

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

October 23, 1980

Councilors In Attendance

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

Others In Attendance

Beth Blunt  
Bob Blunt  
Dudley Biggs  
Bob WEil  
Ardis Stevenson  
Tom VanderZanden  
Scott Parker  
Phil Adamsak  
Dale Herman  
Joseph Voboril  
Larry Derr  
Robert Schumacher

In Attendance

Executive Officer Rick Gustafson

Staff In Attendance

Denton Kent  
Jim Sitzman  
Jill Hinckley  
Tom O'Connor  
Leigh Zimmermann  
Merle Irvine  
Andrew Cotugno  
Andrew Jordan  
Paula Godwin  
Wayne Coppel  
Michele Wilder  
Jack Bails  
Michael Holstun  
Sonnie Russill  
Jennifer Sims  
Charlie Shell  
Peg Henwood  
Berta Delman  
Mike Saba  
Cynthia Wichmann

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**CALL TO ORDER**

It having been ascertained that a quorum was present, the meeting was called to order by Presiding Officer Kafoury at 7:40 p.m. in the Council Chamber, 527 S.W. Hall St., Portland, Oregon 97201.

**1. INTRODUCTIONS**

There were no introductions.

**2. WRITTEN COMMUNICATIONS TO COUNCIL**

Presiding Officer Kafoury reported that the following had been received: (1) a letter from Mr. Burton Weast concerning Agenda Item 6.2; (2) a letter of congratulation on the appointment of Mr. Oleson as District 1 Councilor; and (3) responses from some members of Oregon's Congressional delegation to Metro's letter concerning the Cleveland amendment.

Coun. Rhodes added that she had received a letter from the Portland Board of Education soliciting participation on a committee to deal with school closures, which she intended to decline on behalf of Metro.

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

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

**4. CONSENT AGENDA**

Coun. Deines moved, seconded by Coun. Rhodes, that the Consent Agenda be approved as distributed.

Mr. Gustafson asked that the Council be aware of the significance of the energy sales agreement with Publishers Paper Co. as being pivotal to the success of both the resource recovery project and the attainment of goals contained in the Proposed Waste Reduction Plan. He summarized the provisions of the agreement and outlined the project schedule for coming months.

Coun. Berkman complimented Mr. Gustafson and the staff, particularly Messrs. Jackson and Kent, on their success in completing a difficult series of negotiations. He commended Publishers Paper Co. as well, citing the project as providing ample demonstration of the sorts of concrete benefits to be derived from the existence of a regional government such as Metro.

Coun. Deines moved, seconded by Coun. Schedeen, that the Beaverton Recycling Center contract be removed from the Consent Agenda for separate consideration. All Councilors present voting aye, the motion carried.

Coun. Deines asked how tightly the contract bound Metro to the project and to the site. Mr. Jordan explained that the only liability

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presently accruing to Metro was the \$800 already invested by Rose City Pre-Cut Buildings, and that Metro had the option to terminate. Mr. Kent added that the purpose of the contract was to fix the cost of the project.

A vote was taken on the motion to approve the Consent Agenda with the exception of the deleted item. All Councilors present voting aye, the motion carried.

Coun. Deines moved, seconded by Coun. Schedeen, that the Beaverton Recycling Center site construction contract with Rose City Pre-Cut Buildings, Inc. be approved. All Councilors present voting aye, the motion carried.

**5. CONTESTED CASES**

**5.1 PUBLIC HEARING on Contested Case Order No. 80-1, In the Matter of Clackamas County's Request for an Urban Growth Boundary Change West of Marylhurst**

Mr. Jordan introduced Mr. Dale Herman, Metro's Hearings Officer for this case.

Coun. Banzer entered the meeting.

Presiding Officer Kafoury explained that Mr. Herman would be acting as legal counsel to the Metro Council in their consideration of this matter, and explained the procedure that would be used in conducting the hearing.

Mr. Herman described the geographical area involved and explained that based on the facts set forth in his Findings and on the criteria contained in LCDC Goal 14, he had concluded that the proposed expansion of the Urban Growth Boundary should not be granted.

Ms. Stevenson, representing Clackamas County Department of Environmental Services, outlined the background of Clackamas County's request for the expansion and their reasons for appealing the Hearings Officer's findings.

Mr. VanderZanden, also from Clackamas County DES, described the land involved, the development proposed for the area, and the services that would be provided.

Mr. Scott Parker, County Counsel for Clackamas County, summarized the Exceptions he had submitted in this case and presented arguments in support of the County's position.

Mr. Larry Derr, representing Mr. Dennis O'Neel, one of the property owners involved, concurred with the position of Clackamas County. He questioned whether it was possible to statistically demonstrate need for individual properties and presented additional arguments for inclusion of his client's property within the UGB.

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Coun. Bonner entered the meeting.

Mr. Voboril, representing several property owners who opposed inclusion within the UGB, summarized his Exceptions paper and the arguments he had presented to the Hearings Officer, and responded to points made by the previous speakers.

Messrs. Parker and Derr presented rebuttals to Mr. Voboril's testimony.

Council members discussed the matter and questioned members of the staff and those persons who had presented testimony, eliciting the following:

- 1) Mr. Herman did not feel that the funding of the sewer district carried sufficient weight to warrant changing his decision.
- 2) If the area being contested was included within the UGB, there would be no way to guarantee that development would not occur within the proposed buffer area.
- 3) In the view of staff, succumbing to the argument that land should be included within the UGB simply because services were available would establish an undesirable precedent.

Coun. Rhodes moved, seconded by Coun. Williamson, that Contested Case Order No. 80-1 be adopted, thereby accepting the Findings, Conclusions and Recommendations of the Hearings Officer on this matter.

Following further discussion, Coun. Berkman called the question. A vote was taken on the motion. Couns. Bonner, Burton, Williamson, Berkman, Rhodes, Schedeen and Kafoury voted aye; Couns. Banzer, Oleson, Kirkpatrick and Deines voted no. The motion carried.

There was a brief recess.

## 6. RESOLUTIONS

- 6.1 Resolution No. 80-188, For the Purpose of Recommending a Continuance of Clackamas County's Request for Acknowledgment of Compliance with the LCDC Goals

Mr. Sitzman presented the staff report, calling particular attention to staff's request that the Goal 11 deficiency be restored on the basis of further research which revealed that the Regional Planning Committee's deletion of this item was based on inaccurate information. He reminded Council that the staff felt that overall the Clackamas County Plan was an excellent one.

Coun. Williamson described the Planning Committee's handling of this matter and moved, seconded by Coun. Bonner, that Res. No. 80-188 be adopted, incorporating the proposed amendment from staff regarding Goal 11, and including the staff report.

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Ms. Stevenson distributed copies of an Order adopted by the Clackamas County Board of Commissioners directing the County's Department of Environmental Services to proceed with action to meet most of the concerns identified by the Metro staff.

Ms. Hinckley clarified that the items not addressed by the Clackamas County Order were those changes in plan and zone designations covered by the appeals to LUBA; the policy on two-acre zoning; and the staff recommended amendment concerning Goal 11.

Ms. Stevenson and Mr. Parker explained why those particular items had not been addressed, describing the legal basis with regard to the Goal 11 sewerage issue and pointing out that DEQ had raised no objection to their interpretation of the relevant statutes.

Following further discussion, Coun. Bonner moved, seconded by Coun. Deines, to amend the motion by (1) deleting the amendment addressing Goal 11 proposed by staff; and (2) revising the "Summary of Plan Changes Needed" (p. 26-27, Exhibit A) by dividing it into two sections: "Summary of Plan Changes Needed," to include items 2, part of 4, 5, 6, and 8; and "Summary of Plan Changes Now Being Considered by Clackamas County," to include items 1, 3, part of 4, 7, and 9 (i.e., those items covered by the Order from the Board of Commissioners).

Following discussion, a vote was taken on the motion. Couns. Kafoury and Williamson voted no; all other Councilors present voting aye, the motion carried.

A vote was then taken on the motion to adopt Res. No. 80-188 as amended. Coun. Burton voted no; all other Councilors present voting aye, the motion carried.

**6.2 Resolution No. 80-189, For the Purpose of Amending the By-Laws of the Housing Policy Alternatives Committee**

Presiding Officer Kafoury called attention to a letter from Mr. Burton Weast, Home Builders Association representative on HPAC, opposing restructuring of the Committee as set forth in the Resolution.

Coun. Bonner described the background of the issue, and reported that HPAC had voted to oppose this proposal. He felt it could be beneficial for proponents of restructuring the Committee along the lines he had suggested to discuss the matter with HPAC. Explaining that he also felt some minor changes should be made in the resolution, Coun. Bonner moved, seconded by Coun. Kirkpatrick, that the issue be referred back to the Regional Planning Committee for further consideration.

Coun. Williamson was assured by Coun. Bonner and staff that in the meantime, HPAC would continue with their work.

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

Couns. Banzer, Deines and Schedeen left the meeting.

**6.3 Resolution No. 80-190, For the Purpose of Transferring City of Portland Reserve Funds (e)(4) to the Portland/Vancouver Corridor Analysis**

Coun. Burton summarized the purpose and provisions of the resolution and moved, seconded by Coun. Williamson, that Res. No. 80-190 be adopted.

In response to questions from Coun. Bonner, Coun. Burton and Messrs. Cotugno and Kent described the current activities of the Bi-State Task Force.

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

**6.7 Resolution No. 80-194, for the Purpose of Undertaking Development of a Criminal Justice Information System Plan**

In the absence of Coun. Deines, Coun. Kafoury presented the Committee report on this matter and introduced Messrs. Bill McDonald and Don Welch, representing the criminal justice agencies of Clackamas and Washington Counties.

Coun. Kafoury moved, seconded by Coun. Kirkpatrick, that Res. No. 80-194 be adopted.

There was discussion of the proposed work schedule which had been distributed. Messrs. McDonald and Welch expressed their agreement with the proposed schedule.

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

**6.4 Resolution No. 80-191, For the Purpose of Commenting on the Transportation Improvement Program and on the Determination of Air Quality Consistency for the Urban Areas of Clack County**

Coun. Williamson moved, seconded by Coun. Rhodes, that Res. No. 80-191 be adopted. Coun. Williamson explained that this action had to be taken annually and was in line with the staff analysis.

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

**6.5 Resolution No. 80-192, For the Purpose of Adopting Criteria for Determining the Amount of Corporate Surety Bonds for Solid Waste Disposal Sites Regulated by Metro**

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Coun. Rhodes moved, seconded by Coun. Bonner, that Res. No. 80-192 be adopted. Coun. Rhodes explained that the new criteria were more equitable than the fixed fee now in use and would make it less difficult for small firms to contract for landfill operations.

Coun. Schedeen re-entered the meeting; Couns. Burton and Kirkpatrick left the meeting.

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

6.6 Resolution No. 80-193, For the Purpose of Recommending Continuation of the Metro Criminal Justice Planning and Coordination Program Through June 30, 1981

In the absence of Coun. Deines, Coun. Kafoury presented the Coordinating Committee report and moved, seconded by Coun. Rhodes, that Res. No. 80-193 be adopted.

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

6.8 Resolution No. 80-195, For the Purpose of Involving Minority Business Enterprises in Contracting and Procurement Activities and Setting FY 1981 Participation Goals

Mr. Kent explained the necessity for adopting this resolution, outlining details of the proposed policy and goals and describing their effect in terms of staff workload.

Coun. Kafoury reported that the Coordinating Committee recommended approval of this resolution.

Coun. Schedeen moved, seconded by Coun. Rhodes, that Res. No. 80-195 be adopted.

Discussion followed, during which Coun. Kirkpatrick re-entered the meeting.

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

7. MOTIONS

7.1 Motion authorizing the Executive Officer to Appeal Clackamas County Approval of Two Subdivisions

Coun. Burton moved, seconded by Coun. Rhodes, that the Executive Officer be authorized to appeal Clackamas County approval of two subdivisions to the Land Use Board of Appeals.

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

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Coun. Kafoury asked the Council to ratify appointment of Coun. Williamson as Metro's representative on the policy advisory committee studying transit station area planning.

Coun. Schedeen moved, seconded by Coun. Bonner, that Council ratify the appointment.

Following discussion of the committee and its project, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Presiding Officer Kafoury relayed to the Council and staff Coun. Burton's request that in the future, Agenda Management Summaries include reference to the Five-Year Operational Plan and its relation to the proposal under discussion.

Mr. Jordan introduced Mike Holstun as his new Assistant Counsel.

## 8. REPORTS

### 8.1 Executive Officer Report

Mr. Gustafson's report addressed the following topics:

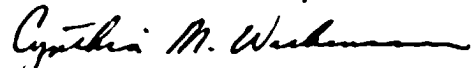
- 1) The impact that passage of Ballot Measure 6 could have on the Zoo, Metro, and the legislative package presently being developed.
- 2) The status of the tax base campaign, fundraising efforts, and encorsements received.
- 3) Upcoming press conferences.

### 8.2 Committee Reports

Regional Services Committee - Coun. Rhodes reported on the public hearing held on October 21 regarding the Proposed Waste Reduction Plan and announced that the Committee meeting of November 11 would include a work session on the Plan.

There being no further business, the meeting was thereupon adjourned.

Respectfully submitted,



Cynthia M. Wichmann  
Clerk of the Council