

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING)	RESOLUTION NO. 86-679
THAT TECHNICAL STUDIES ON THE)	
INSTALLATION FOR UNINCORPORATED)	Introduced by the
AREAS OR CLACKAMAS COUNTY NEAR)	Executive Officer
LAKE OSWEGO AFFECTED BY ORDER)	
NO. 86-11)	

WHEREAS, Pursuant to ORS 268.390, the Metro Council has the responsibility for water quality planning as necessary for the orderly and responsible development of the Metropolitan area, and to adopt a functional plan addressing water quality issues; and

WHEREAS, The Metro Council has maintained a functional plan for water quality entitled the Regional Waste Treatment Management Plan ("208" Plan); and

WHEREAS, The Metro Council has considered a correction to that plan, as defined in Order 86-11, which defines the area north of the Tualatin River and east of I-5 adjacent to the city of Lake Oswego as part of the Tryon Creek sewerage treatment basin, and the city of Lake Oswego collection system; and

WHEREAS, In considering Order No. 86-11 and the annual recertification of the "208" Plan, the Metro Council heard testimony to the effect that technical studies on the provision of sewerage service in the area affected by Order No. 86-11 are desired by many residents of the area; and

WHEREAS, The testimony received requested that the studies include definition of areas which can be served by gravity sewers, and those areas which cannot, a general definition of the major trunk sewers and pump stations necessary to serve the area and the cost for these major facilities; and

WHEREAS, Studies of this nature are typically made at the local level by the service provider designated in the "208" Plan; and

WHEREAS, Such studies by the designated agency can be, and often have been, the basis of future "208" Plan amendments, if warranted, as part of the "208" Plan's continuing planning process; and

WHEREAS, The Metro Council is aware that the city of Lake Oswego plans to conduct a sanitary sewer master plan study in fiscal year 1986-87; now, therefore,


BE IT RESOLVED,

By the Council of the Metropolitan Service District:

1. That the Metro Council supports the city of Lake Oswego's attempts to plan for sanitary sewer service in the area affected by Order No. 86-11; and

2. That the Metro Council recommends that Lake Oswego, as the designated service provider for the area affected by Order No. 86-11, pursue in the time and manner the city finds to be most appropriate the necessary sanitary sewer technical studies.

ADOPTED by the Council of the Metropolitan Service District this 28th day of August, 1986.


Richard Waker, Presiding Officer

NM/sm
6134C/471-3
08/25/86

CONSIDERATION OF RESOLUTION NO. 86-679 RECOMMENDING THAT TECHNICAL STUDIES ON THE INSTALLATION OF SEWERS BE UNDERTAKEN FOR THE UNINCORPORATED AREAS OF CLACKAMAS COUNTY NEAR LAKE OSWEGO AFFECTED BY ORDER 86-11

Date: August 25, 1986

Presented by: Neil McFarlane

FACTUAL BACKGROUND AND ANALYSIS

This item is intended to be considered jointly with the reconsideration of Order No. 86-11, and responds to the discussion at your August 14 meeting under the first reading of Ordinance No. 86-206, recertifying the "208" Plan.

At the August 14 Council meeting, it was requested that staff prepare a resolution recommending that the city of Lake Oswego provide technical studies on the installation of sewers for the area affected by Order No. 86-11. That resolution is attached.

A resolution was requested by the Council because other means of expressing the desire for studies in the area were not appropriate for the situation. Specifically:

- Collection System Study Area Designation: This designation in the "208" Plan is intended to clarify which local agency is to provide the collection facilities in the area. This designation is not appropriate because the only jurisdiction in the area which has interest in providing services is the city of Lake Oswego. There is no disagreement among current service providers in the area as to who the logical provider should be. Attachments A and B indicate that the city of Tualatin and the Unified Sewerage Agency (the only adjacent agencies which currently provide sewer services) are opposed to their providing services in the subject area, and support Lake Oswego's provision of those services.
- Treatment System Study Area Designation: Such a designation in the "208" Plan would not allow federal or state grants to be received by agencies serving the area until a specific facilities plan were adopted for the area. Affected would be Lake Oswego, and, possibly the Unified Sewerage Agency, city of Tualatin, Clackamas County, and the City of Portland. As discussed above,

there is no disagreement among jurisdictions in the areas as to which treatment plant should serve this area.

By way of context, the designation of a service provider prior to technical studies is typically how the lengthy process to implement sewers in an area works. First, the agency responsible for service is designated in the "208" Plan. That designated agency then prepares, on a timeline responsive to local needs, technical studies on the actual "facilities" needed to implement sewers. Based on the results of these technical studies, "208" Plan amendments can be undertaken if they are warranted, and/or further steps to implement sewers (such as LID's) be undertaken.

Conversation with Lake Oswego City staff has indicated that they intend to conduct a sewerage master plan study this fiscal year, and that if Order No. 86-11 is upheld, this study will include the area affected by Order No. 86-11.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 86-679, as a statement clarifying Metro's position in this matter.

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6134C/471-3
08/25/86

7.4 Reconsideration of Order No. 96-11, for the Purpose of Correcting the Regional Waste Treatment Management Plan

Councilor Hansen, who had made the request for reconsideration of the Order at the meeting of August 14, 1986, said he would withdraw his request to reconsider the Order if the Presiding Officer agreed to accept public testimony on Agenda Item No. 8.1, Resolution No. 86-679. Presiding Officer Waker agreed to Councilor Hansen's request and the Order was not reconsidered. The Council's decision to adopt the Order, made at the meeting of August 14, 1986, stood.

8. RESOLUTIONS

8.1 Consideration of Resolution No. 86-679, for the Purpose of Recommending that Technical Studies be Undertaken for Unincorporated Areas of Clackamas County Near Lake Oswego

Mr. McFarlane reviewed the series of events leading to the introduction of the Resolution. He explained Order No. 86-11 corrected an error in the "208" Plan. Resolution No. 86-679 was proposed to address citizen's concerns raised at the Council meeting of August 14, 1986, regarding Order No. 86-11 and the "208" Plan.

The Presiding Officer asked the Council if they wished to hear new testimony on the subject. Councilor Frewing said he wished to know whether the citizens thought Lake Oswego would be the most appropriate public body to perform the sewer study.

Ray Dean, 18951, S.W. Indian Springs Circle, Lake Oswego, Vice President, Rosewood Action Group, said because a new proposal was now on the table, his group wished to hear the proponents of the Resolution address the Council first.

Peter C. Harvey, City Manager, City of Lake Oswego, first explained his position was not that of a proponent. The City would respond to the Council's request, he said, and a sewers study would be funded. Answering Councilor Hansen's question, Mr. Harvey explained the sewers study would not address the overall need for sewers in the area of concern. Rather, the study would determine what a completed sewer system would look like when and if it were built.

Steve Rhodes, P. O. Box 369, Tualatin, City Manager, city of Tualatin, reported his Council was supportive of the Resolution and would support the Lake Oswego sewer study.

Ray Dean, said although the Resolution was less than an ideal solution, he was glad to see light at the end of the tunnel and commended Metro staff for notifying citizens about this meeting. He testi-

fied he would prefer Clackamas County perform the sewer study. He also said that according to law, citizens views must be considered when forming a public sewer policy.

Mr. Dean was still concerned about the changes made by adoption of Order No. 86-11. He urged the Council to defer action on the Order until the sewer study was complete. He further requested the Resolution be amended to identify the following elements in Lake Oswego's sewer study: demonstration of the extent of need; feasibility of area served; environmental impact statement; proposed funding sources; economic impact analysis; cost allocation plan; why Lake Oswego's administrative rules required annexation as a prerequisite to forming an LID; and provisions for an objective third party to follow up on the study.

Maurice C. Boley, 18954 S.W. Indian Springw Circle, Lake Oswego, questioned whether adoption of Order No. 86-11 was necessary and requested the Order be tabled until all facts about proposed changes were known. He said that if an error in the Plan had indeed been made, Lake Oswego would not have continued to receive funding.

Emil Jacobucci, 18893 S.W. Indian Springs Circle, Lake Oswego, opposed the city of Lake Oswego being the only jurisdiction conducting the sewer study. Mr. Jacobucci did not think sewers were necessary in his neighborhood and did not understand why citizens would be required to pay to have a study done that would conclude sewers were needed. He said most property in his area had gradually decreased on value, people were losing their jobs, and no one could afford the \$10,000 it would cost to install a sewer system.

Sherry Patterson, 18926 S.W. Arrowood, Lake Oswego, President, Rosewood Action Group, testified the Lake Oswego study would be a strong step in the right direction. However, no written statement existed outlining what the study covered. She requested appropriate neighborhood associations be involved in the study and suggested it was premature to identify only Lake Oswego as the provider of the study. Regarding Order No. 86-11, Ms. Patterson did not understand the Council's haste in adopting the action when a previous error had gone undetected with no resulting problems.

Regarding the error in the "208" Plan, the Presiding Officer noted no problems had yet resulted because the error had recently been identified.

Councilor Frewing asked if it were necessary for Order No. 86-11 to remain adopted in order for Lake Oswego to receive funds. Mr. Harvey of Lake Oswego said the study in question would not be funded with federal dollars, therefore, adoption of the Order would not apply.

Councilor Frewing proposed the Resolution be amended to provide "such studies should include at a general level consideration of need, feasibility, environmental and economic impact, funding alternatives, cost allocation, and public input process." A discussion between Councilor Frewing and Presiding Officer Waker followed about the appropriate degree of instruction on the study that should be given to the city of Lake Owego.

Councilor Kirkpatrick opposed adding the language because the city was updating their sewage master plan as requested by residents. Although she supported the Resolution, she did not think it the Council's proper business to interfere in this area.

Motion: Councilor Van Bergen moved adoption of Resolution No. 86-679 and Councilor Gardner.

Vote: A vote on the motion resulted in:

Ayes: Councilors Collier, Cooper, DeJardin, Frewing, Gardner, Hansen, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Kafoury

The motion carried and the Resolution was adopted.

8.2 Consideration of Resolution No. 86-676, Adopting a Hazardous Waste Task Force Report

Councilor Frewing, member of the Hazardous Waste Task Force, introduced the item. Randi Wexler, Solid Waste Analyst, presented staff's report on the Resolution. She explained the Task Force had been working to develop Metro's Hazardous Waste Management Plan. The Committee's findings and proposed plan elements were included in the written staff report which Ms. Wexler reviewed.

Joyce Cohen, State Senator and Task Force member, testified she supported the Resolution and offered her full commitment in implementing the Hazardous Waste Management Plan. She discussed the support the Task Force received from sewage and fire agencies and from small business owners.

At Councilor Van Bergen's request, the Council agreed to consider adoption of the Resolution at this meeting. Adoption had been scheduled for September 11.

Motion: Councilor Frewing moved to adopt Resolution No. 86-676 and Councilor DeJardin seconded the motion.