

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF AMENDING METRO)	ORDINANCE NO. 92-448
CODE SECTION 5.06.070 TO CLARIFY)	
THE COMPOSTER COMMUNITY)	INTRODUCED BY
ENHANCEMENT BOUNDARY, AND)	RENA CUSMA,
DECLARING AN EMERGENCY)	EXECUTIVE OFFICER

WHEREAS, A question has arisen regarding the Composter Community Enhancement Boundary; and

WHEREAS, The boundary as currently described does not appear to include properties adjoining a boundary street; and

WHEREAS, The Composter Community Enhancement Committee deems it desirable to resolve the boundary issue and recommends providing for the inclusions of properties one lot back on the opposite side of the boundary streets; and

WHEREAS, The Executive officer has reviewed this recommendation and concurs that the boundary should be recognized in this manner, and forward to the Council with the recommendation to adopt Ordinance N0. 92-448; and

WHEREAS, The Council of the Metropolitan Service District has concluded that it is appropriate to include such properties within the enhancement area; now, therefore,

THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT HEREBY ORDAINS:

Section 1. Metro Code Section 5.06.070 is amended to read:

"5.06.070 Composter Community Enhancement Boundary:

(a) The boundary of the Composter-Community Enhancement Program shall encompass the area between the Columbia Slough on the north; NE. 33rd Boulevard on the

West; N.E. Fremont Street and Sandy Boulevard on the South (from N.E. 33rd Avenue to N.E. 57th Avenue south to Sandy Boulevard, from Sandy Boulevard to N.E. 82nd Avenue); and N.E. 82nd Avenue on the East.

(b) In addition to the area described in this section, the Program area shall extend to the rear lot line of all properties facing a boundary street.

~~(b)~~ (c) Two years after the facility opens, Metro staff shall conduct a traffic study to determine the impact of the facility. The Metro Council may use this study to revise the boundary."

Section 2. This Ordinance being necessary of the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Council of the Metropolitan Service District this 13th day of February, 1992.



Jim Gardner, Presiding Officer

ATTEST:



Clerk of the Council

SOLID WASTE COMMITTEE REPORT

CONSIDERATION OF ORDINANCE NO. 92-448, FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.06.070 TO CLARIFY THE COMPOSTER COMMUNITY ENHANCEMENT BOUNDARY, AND DECLARING AN EMERGENCY

Date: February 5, 1992 Presented by: Councilor Buchanan

Committee Recommendation: At the February 4 meeting, the Committee voted 4-0 to recommend Council adoption of Ordinance 92-448. Voting in favor: Councilors Hansen, McFarland, Van Bergen and Wyers. Councilor Buchanan was absent.

Committee Issues/Discussion: Katie Dowdall presented the staff report. She noted that when the advisory committee prepared the ordinance to establish the permanent Composter Enhancement Committee it intended that the boundary include properties on both sides of the boundary streets. This provision was inadvertently omitted from the ordinance. Questions have arisen because one of the initial committee appointees lives on the opposite side on one the boundary streets. Dowdall explained that the General Counsel's Office recommended amending the Code to clarify this situation.

Councilor Van Bergen asked if funds destined for use by the enhancement committee would cease due to the closure of the Composter. Dowdall noted that committee already has approximately \$60,000 available to spend and that it intends to develop a process to solicit proposals for the use of this money. Bob Martin noted that the committee would not receive additional funds as long as the facility remains closed.

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 92-448 FOR THE PURPOSE OF AMENDING METRO CODE SECTION 5.06.070 TO CLARIFY THE COMPOSTER COMMUNITY ENHANCEMENT BOUNDARY, AND DECLARING AN EMERGENCY

Date: January 8, 1992

Presented by: Katie Dowdall

This ordinance would amend the Metro Code to clarify that the enhancement area for the Metro Composter Community Enhancement Program would include properties on both sides of boundary streets. The proposed ordinance language was from the Code section establishing the boundaries for the Metro Central Enhancement Program.

FACTUAL BACKGROUND AND ANALYSIS

At the first meeting of the Metro Compositor Community Enhancement Committee on November 5, 1991, Si Stanich asked for clarification as to the definition of the Composter Community Enhancement Committee boundary. Do we consider both sides of the street in our definition or does the boundary line go down the middle of the street? This issues was raised because Sy Kornbrodt resides on the south side of Fremont Street.

After a great deal of discussion at the November 5, 1991 meeting, Chair Knowles made the following motion, which was approved unanimously.

"Motion: The Committee now interprets the boundary to include rear lot line of the properties facing boundary street. Interpretation contingent upon opinion of General Counsel or an amendment of Ordinance by Metro Council."

A major point was made by committee member Gordon Hunter who also served on the Composter Community Advisory Committee. At the November 29, 1989 Composter Community Enhancement Advisory Committee Meeting, Mr. Hunter stated " the boundaries supported the traffic patterns as discussed including 57th and was intended to include both sides of designated street. He specified that further to state, "one lot back on each side." That definition was voted upon and approved by the Advisory Committee.

John Houser, Council Analyst, could find no action by the Council to deliberately remove or deleted "one lot back" from the boundary definition.

Todd Sadlo, Sr Assistant Counsel, was asked for an opinion of this interpretation. Counsel Sadlo concluded that the program area does not currently include properties on the outer side of boundary streets and an ordinance was needed that would amend the Metro Code to clarify that the enhancement area would include properties on both sides of boundary streets..

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer Rena Cusma has reviewed this recommendation with Counsel and concurs that the boundary should be recognized to include properties on both sides of boundary streets and forwards Ordinance No. 92-448 to Council with the recommendation to adopt.


METRO

 2000 S.W. First Avenue
 Portland, OR 97201-5398
 503/221-1646

Memorandum

DATE: December 31, 1991

TO: Todd Sadlo, Sr. Assistant Counsel

FROM: Katie Dowdal, Enhancement Coordinator *KD*

RE: Metro Composter Community Enhancement Committee Boundary

At the first meeting of the Metro Compositor Community Enhancement Committee on November 5, 1991, Si Stanich asked for clarification as to the definition of the Composter Community Enhancement Committee boundary. Do we consider both sides of the street in our definition or does the boundary line go down the middle of the street? This issues was raised because Sy Kornbrodt resides on the south side of Fremont Street.

After a great deal of discussion, see attached minutes of the November 5, 1991 meeting, Chair Knowles made the following motion, which was approved unanimously.

"Motion: The Committee now interprets the boundary to include rear lot line of the properties facing boundary street. Interpretation contingent upon opinion of General Counsel or an amendment of Ordinance by Metro Council."

A major point was made by committee member Gordon Hunter who also served on the Composter Community Advisory Committee. At the November 29, 1989 Composter Community Enhancement Advisory Committee Meeting, Mr. Hunter stated " the boundaries supported the traffic patterns as discussed including 57th and was intended to include both sides of designated street. He specified that further to state, "one lot back on each side." That definition was voted upon and approved by the Advisory Committee.

John Houser, Council Analyst, could find no action by the Council to deliberately remove or deleted "one lot back" from the boundary definition. It probably was never correctly enter in by staff.

Attached for your review are the minutes of the November 29, 1989 Composter Community Enhancement Advisory Committee Meeting and the minutes of the November 5, 1991 Composter Community Enhancement Committee Meeting. Also attached are Chapter 5.06 of the Metro Code, Ordinance No. 90-331, Ordinance No. 90331A, Resolution No. 91-1499, Resolution NO. 91-1499A and Resolution No. 91-429.

Please advise the Committee if their present interpretation to define the Composter Community Enhancement boundary to include rear lot line of the properties facing boundary street is legal; and therefore, Sy Kornbordt residing on the south side of Fremont may be a member of the Committee.

KD:gbc

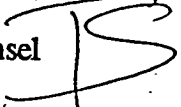
cc: Councilor David Knowles, Chair

**METRO**2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

Date: January 7, 1992.

To: Katie Dowdall, Community Enhancement Coordinator

From: Todd Sadlo, Senior Assistant Counsel 

Regarding: METRO COMPOSTER COMMUNITY ENHANCEMENT COMMITTEE
BOUNDARY

In a memo dated December 31, 1991, you described recent concerns that have been raised regarding membership on the Composter Community Enhancement Committee by an individual whose residence is on the outer side of a boundary street. I have concluded that the program area does not currently include properties on the outer side of boundary streets. I have attached a draft ordinance that would amend the Metro Code to clarify that the enhancement area includes properties on both sides of boundary streets. The proposed ordinance language is from the Code section establishing the boundaries for the Metro Central Enhancement Program.

The person currently serving on the Composter Community Enhancement Committee who lives on the outside of a boundary street was duly appointed by the Executive Officer and confirmed by the Metro Council. That person may serve and participate in all affairs of the committee until removed by the appointing authority or by court order.

Please contact me if you have further questions or concerns regarding this matter.

dr
1086

Attachment



METRO

2000 S.W. First Avenue
Portland, OR 97201-5398
503/221-1646

Memorandum

DATE: February 14, 1992
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council
RE: TRANSMITTAL OF ORDINANCE NO. 92-448

Attached for your consideration is a true copy of the ordinance referenced above adopted by the Council on February 13, 1992.

If you wish to veto the ordinance, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, February 20, 1992. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, *Paulette Allen*, received this memo and a true copy of Ordinance No. 92-448 from the Clerk of the Council on 2-18-92.

ORD.MEM