



METROPOLITAN SERVICE DISTRICT

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

METROPOLITAN SERVICE DISTRICT BOARD

MSD Office
6400 SW Canyon Ct.

January 11, 1974
2:00 P.M.

A G E N D A

- I. MINUTES
- II. SOLID WASTE MANAGEMENT FINANCIAL PLAN PRESENTATION -
Bartle-Wells Associates
- III. MSD/DEQ GRANT OFFER AND ACCEPTANCE AGREEMENT - Phase II,
Part I Solid Waste Program
- IV. MSD/CRAG AGREEMENT - Phase II, Part I Solid Waste Program
- V. MSD/COR-MET AGREEMENT - Phase II, Part I Solid Waste
Program
- VI. MSD PROCEDURES FOR BOUNDARY CHANGE
- VII. JOHNSON CREEK FLOOD CONTROL PLANNING - Flood Control
Utility Concept - K.C.M. Engineering Consultants
- VIII. NEW BUSINESS
 - . Special Meeting of the MSD Board - January 25, 1974
2:00 P.M.
 - . MSD Chairman Election
 - . MSD Board Replacement for Cities of Washington County



METROPOLITAN SERVICE DISTRICT

6400 S.W. CANYON COURT PORTLAND, OREGON 97221 (503) 297-3726

January 7, 1974

TO: Metropolitan Service District Board
FROM: MSD Staff
SUBJECT: STAFF REPORT FOR JANUARY 11, 1974 MSD BOARD MEETING

Presented to the Board for transmittal, information and recommended action are the following items:

Page

- 1 I. MINUTES
Action - Approval
- 7 II. SOLID WASTE MANAGEMENT FINANCIAL PLAN PRESENTATION -
Bartle-Wells Associates
Action - Accept the report and authorize staff to disseminate the report for review and comment to be heard by the Board at their February 7, 1974 meeting.
- 8 III. MSD/DEQ GRANT OFFER AND ACCEPTANCE AGREEMENT -
Phase II, Part I Solid Waste Program
Action - Approve agreement and authorize the MSD Board Chairman to sign all documents necessary after review by MSD legal counsel.
- 9 IV. MSD/CRAG AGREEMENT - Phase II, Part I Solid Waste Program
Action - Approve agreement and authorize the MSD Board chairman to sign the necessary documents and carry the agreement to the CRAG Executive Board for approval.

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- 18 V. MSD/COR-MET AGREEMENT - Phase II, Part I Solid
Waste Program
Action - Approve agreement and authorize the MSD
Board Chairman to sign the necessary
Documents.
- 22 VI. MSD PROCEDURES FOR BOUNDARY CHANGE
Action - Authorize staff to commence work on
seeking boundary change for MSD to include
all areas within Clackamas, Multnomah,
and Washington Counties.
- 26 VII. JOHNSON CREEK FLOOD CONTROL PLANNING - FLOOD
CONTROL UTILITY CONCEPT - K.C.M. Engineering
Consultants
Action - Accept the report and refer to the
Technical Advisory Committee for
Recommendation.
- VIII. NEW BUSINESS

I. MINUTES

The following pages contain the minutes of the Board meeting of December 14, 1973. The staff recommends approval of the minutes.

VERBAL REPORT BY MR. FRED COPE OF THE BARTLE-WELLS ASSOCIATES
Solid Waste Phase I Financial Plan

"We have completed essentially our preliminary financial calculation and also the basic assumptions for the report. But we have been unable to complete the text as such. This arose in part from some of the difficulties we have had in working with engineering data without supportive text. We did find that some of our calculations had to be changed and we are now proposing that we submit our text in about one month. This would be a pre-final draft with all the recommendations.

"We will now make a presentation on what essentially the major plans and calculations show and also some of the major assumptions and the backup factor we used in developing them. We will be able to provide you with unit costs. We will present this in four sections briefly covering what is contained in the program. we will review some of the revisions that we made to the engineering data, the basis for our financing plan and also the costs associated with it, including the recommendations and conclusions of our report, and finally, the projected revenues and expenditures.

"The two major programs as we see them are the processible waste program and the Columbia County system. For the processible solid waste program, all processed waste would be delivered to the milling facility, and each facility would be opened for the disposal of waste by the general public, by franchise haulers and private haulers. Waste from identified 50 generation centers would be routed to specific milling facilities for quantity purposes.

"All residual milled waste be routed to the assigned landfill. The landfill is developed to receive a certain quantity of waste. The developed landfill will only accept the milled refuse. They will not accept any waste other than that coming from the milling facilities.

"The non-processible solid waste program was essentially developed by the engineer on an administrative basis. No system costs were provided, so we are not developing a cost per ton, or revenue structure for non-processible waste.

"The Columbia County System has essentially four transfer stations, and one central disposal site. The basis of the system design is that the four transfer centers will receive processible waste and bulky waste from the public, franchise haulers and other businesses in this specific area. In addition to receiving wastes from the four transfer centers, the central landfill site would also receive all non-processible wastes. There were no costs developed for rural transfer system to the three county area, and we are not providing any financing basis for that type of a facility. It doesn't mean that they could not be financed.

"As far as the revisions to the engineering data, the major area was on the generation rates. They have developed projected generation rates at the various centers and then subsequently by county. In reviewing those we found that we needed to reduce these about 15% to reflect the difference between current measured volume and projected quantity. The capital cost for land values we used provided assessed values and increased these by 50% to allow for under public assessment of needed land. The inflation factor on a yearly basis was 6% for future acquisition. For construction and equipment cost, we separated all system cost for both Columbia County and the three-county area into transfer or milling facilities, transport system, and the landfill. The inflation factor used for those capital costs was 8% for construction and 5% for equipment.

For some of the capital costs it was necessary to get supplemental information to develop. The O & M costs for the program for the three-county area were reduced by milling facilities of 10%, for Columbia County. We developed them by using the engineering data for the transport system within the three-county area and the O & M costs were decreased by 15%. Again the reason for this decrease were due to the anticipated lower volume. The system was designed for 100% generation and we do not anticipate 100% generation into the facilities. Administrative costs for both Columbia County and three-county area were estimated based on engineering data and information available to us. The basis for the financing plan for administrative program would look at the five suggested programs and reduce them into three. The processible solid waste program would be the first group and would include non-processible waste program and also the recycling aspect. The reason why these programs are one is that currently the demolition sites receive 25% processible waste. The total quantity going into demolition sites, 70% is a processible material. There will be a substantial reduction in quantity going into demolition sites. The recycling program would likewise reduce because it is going to be essentially a program encouraged for resource recovery and any resource recovery you implement would offset your gate fees so we put it into that same first group.

"The Tire Processing Program can be separate.

"The Columbia County Program again can be a separate program.

"The other basis for the financing are first the source of capital funds. We propose the use of public rather than private funds and the reasons are two fold. First, public financing is normally less costly than private financing, and secondly, the Department of Environmental Quality does have a grant loan program that is currently 30% grant and 70% loan. This is available to public agencies for solid waste facilities. The actual capital investments for the two major systems, the three-county area processible program and the Columbia County program, are as follows. For the processible

three-county program, the initial investment for milling, transport disposal system is about 24.6 million dollars. If the grant amount for the initial facilities being proposed from DEQ would be about 7.4 million dollars and a loan of about 17.2 million dollars from DEQ. For the Columbia County system, the total program cost is about \$500,000 of which \$150,000 would be grant and \$350,000 would be loan. For the MSD area, it has been indicated that the MSD can borrow funds and further DEQ can loan and if this occurs, MSD can obtain their 17.2 million dollar loan without voter approval. The Columbia County program implemented by Columbia County, would require voter approval for borrowing the \$350,000. There are subsequent investments required for both systems. Both equipment is proposed to be required by lease purchase and within the three-county area the expansion of one of the milling facilities would require another 2.5 million dollars. It is assumed that there would be no DEQ grant available for this, but conceivably a loan could be obtained. For revenue sources for the programs, we looked at disposal fees as a major source for offsetting the program costs. Within user charges we looked at both direct, indirect and franchise fees. For direct user charges we were able to identify the magnitude of haul cost savings that will be derived from new programs both in Columbia County and in the MSD area. We indicated the amount of these savings and included it as a revenue source in the new program. For indirect user charges, we are primarily going to identify alternate methods and we will develop these a little further; however, we don't really feel they will be necessary for either program. Franchise fees proposed for either agencies cost will only be used for those programs that were implemented by private enterprise and no changes will be made as far as current authority or procedure for franchise collection fees. The disposal fees will be the only ones that will be evaluated. The actual cost for the Columbia County system, the gate fees for processible wastes would be \$5.50 per ton, for non-processible \$3.00 per ton. The direct

haul cost benefits are in the magnitude of about \$70,000 a year. We propose that the agency should attempt to recover 75% of this annual revenue for program support and that would be about \$52,000 per year. It is escalated at the same growth rate as the projected quantities.

"In the table "Summary of Revenues in the Three-County area" haul cost savings were included for developing the unit charge per ton for the gate fee. The haul cost savings in the three-county area was estimated to be about one million dollars per year. If you have a 75% recovery of this haul cost savings you would have \$750,000 per year. Again this is escalated at 2% per year which parallels your growth in generation of wastes. For the year 1976 it is indicated that less than \$750,000 because you will only have one milling facility at that time. The initial rate of 7.50 per ton was compared to St. Johns indicates that your increases are as follows: cost per cubic yard for compacted material will go up about \$1.18, material coming in loose will be 54¢ per cubic yard. The monthly charge for weekly service for a 32 gallon can would increase 35¢. The monthly charge for weekly service for a one cubic yard container run through a compacter will go up \$2.29. For every dollar that you can decrease for gate fee you can save about 7½¢ per month on a standard 32 gallon can. Further, the three-county system is primarily developed with the idea of resource recovery.

"We looked briefly at air separation. The capital cost of air separation was not included in the financing plan. The engineer did indicate that the cost per ton for air separation would be around \$2.55 per ton. This included all capital and O & M cost. If you could get a market of \$4.00 per ton you could recover probably 88¢ per ton. This program was not included for financing.

"Briefly, the recommendation and conclusions in support of the program costs are: MSD administer the following program groups: one, the processible solid waste program including the non-processible solid waste program and recycling management program; the second program for Tire Processing Program; that DEQ grant administrative authority for non-processible solid waste sites to MSD; that Columbia County administer its program separately but utilize technical services of MSD on a contract basis; that local agencies make a commitment to support the program (current franchise fees will remain with local agencies); that private enterprise retain ownership of certain programs and operate the majority of the recommended program elements.

"Specific recommendations on the Processible Solid Waste System is that the City of Portland continue to operate the St. Johns site under an agreement provision similar to private enterprise, with the exception that the City would receive payment for all approved site expenditures and indirect costs; that the Rossman site be leased to enable MSD to provide needed site improvements and that the current operator be allowed to bid for the operation of that site. Further, all processible sites in the three-county area be closed subsequent to implementation of the program; that all like non-processible sites be required to levy two gate fees, one for processible wastes and one for non-processible wastes (MSD in conjunction with DEQ could determine some of the demolition sites that would be allowed to take a certain type of processible wastes - any site authorized to receive that waste, charge the going rate of milling facilities and in turn return the difference between the processing charge and their actual site costs to MSD for the capital cost of this system); The Columbia County system, the Santosh operation would be set up similar to Rossmans in the sense that current operator would be allowed to bid for the operation of that site. The other major recommendation is that the agency evaluate whether or not paper sludges will continue to come into the system. They currently dispose of sludges at that site at a reduced rate. They use this material in lieu of cover material at a fairly low cost. The proposed fee will be \$3.00 a ton which

will be a substantial increase for that type of material. If the local company decides not to take paper sludges there, it will have a tremendous impact on the gate fees and they will have to be recalculated.

January 11, 1974

TO: Metropolitan Service District Board

The Solid Waste Industry is working hard on additional input to your plan ... input that is essential to assure you of successful implementation.

Our goals are to unify the seven Solid Waste organizations in the MSD area on one program and to provide maximum private industry participation in implementation.

Led by an industry team of Dick Glanz, Carl Miller and Nick Brajavich, from your CAC and TAC Committees, our group is planning an industry presentation that essentially supplements the Plan B approach. Time is needed to review new problems and opportunities for both the Board and the Industry created by the fuel crisis, improved markets and other rapid changes in the Industry. Time is needed too, for active participation of all refuse collectors.


To insure input from our collectors, the Oregon Sanitary Service Institute is hosting an all-industry meeting later this month. Tri-County organizations will make telephone and personal contacts with all collectors who are not members of the organized industry.

In the meantime, we are coordinating with Chuck Kemper on the program and your developing plans. We deeply appreciate Chuck's spending Tuesday evening with us and sharing the plans, hopes and frustrations in developing the plan and trying to keep on schedule. He was candid and very helpful in resolving some key questions on the plan and background.

We will have the presentation ready for your February 8th Board Meeting and request the opportunity to appear then. We believe you will find our approach is constructive and that it will strengthen your program.

Sincerely yours,


Nick Brajavich


Carl Miller


Dick Glanz

Representing the Tri-County Disposal Committee:
Local 220, Sanitary Truck Drivers
PASSO
Oregon Drop Box Association
Oregon Sanitary Service Institute
Multnomah, Clackamas and Washington County
Refuse Collectors Association

II. SOLID WASTE MANAGEMENT FINANCIAL PLAN PRESENTATION -
Bartle-Wells Associates

The Solid Waste Management Financial Plan will be presented by Bartle-Wells at this Board meeting. The staff is anticipating a preliminary submittal of Volume II to be presented for review and comment. Additional information is also expected at the special MSD Board meeting scheduled for January 25, 1974.

The staff recommends the Board accept the report and authorize that it be dispersed to appropriate groups (including TAC and CAC) for review and comment to be heard by the Board at the next regular meeting in February.

III. MSD/DEQ GRANT OFFER AND ACCEPTANCE AGREEMENT - Phase II,
Part I Solid Waste Program

The MSD/DEQ Grant Offer and Acceptance Agreement for Phase II, Part I of the Solid Waste Management Program will be presented for approval at this meeting. As you remember at the last meeting, the MSD Board adopted Ordinance No. 5 that authorized the budget of \$81,667 for continued solid waste management planning work. The DEQ staff has subsequently prepared the Grant Offer and Acceptance Agreement.

Since the Phase I budget is almost expended, and continued work with additional staff is needed, the MSD staff recommends that this agreement be approved. Further, it is recommended the MSD Board authorize the MSD Chairman to sign all necessary documents after review by MSD legal counsel.

IV. MSD/CRAG AGREEMENT - Phase II, Part I Solid Waste Program

The following pages contain an agreement between MSD and CRAG for use of staff, materials and services to accomplish Phase II, Part I of the solid waste management program. This would continue the arrangement with CRAG that started with Phase I of the Solid Waste Program. The MSD staff would include a program manager (the CRAG Public Works Director), Solid Waste Coordinator and a secretary. The MSD budget has been established for the six month period between January 1 and July 1, 1974. The agreement is intended to continue the close relationship between CRAG as a planning organization and MSD as an implementing body.

The MSD staff recommends the Board approve the agreement, and authorize the MSD Board Chairman to sign all necessary documents after review by MSD legal counsel. In addition, it is recommended the MSD Chairman carry the approved agreement to the CRAG Executive Board for approval.

AGREEMENT BETWEEN
METROPOLITAN SERVICE DISTRICT AND
THE COLUMBIA REGION ASSOCIATION OF GOVERNMENTS
TO DEVELOP A SOLID WASTE IMPLEMENTATION AND
MANAGEMENT PLANNING PROGRAM

WHEREAS, the Columbia Region Association of Governments (CRAG) as established under Chapter 42 Oregon Laws (1973) will be responsible to provide coordinated regional land use planning for the counties of Clackamas, Multnomah, and Washington;

WHEREAS, The Metropolitan Service District (MSD) as established under ORS 268 has the authority to provide the metropolitan aspects of sewerage, solid and liquid waste disposal, control of surface water, and public transportation;

WHEREAS, the State Department of Environmental Quality (DEQ) has provided to MSD \$81,667 to finance Part I of Phase II of a Solid Waste Implementation and Management Planning Program in the Portland Metropolitan area; and

WHEREAS, the MSD desires to coordinate this planning activity with CRAG in order to provide responsible regional land use and solid waste management planning;

THEREFORE BE IT RESOLVED: That the Columbia Region Association of Governments and the Metropolitan Service District do hereby agree that:

1. The Metropolitan Service District will:
 - A. Develop a Solid Waste Implementation and Management Plan for an area including the counties of Clackamas, Multnomah and Washington;

- B. Contract with CRAG for the staff time, materials, and services necessary to administer the Solid Waste Management Planning Program for the period of January 1, 1974 to July 1, 1974. MSD will reimburse CRAG for said staff time, materials, and services in accordance with the attached budget document;
 - C. Authorize the CRAG staff assigned to administer the MSD Program to direct and coordinate any consultants retained for the Solid Waste Implementation and Management Planning Program;
 - D. Authorize the CRAG staff assigned as MSD Program Manager to disperse payment of all bills in accordance with the approved budget;
 - E. Approve a final Solid Waste Plan and submit it to the CRAG Executive Board for approval as to its conformance with regional planning policies.
2. The Columbia Region Association of Governments will:
- A. Assign CRAG staff to administer the MSD Solid Waste Implementation and Management Planning during the period of January 1, 1974 to July 1, 1974 in accordance with the attached budget document by performing the following activities:
 - . Perform administrative functions as requested by MSD Board in accordance with the attached budget.
 - . Finalize the preparation and adoption of a Regional Solid Waste Plan.
 - . Develop administrative procedures for the Tire Processing and Disposal System.
 - . Initiate the development of a Non-processible Solid Waste Management System.
 - . Be responsible for the budget and financial activities of the MSD.
 - B. Provide MSD access to the research data necessary to accomplish the activities identified in 2(A) above.

C. Review and comment on the Program as approved by the
MSD Board as to its conformance to regional plans.

Adopted by the Board of Directors of the Metropolitan Service
District on this _____ day of _____, 1974.

Chairman

Adopted by the Executive Board of the Columbia Region Association
of Governments on this _____ day of _____, 1974.

Chairman

SUMMARY BUDGET REQUEST BY PROGRAM

131

BUDGET REQUEST - SALARIES.

- 14 -

M.S.D.

BUDGET REQUEST - MATERIALS - SUPPLIES - SERVICES

[illegible]

BUDGET REQUEST - CAPITAL OUTLAY

FISCAL YEAR
1974

DEPARTMENT

SOLID WASTE

DIVISION

ACCOUNT NUMBER

PHASE II - FIRST PORTION

'PAGE 4 CFS

A. ACCOUNT
TITLE

B.

CODE

1.

2.

3.

4.

5.

6.

7.

8.

9.

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AMOUNT

%	AMOUNT
100	100
90	90
80	80
70	70
60	60
50	50
40	40
30	30
20	20
10	10
0	0

AMOUNT	%
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AMOUNT	%
100	100
90	90
80	80
70	70
60	60
50	50
40	40
30	30
20	20
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0	0

AMOUNT	%
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AMOUNT	%
100	100
90	90
80	80
70	70
60	60
50	50
40	40
30	30
20	20
10	10
0	0

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DESK & CHAIR (2)

300

FILE CABINETS (2)

100

TYPEWRITER (1)

650

UNDEFINED CAPITAL

400

TOTAL

1450

TOTAL APPROVED.

TOTAL REQUESTED

P R O G R A M S

- 16 -

• BUDGET REQUEST - MATERIALS - SUPPLIES - SERVICES

[illegible]

V. MSD/COR-MET AGREEMENT - Phase II, Part I Solid Waste Program

As you remember at the last meeting, the Board authorized the staff to develop the COR-MET/MSD agreement. The following pages contain a letter agreement and brief work scope that would extend work by COR-MET to include pre-design investigations for specific transfer stations and landfill sites.

The MSD staff recommends the Board approve the agreement and authorize the MSD Board Chairman to sign the necessary documents.



CORNELL, HOWLAND, HAYES & MERRYFIELD
METCALF & EDDY

1600 S.W. FOURTH AVENUE, SUITE 601

PORTLAND, OREGON 97201

503/224-9190

December 28, 1973

Lloyd E. Anderson, Chairman
Metropolitan Service District
6400 S.W. Canyon Court
Portland, Oregon 97221

Dear Mr. Anderson:

Subject: Consulting Services January - June 1974

The approved budget for initial funding of Phase II of the MSD Solid Waste Management Planning Program provides for continuing engineering services by COR-MET. This work would include investigations of specific transfer locations and disposal sites, assistance in securing buyers for light combustibles and general advice and support to MSD staff during this interim period.

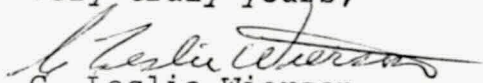
A preliminary work scope and budget for this work has previously been submitted for staff review. The work scope and effort needed will of course change as you proceed in the next 6 months. We would recommend that a monthly review be scheduled and any adjustments made.

Paragraph 10-D provides for services not covered by the original agreement. We would propose that this work would be accomplished under the existing agreement on a time basis. Our normal charge on this basis is actual salary per man-hour, plus 200 percent of said salary, plus direct expenses.

Monthly progress reports would be made and agreed upon budgets for specific assignments would not be exceeded without prior authorization.

If this arrangement is satisfactory, please sign the enclosed copy.

Very truly yours,


C. Leslie Wierson
Principal-in-Charge

Agree to conditions as outlined above
and authorization to proceed:

Date: _____

By _____

Lloyd E. Anderson, Chairman
Metropolitan Service District

Cost Estimate COR MET Interim Consulting Interim Period, January-June, 1974

Purpose: To conduct predesign investigations for specific transfer station locations, to assist MSD in obtaining approval for transfer station sites, and disposal sites, to assist MSD in securing buyers for light combustibile portions of the refuse, and to provide general advise and support to the MSD staff in its activities during this period.

Work of Consultant:

1. Investigation of specific sites for transfer stations (including contacts with owners, checking on zoning, assistance to MSD on acquisition procedures, and preliminary site layouts).

Six transfer stations at 15 man days/station
at \$150/man day

\$ 12,500

2. Predesign soils exploration to determine suitability of transfer station sites. (Note: Additional borings may be required for final design.)

Assume six sites plus two extra sites at
two borings/sites at 50 feet/boring at \$10/ft.

8,000

Review and appraisal of borings: eight sites
at 2 man days/site at \$150/man day

2,400

3. Setting up groundwater monitoring at two new disposal sites:

Assume two observation wells at Durham and
four at Cipole, at 50 ft/well at \$10/ft.

\$ 3,000

Water level recorders at six wells at \$300/
installation \$ 1,100

Review an assessment of data (in six-month
period), 10 man days at \$150/man day 1,500

4. Environmental impact assessment (Note: Depending
on final requirements of regulatory agencies, this work task
may require expansion.)

Assume ten sites at 5 man days/site at \$150/man day 6,500

5. General advise and support to the MSD staff during
the six-month period 4,300

TOTAL \$ 40,000

NOTE FROM MELISSA:

The proposed consulting would be accomplished with monthly
progress report and no final document.

VI. MSD PROCEDURES FOR BOUNDARY CHANGE

The MSD Board at the last meeting directed staff to investigate the procedures required to expand the boundaries of MSD to include all of Clackamas, Multnomah and Washington Counties. The following pages contain the procedures necessary for MSD to follow in seeking a boundary change through the Portland Metropolitan Boundary Commission.

It is recommended the Board authorize staff to commence work on seeking the requested boundary change.

January 7, 1974

To: Chuck Kemper

From: Don Carlson

Re: PROCEDURE FOR EXPANDING THE BOUNDARY OF THE METROPOLITAN
SERVICE DISTRICT

The MSD is one of the nine types of special districts which falls within the jurisdiction of the Boundary Commission. The annexation procedure is the same for all these special districts and is set forth in ORS 199.410 to 199.510. Below is a summary of the procedure:

Method of Initiation. ORS 199.490 sets forth four methods for starting a district annexation proceedings. The annexation may be initiated:

- a) by a resolution adopted by the District Board;
- b) by a petition signed by at least 10 percent of the registered voters in the territory to be annexed;
- c) by a petition signed by the owners of at least one-half of the land area in the territory to be annexed; and
- d) by a resolution adopted by the Boundary Commission.

In all cases the initiating petition or resolution must:

- 1. Name the district and state that the proposed action is an annexation.
- 2. Include a "metes and bounds" legal description of the territory to be annexed.
- 3. Designate the principal Act of the District which in the case of the MSD is "Chapter 268 Oregon Revised Statutes."
- 4. Have a map attached which shows the territory described in the petition or resolution.
- 5. Be filed with the Boundary Commission.

Scheduling and Notification of Hearing. Upon receipt of a petition or resolution the Commission staff will place the proposal on a regular public hearing agenda (occasionally the Commission holds special public hearings if a proposal is of significant magnitude and interest). The Commission's regular public hearings are held every fourth Wednesday at 7:00 p.m. in Room 680 of the Multnomah County Courthouse. Hearing dates for 1974 are:

January 9
January 16
(Special Hearing in
Rainier)
February 6
March 6
April 3
May 1

May 29
June 26
July 24
August 21
September 18
October 16
November 13
December 11

The Commission requires that petitions or resolutions be submitted at least 30 days in advance of a public hearing date because we are required by statute to publish notification of a public hearing at least two times in a newspaper of general circulation in the county in which the territory to be annexed is situated. The Commission also causes notices to be posted within the territory to be annexed. The responsibility (financial and otherwise) for legal notice falls entirely on the Boundary Commission.

Staff Report, Public Hearing and Standards for Review. The Commission is required by statute to cause a study to be made of each proposal. The Commission staff conducts the study and makes it available to the Commission prior to the public hearing. Copies of the staff report are available to all interested persons upon request.

The public hearing is open to all interested persons to present testimony. At the hearing the Commission hears testimony from proponents first (usually those requesting the change make an initial presentation). After all the proponents have spoken, then opponents have an opportunity to be heard. Following the opponents, there is usually time for rebuttals and questions. All questions must be asked through the chair.

The Boundary Commission law sets forth the standards the Commission must use in reviewing an annexation. They are as follows:

"....when reviewing a petition for a boundary change, a boundary commission shall consider economic, demographic and sociological trends and projections pertinent to the proposal, and past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change."

Decision by the Commission; Effective Date. Upon completion of the study and public hearings, the Commission can make a decision. The Commission has the authority to deny proposals, modify proposals to either include or exclude territory, or approve proposals as originally submitted. If the Commission denies a proposal, then the proceedings terminate immediately. If the Commission approves a district annexation proposal, the boundary change will become effective 45 days from the date of approval. The 45 day period provides a time for remonstrances by registered voters within the territory to be annexed to be filed with the Boundary Commission. If the Commission receives remonstrances against an annexation proposal from at least 20 percent of the registered voters in the territory to be annexed, then an election will be held to determine the outcome. The election will be held only for those voters in the territory to be annexed.

Ability of Cities to be Excluded from District Annexation. It should be noted that cities not presently within the boundaries of the MSD have the ability to be excluded from any MSD annexation proposal. ORS 199.462 gives the cities this option as follows:

"(2) Subject to any provision to the contrary in the principal Act of the affected district.....:

(a) Territory within a city may not be included within or annexed to a district without the consent of the City Council;"

This means if the MSD wishes to expand its boundaries to include all of Clackamas, Multnomah and Washington Counties, then specific consent must be obtained from the Councils of each of the following cities:

Clackamas County

Barlow
Canby
Estacada
Molalla
Sandy
Wilsonville

Washington County

Wilsonville (north portion)

I hope this information will help you in your deliberations. If you have any questions, just let me know.

DEC/jk

VII. JOHNSON CREEK FLOOD CONTROL PLANNING - FLOOD CONTROL
UTILITY CONCEPT - K.C.M. Engineering Consultants

The MSD staff, after Board action from the last meeting, requested the consulting engineering firm of KCM/WRE/YTO, from Seattle to present a proposed flood control utility concept for financing flood control and drainage management in the Johnson Creek Basin. The attached report discusses this approach and presents a proposed schedule and steps that are necessary to implement a drainage management system. It should be noted that MSD's present financing ability necessitates pre-financing in order to pay for engineering and administrative work. The approach presented here has that capability.

The staff recommends the Board accept the report and refer it to the Technical Advisory Committee for recommendation.

COLUMBIA REGION ASSOCIATION OF GOVERNMENTS (CRAG)
JOHNSON CREEK DRAINAGE BASIN
DRAINAGE MANAGEMENT PROGRAM PROPOSAL

THE PROBLEM

The problems of the Johnson Creek Drainage Basin are typical of the problems of a natural drainage system when impacted by urbanization. As development increases, peak rates of runoff drastically increase. Damage associated with runoff also increase due to the encroachment of development upon the natural drainage system itself. The problem is a commentary on mans inability to match urban needs to the natural systems. Attempts at solution have in the past been at best patchwork efforts. Diking of stream banks causing increasingly high water levels which in turn require increased diking and dredging. The net result being that when floods do occur, they are even more violent and more disasterous than under natural conditions.

The problem is compounded by the usual mix of jurisdictions. In the Johnson Creek Basin, we have two counties, four municipalities, numerous State and Federal agencies. All, to some degree, are attempting to cope with the problems of urbanization as they affect Johnson Creek. The problems will not go away. One way or another, they must eventually be solved, and one way or another, those who live in the Johnson Creek Basin and the Metropolitan Service District area, will have to pay the price.

THE NEED

To solve the problems in the Johnson Creek Basin, there is only one real alternative. That alternative in the opinion of KCM-WRE/YTO, is to develop a total management system. This management system which we will call drainage management, is in reality, much more than that. It actually must be urban management, for at the heart of the problem may be Johnson Creek and the drainage which it is called upon to handle, but, in the greater sense, it is how we plan and manage our urbanization, that will say whether or not we have the options of drainage management.

What is Drainage Management? Drainage Management is a commitment and an approach based on the following:

1. The legal authority to plan for and control drainage on a watershed basis.
2. Establishment of an organization with watershed responsibility.
3. Development of control and planning policy.
4. A master plan for drainage and a master plan for urban development.
5. A program of operation for the drainage system.

THE NEED (CONTINUED)

6. A schedule for implementation of the master plans.
7. The financial capability to accomplish these tasks.

THE KCM-WRE/YTO APPROACH TO DRAINAGE~~MENT~~ MANAGEMENT

In the Pacific Northwest, KCM-WRE/YTO has become a leader in helping governmental agencies establish drainage management programs. The work has been as diverse as a small urban watershed in one community, a major river basin program for the Cedar and Green River basins of Washington, and the multi-jurisdictional planning program presently under way for the Council of Regional Governments in Clark County, Washington, which is part of the CRAG area. The following section expands on the firm's basic approach to drainage~~ment~~ management planning:

1. The legal authority to plan for and control drainage on a watershed basis.

Initial approach must always be directed toward establishing legislative authorization to permit an organization to be formed that can have the ability to truly manage drainage. In the CRAG area and in the State of Oregon, it would appear that legislative authority is ~~not~~ existent in the Metropolitan Service District law (ORS), and the basic statutes pertaining to municipality utility financing. In particular, we refer to the legal opinion of Herbert C. Hardy, attorney, included in the, CRAG staff prepared, drainage report Addendum No. 2 dated July 1972-July 1973.

2. Establishment of an organization with watershed responsibility.

Although the authorization is there, bringing an organization to manage drainage into effect, will still take a great deal of coordination and negotiation between the counties and cities involved in the Johnson Creek Basin and in the entire Metropolitan Service District area. The firm believes that its experience in working with other multi-jurisdictional groups can be very important in helping the agencies here achieve the full cooperation that such a program demands.

3. Development of control and planning policy.

In order to properly manage drainage a firm and precise statement of policy must be published so that the public and agency personnel can know under what rules and regulations they are to operate. Included in such policy is the subject of a permit and inspection procedures similar to that of conventional water and sewer utilities.

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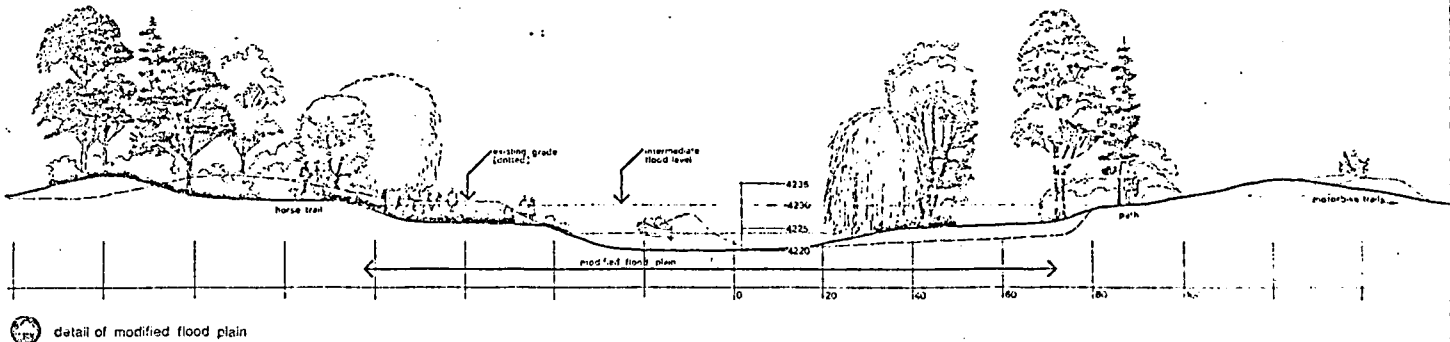
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Policy must address the problem of the water quality of drainage runoff as well as the rates of drainage runoff. This policy together with the staff and resources to apply the policy can go a long way in improving an urban area's handling of drainage even before a full long range master plan has been developed.

We believe that a master plan must be developed for drainage. It is more than simply a hydraulic design of a channel capable of carrying whatever flows may be placed upon the natural drainage system. In this regard, we believe that it is essential to establish control as an element of policy so that rates of runoff can be established which permit nature's hydrologic system to be more nearly simulated in the urban area. With this control, the option is then available to do more than a hydraulic design but rather to perform a true urban design of the streamway and flood plain of a particular drainage system. An example of the difference is illustrated in the following sections taken from prior reports.

The diagram illustrates a plan for riverbank stabilization through profile modification. It consists of two main sections: the upper section depicts the current riverbed profile, while the lower section shows the proposed profile after implementation.

- Present Riverbed Profile:** This profile shows a narrower river channel. On the left bank, there is dense vegetation labeled "SHRUBBERY". A note indicates "Shrubbery removed to prevent erosion". Further up the bank, it says "Trees do not grow past of road". On the right bank, a person is standing near a structure, with a note "Clearance on bars not more than 10 ft.". In the middle of the riverbed, there's a small island or bar with a note "Clearance on bars not more than 10 ft.".
- Proposed Riverbed Profile:** This profile shows a significantly wider and deeper river channel. The left bank now features large trees, with a note "Trees are cut back during flood". A dashed line indicates the "estimated right of way required". The right bank also has a person standing near a structure, with a note "Clearance on bars not more than 10 ft.". The central part of the riverbed has a note "Clearance on bars not more than 10 ft.".



5. A program of operation for the drainage system.

Drainage management is not automatic. For drainage management to happen, there must be the means to make it happen. This includes the organizational structure, the staff of professionals trained not only in hydraulics and engineering, but in urban planning, landscaping design, and recreational needs so that the organization can truly function to face all of the elements of urban drainage problems. An integral part of this operational concern, is the development of permit procedures, clearing and grading requirements, drainage controls, and the rules and regulations and guidelines mentioned earlier, which allow those that would affect a change in land use, to determine what is the best method for them to use in meeting the requirements of drainage management.

6. A schedule for implementation of the master plans.

To implement a drainage management organization, and to implement a master plan requires careful scheduling, careful inter-governmental agreement, and to the greatest extent possible, full planning for multiple use of the land and financial resources of the area, so drainage management will not be a burden but will provide a positive benefit for the community.

Obtaining this inter-governmental agreement on a plan of action can at times be difficult. KCM-WRE/YTO can assist the concerned agencies in reaching this accord, and the program we propose at the end of this paper outlines an information flow and decision schedule that can help smooth the way to mutual agreement.

7. The financial capability to accomplish these tasks.

In order to manage anything, but particularly to manage urban area development, there must be the financial resources to make things happen. It costs money. In the past, the methods of financing available for accomplishing drainage needs has been the biggest single stumbling block to successful drainage management, and for that matter to the accomplishment of even conventional flood control type drainage facilities. A good example of this is the problems facing CRAG and MSD in trying to determine the implementability of the Corps of Engineers and Soil Conservation Service proposals for flood control on Johnson Creek. In the Addendum Report No. 2 to the 1972 drainage report, the CRAG staff developed an assessment procedure that would perhaps result in a reasonably equitable distribution of cost for the drainage improvements. However, because of the nature of the assessments themselves, it is highly unlikely that such an assessment would be approved by those who must bear the assessment or that the assessment could withstand the test of the courts which state that the assessment must equal or exceed the benefit received. The problem being, that benefit as it has normally been thought of, has been very difficult to prove in most drainage projects. Assessments with their option for public disapproval by protest procedures has not proven to be an effective means of financing drainage improvements. Quite understandably, those who are high and dry are not inclined to assess themselves to assist those who happened to build in the lower flood plain where the drainage from those high and dry is now causing problems.

At the heart of the KCM-WRE/YTO approach, has been the implementation of a program of drainage service charges which can be used to support operational requirements and finance revenue bonds which are not subject to the disapproval of those who are high and dry. Service charges for drainage can be carefully tailored so that each property pays in accordance with its responsibility for urban runoff, thereby allowing the opportunity to reward those who attempt to control and reduce the impact of their development's runoff and to make those who choose not to take such control pay their proportional share of requirements. For the most part, this means basing urban drainage service charges on the amount of impervious surface on a property as a measure of the rate of runoff such surfaces cause. Revenue bond financing from service charges is not subject to direct vote of the public served provided the revenue charges are reasonable and fair and result in sufficient revenues to accomplish the purposes of the drainage system. Service charges as a means of

financing drainage allow for the full assessment of responsibility and this is the key. The benefit that one receives from drainage management is similar to the benefit that one receives from having a sanitary sewer hookup which is that your responsibility to your fellow man and to your environment is satisfied by the agency that provides you that service, in this case, the Johnson Creek Drainage Utility System, and your contribution to that system is based on your responsibility for the problem. We must begin to think in terms of responsibility, not benefit per se.

WHAT SHOULD BE DONE?

There are three basic options which can be followed. The first, is to continue the present plan and method of operation. This will result in increasing rates of runoff in Johnson Creek, increased flood damage and probably very expensive construction to provide flood control, necessary to keep the rampaging waters of Johnson Creek from causing substantial damage to man's development in the basin. To do nothing is not to imply that we will not be faced with these costs eventually.

If we are to do something, then there are two options available. We may follow the conventional approach, which is to plan first and implement later, or we can attempt early implementation and plan as we manage. This latter approach is suggested by KCM-WRE/YTO. As a comparison of the two, we have prepared the following tables.

CONVENTIONAL APPROACH - PLAN FIRST - IMPLEMENT LATER

<u>Months to Completion</u>	<u>Financial Commitment</u>	<u>Action</u>
1-3	-	Plan requirements.
12-15	\$200,000+	Prepare Master Drainage Plan and Implementation Program
?	?	Obtain agency agreements
6-12 ⁽¹⁾	-	Establish organization to manage drainage.
3-6 ⁽¹⁾	\$ 10,000+	Adopt operating rules and regulations.
3-6 ⁽¹⁾	\$ 25,000+	Institute initial service charges
-	-	Begin implementation of Master Plan.

(1) These tasks would proceed somewhat simultaneously so that total elapsed time would be reduced.

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KCM-WRE/YTO APPROACH - IMPLEMENT EARLY - PLAN AS YOU MANAGE

<u>Months to Completion</u>	<u>Financial Commitment</u>	<u>Action</u>
0-4	\$20,000 [±]	Initial survey to determine the potential for drainage management and the financial implications of such a program. Scope Master Plan requirements.
?	?	Obtain agency agreements
6-12(1)	?	Establish organization to manage drainage
3-6(1)	\$10,000+	Adopt operating rules and regulations
3-4(1)	\$25,000+	Institute initial service charges
9-12(1)	\$200,000+	Prepare Master Drainage Plan
-	-	Begin implementation of Master Plan

(1) These tasks would proceed somewhat simultaneously so that total elapsed time would be reduced.

INITIAL ACTION

To begin the process of considering drainage management as a plan of action, the initial action would be to authorize a feasibility survey to be performed by the CRAG/MSD staff and the Consultant as a joint effort. From that initial effort will develop the necessary information and program to permit the decisions to be made that will eventually create an operating Drainage Management system for the Johnson Creek Basin and which can be expanded to include the entire MSD area.