

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

May 22, 1980

Councilors in Attendance

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

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Mr. Denton U. Kent  
Mr. Andrew Jordan  
Ms. Leigh Zimmerman  
Mr. John LaRiviere  
Ms. Sonnie Russill  
Mr. Wm. Ockert  
Ms. Marilyn Holstrom  
Ms. Berta Delman  
Ms. Sue Klobertanz  
Mr. Steven Siegel  
Mr. Jim Sitzman  
Mr. Merle Irvine  
Mr. Charles Shell  
Mr. Warren Iliff  
Mr. Tom O'Connor  
Ms. Jill Hinkley  
Ms. Cynthia Wichmann

Others in Attendance

Mr. D. Wall  
Mr. Harold D. Larson  
Mr. Phil Adamsak  
Mr. Douglas Seymour  
Mr. William Dirker  
Mr. Ted Sieckman  
Ms. Leah A. Zednik  
Ms. Mary M. Zednik  
Mr. James H. Frunk  
Mr. Bob Weil  
Mr. Peter Engbretson  
Mr. David Lawrence  
Mr. Jack Comer  
Mr. Gerald C. Cach  
Mr. Jim Allison  
Mr. J.L. Jones  
Mr. Bob Aungier  
Ms. Linda Macpherson  
Mr. Bob Stacey  
Mr. Mike Alesko  
Mr. Bill Wyatt  
Mr. Wink Brooks  
Mr. Bob Ragland

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CALL TO ORDER

After declaration of a quorum, the meeting was called to order by Presiding Officer Kafoury at 7:35 p.m. in the Council Chamber, 527 S.W. Hall Street, Portland, Oregon 97201.

1. INTRODUCTIONS

There were no introductions at this meeting.

2. WRITTEN COMMUNICATIONS TO THE COUNCIL

There were no written communications to the Council at this meeting.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

PUBLIC HEARING ON ORDINANCE NO. 80-95, relating to the Use of Urbanizable Land and the Conversion of Urbanizable Land to Urban Use Within the Urban Growth Boundary and Prescribing Regulations Therefor (First Reading).

Coun. Burton moved, seconded by Coun. Schedeen, that Ordinance No. 80-95 be adopted.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-95 the first time by title only.

Presiding Officer Kafoury announced that the ordinance would be referred back to committee on June 9, 1980, for consideration of the public testimony. The public hearing was then opened.

Mr. Harold Larson, 11625 N.W. McDaniel Road, Portland, asked how he would be affected by the ordinance. He was referred to staff.

Mr. Bob Stacey, staff attorney for 1000 Friends of Oregon, supported the ordinance, expressing concern about low density development now taking place on urban land which should be preserved for future development at higher urban densities.

Mr. Tim Holder, of Wilsey & Ham, a consulting firm representing a client owning property within a specially regulated area, felt that the ordinance was unnecessarily restrictive in prohibiting residential development within specially regulated areas. After some questions and discussion, it was determined that the prohibition applied only to subdivisions or partitions, and that the county would address the issue of exceptions.

Mr. William Dirker, Chairman of CPO #7 for Washington County,

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expressed strong support for the ordinance, citing the inadequacies of the Washington County planning process. He felt the ordinance could be strengthened but had no specific suggestions.

Mr. Dave Lawrence, Planning Director for the City of Hillsboro, felt that the proposed ordinance is the absolute minimum necessary to fulfill LCDC goals, and pointed out that it is less restrictive than the present Hillsboro comprehensive plan. Responding to questions from Council, he expressed opposition to urban development without annexation, and questioned the value of providing for exceptions in the Metro ordinance. He did not think it appropriate to include availability of transportation as a prerequisite for development.

Mr. Jim Allison, Rt. 3 Box M-73, Sherwood, spoke on behalf of the Washington County Landowners Association, emphasizing that his remarks should not be construed as support of either the ordinance or the procedure being followed. He urged that the ordinance not be any more restrictive than necessary to assure LCDC approval of the urban growth boundary line, and expressed opposition to the septic tank amendment. He then suggested that the following changes be made: (1) that in Section VII, Septic Tank Permits, Part A, a period be placed after the word "ordinance" and the rest of the sentence deleted; (2) that in Section VII, Part C, the first sentence be changed to read "The lot is located outside of a Specially Regulated Area"; (3) that a new section be added as follows: "A variance from the rules specified in Sections V, VI, and VII may be granted by the County subject to approval by the Council." He felt that a variance provision was necessary to allow the granting of exceptions to the rules, and urged that it be spelled out that the legal description of a parcel should be used to determine its size. After some discussion of Mr. Allison's testimony, Coun. Rhodes issued a reminder that the testimony would go before the committee, and Coun. Bonner requested that the Planning Committee chairman see that options with respect to the language in question are explored.

Ms. Leah Zednick, 13995 S.W. Bull Mt. Road, Tigard, felt that the 10 acre minimum lot size created a hardship for many landowners, especially those situated, as she was, in an area surrounded by subdivisions. She understood the ordinance to prohibit any partitioning and development after July 1. Coun. Stuhr explained that partitioning to a minimum of 10 acres would be permitted, and that development could take place on lots of that size with the use of septic tanks.

Ms. Mary Zednick, 13995 S.W. Bull Mt. Road, Tigard, commented that few people could afford to buy and build on 10 acre parcels, especially if they were raising a family, and felt that the creation of 2 or 3 acre parcels would allow more people to own their homes. Coun. Deines pointed out that LCDC was trying to prevent development of parcels of that size in order to preserve the land for future development at higher densities.

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Ms. Linda Macpherson, representing the Department of Land Conservation and Development, reported that the Department had reviewed the ordinance and the proposed amendments, and recommended their adoption.

Mr. Bob Aungier, 11302 S.W. Barbur Blvd., Portland, asked that Section V be explained with respect to its application to the development of public facilities, commenting that the ordinance was more restrictive than some towns have. He was told that sewer and water would be required only if land for commercial or industrial use were divided into lots of less than 10 acres. Coun. Bonner explained that the ordinance was intended merely as a holding action, to keep options open pending completion of the Washington County plan. There followed a discussion of the reasoning behind acreage restrictions.

Coun. Berkman joined the meeting.

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

Discussion

Coun. Williamson wondered at what point the Washington County plan would become effective. Mr. Jordan explained that while it presumably would be effective when adopted, LCDC Goals would continue to apply until such time as the plan is acknowledged, after which only the plan would apply.

Coun. Berkman wondered whether adoption of a less restrictive plan by Washington County could create circumstances that might lead to litigation in which the ordinance would be viewed as a precedent. Mr. Jordan felt that it would not, adding that the plan would be reviewed by Metro before going to LCDC, who would not acknowledge the plan if it failed to accomplish the purposes of this ordinance.

In response to Coun. Berkman's concern about predictability from the point of view of a citizen trying to plan for his land, Mr. Jordan explained that that responsibility lay with the county and could not be addressed by the minimum interim standards provided by the ordinance.

Coun. Stuhr announced that the Planning Committee would be meeting on June 9th to review staff recommendations, citizen comments, written testimony, and any other input received by May 27th, saying that all materials would be considered at that meeting and recommendations developed for the Council meeting of June 26th.

Coun. Berkman wondered whether Metro had clear authority to enforce the ordinance. Mr. Jordan expressed his opinion that the statutory authority existed, acknowledging that the question had been raised in Washington County and that there was some indication the attorney general would be looking at the issue.

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4. CONSENT AGENDA

4.1 A-95 Review, directly related to Metro

4.2 Minutes of Meeting of April 24, 1980

Coun. Kirkpatrick moved, seconded by Coun. Bonner, that the Consent Agenda be approved as presented. All Councilors present voting aye, the motion carried.

5. REPORTS

5.2 Council Committee Reports

Regional Planning Committee: Coun. Stuhr reported that the committee had heard a presentation on the Tualatin comprehensive plan and recommended a continuance of 120 days. Concerning draft housing policies, the Housing Committee has formed a subcommittee to consider changes that had been recommended by Councilors and to draft a report. There will be a briefing for local jurisdictions on June 12, and a special meeting would be held with HPAC on June 17 for the purpose of receiving testimony.

The committee also discussed a budget item of approximately \$28,000 for additional plan review staff, but no recommendation is being made at this time. Reports on several transportation projects which were reviewed would be made by Coun. Williamson as they came up on the agenda.

Regional Services Committee: Coun. Rhodes mentioned that Johnson Creek would be discussed later and announced the times and dates of public hearings on the three remaining solid waste sites. Council was reminded of the Regional Landfill Siting Committee public hearing on the Jeep Trail site on June 3; Regional Services Committee on June 10; and the adjourned Council meeting to be held at 7:00 p.m. on June 16 at Marshall High School for the purpose of receiving public testimony on the Johnson Creek L.I.D. The committee recommended the appointment of John Ostrowski and Rich Martinez to the Solid Waste Advisory Committee.

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that John Ostrowski and Rich Martinez be appointed to the Solid Waste Advisory Committee. All Councilors present voting aye, the motion carried.

JPACT Committee: Coun. Williamson announced that all items considered by JPACT were on the agenda for this meeting. He mentioned poor attendance at meetings on the part of local officials and asked for suggestions to improve attendance. Coun. Schedeen suggested that they be called the day prior to meetings and asked to send an alternate if they could not attend personally.

Waste Reduction Task Force: Coun. Kirkpatrick reported that the task force had met twice and outlined an intensive program for

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the summer, with meetings every Wednesday night. They hope to get some EPA pure grant money for the purpose of bringing in consultants.

Bi-State Task Force: Coun. Burton reported that the task force has outlined and approved a work program and applied to USDOT for a \$100,000 grant, to be channeled through Metro, for the purpose of funding the initial effort and hiring an independent staff. A meeting would be held on May 23 at which procedures for hiring staff would be discussed.

Coun. Burton also mentioned that he had attended the first meeting of the Multnomah County Community Action Board.

Council Coordinating Committee: Coun. Deines reported that the committee had discussed Council per diem and would have a recommendation for next year's budget. They had also reviewed the solid waste budget for St. Johns Landfill and concurred with the Solid Waste Committee's recommendation of approval.

**5.3 A-95 Review Report**

With regard to projects 3 and 4, Coun. Kafoury wondered whether private corporations seeking funds undergo investigation for compliance. Mr. O'Connor explained that they were checked out by the funding agency.

There was a short break, during which Coun. Peterson left the meeting.

**6. ORDINANCES**

**6.1 Ordinance No. 80-93, Relating to Local Improvement District Procedures, and Amending Ordinance No. 79-78  
(First Reading)**

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that Ordinance No. 80-93 be adopted.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-93 for the first time by title only.

The public hearing was opened on this matter. Mr. Bill Wyatt, representing the City of Portland, clarified the City's position, explaining that a misunderstanding had arisen over the approach to formation of L.I.D.'s. Acknowledging that Metro did not have all the options available to the City, he emphasized the City's strong support of this ordinance.

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

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Coun. Rhodes reported that the Regional Services Committee had voted unanimously to recommend approval and explained the effect of the ordinance.

5.1 Report from Executive Officer

Executive Officer Gustafson discussed plans for travel in Europe in June and July, announcing that the German Marshall Fund is sponsoring five individuals to tour three European cities for the purpose of studying trends in development around transit stations and the impacts of various growth pressures. In addition, EPA has suggested that grant money be used for the purpose of examining and evaluating mass burning technology in Europe as an aid to implementing the Publishers Paper resource recovery project. Details of the planning process for the trips were discussed at length.

6.2 Ordinance No. 80-94, For the Purpose of Transferring Appropriations Within the Solid Waste Operating Fund for the Fiscal Year 1981 Metropolitan Service District Budget (First Reading)

Coun. Rhodes moved, seconded by Coun. Stuhr, that Ordinance No. 80-94 be adopted.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-94 for the first time by title only.

Coun. Rhodes explained the purpose of the ordinance. Coun. Berkman requested that bonding requirements be carefully examined.

The public hearing was opened on this matter. There being no one present who wished to testify, the public hearing was closed.

6.3 Ordinance No. 80-96, For the Purpose of Establishing Disposal charges to be Collected at the St. Johns Landfill and Declaring an Emergency

Coun. Rhodes moved, seconded by Coun. Deines, that Ordinance No. 80-96 be adopted.

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ordinance No. 80-96 for the first and only time by title only.

Presiding Officer Kafoury noted the emergency clause.

Following discussion of financial matters related to the St. Johns landfill, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

7. RESOLUTIONS

7.1 Resolution No. 80-147, For the Purpose of Recommending a Continuance of the City of Tualatin's Request for Acknowledgment of Compliance with the LCDC Goals

Coun. Stuhr moved, seconded by Coun. Rhodes, that Resolution No. 80-147 be adopted.

Ms. Klobertanz introduced Messrs. Wink Brooks and Dick Ragland of the City of Tualatin and reported that staff was recommending continuance on Goals 2, 7, 11, and 14, adding that the City had submitted a complementary plan asking for acknowledgment for the city limits only. Mr. Brooks confirmed the City of Tualatin's acceptance of staff recommendations.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

7.2 Resolution No. 80-148, For the Purpose of Adopting the International City Management Association (ICMA) Retirement Corporation Plan Option for Metro Employees

Coun. Rhodes explained the resolution, stating that the budget impact would be no different from that of the existing retirement plan and reporting that the Coordinating Committee had unanimously recommended adoption.

Coun. Deines moved, seconded by Coun. Williamson, that Resolution No. 80-148 be adopted.

Following a brief discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

7.3 Resolution No. 80-149, For the Purpose of Stating the Council's Intent to Proceed with the Johnson Creek Basin Flood Control and Pollution Abatement Project Local Improvement District

Coun. Rhodes reported that the Regional Services Committee had unanimously recommended adoption and briefly discussed the summaries which had been previously distributed.

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that Resolution No. 80-149 be adopted.

Following a brief discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

7.4 Resolution No. 80-150, For the Purpose of Clarifying the Intention of the "208" Waste Treatment Management Component with Regard to the Columbia Region Treatment Plan Element Thereof



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Coun. Bonner moved, seconded by Coun. Rhodes, that Resolution No. 80-150 be adopted.

Coun. Rhodes explained that the purpose of this resolution was to ratify a decision that had previously been made. Mr. LaRiviere explained the necessity for the resolution.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

**7.5 Resolution No. 80-151, For the Purpose of Approving the FY 1981 Unified Work Program (UWP)**

Coun. Williamson moved, seconded by Coun. Stuhr, that Resolution No. 80-151 be adopted.

Following a brief discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

**7.6 Resolution No. 80-152, For the Purpose of Authorizing Federal Interstate Funds for a Resurfacing, Restoration and Rehabilitation (3R) Project on I-84 Sundial Road to Sandy River**

Coun. Schedeen moved, seconded by Coun. Williamson, that Resolution No. 80-152 be adopted. Coun. Schedeen then explained the purpose of the resolution.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

**7.7 Resolution No. 80-153, For the Purpose of Authorizing Federal I-505 Funds for Preliminary Engineering of the Terwilliger/Barbur Blvd. Project**

Coun. Schedeen moved, seconded by Coun. Bonner, that Resolution No. 80-153 be adopted.

Coun. Kirkpatrick asked that note be taken of her concern that the interchange might be eliminated. Mr. Ockert explained that it might be moved, but not eliminated.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

**7.8 Resolution No. 80-154, For the Purpose of Authorizing Federal Funds for the City of Portland Central Business District Bicycle Parking Project**

Coun. Williamson moved that Resolution No. 80-154 be adopted, explaining that it would approve \$34,000 for bicycle parking pads for the City of Portland. The motion was seconded by Coun. Banzer.

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Coun. Rhodes expressed opposition to the resolution, explaining that she felt the cost was too great for the benefits received.

Following a brief discussion, a vote was taken on the motion. Coun. Rhodes voted no; all other Councilors present voting aye, the motion carried.

7.9 Resolution No. 80-155, For the Purpose of Approving and Authorizing the Positions of Chief Landfill Clerk and Landfill Attendant in the Solid Waste Department

Coun. Deines explained the necessity for the resolution and moved, seconded by Coun. Rhodes, that Resolution No. 80-155 be adopted.

A vote was taken on the motion. All Councilors present voting aye, the motion carried.

5.2 Continuation of Report from Executive Officer

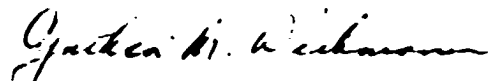
At the request of Coun. Burton, Executive Officer Gustafson explained in detail the sequence of events leading to the European trip and the process by which participants were selected. It was pointed out that a number of individuals were participating at their own expense, and an invitation was extended for others to do the same. There was further discussion of the matter by Council.

Executive Officer Gustafson gave status reports on the Spectator Task Force and the Landfill Siting Committee. The Rideshare meeting to be held on June 12 was announced, and members of Council were encouraged to participate. Reports on the grants workshop sponsored by Metro were very favorable.

Coun. Banzer expressed concern about the state of planning for emergency services, especially in view of the ash problem being experienced in Washington, and wondered how prepared the Portland area is to deal with a similar problem. The matter was discussed by Council.

There being no further business, the meeting was adjourned.

Respectfully submitted,



Cynthia Wichmann  
Clerk of the Council