rule) and where practicable and appropriate, the verbatim

language of any rule proposed to be adopted, amended or repealed.

- (2) The subject matter and purpose of the proposed action in sufficient detail to inform a person that his/her interest may be affected.
- (3) The time and place at which data or views may be submitted in writing to the District.
- (4) A statement that any interested person desiring to express or submit his/her data or views at a public hearing must request the opportunity to do so.
- (5) A designation of the person to whom a request for public hearing must be submitted and the time and place therefor.
- (6) A statement that a public hearing will be held if the District receives a request for public hearing within fifteen (15) days after the notice required in this Section from ten (10) or more persons or an association having not less than ten (10) members.

b. If the proposed rule, amendment or repeal thereof is not set forth verbatim in the notice, the notice shall state the time, place and manner in which the rule or amendment may be obtained.

c. If ten (10) persons or an association having not less than ten (10) members request a public hearing, the District shall give notice thereof in conformity with Section 4.

Section 6. Submitting Adopted Rule to Legislative Counsel

The District shall submit a copy of any adopted rule to the Legislative Counsel within ten (10) days after the agency files a certified copy of the rule with the Secretary of State as required in Section 11.

Section 7. Postponing Intended Action

a. The District shall postpone its intended action upon request of an interested person received within fifteen (15) days after District notice to allow the requesting person an opportunity to submit data, views or arguments concerning the proposed action.

b. Postponement of the date of intended action shall be no less than ten (10) nor more than ninety (90) days. In determining the length of postponement, the District shall consider the time necessary to give reasonable notice of the postponement and the complexity of the subject and issues of the intended action.

c. The District shall give notice of the postponement pursuant to Section 3 except that publication in the Secretary of State's bulletin is only required when the publication date of the bulletin precedes the postponement date of the intended action.

d. This Section does not apply to the adoption of a temporary rule pursuant to ORS 183.335 (5) and Section 13.

Section 8. Conduct of Hearing

a. The hearing shall be conducted by and shall be under the control of a presiding officer. The presiding officer may be the Presiding Officer of the Council, or other person designated by the Council.

b. At the commencement of the hearing, any person wishing to be heard shall advise the presiding officer of his name,

address and affiliation. Additional persons may be heard at the discretion of the presiding officer. The presiding officer shall provide an appropriate form for listing witnesses which shall indicate the proposed action, and such other information as the presiding officer may deem appropriate.

c. At the opening of the hearing the presiding officer shall read the content of the notice provided in Section 4 or 5 as the case may be; or, if copies of the proposed rule are available at the hearing, only the title of the rule shall be read.

d. Subject to the discretion of the presiding officer, the order of the presentation shall be :

- (1) Presentation by District staff;
- (2) Statement of proponents;
- (3) Statement of opponents;
- (4) Statements of any other witness present and wishing to be heard.

e. The presiding officer, Council members, the Executive Officer or his designee, and the General Counsel shall have the right to question or examine any witness making a statement at the hearing. The presiding officer may, in his discretion, permit other persons to examine witnesses.

f. There shall be no rebuttal or additional statements given by any witness unless requested by the presiding officer. When such additional statements are given, the presiding officer shall allow an equal opportunity for reply.

g. The hearing may be continued with recesses as determined by the presiding officer until all listed witnesses present

and desiring to make a statement have had an opportunity to do so.

h. The presiding officer shall, where practicable, receive all physical and documentary evidence presented by witnesses. Exhibits shall be marked and shall identify the witness offering the exhibit. The exhibits shall be preserved by the District for one (1) year or, in the discretion of the District, returned to the witness offering the exhibit.

i. The presiding officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial matter.

j. A verbatim oral, written or mechanical record shall be made of all the proceedings.

Section 9. Presiding Officer's Report

If the hearing is not held before the Council, the presiding officer shall, within a reasonable time after the hearing, provide the Council with a written summary of statements given and exhibits received and a report of his observations of physical experiments, demonstrations or exhibits. The presiding officer may make recommendations, but such recommendations are not binding upon the Council.

Section 10. Action of District

At the conclusion of the hearing, or after receipt of the presiding officer's requested report and recommendation, if any, the Council may adopt, amend or repeal rules covered by the description of the proposed rule.

Section 11. Notice of District Action: Certification to the Secretary of State

a. The District shall file in the office of the Secretary of State a certified copy of each rule adopted or amended, or notice of repeal of any rule.

b. The rule shall be effective upon filing with the Secretary of State unless a later date is required by statute or is specified in the rule.

Section 12. Petition to Promulgate, Amend or Repeal Rule: Contents of Petition, Filing of Petition

a. An interested person may petition the District requesting the adoption, amendment or repeal of a rule. The petition shall be in writing, signed by or on behalf of the petitioner, and shall contain a detailed statement of:

- (1) The rule petitioner requests the District to adopt, amend or repeal. Where amendment of an existing rule is sought, the rule shall be set forth in the petition in full with matter proposed to be deleted therefrom enclosed in brackets and proposed additions thereto shown by underlining or boldface.
- (2) Ultimate facts in sufficient detail to show the reasons for adoption, amendment or repeal of the rule.
- (3) All propositions of law to be asserted by petitioner.
- (4) Sufficient facts to show how petitioner will be affected by adoption, amendment or repeal of the rule.

(5) The name and address of petitioner and of any other person known by petitioner to be interested in the rule sought to be adopted, amended or repealed.

b. The petition, either in typewritten or printed form, shall be deemed filed when received by the District.

c. Upon receipt of the petition, the District:

- (1) Shall mail a true copy of the petition together with a copy of these rules to all parties named in the petition. Such petition shall be deemed served on the date of mailing to the last known address of the person being served.
- (2) Shall advise petitioner that he/she has fifteen (15) days in which to submit written views.
- (3) May schedule oral presentation of petitioner's views if petitioner makes a request therefor and the agency desires to hear petitioner orally.
- (4) Shall, within thirty (30) days after date of submission of the petition, either deny the petition or initiate rule making proceedings in accordance with these rules.

d. In the case of a denial of a petition to adopt, amend or repeal a rule, the District shall issue an order setting forth its reasons in detail for denying the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.

Section 13. Temporary Rules

a. The District may proceed without prior notice or hearing, or upon any abbreviated notice and hearing that is practicable, to adopt, amend or suspend a rule without the notice otherwise required by ORS chapter 183 and these rules. In such case the District shall prepare:

- (1) A citation of the legal authority relied upon and bearing upon the promulgation of the rule.
- (2) A statement of the need for the rule and a statement of how the rule is intended to meet the need.
- (3) A statement of its findings that its failure to act promptly will result in serious prejudice to the public interest or the interest of the parties concerned and the specific reasons for its findings of prejudice.
- (4) A list of the principal documents, reports or studies prepared by or relied upon by the District in considering the need for and preparing the rule, and a statement of the location at which those documents are available for public inspection.

b. A temporary rule adopted in compliance with this rule becomes effective immediately upon filing the rule with the Secretary of State or at a designated later date. The statements required in Subsection (a) must be filed with the rule.

c. A temporary rule may be effective for no longer than

one hundred eighty (180) days. No temporary rule may be renewed after it has been in effect one hundred eighty (180) days. The District may, however, adopt an identical rule on notice in accordance with these rules.

d. A rule temporarily suspended shall regain effectiveness upon expiration of the temporary period of suspension unless the rule is repealed in accordance with these rules.

ADOPTED by the Council of the Metropolitan Service
District this ___ day of _____, 1979.

Presiding Officer

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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: Metro Council
FROM: Executive Officer
SUBJECT: Rule Establishing Contested Case Procedures

BACKGROUND: Metro's enabling statute at ORS 268.360 (1) classifies metro as an agency. A review of the legislative history shows that Metro was classified as an agency specifically so that it would be subject to the State Administrative Procedures Act (APA), ORS ch. 183, for purposes of contested cases. ORS ch. 183 mandates that all agencies adopt rules of procedure for the conduct of contested cases and sets minimum procedural requirements.

The Oregon Attorney General has adopted "Model Rules" to meet the requirements of ORS ch. 183. The "Model Rules" closely resemble the provisions of ORS ch. 183, and almost certainly meet all the statutory requirements. The proposed rule for contested case procedures is patterned after the "Model Rules" and is designed to both satisfy the ORS ch. 183 mandate and provide a workable procedure for the District to follow when it is acting in an adjudicative posture. Decisions such as whether to issue a license, and whether to grant requests for site specific changes to the Urban Growth Boundary, would be examples of decisions where contested case procedures would be followed.

Since Metro's current contested case procedures were adopted by MSD in 1976 by ordinance, an ordinance is required to repeal those procedures.

BUDGET IMPLICATIONS: The Metro budget will not be affected.

POLICY IMPLICATIONS: None. The Council is required by ORS ch. 183 to adopt rule making procedures.

ACTION REQUESTED: For information only at the meeting of October 11, 1979. Adoption of the above described rule and ordinance will be requested at the meeting of October 25, 1979.

AJ/MH/gl
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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF REPEALING)
CONTESTED CASE HEARINGS)
PROCEDURES ADOPTED BY MSD)
ORDINANCE NO. 42 (1976))

ORDINANCE NO. 79-74
Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS
AS FOLLOWS:

1. That Ordinance No. 42, dated July 23, 1976 and codified at MSD Code Section 20.04, is hereby repealed.
2. That procedures for contested case hearings shall be as adopted by rule under the provisions of ORS chapter 183.

ADOPTED by the Council of the Metropolitan Service
District this ___ day of _____, 1979.

Presiding Officer

Attest:

Clerk of the Council

AJ/MH/gl
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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING)
RULES OF PROCEDURE FOR CONTESTED)
CASES)

RULE NO. 79-3
Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ADOPTS
THE FOLLOWING RULE:

Section 1. Contested Case Defined, Notice of Opportunity
for Hearing, Service.

- a. A contested case exists whenever:
1. A constitutional provision, a statute or an ordinance requires a hearing upon an action; or
 2. The District has discretion to suspend or revoke a right or privilege of a person; or
 3. There is a proceeding regarding a license or permit required to pursue any activity governed or regulated by the District; or
 4. There is a discharge of a District employee; or
 5. The District proposes to require a county, city, or special district to change a plan pursuant to Oregon Laws 1977, Chapter 665, Section 17 or 18; or
 6. There is a proceeding in which the District has directed by ordinance, rule or otherwise that the proceeding be conducted in accordance with contested case procedures.
- b. The District shall give notice to all parties in a

contested case. The notice shall include:

1. A statement of the party's right to request a hearing, or a statement of the time and place of the hearing;
2. A statement of the authority and jurisdiction under which the hearing is to be held;
3. A reference to the particular sections of the statutes, ordinances or rules involved;
4. A short and plain statement of the matters asserted, charged or proposed;
5. A statement that the party may be represented by counsel at the hearing; and
6. When applicable, a statement that if the party desires a hearing, the District must be notified within a specified number of days.

c. The number of days within which the District must be notified that the party desires a hearing shall be as follows:

1. Within twenty (20) days of the date of mailing of notice; or
2. When the District refuses to issue a license or permit required to pursue any activity governed or regulated by the District, if the refusal is based on grounds other than the results of a test or inspection, the District shall grant the person requesting the license or permit sixty (60) days from the notification of refusal to request a hearing; or

3. In the case of a personnel discharge, within fifteen (15) days of the employee's receipt of the Notice of Discharge.

d. The notice shall be served personally or by registered or certified mail.

Section 2. Immediate Suspension or Refusal to Renew a License or Permit, Notice of Opportunity for Hearing, Service.

a. If the District finds there is a serious danger to the public health or safety, it may suspend or refuse to renew a license or permit immediately.

b. The District shall give notice to the party upon immediate suspension or refusal to renew a license or permit. The notice shall include:

1. A statement of the party's right to hearing.
2. A statement of the authority and jurisdiction under which the hearing is to be held.
3. A reference to the particular sections of the statutes, ordinances and rules involved.
4. A short and plain statement of the matters asserted, charged or proposed.
5. A statement that the party may be represented by counsel at the hearing.
6. A statement that if the party demands a hearing the District must be notified within thirty (30) days of date of the notice.
7. A statement giving the reason or reasons for the immediate action.

8. The effective date of the suspension or refusal to renew the license or permit.

c. The notice shall be served personally or by registered or certified mail.

Section 3. Orders When No Hearing Requested or Failure to Appear.

a. When a party has been given an opportunity and fails to request a hearing within the specified time or fails to appear at the specified time and place of a hearing, the District may enter an order which supports the District action or an order denying the petition upon which the hearing was to be held.

b. The order supporting the District action shall set forth the material on which the action is based or the material shall be attached to and made a part of the order.

Section 4. Subpoenas, Depositions.

a. The District shall issue subpoenas in hearings on contested cases on a showing of need, general relevancy and within reasonable scope of the proceedings.

b. An interested party may petition the District for an order that the testimony of a material witness be taken by deposition. Fees and mileage are to be paid as determined by applicable statutes.

Section 5. Hearing.

a. The hearing shall be conducted by and shall be under the control of a hearings officer. The hearings officer may be the Presiding Officer of the Council or any other person designated or approved by the Council.

b. The hearings officer shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the officer during the pendency of the proceeding and notify the parties of the communication and their right to rebut such communications.

c. In the case of a hearing on a personnel discharge, the employee shall be given the opportunity to select the hearings officer from a list of at least three (3) prospective hearings officers approved by the Council.

d. At the discretion of the hearings officer, the hearing shall be conducted in the following order:

1. Statement and evidence by the District in support of its action, or by the petitioner in support of a petition.
2. Statement and evidence of affected persons disputing the District action or petition.
3. Rebuttal testimony.

e. The hearings officer, a Council member, the Executive Officer or his designee, the General Counsel, and the affected parties shall have the right to question any witnesses.

f. The hearing may be continued for a reasonable period as determined by the hearings officer.

g. The hearings officer may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony.

h. Exhibits shall be marked and the markings shall identify the person offering the exhibits. The exhibits shall be

preserved by the District as part of the record of the proceedings.

i. A verbatim oral, written or mechanical record shall be made of all the proceedings. Such verbatim record need not be transcribed unless necessary for Council or judicial review.

Section 6. Evidentiary Rules.

a. Evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible.

b. Irrelevant, immaterial or unduly repetitious evidence shall be excluded.

c. All offered evidence, not objected to, will be received by the hearings officer subject to his power to exclude irrelevant, immaterial or unduly repetitious matter.

d. Evidence objected to may be received by the hearings officer with rulings on its admissibility or exclusion to be made at the time a final order is issued.

e. The burden of presenting evidence to support a fact or position in a contested case rests on the proponent of the fact or position.

Section 7. Proposed Orders in Contested Cases Other Than Personnel Discharges.

a. Within seven (7) days of a hearing in a contested case other than a personnel discharge, the hearings officer shall prepare and submit a proposed order to the Council. If a majority of the Council members who are to render the final order were not present at the hearing or have not reviewed and considered the record, and the proposed order is adverse to a party other than the

District, the proposed order, including findings of fact and conclusions of law, shall be served upon the parties.

b. The parties shall be given the opportunity to file exceptions to the proposed order and present argument to the Council.

Section 8. Proposed Orders in Contested Cases on Personnel Discharges.

a. Within seven (7) days of a hearing on a personnel discharge, the hearings officer shall prepare and submit a proposed order to the Executive Officer. Said proposed order shall include rulings on evidence, findings of fact, conclusions of law and a proposed action.

b. Within seven (7) days of receipt of the proposed order, the Executive Officer shall issue a final order pursuant to Section 9 of these Rules.

Section 9. Final Orders in Contested Cases, Notification, Review.

a. Final orders in contested cases shall be in writing and include the following:

1. Rulings on admissibility of offered evidence.
2. Findings of Fact--those matters which are either agreed upon as fact or which, when disputed, are determined by the fact finder, on substantial evidence, to be fact over contentions to the contrary.
3. Conclusion(s) of Law--applications of the controlling law to the facts found and legal results arising therefrom.

4. The action taken by the District as a result of the findings of fact and conclusions of law.

b. The agency shall place on the record a statement of the substance of any written or oral ex parte communications on a fact in issue made to the agency during its review of a contested case. The agency shall notify all parties of such communications and of their right to rebut the substance of the ex parte communications on the record.

c. When the results of a contested case necessitates the adoption of an ordinance, the procedures for adoption of an ordinance in ORS chapter 198 and in applicable District regulations shall be followed.

d. Parties to contested cases and their attorneys of record shall be served a copy of the final order. Parties shall be notified of their right to judicial review of the order.

e. Judicial review of final orders adopted after contested case proceedings shall be solely as provided in ORS chapter 183 and every final order shall include a citation of the statutes under which the order may be appealed.

Section 10. Reconsideration, Rehearing.

a. A party may file a petition for reconsideration or rehearing on a final order with the District within sixty (60) days after the order is issued. In the case of a personnel discharge, such petition shall be submitted to the Executive Officer. Other petitions shall be referred to the Council.

b. The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The

petition may be supported by a written argument.

c. The District may grant a reconsideration petition if sufficient reason therefor is made to appear. If the petition is granted, an amended order shall be entered.

d. The District may grant a rehearing petition if sufficient reason therefor is made to appear. The rehearing may be limited by the District to specific matters. If a rehearing is held an amended order shall be entered.

e. If the District does not act on the petition within the sixtieth (60th) day following the date the petition was filed, the petition shall be deemed denied.

ADOPTED by the Council of the Metropolitan Service District
this ___ day of _____, 1979.

Presiding Officer

Attest:

Clerk of the Council

AJ:MH:gl
4443A/0033A

Amendments to Proposed
Rule No. 79-3 (Contested Cases)

1. Section 5 (a) should read:

"a. The hearing shall be conducted by and shall be under the control of a hearings officer. The hearings officer may be the Presiding Officer of the Council, if the hearing is to be before the Council, or any other person designated or approved by the Council. In addition to the requirements of Section 5 (c) of these rules, the Council may from time to time approve and provide to the Executive Officer a list of prospective hearings officers from which hearings officers may be appointed by the Executive Officer."

2. Section 9 (b) should be amended by deleting the word "agency" in the first, third and fourth lines and by substituting therefore the phrase "Council or Executive Officer."

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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: Metro Council
FROM: Executive Officer
SUBJECT: Personnel Rules Amendment (Discharges)

BACKGROUND: In designing the pending rules for Contested Cases, it was necessary to insure that the Metro Personnel Rules and the Contested Case rules are consistent regarding personnel discharges.

The Contested Case rules (a separate agenda item) provide for contested case hearings on discharges and afford discharged employees their constitutional rights to due process. In fact, the rules go beyond bare constitutional requirements.

The personnel rules provide that discharged employees may file grievances pursuant to the grievance procedure and have a "grievance hearing" as part of the grievance procedure. The Personnel Rules and proposed Contested Case rules are, therefore, inconsistent.

To achieve consistency, the Personnel Rules should be amended to provide that a discharged employee may, at his/her option, choose either the grievance procedure or the contested case procedure, but not both. The primary differences are 1) grievance procedure does not require a hearing while the contested case procedure does, 2) the grievance procedure does not provide for judicial review while the contested case procedure does, and 3) the grievance procedure requires an internal review while the contested case procedure requires an external review.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: Clarifies and coordinates the contested case rules and personnel rules relating to discharges.

ACTION REQUESTED: First reading of Ordinance No. 79-75 .

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10/12/79

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO. <u>79-75</u>
ORDINANCE NO. 79-73 (PERSONNEL)	
RULES) RELATING TO PERSONNEL	)	Introduced by the
DISCHARGE PROCEDURES	)	Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

That Section 18 (g) of Metropolitan Service District Ordinance No. 79-73 (Personnel Rules) is hereby amended to read as follows (new language underlined, deleted language in brackets):

"(g) Except as provided in Section 9 (e) of these Rules, the Executive Officer shall give an employee whose discharge is sought at least fourteen (14) days written notice in person or by mailing to the employee's last known address of:

1. The proposed discharge;
2. Any and all reasons, specifically and in detail, for the proposed discharge; and
3. The employee's right to file a grievance pursuant to Section 19 of these Rules.
4. The employee's right to a hearing pursuant to contested case rules.

This notice becomes a permanent part of the employee's personnel record. (The employee shall notify the Executive Officer within seven (7) working days of the receipt of the notice of discharge that he/she desires a grievance hearing by filing with the Executive Officer a written Answer and Request for a grievance hearing. The

Answer shall set forth the employee's reasons for contesting the proposed discharge, with such offer of proof and pertinent documents as he/she is able to submit. In the absence of a timely Answer and Request for Hearing, discharge may be effected without further notice or hearing. The Executive Officer may reply in writing within three (3) working days following receipt of an Answer and Request for Hearing. An extension of time may be mutually agreed upon.) If the employee wishes to file a grievance, such grievance shall be submitted pursuant to Section 19 of these Rules. If the employee wishes to request a contested case hearing, such request shall be submitted pursuant to District rules on contested cases. If an employee requests a contested case hearing, the employee's right to file a grievance shall be deemed waived and any pending grievance for discharge shall be terminated."

ADOPTED by the Council of the Metropolitan Service District
this ____ day of _____, 1979.

Presiding Officer

ATTEST:

Clerk of the Council

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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: Metro Council
FROM: Executive Officer
SUBJECT: Establishing Procedures for District Declaratory Rulings.

BACKGROUND: The proposed rule for District declaratory rulings is patterned after a "Model Rule" developed by the Oregon Attorney General for state agencies. Unlike the procedures for rule making and contested cases which Metro is required by statute to adopt, the procedure for declaratory rulings is optional.

The proposed rule establishes a procedure whereby the Council may, at its discretion, hear a petition by a person for a declaratory ruling on the applicability to any person, property or state of facts of any District ordinance, rule or statute. The procedure would result in a ruling that would be binding between the District and the petitioner on the state of facts alleged.

BUDGET IMPLICATIONS: None.

POLICY IMPLICATIONS: The declaratory ruling procedure would provide a discretionary means of clarifying the District's view of the applicability of a District ordinance, rule or statute to a given situation or set of facts. The procedure could be used in proper instances to avoid costly and time consuming court or contested case actions.

ACTION REQUESTED: For information only at the meeting of October 11, 1979, and adoption of the Rule at the meeting of October 25, 1979.

AJ/MH/gl
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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ESTABLISHING)	RULE NO. 79-4
RULES OF PROCEDURE FOR DISTRICT)	
DECLARATORY RULINGS	)	Introduced by the
	)	Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ADOPTS
THE FOLLOWING RULE:

Section 1. Institution of Proceedings for Declaratory Rulings.

On petition of any interested person the District may, in its discretion, issue a declaratory ruling with respect to the applicability to any person, property or state of facts of any ordinance, rule or statute enforceable by the District.

Section 2. Contents of Petition.

a. A petition to institute proceedings for declaratory ruling shall contain:

- (1) The ordinance, rule or statute for which petitioner seeks a declaratory ruling.
- (2) A detailed statement of the facts upon which petitioner requests the District to issue its declaratory ruling.
- (3) Sufficient facts to show how petitioner will be affected by the requested declaratory ruling.
- (4) All propositions of law or contentions to be asserted by petitioner.
- (5) The questions presented for decision by the District.

(6) The specific relief requested.

(7) The name and address of petitioner and of any other person known by petitioner to be interested in the requested declaratory ruling.

b. The petition shall be typewritten or printed.

Section 3. Filing and Service of Petition.

a. The petition shall be deemed filed when received by the District.

b. The District shall within thirty (30) days after the petition is filed, either notify the petitioner that the District will not issue a ruling or serve all parties named in the petition by mail:

(1) A copy of the petition together with a copy of these rules; and

(2) A notice of the hearing at which the petition will be considered.

Section 4. Contents of Notice of Hearing.

The notice of hearing at which time the petition will be considered shall set forth:

a. A copy of the petition requesting the declaratory ruling.

b. The time and place of the hearing.

c. A designation of the person who will preside at and conduct the hearing.

Section 5. Conduct of Hearing, Briefs and Oral Argument.

a. The hearing shall be conducted by and shall be under the control of a presiding officer. The presiding officer may be

the Presiding Officer of the Council or any other person designated by the Council.

b. At the hearing, the petitioner and any other interested party shall have the right to present oral argument. The presiding officer may impose reasonable time limits on the time allowed for oral argument. The petitioner and other interested parties may file briefs with the District in support of their respective positions. The presiding officer shall fix the time and order of filing briefs.

Section 6. Presiding Officer's Opinion.

a. Where the hearing is conducted before someone other than the Council, the presiding officer shall prepare an opinion in form and in content as set forth in Section 7 of these rules.

b. The Council is not bound by the opinion of the presiding officer.

Section 7. Decision of Agency: Time, Form and Service.

a. The Council shall issue its declaratory ruling within sixty (60) days of the close of the hearing, or, where briefs are permitted to be filed subsequent to the hearing, within sixty (60) days of the time permitted for the filing of briefs.

b. The ruling shall be in the form of a written opinion and shall set forth:

- (1) The facts being adjudicated by the District.
- (2) The statute, ordinance or rule being applied to those facts.
- (3) The District's conclusion as to the applicability of the statute, ordinance or rule to those facts.

(4) The District's conclusion as to the legal effect or result of applying the statute, ordinance or rule to those facts.

(5) The reasons relied upon by the District to support its conclusions.

Section 8. Effect of District Ruling.

A declaratory ruling issued in accordance with these rules is binding between the District and the petitioner on the state of facts alleged, or found to exist, unless set aside by a court.

ADOPTED by the Council of the Metropolitan Service
District this ___ day of _____, 1979.

Presiding Officer

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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: Metro Council
 FROM: Executive Officer
 SUBJECT: Establishment of the Metro Council as the Metro Contract Review Board

BACKGROUND: Under 1979 Or. Laws ch. 804, the Metro Council is authorized to adopt an ordinance creating the Metro Council as the District Contract Review Board with all the powers of the State Public Contract Review Board. If the Metro Council is designated as the Metro Contract Review Board, the Metro Council, rather than the State Public contract Review Board, would have the authority to do the following:

1. Prepare prequalification application forms for use in projects where the District wishes to prequalify bidders.
2. Hear disqualification appeals from the prequalification procedure.
3. Exempt certain contracts or classes of contracts from competitive bidding requirements.
4. Exempt certain contracts or classes of contracts from bid security or performance security requirements.
5. Exempt certain products from the prohibition against specifying brand names in public contract specifications.
6. Investigate agency personal contract screening procedures.

The ordinance designating the Council as the District Contract Review Board gives the Council the full power of the State Board, including all the procedural rules and exemptions that have been or may be adopted by rule by the State Board. The Council, sitting as the District Contract Review Board, may adopt its own rules and thereby revise, reject or supplement the rules adopted by the State Public Contract Review Board.

BUDGET IMPLICATIONS: The Metro budget will not be affected by this ordinance.

POLICY IMPLICATIONS: The Council's assumption of the authority over District contracting procedures now held by the State Public Contract Review Board will permit more efficient and predictable response to needed changes in District contracting procedures. The Council itself, within the statutory limits imposed upon the State Public Contract Review Board, would be able to adopt exemptions and establish prequalification procedures without the presently required involvement of the State Public Contract Review Board.

ACTION REQUESTED: First reading of the ordinance at the meeting of October 11, 1979, and adoption of the ordinance at the meeting of October 25, 1979.

AJ/MH/gl
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BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF DESIGNATING
AND CREATING A PUBLIC CONTRACT
REVIEW BOARD

)
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)
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ORDINANCE NO. 79-76

Introduced by the
Ways and Means Committee

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT ORDAINS
AS FOLLOWS:

Section 1. Creation and Designation

Pursuant to Oregon Laws, 1979, chapter 804, the Council is designated and created as the Metropolitan Service District (Metro) Contract Review Board.

Section 2. Powers

The Metro Contract Review Board shall have all the powers in the award of District contracts that the Oregon State Public Contract Review Board may exercise in the State at large under ORS Chapter 279 and OAR Chapter 127, including such revisions and additions to those Chapters as may later be adopted.

Section 3. Rules Prevail

The Metro Contract Review Board may adopt rules relating to the award of District contracts. Such rules shall prevail when in conflict with the rules of the Oregon State Contract Review Board at OAR Chapter 127.

Section 4. Rule Making Procedure

The rule making procedures adopted by the Council for the District shall apply when the Council acts as the Metropolitan Service District Contract Review Board.

ADOPTED by the Council of the Metropolitan Service

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

TO: Metro Contract Review Board
FROM: Executive Officer
SUBJECT: Metro Contract Review Board Rules of Procedure

BACKGROUND: The ordinance that established the Metropolitan Service District (Metro) Council as the Metro Contract Review Board also adopted the rules of the State Public Contract Review Board. The rules of the State Public Contract Review Board include rules for meeting procedures, notice and agenda. The proposed rule would supersede those rules and substitute the current rules of procedure adopted by the Metro Council. The rule would thus allow meetings of the Metro Contract Review Board to be conducted as a part of, and under the same procedures as, regular meetings of the Metro Council.

BUDGET IMPLICATIONS: The Metro budget will not be affected by this rule.

POLICY IMPLICATIONS: None. The rule simply makes Metro Council and Metro Contract Review Board procedures consistent and permits the Council to act in both capacities at the same meeting, if it chooses.

ACTION REQUESTED: For information only at the meeting of October 11, 1979, and adoption of the Rule at the meeting of October 25, 1979.

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BEFORE THE METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF ADOPTING)	RULE NO. 79-1
RULES OF PROCEDURE FOR MEETINGS)	
OF THE METRO CONTRACT REVIEW	)	Introduced by the
BOARD AND SUPERSEDING OAR CHAPTER	)	Ways and Means Committee
127, DIVISIONS 80 AND 90)	

THE METROPOLITAN SERVICE DISTRICT CONTRACT REVIEW BOARD,
ADOPTS THE FOLLOWING RULE:

Section 1. Meetings

The meetings of the Metropolitan Service District Contract Review Board shall normally, but need not, be conducted at the same time as, and as a part of, the regular meetings of the Metropolitan Service District Council.

Section 2. Meeting Procedures

The rules of procedure adopted by the Metropolitan Service District Council for its proceedings including, but not limited to, contested cases, rule making, and notice and agenda requirements for Council meetings shall also govern proceedings of the Metropolitan Service District Contract Review Board unless they conflict with rules adopted by the Board.

Section 3. State Public Contract Review Board Rules

Superseded

Sections 1 and 2 of this rule supersede the rules adopted by the Public Contract Review Board at OAR Chapter 127, Divisions 80 and 90.

ADOPTED by the Metropolitan Service District Contract

District this ____ day of _____, 1979.

Presiding Officer

Attest:

Clerk of the Council

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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: Metro Contract Review Board
FROM: Executive Officer
SUBJECT: Exemption of Contracts Under \$10,000 From Competitive Bidding Requirements

BACKGROUND: The ordinance designating the Council as the District Contract Review Board adopted the rules of the State Public Contract Review Board. Under the State Board's rules, contracts for the purchase of goods, materials and supplies which contain no element of personal service are exempt from competitive bidding if the contract is for less than the \$10,000. Under the State Board rules, contracts for construction, maintenance, repair or a contract containing an element of personal service are exempt if the amount of the contract does not exceed \$5,000. The attached rule would eliminate the different dollar limits that must be exceeded before competitive bidding is required for certain contracts and adopt a single \$10,000 limit. The \$25,000 exception for road, highway, or parking lot maintenance restates the current State Board rule without substantive change.

BUDGET IMPLICATIONS: The MSD budget will not be affected by this rule.

POLICY IMPLICATIONS: The rule makes all contracts where the amount is less than \$10,000 exempt from competitive bidding procedures. The only substantive change in current State Public Contract Review Board procedure is that contracts for \$5,000 to \$10,000 for construction, maintenance, repair or any contract containing an element of personal service will be subject to a competitive quote procedure rather than a competitive bidding procedure.

ACTION REQUESTED: For information only at the Council meeting of October 11, 1979, and adoption of the Rule at the meeting of October 25, 1979.

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10/11/79

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING RULES)	RULE NO. 79-2
FOR THE EXEMPTION OF CERTAIN)	
DISTRICT CONTRACTS FROM COMPETI-)	Introduced by the
TIVE BIDDING REQUIREMENTS)	Ways and Means Committee

WHEREAS, The Council finds that the exemption of certain contracts where the amount is less than \$10,000 from competitive bidding requirements may be allowed without encouraging favoritism or substantially diminishing competition for public contracts; and

WHEREAS, The Council finds that exemption of such contracts from competitive bidding procedures will result in substantial cost savings; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT, IN ITS CAPACITY AS THE MSD CONTRACT REVIEW BOARD, ADOPTS THE FOLLOWING RULE WHICH SUPERSEDES THE RULES ADOPTED BY THE PUBLIC CONTRACT REVIEW BOARD AT OAR 172-10-20.

Section 1. Exemption of Contracts Under Certain Dollar Amounts.

(a) The District may, in its discretion, let contracts for the purchase of goods, materials and supplies without competitive bidding if the District has determined that the awarding of the contract without competitive bidding will result in cost savings and the following conditions are complied with:

(1) The amount of the contract does not exceed \$10,000, is for a single project, and is not a component of or related to any other project.

(2) When the amount of the contract does not exceed \$500, the District should, where feasible, obtain competitive quotes.

(3) When the amount of the contract is more than \$500, but less than \$10,000, the District must obtain a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided that a written record is made of the effort to obtain the quotes.

(4) No contractor may be awarded in the aggregate, within the fiscal year, contracts in excess of \$30,000 without competitive bidding. In computing the aggregate under this subsection, awards under \$500 shall not be included.

(b) The District may in its discretion let public contracts, not to exceed \$25,000, for road, highway, or parking lot maintenance without competitive bidding if the District obtains a minimum of three (3) competitive quotes. The District shall keep a written record of the source and amount of the quotes received. If three (3) quotes are not available, a lesser number will suffice provided a written record is made of the effort to obtain the quotes.

Section 2. State Public Contract Review Board Rule
Superseded.

Section 1 above supersedes the rule adopted by the Public Contract Review Board at OAR 127-10-020.

ADOPTED by the Metropolitan Service District Contract

Review Board this ___ day of _____, 1979.

Presiding Officer

ATTEST:

Clerk of the Council

AJ:MH:gl
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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: Metro Contract Review Board
FROM: Executive Officer
SUBJECT: Exempting the Washington Park Zoo Primate Exhibit Project
from Competitive Bidding

BACKGROUND: The Metro Contract Review Board, under 1979 Or. Laws ch 804 and ORS 279.015, is empowered to exempt contracts from competitive bidding requirements. Exemption may be granted if the Board finds the exemption will result in cost savings and is not likely to result in favoritism or substantially diminish competition for District contracts.

The Primate Exhibit project has been advertised and bid with only one bid received, which was substantially in excess of the proposed budget. Due to the complexities and uncertainties inherent in this project and the lack of available contractors experienced in such construction, staff believes a rebidding of the project would be similarly unsuccessful. The negotiated contract procedure is proposed as an appropriate substitute for competitive bidding on this project to secure a contract at a price within the proposed budget.

The negotiated contract procedure first requires advertisement for response by interested contractors. Second, a selection review committee will select the three best qualified respondents. Following this selection a negotiation process is pursued which focuses on cost saving proposals in a way that allows the District and the other contractors to benefit from and incorporate individual cost saving ideas. The final selection is made after bids by the three contractors based on the project as revised by the negotiation process.

BUDGET IMPLICATIONS: It is unlikely that relying solely on competitive bidding will allow the District to secure a contract for the Primate Exhibit within the proposed \$1.5 million budget. The proposal will allow the District to actively pursue a cooperative effort to bring the project within the proposed budget.

POLICY IMPLICATIONS: As this rule exempts a unique specific contract rather than a class of contracts, the policy implications are minimal.

ACTION REQUESTED: For information only at the meeting of October 11, 1979, and adoption of the Rule at the meeting of October 25, 1979.

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10/12/79

BEFORE THE METROPOLITAN SERVICE DISTRICT
CONTRACT REVIEW BOARD

FOR THE PURPOSE OF ADOPTING)
A RULE EXEMPTING THE WASHINGTON)
PARK ZOO PRIMATE EXHIBIT CONTRACT)
FROM COMPETITIVE BIDDING PROCEDURES)

RULE NO. 79-3
Introduced by the
Zoo Committee

THE METROPOLITAN SERVICE DISTRICT ADOPTS THE FOLLOWING RULE:

Section 1: The Board finds that the construction of the Primate Exhibit at the Washington Park Zoo is a project that presents substantial unknown risk factors that have prevented effective use of competitive bidding procedures.

Section 2: The Board finds that for the reasons stated in Exhibit 1, which is attached and hereby made a part of this rule, a negotiated contract procedure may be substituted for competitive bidding procedures for this contract without encouraging favoritism or substantially diminishing competition for the contract.

Section 3: For the reasons stated in Exhibit 1, the Board finds that the negotiated contract procedure will result in substantial cost savings to the District.

Section 4: The Board, therefore, exempts the Washington Park Zoo Primate Exhibit contract from competitive bidding requirements and directs that the contract be let in accordance with the procedures contained in Exhibit 1, "PROCEDURES TO BE FOLLOWED IN NEGOTIATING THE CONTRACT."

ADOPTED by the Metropolitan Service District Contract Review

Board this ____ day of _____, 1979.

Presiding Officer

ATTEST:

Clerk of the Council

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APPLICATION FOR
METROPOLITAN SERVICE DISTRICT BID EXEMPTION
FOR PRIMATE EXHIBIT

The Metropolitan Service District (Metro) hereby requests an exemption from the public bidding requirements for the construction of additions and renovations to the Primate Exhibit at the Washington Park Zoo (Zoo). (Legal authority ORS 279.015)

After proper advertisement and promulgation of contract documents, only one bid was received for the Primate Exhibit. On August 31, 1979, the bid received was 30 percent in excess of the proposed \$1.6 million budget and was therefore rejected.

In the last several weeks we have had opportunity to query and receive comments from seven contractors that obtained bid documents but did not quote. The following is a recap of the information obtained:

1. Most contractors were already situated with ample work;
2. Several jobs of similar size were bid and let within 60 days of our bid date;
3. Most contractors felt the job was very complicated and harbored too much risk;
4. Specialty items, i.e. cages for the primates were not bid by subcontractors, therefore complete bid packages were impossible to obtain; and
5. The contractor that did bid the job could only estimate the items of work he could not get prices for and added considerable safety and insurance factors to his bid.

The following is a compilation of some of the favorable aspects obtained from future prospective contractors:

1. Three major contractors, including the contractor presently bidding the Elephant Facility, will be available to attempt negotiation for the subject project;
2. Due to the intricacy of the work, negotiation lends itself to providing in-depth discussions and resulting understanding of the work to be performed;
3. Subcontractors have been discovered that will bid the animal holding and shifting cages;

APPLICATION FOR BID EXEMPTION

Page 2

4. Contractor input during negotiation can reduce prices; and
5. Contract language can be safely modified to reduce contractor contingencies.

We feel the negotiated contract approach will provide the following advantages:

1. Greater contractor interest;
2. More effective Metro, Zoo, and contractor relations during and prior to construction;
3. Zoo staff and consultants will provide in-depth clarifications of all work items not normal to construction;
4. Identify areas of cost savings;
5. Produce a contract price within budget limitations; and
6. Save public monies.

To insure an objective selection of contractors interested in negotiation of the Primate Exhibit, the Zoo and consultants will do the following:

1. Notify qualified contractors who have previously indicated an interest in doing Zoo work;
2. Contact contractors who have experience in work of this nature and scope;
3. Announce the contractor selection process in the Daily Journal of Commerce and other news forms in areas other than the immediate Metro boundaries;
4. Establish and distribute the following criteria by which a contractor will be selected:
 - a. Work performed of a similar nature;
 - b. Work performed of equal or greater value;
 - c. Personnel available that will be assigned to the work (complete background information requested);
 - d. Bondability;
 - e. Experience in remodel of Class "A" structures;

PROCESS TO BE FOLLOWED
IN NEGOTIATING THE CONTRACT

1. Assign and confirm the Selection Review Committee.
2. Advertise project to discover interested contractors.
3. Review and evaluate interested contractors and screen applicants to three.
4. While 1), 2) and 3) are progressing, revise contract documents to reflect negotiated features. This is to include all changes arrived at by committee review as well as the following:
 - a. Provide the architect's estimate for project by trade and itemize contingencies, profits and all other features with a value of \$5,000 or more;
 - b. Insert a blank form with identical trade breakdown to architect's estimate to be completely filled in by contractor;
 - c. Include a standard form for cost savings proposals to be filled in by contractor;
 - d. Provide form for lump sum estimate not including cost saving proposals;
 - e. Provide written guarantee that each contractor's cost saving proposal will remain the contractor's property, but will be discussed with others until the low bid is assessed and all contractors are notified. After the contract award, each contractor's cost saving ideas will be further negotiated with the successful contractor for mutual agreement as to value, which will be the basis of a deductive change order to the contract;
 - f. Guarantee the bidding contractors that the award will be made to the low bidder based on the lump sum proposal for plans and specifications work as shown, plus the deduction of the individual contractor's acceptable savings ideas; and
 - g. Guarantee the three selected bidding contractors that a contract will be awarded. However, Metro will reserve the right to reduce the scope of work to a minimum of \$1 million.

PROCESS TO BE FOLLOWED
IN NEGOTIATING THE CONTRACT

Page 2

5. Provide revised bid package to three selected bidders.
6. Establish one meeting one day after bid package release to clarify questions and completely explain all forms and procedures.
7. Allow fifteen working days to present bids.
8. Allow fifteen working days to negotiate award of contract.
9. Allow five working days to negotiate all cost savings proposals and formalize final deductive change order.

APPLICATION FOR BID EXEMPTION

Page 3

- f. Complete analysis of references given (minimum of six required);
 - g. Visit to three job sites completed by contractor;
 - h. Interviews with assigned personnel;
 - i. List of previous negotiated contracts and owner's/ architect's identity; and
 - j. Job history for the last three projects completed by contractor, indicating original bid and schedule and the final cost of project and completion schedule (references should be provided).
5. Appoint a six or seven member selection committee with knowledgeable members, including a disinterested general contractor, an architect representing the A.I.A., and a person from the Zoo master planning firm of Warner, Walker & Macy (appointments to be made by the Zoo Director and appropriate Zoo personnel).

We believe the above process is consistent with the criteria contained in ORS 279.015 and will lead to an objective selection of a qualified contractor who will produce the proposed scope of work within the approved project budget.

Your timely action on this exemption application will be greatly appreciated.

Councilor Gene Peterson, request that the following change be made to Resolution 79-100:

BE IT RESOLVED,

That the Council of Metropolitan Service District instructs the Executive Officer to officially contact the Board of County Commissioners of Multnomah County, informing them of Metro's interest in the Portland Sand & Gravel site and requesting that Multnomah County appoint an advisory committee to work with Metro staff, (in identifying areas of concern to be further addressed in a feasibility study report and final design) and further that Metro arrange an open public discussion in the vicinity of the proposed landfill before a decision is made by Metro on the issue of authorizing a full-scale feasibility study.

(deletion)

Addition

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

TO: Metro Council
FROM: Executive Officer
SUBJECT: Possible Sanitary Landfill--106th and Division

BACKGROUND: On August 18, 1977, the previous Metro 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 sanitary landfill sites. One of the sites identified is known as the Portland Sand & Gravel Pit, located at S. E. 106th and Division in Multnomah County.

The Portland Sand & Gravel Pit is currently being mined and is expected to continue for approximately one more year at which time the site will be available for alternative uses. The site, which is located within the Metro area, is currently zoned Light Manufacturing and will require a conditional-use permit. Surrounding land uses include residential, industrial, commercial and park land. Estimated capacity of the gravel pit is 2,750,000 tons and the site would be available to accept solid waste for eight to ten years. The owners of the site have approached Metro to explore the possibility of utilizing the pit as a sanitary landfill.

In February, 1979, the Metro Council authorized staff to proceed with feasibility study reports on four potential landfills including Mira Monte and Alford in Clackamas County, and Durham and Cipole in Washington County. Metro issued a request for proposal (RFP) to conduct feasibility reports on these sites and selected CH₂M HILL as the consulting engineer. Detailed proposals were submitted for the Mira Monte site only with the assumption that contracts for the remaining three sites would be negotiated with CH₂M HILL at a later date. To avoid the necessity of reissuing the RFP for engineer selection, a process which is time consuming and costly, the Portland Sand & Gravel site could be substituted for the Alford site as a site under active consideration. Before the Alford site would be available for use as a landfill, gravel must first be mined.

BUDGET IMPLICATIONS: The majority of work to be accomplished will be performed by our consulting engineers, CH₂M HILL, with assistance from the Metro staff. Funds are available in the current fiscal year solid waste operating 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 growing demands for solid waste disposal, especially since the Rossman's Landfill in Oregon City will reach its capacity in the spring of 1982. The feasibility study report process will actively involve affected local governments, the general public and governmental agencies having jurisdictions to assure their concerns are

addressed. In addition, substituting the Portland Sand & Gravel site for the Alford site in Clackamas County will eliminate at this time the Alford site from further active consideration.

ACTION REQUESTED: It is recommended that the Metro Council adopt the attached Resolution and direct the Executive Officer to proceed with the feasibility study report for the Portland Sand & Gravel site as a possible sanitary landfill in accordance with the adopted landfill siting procedures. It is also recommended that the Alford site in Clackamas County be removed from those sites being actively considered as possible landfills.

It is further recommended that the Council approve execution of a contract with CH₂M HILL in the amount of \$74,200 to provide a technical feasibility study of the Portland Sand & Gravel site as a possible landfill.

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ADOPTED BY THE

MSD COUNCIL

THIS 11th DAY OF October, 1979
Mary E. Gardner
CLERK OF THE COUNCIL

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

IN THE MATTER OF CONDUCTING A	)	RESOLUTION NO. <u>79-100</u>
FEASIBILITY STUDY REPORT FOR)	
A SANITARY LANDFILL KNOWN AS	)	Introduced by the
PORTLAND SAND & GRAVEL IN MULT-	)	Solid Waste/Public
NOMAH COUNTY	)	Facilities Council
		Committee

WHEREAS, The Metropolitan Service District (Metro) is a municipal corporation established under ORS chapter 268, and is authorized by chapter 268 to dispose of and provide facilities for disposal of solid waste; and

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

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

WHEREAS, Sanitary landfills are a necessary part of any solid waste disposal or processing plan; and

WHEREAS, The site known as Portland Sand & Gravel, located in Multnomah County has been identified as a potential site for a sanitary landfill; 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 Multnomah County, informing them of Metro's interest in the Portland Sand & Gravel site and requesting that

Multnomah County appoint an advisory committee to work with Metro 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 11th day of September, 1979.

Presiding Officer

MI/gl
5362A/0065A

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)
DENIAL OF THE MULTNOMAH COUNTY)
REQUEST FOR ACKNOWLEDGMENT OF)
COMPLIANCE WITH THE LCDC GOALS)

RESOLUTION NO. 79-97

Introduced by the
Planning and Development
Committee,
Marge Kafoury, Chairman

WHEREAS, Metro is the designated planning coordination
body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to
advise LCDC and local jurisdictions preparing comprehensive plans
whether or not such plans are in conformity with the statewide
planning goals; and

WHEREAS, Multnomah County is now requesting that LCDC
acknowledge its Comprehensive Plan as complying with the statewide
planning goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans
be consistent with regional plans; and

WHEREAS, Multnomah County's Comprehensive Plan has been
evaluated for compliance with LCDC goals and regional plans adopted
by CRAG or Metro prior to June, 1979, in accordance with the
criteria and procedures contained in the "Metro Plan Review Manual"
as summarized in the staff report attached as Exhibit "A;" and

WHEREAS, Metro finds that Multnomah County's Comprehensive
Plan does not comply with Goals #2, #6, #11, #14 and #15, and,
subject to an interpretation of the Goal by LCDC, may not comply
with Goal #10; for the reasons listed on page 1 and explained in the
text of Exhibit "A"; now, therefore,

ADOPTED BY THE
MSD COUNCIL

THIS 11th DAY OF October, 1979
Mary E. Gaskin
CLERK OF THE COUNCIL

BE IT RESOLVED,

1. The Metro Council recommends to LCDC that Multnomah County's Comprehensive Plan be denied compliance acknowledgment on the basis of violations of Goals #2, #6, #11, #14, #15 and, as appropriate, Goal #10; until such time as the problems identified on page 1 of Exhibit "A" are corrected.

2. That the Executive Officer forward copies of this Resolution and staff report attached hereto as Exhibits "A" to LCDC, Multnomah County and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after June, 1979, the Council will again review Multnomah County's plan for consistency with regional plans and notify Multnomah County of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District this 11th day of October, 1979.

Presiding Officer

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E X H I B I T " A "

MULTNOMAH COUNTY ACKNOWLEDGMENT REVIEW

Conclusions and Recommendations

Metro finds that Multnomah County's Comprehensive Plan for land within Metro's boundaries complies with all state goals and regional plans with the following exceptions:

1. Goals #6 (Air, Water, Land Resource Quality) and #11 (Public Facilities and Services) are violated by:
 - a) the lack of any policy or program in the plan itself for the solution of the groundwater contamination problem, including the lack of any plan policy to curtail severely the amount of new development permitted on septic tanks or cesspools and to commit to the sewerage of existing development when service becomes available,
 - b) inappropriate locational criteria for the siting of solid waste facilities;
2. The County's failure to recognize the regional Urban Growth Boundary (UGB) adopted by Metro by designating as "urban" all land within that boundary is a substantial violation of the coordination requirements of Goal #2 (Land Use Planning) and of Goal #14 (Urbanization).
3. The question as to whether the County's provisions concerning mobile homes violates Goal #10 depends on LCDC's interpretation of that goal. If the goal is interpreted to require identification of needs for specific housing types (including mobile homes) the County's provisions are inadequate. No specific need for mobile homes has been identified. Further, although the potential for the mobile homes is provided for in a variety of urban zones, the procedures for approval involve vague and discretionary criteria which allow for their exclusion.

On the other hand, if Goal #10 is not interpreted by LCDC to require specification of need by housing type, but rather to require identification of need for a variety of income levels and clear and objective zoning criteria for housing to meet this need, the County complies with this goal.

4. Failure to apply a greenway zone in the urban area violates Goal #15 (Willamette Greenway).

Metro finds that all of the above deficiencies could be corrected in a manner and within a time frame consistent with the issuance of a continuance order by LCDC. A continuance requires, however, the County's willingness to undertake the necessary corrections. In a letter to the Metro Council dated September 25, 1979, County Executive Don Clark has declared the County unwillingness to amend the County's Comprehensive Plan Framework Map to be consistent with Metro's UGB in the West Hills area. The County's adoption of a UGB consistent with Metro's is essential for compliance. Without an agreement by the County to do so, a continuance order should not be issued.

Metro recommends, therefore, that LCDC deny the County's compliance acknowledgment request based on violations of Goals #2, #6, #11, #14, #15, and, if appropriate, Goal #10.

This recommendation does not include consideration of compliance with Goal #3 (Agricultural Lands) and with Goal #2 requirements for taking an exception to this Goal, because LCDC will make its own decision on this issue prior to hearing the County's acknowledgment request. However, Metro comments for consideration by LCDC at the time of its October decision are included in the report.

Summary

GENERAL REQUIREMENTS: Although the County's population projections are inconsistent with the regional "208" plan projections, Metro finds that this inconsistency does not threaten the viability of local or regional planning efforts and can best be resolved when Metro completes current work to develop regional consensus for a projected population distribution in the region. Metro finds, therefore, that all general requirements have been adequately satisfied.

GOAL #1 -- CITIZEN INVOLVEMENT: The County has undertaken an extensive citizen involvement program which has been positively evaluated by the local Committee for Citizen Involvement. The County complies with goal requirements.

GOAL #2 -- LAND USE PLANNING: The County's UGB is inconsistent with the regional boundary adopted by Metro, in violation of the coordination requirements of this goal. Although the County adequately complies with other goal requirements, the following items should be undertaken during the County's plan update process: (1) amendment of the plan to include reproductions or, at a minimum, a listing of all available inventory maps; (2) clarification of the status of remaining study areas; (3) resolution of two small inconsistencies between the plan map and zoning map.

GOAL #3 -- AGRICULTURAL LANDS: The only agricultural designation in Metro boundaries is Multiple Use Agriculture (MUA). This zone is not an EFU Zone and LCDC will decide in October whether or not the County has taken a proper exception to this goal in order to apply

MUA. Because this issue will be resolved prior to the acknowledgment hearing, Metro does not make a formal recommendation on compliance as part of its review, but does find that, in general, exception material is adequate to justify the relatively small deviations from EFU zoning provided for by MUA. It does not appear, however, that the County has adequately justified the wider range of commercial and community service uses permitted conditionally in MUA.

GOAL #4 -- FOREST LANDS: The County complies with goal requirements.

GOAL #5 -- NATURAL RESOURCES: Although the County does not appear to have undertaken adequate implementation measures for the protection of historic sites, Metro does not believe this small deficiency jeopardizes the otherwise thorough work the County has done in this area and finds that the County adequately complies with goal requirements.

GOAL #6 -- AIR, WATER AND LAND RESOURCE QUALITY: The County has a problem with groundwater pollution which it is working with DEQ to resolve, but which is not currently addressed by plan policy.

Failure to address this issue in the plan is a violation of this Goal and of Goal #11.

GOAL #7 -- NATURAL HAZARDS: The County complies with goal requirements.

GOAL #8 -- RECREATION: Although the County has not yet completed work on its Park Plan, Metro finds that materials now contained in the Framework Plan and Community Plans adequately comply with goal requirements.

GOAL #9 -- ECONOMY: The County has done extensive planning for economic development and integrated work for its Overall Economic Development Plan with its comprehensive planning efforts. The County complies with goal requirements.

GOAL #10 -- HOUSING: The County has done a thorough housing analysis and planned and zoned for a wide variety of housing types at densities which exceed those assumed necessary in Metro's UGB Findings. The design review process for multi-family housing and the conditional use process for mobile homes have been appealed to LCDC as violations of its "St. Helens" policy, which prohibits subjecting needed housing types to vague or discretionary conditions or standards in order to win approval. Metro believes the County's design review provisions are an admirable example of how to deal with complex design issues without unnecessarily slowing the rate or increasing the cost of construction and are sufficiently specific and limited that they will pass the St. Helens test.

Vague and discretionary conditions do apply to the approval of mobile homes, however. While the County has not identified a need for mobile homes, neither has it provided sufficient evidence to conclude that there is not one. If LCDC interprets this goal to

require that the need for each specific type of housing be determined and provided for, the County does not comply with this requirement. Metro's recommendation on compliance with this goal is thus a contingent one, subject to LCDC's interpretation of the St. Helen's policy with respect to this question.

GOAL #11 -- PUBLIC FACILITIES AND SERVICES: The County has generally done a good job of planning for the provision of all facilities and services listed in the goal. Current plan provisions for the siting of solid waste facilities are not adequate but the County has indicated its willingness to make appropriate plan amendments. These amendments along with those identified as needed under Goal #6 will be adequate to comply with goal requirements.

GOAL #12 -- TRANSPORTATION: Metro's transportation staff has identified a number of inconsistencies between the County's functional street classification system and that in the regional Interim Transportation Plan (ITP) for which revision of the ITP is not warranted. This problem can best be dealt with after completion of Metro's Regional Transportation Plan and does not jeopardize compliance. The County complies with goal requirements.

GOAL #13 -- ENERGY CONSERVATION: The County complies with goal requirements.

GOAL #14 -- URBANIZATION: The County's UGB is not consistent with the Metro UGB. This inconsistency violates both this goal and Goal #2. The County should be denied compliance acknowledgment until consistency is achieved.

GOAL #15 -- WILLAMETTE GREENWAY: The County has a Greenway Overlay Zone which provides for compatibility review consistent with goal requirements for most uses. Amendment of the plan and zoning maps to apply this zone in the urban portion of the Greenway will be adequate to achieve compliance.

MULTNOMAH COUNTY ACKNOWLEDGMENT REVIEW

Introduction

In preparing its comprehensive plan, Multnomah County has been faced with one of the most challenging and complex planning problems in the state. The County contains not only extensive natural resource areas but highly developed urban communities served by a plethora of special districts. To design a plan adequate to deal with the full range of planning issues facing it, the County developed a twostaged planning process. During the first stage, a Framework Plan was prepared and adopted to establish policy for Rural and Natural Resource areas and a policy framework within which more detailed Community Plans for the urban area could be completed. The second stage was the careful evaluation and application of Framework Policies to each community, culminating in the adoption of seven Community Plans. At the same time, the County was involved in the preparation of detailed functional plans in the areas of transportation, economic development, and sewerage treatment.

The results are impressive. The County's comprehensive planning documents include a wealth of background data and analysis and a variety of creative solutions to planning problems which require a delicate balancing of numerous goal requirements and competing community interests.

The nature of the County's planning process required completion and adoption of plan elements over a period of years. Each year brought with it new interpretations of goal requirements and new regional planning activities. While the plan must nonetheless be evaluated against state and regional policy as currently understood, consideration of the time frame within which the plan was completed must be a part of that evaluation.

Metro's review of the plan has been facilitated by the County's own compliance evaluation. County planning staff prepared notebooks for each goal and in each notebook listed and in many cases, reproduced the materials relevant to each review criterion.

A detailed evaluation of the plan shows that the County has adequately satisfied most of the DLCD/Metro plan review criteria and in many cases gone far beyond minimum requirements.

Although Metro finds that some problems remain which must preclude acknowledgment of the plan as it now stands, the County should nonetheless be congratulated on both the quantity and quality of work completed to date.

General Requirements

DLCD has notified the County that all items on the "completeness check" have been complied with.

The only other general requirement (based on Goals #2, #10, #11, #12 and #14) is for population projections which, in the Metro region, should be consistent with those used in the regional "208" Plan (0.2 and 0.2.1). The County's Framework Plan discusses population projections prepared by various agencies for the entire county on pp. 39 - 44 and concludes that "Multnomah County will use the CRAG projections in their assessments of future needs." In the discussion of "Land Needed to Accommodate Future Growth" on p. 149, high, medium and low projections for population growth in the unincorporated urban area are presented. These range from 39,300 to 91,300. Although not identified as such, the low projection is most consistent with the "208" Plan.

In an "Update on Housing Needs and Supply Assessment in Urban Unincorporated East Multnomah County, 1978-2000" dated February 1979, the County uses an estimate of 52,596 additional people by the year 2000 to assess housing needs. This estimate is identified as 33 percent higher than the CRAG projection.

Because the "208" projections are for census tracts which contain a larger area than that covered by Multnomah County's urban area plans, it is difficult to make direct comparisons. However, Metro staff analysis indicates that the population the County is reporting as its current population in the urban unincorporated area is close to an estimate of "208" projections to the year 2000 for that area, and that the County's year 2000 estimate for that area exceeds the "208" projections for all land in the census tracts which encompass but extend beyond the County's unincorporated urban area. The County's most recent population projections are, therefore, inconsistent with those used in the regional "208" Plan.

Metro is now in the process, however, of developing revised population projections for the region and will be working with the County and the other jurisdictions in the region to achieve consensus on estimates of regional population distribution to the year 2000. When completed, these numbers will be used by EPA in evaluating "208" projects, as well as by Metro for transportation planning purposes. While it is Metro policy that the "208" projections should be used in the interim for comprehensive planning, Metro does not believe that the County's failure to do so jeopardizes compliance.

Population projections are important in comprehensive planning primarily in the establishment of a UGB and in the planning and sizing of major public facilities. Since the County's "Update on Housing Needs" demonstrates that even the higher population estimate can be accommodated within the regional UGB for the county, the inconsistency does not threaten Goal #14 compliance. If actual population growth in the county is closer to that projected in the "208" plan than that currently expected by the County, the only land use consequence will be that land may develop somewhat less intensively, or that some land may remain vacant. Since the County's "Update on Housing Needs" indicates that the County's urban plan provides for close to exactly that amount of residential land that

will be needed to accommodate expected growth if all land were developed to the highest density permitted without recourse to special approval procedures, a somewhat lower population projection would actually be more consistent with County's land use plan, in order to account for market uncertainties and allow for market flexibility. If subsequent Metro projections require a downward revision of the County's current estimates, in other words, no changes in the County's land use plan or in the regional UGB would be required.

Similarly, the highest population estimates do not jeopardize efficient facilities planning, nor would any subsequent revisions require any major changes in those plans. As is discussed under Goal #11 (Public Facilities and Services), the County is currently involved in a consortium with Gresham and Troutdale to prepare a sewer plan for East Multnomah County. This effort is an outgrowth of and coordinated with the regional "208" planning process and its outcome will become a part of the regional "208" plan. Metro coordination of this ongoing process will be adequate to insure that the County's sewer plan is designed in a manner consistent with regional plans and projections.

The County's transportation planning work, as summarized in its "Transportation Technical Appendix: East Multnomah County Road System," has been based on population projections used in the regional Interim Transportation Plan (ITP), which are consistent with those in the "208" plan. Thus, there is no inconsistency between population projections used in the County's Transportation Plans and those in the "208" Plan. Because it is unlikely that the County's vacant land will be fully developed, neither is there any serious inconsistency between the County's Transportation and Land Use Plans.

In conclusion, Metro finds that the County's current population projections are inconsistent with the regional "208" Plan but that this inconsistency is not of a character to require changes in the County's land use or facilities plans or to otherwise jeopardize goal compliance. Furthermore, the adopted Framework Plan contains language recognizing and supporting the regional projections and policy supporting ongoing coordination with regional agencies, while the "Update on Housing Needs" is only a technical memorandum used to evaluate rather than create policy. For these reasons, Metro finds the inconsistency is not of a character to warrant denial of acknowledgment. This finding does not mean, however, that Metro in any way recognizes or condones the County's population estimates; Metro will not approve either requests for amendment to the UGB or for project funding based on these estimates, but will continue to work with the County to develop consensus on regionally coordinated population projections.

CONCLUSION: The County adequately satisfies general requirements.

Goal #1: Citizen Involvement

The County has undertaken an extensive citizen involvement program, including the notification of all households of proposed land use changes, as required by law. The lengthy and complex Community Planning process provided an opportunity for residents to understand and evaluate the effects of the general policies of the Framework Plan and to tailor and apply them in response to the needs of individual communities.

The County's Committee for Citizen Involvement (CCI) has evaluated the County's program against each of the six points of the goal and found it to be satisfactory. The Community Plans include policy for ongoing citizen involvement in both the implementation of the plan and in updates and amendments to it.

Metro has not received directly any complaints against the County's program but has received copies of correspondence to the County from citizens concerned about actions on specific issues or the process in general. Metro's Citizen Involvement Specialist has reviewed this correspondence and has not found any evidence of violations of goal requirements. In any case, this correspondence dates back to as much as a year prior to the completion of the comprehensive planning process and, as the CCI evaluation indicates, most citizen concerns appear to have since been resolved satisfactorily.

Comprehensive planning is a difficult and complex process of balancing the interests and needs of a variety of different groups and individuals and no plan can be equally responsive to everyone's concerns. Metro finds that the County has prepared its plan in a fair and open manner, consistent with goal requirements.

CONCLUSION: The County complies.

Goal #2: Land Use Planning

2.1.1. Plan includes overall identification of problems, analysis of inventories, evaluation of alternatives, and ultimate policy choices.

INVENTORIES: Although the County has been thorough in undertaking the inventories required by various goals, the results have been presented only sketchily in the Framework and no maps have been included. More detailed work was done for the Community Plans, which generally contain a more site specific discussion of the location, quality and quantity of various resources and hazards and many of the important elements are mapped on "design features" maps or elsewhere. However, the Community Plans cover only the East County urban area and the number of inventory items included and the manner of their presentation varies among the Community Plans themselves.

Metro believes that it is important to the comprehensive planning process that basic background data, including required inventories, be presented in a clear, accessible, site specific manner in order

to promote an effective evaluation of alternatives, to insure clear and understandable policy choices, and to make plan implementation both simple and effective. Although the County's plan suffers in this respect from the absence of summary maps of Countywide inventory information, Metro does not believe it jeopardizes compliance for the following reasons:

- (1) the necessary work has been done, and maps of the results are on file with the County, as documented in the County's compliance evaluation;
- (2) where resources are protected through the application of specific zones (the agricultural and forest zones in the non-urban area, the "significant environmental concern" zone, the Greenway zone), plan and zoning maps indicate the location of these resources;
- (3) where resources are protected (or hazards are protected against) through site-specific review procedures (design review and subdivision approval standards relating to natural resources and hazards), generalized maps would not be effective in indicating the likely impact on any specific development, while the site-specific information needed for protection is adequately provided at the time development is proposed.

Nonetheless, Metro recommends that the County either reproduce maps of significant inventories or, at a minimum, publish a summary list of inventory maps on file for addition to the plan (similar to the lists made available to Metro and LCDC in its compliance evaluation), as part of its plan update process.

POLICY CHOICES: For the non-urban portions of the county and for those urban areas covered by the newly adopted Community Plans, the County's "ultimate policy choices" are clear. For the two communities (Wilkes and Hayden Island) for which plans were completed prior to adoption of the Framework Plan, and for lands on the west side of the County for which no Community Plan has been prepared, the County's policy is less clear.

Although the Framework Plan sets a policy direction for the entire County, the Framework Plan also provides that in these areas the pre-existing Community Plans, or, on the west side, the 1964 plan map, shall be used to determine the permitted use of land in any specific location, notwithstanding a conflict with the Framework Plan. The applicable plans in these areas are not themselves sufficiently detailed to meet all goal requirements.

However, the Wilkes community is scheduled for an update of its plan this coming year, Hayden Island is currently the subject of a special study project and lands on the west side are planned for annexation by the City of Portland. In addition, there do not appear to be any major conflicts between the planning and zoning for these areas and the applicable Framework Plan policies, which are

general rather than site specific, and implementation measures other than zoning (e.g., subdivision standards and capital improvement programming) are applied uniformly Countywide. Finally, Metro is satisfied that goal requirements which are not site specific (e.g., for housing) have been adequately complied with by means of the more recent Community Plans.

Thus, although the situation is an unusual one, Metro finds that it does not jeopardize goal compliance.

2.1.2. Implementation measures consistent with and adequate to carry out the plan

The Framework Plan and the Community Plans contain both policies, which establish the comprehensive planning standards, and strategies, which provide recommendations as to how these policies should be implemented. While many of the strategies are quite general, those in the Community Plans often are quite detailed -- for example, those for housing, which discuss specific zoning provisions for various residential zones. The County's implementation measures (primarily the zoning and subdivision ordinances) are generally consistent with and adequate to carry out plan policies, but there are some inconsistencies between specific strategies suggested in the Community Plans and specific provision of the zoning ordinance.

The plan, however, is clear that it is the policies which are the guide to land use actions and that the strategies are merely suggestions for implementation which do not and should not have the force of law. The Community Plans explain that the terms "strategies" and "community recommendations" are interchangeable and are "recommendations which the County should consider in making future land use actions" (e.g., Hazelwood, pp. 57 - 58). Metro does not, therefore, believe that inconsistencies between the strategies and the implementation measures now in place are a violation of goal requirements.

2.1.2.1. Plan map consistent with and derived from ultimate policy choices.

The Hazelwood, Centennial, Cully/Parkrose and Errol Heights plan maps show land designated as a "special study area." The study area in Hazelwood is adjacent to I-205 and designated as a "transit station study area." Within the study area, land is designated for high density residential, light industrial and commercial use, consistent with plan provisions for such areas. What the intent of the study area designation was and how it will be implemented is not clear. However, Metro supports this effort to integrate land use with regional transportation. The study area in Centennial is currently planned for neighborhood commercial and accompanied by a "community recommendation" as to the circumstances under which the plan might be amended to provide for a community commercial center. The Errol Heights study area is now designated for industrial and residential use but the plan contains a "community recommendation" that a (presumably new) plan for this area should be developed in consideration, in part, of the relationship with Johnson Creek,

which runs through it. The nature of the special study area in Cully/Parkrose is unclear.

In general, all policy issues relating to the use of land should be resolved and all study areas completed before completion of the comprehensive plan. However, since land use designations for these areas have been established, and since neither the current plans for these areas nor any changes which might be made as a result of the study area designation appear to jeopardize goal compliance in any substantive way, Metro does not believe that the presence of these study areas on the plan maps jeopardizes compliance with Goal #2. Metro does recommend, however, that policy for these study areas and, if appropriate, a schedule for their resolution, should be clarified as part of the plan update process.

2.1.2.2. Zoning map consistent with plan map

There are several types of small differences between the plan and zoning maps. The first is in Cully/Parkrose, where about 20 acres that have been designated for General Industry on the plan map are zoned LR 40 (one dwelling unit/40,000 sq. ft.). However, since the land so zoned has not been counted toward and is not needed for the County's supply of residential land to meet its housing needs, since this designation is sufficiently low-density to be consistent with future industrial development of the area, and since, in any case, the entire area affected is so small and does not appear to affect goal compliance in any substantive way, Metro does not believe that this method of providing for industrial development in this area on a "by request" basis jeopardizes goal compliance.

The second area of concern is in the Wilkes community, where the plan was adopted before the Framework Plan and revised zoning ordinance. The Wilkes plan contains only "policy areas" on its plan map, within which uses which should be allowed outright and conditionally are listed. Although in several of these policy areas uses are allowed "outright," where the plan provides for them only conditionally the rezoning of these areas subsequent to plan adoption should have provided the type of community review and site-specific evaluation which is the intent of allowing uses conditionally. Therefore, Metro finds that these differences do not constitute an actual inconsistency.

Finally, there are two small areas in the Centennial community where there are inconsistencies between plan and zoning maps for which there is no apparent explanation: at Powell and 165th, designated for office use and zoned LR-7, and at Division and 143rd, designated for light industry and zoned HR-2. These are inconsistencies which should be resolved through the plan amendment process as early as possible, but they affect so small an area, and have so little an effect on substantive goal compliance, that Metro does not believe that they warrant a denial of acknowledgment.

2.2. Procedural criteria

Inconsistencies between the County's designation of urban land and Metro's Urban Growth Boundary are discussed under Goal #14 but also violate the regional coordination requirements of this goal.

The County has submitted all necessary material to comply with the remaining requirements.

CONCLUSION: The County complies with all but the regional coordination requirements. However, the following items should be included in the plan update process:

- (1) reproduction or listing of countywide inventories for inclusion in the plan;
- (2) clarification of status of study areas;
- (3) resolution of inconsistencies between the plan and zoning maps in the Centennial community.

GOAL #3: Agricultural Lands

The county has two agricultural zones: an EFU zone which meets statutory and Goal #3 requirements for the preservation of agricultural land and an Multiple Use Agriculture Zone (MUA) which LCDC indicated in an advisory opinion requires a goal exception.

The EFU designation has been applied to lands which lie entirely outside the Metro boundary, and so has not been reviewed or evaluated. The MUA designation is the zone applied to all agricultural land within the Metro boundary.

1000 Friends has appealed this designation to LCDC and the Exceptions Statement on which it was based. The Hearings Officer's initial report included the following findings:

- . The (County's) Exceptions Statement does not justify a general exception to permit MUA zoning of agricultural lands.
- . The Exceptions Statement adequately demonstrates that the Orient and Corbett rural centers and the Corbett buffer strip are committed to non-farm uses.
- . The Exceptions Statement does not adequately demonstrate that the other lands in questions are committed to nonfarm uses and, therefore, exempt from the requirements of Goal #3.
- . It appears that substantial portions of the areas in question are so committed, but it is the County's responsibility to clearly and accurately delineate them. Department staff will be directed to assist in preparing

modified findings to be submitted as part of the acknowledgment process.

Metro makes no recommendation on whether the County complies with this Goal because this matter is scheduled for resolution by LCDC in October, prior to the acknowledgment hearing in November. However, Metro staff has reviewed the County's Exception Statement and the reports of the Hearings Officer and of DLCD staff and offers the following comments for consideration by LCDC at its October hearing.

BURDEN OF PROOF: Metro concurs with the County that the exception requested for MUA is a minor one, with a correspondingly lighter burden of proof. Areas designated for rural residential or rural center use allow a more substantial departure from EFU zoning and so require a heavier burden of proof, but Metro concurs with the Hearings Officer that data presented on commitment to non-farm use in these areas is sufficient to meet this burden.

Although the MUA designation covers thousands of acres, it is not the size of the area but the degree to which the uses permitted in the area depart from uses which would otherwise be permitted under EFU zoning which should determine the degree of departure from the excepted zone, and the corresponding burden of proof.

The MUA zone differs from an EFU zone mainly in the following ways:

- a. Single family housing is allowed outright on 20 acre lots or lots of record, whether or not in conjunction with a farm use, although those not in conjunction with a farm use would require a conditional use permit under EFU.
- b. Commercial activities in conjunction with farm use are permitted "under prescribed" conditions" (without a hearing) in MUA which are permitted only as conditional uses (with a hearing) in EFU.
- c. A variety of activities which would be prohibited in an EFU zone are permitted as conditional uses in MUA. Some -- tourist and rural service commercial uses and rural planned developments -- are permitted only on Class IV soils or higher, while others -- community services uses including government buildings, hospitals, and racetracks -- are not so restricted.

Most of these differences (a and b) are largely differences in process rather than differences in actual uses. Admittedly, the differences in process are such that some single family not in conjunction with farm use and some of the commercial activities which are in conjunction with farm use which would be permitted under MUA might be denied under EFU. Nonetheless, Metro believes that this increment of additional uses of a type which would still occur under EFU and which is generally compatible with farm use is a minor rather than major departure from the goal.

Although other uses (c) would also be allowed which would be prohibited altogether in an EFU zone, the standards for the issuance of a conditional use permit for these uses are sufficiently restrictive, and consistent with the intent of Goal #3, as to constitute only a minor departure from the goal as well.

Metro believes that conversion of agricultural land to rural or urban use, or any form of development which effectively precludes continued agricultural use is a major departure from the goal which should be subject to the strictest scrutiny. When, however, the issue is only one of the exact type and degree of agricultural protection afforded, the justification for an exception (or for the non-applicability of the goal in the case of committed lands) need not be so weighty as to be "compelling."

COMMITTED LANDS: The County has designated parts of each subarea as "committed lands." The Hearings Officer accepts some of these lands as adequately justified as committed and questions the level of commitment of others. The findings of DLCD staff are similar. Both reports find inadequate evidence that the remaining areas are sufficiently committed to non-farm uses to exempt them from application of the goal.

Although Metro is inclined to recognize as "committed" more land than so recognized by either the Hearings Officer or DLCD staff, it is clear that there remain some lands which are not committed irrevocably to non-farm use. The County must, therefore, demonstrate a need for an exception for these lands. The County's argument of need applies equally to the entire exception area and, if found compelling, would be adequate to justify MUA for that area. For this reason, rather than dispute precisely which areas are committed, this report will focus on the issue of the demonstration of need.

NEED: The County's case rests on an argument that the topography, soil classification, parcelization patterns and land use patterns are such that virtually any land owner wishing to construct a single family house not in conjunction with a farm use could meet the conditional use standards required for EFU zones and receive permission to build. The County, therefore, believes that the primary consequence of MUA rather than EFU zoning would not be one of results but one of process -- a shorter, simpler, less costly administrative procedure for the approval of such uses. Although inevitably, a certain number of additional dwellings would be built under MUA than EFU, Metro finds the savings in administrative time and cost a sufficiently compelling reason to justify this incremental difference in the level and type of development, given that this small difference would not appear to have any negative environmental, social, economic or energy consequences (as the County argues, some of the consequences would in fact be positive), and would be compatible with new or continued agricultural uses.

While Metro believes that the County has met the burden of proof that there is a need to allow single family housing outright and

commercial uses in conjunction with a farm use under prescribed conditions, rather than conditionally, it does not find that the County has presented sufficient justification for the range of additional uses permitted as conditional uses. Most of these uses appear more appropriate to nearby rural centers or rural residential areas and, if permitted in MUA, might increase pressures from employees for proximate housing in a manner that would significantly alter the character of the MUA zone.

Metro believes that if the County were either to eliminate those is not included with submitted materials. Framework Plan policy calls for consideration of historic sites in the designation of areas of significant environmental concern, but without maps of identified sites, it is difficult to tell how often sites have been protected in this way. The County has also adopted an historic preservation overlay zone, but has not yet applied it to any areas. In short, the County has done everything necessary to meet goal requirements with respect to historic sites except for actual implementation of its policies.

The County has generally provided such strong protection for the resources covered by this goal that Metro does not believe that this one shortcoming should jeopardize compliance. Work done to date shows a strong commitment by the County to historic preservation, and policy has been adopted to provide for adequate protection through the application of appropriate zoning as soon as staff resources are available to undertake this project. Metro believes this adequate for goal compliance.

CONCLUSION: The County complies.

Goal #4: Forest Lands

Although the absence of summary maps (discussed under Goal #2) is a problem, the County appears to have done an adequate job of inventorying its forest resources and protecting lands identified in an appropriate manner.

The County has two plan and zone designations for forest lands: one for commercial forest, the other for multiple use forest. Since the former lies entirely outside Metro boundaries, only the latter has been evaluated in this review.

Framework Plan policy and zoning provisions for multiple use forest areas are consistent with goal requirements for the protection of forest lands. In addition, the propagation and harvesting of forest products is permitted in multiple use agricultural areas, and conditional use standards for all non-urban zones include considerations for the protection of this resource.

CONCLUSION: The County complies.

Goal #5: Natural Resources

Although not all the required inventories have been mapped on the Community Design Features maps or elsewhere, the Framework and Community Plans generally contain a discussion of each resource adequate to meet goals requirements.

Identified resources are protected primarily through designation of an area of "significant environmental concern (SEC)." An overlay zone for these areas establishes a permit process which provides for review of all development to insure maximum feasible protection of these resources. Design review provisions also include criteria relating to resource protection.

Although the County has done extensive work in the area of historical preservation, plan materials remain weakest in this area. The Framework Plan and most Community Plans do identify some historical sites, and a more comprehensive inventory has been undertaken, but is not included with submitted materials. Framework Plan policy calls for consideration of historic sites in the designation of areas of significant environmental concern, but without maps of identified sites, it is difficult to tell how often sites have been protected in this way. The County has also adopted an historic preservation overlay zone, but has not yet applied it to any areas. In short, the County has done everything necessary to meet goal requirements with respect to historic sites except for actual implementation of its policies.

The County has generally provided such strong protection for the resources covered by this goal that Metro does not believe that this one shortcoming should jeopardize compliance. Work done to date shows a strong commitment by the County to historic preservation, and policy has been adopted to provide for adequate protection through the application of appropriate zoning as soon as staff resources are available to undertake this project. Metro believes this adequate for goal compliance.

CONCLUSION: The County complies.

Goal #6: Air, Water and Land Resources Quality

The plan generally contains adequate background information on air, water and land quality, although some of the information on air quality is no longer accurate and should be revised when the plan is updated. The State Implementation Plan for air quality in the metropolitan region indicates that federal standards will not be met in some categories unless significant additional control measures are undertaken and both the extent and causes of the problem should be accurately reflected in the County's plan. Metro staff will provide the County with data and assistance to make these changes when the plan is updated.

The plan also recognizes the regional role in air, water and land quality planning, and although the plan does not contain separate

policies recognizing and supporting each of these activities, the "sample language" which Metro plan review staff has been encouraging local jurisdictions to adopt was not available until after the Framework Plan was adopted. The plan does contain a general policy on intergovernmental coordination which is adequate to meet most requirements in this respect.

There are, however, two problems related to this goal which must be further addressed by the County. The first, relating to land quality, is a problem with County policy on the provision of solid waste facilities. This problem is discussed under Goal #11 (Public Facilities and Services).

The second problem relates to water quality. There is a problem with groundwater pollution from septic tanks and cesspools in parts of the developed urban area which the Environmental Quality Commission has asked the County to address by preparing a plan for the phasing out of the use of these systems. The County believes that the only effective way to solve the groundwater problem is to sewer the areas affected. The County is currently working on preparation of a sewer plan and although funding of the system remains a major problem, Metro is satisfied that the County is doing all it can to work towards the provision of sewer service to these areas (see the discussion under Goal #11). To avoid a worsening of the problem, the County does require new development to hook into the system in areas where sewer service is available. Sewer service is not yet readily accessible in the area being contaminated, however.

The problem is a difficult one, and although the County does not appear to have pursued all of DEQ's suggested solutions, they have adopted some important interim measures and are working hard toward a permanent solution. DEQ is responsible for monitoring the County's planning efforts and is continuing to work with them to address the problem.

Metro is concerned that this work is going on more or less independently of the comprehensive plan. The Framework Plan utilities policy requires only that approval of legislative or quasi-judicial actions include findings that the proposed use can either be sewered or that DEQ will approve subsurface sewage disposal. All community plans with the exception of Cully/Parkrose adopt this policy without additions. Cully/Parkrose has added a policy requiring that, for larger developments where sewers cannot be provided, financial security be provided in the amount of the sewerage project, but it is not clear if or how this policy is currently being implemented.

One of the biggest problems facing the County is that the needed sewers will have to be financed through voluntary assessment districts, yet property owners are likely to balk at the costs of such projects and vote against the assessment. The comprehensive planning process is the ideal occasion to focus attention on the problem and establish policy with respect to its solution in ways which could help promote successful assessments when appropriate in the future. The County's plan has not done this. There is no

policy to support the continuation of those measures the County is currently employing to help mitigate the problem (e.g., requiring the installation of a sealed sewer line, where appropriate for future hook-up, or deed restrictions in which the property owner covenants to pay the assessment), nor is there any recognition of the possible need for additional measures.

In the absense of such policy in the plan, the plan is not adequate to comply with the goal requirement "to maintain and improve the quality of...water...resources."

Metro believes that strong, decisive action on the County's part in the adoption and implementation of policies to eliminate the use of septic tanks and cesspools for major new urban developments is important for a timely and efficient solution to this problem and will work closely with the County to see that this work is responsive to regional concerns. The County is now in the process of preparing an update of its groundwater plan, to include specific management strategies, for adoption by the County Board of Commissioners and approval by DEQ.

Metro will review this report and evaluate whether or not it is adequate to address Metro's concerns. If it is, the inclusion of this adopted plan with the County's comprehensive planning material, along with an amendment to the Framework Plan itself to include policies in support of continued cooperation with DEQ for the implementation of the County's groundwater plan, will be adequate for goal compliance. If Metro is not satisfied with the strategies proposed, it will present its concerns, and proposed additions or revisions to the County's plan adequate to address them, to the County planning staff and Board of Commissioners for their consideration prior to adoption of the plan.

CONCLUSION: The County's failure to include in its plan policies and programs for the phasing out of septic tanks and cesspools in favor of sewer service violates both this goal and Goal #11. Adoption of an updated groundwater plan with adequate strategies to achieve this end, along with adoption of Framework Plan policy on support of this work, will be adequate to achieve compliance.

Goal #7: Natural Hazards

As discussed under Goal #2, inventory information included in the plans is sometimes sketchy, but the availability of more detailed maps on file with the County, coupled with the site-specific review process used for hazard protection, is sufficient to insure compliance with goal requirements.

Although the County has not yet adopted and applied its Flood Hazard Zone, due to constraints of the process agreed to by the Federal Insurance Administration, the approved schedule for completion of this work will be adequate to insure compliance with federal regulations. In any case, currently adopted provisions of the zoning and subdivision codes are adequate to meet goal requirements for this

and all other applicable hazards. The subdivision ordinance restricts development in hazard areas, and design review, planned development and SEC provisions all provide for additional consideration of design elements which minimize hazard potential.

CONCLUSION: The County complies.

Goal #8: Recreation

The County has prepared a draft Parks Plan but it is not yet adopted and has not been submitted for review. Although the completion of this plan will undoubtedly enhance the County's recreation planning efforts, materials already adopted in the Framework and Community Plans can be considered adequate to meet goal requirements.

The Framework Plan contains a general discussion of recreation facilities and an overall identification of existing and future needs. The Community Plans contain more detailed inventories of park facilities, including those related to the goal requirements, and in some cases, the identification of specific community recreational needs. Both contain policy supporting continued work on recreation planning such as has been undertaken by preparation of the Parks Plan, and policy on the dedication of lands for bicycle and pedestrian paths and the provision of landscaped areas suitable for passive recreation in new developments.

Given the County's limited financial resources to undertake a more immediate and aggressive recreation plan, these materials are adequate to meet goal requirements.

CONCLUSION: The County complies.

Goal #9: Economy

The County has adopted and annually updates an Overall Economic Development Plan which includes an analysis of the range of factors affecting economic development required by the goal. Relevant portions of the OEDP were included in the Framework Plan and the two planning efforts appear to have been well integrated. The Framework Plan contains detailed locational criteria for various types of commercial and industrial uses, which have been applied consistently by the Community Plans to locate areas on the plan maps for economic development.

CONCLUSION: The County complies.

Goal #10: Housing

10.2 Analysis and Policies

The County's housing analysis is contained in a 1977 publication by that name, in Framework Plan and Community Plan materials, and in the County's "Update on Housing Needs." These documents contain an analysis of buildable land available, assessment of lands needed,

and analysis of alternatives adequate to meet goal requirements. The only difficulty with this material is that the data on buildable lands is not consistent from document to document. It is hard to tell to what extent the discrepancies are due to differences in the total area under consideration and changes in zoning within the area and which to refinements and revisions to the base data itself. Each of these are legitimate reasons for differences among the numbers, but the failure to explain them is confusing. The most current and apparently most accurate assessment of buildable land, that in the "Update of Housing Needs," does not include sufficient detail on suitability and availability (found in the discussion of buildable lands in the Framework Plan) to stand quite on its own. This is not a problem which jeopardizes goal compliance, since a thorough inventory of buildable land has clearly been completed and used, but one which might be addressed by the County as part of its plan update.

Policies on housing choice and housing location, along with consistent plan map designations, are adequate to meet goal requirements.

10.3 Implementation

The County's zoning ordinance provides for a range of lower cost housing alternatives, from duplexes and multi-plexes permitted under certain specific conditions in low density residential zones to multi-plexes and garden apartments at densities of 10 to 16 units per net acre, to apartments with up to almost 60 units per acre. Ample land has been zoned in each category to provide for flexibility of type and location at densities consistent with those assumed necessary in Metro's UGB Findings. If all land were developed to the maximum density allowed outright or under "prescribed conditions," the rate of new construction is estimated in the "Update of Housing Needs" to be six attached dwellings to every four detached dwellings, in excess of the one-for-one ratio assumed necessary in the UGB Findings. The overall density of new development would be over nine units per net acre, again exceeding the six units per net acre assumed in the UGB Findings.

These figures apply only to residential land in East Multnomah County. The "Update" does not include data for land on the west-side, where zoning ranges from R-7 (six units an acre) to as low as R-30 (1.5 units an acre). However, much of this land is subject to natural hazards or other features which limit the density of development or the availability of services. Under the circumstances, such low density development is not inappropriate to provide for a full range of housing choices, provided that, as is the case, sufficient land is available for higher density development elsewhere in the County.

Although the County has generally done an admirable job of planning to meet its housing needs, a petition has been filed with LCDC by the Mobile Home Dealers Association claiming that the County does not comply with Goal #10, primarily because of alleged violations of

LCDC's "St. Helens" policy, which provides that vague and discretionary conditions for approval cannot be attached to zoning provisions for needed housing types. The petition questions whether the County's ordinance violates this policy both for mobile homes and for multi-family housing (10.3.1.3).

MULTI-FAMILY HOUSING: The "St. Helens" policy paper states that:

It would be appropriate for a community to attach special conditions to a particular development proposal by, for example, requiring additional screening, controlling access, or even by specifying, in precise terms, design features which ensure that development will be safe and attractive. However, it would not be appropriate for a community to employ special conditions or procedures governing special conditions as a device to exclude a needed housing type, delay construction, or to push the cost of a proposal beyond the financial capabilities of the households for whom it was intended.... In order for special conditions to meet the "St. Helens" test, the range of conditions that may be imposed on a specific development must be strictly stated and must be strictly limited in scope.

All but single family developments are subject to design review procedures which establish a set of approval criteria which must be met. Although these criteria cover a fairly broad range of concerns, none are of a character as to promote denial or the attachment of unreasonable conditions in response to neighborhood pressure (e.g., "in harmony with the character of the neighborhood") and both the nature of the criteria and the elements of the design plan which will be evaluated against these criteria are stated as specifically as possible while still allowing some flexibility. In addition, the County has prepared and adopted a Developers Handbook to provide further suggestions and guidelines as to how these criteria could be met. There is no evidence that either the purpose or effect of the design review process is to increase the cost or slow the rate of multi-family construction. In fact, by designing a procedure which allows for administrative approval (subject to appeal by the applicant to the Planning Commission), the process is likely to keep development costs down and shorten approval time more than ordinances which, however clear and objective the standards, require a public hearing for approval.

Metro believes the County has adopted a creative and effective method for making multi-family housing readily available without sacrifice of other important community needs (including those mandated for consideration by Goals #5 - #7), and that the design review criteria, and any design conditions which may be attached to meet them, are within the range of those "appropriate" conditions recognized in the "St. Helens" policy paper. To discourage this

type of cooperative planning between the public and private sectors would be taking the legitimate concerns on which the "St. Helens" policy is based to an absurd extreme. Metro finds, therefore, that the County has provided sufficient land for multi-family housing which can be readily developed without unnecessary delays or an increase in costs as a result of the administrative review process, and that the County's design review provisions do not violate either the spirit or the letter of Goal #10.

MOBILE HOMES: Mobile homes on individual lots or in parks are allowed in the two highest density "low density (single family) residential" zones (LR 5 and 7) as a conditional use subject to Planned Development provisions and as a conditional use subject to some specific locational and site design standards in the "medium density residential" zones.

The minimum lot size for mobile homes in parks, in the MR 3 zones, is 3,200 sq. ft., while garden apartments are allowed outright with 2,700 sq. ft. per unit, which makes it difficult for mobile home parks to compete for available land in this zone.

Metro believes that the "Planned development" criteria for approval (Section 6.440) and that the "approval criteria" and "development standards" for mobile homes in medium residential zones (Sections 3.410-3.413) are clear and objective, but there is no statement that compliance with these conditions is sufficient to assure approval -- the ordinance says only that such uses "may" be permitted when the standards are met.

In addition, all conditional uses are subject to a requirement that the applicant must show that the proposal is in the public interest and "fully accords with the applicable elements of the Comprehensive Plan" (Section 12.25.3 (a) and (c)). These standards, though generally appropriate, are too vague to avoid the possibility of discriminatory or exclusionary application.

Finally, there are a number of comprehensive plan policies which apply to all quasi-judicial actions such as conditional use approval, some of which allow a good deal of discretionary latitude.

Metro finds that the standards and conditions attached to the approval of mobile homes are too vague and discretionary to provide for assurance that mobile homes will be provided in the County. It is not clear, however, whether the County is under an obligation to provide for mobile homes.

The Housing Policy paper adopted by LCDC in July (The "St. Helens Policy") states: "Where a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, housing types determined to meet that need shall be permitted in a zone or zones with sufficient buildable land to satisfy that need."

Metro is unsure whether the phrase "housing types determined to meet that need" implies that the need for each housing type must be

determined individually or whether it implies simply that types of housing which do meet identified needs should be determined and provided for.

Metro finds that the County has adequately identified and provided for various types of housing which do meet the needs of lower income households: from duplexes and multi-plexes under prescribed conditions in low density residential zones, to multi-plexes on 2,700 sq. ft. per unit and small garden apartments on 2,400 sq. ft. per unit to highrise apartments. If LCDC did not intend the St. Helens policy to mean that the need for each type of housing must be determined, but only that some type(s) of housing be provided which has been determined to meet identified needs, then Metro believes the County complies with goal requirements.

Metro does not believe, however, that the County's findings for the adoption of its mobile home policy are adequate to determine that there is not a need for mobile homes as a specific housing type. Rather, these findings state that there is "inconclusive evidence" on cost and that "the mobile home issue...needs monitoring and further evaluation." There is no reason why the County cannot elect, as they have in essence done, to evaluate the need for mobile homes on a case-by-case rather than comprehensive basis provided that the goal does not require a specific evaluation of the need for this type of housing and, as is the case, they have provided for other lower cost housing alternatives adequate to meet needs in terms of price ranges and rent levels. Metro does not wish to interpret LCDC's housing policy for them. If the Commission intended that policy to mean that the need for each type of housing must be separately evaluated, then Metro finds that the County has not adequately determined the need for mobile homes and does not comply with goal requirements.

CONCLUSION: The County complies with all general goal requirements. If, however, the LCDC interprets this goal to require identification of need for each specific housing type and consequent zoning adequate to meet identified needs for each type of housing, the County does not comply with this requirement.

Goal #11: Public Facilities and Services

The Framework Plan contains general information and the Community Plans contain more detailed information on service areas and providers, current and projected capacities, and any identified problems for most of the major facilities and services (sewer, water, police, fire, schools, storm drainage). Data and analysis for health, energy and communication, and general government services are somewhat sketchier, but generally adequate to meet goal requirements when coupled with plan policies, discussed below, adequate to address relevant planning concerns in these areas.

The County's plan for the timely, orderly and efficient provision of public facilities and services is covered in four policy categories. The first is its policy on the location of community

facilities and uses. This policy establishes criteria for the location of all key public facilities and services. Second, is its Capital Improvements Policy, which provides for a capital improvement program to coordinate the efficient provision of County services. Third, are its utilities and facilities policies which provide for an evaluation of the provisions for drainage, energy and communications, schools, fire and police protection when approving any legislative or quasi-judicial land use action. Finally, is its policy on intergovernmental coordination, supporting coordination with other local governments and with special districts. The County's policies are implemented through application of a community service zone, preparation of an annual capital improvements program, appropriate standards and procedures in the subdivision ordinance, and urban planning area agreements which include provisions for the coordination of service provisions. In addition, the County has a plan for sewerage collection which it is in the process of implementing.

Although the County has not completed its sewerage treatment plan, it is engaged in a planning consortium with Troutdale and Gresham to evaluate alternatives for the most efficient method of providing sewage treatment for the entire East County urban area. This effort is consistent with the regional "208" planning process and coordinated with and supported by Metro. The process established for the completion of a sewer plan is adequate to insure the efficient provision of sewer service and is being pursued as expeditiously as possible.

Metro's concerns about interim controls to limit new development on septic tanks and cesspools and facilitate sewer extensions when service is available are discussed under Goal #6.

There is one additional problem which must be addressed, that of solid waste facility siting (11.1.5.4 and 11.1.5.5). The plan contains no policy explicitly on solid waste disposal. Background information does contain an adequate discussion of the problem and recognizes Metro's role in solid waste planning, but states that any landfill site must be "in conformance to existing local land use plans." Plan policies for the siting of landfills and transfer stations, included in the list of major regional facilities are not consistent with solid waste facility needs, nor with Metro's landfill siting criteria. For example, the criteria include access to public transit and that "the project can be integrated into the existing community."

The County has indicated its willingness to amend its plan to add policy recognizing the regional role in solid waste facilities planning and to delete landfills and transfer stations from the list of major regional facilities for the purposes of applying locational criteria.

CONCLUSION: The County complies with all goal requirements with the exception of those for solid waste facilities planning. Elimination of "landfills" and "transfer stations" from the list of major

regional facilities and adoption of Metro's "sample language" on solid waste coordination will be adequate to achieve compliance.

Goal #12: Transportation

The County's inventories, analysis and policies are contained in the Framework Plan and a series of technical appendices and special reports. Some more detailed inventory information and analysis is found in the Community Plans.

The County has done a thorough job which is adequate to meet most goal requirements. The only problem is one of regional coordination of its functional street classification system (12.2.1.3 and 12.2.2.1). Metro's transportation staff has undertaken a detailed analysis of the County's classification system, identified where that system was inconsistent with the classification system in the regional Interim Transportation Plan, and analyzed each inconsistency to determine whether the ITP should be revised to reflect County classifications. In a number of cases such revisions have been undertaken, but in others, staff found revision unwarranted, either because the County's classification did not appear appropriate or because there were inconsistencies with the classification of the same street in neighboring jurisdictions which required resolution. Copies of the staff report are available upon request. Metro is now in the process of preparing its regional transportation plan which will serve as the basis for a region-wide street classification system with which all jurisdictions must be coordinated. Until this plan is completed, Metro can only identify inconsistencies which remain between the County's plan and the ITP but cannot recommend with finality how these inconsistencies should be resolved. To achieve consistency on a comprehensive and coordinated basis, the regional plan must first be adopted. At that time, Metro will use its authority to "re-open" local plans to achieve such reclassifications as may be required.

In the interim, Metro does not believe the inconsistencies threaten goal compliance. This does not mean that Metro in any way recognizes or supports those street classifications which are inconsistent with the ITP, nor will it approve any project fundings requests based on those classifications. Metro recognizes the problem, however, as one which can best be solved after the completion of the regional transportation plan.

CONCLUSION: The County complies.

Goal #13: Energy Conservation

The Framework Plan contains a discussion of energy sources, consumption and distribution and methods for conserving energy. The efficient use of energy has been considered as a part of policy choices affecting the location and density of land uses, and the plan contains policy for the evaluation of legislative and quasi-judicial actions with respect a variety of energy conserving factors. The subdivision and design review ordinances contain

standards relating to energy conservation, particularly solar orientation.

CONCLUSION: The County complies.

Goal #14: Urbanization

In this region, Metro has the authority for the establishment and maintenance of a regional UGB. Therefore the findings requirements in the first part of the goal do not apply to local comprehensive plans. Instead, Metro reviews local plans to see that they contain an adopted UGB and process for its amendment consistent with the regional UGB and amendment process.

The County's adopted Urban Growth Boundary currently differs from Metro's in four locations:

1. in the West Hills;
2. around Barbara Welch Road just above the Clackamas County line;
3. southwest of Gresham; and
4. south of Troutdale below Streben Lane.

The County petitioned CRAG for amendments to the UGB in the last two areas in the fall of 1978, at which time, after a public hearing and staff evaluation of the proposed amendments against the seven considerations in Goal #14, the CRAG Board voted to deny the County's petition.

The County is now in the process of amending its comprehensive plan map to designate the last three areas as "urban," consistent with the Metro UGB. The County has appealed the Metro UGB in the West Hills to LCDC and the Court of Appeals and these cases are still pending.

The plan does not contain any language recognizing the regional role in the establishment and change of regional UGB.

In order to comply with Goal #14 requirements for the metropolitan area, as interpreted by LCDC in the Sherwood Order, the County must designate all land within the regional UGB as urban.

Although the County is, of course, entitled to appeal regional decisions for review by higher authority, Metro does not feel it is entitled to acknowledgment of compliance until a consistent boundary is achieved. To achieve a consistent boundary, the County need not rezone the land for immediate urban use. In the West Hills area, for example, retention of current zoning may be an appropriate method for preserving options until the outcome of the appeals. The County must, however, adopt policy controlling when and how these lands will be converted for urban use.

In addition, Metro urges the County to amend its policy on maintenance of the UGB to reflect the Metro role in this process, but does not feel the policy inconsistency would jeopardize compliance if the UGB in the County's plan were itself consistent.

An additional part of Metro's review for consistency with the regional UGB is an evaluation of whether or not local policies for development outside the UGB are consistent with those in the regional Land Use Framework Element (LUFE) for Rural and Natural Resource areas.

While the County's provisions for Natural Resource areas are entirely consistent with the LUFE, its zoning for rural residential and rural center areas does allow some uses not explicitly recognized in LUFE policy. In particular, the rural center zone permits, as conditional uses, planned residential developments of up to two units an acre, including attached dwelling units, and tourist commercial facilities.

However, while these uses are not explicitly provided for in the LUFE, the County's standards for the approval of planned developments and conditional uses in rural areas meet or exceed LUFE policy requirements and provide for the approval of such uses only when consistent with the character of the area and the protection of the natural resource base. Therefore, Metro finds that these provisions are sufficiently consistent with regional policy to provide adequate containment of urban development within the UGB and so do not threaten goal compliance. Additional policy work is currently being planned with respect to the definition of appropriate rural uses, however, and Metro may need to reevaluate these provisions in light of any new regional policy and, if appropriate, request that the plan be reopened to make any needed changes.

The second part of the goal deals with the conversion of urbanizable land to urban use. The County has identified lands which should be designated as "Urban Future" areas and adopted policy for the conversion to urban use which is consistent with goal requirements and LUFE policy. "Urban Future" zones have been adopted and applied which establish a minimum lot size of at least ten acres. Because the County requested acknowledgment of its plan before Metro adoption of its policies for the control of urban sprawl, the County is not required to comply with these policies until September, 1980, and a detailed evaluation of the County's conversion policies for consistency with these policies has not been undertaken as a part of this review. Nonetheless, the County's conversion policies are sound ones and, on the basis of a cursory comparison with Metro policy, appear to address the major issues of concern.

CONCLUSION: The County complies with all goal requirements with the exception of that for a cooperatively established UGB which, in this region, means one identical to Metro's. This inconsistency constitutes a violation of Goals #2 and #14 which warrants denial of compliance acknowledgment. Amendment of the County's UGB and adoption of appropriate zoning and/or conversion policies would be adequate to achieve compliance.

Goal #15: Willamette River Greenway

The County has completed the required inventories and prepared and adopted a Greenway Overlay Zone. The Greenway is addressed by plan policy and on the plan map as one type of area of "significant environmental concern."

The Greenway runs through both urban and natural resource areas of the County. The non-urban portion of the Greenway lies outside the Metro boundary (along Sauvie Island) and Metro therefore makes no recommendation on compliance for that area.

In the urban area inside the Metro Boundary, the County has not formally adopted the urban Greenway boundary for zoning purposes, nor does this boundary show on the Plan map. The Greenway must be protected by the Greenway zone for the County to comply with this goal. In addition, the goal requires that the boundary be shown on comprehensive plan maps as well.

CONCLUSION: Plan policy and zoning provisions comply with goal requirements and adoption of the proposed urban Greenway boundary on plan and zoning maps will be adequate to achieve compliance.

JH/gl
5003A
0061A

Metropolitan Service District

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

Memorandum

Date: October 12, 1979
To: Rick Gustafson & Council Committee on Solid Waste/Public Facilities
From: John LaRiviere *JL*
Subject: Metro Participation in National Urban Runoff Program (NURP)

I received a call from Cecil Quellette on October 2, 1979, requesting a meeting with Metro to discuss NURP. The objective stated was to force a decision on Metro participation in NURP. The suggested date and time for the meeting was 9:00 a.m., October 30, 1979, in Conference Room A. Environmental Protection Agency (EPA) participation would include headquarters, regional and Oregon operations office staff, as well as technical consultants involved in NURP. The Department of Environmental Quality (DEQ) will also be represented.

Background

Public Law 92-500 emphasized the need for examination of all contributing causes to poor water quality including urban runoff. Because of time and funding limitations, little work was done in this area during the initial "208" planning effort. Congress recognized the lack of information in the area of urban runoff, and in enacting the Clean Water Act of 1977 (PL 95-217), it specifically prohibited the expenditure of federal funds for construction of stormwater treatment projects. The Act did, however, continue to authorize "208" funds for planning activities related to urban runoff control. As a result EPA created NURP.

"The overall objective of NURP is to determine those areas throughout the country that have urban stormwater management problems, and to provide a series of solution options from which an optimum control implementation plan can be synthesized and effected."

"Seven specific program objectives have been identified that, when met, will assure meeting the overall objective.

1. Define urban runoff problems in terms of receiving water quality and the impairment or denial of a designated beneficial use due to urban runoff impacts.

2. Determine the magnitude and extent of any identified problems based upon quantitative data collection and analysis.
3. Develop basin rainfall/runoff/water quality phenomena and receiving water impact assessments associated with identified sources.
4. Evaluate known and potential countermeasure and control techniques and develop recommended management practices, including tradeoffs between point and nonpoint sources.
5. Develop a methodology for synthesizing optimum solution implementation plans (on a locality specific basis) that will result in improved water quality and re-establishment of designated beneficial uses when effected.
6. Develop criteria for the General Permit Program.
7. Perform a nationwide assessment of the urban runoff problem and responsibility report to the Congress its extent and nature nationwide and the expected national cost for solution based upon selection of the most cost-effective options." (EPA Information Memorandum: INFO-78-60)

It is EPA's intention to meet the overall program objective by the early 1980's. To accomplish this, EPA headquarters has established national priorities for the "208" program. In FY 80, \$12 million or 1/3 of the "208" funds available are being set aside for NURP. With the prospect of continued reductions in federal grant funds, it is clear that NURP is going to become the major "208" planning activity.

Incentive:

EPA has cited several advantages for Metro participation in NURP including:

- . Technical assistance from expert consultants hired by EPA. (Past experience has found such technical assistance limited)
- . Potential opportunity for increased planning funds primarily for additional data collection related to national objectives--\$12 million or 1/3 of the FY 80 "208" funds are being set aside for NURP. (The degree of potential for increased funding is difficult to assess because of conflicting priorities)

between EPA regional and headquarters programs)

- . Potential opportunity for implementation funds. EPA has suggested the possibility of a construction grants program for urban runoff similar to the "201" program for sewerage works. (In light of current experience with reduction in "201" and "208" funding allocations, I am not optimistic about any new programs)

One potential advantage, which was not suggested by EPA, would be the acquisition of funds from NURP to finance the Metro Urban Runoff Program while reprogramming existing "208" funds to address other priority problems within the Metro region. This proposition was informally presented to EPA and DEQ "208" staffs in separate conversations. DEQ indicated support while EPA's reaction was negative.

EPA has indicated the opportunity for joining NURP is limited. As soon as 30 to 35 projects are approved, no more projects will be considered.

Metro Requirements

In order to join NURP, Metro must rewrite its Urban Runoff Work Plan. While the elements of this plan will probably meet the NURP criteria, the format does not. It will take approximately two weeks to make the necessary changes and perhaps 30 to 45 days for EPA review and approval.

If Metro is successful in reprogramming existing "208" funds, a new work plan must be developed for the groundwater study. This will take approximately one month plus an additional 30 to 60 days for EPA review and approval.

Recommendations

- . Metro should reconsider participation in NURP.
- . The ability to reprogram existing "208" monies into other priority areas should be a condition for Metro participation.
- . The cost of staff time required to revise the Urban Runoff Work Plan and develop a new work plan for the groundwater study should be eligible for EPA funding.

JL:gl
5461A/D/2

cc: ✓Denton Kent - Terry Waldele

October 11, 1979

Metro Service District

Planning and Development Committee

Chairman Marge Kafoury and Council members

SUBJECT: Durham Comprehensive Development Plan

Dear Council Members:

My name is Dale Seaman. I live at 2917 S. E. 66th Ave., Portland, Ore. My wife and I have owned property in Durham for approximately 21 years. The City of Durham began the process of updating their Comprehensive Plan in January of 1977.

We have attended virtually every meeting during the past 33 months and have observed the Planning Commission and Citizen Advisory Committee working very hard to accomplish a most difficult task. Various members of the M.S.D. staff have worked with these people to complete the plan. Sue Klobertanz, Terry Moore, Herb Beals, and Jill Hinckley to mention a few and I'm sure there are others.

In our view this Comprehensive Plan, which has been approved by the Durham City Council, addresses the Land Use Goals of the State of Oregon and at the same time preserves the environmental qualities that are so important to the Community.

We urge the M.S.D. Council to approve this plan and to forward it to the L.C.D.C. with the recommendation that it be acknowledged.

Sincerely,

Dale and Lotte Seaman

Durham, Oreg
Oct 10th 1979

Rick Gustafson
Metro Director
525 SW Hall
Portland Oreg

Dear Sir:

As a member of the CAC
who spent many evenings
at meetings and put much
thought into trying to make
these plans fair, practical
and as far-sighted as possible,
I hope you see fit to accept
them.

They represent a great deal
of work from many citizens
of Durham.

Sincerely

(Mrs RR) Lucille Walbridge
16765 SW Up. Boones
Tigard, Or 97223

639-2958

Seaside, Oregon
Oct. 10, 1979

Dear Council Members,

I have been involved with the Durham plan since the involvement of the Citizens Advisory Committee. There have been opportunities for citizen participation and input in the plan during special hearings and work sessions. Many citizens were involved in the formation of the plan.

I sincerely hope that you will approve the plan for acknowledgment by J. C. D. C.

Sincerely,

Walter E. Solberg

October 10, 1979

Mr. Rick Gustafson
Metro Director
527 S.W. Hall
Portland, Oregon 97201

RECEIVED
OCT 11 1979

Dear Mr. Gustafson:

METRO SERVICE DISTRICT

As a member of the citizens advisory committee for the city of Durham, Oregon, I trust you will now support our Comprehensive Plan as submitted by the city.

many long hours were spent by the city council and the citizens committee to attempt as diligently as possible to conform to the guides and goals as outlined by the L.C.D.C.

Thank you for your consideration.

Sincerely

Virginia Perry

16605 S.W. Upper
Boones Ferry Rd.
Portland, Oregon
97223

RECEIVED
OCT 1 1979

October 10, 1979

METRO SERVICE DISTRICT

Metropolitan Service District
527 S.W. Hall Street
Portland, Oregon

Gentlemen:

Having read the DURHAM PLAN, I would like to make a few comments and register my approval.

Many person hours have gone into this plan and I feel the goal has been accomplished. Certainly there will be other citizens feeling their toes have been stepped on, this is natural when more than two dozen personalities work together. For the most part, however, the majority of the populous is completely satisfied.

Thanks to the City Council, Planning Commission and the Citizens for their input we have a DURHAM PLAN.

Sincerely,

Chas. L. Chandler

Chas. L. Chandler
Durham Resident

Mr. Mike Buxton, Chairman

16575 S.W. Upper Boone's Fy. Rd.
Tigard, Or. 97223
(Durham)

October 5, 1979

RECEIVED
OCT 11 1979

To All M.S.D. Councilors:

METRO SERVICE DISTRICT

In re: Durham Comprehensive Plan
Citizens Advisory Committee

It has come to our attention that the M.S.D. Council has before it an appeal to disallow the land use plan developed for the City of Durham on the grounds that there has been insufficient citizen input.

The City of Durham is small enough that everyone is a friend or neighbor. All opinions and concerns are made known either at the official meetings or other casual conversations. There is no way that there would be a lack of citizen input.

In defense of the plan I wish to state that my husband and I have both attended the planning conferences and can assure this council that the committee is composed of very sincere and dedicated people who have considered all the opinions and concerns of the community. Except where the requirements of the Land Use Planning Commission take precedence, the first consideration of the Citizens Advisory Committee has been to fulfill the desires of the people to maintain the qualities for which the city was incorporated.

We earnestly request that the Council allow the plan to stand.

Sincerely,

E.A. Bartlett

Edward & Virginia Bartlett

Virginia Bartlett

CITY OF



Wilsonville

RECEIVED
OCT 10 1979

P.O. Box 220 / Wilsonville, Oregon 97070 METRO SERVICE DISTRICT
503/682-1011

DATE: OCTOBER 8, 1979

TO: MAYOR BILL LOWRIE
JOY ABELE, MEMBER OF THE CITY COUNCIL
RICHARD DREW, PLANNING COMMISSION CHAIRMAN

FROM: ED DAVIS, CITY ADMINISTRATOR 

SUBJECT: REQUESTED MEETING BY OUR METRO SERVICE COUNCILOR
MS. CORKY KIRKPATRICK TO REVIEW PLANNING REVIEW,
PROCEDURES, ETC.

Corky Kirkpatrick of Metro Service (M.S.D.) requested a meeting to review with the City of Wilsonville and Metro staff, the planning procedures, etc. for our compliance with L.C.D.C./M.S.D., etc.

We propose a meeting prior to our City Council regular meeting next week at:

MONDAY, OCTOBER 15, 1979

6:45 P. M.

WILSONVILLE CITY HALL CONFERENCE ROOM

Please contact me if you are unable to attend and we can set up an alternate meeting time/date.



cc: Corky Kirkpatrick
Ben Altman

ED:vr

RECEIVED
OCT 11 1979

METRO SERVICE DISTRICT

16605 S. W. Jefferson Brown Eyed Rd.
Portland, Oregon 97223
Oct 9, 1979

Metro Director Rick Gustafson
527 S. W. Hall
Portland, Oregon 97201

Dear Sir,

As a member of the Dushaw
Advisory Committee, I en-
thusiastically endorse our
Comprehensive Plan.

I hope it will be approved
as soon as possible.

Sincerely,

Gertrude Bowler

Durham City Council
member
- former mayor -

delay - ask for
further review

① - Question: July 25th meet.
3 members -
1 - enabling ordinance only

**Metropolitan Service District
Public Hearing**

Date: Oct. 11, 1979

Name: Bill Gilham

PLEASE PRINT

Address: 8320 S.W. Ellman Lane
Tigard, Oregon 97223

SUBJECT OF HEARING

Durham Comprehensive Plan

Property owner -
resident of PortmanB - - -

- respects staff work

addresses land use goals
etc.

- approve plan

Metropolitan Service District Public Hearing

Date: 10-11-79

Name: DALE SEAMAN
PLEASE PRINT

Address: 2917 S.E. 66
Pontiac, Ore.

SUBJECT OF HEARING

Dunham Plan

- Recycling need more
Complications of old style
dumps.
- Labor - costs - and recycling

Metropolitan Service District Public Hearing

Date: 10/10/79

Name: K. Joan Zachary

PLEASE PRINT

Address: 7205 S.E. 35th Ave.

Portland 97202

SUBJECT OF HEARING

Landfills - general

sm. Assoc. of Planners.

Substitution;
of Alfreo vis a vie
for 106³

Thank you for invitation
to participate in process-

**Metropolitan Service District
Public Hearing**

Date: Oct. 10,

Name: ANNE F. PICCO

PLEASE PRINT

Address: 1855 SE 104

SUBJECT OF HEARING

1064 + Domain

generally opposed

- Sewer problem also -

Build on the pit land.

we have asked

Metropolitan Service District Public Hearing

Date: 10-11-79

Name: Linda Whalen

PLEASE PRINT

Address: 7973 S.W. Crickhollow Ct.

Tigard

SUBJECT OF HEARING

Durham Pits

**Metropolitan Service District
Public Hearing**

Date: 10-10

Name: Ken Rose
PLEASE PRINT

Address: 5903 SE. NOLGATE

SUBJECT OF HEARING

River TRANSIT

**Metropolitan Service District
Public Hearing**

Date: Oct. 11, 1979

Name: Joy-Gay Pahl

PLEASE PRINT

Address: 17287 S.W. Arkenstone
Durham, Oregon 97223

SUBJECT OF HEARING

Durham Landfill

problem is waste treatment.
plant along with
land-fill.

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Rollcall

10/11/77

	<u>AYE</u>	<u>NAY</u>
<u>DISTRICT 6</u> Jane Rhodes	<u>X</u>	_____
<u>DISTRICT 7</u> Betty Schedeen	<u>X</u>	_____
<u>DISTRICT 8</u> Caroline Miller	<u>X</u>	_____
<u>DISTRICT 9</u> Cindy Banzer	<u>X</u>	_____
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____
<u>DISTRICT 11</u> Marge Kafoury	_____	<u>X</u>
<u>DISTRICT 12</u> Mike Burton	<u>X</u>	_____
<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>	_____
Total	_____	_____

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

~~Ballot for
Mildred
79-97~~
DISTRICT 4

10-18-79

AYE

NAY

Corky Kirkpatrick

X

DISTRICT 5

Jack Deines

X

DISTRICT 6

Jane Rhodes

X

DISTRICT 7

Betty Schedeen

X

mc

DISTRICT 8

Caroline Miller

X

DISTRICT 9

Cindy Banzer

X

DISTRICT 10

Gene Peterson

X

DISTRICT 11

Marge Kafoury

absent

DISTRICT 12

Mike Burton

X

DISTRICT 1

Donna Stuhr

X

DISTRICT 2

Charles Williamson

X

DISTRICT 3

Craig Berkman

absent

Total

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Stuhr
79-99

10-11-79

	<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>absent</u>
<u>DISTRICT 10</u> Gene Peterson	<u>X</u>	_____	
<u>DISTRICT 11</u> Marge Kafoury	_____	_____	<u>absent</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>absent</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

Amend
Res 79-100

10-11-79

	<u>AYE</u>	<u>NAY</u>	
<u>DISTRICT 4</u> Corky Kirkpatrick	_____	<u>X</u> _____	
<u>DISTRICT 5</u> Jack Deines	_____	<u>X</u> _____	
<u>DISTRICT 6</u> Jane Rhodes	_____	<u>X</u> _____	
<u>DISTRICT 7</u> Betty Schedeen	_____	<u>X</u> _____	<i>not guilt!</i>
<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	_____	_____	<i>absent</i>
<u>DISTRICT 12</u> Mike Burton	<u>X</u> _____	_____	
<u>DISTRICT 1</u> Donna Stuhr	_____	<u>X</u> _____	
<u>DISTRICT 2</u> Charles Williamson	_____	_____	<i>absent</i>
<u>DISTRICT 3</u> Craig Berkman	_____	_____	<i>absent</i>

Total

MSD COUNCIL
ROLL CALL ROSTER

AGENDA ITEM

MEETING DATE

Res. 79-105

10-11-79

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

MEETING TITLE Metro Council
 DATE October 11, 1979

NAME

AFFILIATION/ADDRESS

NAME	AFFILIATION/ADDRESS
Wm. Ockert	Metro
Jerry Wetzel	METRO
Michelle M. Welden	Metro
Tracy L. Kelly	Kingsgate Durham Resident
Cheryl J. Taylor	Kingsgate Durham Resident
DAVID A. PAHL	DURHAM RESIDENT
Joy-Gay Pahl	Durham, Oregon
Betty Liljeholm	Durham Resident
Tom Liljeholm	" "
Ken Rose	
Judith Bekerle	METRO
Steve Lockwood	PAQAC
R. Joan Zaichny	APA - 7205 SE 35 th Ave City
ANNE K. PISCO	1855 SE 104 th 97216
Linda Macpherson	Dept. Land Cons. & Dev.
Dale & Lillian Seaman	2917 S.E. 66 th Ave. Portland 97206
John Stymon	Metro
B.W. BLUNT JR	LWV
MARY-ELIZABETH BUNT	LEAGUE - Leoman Voters Observer
Jill Hinckley	Metro
Peggy Alvarez	17412 S.W. Brandyshire Ct. - Durham
Marta Stenach	17411 Brandyshire Ct - Durham
Helen Stenach	✓ ✓ ✓ ✓ ✓
Charles Shell	
Sue K me	
Mary Shurts	
Dale Seaman	

MEETING TITLE Metro Council
DATE October 11, 1979

NAME

AFFILIATION/ADDRESS

Linda Whalen

7973 S.W. Chickhallow Ct. Durham

BLACKIE WALSH

P.O. Box 120 N PORT 97231

- McKen Rich

Metro staff - Zoo

- ^{mayor}Mel Huie

Metro

ROBERT B. PERCY

MAYOR, CITY OF DURHAM

JOHNIE S PERCY

Durham City Administrator

- Merle Winn

[Empty lined areas for additional names and addresses]