

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

March 10, 1988  
Regular Meeting

Councilors Present: Mike Bonner, Tanya Collier, Larry Cooper,  
Tom DeJardin, Jim Gardner, Gary Hansen,  
Sharron Kelley, Corky Kirkpatrick, David  
Knowles, Mike Ragsdale, George Van Bergen  
and Richard Waker

Others Present: Rena Cusma, Executive Officer  
Dan Cooper, General Counsel

Presiding Officer Ragsdale called the meeting to order at 5:40 p.m.

1. INTRODUCTIONS

None.

2. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

3. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Susan Lester, 16796 S.E. Royer Road, Clackamas, Chair of the Damascus Community Organization, testified regarding the Highway 212 and Sunrise Corridor plans. She was concerned a small group of people representing business interests had been able to persuade planners to construct a major project outside the Urban Growth Boundary. Presiding Officer Ragsdale explained the Council Intergovernmental Relations Committee would be reviewing the matter and invited Ms. Lester to bring her concerns to that Committee.

Councilor Waker reported the project had been reviewed by the Joint Policy Advisory Committee on Transportation (JPACT) but funding had not been identified.

Jeanne Roy, 2420 S.W. Boundary Street, Portland, testified in support of Resolution No. 88-888 which had been introduced by Councilors Kirkpatrick and Gardner for consideration by the Solid Waste Committee. The Resolution would evaluate source separated recycling alternatives. Ms. Roy reviewed the document entitled "Proposal for Effective Recycling Systems" which was attached to the resolution and supported adoption of the resolution by the full Council. Key elements of the proposed recycling system included a

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two or three-can collection system; significant enhancement of the present collection system with additional lumber and yard debris components; rate incentives; and grants.

Councilor DeJardin said he was concerned whether adequate markets existed for recyclables. Ms. Roy responded that the proposed study would investigate the market situation.

In response to Councilor Hansen's question, Ms. Roy said she would support Metro legislation to enhance the agency's authority concerning solid waste collection if that authority was needed for a more ambitious recycling program.

Presiding Officer Ragsdale referred Resolution No. 88-888 to the Council Solid Waste Committee for review and recommendation.

Councilor Van Bergen questioned whether there were consultants available to accomplish the scope of work proposed in the resolution. Ms. Roy and Judy Dehen, representing the Columbia Group of the Sierra Club, assured the Councilor there were a number of experts who could provide consulting services.

Cherie Holenstein, 6141 S.E. Steele, Portland, a member of the Portland Fair Share organization, testified the proposed contract to provide landfill services in Eastern Oregon could be in conflict with the state mandated hierarchy for solid waste disposal. She thought that private ownership of an Eastern Oregon landfill could create an "out of sight, out of mind" situation and not result in the reduction of waste landfilled. She urged the Council to pursue waste reduction efforts and not fail the people who had elected them.

Steve Miser, Route 1, Box 222B, Banks, testified regarding the proposed garbage burner facility in Columbia County. He had attended a recent community meeting on the subject in Clatskanie at which many people had expressed opposition to the proposal. He encouraged the Council to consider more ambitious programs for recycling plastics and other recyclables. He also opposed the Bacon Road landfill site saying the costs of further studies mandated by the Environmental Quality Commission would be too time consuming and costly to make that site feasible.

#### 4. COUNCILOR COMMUNICATIONS

BenjFran's Petition to Amend the Urban Growth Boundary (Contested Case No. 87-5). Presiding Officer Ragsdale announced the full Council would hear the BenjFran case on April 14, 1988; and the full Council would hear oral arguments from parties on written objections raised in the exceptions.

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5. EXECUTIVE OFFICER COMMUNICATIONS

None.

6. CONSENT AGENDA

Motion: Councilor DeJardin moved, seconded by Councilor Collier, to approve items listed on the Consent Agenda.

Vote: A vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the following items were approved.

6.1 Minutes of February 11, 1988

6.2 Resolution No. 88-872, Appointing Peat Marwick Main & Co. as Metro's Independent Auditor and Provider of Professional Tax Services

7. CONSIDERATION OF CONTESTED CASE NO. 87-2: ANGEL PROPERTY

Consideration of Order No. 88-17, in the Matter of Contested Case No. 87-2, a Petition for a Locational Adjustment of the Urban Growth Boundary by Joseph and Lynn Angel; or

Consideration of Ordinance No. 88-243, Adopting a Final Order and Amending the Metro Urban Growth Boundary for Contested Case No. 87-2: Angel Property (First Reading and Public Hearing)

The Clerk read Ordinance No. 88-243 a first time by title only.

Presiding Officer Ragsdale announced that at the Council meeting of November 24, 1987, the Council failed to adopt Order No. 87-16 which would have adopted the Hearings Officer's Findings for Contested Case No. 87-2. At that meeting, the Council directed Legal Counsel to prepare an ordinance and findings in support of amending the Urban Growth Boundary (UGB). However, on January 18, 1988, the Council failed to adopt Ordinance No. 88-238 and the findings. Although Councilor Knowles served notice on January 28 he might move to have the ordinance reconsidered, no motion was received at the subsequent Council meeting and reconsideration did not occur. In summary, Contested Case No. 87-2 had not been acted on by the Council.

Dan Cooper, General Counsel, identified the documents distributed to the Council and explained the Council's options: 1) adopt Order

No. 88-17 (formerly numbered Order No. 87-16) which would adopt the Hearings Officer's Report and Recommendations and not amend the UGB for Contested Case No. 87-2; or 2) adopt Ordinance No. 88-243 (formerly numbered Ordinance No. 87-238) which would adopt findings in support of amending the UGB for Contested Case No. 87-2. Mr. Cooper further explained the burden of proof was on the applicant to meet Metro's criteria for amending the UGB. The Hearings Officer had concluded there was sufficient evidence that the applicant had not met Metro's criteria (see Item 11, "Relative Superiority," pages 13 and 14 of the "Report and Recommendation of the Hearings Officer"). Mr. Cooper also had concluded there was sufficient evidence to support adoption of Ordinance No. 88-243 and the related findings prepared by himself at the instruction of the Council.

Motion: Councilor Kirkpatrick moved, seconded by Councilor Collier, to adopt Order No. 88-17 based on the information and for the reasons contained in the Hearings Officer's Report and Recommendation for Contested Case No. 87-2.

Steve Janik, the attorney representing petitioners Lynn and Joseph Angel, addressed the Council. Mr. Janik said he wished to explain the difference between the two sets of findings being considered by the Council. The primary issue, he explained, was whether there was sufficient improvement to the Angel property to justify a change to the UGB. The Hearings Officer found in several instances there would be improved efficiency if the petition's request were granted, he said. He then explained that for this case the efficiency standard had to be calculated on a different basis than was usually done because the land improvements had already been made. The capacity for urban services usually diminished at the edge of the UGB. Mr. Janik also pointed out that in July of 1987 the Council unanimously waived the requirement regarding "islanding" for this case. He noted all parties had received a letter from the DLCD saying it was not a violation of Goal 14 to have an island situation.

There were no questions of Mr. Janik.

Presiding Officer Ragsdale asked General Counsel to explain procedures for voting on the Order. Mr. Cooper said the Council's rules provided that an order denying a UGB amendment could be adopted by six affirmative votes. If a tie vote were received, the order would be adopted.

Vote: A vote on the motion to adopt Order No. 88-17 resulted in:

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**Ayes:** Councilors Bonner, Collier, DeJardin, Gardner,  
Kirkpatrick and Knowles

**Nays:** Councilors Cooper, Hansen, Kelley, Ragsdale,  
Van Bergen and Waker

The motion carried. Order No. 88-17 was adopted and the applicant's petition to amend the UGB was denied.

Councilor DeJardin reported he had voted to support the Hearings Officer's recommendation -- a change from his previous thinking -- because the findings prepared by Metro's General Counsel had not persuaded him to go against the Hearings Officer's recommendation.

## 8. ORDINANCES

### 8.1 Consideration of Ordinance No. 88-244, Amending the Metro Urban Growth Boundary in Contested Case No. 87-1: the Edy Road, Highway 99W, Middleton and Substation Sites (First Reading and Public Hearing)

The Clerk read the ordinance by titly only a first time.

Motion: Councilor Waker moved, seconded by Councilor Bonner, to adopt the ordinance.

Jill Hinckley, Land Use Coordinator, briefly reviewed staff's written report. Presiding Officer Ragsdale opened the public hearing. There was no testimony and the hearing was closed. He announced a second reading was scheduled for March 24, 1988.

### 8.2 Consideration of Ordinance No. 88-240A, Adopting an Updated Solid Waste Management Plan (Second Reading)

The Clerk read the ordinance a second time by title only.

Councilor Hansen, Chair of the Solid Waste Committee, reported the ordinance amended the Management Plan to exclude reference of the formerly designated Wildwood landfill. After conducting a public hearing, the Committee unanimously recommended adoption of the ordinance.

Motion: Councilor Hansen moved, seconded by Councilor Kelley, to adopt the ordinance.

Vote: A roll call vote on the motion resulted in all twelve Councilors present voting aye.

The motion carried and the ordinance was adopted.

9. RESOLUTIONS

9.1 Consideration of Resolution No. 88-873, for the Purpose of Naming the Zoo African Aviary in Honor of Howard Vollum

Councilor Kelley, Chair of the Zoo Committee, reported the Committee recommended adoption of the resolution due to the generous contribution of the Vollum family for the exhibit and because the proposal met the Council's adopted criteria for naming exhibits and facilities in honor of individuals.

Motion: Councilor Kelley moved to adopt the resolution. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and the resolution was adopted.

9.2 Consideration of Resolution No. 88-881, for the Purpose of Authorizing Solicitation of Bids for Oregon Convention Center Bid Package 1: Steel Fabrication and Erection

Convention Center Committee Chair Councilor Cooper reported the Committee recommended adoption of the resolution. The bid represented the first major component of the convention center project construction.

Motion: Councilor Cooper moved, seconded by Councilor Waker, to adopt the resolution.

Vote: A vote on the motion resulted in all twelve Councilors voting aye.

The motion carried and the resolution was adopted.

10. COMMITTEE REPORTS

Intergovernmental Relations Committee. Councilor Waker reported the Committee would be evaluating nominations for Boundary Commissioners. Councilors had received information about the nomination process. He requested applications be returned to Council staff as soon as possible.

Solid Waste Committee. In response to Councilor Knowles' question, Councilor Hansen reviewed the Committee's schedule for considering disposal options. The Committee would most likely conclude its deliberations on March 15.

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Special Council Meeting. Presiding Officer Ragsdale announced he was calling a special Council meeting for 5:30 p.m., Thursday, March 17 to receive the budget from the Executive Officer. The Council Budget Committee would convene immediately after that meeting. (NOTE: The special meeting was later cancelled because the budget document could not be produced by March 17.)

There was no other business and the meeting adjourned at 6:50 p.m.

Respectfully submitted,



A. Marie Nelson  
Clerk of the Council

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