

MINUTES OF THE COUNCIL
METROPOLITAN SERVICE DISTRICT

April 24, 1980

Councilors In Attendance

Presiding Officer Marge Kafoury
Deputy Presiding Officer Jack Deines
Coun. Donna Stuhr
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Ernie Bonner
Coun. Cindy Banzer
Coun. Gene Peterson
Coun. Mike Burton

In Attendance

Executive Officer Rick Gustafson

Staff In Attendance

Mr. Denton U. Kent
Mr. Andrew Jordan
Ms. Sonnie Russill
Ms. Sue Klobertanz
Ms. Judy Bieberle
Mr. McKay Rich
Mr. Bill Pettis
Ms. Karen Hiatt
Mr. Rod Boling
Ms. Jill Hinckley
Mr. Jim Sitzman
Mr. Charles Shell
Ms. Michele Wilder
Mr. Tom O'Connor
Mr. Bill Ockert
Ms. Priscilla Ditewig

Others In Attendance

Ms. Linda Macpherson
Mr. Steve Kearney
Ms. Jacque Kearney
Mr. Lyle Stewart
Mr. Phil Adamsak
Mr. Edward Davis
Mr. Carter Stanley
Ms. Mary Stanley
Mr. Ted Sieckman
Mr. John Lee
Dr. Ron Cease
Ms. Jackie O'Connor
Mr. Bob Weil
Mr. Steve Dotterer
Mr. Phillip Thompson
Mr. Ted Achilles
Mr. Bob Stacey
Ms. Ardis Stevenson
Mr. Tom VanderZanden

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CALL TO ORDER

After declaration of a quorum, the April 24, 1980, meeting of the Council of the Metropolitan Service District (Metro) was called to order by Presiding Officer Marge Kafoury at 7:30 PM in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon 97201.

1. INTRODUCTIONS

Presiding Officer Kafoury introduced Dr. Ron Cease from Portland State University.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

Presiding Officer Kafoury called attention to a memorandum to the Council from Coun. Burton regarding the Urban Growth Boundary (UGB) in Clackamas County which would be discussed later.

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

There were no citizens present who wished to speak at this time.

4. CONSENT AGENDA

4.1 A-95 Review directly related to Metro.

4.2 Minutes of meetings of March 13, 1980, March 27, 1980 and April 10, 1980.

Coun. Kirkpatrick moved, seconded by Coun. Bonner, that the items on the Consent Agenda be approved.

Coun. Rhodes asked to make a correction to the item approving a Project Manager classification in the minutes of March 27, 1980.

Paragraph 4 says: Coun. Rhodes questioned whether approval of these positions would mandate their being filled. Mr. Kent said that was correct. The minutes should read that Mr. Kent said the approval of these positions would not mandate their being filled.

Presiding Officer Kafoury made a correction to the minutes of April 10. On page 5, paragraph 6, State Representative Ted Achilles was referred to as State Senator.

All Councilors present voting aye, the motion to approve the Consent Agenda carried.

Public Hearing to Receive Comments on FY 1981 Metro Budget

Because the budget was not yet ready for presentation to the

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Council the public hearing and budget discussions were set aside temporarily.

5. REPORTS

5.1 Report from Executive Officer

The Executive Officer reported that Metro has received a \$130,000 air quality grant. Credit for this goes largely to moving the air quality program to the Transportation Department and to the work Mr. Kent has provided in setting up the program.

Clean Air Week sponsored by Metro and DEQ will be May 4-11 with a rally to be held on May 7 at O'Bryant Square.

The Executive Officer stated that Metro has received approval on interstate funding of several park and ride lots.

5.2 Council Committee Reports

Regional Planning Committee: Coun. Stuhr reported that the minutes of the last Committee meeting were in the packet and that they were self-explanatory.

Regional Services Committee: Coun. Rhodes reported that Metro is looking for new sites in S. E. Portland for a recycling center. She stated that she had recently had a very good, informational meeting with legislators and with Gresham regarding Johnson Creek. The billboards are up on the Zoo campaign; she requested that the Council and staff sign up for the Zoo Blitz on Saturday, May 3.

Joint Policy Advisory Committee on Transportation: Coun. Williamson said that the meeting on May 9 was well attended and there were many good suggestions regarding the Regional Transportation Plan (RTP). Presiding Officer Kafoury mentioned that there would be a documentary entitled "Transit 2000" on KATU-TV, Sunday, April 27, sponsored by the League of Women Voters. Coun. Schedeen will be a member of the panel.

Council Coordinating Committee: Coun. Deines reported that the last meeting had been devoted largely to a discussion of the Budget Task Force recommendations. The Charge to the Waste Reduction Task Force, as well as a proposed Membership List and time line, were presented. There had been an extensive critique of the Elected Officials Regional Forum, which the Committee felt was a good idea, but needed some modifications.

Waste Reduction Task Force: Coun. Kirkpatrick discussed the Charge to the Task Force and time line and distributed the proposed Membership List to the Council. She moved for ratification of the Membership List and Charge. Coun. Deines seconded the motion. The motion carried unanimously. Coun. Bonner asked if

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other names could be submitted by Councilors. Coun. Kirkpatrick said she would accept no more than two names in addition to the six she had already proposed.

5.3 A-95 Review Report

There was no action necessary and none taken on this matter.

6. OLD BUSINESS

6.1 Ordinance No. 80-87, Relating to Times for Regular Council Meetings and Order of Agendas and Amending Ordinance No. 79-65 (Possible Motion for Reconsideration)

Coun. Banzer stated that she would like to withdraw her motion for reconsideration of Ordinance No. 80-87. The Ordinance stands approved as amended at the April 10 Council meeting.

6.2 Ordinance No. 80-89, Amending Metro Urban Growth Boundary in Clackamas County (Second Reading).

Reading of the Ordinance and discussion of this item were temporarily set aside in order to comply with the time for public hearing listed on the agenda.

6.3 Ordinance No. 80-90, Amending Ordinance Nol 79-72, Adding Supplemental Appropriations to FY 1980 Budget (Second Reading).

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-90 by title only.

There was no discussion on this item.

Roll call vote. Couns. Stuhr, Williamson, Berkman, Kirkpatrick, Deines, Rhodes, Schedeen, Bonner, Banzer, Peterson, Kafoury voted aye. Coun. Burton had not yet arrived at the meeting. The Ordinance was approved unanimously.

7. NEW BUSINESS

7.1 Approval of Motion to Support Executive Officer to Enter Into an Appeal of Washington County Land Use Action Item No. 79-539-5 (Stanley Subdivision) Before the Land Use Board of Appeals (LUBA).

The Executive Officer stated that this item had been reviewed by the Regional Planning Committee and that they had approved the motion to support him in his appeal to LUBA. The Stanley Subdivision is a 17-lot subdivision in a 26-acre parcel, which

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would be difficult to develop to the proper urban densities at a later date. Metro feels the subdivision is in violation of Goals #10, #11 and #14 which relate to appropriate housing densities and development of urban land.

Coun. Stuhr moved, seconded by Coun. Deines, to support the Executive Officer in his appeal to LUBA.

Since it was determined that Mr. Philip Thompson, representative of Carter and Mary Stanley, had not yet arrived at the Council meeting, discussion of this item was temporarily postponed until his arrival.

7.2 Resolution No. 80-142, Approval of City of Gladstone Application for HUD 701 Planning Assistance

Mr. Kent reported that there had been four applications filed, which had been reviewed by staff according to criteria which would point to progression toward meeting 701 goals and regional goals as well. The city of Gladstone was the preferred candidate for receipt of the 701 funds.

Coun. Stuhr stated that the Regional Planning Committee had voted for approval of this item.

Coun. Kirkpatrick moved, seconded by Coun. Rhodes, to approve Resolution No. 80-142. All Councilors present voting aye, the motion carried unanimously.

7.3 Resolution No. 80-143, Authorizing Funding for Arterial Street Overlay Program in the City of Portland

Coun. Bonner moved, seconded by Coun. Banzer, for approval of Resolution No. 80-143. All Councilors present voting aye, the motion carried unanimously.

7.4 Resolution No. 80-144, Authorizing Federal Funds for N.W. Front Avenue and N.W. Portland Transportation Study

Coun. Williamson stated that this Resolution would authorize \$4.6 million from the N.W. Portland Reserve for engineering, right-of-way acquisition and construction of the N.W. Front Avenue project, and \$25,000 from the N.W. Portland Reserve for the N.W. Portland Transportation Study.

Coun. Williamson then moved that Resolution No. 80-144 be approved with an amendment to state that it was introduced by the Joint Policy Advisory Committee on Transportation (JPACT), not the Regional Planning Committee. Coun. Schedeen seconded the motion. All Councilors present voting aye, the motion carried unanimously.

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Presiding Officer Kafoury asked why there was no provision for bikeways in the Resolution, and stated that it is time that new projects include provisions for installation of bikeways.

Coun. Bonner moved, seconded by Coun. Schedeen, to further amend Resolution No. 80-144 by adding another "BE IT RESOLVED," to state: "That the Metro Council recommends consideration of both bicycle and pedestrian ways on the alignment." All Councilors present voting aye, the motion carried unanimously.

- 7.5 Resolution No. 80-145, Authorizing Supplementary Federal Funds for Preliminary Engineering, Right-of-Way Acquisition and Construction of the Going Street Noise Mitigation Project.

Coun. Bonner moved, seconded by Coun. Kirkpatrick, to approve Resolution No. 80-145 and asked that it be amended to state that it was introduced by JPACT. All Councilors present voting aye, the motion carried unanimously.

Coun. Burton arrived at the meeting.

Coun. Burton stated that he had been concerned about development in the Mock's Bottom area and the additional traffic that will be created as a result of this project. However, he has received assurance from the City of Portland that there will be a lid put on traffic. He felt that the traffic should be watched closely to ensure that, as the area builds up, there will not be an adverse effect on the neighborhood. Coun. Burton said that under these circumstances we should go ahead with the project.

- 7.1 Continuation of Approval of Motion to Support Executive Officer to Enter into an Appeal of Washington County Land Use Action Item No. 79-539-5 (Stanley Subdivision) Before the Land Use Board of Appeals (LUBA)

Mr. Philip Thompson, 938 N.W. Everett, Portland, introduced himself as an architect and planner representing Carter and Mary Stanley.

He stated that since 1961 when the Stanleys bought their property, there have been no changes in the land use designation on that property at the County level due to the planning process. There have been no specific actions by Metro which would cancel the Stanleys' ability to develop their land as they propose. Their property is within the UGB of Washington County and within the Unified Sewerage Agency of Washington County; however, the property is three miles from a sewer line and there are no plans to extend sewer to the property in the near future. Mr. Thompson indicated that he thought the Stanleys were caught

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in differing philosophies of development between Washington County and Metro.

Mr. Thompson said that, as the Stanley's representative, he has offered to help Metro get Washington County's attention and has offered to serve on a task force writing the ordinance for conversion policies. However, taking this particular subdivision to LUBA will not achieve Metro's goals. Before the Council decides to support the Executive Officer in his appeal to LUBA, they ought to learn more about Washington County's findings.

Coun. Williamson moved, seconded by Coun. Peterson, to postpone consideration of this item to the May 22 Council meeting in order to review the findings completely.

Coun. Berkman stated that the motion to postpone was inappropriate and that the issue ought to be decided that evening.

Presiding Officer Kafoury asserted that in the absence of a comprehensive plan and in the absence of our own conversion policies, the goals apply, making this a perfect case for LUBA to decide whether or not the goals are being met.

Roll call vote. Couns. Schedeen, Bonner, Banzer, Peterson, Williamson voted aye. Couns. Burton, Stuhr, Berkman, Kirkpatrick, Deines, Rhodes, Kafoury voted nay. The motion to postpone consideration of the item failed.

Coun. Stuhr urged the Council to support the Executive Officer and stated that it is inappropriate to divide up the land in the area in question until there is a comprehensive plan with an allocation for density.

Coun. Williamson added that if Metro is serious about the UGB, it must be enforced; however, it is unfortunate that the Stanleys are caught in the middle.

Coun. Bonner gave his reasons for voting against the motion to support the Executive Officer. He stated that by July 1 there will be policy guidelines in Washington County which will permit the Council to give the Executive Officer and Metro staff wide latitude in pursuing lawsuits against individuals or agencies which have developed in opposition to those guidelines. Now, however, a heavy burden is being imposed on the Stanleys.

The Executive Officer sympathized with the Councilors who expressed concern about individual parcels of property, but pointed out that they will need to begin at some point to make tough decisions in similar kinds of cases.

Question called on the motion to support the Executive Officer in the appeal. Couns. Stuhr, Williamson, Berkman, Kirkpatrick,

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Deines, Rhodes, Schedeen, Peterson, Kafoury voted aye. Couns. Burton, Banzer, Bonner voted nay. The motion carried.

6.2 Ordinance No. 80-89, Amending Metro Urban Growth Boundary in Clackamas County (Second Reading).

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-89 by title only.

Jim Sitzman, Director of Metropolitan Development, explained that the recommendation of the Regional Planning Committee to the Council differed from the Clackamas County petition for amendment to the UGB in four areas:

1. Wilsonville Industrial Area - the Committee recommended to keep it within the UGB.
2. Holcomb/Outlook Area - All but 17 acres in this proposed addition to the UGB are outside the Metro boundary. The Committee recommended to include those 17 acres.
3. Area "J" South of Oregon City - All but 5 acres are outside the Metro boundary. The Committee recommended to include those 5 acres.
4. Area West of Marylhurst (southern portion) - Of the parcels proposed for addition, the Committee recommended to exclude the four northern parcels and include the two southern parcels of the southern subarea.

Coun. Williamson moved, seconded by Coun. Stuhr, to amend Ordinance No. 80-89 to conform with the Planning Committee recommendations.

The public hearing was opened.

State Representative Ted Achilles, 18300 S. Whitten Lane, West Linn, Oregon, stated that he owns land that is contiguous to and forms the northern boundary of the portion which would be part of the extended UGB west of Marylhurst. He said that notification he had received from Clackamas County in March, 1979, did not indicate that land he owned would be directly affected. He has received no notification regarding recent hearings.

Mr. Achilles asserted that there is nothing to indicate that a relatively small portion of land recommended for inclusion by the Committee (20 acres) has any effect at all on Clackamas County's need for more urbanizable land and there is no justification for amending the UGB simply because the area could be served by gravity sewers. He added that it is incorrect to

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infer that his property is part of an urban area; in reality, it is surrounded mostly by farm or timber lands. He urged the Council to vote against the Committee's recommendation.

Mr. Bob Stacey, staff attorney for 1000 Friends of Oregon, testified that there should be no dispute that there is sufficient land within the UGB to accommodate projected population to the year 2000. Referring to Table 5 in the staff report he noted that the difference between the population the County plan is estimated to accommodate (using the County's assumptions), and the population projected to reside in Clackamas County in the year 2000 (using the assumptions in the UGB Findings) is approximately 1,800 people. This proposal to amend the UGB would add a capacity to what can now be accommodated of from 12,000 to 16,000 people.

According to Mr. Stacey, the primary question is whether or not a couple thousand of the 67,000 people projected to move into Clackamas County by the year 2000 could not reside in Washington County instead. The assumption that growth would go where there is available land underlay the original establishment of the UGB; however, the Metro staff rejects this assumption as inappropriate in this situation.

Mr. Stacey urged the Council to review the housing plans of Happy Valley, other cities in Clackamas County and the County's plan itself, to assure orderly, efficient and compact development.

There being no other persons who wished to speak at this time, the public hearing was closed.

Discussion followed regarding the southern subarea of #7, west of Marylhurst. The staff report recommended exclusion of the entire section; the Committee recommended to exclude the northern part and include the southern portion of the southern subarea.

Coun. Rhodes moved, seconded by Coun. Williamson, to amend the amendment by excluding the entire southern subarea west of Marylhurst, #7.

Coun. Peterson stated there appears to be an overly generous allotment to Washington County and a less than generous allotment to Clackamas and Multnomah Counties. The Council should be reducing the boundaries in Washington County and until that has been done, it is inappropriate to be so stingy with Clackamas County.

Roll call vote. Couns. Williamson, Rhodes, Schedeen, Bonner, Burton, Kafoury voted aye. Couns. Stuhr, Berkman, Kirkpatrick, Deines, Banzer, Peterson voted nay. The motion to amend the amendment failed on a tie vote.

Roll call on motion to amend Ordinance No. 80-89 to conform with the Regional Planning Committee recommendations. Couns. Banzer,

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Peterson, Burton, Stuhr, Williamson, Berkman, Kirkpatrick, Deines, Rhodes, Schedeen, Kafoury voted aye. Coun. Bonner voted nay. The motion carried.

Executive Officer Rick Gustafson stated that obviously there was disagreement over the issue of subarea #7 and indicated that if the question of including the southern portion had been posed in a different way, the same 6-6 vote would have had an opposite effect from the one previously taken. He suggested that the Council hold a quasi-judicial hearing on Subarea #7.

Coun. Schedeen moved, seconded by Coun. Williamson, to sever the southern subarea #7 from the Committee report and submit the question to a quasi-judicial process. The motion carried.

Legal Counsel Andrew Jordan asked to make a clarification. Because of the elimination of the land around Marylhurst, it would be necessary to alter the figures regarding acreage and population in the Metro findings. He will assume that removing the land authorizes the staff to alter the findings to reflect the different figures.

Roll call vote on Ordinance No. 80-89 as amended. Couns. Burton, Stuhr, Williamson, Kirkpatrick, Deines, Rhodes, Schedeen, Bonner, Banzer, Peterson, Kafoury voted aye. Coun. Berkman was absent. The Ordinance was adopted.

Public hearing to receive comments on FY 1981 Metro budget.

The public hearing was opened on this matter.

There being no one present who wished to testify, the public hearing was closed.

Executive Officer Rick Gustafson presented the budget to the Council and briefly summarized the highlights. Total Operating and Capital budget is \$25 million, \$18 million of which is Operating. The Services Operating budget of \$12 million reflects a 100 percent increase which is due to Metro's assumption of landfill operations. The Planning Operating budget of \$3.7 million represents a 5 percent increase. Management Services/ Executive Management Operating budget is \$1.7 million.

Mr. Gustafson stressed that FY 1981 will be the most critical year of Metro's existence. He stated that there will be a series of tests for Metro this next year and outlined the major projects.

Mr. Gustafson said that three things have been done to instill confidence in fiscal management, along with development of our management controls, a better budgeting system and the accumulation of a \$250,000 Contingency fund. First, the proposed

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budget has no increase in assessments, taxes or fees for this operating year, except for the proposed Johnson Creek Local Improvement District formation. Second, general administrative costs have been contained. Third, Council and Executive support has been added, along with expanded Public Information, Legal Services and Local Government with no increase in total personnel in the general governmental area.

The Council discussed the timetable for the adoption of the budget. The budget will come before the Council on May 1, along with the Resolution to transmit it to the Tax Supervising and Conservation Commission (TSCC). The TSCC will review the budget, schedule hearings and submit it back to the Council. The adoption ordinance will be read at the two Council meetings in June.

Mr. Kent said there would be a variety of options to review the budget -- either Committee meetings or a special meeting of the Council. The only action item at the May 1 meeting will be budget discussion and passing of the Resolution to transmit it to the TSCC. Two or more hours of discussion could be accommodated at that time.

Presiding Officer Kafoury suggested that the Council plan on discussing the budget and passing the Resolution on May 1. If there are problems with specific items at that time, they can be referred again to the appropriate Committees.

The Council agreed with this suggestion.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Prescilla Ditewig
Clerk of the Council