

**MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT**

November 8, 1979

Councilors In Attendance

Chairman Michael Burton  
Vice Chairman Donna Stuhr  
Coun. Charles Williamson  
Coun. Corky Kirkpatrick  
Coun. Jane Rhodes  
Coun. Betty Schedeen  
Coun. Caroline Miller  
Coun. Cindy Banzer  
Coun. Gene Peterson  
Coun. Jack Deines  
Coun. Marge Kafoury

Others In Attendance

Mr. Bob Weil  
Neil and Joanne Jeremiah  
Mr. John MacGregor  
Ms. Linda Macpherson  
Mr. Ken Rose  
Ms. Leah A. Zednick  
Mr. Marion Hemphill  
Ms. Mary M. Zednick

Councilors Not In Attendance

Coun. Craig Berkman

Staff In Attendance

Executive Officer Rick Gustafson  
Mr. Denton U. Kent  
Mr. Andrew Jordan  
Mr. James Sitzman  
Mr. Charles Shell  
Mr. Tom O'Connor  
Mr. Rod Boling  
Mr. Mel Huie  
Ms. Michele Wilder  
Ms. Marilyn Holstrom  
Ms. Sue Klobertanz  
Ms. Mary Carder

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CALL TO ORDER

After declaration of a quorum, the November 8, 1979, meeting of the Council of the Metropolitan Service District (Metro) was called to order by Presiding Officer Michael Burton at 7:30 p.m. in the Council Chamber, 527 S. W. Hall, Portland, Oregon.

1. INTRODUCTIONS

There were no introductions.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Chairman Burton said that he had received several communications regarding the Urban Growth Boundary (UGB) including a letter from Marjorie Stewart, Mayor of Sherwood; Charles S. Kennerly of Sherwood; and 1000 Friends of Oregon. Chairman Burton said the letter from 1000 Friends of Oregon requested that certain information be included in the record. Coun. Kafoury said that through the Planning and Development Committee, this information had been included in the record.

Coun. Burton called attention to a letter to Metro area Legislators and reminded Councilors that on November 29 the Council would have a reception for Metro area State Legislators here in the Metro offices between 5:30 p.m. and 6:30 p.m.

3. CITIZEN COMMUNICATIONS TO THE COUNCIL ON NON-AGENDA ITEMS

Mr. Ken Rose of Rose City Transit, reported on a trip he had made to demonstrate a route that would be practical for river transit service. He said that Coun. Banzer had taken the trip.

Coun. Banzer told Councilors that Rose City Transit does not want any funds, but is asking for Council support. She said there are three things Rose City River Transit is asking of the Council--recognition of Rose City River Transit and endorsement as a separate transit entity; an ongoing working relationship at the planning level; intermodal coordination, underlining connections at waterfront and industrial sites.

4. CONSENT AGENDA

4.1 Minutes of the meeting of October 11, 1979.

Coun. Schedeen moved, seconded by Coun. Kirkpatrick, that the minutes of the meeting of October 11 be approved as circulated. All Councilors present voting aye, the motion carried unanimously.

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**4.2 A-95 Review directly related to Metro.**

Coun. Kirkpatrick moved, seconded by Coun. Peterson, that Item 4.2 of the Consent Agenda be approved.

Chairman Burton called attention to pink sheets circulated to the Council--one concerning a directly related A-95 project, and another relating to the Columbia River/Government Island Boat Tie-up Facility. He said that in the case of the City of Portland application, there was a more extensive review included. Chairman Burton said Mr. Marion Hemphill, City of Portland Energy Advisor, was present to answer any questions Councilors might have.

Councilors questioned Mr. Hemphill concerning various points relative to the A-95 Review of the Portland Energy Conservation, Inc. strategy for increasing energy efficiency.

Chairman Burton explained, regarding the Columbia River/Government Island Project, that the facility proposed to be constructed on Government Island was under consideration for a zone change and was presently going through a hearing process.

Coun. Rhodes said that she understood that Multnomah County had requested that the Council not take action on this matter.

Mr. Mel Huie explained that Multnomah County had requested that the Council approve this project, conditionally.

There being no further comments, question was called on the motion. All Councilors present voting aye, the motion carried unanimously.

Coun. Banzer asked that the record state that her support of the UDAG grant to Portland should in no way be construed as support for the mandatory winterization program that the City has passed, but that the grant program would allow some people to have access to funds so that they could comply.

**4.3 Contracts**

Coun. Stuhr moved, seconded by Coun. Kirkpatrick, that Agenda Item 4.3 be approved. All Councilors present voting aye, the motion carried unanimously.

**5. REPORTS**

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5.1 Report from Executive Officer

The Executive Officer announced that on Tuesday, November 13 at 11:00 a.m., there would be a metropolitan issue series lecture on the future of cities coping with growth and change. This series would be held at Portland State University. He invited all Councilors who were interested to attend that lecture series.

The Executive Officer said that he and the Chairman of the Council had attended an interim Senate Task Force meeting concerning Councils of Government (COG) and Boundary Commissions. The Task Force is reviewing the policy of the State with regard to funding and the types of mechanisms the State should use. The Task Force has been receiving presentations from the various COGs around the State and requested a presentation by Metro since the Metro agency is a completely different COG.

The Executive Officer continued that on Tuesday, he and Mr. Kent had gone to Seattle to make a presentation to the Federal Regional Council concerning the overall picture of metropolitan programs and a specific description of the Urban Systems Laboratory (USL) effort that Metro has begun.

Mr. Gustafson said that he would be speaking next week at the U. S. Conference of Mayors in Baltimore. They had expressed an interest in the planning and transportation work being done in the Portland metropolitan area.

The Executive Officer said that he had accompanied Urban Mass Transportation Administration (UMTA) officials on a tour of the Westside Transit Corridor. He had received several compliments from them on the improved systems planning effort that had been made this year. Tri-Met had also complimented Metro on the work staff had done and the impact it had had on UMTA.

Coun. Miller said she was extremely impressed with Mr. Siegel's presentation. She questioned the Executive Officer regarding the USL and asked how this was progressing with the Federal Regional Council. Mr. Gustafson said Metro had managed to secure some computer graphic work through Portland State Foundation. The Federal Regional Council has endorsed a discretionary grant toward this effort. Coun. Miller said that staff and Mr. Gustafson were to be complimented for their work on this project.

Coun. Rhodes questioned Mr. Gustafson on legislation at the national level which could impact Metro. She asked if

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there was anyone in Washington, D. C. who flagged these things for us. Mr. Kent said that the Criminal Justice Division did receive a memo of information from the Staff Directors Association. It was very fragmented and did not give individual attention. Metro has proposed to the National Association of Regional Councils (NARC) that they implement a "Man in Washington" on a share basis to pursue the interests of Metro and other organizations.

5.2 Council Committee Reports

Zoo Committee: Coun. Banzer said the Zoo Committee had completed a fact finding tour and has a number of recommendations to be reflected in both budget and development programs. The Zoo Committee has finished its public hearings and has had input which will be reflected in a revised program. The Zoo is about to undertake a major fund-raising program called "Adopt An Animal." This program will be headed by Judy Bieberle.

Mr. Iliff explained that the "Adopt An Animal" program had first been started at the Bronx Zoo in Chicago. He said he was very excited about the concept and that, given the tremendous enthusiasm of the community, the Zoo could possibly raise \$75,000 or \$80,000. He explained the program and the possibilities for improved public relations through the publicity surrounding the various aspects of the program.

Coun. Miller suggested that it might be possible to give the person adopting an animal the privilege of having some sort of temporary plaque in that animal's cage.

Chairman Burton suggested that the Committee come back with a recommendation to the Council for an animal it might adopt.

Solid Waste/Public Facilities Committee: Coun. Rhodes said that the Solid Waste/Public Facilities Committee had met the 30th of October. A summary of that meeting has been included in the Agenda. Coun. Rhodes suggested that the Council read Item 5, the Open Burning Rules currently proposed by the DEQ. These rules will impact everyone in the Metro boundary, as they are currently proposed. Coun. Rhodes suggested that the Committee also study the land-fill siting program.

Ways and Means Committee: Coun. Kirkpatrick said that the Ways and Means Committee had not met since the last Council meeting and, therefore, had nothing to report.

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JPACT: Coun. Williamson said JPACT had met this day and that all items on the JPACT agenda would be on the Council agenda for November 20.

Planning and Development Committee: Coun. Kafoury said the Planning and Development Committee, at its meeting of November 5, had approved Goals and Objectives Guidelines which were included on this agenda as an informational item. The Committee reviewed the Cornelius Comprehensive Plan and recommended that the Council approve that Plan. The Committee also reviewed the Johnson City Comprehensive Plan. She said that Johnson City is taking its Plan back to the local CPO for revision before bringing it before the Council. The Committee reviewed the Multnomah County groundwater report and recommended that Metro suggest to the Multnomah County Commission that Metro participate in efforts to secure funding. Regarding a petition outside the UGB in Forest Grove, that request will be considered through the regular amendment process.

Citizen Involvement: Coun. Stuhr reported that the Public Involvement Coordinator position has been vacant and that Metro is in the process of making a selection. Coun. Stuhr said a slide presentation has been prepared and speakers are being lined up to appear before various groups in the region. Regarding the air quality public participation program, the draft is now being reviewed by the Air Quality Maintenance Area (AQMA).

The Landfill Siting Advisory Committee will be meeting in Canby next week and other landfills have had Advisory Committee's operating. The one for Durham and Cipole met last week. Coun. Stuhr said a Committee was being formed by Multnomah County Commissioners for the Portland Sand & Gravel site. Public meetings were held in the vicinity of that site in October to inform neighbors of the Metro process. A request for proposal for the Resource Recovery project consultant position was circulated, with only two proposals being received. A Committee has been established to review the proposals and interview prospective consultants.

Regarding the Westside Corridor, a number of things are happening. There have been informational meetings throughout the area and Metro staff have appeared before neighborhood associations to make presentations. Three public hearings will be held--November 26, 27 and 28. A slide show has been planned which will discuss the staff recommendations.

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6. PUBLIC HEARINGS

6.1 Ordinance No. 79-79, Amending Ordinance No. 79-73  
(Personnel Rules) Relating to Definition of Anniversary  
Date. (First reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-79 the first time by title only.

The public hearing was opened. Since there was no one present who wished to speak, the public hearing was closed.

Coun. Kafoury moved, seconded by Coun. Kirkpatrick, that Ordinance No. 79-77 be adopted.

Chairman Burton announced that the second reading of this Ordinance would be November 20, 1979.

7. OLD BUSINESS

7.1 Ordinance No. 79-77, Adopting Urban Growth Boundary and Findings. (Second reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-77 the second time by title only.

Coun. Kafoury said that the Planning and Development Committee had held additional hearings on the Urban Growth Boundary at Washington, Clackamas and Multnomah Counties. The last hearing was November 1. The Planning and Development Committee had made its recommendation to the Council based on testimony received at those hearings. Coun. Kafoury called attention to a pink sheet which outlined amendments to the Resolution adopted by the Council at its meeting of October 25.

Coun. Kafoury moved, seconded by Coun. Peterson, that Resolution No. 79-102 be adopted. Coun. Kirkpatrick explained to Councilors who had not been present at the Committee meeting that the words "public use" on the last page should be underlined.

Question called on the motion. All Councilors present voting aye, the motion carried unanimously.

Coun. Kafoury said the Planning and Development Committee had met prior to this Council meeting and reviewed three "Options" prepared by staff in response to Council

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direction on the issue of lots of record on Agricultural Soft Areas (ASA) with septic tanks or cesspools. She said the Committee felt Option 2 would be the preferred exception and recommended that Council direct staff to prepare an ordinance to carry out the Option, to be presented at the next Council meeting.

It was ascertained that it was the consensus of the Council to ask staff to prepare the suggested ordinance for Council action at its next meeting.

Coun. Stuhr asked for clarification of several matters in the August 23 Resolution adopted by the Council and asked whether or not this Resolution contained guidelines and whether they would be included in the Resolution. Coun. Stuhr asked to direct questions to the Legal Counsel on the matters outlined by the Washington County Landowners Association.

Coun. Stuhr asked if the adoption of Ordinance No. 79-77, which referred to the Findings document on the UGB, constituted the adoption of policies by Metro ordinance as referred to by Mr. Jordan on page 4 of his Motion for Dismissal.

Mr. Jordan said it would not. He said the reference in the Motion to Dismiss was pertaining to an ordinance which Metro might adopt in 1980 if the counties failed to place those restrictions in their comprehensive plans.

Coun. Stuhr asked if adoption of Ordinance No. 79-77 by Metro would require Washington County to implement the 10-year moratorium and 10-acre minimum policies.

Mr. Jordan replied that the Ordinance did not require that. It may be required at some other time by local plan review or by another ordinance.

Coun. Stuhr said that assuming LCDC approved the UGB, based upon the Findings adopted by Metro Ordinance No. 79-77, did Mr. Jordan believe that after LCDC approved the UGB including the 10-year moratorium and the 10-acre minimum, would Washington County be required to implement the moratorium and other policies as a matter of law.

Mr. Jordan said an adoption of Findings does not require Washington County to implement a 10-year moratorium or 10-acre minimum lot size at this moment.



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Mr. Jordan said he had two minor amendments to the Ordinance. He called attention to the second line from the bottom of the Ordinance and said this line contained a blank which should read November 8, 1979.

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that the date of November 8, 1979, be included in Section 2 (b). All Councilors present voting aye, the motion carried unanimously.

Mr. Jordan continued that the second line in Section 3 should say "November 1979" rather than "October 1979."

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that the date "October" be amended to read "November" in Section 3 of the Ordinance. All Councilors present voting aye, the motion carried unanimously.

Roll call vote. All Councilors present voted aye. Coun. Berkman was absent. The motion carried unanimously.

Ordinance No. 79-78, Establishing Procedures Relating to Local Improvement Districts (LID) and Apportionment and Levy of Assessments Related Thereto. (Second reading)

Coun. Rhodes called Council attention to the fact that a public hearing had not been held at the last meeting when the Ordinance had its first reading.

Coun. Rhodes said one of the things that the Task Force had discussed was the possibility of local jurisdictions having veto power in relation to this Ordinance. The Task Force had decided that this was not a good idea and the Solid Waste/Public Facilities Committee agreed. The Local Officials Advisory Committee (LOAC) had voted to include the veto; however, it has been recommended that adoption of the veto power by local jurisdictions not be included.

Chairman Burton asked Coun. Rhodes what she felt was in order concerning the second reading of the Ordinance and whether she felt that a public hearing would be necessary at this time. Coun. Rhodes said jurisdictions had had input and that no one had asked to be heard at the last meeting; therefore, the Council should go ahead with the second reading and proceed with adoption at this meeting.

The Executive Officer said that each of the jurisdictions had been forwarded a suggested resolution of support for the improvement of Johnson Creek. The Resolution would more appropriately address the LOAC concern. All six

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jurisdictions are being approached with a request for adoption of resolutions of support for the LID and will have the opportunity to contribute financing for the formation of a LID.

Coun. Kirkpatrick said three of those jurisdictions had already endorsed ~~this proposal~~ *the development question*

*Amended  
11/6/79*

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 79-78 the second time by title only.

The motion for adoption of this Ordinance was previously made at the meeting of October 25, 1979.

Roll call vote. All Councilors present voting aye, the motion carried unanimously. Coun. Berkman was absent.

8. ANNOUNCEMENTS

Chairman Burton reminded the Council of the Johnson Creek meetings on November 15 and December 8. He also reminded those present that the next Council meeting would be held November 20 rather than on November 22, which is Thanksgiving Day. Chairman Burton also called attention to the fact that in December the first meeting will be December 6, and at this time there are no plans for an informal meeting on that date. The regular meeting will start at 7:30 p.m. The second Council meeting in December will be December 20 at 7:30 p.m.

ADJOURNMENT

There being no further business to come before the Council at this time, the meeting was adjourned.

Respectfully submitted,

Mary E. Carder  
Clerk of the Council

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