

September 13, 1984



# Agenda

SOLID WASTE POLICY ALTERNATIVES COMMITTEE  
SWPAC

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METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: September 24, 1984  
Day: Monday  
Time: 3:00 p.m. PLEASE NOTE CHANGE\*

Place: Conference Rooms A-1 and A-2

\* SWPAC members have been invited to attend a special meeting with Rick Gustafson at 4:00 p.m. on Monday, September 24th. The enclosed letter will explain the importance of his meeting with you. For this reason, the regular SWPAC meeting has been changed to precede this meeting with Mr. Gustafson.

## AGENDA ITEMS, REGULAR MEETING

1. Rate Report
2. Update on Landfill Management
3. Update on Senate Bill 405
4. Adjournment to Council Chambers for above meeting.

b1

[ORDINANCE AMENDMENTS SUGGESTED BY  
COUNTY STAFF REPORT ARE ADDED.]

Multnomah County Department of Environmental Services  
Division of Planning and Development  
2115 SE Morrison Street, Portland, Oregon 97214

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REPORT OF PLANNING COMMISSION DECISION

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PLANNING COMMISSION

June 4, 1984

This Report consists of the Action, Resolution, and proposed Ordinance.

PC 1-84 Proposed Framework Plan and Zoning Code Amendment  
(Criteria for Regional Sanitary Landfills)

The proposed Ordinance would amend Plan Policy 31 (Community Facilities and Uses Location) to provide a framework for the new provisions in the Zoning Code. It would add provisions to the Community Service Section of the Zoning Code that:

- (1) Provide Definitions, Findings and Purposes for the Regional Sanitary Landfill provisions;
- (2) Provide Application Requirements;
- (3) Specify Approval Criteria for Regional Sanitary Landfills;  
and
- (4) Require Conditions to mitigate adverse impacts, including reclamation.

The Planning Commission, at their June 4, 1984 meeting, deliberated on the language of the proposed Ordinance (attached). The Planning Commission made numerous changes before approving the attached version of the proposed Ordinance. The County Board of Commissioners will now consider the Ordinance in at least two public hearings. The Board may adopt the Ordinance as is or may modify it before adoption. Participants in the Planning Commission hearings will be notified of the date for the first Board Hearing.

PLANNING COMMISSION

ACTION:

Recommend the proposed Ordinance, with revisions, to the Board of County Commissioners by approving Resolution PC 1-84.

BEFORE THE PLANNING COMMISSION  
OF MULTNOMAH COUNTY, OREGON

In the Matter of Recommending Adoption of )  
an Ordinance creating Approval Criteria )  
for Regional Sanitary Landfills, by amend- )  
ing Policy 31 of the Framework Plan and )  
the Zoning Code: MCC 11.15 )  
\_\_\_\_\_ )

RESOLUTION

PC 1-84

WHEREAS, The Planning Commission is authorized by Multnomah County Code, Chapter 11.05 and by ORS 215.110, to recommend to the Board of County Commissioners the adoption of Ordinances to carry out and amend the Multnomah County Comprehensive Plan; and

WHEREAS, In the case of West Hills and Island Neighbors, Inc. v. Multnomah County, LUBA No. 83-018, Multnomah County's approval of a Regional Sanitary Landfill permit was remanded by LUBA; and

WHEREAS, The Planning Commission is recommending an action which is consistent with the above case and addresses the problem presented by that case in a responsible manner; and

WHEREAS, Further Findings supporting the adoption of the Resolution are listed in SECTION 1 - FINDINGS of the subject Ordinance; and

WHEREAS, Multnomah County has drafted and revised the proposed Ordinance with the participation and input of interested persons; and

WHEREAS, The Planning Commission has considered the proposed Ordinance at an informational meeting and four public hearings, for which notice was given as required by law, and Whereas, all interested persons were afforded an opportunity to appear and be heard; now, THEREFORE,

BE IT RESOLVED, that the Ordinance captioned "An Ordinance amending Framework Plan Policy 31 and MCC 11.15.7015 and .7020, and adding MCC 11.15.7045-- .7070 (the Zoning Code) to establish Approval Criteria and Conditions for Regional Sanitary Landfills", is hereby recommended for adoption by the Board of County Commissioners. A copy of said Ordinance is attached.

Dated this 4<sup>th</sup> day of June, 1984

MULTNOMAH COUNTY PLANNING COMMISSION

By Dean N. Alterman  
Dean Alterman, Chairman

APPROVED AS TO FORM

JOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By: Peter Kasting  
Peter Kasting,  
Assistant County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Ordinance No. \_\_\_\_\_

An Ordinance amending Framework Plan Policy 31 and MCC 11.15.7015 and .7020, and adding MCC 11.15.7045-.7070 (the Zoning Code) to establish approval criteria and conditions for regional sanitary landfills.

Multnomah County Ordains as follows:

SECTION 1 - FINDINGS

A. Pursuant to the Zoning Code, MCC 11.15.7005 to .7030 the County considered and approved a permit request by the Metropolitan Service District (METRO) for a regional sanitary landfill in case number CS 18-81, reversing the Hearings Officer. The Board based its approval on Findings, among others, that a regional need for a landfill was unquestionably established. It was also found that the unavoidable negative impacts of the proposed landfill on nearby rural lands could be kept to an acceptable level by virtue of strict conditions attached to the permit. The Board took into account both on-site and off-site impacts.

B. In the case of West Hills and Island Neighbors, Inc. <sup>v/s</sup> Multnomah County, LUBA No. 83-018, the County's approval of the regional sanitary landfill permit was remanded by LUBA. The County's approach of mitigating adverse impacts by imposing protective conditions was considered not to replace the approval criteria.

C. In overturning the regional landfill permit, LUBA gave a literal interpretation of the County's approval criteria. For instance, a Finding under Policy 16 of the Framework Plan that the availability and use of "...Fish Habitat; Wildlife Habitat areas ...." will not be limited or impaired, could not be made. Any interference with these broad areas was deemed to not meet the Policy. Such an interpretation was not intended by the County Board. This Ordinance is aimed at clarifying the Board's intent.

D. The County Board takes special note that LUBA's Opinion leaves room for the clarification of intent embodied in this Ordinance. A portion of LUBA's Opinion states:

"...The County has made a legislative determination; that sanitary landfills and certain other uses are to be subjected to the scrutiny of the Community Service designation criteria. Had the County wished to ease one or more criterion for a particular kind of use, it should have said so in the Ordinance". (Page 7). Another part states: "We are uncertain as to why the County did not enact more liberal standards for siting such uses. From the briefs, it appears the County recognizes the severe problems in locating unpopular and yet necessary uses. It would appear special criteria emphasizing mitigation instead of consistency (with adjacent uses) would be in order" (Page 16, n. 6).

E. The legislature and this Board have recognized that solid waste disposal is a matter of regional concern. Policy 31 of the Framework Plan (Community Facilities and Use) was revised by the Board in July of 1980 to comply with LCDC Goals, and reflect the Board's recognition of METRO's authority and responsibility in sanitary landfill siting. However, according to the recent Opinion of LUBA, the policy revision apparently did not go far enough in setting forth the approach which this Board would take in reviewing a request for a regional sanitary landfill. Accordingly, it is appropriate that the Board amend that Plan Policy and the Approval Criteria in the Zoning Code to indicate its intent.

F. The provisions for the review of Sanitary Landfills comply with Goals 1 through 9 and Goal 11 of Oregon's Statewide Planning Goals as follows:

- (1) Goal 1 (Citizen Involvement) and Goal 2 (Land Use Planning). The public hearing process adopted by Multnomah County to amend the Comprehensive Plan and Zoning Code fulfill these requirements and the agency coordination required by the Ordinance.

The proposed amendments were developed using a limited but adequate public notice and review procedure. The Ordinance was available for comment by interested persons and groups. Several parties participated in the review and drafting of the proposed Ordinance prior to the public hearing.

Notices were published prior the Planning Commission and Board of County Commissioners' hearing in this matter. Notices and meetings were forwarded to over twelve persons or groups, who represented a wide cross-section of opinion on this issue.

The Decision by the Land Use Board of Appeals (LUBA No. 83-018) casts a shadow on the County's acknowledged Plan and Zoning Ordinance. Based on that Decision, the Framework Plan, and further analysis in light of the Goals, the Ordinance was drafted, reviewed and revised as necessary at several public hearings, before adoption.

Because of the County's acknowledged Plan, Goal 11 requirements, and the State legislature's intent for landfills, the County is not taking an exception to any State Goal. The amendment to the Plan is not one which substantially changes the acknowledged Plan and Ordinance. The Comprehensive Plan Policies are incorporated into the approval criteria. Further, the adopted Criteria are consistent with the Exceptions Rule under Goal 2 (require Alternative Sites Study, etc.).

- (2) Goal 3 (Agricultural Lands) and Goal 4 (Forest Lands). The County's Framework Plan and Zoning Code act to allow sanitary landfills as a Community Service use in any district, given certain Findings. The Farm and Forest Zoning Districts are not being changed, so the County's Acknowledged Plan remains intact in that respect. The amendment will make the approval criteria clearer for sanitary landfills. The amendment will not allow new uses or intensification of uses, inconsistent with the Framework Plan. Condition and mitigation requirements will insure that sanitary landfills will not adversely affect farm or forest uses, on adjacent land. A reclamation requirement will insure that farm or forest uses may occupy the site in the future, consistent with the above State Goals.
- (3) Goal 5 (Open Spaces, Scenic and Historical Areas, and Natural Resources). Landfills can entail significant adverse visual impacts because of their size and configuration. To mitigate these impacts is an Ordinance requirement. Natural resource values are required to be protected and mitigated by the imposition of conditions. Areas within the Significant Environmental Concern District are further protected.
- (4) Goal 6 (Air, Water and Land Resources Quality) and Goal 7 (Areas Subject to Natural Disasters and Hazards). These Goals are satisfied by requiring that the site be suitable, that any adverse impacts be mitigated, and that State agency approval be secured. The significant Environmental Concern District provides further protection for these areas.
- (5) Goal 8 (Recreational Needs). The Ordinance does not specifically address recreational needs. However, the Ordinance would provide protection of recreational facilities by screening and possible re-use of the site after reclamation. The Significant Environmental Concern District provides further protection for park and recreation areas.
- (6) Goal 9 (Economy of the State). By designating sanitary landfills as Community Service Uses, Multnomah County recognizes the importance of these facilities to the local and regional economies.

- (7) Goal 11 (Public Facilities and Services). By establishing clear and detailed Approval Criteria, the Ordinance complies with the requirements of this Goal to provide public services in an orderly and timely fashion. Unnecessary expenditures and costly time delays will be avoided if applicants are aware of the requirements.

Multnomah County recognizes its responsibility in providing adequate public services. It also recognizes that landfills should be buffered to reduce adverse impacts to surrounding lands. Because a landfill employs few people and has other characteristics, it does not induce urban development inconsistent with other Goals.

G. The provisions for sanitary landfill review comply with the applicable policies of the Framework Plan as follows:

- (1) Policy 2 (Off-Site Effects). Potential geologic, groundwater, and other off-site impacts are considered by determining suitability and by providing mitigation requirements in the Ordinance.
- (2) Policy 31 (Community Facilities and Uses Location). Sanitary landfills are considered under a section entitled "Solid Waste Management". This Policy makes it clear that the County recognizes METRO's and DEQ's authority in siting landfills. The County also recognizes the importance of this public facility by providing a separate Policy and Community Service Section (created by this Ordinance).
- (3) Other Plan Policies. The Ordinance provides for Approval Criteria and Conditions, which when applied to a proposed landfill site, will result in substantial compliance with other applicable Plan Policies.

## SECTION 2 AMENDMENT OF PLAN POLICY 31

Framework Plan Policy 31, as amended by Section 9, Ordinance No. 233, is amended to read (new language underlined):

### SOLID WASTE MANAGEMENT

Solid waste is a regional concern requiring regional solutions. Multnomah County recognizes METRO's responsibility and authority to prepare and implement a solid waste management plan and the METRO's procedures for siting a Sanitary Landfill and will participate in the procedures as appropriate.



The County recognizes that METRO may find a public need for a Regional Sanitary Landfill and that such a Landfill, wherever located, will entail some adverse impacts. The County further recognizes that environmental impacts are also within the review authority of other agencies, such as the Department of Environmental Quality.

The County shall provide for Approval Criteria which emphasize site suitability, protection through mitigation of impacts, and reclamation. The Zoning Code shall contain appropriate and detailed implementing language for this Policy. This Policy and all other applicable Plan Policies are implemented through Section 11.15.7045 to .7070 of the Zoning Code.

### SECTION 3. AMENDMENT OF ZONING CODE

A. MCC 11.15.7015 is amended to read (new language underlined; deleted language [bracketed]):

In approving a Community Service use, the Approval Authority shall find that the proposal meets the following Approval Criteria, except for transmission towers [, which shall meet the Approval Criteria of MCC.7035:] (See MCC.7035 and Regional Sanitary Landfills (See MCC.7065):

B. MCC 11.15.7020 is amended by adding the following:

(25) Regional Sanitary Landfills

C. MCC 11.15 is amended to add:

#### REGIONAL SANITARY LANDFILLS

##### 11.15.7045 Definitions.

(A) Regional Sanitary Landfill shall mean a general purpose landfill facility which, by itself or as a component of a network of such facilities, is designed and operated for the disposal of the region's solid waste and which METRO or its franchisee shall operate.

BENEFICIAL CONTINUATION OF EXISTING USES SHALL MEAN REASONABLY CAPABLE OF USING THE PROPERTY FOR THE PURPOSES ALREADY IN EXISTENCE EVEN THOUGH THERE MAY BE SOME DIMINUTION IN THE QUALITY OF THE USE.

(B) METRO shall mean the Metropolitan Service District or its successor. (County or other authorized unit of government).

(C) Suitable shall mean adapted or adaptable to a use.

(D) Mitigate shall mean to make less severe, less painful or less of a loss, to a level provided for in MCC .7045 thru .7070.

(E)

11.15.7050 Board Findings - The Board Finds:

(A) A landfill may need to be located within Multnomah County based on Solid Waste Management Plan & Study by Metro

(B) There is a need to provide approval criteria and to require reclamation for the benefit of the site and the surrounding area.

(C) There is a need to provide for a review, to determine whether the proposed site is suitable and whether adverse impacts to the surrounding area can be mitigated.

11.15.7055 Purpose

The purposes of MCC .7045-.7070 are to:

(A) Determine whether a proposed landfill site is suitable and whether it can be reclaimed for uses allowed by the underlying zoning district.

(B) Mitigate ~~any~~ <sup>designated</sup> adverse impact to the surrounding area by the imposition of conditions on the design, operation and off-site effects of the proposed landfill.

(C) Assure that the proposed landfill site has been determined preferable to other sites, based on an Alternative Sites Study conducted by METRO.

11.15.7060 Application Requirements

An application for a Community Service Use permit under these provisions shall be filed on forms made available for that purpose. Information, maps, and reports submitted shall be deemed by the Planning Director to be necessary to determine compliance with the criteria.

Application fees should be compensurate with staff time and expertise necessary to review an application including a contingency fee to cover cost of any necessary third opinions.

THE BASE FEE SHALL BE \$2000<sup>-6-</sup> PAYABLE AT THE TIME OF APPLICATION. ANY ADDITIONAL FEE OF NOT MORE THAN \$10,000 MAY BE CHARGED TO COVER THE COST OF ANY TECHNICAL REVIEW AND ANALYSIS REQUIRED TO EVALUATE THE APPLICATIONS AS DETERMINED BY THE PLANNING DIRECTOR. IF CHARGED, THE ADDITIONAL FEE SHALL BE USED TO HIRE TECHNICAL CONSULTANTS TO SUPPLEMENT THE STAFF. THIS SECTION SUPERCEDES ANY CONFLICTING FEE REQUIRED IN MCC 11.15.9010.

11.15.7065 Criteria For Approval.

The Approval Authority shall find that:

(A) METRO or its franchisee has adopted Landfill Site Selection Criteria that addresses environmental, operational and land use factors; they have applied these criteria to a study of alternative landfill sites; and have determined that, based on the criteria, a preferred site has been selected for development.

(B) The site is suitable for the proposed landfill, considering each of the factors below. In determining suitability, the Approval Authority shall ~~also~~ apply the following test to the findings for each of the factors: The Approval Authority finds, after mitigation of impacts, that the impacts of the factor would not prevent the beneficial continuation of existing uses on surrounding property.

- (1) Site Size, when the site is of sufficient size to satisfy METRO's landfill needs and to allow for any buffering of adverse impacts;
- (2) Traffic Routes and Capacities, when projected traffic will not create dangerous intersections or traffic congestion, considering road design capacities, existing and projected traffic counts, speed limits and number of turning points. Traffic must have access to collector or arterial streets and not use local streets;
- (3) Geologic Conditions, when substantial evidence indicates that the site is geologically stable enough to support the landfill; such evidence shall ~~be limited to~~ testimony from State of Oregon Certified Engineering Geologists;
- (4) Surface and Groundwater Conditions, when flooding would not occur, where surface water can be feasibly controlled and diverted away from the landfill, where leachate or other landfill pollutants would not be discharged into adjacent public or private waterways such that State and Federal water quality standards will be exceeded, and where groundwater sources of domestic (human and livestock) water supply would not be contaminated;
- (5) Soil and Slope Conditions, when soils and topography allow feasible operating conditions for the landfill, and would not result in substantial off-site soil erosion and sedimentation; on-site soil erosion must be controlled

not utilized directly for landfilling purposes.

to the extent that the productive capability of on site adjacent land is not reduced;

- (6) Leachate and Gas, when site characteristics, such as geology and slope, will permit the safe and effective collection and treatment of these landfill by-products; and where such by-products can be controlled;
- (7) Critical Habitat of Endangered Species, where such habitat and species, if found, will be protected pursuant to State and Federal law;
- (8) Historically, anthropologically, & archeologically significant areas, where such areas, if found, will be protected pursuant to State and Federal law;
- (9) Public Facilities and Services, where all such facilities necessary to serve the landfill are either available or programmed for the area; and
- (10) Fire Standards Criteria: Fire danger, where the landfill shall not significantly increase the fire danger in any given area and there shall be adequate fire protection systems in place at the site and in the surrounding community, including State systems, if any.

In determining suitability of the above factors, the Approval Authority may place substantial weight on DEQ's Findings for approval or denial of a preliminary application.

And absent a standard to a level that the approval authority finds

(c) The proposed landfill is designed and operated so as to mitigate conflicts with surrounding uses. Conflicts with regard to the following shall be identified and mitigated (mitigation shall be made to the level of the applicable State standard, ~~if any, and~~ to a level that will not prevent the beneficial continuation of existing uses on surrounding lands):

- (1) Visual appearance, including lighting; on surrounding property ~~shall be minimized~~
- (2) Signing;
- (3) Hours of Operation;
- (4) Odors;
- (5) Safety and security risks;
- (6) Noise levels;
- (7) Dust, and other air pollution;
- (8) Bird and vector problems; and
- (9) Damage to fish and wildlife habitats.

where appropriate the approval criteria may be satisfied by the applicants submission of a statement of intent to acquire property or to provide facilities as necessary to prevent impermissible conflict with surrounding uses. If this evidence is relied upon in satisfying any approval criteria, a condition shall be imposed to guarantee the performance of the actions specified.

- (D). The proposed landfill site is capable of being reclaimed to a primary use permitted in the underlying zoning district. For resource districts (CFU, EFU, MUF, MUA), the primary use will be the resource for which the district was created (i.e., timber production in CFU, farmland in EFU, etc.). The soil productivity, if in a natural resource zone, is capable of being brought back to the closest level economically and technically feasible to that which existed on the site prior to the landfill.

(E)  
11.15.7070 Conditions.

- (A) The proposal provides a plan for the reclamation of the site, in compliance with MCC .7065(D). The implementation of the reclamation plan shall be funded by a trust fund deemed sufficient by the Approval Authority.
- (B) Approval for all phases of the proposed landfill must be received from all governmental agencies having jurisdiction over sanitary landfills. Such agencies shall be consulted by Multnomah County for the setting and enforcement of permit conditions. Preliminary approval from DEQ is necessary prior to County approval. Final DEQ approval is required prior to the construction and operation of the landfill.
- (C) METRO or its franchisee shall provide annual reports, within 90 days of each anniversary of approval date, to the County, describing the landfill operation and compliance with permit conditions.

(E) (D) Other conditions of approval shall be specified in the decision and shall be reasonably imposed to insure compliance with the purposes and criteria of these provisions, and in the public interest.

(D) DEQ approval of the applicants plan for compliance with state noise standard is required prior to landfill construction and operation.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1984.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Arnold Biskar, Presiding Officer

AUTHENTICATED by the County Executive on the \_\_\_\_\_ day of \_\_\_\_\_, 1984.

By \_\_\_\_\_  
Dennis Buchanan, County Executive

APPROVED AS TO FORM:

\_\_\_\_\_  
John B. Leahy, County Counsel  
for Multnomah County, Oregon



# Memo

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METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: September 12, 1984

To: Metro Council

From: Corky Kirkpatrick, Presiding Officer *CK*

Regarding: Legislative Report

Please find attached a copy of the Executive Officer's and my memo regarding financial legislative proposals. I will discuss this memo with you at our September 13, 1984, meeting and plan to discuss the proposals with the House Legislative Task Force on Regional Governance (Otto Committee) on September 14, 1984.

The attached memo contains a proposed Resolution (No. 84-500) which will be formally considered at the September 13, 1984, Council meeting. If the Resolution is adopted, we plan to ask the House Legislative Task Force to include the proposals in their report. The final meeting of the House Task Force is scheduled for September 28, 1984.

CK:amn

Attachments



# Memo

METROPOLITAN SERVICE DISTRICT 527 S.W. HALL ST., PORTLAND, OREGON 97201 503 221-1646  
Providing Zoo, Transportation, Solid Waste and other Regional Services

Date: September 12, 1984  
To: Metro Council  
From: Corky Kirkpatrick, Presiding Officer <sup>ck</sup>  
Rick Gustafson, Executive Officer <sup>RG</sup>  
Regarding: LEGISLATIVE PROPOSALS ON METRO FINANCES

The purpose of this memo is to present a proposed legislative package regarding long-range finances for Metro. The complete package is included in Resolution No. 84-500 attached as Exhibit "A." Resolution No. 84-500 will be considered by the Council on September 25, 1984.

## FINANCIAL STABILITY IS IMPORTANT GOAL

During the past year the Council and Executive Officer have periodically discussed financial plans of the District. Several memoranda have been presented to the Council on the subject (a complete list is attached as Exhibit "B") and the Council has adopted a set of policies governing long-range finances for Metro (complete set of policies is attached as Exhibit "C").

The general financial principles adopted by the Council are as follows:

1. Each functional area shall have identified sources of revenue;
2. Each functional area shall prepare a five-year financial plan; and
3. Any new functions assumed by Metro shall have a source of funding.

The four current Metro functions and their present sources of revenue are as follows:

<u>Function</u>	<u>Revenue</u>
Zoo	Admission/Concession Fees and Property Taxes



<u>Function (continued)</u>	<u>Revenue</u>
Solid Waste	Disposal and User Fees
Intergovernmental Resource Center (IRC)	Grants and Local Government Dues
General Government	No separate identified source

LEGISLATIVE PROPOSALS BY FUNCTIONAL AREA

The proposed financial legislative package affects three of the four functional areas -- Zoo, Intergovernmental Resource Center (IRC) and General Government. The solid waste area is not included since sufficient legislative authorization currently exists to make the solid waste function self-sufficient through the use of fees. The entire text of legislative proposals are included in the proposed Resolution attached as Exhibit "A."

ZOO: The goal for long-range financial stability for the Zoo is a permanent operating tax base. While District voters approved a \$5,000,000 per year three-year serial levy in May 1984 to fund operating and capital construction costs, such action is not permanent. A new levy must be submitted to the voters in May of 1986 to continue using property taxes to fund the Zoo.

Based upon advice from Legal Counsel, Metro has the authority to submit a tax base levy for the purpose of funding only Zoo operations. (For more complete discussion see memo dated 7/26/84 titled "Long-Range Financing for Zoo Operations.") If such a tax base levy is approved by the voters, current state statutes authorize Metro to perform additional functions such as water supply, human services, parks, jail and criminal justice services and library services. Because such authorization might be an impediment to voters approving a tax base for the Zoo the legislative change in Attachment "1" of Exhibit "A" attached (Resolution No. 84-500) is proposed for your consideration. The proposed legislation removes the Zoo tax base approval requirements and replaces it with direct voter approval requirements for the District to perform the specific functions mentioned above. The proposal also states that:

"...voter approval of a power means approval of any measure identifying the power, including a measure authorizing financing which identifies funds for the exercise of the power."

Enactment of this proposed legislation will enable District voters to consider a Zoo tax base measure on its merits while retaining approval authority on specified District functions.

IRC: The major purpose of this function is to provide planning and coordination services to local governments in the region. The long-range fiscal policy for the IRC is for local governments to pay for services received and to have a say in what services will be provided to them. The proposed legislation amends ORS 268.513 and does three things (see Attachment "2" of Exhibit "A"):

1. It removes the "sunset" provision on Metro's ability to assess a service charge to cities and counties for the cost of planning functions;
2. It requires that the Council "...shall consult with the local government officials advisory committee...in determining whether" to charge cities and counties for planning functions provided by Metro; and
3. It includes the Port and Tri-Met as units against which a mandatory assessment will be levied as follows:

"(4) The Port of Portland and the Tri-County Metropolitan Transportation District established pursuant to ORS Chapter 267 shall each pay as charges a per capita amount equal to .125 of the per capita service charge set for the cities and counties for population within the Metropolitan Service District...."

GENERAL GOVERNMENT: The goal for this functional area is to obtain a new source of revenue to pay for the costs of general government of Metro. Costs of general government are those activities of the District mandated by statute to occur whether or not the District does anything else. Included are the costs of the Council; the Executive Officer; election expenses; mandated land use activities such as urban growth boundary management and plan coordination responsibilities. The total amount of revenue needed for general government activities is approximately \$1,000,000 (for further explanation see memo dated June 20, 1984, titled "General Government Cost Projections and Allocation of Support Service Costs").

Potential sources of revenue considered to meet the identified needs include the following:

EXISTING AUTHORITY

- o Property Tax
- o Income Tax

ADDITIONAL TAXING AUTHORITY

- o General or specific authority to tax a variety of goods or services.

STATE SHARED REVENUES

- o Liquor Revenue
- o Cigarette Tax Revenue

FEE FOR METRO SERVICES

- o Apportion revenue from Solid Waste, Zoo and IRC to cost of General Government

Of the several potential general government revenue sources listed above, two are presented for consideration.

1. Receipt of state cigarette tax proceeds for general purpose. This proposal (see Attachment "3" of Exhibit "A") is in concept form rather than draft legislation form because of the complex technical nature of the legislation required.

If the proposal is part of Metro's legislative program, then drafting assistance will be requested from Legislative Counsel. The basic concept proposed is an increase in the state cigarette tax inclusion of Metro in the distribution formula. Two options are proposed including a \$.01 per pack increase with the revenue distributed to counties statewide except in the Tri-County area Metro would receive its proportionate share based upon the Metro population in each county. The second option is an increase of \$.03 per pack with a penny each allocated statewide to the cities, counties and regional councils. At this time both options are recommended for consideration.

2. Fees on Metro services. This proposal (see Attachment "4" of Exhibit "A") authorizes the Council by ordinance to tax any of its functions with proceeds to be used for general purposes including studying the feasibility of performing additional functions. The proposed legislation amends ORS 268.515 as follows:

"(7) The district may impose an excise tax on any of its functions for the purposes of performing any of its functions and studying additional functions."

The proposal also states that any such tax imposed shall not become effective until 65 business days after approval by the Metro Council.

ADDITIONAL BACKGROUND INFORMATION

In addition to considering the memoranda listed in Exhibit "B" and adopting the long-range financial policies set forth in Council Resolution No. 84-444 (Exhibit "C"), the Council has adopted Resolution No. 84-477 which establishes priorities and objectives for the District for the next two years. One adopted Council priority and its concomitant objectives address long-range financial issues as follows:

"Priority B: Establish and Maintain Adequate and Firm Financial Support for all Services.

"Objectives:

- "1. Define elements of General fund and Support Services fund.
- "2. Adopt formal policies for solid waste fees.
- "3. Secure authorization for permanent General fund.
- "4. Secure permanent finances for Zoo operation and maintenance.
- "5. Establish long-term financial support with local governments for stable financing of Intergovernmental Resource Center.
- "6. Offer specific legislative proposals for improving Metro financing."

During the past few months the Presiding Officer, the Executive Officer and staff have been meeting with local officials and citizens to discuss Metro's financial situation. One series of informal meetings with local officials has produced a recommendation by the Presiding Officer and Executive Officer to continue the local dues assessment authority. At another series of informal meetings with citizens and local officials (approximately 70 persons over an eight-week period) the subject of funding general government functions has been the major topic. The information presented at these informal meetings is attached as Exhibit "D." These meetings with citizens and local officials produced a general consensus for Metro to seek legislative action to obtain state-shared revenues from the cigarette tax source and/or acquire authority to impose a fee on Metro services both to support the funding of general government functions.

EXHIBIT A-1

FOR THE PURPOSE OF ADOPTING ) RESOLUTION NO. 84-500  
LEGISLATIVE PROPOSALS REGARDING )  
DISTRICT FINANCES ) Introduced by  
) Presiding Officer Kirkpatrick  
) and Executive Officer Gustafson

WHEREAS, The Council of the Metropolitan Service District has adopted Resolution No. 84-444 establishing long-range financial policies for Metro; and

WHEREAS, The Council has adopted Resolution No. 84-477 which establishes priorities and objectives of Metro for the next two years including a Priority (B) to "Establish and Maintain Adequate and Firm Financial Support for All Services" and a concomitant objective to "Offer specific legislative proposals for improving Metro financing"; and

WHEREAS, The Presiding Officer and Executive Officer have caused extensive research and analysis of Metro finances to be done and have consulted interested citizens and local officials on Metro functions and finances; now, therefore,

BE IT RESOLVED,

That the legislative proposals attached as Attachments "1" through "4" are hereby adopted by the Metropolitan Service District for submission to the 1985 Legislative Assembly.

ADOPTED by the Council of the Metropolitan Service District this \_\_\_\_\_ day of \_\_\_\_\_, 1984.

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

PROPOSAL TO REMOVE TAX BASE OR INCOME TAX APPROVAL  
REQUIREMENTS IN ORDER TO PROVIDE ADDITIONAL FUNCTIONS

268.312 Additional powers of district; preconditions. (1) [If either a tax base or income tax has been authorized the district by its electors under ORS 268.315 or 268.505] Subject to prior voter approval, a district may also:

[(1)] (a) Acquire, develop, construct, alter, maintain and operate metropolitan aspects of water supply and distribution systems including local aspects of systems of persons, public corporations, cities or counties transferred to the district by agreement in accordance with this chapter.

[(2)] (b) Plan, coordinate and evaluate the providing of human services, including but not limited to, programs for the aging, health care, manpower, mental health and children and youth.

[(3)] (c) Acquire, develop, maintain and operate a system of parks, open space, and recreational facilities of metropolitan significance.

[(4)] (d) Provide facilities for metropolitan aspects of criminal and juvenile detention and programs for metropolitan aspects of adult and juvenile justice and, by agreement, local aspects of jails, corrections programs and juvenile justice in accordance with this chapter.

[(5)] (e) Provide metropolitan aspects of library activities including, but not limited to, book acquisition and technical assistance for local libraries.

(2) For the purposes of subsection (1), voter approval of a power means approval of any measure identifying the power, including a measure authorizing financing which identifies funds for the exercise of the power.

PROPOSAL TO EXTEND LOCAL GOVERNMENT DUES ASSESSMENT AUTHORITY

## 268.513 Service charge for planning functions of district.

(1) The council [,in its sole descretion may determine that,] shall consult with the local government officials advisory committee appointed under ORS 268.170 in determining whether it is necessary to charge the cities and counties within the district for the services and activities carried out under ORS 268.380 and 268.390. If the council determines that it is necessary to charge cities and counties within the district for any fiscal year, it shall determine the total amount to be charged and shall assess each city and county with the portion of the total amount as the population of the portion of the city or county within the district bears to the total population of the district provided, however, that the service charge shall not exceed the rate of 51¢ per capita per year. For the purposes of this subsection, the population of a county does not include the population of any city situated within the boundaries of that county. The population of each city and county shall be determined in the manner prescribed by the council.

(2) The council shall notify each city and county of its intent to assess and the amount it proposes to assess each city and county at least 120 days before the beginning of the fiscal year for which the charge will be made.

(3) The decision of the council to charge the cities and counties within the district, and the amount of the charge upon each, shall be binding upon those cities and counties. Cities and counties shall pay their charge on or before October 1 of the fiscal year for which the charge has been made.

(4) [This section shall not apply to a fiscal year which ends later than June 30, 1985.] The Port of Portland and Tri-County Metropolitan Transportation District established pursuant to Chapter 267 ORS shall each pay as charges a per capita amount equal to .125 of the per capita service charge set for the cities and counties for population within the Metropolitan Service District, and the provisions of subsections (2) and (3), above, shall apply to the charge.

PROPOSAL TO RECEIVE STATE-SHARED REVENUE FOR GENERAL PURPOSES

This legislative concept authorizes Metro to receive revenue based upon a \$.01 per pack tax on the sale of cigarettes statewide. Two options are proposed as follows:

Option A: Additional \$.01 per pack cigarette tax statewide will raise approximately \$3.3 million. Distribute funds to counties, but in tri-county area distribute funds to Metro on basis of Metro population in each county to total county population.

Additional \$.01 per pack tax distributed in this manner would yield approximately:

Clackamas County	100,975
Multnomah County	6,592
Washington County	35,039
Metro	<u>1,185,874</u>
Total	\$1,328,480

Option B: Additional \$.03 per pack cigarette tax. Distribute funds to counties (\$.01), cities (\$.01) and Metro and COGs (\$.01). Metro would receive entire tri-county for general government purposes and as share as regional planning and coordination agency. Revenue would total approximately \$1,328,480.



PROPOSAL TO AUTHORIZE IMPOSITION OF FEE ON  
METRO SERVICES FOR GENERAL PURPOSES

268.515 Service and user charges; grants; loans, excise taxes. (1) A district may impose and collect service or user charges in payment for its services or for the purposes of financing the planning, design, engineering, construction, operation, maintenance, repair and expansion of facilities, equipment, systems or improvements authorized by this chapter.

(2) A district may seek and accept grants of financial and other assistance from public and private sources.

(3) A district may, with the approval of a majority of members of its governing body, borrow money from any county or city with territory in the district.

(4) A district may, by entering into loan or grant contracts or by the issuance of bonds, notes or other obligations with the approval of a majority of members of its governing body, borrow money from the state or its agencies or departments, including without being limited to, money from the Pollution Control Fund.

(5) Notwithstanding ORS 294.305 to 294.520, the authority to borrow granted under this section includes the authority to enter into agreements to repay such money subject to such terms and conditions as the parties may agree.

(6) A district may provide that its borrowing of money be secured by a lien and pledge of all or any part of the revenues derived by the district from the facilities constructed from the proceeds of the moneys borrowed.

(7) The district may impose an excise tax on any of its functions for the purposes of performing any of its functions and studying additional functions.

(8) [(7)] Except in an emergency, the imposition of or increase in a service or user charge and the imposition of an excise tax shall not become effective until 65 business days after approval by the governing body. As used in this subsection, business days mean Monday through Friday.

MEMORANDA PRESENTED TO COUNCIL ON LONG-RANGE FINANCES

- o "Future Funding--Background Information on Metro Financial Situation." July 26, 1983.
- o "The General Fund--Its Relationship to Other Funds and Functions Provided." July 26, 1983.
- o "Long-Range Financial Policies for Metro." September 7, 1983.
- o "Five-Year Projections for the General Fund." September 8, 1983.
- o "Preliminary Projections for Zoo Operating Fund." September 28, 1983.
- o "Long-Range Financial Policies for Metro." January 3, 1984.
- o "Zoo Five-Year Financial Plan." January 16, 1984.
- o "Intergovernmental Resource Center Funding Proposal and Schedule." May 25, 1984.
- o "Redefinition of Existing General Fund and Proposed Five Operating Fund System." May 30, 1984.
- o "Proposal for Extension of Mandatory Dues." June 20, 1984.
- o "General Government Cost Projections and Allocation of Support Service Costs." June 20, 1984.
- o "Long-Range Financing for Zoo Operations." July 26, 1984.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF APPROVING ) RESOLUTION NO. 84-444  
LONG-RANGE FINANCIAL POLICIES )  
FOR THE METROPOLITAN SERVICE ) Introduced by the  
DISTRICT ) Executive Officer

WHEREAS, The Metropolitan Service District relies on a variety of revenue sources to conduct its business; and

WHEREAS, The Metropolitan Service District over the past five years has demonstrated its ability to carry out its assigned responsibilities; and

WHEREAS, The expiration of a three-year serial levy and changes in state laws will alter the revenue sources for the Metropolitan Service District; and

WHEREAS, A set of financial policies and principles has been developed to be used as a guide for reaching financial stability for the Metropolitan Service District; now, therefore,

BE IT RESOLVED,

That the Council adopts the financial principles and policies contained in Exhibit A attached.

ADOPTED by the Council of the Metropolitan Service District  
this 26th day of January, 1984.

Conker, L. J. Patrick  
Presiding Officer

DC/gl  
0512C/366  
01/05/84

## EXHIBIT A

To assist in the achievement of the broad goal of providing financial stability for Metro, the following general principles are adopted:

1. Each functional area shall have identified sources of revenue;
2. Each functional area shall prepare a five-year financial plan; and
3. Any new functions assumed by Metro shall have a source of funding.

To aid decision making in each of the functional areas, the following policies are adopted:

General Government/Mandated Services

1. General government and mandated services shall have an external source of revenue to cover their direct costs and to pay their share of support services.
2. When specific funds are identified for general government and mandated services, interfund transfers shall no longer be used to support these activities.
3. The support services functions of the General fund shall be totally financed from all Operating funds on the basis of actual use.

Local Assistance and Coordination

1. Local assistance activities carried out by Metro shall be funded by the jurisdictions and organizations using those services.
2. Metro shall annually review and develop a local assistance program in conjunction with local government users.

Zoo Operations

1. The Zoo shall rely on the property tax for a portion of its revenues.
2. Approximately 50 percent non-tax revenues shall be maintained for funding Zoo operations.

3. The Council shall annually review admission fees to assist in meeting Objective 2 above.
4. The Council shall develop a policy of maintaining a proper balance between funds used for animal and non-animal capital improvements and the use of private versus public funds.
5. As indicated in the adopted Master Plan, the priority for capital investments shall be the completion of the Zoo's development and the replacement of non-standard exhibits.
6. It shall be the policy of the Council to provide special benefits to residents of the region who pay taxes to help support the Zoo.

Solid Waste Operations

1. As part of the development of a five year financial plan, a set of financial policies shall be prepared for adoption by the Council prior to the beginning of the rate review process in September 1984 and shall address disposal rates, regional transfer charges, convenience charges, user fees and other appropriate issues.

0512C/366  
1/26/84

## REVENUE PROPOSAL FOR GENERAL GOVERNMENT

BACKGROUND

FINANCIAL STABILITY IS IMPORTANT GOAL FOR METRO

POTENTIAL LOSS OF TWO FUNDING SOURCES

- o Zoo tax levy (passed May 1984).
- o Local government dues (expires June 1985).

FINANCIAL POLICIES ADOPTED BY METRO COUNCIL

- o Each functional area secure identified source of revenue.

Zoo - Admission/Concession Fees and Property Taxes

Solid Waste - Disposal and User Fees

Intergovernmental

Resource Center (IRC) - Grants and Local Government  
Dues

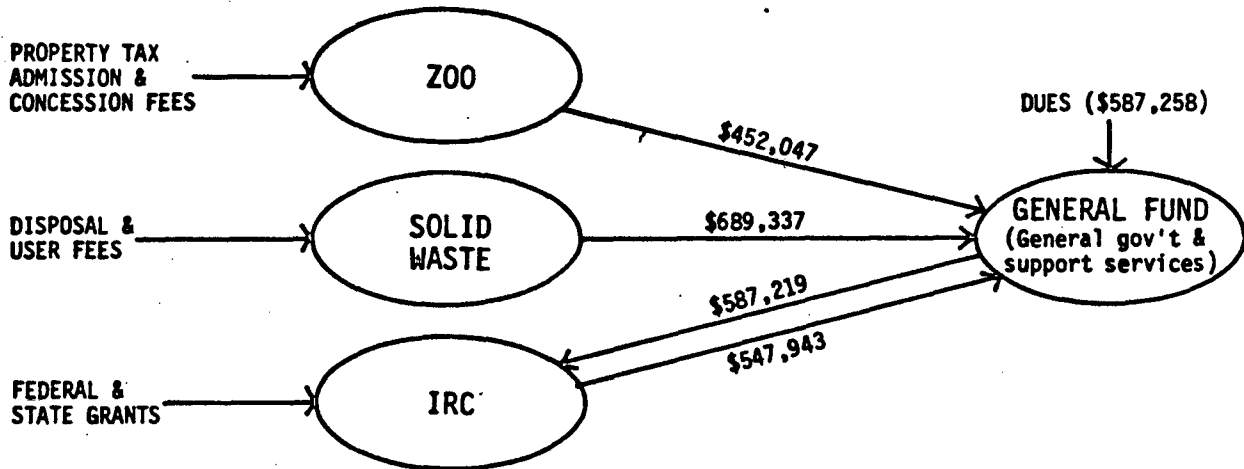
General Government - ???

- o General Government will pay for direct costs and its share of support service costs.
- o Support Services functions (Accounting, Personnel, Budget, Data Processing, etc.) shall be financed by other operating funds on basis of actual use.

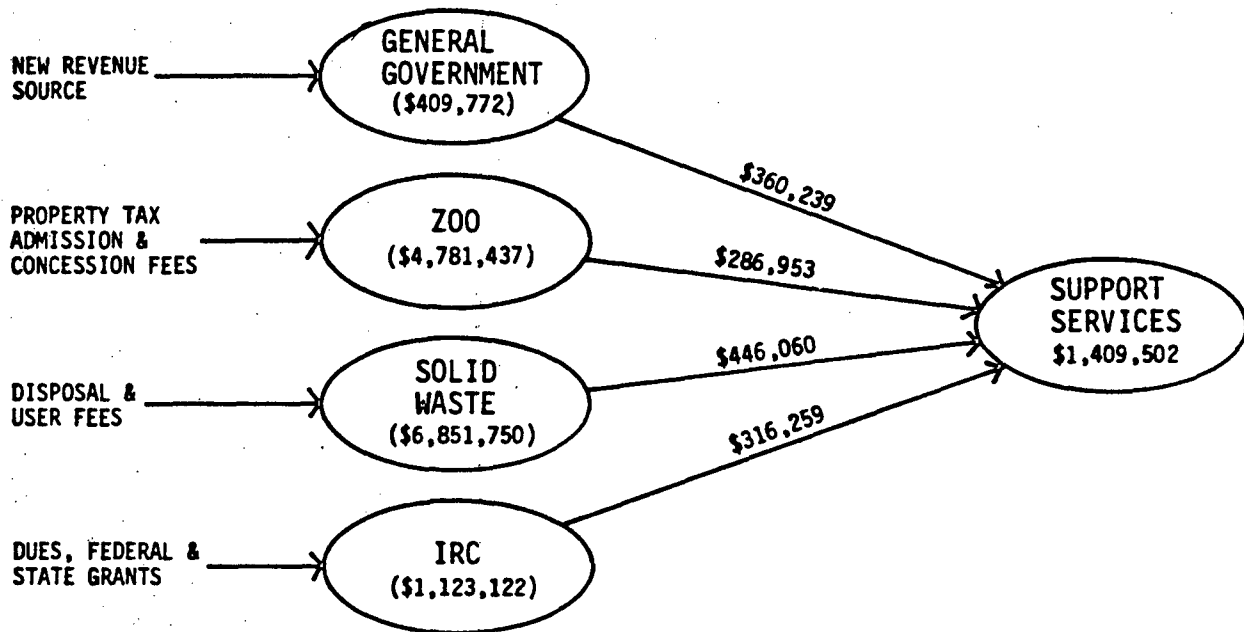
NEEDS

EXISTING GENERAL GOVERNMENT FUNCTIONS	\$ 660,000 - \$ 770,000
ENHANCE LOCAL ASSISTANCE PROGRAMS	60,000 - 100,000
REGIONAL SERVICE NEEDS ANALYSIS	<u>125,000 - 200,000</u>
TOTAL	\$ 845,000 - \$1,070,000

## Current (1984-85) Four Operating Fund System



## Proposed Five Operating Fund System



## Summary

	<u>CURRENT</u>	<u>PROPOSED</u>	<u>DIFFERENCE</u>
Dues*	\$129,956	\$ 0	\$(129,956)
Transfers			
Zoo	452,047	286,953	(165,094)
SW	689,337	446,060	(243,277)
IRC	547,943	316,259	(231,684)
New source	0	770,011	770,011
	<u>\$1,819,283</u>	<u>\$1,819,283</u>	<u>\$ 0</u>

\*The amount of dues currently used to pay for cost of general government functions (1984-85 Budget)

POTENTIAL REVENUE SOURCESEXISTING AUTHORITY

- o Property Tax
- o Income Tax

ADDITIONAL TAXING AUTHORITY

- o General or specific authority to tax a variety of goods or services.

STATE SHARED REVENUES

- o Liquor Revenue
- o Cigarette Tax Revenue

FEE FOR METRO SERVICES

- o Apportion revenue from Solid Waste, Zoo and IRC to cost of General Government.

REVENUE ALTERNATIVES  
(One or Any Combination)

STATE-SHARED REVENUE

Option A: Additional \$.01 per pack cigarette tax state-wide will raise approximately \$3.3 million. Distribute funds to counties, but in tri-county area distribute funds to Metro on basis of Metro population in each county to total county population.

Additional \$.01 per pack tax distributed in this manner would yield approximately:

Clackamas County	100,975
Multnomah County	6,592
Washington County	35,039
Metro	<u>1,185,874</u>
Total	\$1,328,480

Option B: Additional \$.03 per pack cigarette tax. Distribute funds to counties (\$.01), cities (\$.01) and Metro and COGs (\$.01). Metro would receive entire tri-county for general government purposes and as share as regional planning and coordination agency. Revenue would total approximately \$1,328,480.



FEE FOR METRO SERVICES

Allow fees collected by Metro services to be used for general government purposes. Existing services include solid waste, Zoo and local government assistance (IRC). Revenue to general government could be obtained by any of three methods:

- o Continue the transfer on basis of cost allocation plan;
- o Budget a specific amount of fees directly in general government fund; and
- o Impose a tax on Metro services for general government purposes.

Financial impact based on current payment for general government is as follows:

Solid Waste:

Based on an estimate of 755,000 tons of waste generated each year in the region an allocation of \$.33 per ton would yield approximately \$249,000.

Zoo Admissions:

Based on an estimate of admissions fee revenue of \$961,900 for FY 1983-84 an allocation of 15 percent of admissions would yield approximately \$144,000.

Dues Assessment (IRC):

Based upon an estimate of local government dues of \$587,000 (\$.50 per capita) allocating \$.10 per capita to the general government would yield approximately \$117,000.

In summary, service revenue allocated for general government purposes as indicated above would yield approximately the following:

Solid Waste	\$249,000
Zoo	144,000
Dues	117,000
Eligible Grant Charges	<u>232,000</u>
Total	\$742,000

DC/srb  
1566C/D1  
08/14/84

SOLID WASTE DISPOSAL FEE BACKGROUND

BASE DISPOSAL  
(Cost of Landfilling)

Total cost of disposal at St. Johns  
Tons of trips disposed of at St. Johns

$$\frac{\$ 5,000,000}{500,000 \text{ tons}} = \$ 10.00/\text{Ton}$$

---

CONVENIENCE CHARGE

(Charged only at CTRC based upon convenience of using transfer station rather than landfill)  
(Partial Cost of Transfer)

\$ per ton X Tons or trips at CTRC  
(Discretionary)

$$\$2.25 \times 200,000 \text{ tons} = \$450,000 \quad \times \$ 2.25/\text{Ton}$$

REGIONAL TRANSFER CHARGE (RTC)  
(Partial Cost of Transfer)

Cost of CTRC Operations - \$ Generated by Convenience Charge  
Tons or Trips in Region

$$\frac{\$ 1,700,000 - \$ 450,000}{625,000 \text{ tons}} = \$ 2.00/\text{Ton}$$

---

USER FEE

(Cost of non-disposal, non-transfer programs, i.e., management, general fund transfer, waste reduction, planning, project development)

Total Cost of User Fee Programs  
Tons or Trips in Region

$$\frac{\$ 1,250,000}{625,000 \text{ tons}} = \$ 2.00/\text{Ton}$$

TOTAL "Tip" fee (CTRC) \$ 16.25/Ton  
(St. Johns) 14.00/Ton

Note: Figures are only for the purpose of illustration

9/24/84

Ricks  
4 PM  
meeting

# Metro eyes proposals to finance its services

By TOM STIMMEL  
of The Oregonian staff

8-3 9-26-84  
M/NW

Portland metropolitan area residents could find themselves paying an extra cigarette tax or a garbage fee to help finance regional government.

A cigarette tax or a service excise fee are among proposals suggested by the Metropolitan Service District to finance its general government services. They were among possible requests to the 1985 Legislature discussed by Metro councilors Tuesday.

Other legislative proposals include extension of the per capita taxes now paid by local governments to finance Metro activities and an authorization for a tax base election to finance operations of the Washington Park Zoo.

Rick Gustafson, Metro executive director, said either a cigarette tax or an excise tax would be devoted to finance general government services that cost Metro about \$1 million a year.

Cigarette taxes of 1 cent or 3 cents a package are being considered. If a statewide 1-cent tax were approved as proposed, receipts would go to counties except in the Portland area, where they would go to Metro. If a 3-cent tax were levied, receipts would be divided equally among cities, counties and Metro and local councils of government. In either case, Metro estimated its revenues at \$1.3 million.

An alternate excise tax, tailored to meet needs, might be applied to Metro services, specifically solid waste disposal or zoo admissions.

Metro also may seek legislative authority to establish a tax base for the zoo only. The law now permits Metro to seek a tax base for the zoo, but receipts could be used for other authorized functions, such as water supply, human services, parks and jails. Metro does not supply those other services and would not use a tax base

for them, Gustafson said. He said removing the legal authorization could make a tax base for the zoo only more acceptable to voters.

Much of Metro's present financing comes from a tax of 50 cents per resident from cities and counties in the service district, plus 6 cents per resident in the larger districts of Tri-Met and the Port of Portland.

That taxing authority expires next year.

BEFORE THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING AN ) RESOLUTION NO. 84-491  
INTERIM MANAGEMENT STRATEGY FOR )  
THE ST. JOHNS LANDFILL ) Introduced by the  
 ) Executive Officer

WHEREAS, ORS 268 designates the Metropolitan Service District (Metro) to be the provider of solid waste disposal facilities in the Portland metropolitan area; and

WHEREAS, The Council of the Metropolitan Service District has identified the site known as "Wildwood" to be the next general purpose sanitary landfill when the St. Johns Sanitary Landfill is filled to its design capacity; and

WHEREAS, Due to delays encountered in receiving final approval for the use of Wildwood as the region's next general purpose landfill, it now appears that Wildwood will not be available upon the anticipated closure of the St. Johns Landfill; and

WHEREAS, The Metro Council recognizes the need to ensure uninterrupted access to an environmentally sound and conveniently located general purpose sanitary landfill as a manner of acceptable public health practices; now, therefore,

BE IT RESOLVED,

That the following interim management policies and strategies for the St. Johns Landfill are adopted for the purpose of extending the useful life of this limited resource in order to provide Metro additional time to secure final approval from appropriate governmental bodies for the Wildwood Sanitary Landfill site.

1. Metro will attempt to divert additional drop box material to limited use landfills based upon discussions with and suggestions made by the Solid Waste Policy Alternatives Committee (SWPAC).
2. Metro will begin to explore and secure permission from other authorized sites accessible to the Metro region for the disposal of municipal solid waste. The Executive Officer will report to the Metro Council on the progress of these discussions at the Council's first regularly scheduled meeting in February of 1985.
3. Metro will consult with the City of Portland, the Department of Environmental Quality and the residents of north Portland to develop a process of assessing future development of the St. Johns Landfill to correspond with the opening of the next general purpose regional landfill.

ADOPTED by the Council of the Metropolitan Service District  
this 13th day of September, 1984.

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

NW/gl  
1747C/392-8  
09/18/84

Certified A True Copy of the Original Thereof

  
\_\_\_\_\_  
Clerk of the Council

*keep with Sept. 24<sup>th</sup> SWPAC*

Councilor Bonner requested consideration of the Resolution be postponed until September 13, 1984, at which time the subject of convenience charges could be thoroughly addressed.

Motion: Councilor Bonner moved to amend the language of item 5 of the proposed Resolution to that originally submitted by staff on August 9, 1984. Councilor Williamson seconded the motion.

Councilor Hansen said Councilor Deines, who had originally proposed to amend item 5, would have a chance to change policy when the rates are next due for Council review.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried to amend the resolution.

Vote: The vote on the main motion, as amended, resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines, Kafoury and Oleson

The motion carried and Resolution No. 84-483 was adopted as amended.

8.2 Consideration of Resolution No. 84-491, for the purpose of establishing an interim management strategy for the St. Johns Landfill, the region's only general purpose sanitary landfill

Mr. Durig discussed the "Summary Matrix - Landfill Management Strategy" included in the agenda materials which graphically listed 14 alternatives for interim management of solid waste before another general purpose landfill is opened. Mr. Durig explained these 14 alternatives could be divided into three general categories:

- 1) divert nonputrescible waste to limited purpose landfills;
- 2) divert putrescible waste to general purpose landfills; and
- 3) expand St. Johns landfill.

Mr. Durig reported SWPAC had an excellent discussion about staff's proposed management strategy that represented a broad range of opinions. He said SWPAC supported the concept of looking outside the region to site a landfill; they were willing to explore the concept of some expansion of St. Johns; they wanted Resolution No. 84-491 to state that recycling would be an important part of the interim management strategy; they expressed some concern about using the rate structure as an economic incentive to divert nonputrescible waste to limited purpose sites. They questioned whether the time and effort required to make this sort of change

would actually result in a dramatic shift of waste being diverted to other landfills. They also thought this change would result in higher disposal rates for residential customers who generate most of the putrescible waste.

Mr. Joe W. Cancilla, Jr., representing the Portland Association of Sanitary Service Operators (PASSO), P.O. Box 66193, Portland, requested Metro consider the following suggestions for an interim landfill strategy: 1) expand St. Johns vertically 15 feet and possibly horizontally three to five acres; 2) heavily encourage recycling in the region; 3) arrange to have transfer loads from CTCRC directed to outlying landfills, such as McMinnville or Woodburn; 4) extend operation hours at area dry fills and have the private landfills reduce dump costs on dropbox "fluff loads"; and 5) EQC and DEQ should work cooperatively in an effort to site additional dry fills in the region.

Ms. Delyn Kies, Solid Waste Director for the Bureau of Environmental Services, City of Portland, 1120 S.W. 5th Avenue, Portland, circulated a memo from City Commissioner Mike Lindberg's office to the Council. She said the City Bureau's Solid Waste Advisory Committee had reviewed staff's recommendations and agreed an interim landfill strategy was necessary. However, she said there was extreme concern about the lack of public involvement in developing an interim plan. Ms. Kies said Commissioner Lindberg wanted to remind the Council that an extensive public participation process must occur before a St. Johns extension request can be brought before the City Council. Other items that should be considered, as outlined in the memo, were emphasis on recycling, extending hours of operation of limited use landfills and citing other such landfills, and pursuing permission from other general purpose landfills to accept waste.

Mr. Mike Burton, 6437 North Fiske, Portland, said he was representing the North Portland Citizens' Committee. Mr. Burton testified that since Metro assumed operation of the St. Johns Landfill, he had seen considerable improvement in citizens' attitudes about the facility because the landfill was much cleaner and more efficiently operated. He said the area residents realize the landfill site will be an important community resource when the facility is closed and therefore, any interim strategy should take end use into careful consideration. He also said North Portland residents need to be involved in discussions about future use and he urged the Council to follow Commissioner Lindberg's recommendations about citizen involvement.

Motion: Councilor Cooper moved for adoption of Resolution No. 84-491. Councilor Williamson seconded the motion.

Presiding Officer Kirkpatrick summarized three issues before the Council: 1) change in rate structure for limited use landfills may not result in satisfactory diversion and other alternatives should be examined; 2) recycling should be included in the interim strategy; and 3) more citizen involvement is needed.

Councilor Hansen said he did not think it wise to approach citizens with a single proposal for extending St. Johns. He proposed to amend the Resolution to insure ample citizen input and to expand the number of options for an interim strategy.

Motion:

Councilor Hansen moved to amend item 3 of the Resolution to read: "Metro will consult with the City of Portland, the Department of Environmental Quality and the residents of North Portland to develop a process of assessing future development of the St. Johns Landfill to correspond with the opening of the next general purpose regional landfill." Councilor Williamson seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Absent: Councilors Banzer, Deines and Kafoury

The motion to amend the Resolution passed.

Councilor Waker said he did not think extending St. Johns was a real solution to the region's problem. He thought Metro's time would be better spent in building a case and going before the State Legislature to request authority to proceed with citing a landfill at Wildwood.

Presiding Officer Kirkpatrick said Councilor Waker's comment was valid and Council had an understanding with staff that such legislation would be drafted. However, she also thought the majority of the Council wanted to explore other solutions in case Wildwood was not cited in a timely manner.

Executive Officer Gustafson added that a discussion of alternatives will become very important when Metro takes its case to the State Legislature. He was certain the question would then arise about whether the region was in the state of an emergency. He said we would then need to demonstrate we no longer had the ability to extend St. Johns past a certain date and that there were no other suitable alternatives available.

Councilor Bonner said he appreciated staff's efforts in preparing the matrix chart and thought this graphic would clearly demonstrate to all parties involved the complexity of the issues and the decisions that must be made. He then made three recommendations: 1) the Council refer back to SWPAC the issue of diverting waste to limited use landfills and that SWPAC recommend a solution that could be in force by January 1, 1985; 2) provisions of item 2 of the Resolution be implemented; and 3) staff amend the Resolution to address the recycling issue. Presiding Officer Kirkpatrick



asked Councilor Bonner if he would move postponement of consideration of the Resolution in order for the above concerns to be addressed.

Motion: Councilor Bonner moved that consideration of Resolution No. 84-491 be postponed to September 13, 1984. Councilor Kelley seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Hansen, Kelley, Oleson and Kirkpatrick

Nays: Councilors Van Bergen, Waker and Williamson

Absent: Councilors Banzer, Deines and Kafoury

The motion to postpone consideration of the Resolution to September 13, 1984, carried.

8.3 Consideration of Resolution No. 84-486, for the purpose of amending the FY 83 Unified Work Program and approving in concept the development of the Oregon City Transit Center

Mr. Tom Vanderzanden, 902 Abernathy Road, Oregon City, spoke on behalf of the proposed Resolution and addressed Councilor Kelley's concerns about the location and cost of the project.

Motion: Councilor Williamson moved to adopt Resolution No. 84-486. Councilor Bonner seconded the motion.

Vote: The vote on the motion resulted in:

Ayes: Councilors Bonner, Cooper, Oleson, Van Bergen, Waker, Williamson and Kirkpatrick

Nay: Councilor Kelley

Absent: Councilors Banzer, Deines, Hansen and Kafoury

The motion carried and Resolution No. 84-486 was adopted.

Presiding Officer Kirkpatrick called for a recess of the Regular Council Meeting at 7:10 p.m. so the Council could convene to another room for an Executive Session.

EXECUTIVE SESSION

An Executive Session of the Council was called to order by Presiding Officer Kirkpatrick at 7:15 p.m. under the authority of ORS 192.660(1)(h) for informational purposes only. Present were Councilors Banzer, Bonner, Cooper, Hansen, Kelley, Oleson, Van Bergen, Waker, Williamson, and Kirkpatrick.

Ed Stuhr

9-24-84

1. If no rate changes are made, there should be adequate overall revenues to meet requirements over the next 18 months. User fees would be inadequate to meet WTRC debt service, however. A decision to fund some or all of WTRC's development and debt service from regional transfer charges would correct the user fee inadequacy. While that decision could be made without changing the rate policies adopted recently by the Council, it would be a departure from the past practice of paying those costs from user fees.
2. An increase in user fees to \$2 per ton would correct the projected revenue shortfall and would compensate for inflation in user fee programs. The increase in overall revenue could then be used to pay for some of the WTRC investment, thus lowering future debt service payments on the facility and reducing the regional transfer charge increase when WTRC begins operations. A user fee increase would act to oppose Metro's policy of diversion of waste away from St. Johns, however, as other landfills' rates would be driven upward by the increase.
3. Since overall projected revenues are adequate, a user fee increase could be offset by an equal decrease in the regional transfer charge. This charge would provide adequate funding for user fee programs without increasing rates to any customers, and would continue adequate funding of the transfer system. Non-Metro landfills would also see no change in the Metro charges they must collect. Since no extra revenue would be developed, there would be no lessening of the rate impact when WTRC starts operating.

The staff recommends that WTRC expenses be funded from the regional transfer charge. While this action will provide adequate user fee revenues during the period covered by this analysis, it will not necessarily provide a long-term solution to the effects of inflation nor will it allow new user fee programs which may evolve from the system planning process.

REVENUE PROJECTION

July 1984 to December 1985

	1984 Rates	FY 84-85 Volume Projection	FY 84-85 Revenue Projection	July-Dec. 1985 Revenue Projection (51%)	18-Month Total Revenue	07/01/84 Fund Balance (unaudited)	18-Month Total Resources
<u>St. Johns</u>							
Comm. Disp.	\$9.80/ton	304,580	\$2,984,884	\$1,522,291	\$4,507,175		
Public Disp.	5.30/trip	53,351	282,760	144,208	318,269		
						720,510	\$8,885,788
<u>CTRC</u>							
Comm. Disp.	9.80	192,070	1,882,286	959,966	2,842,252		
Public Disp.	5.30	83,409	442,068	225,455	497,582		
Comm. Conven.	2.25	192,070	432,158	220,401	652,559		
Public Conven.	0.75	83,409	62,557	31,904	94,461		
Comm. RTC	2.00	-	1,438,109	733,436	2,171,545	636,680	4,449,402
Public RTC	1.34	-	407,627	207,890	615,517		
CTRC Public Debt Service					278,640		
<u>User Fees</u>							
Comm. UF	1.68	-	1,181,786	602,711	1,784,497		
Public UF	0.54	-	164,705	84,000	248,705	313,680	2,346,882
Other Revenue			90,700	46,258	136,958	-	136,958
<b>Total</b>					<b>\$14,148,159</b>	<b>\$1,670,870</b>	<b>\$15,819,030</b>

**REQUIREMENTS**

	FY 84-85 Budget	Adjustments	July-Dec. 85 (51% of Adjusted Budget)	Inflation Effects	18-Month Total Requirements
St. Johns	\$5,641,420		\$2,877,124	\$161,842	\$8,680,386
CTRC	2,667,350	50,000 <sup>2</sup>	1,415,850	80,470	4,213,670
<b>User Fees</b>					
M&A	907,152		462,648	34,251	1,404,050
WR	257,818		146,487 <sup>1</sup>	8,055	412,360
Systems Plan	100,325		51,166	2,814	154,305
Wildwood	117,870		60,114	2,745	150,529
WTRC	153,745	(50,000)	52,910	2,910	154,290
User Fee Program Total <sup>3</sup>					<u>\$2,275,534</u>
<b>Total Requirements</b>					<b>\$15,169,590</b>

<sup>1</sup>Includes addition of one person in Waste Reduction Program - Summer 1985.

<sup>2</sup>Debt Service on WTRC paid by Regional Transfer Charge = \$50,000 in FY 1984-85, \$55,000 during Fall 1985.

<sup>3</sup>Includes no new user fee programs.

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REVENUE vs. REQUIREMENTS PROJECTION

	18-Month Resources	18-Month Requirements	Remaining Fund Balance	Percent Remaining
St. Johns	\$ 8,885,788	\$ 8,680,386	\$205,402	2.4%
CTRC	4,449,402	4,213,670	235,732	5.6%
		4,108,670 <sup>1</sup>	340,732	8.3%
User Fee Proj.	2,346,882	2,275,534	71,348	3.1%
		2,380,534 <sup>1</sup>	(33,652)	(1.4%)
Other	<u>136,958</u>	<u>-</u>	<u>-</u>	<u>-</u>
Totals	\$15,819,030	\$15,169,590	-	4.3%

<sup>1</sup>Alternative which shows effect of paying WTRC debt service from user fees. WTRC development costs would add another \$100,000 to total paid by the RTC, if that option is chosen.

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# attendance sheet

<u>Name</u>	<u>Representing</u>
PAUL H. JOHNSON	CONTRACTOR RED
DOUG. DRENNEN	MORO
* Pete V. VIVIANO	Industry
* JOE. W. CANCELLA. JR.	PASSO
Mike Sandberg	Wash City
Bob Harris	Clackamas Co. - Public
MT Aman	Metro
James F. Cozzetta	MDC
David Phillips	Clackamas County DES
DAN DURIG	METRO
Ed Stuhr	Metro
Norm Wittman	"
Dennis M.	"
* Kelly Wellington	City of Portland - Public
Shirley Coffin	Wash Co. - Public
Mike Borg	Clark Co Haulers
Bonnie	

\* guests