

MINUTES OF THE METRO COUNCIL WORK SESSION

February 4, 1997

Council Annex

Councilors Present: Jon Kvistad (Presiding Officer), Ruth McFarland, Lisa Naito, Don Morissette, Susan McLain, Patricia McCaig, Ed Washington

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 4:45 p.m. He reviewed the process for this afternoon's meeting, noting that this was not a public hearing but a work session for members of the Council. There would be no public testimony. Mr. Larry Shaw, Legal Counsel, would present a series of findings and recommendations for the Council's consideration. These recommendations may be moved to the Council meeting on February 6, 1997.

I. REVIEW OF FINDINGS TO SUPPORT DESIGNATION OF THE URBAN RESERVES

Mr. Larry Shaw, Metro Legal Counsel, reviewed the documents before the Council. The first document was an Executive Summary (he noted the new version), the DLCD letter, his response to the DLCD letter, the summary by Metro staff on the preliminary selections made by the Council, a copy of a letter from Jim Sitzman and maps. He planned to review the executive summary to familiarize the Council with the theory behind the findings and how he attempted to match the findings to the preliminary decisions that the Council made as well as match them up with the steps in the Urban Reserve Rule. As he was going through preparing findings, he found a few areas where he could recommend changes consistent with what the Council had already done. He had just received from John Fregonese the actual tax lot boundaries maps that the Growth Management Department had been working on. If the Council approved the recommendations, the Department could prepare maps that would show lot specific boundaries for the recommended changes. It was intended to be lot specific for the Council's actions as summarized in the packet.

He reviewed the Executive Summary. The key to the difference between what was recommended to the Council by the Executive and the 18,300 target was explained in "I" of the Executive Summary, what was a more conservative estimate of how many households, how many jobs were already accommodated inside the existing Urban Growth Boundary. As part of the calculation, if the region needed a certain amount for the 43 year land supply, how much had already taken care of by the current Urban Growth Boundary. He reviewed, in the Urban Growth Management Function Plan, 243,600 households were used as what had been called a zero option. that was Metro's current estimate of the households needed to be accommodated for 20 years between 1997 and 2017 and that if all of the requirements in Title 1 and the other titles of the Functional Plan were implemented successfully, it was the estimate of the Urban Growth Management Function Plan that 243,600 households would be accommodated inside the current Urban Growth Boundary. This estimate was used by the Executive to put into the URSA study model to analyze the relative suitability of the Urban Reserve Study Areas that the Council had selected, the full 23,000 acres. The preliminary Urban Growth Report, as amended by the Council when it was accepted by resolution, had a different number for how many

households could be accommodated inside the Urban Growth Boundary to the year 2017, that number was 206,600. So a big part of what Mr. Shaw had done in creating these findings was to re-run essentially the same model as given to the Council by the Executive for purposes of a starting point, just as the Executive used it as a starting point. The model was not intended to give the Council a decision but to give assistance and a starting place for this complex decision making. The need for Urban Reserves was based on the Executive's recommendation and the Council's selection of a 43 year supply to the year 2040 using the same number of households needed, about 359,000, that was used as a basis of analysis for the 2040 Growth Concept. When the 359,000 figure was taken and 206,000 was subtracted and then a 30% redevelopment assumption was put in, which was used in the study model consistently, then the result was 107,000 households were needed instead of the estimated 80,000. How you accommodate those 107,000 households needed between 2017 and 2040 corresponded with what lands were chosen, some land would be more efficient than other land. In terms of the model in the first run of the model, if one took that change in the model, remembering the 243,611 spot in the model and put 206,600 in the model, ran the model that came from Executive, the result was where the number 18,300 acres came from. This acreage was used as a target by the Council in their meetings of December 5, 1996 and December 12, 1996. In the findings Mr. Shaw went through the factors of Goal 14 were measured by factors and subfactors in the model. He used the same factors, subfactors and weighting to start out with, which was an equal weighting for all the subfactors, to do a re-run of the model. Before the model could be re-run to get the relative suitability scores one had to deal with the fact that the Council was looking ahead to try to reduce the amount of resource land because of the first priority requirement in the Urban Reserve Rule. So the Council went around and changed the boundaries of quite a number of study areas as they were initially set out in earlier 1996. When the Council did this it meant that the score the Council had for the study area before the boundary was changed was no longer valid because the Council took out a chunk of resource land and that may have caused a score for the old boundary study area to have a score for what was left. Since the entire model was a relative suitability, comparing every study area boundary to every other study area boundary, that meant that when one changed the boundaries of study areas, one would reflect the relative scores of all of the study areas. This was why a re-run of the model was done. When one used the 23,000 acres that the Council started with for URSA's and looked at the boundaries that were changed primarily for resource land and took out exception land to get a clean boundary as in Study Area No. 1 by Gresham and Study Area No. 46 by Sherwood, then there was about 20,050 acres left. When one was looking for 18,300 of the 20,050 acres one would be selecting most of what was in the study areas that were still under consideration. This effected how the Council went forward after this point.

He noted the study model re-analysis used the same factors, subfactors and weighting and all of the findings that have footnotes in the 33 pages, about 60, everyone of those had documentation in the start of the record and the Council decision in that box. In that box was the entire second run of the study model, every property, every URSA, had a new score by definition because it was a new relativity. He ran into a couple of things as he was going step by step trying to explain in a little more detail than was in the background data that came with the Executive recommendation indicating how each of these factors were done. Upon cross examination, he found one minor error that had major consequences in how the calculation of the agricultural compatibility factor was done. It was comparing compatibility only to exception land and not comparing compatibility to the Urban Growth Boundary itself. So it was treating exception land as something that if one was close to that, the score for urban development went up and the agricultural compatibility went down but if one was close to the UGB, the result was a neutral score, it was not effected by being that close to the UGB. This was corrected and this changed the scores on almost all lands. This had a big impact on that factor because these

sites had some resource lands in them and they were close to the UGB. There was additional information that came in between the time of the Executive's recommendations and the time of the second run of the model. Some of this information was very important such as the data that the USDA had on which of the resource lands were prime or unique. They came into have a map made up from that data after the Executive's recommendation. That same data was used in the ag retention and the ag compatibility. That additional information which included both maps of prime and unique soils and some information about which lands were irrigatable also effected those scores. They used the same model with a bit more information, slightly different scores but the information spoke to which resource lands really were prime. There was a lot more information than at the time of the Executive's recommendation. When one ran the study model one tried to match up the need and how much one was taking. When these were matched up under the second run, one ended up with 19,100 acres because of the configuration of the property and because of the lands that the model selected. He noted that this was a guidance, it gave a starting point. Then Mr. Shaw went through and did the same analysis that the Council did in terms of its selections and went through the analysis of reducing 19,100 acres to about 18,300. In doing this there was a weighting that was produced by this analysis, on several of the URSAs, in looking at factor 4 how efficient was the land to develop and how much buildable land did one have there, one got a score from 1 to 10 on those in both runs, and there were zeros in both efficiency and buildable land. This did not mean that there was absolutely no buildable land but it got a zero score for buildable land. He then looked at the Council's decisions and their decisions followed that result closely. If it it not make any sense to bring the land in terms of getting any production out of it for urban development that was one weighting that seemed to make sense. This resulted in the elimination of several of the sites that the Council had eliminated. He noted a couple of exceptions to that, URSAs No. 4 and No. 68, even though they were zero, these lands were completely surrounded by UGB and other URSAs that were studied so for a logical boundary those were left in. This led to his first recommendation.

In URSA No. 67 there was about 48 acres of resource land and about 40 acres of exception land. If the Council looked at the topographical map, this land was very steep and very difficult to build on and was essentially unbuildable. So he recommended to draw the boundary differently, eliminate the unbuildable land and then without re-running the whole model, in looking at what was left there was buildable land that was at least 30 to 40% of the total, getting off the score of zero into similar scores of other exception lands. The reason that he thought he was safe in making that recommendation was that he was only making recommendations that were not policy issues, that were consistent with the theory that was used and the theory that was used was looking for resource land that could be lopped off and reduce the amount of resource land without effecting the rest of the study area. He felt that this land qualified for that especially with this being a source with a zero score on efficiency for that property. He concluded that this would be in effect taking out 40 plus 48 acres of the total, 48 acres of those were resource lands.

Councilor McCaig asked that Mr. Shaw give the Council the summary of what the findings did, the total number of acres versus the acres that were sent by Council and how many acres of farmland were out. So when he said 88 acres, the Council had an idea of whether 3000 acres of farmland were taken out or 40 acres of farmland. She asked Mr. Shaw to give the Council his conclusions and recommendations.

Mr. Shaw said he started with 18,100 acres, 3,000 acres of farmland, 15,140 acres of exception land. He noted the memo that Michael Morrissey included in the packet that gave the pluses and minuses. The result was about 18,275 acres total.

Councilor McCaig concluded that acres were added, an important note to the net findings.

Mr. Shaw continued, the resource land was about 29,060, down by a few 100 acres.

Councilor McCaig restated that overall the Council agreed upon "x" number of sites, these were sent for findings, what the Council had back in front of them were some acres that were never studied, some acres that were studied and were not included which had now been included in the findings, so the total number of net acres had increased. In terms of total numbers of resources acres, there were fewer than 100 acres of farmland removed.

Presiding Officer Kvistad said he thought there were more than 100 acres of farmland removed. He said that the Council was under their goal of 18,300 including the changes that would be presented in these findings adjustments. These were recommendations Mr. Shaw would be making that the Council would review. The Council would then decide whether or not these recommendations made sense for inclusion in the findings and whether or not to forward them directly to Council for action, to include them into the basic proposal that would be before the public hearing on February 13, 1997.

Councilor McLain responded to Councilor McCaig that in order to get the full picture one had to also remember what Mr. Shaw said, that was any of these acres, whether they were EFU or exception, whether they were in or out, with the recommendation of Legal Counsel, was that he took only the policy decisions that the Council made on December 5, 1996 and December 12, 1996 to make these recommendations. For example, when Council dealt with that 23,000 acres there were some little parcels like the 40 acres of exception land or 48 acres of actual resource land which were the guiding light of the Council's policy decisions. They should have been taken out on December 5th and 12th. So these were not decision that any one had made other than the Council with those findings.

Councilor McCaig appreciated that Mr. Shaw believed he had policy direction to do this. She thought at this point as the Council moved forward to determine whether they would be accepting these findings or not, they needed to acknowledge, included in the findings in the document before Council, that the total number of acres and sites was not what Council sent for findings. But regardless of whether the Council agreed that this was consistent with policy direction or not, there was some acres that were never sent to findings and some acres that were never studied which were now in the document before Council. She would argue at least for purposes of clarity, it would be nice to separate those out and have findings on the sites that the Council sent up or down and then have an appendix or an addendum that said, here were the Legal Counsel's recommendations on what Mr. Shaw would do to make the package whole. What was before Council was one whole document that had more acres and some sites that had not studied.

Presiding Officer Kvistad said what was before Council were the changes that were being recommended, the original document that the Council moved forward as well as a series of changes which were being recommended by Legal Counsel to be consistent thus making the Council's findings stronger.

Councilor McCaig asked if Presiding Officer Kvistad agreed that there were sites in the recommendation that the Council did not send for findings and that the Council did not study?

Councilor Morissette added that he thought that property line specifics were not being done yet. As part of the process, had Mr. Shaw now made these property line specific?

Mr. Shaw responded, yes and no. He did not do the property line specifics, these had come from Executive as a recommendation for property line specific. In one area, in the Oregon City area, in terms of going through what was in the record and trying to reconcile what was in the record with what he thought his recommendations would be, he did get property line specific with the assistance of the Oregon City staff but in that area only.

Councilor Morissette concluded that the additions and deletions were based on Mr. Shaw's findings process and not in rounding up particular parcels that had a line through them.

Mr. Shaw said some parts of the Oregon City site were rounded up to get to the property line.

Councilor Morissette added, and the ownership line too because the Council was trying not to divide properties.

Mr. Shaw said he was not sure how perfectly he had done that because he had not had a chance to do this until he knew if the Council was going to accept the recommendation. He had not taken the time of the Executive staff to have them analyze it to this point. They may want to make comments on the Oregon City part. That was the part where he agreed with Councilor McCaig's comments that it was somewhat radical to be coming to the Council with 300 acres of additions in exception lands but the Council had asked Mr. Shaw to make a recommendation to propose findings that he thought Metro would have the best chance of going forward with.

Councilor McFarland said that she did not understand how Mr. Shaw could add land to the list that the Council gave him. If the Council had not studied these areas and had not asked it to be that way why would Mr. Shaw give the recommendation for additions?

Mr. Shaw said that he had not added land in the sense that they were already in there in terms of a final decision, he was making a recommendation to the Council.

Councilor McFarland reiterated that the Council had not given those additions to Mr. Shaw in the document that they handed to him for findings. So how could Mr. Shaw add them?

Mr. Shaw said he could not add them, he was recommending that the Council add them.

Presiding Officer Kvistad reviewed that the Council had not added anything or deleted anything at this point. There was the original package of the 18,100 acres that was sent forward to legal for findings. What the Council was doing was going through a series of changes that Mr. Shaw found that would be germane to the findings that the Council wanted to review first before the Council went through the findings in total. The Council had not made a decision yet.

Councilor McFarland asked the Presiding Officer if the Council had asked Mr. Shaw to add acreage?

Mr. Shaw said no, what the Council asked him to do was to propose findings that he thought would support the decision that the Council gave for preliminary selections if there were challenges. That was what this recommendation was.

Councilor McFarland summarized that what the Council gave Mr. Shaw for findings was parcels that could be challenged and parcels that could not be challenged. However, she felt that Mr. Shaw had branched out and told Council that they ought to add acreage that they did not have in their original decision. She said that she was not happy with this, in her mind he had answered a question that the Council had asked with a nonsequitur. This meant that the question that the Council had asked Mr. Shaw may have been answered but additionally he was suggesting to Council to put some acreage into the Urban Reserve that the Council had not given direction to put in.

Mr. Shaw said he had not decided anything, he was making recommendations. 18,300 was the Council's target and action, the Council ended up with 18,171. He was coming back with a recommendation of 18,275. He thought that was what the Council wanted.

Councilor McFarland said that maybe that was a part of what some of the Councilors wanted but she was had a different understanding of what the Council asked Mr. Shaw to do and what he did was two different things.

Mr. Shaw said he did his best.

Councilor McLain said, in defense of Mr. Shaw, the situation was as a Council they had been in the process up to December of being in blob maps. The Council gave blob maps to Mr. Shaw for findings, the Council gave him direction to take out EFU land in certain sections of certain sites, etc. The Council also gave him some direction with what the Council talked about that night in general finding comments that the Council put on the record of what the Council wanted that 18,000 acre package to look like. Mr. Shaw had come back to the Council with a list which indicated to the Council what Mr. Shaw felt was appropriate as legal staff to the Council to come back and make the Council aware of. He was making the Council aware of areas where the Council was not consistent with their own package or their own direction to the legal staff and where the Council was not consistent with the findings that the Council had been asked to make with the Urban Reserve Rule at the State. Mr. Shaw was now in front of Council explaining to the Council that if they would like to take the legal advise of the legal staff that there were reasons why there were some areas where resource land, EFU resource and exception land should be out and where it should not be out. The Council made these decision together when they voted on December 5, 1996 and December 12, 1996 to send forward 18,000 plus acres to the findings process with Metro's legal staff. All seven Councilors voted in that vote, some voted yes, some no. The vote was 6 to 1. The Council gave legal staff a consensus to go forward with findings using the information that the Council gave him in December.

Councilor Naito pointed out that under state law when the Council was considering some resource land the Council had to consider if there were other exception lands that may be more appropriate. She thought it was relevant to look at what the findings recommended in terms of additions because the Council may want to revisit some of the other areas in terms of deletions. She took Mr. Shaw's presentation as a recommendation but she would like to go through the findings at some point.

Councilor McCaig said she agreed with Councilor Naito. Her difficulty was that she believed that the findings would have been distinctly different had they been separated, if the Council went through the findings of the sites that the Council agreed to be included there might have been sites had the Council not looked outside of the sites, had the Council not looked outside of the study area, that would not be included right now. They would have been eliminated because they would not have met the test. As a result of adding areas that the Council never studied, the

Council had allowed certain areas to stay in and the Council would have had that flexibility to go back and add those. The Council was out of sequence in terms of the process. It was her hope that as the Council reviewed Site 67, Mr. Shaw could be very specific whether he was adding or deleting, whether it was property studied before or not studied before, that would be helpful to the overall discussion.

Presiding Officer Kvistad said he thought the Council would find that in the findings with the exception of Site 24. This was the only site that he had seen that went outside of an urban study bubble which took in about 20 houses, everything else was adjacent to or was within a bubble of the general study. If the Council looked at the maps it was clear.

Councilor McCaig clarified that those areas were not referred or studied at this point. She did not think that most Councilors understood that there were more numbers, not less and that there were some areas that had not been studied.

Mr. Shaw continued, the next step in terms of analyzing suitability, the Urban Reserve Rules required the Council to select from suitable land. He did a suitability analysis that was not just which lands were suitable but which lands were most suitable by giving them a score, by comparing them each to another. When only the study areas were compared to themselves and 20,000 acres were left with selecting 18,300 acres, then the issue of whether or not a sufficient enough comparison had been done arose, a sufficient enough alternatives analysis arose. This was why "D" was in the findings and this was how they got to some of the exception land. By looking at lands that were exception lands, particularly those that were outside of the study areas, he thought that under these circumstances this was probably required by the rules section on alternatives analysis. This was the reason why in the findings he then went around the entire region and talked about exception areas that were in most cases adjacent to existing study areas. When he got to the area in Oregon City, he had a pile of information in the record where Oregon City had come to the Beaver Creek Listening Post and said they thought that Metro should have study areas with boundaries that went out another 1900 acres. Based on that information in the record and based on trying to do an analysis of all the exceptions outside the study areas, as he believed the rule required in these circumstances, he sat down with the Oregon City staff and asked them to tell him the differences between where the Urban Reserve Study Area line was, where they were recommending it be and what the factors were in their recommendation of 338 acres of exception lands. Looking at the analysis of the city and trying to distinguish between their recommendation of 1900 additional acres and the study areas that the Council started out with in early 1996, it seemed like these areas, rounded off to property lines in this area as part of this, that the lands that Mr. Shaw was recommending to include as exception land didn't seem to be significantly different than the lands just across the study area line that had been studied. He noted that this was not a perfect recommendation. There needed to be comments from Metro staff to see if they had additional information that was different than what Oregon City was advocating since they were advocating the addition of 1900 acres. He thought that it was important to have that element in the findings because of the way the Urban Reserve Rule was written and because of the alternatives analysis that was required. He noted a small areas of resource land at the top of Site 18 that was so small, again, based on the same theory, that he thought it made sense to recommend it be taken out.

After the suitability analysis resulted in the most suitable land of the lands looked at, which in this case included all of the exception lands around the UGB not just outside of the study areas, then one was required to go through the priority list. The first priority language that came from the Urban Reserve Rule was basically exception lands. The first number was the 15,400 acres of exception lands out of the total 18,275 acres. There was a small section in the Urban

Reserve Rule that said first priority lands also included those resource lands that were completely surrounded by exception lands and which were not prime and unique resource lands. He had alluded to this section earlier, this was another difference between the recommendation from the Executive and what his recommendation was. The Executive recommended 13,980 acres, 787 acres of those were resource land that were completely surrounded by exception land. The information had not come in yet on the prime and unique category and when one went through the 787 acres, all of it but 72 acres were prime and unique and therefore the land could not be considered as part of the first priority of lands in the Urban Reserve. This analysis went through that and noted that of the 787 acres that the Executive Officer was recommending, there was only 626 acres that was in the Metro Council's revised URSAs because the Council took out a significant amount of the farmland. In addition to the Executive recommendations, the Council had several URSAs that also had areas of farmland that were surrounded by exception lands and that was the second paragraph under roman numeral three in the Executive Summary. URSA 31 had 615 acres, URSA 32 had 76 acres, those were in the same area and that area was an area of resource land of which the Council didn't take all of it even though that entire resource land area was surrounded by exception land and those lands were not predominantly prime and unique. Therefore these lands fit the first priority in the urban reserves and so that added more lands to the category than the Executive had but they were different lands.

Councilor McCaig asked if the Council was at about 16,236 acres that Mr. Shaw would call exception lands now which included those category of lands. Out of the 18,000, the Council was now at about 16,200 that fit this broad category of exception lands which was important as the Council went into the discussion about first priority and exception lands. It went from 15,430 to over 16,000 acres?

Mr. Shaw said the number went up but he did not change anything.

Councilor McCaig said she just wanted to know the total number.

Mr. Shaw said yes, it would be about 16,200 acres.

Councilor McCaig said that was the number that when the Council got to the discussion about first priority lands that the Council would be considering.

Mr. Shaw said that first priority under the Council's selection of URSAs was a higher number, it was 806 acres instead of 787 acres that the Executive recommended.

Councilor McFarland asked Mr. Shaw to reassure her that this process would not be forever. She said to please reassure her that he would not be coming back to every meeting the Council had with new pieces of land that no one had looked at before that he thought now should be included.

Mr. Shaw would come back to Council with whatever they wanted him to do. He did not anticipate that there needed to be much more done than add further explanation for the 33 pages of proposed findings that the Council had before them.

Councilor McFarland thought that was where the Council was before, that the Council had settled on some land and now the Council wanted to know if it fit the definition or not. Now there was new land to consider.

Presiding Officer Kvistad clarified that under the findings the Council needed to develop a set of findings that showed the justification for the lands that were chosen by the Council. Mr. Shaw had gone through those lands and had found areas of deletion that Mr. Shaw was presenting at this meeting that would make the findings more consistent as well as a series of specifics that he was bringing forward to say that this would build a better area because if these lands were added this would help the findings.

Councilor McFarland understood this but at what point did the Council say, don't bring us anything else.

Councilor Morissette said that there was one more process to go through, making property line specific definitions which could ultimately lead to at least one additional review.

Mr. Shaw responded that there were recommendations from the Metro staff although he did not know what the parameters were.

Presiding Officer Kvistad announced that this had not been presented to the Council and was not a part of this discussion. The property specific lines would have to be drawn based on the findings, the final public hearing and the Council's final decision on the Urban Reserves Areas. Then staff would come back to Council with the final lines drawn which would be the actual land use specifics.

Councilor Morissette said those could be different.

Presiding Officer Kvistad responded that the edges of the areas could be defined, it won't be different but the edges of the area would be defined at that point.

Councilor McCaig asked Mr. Shaw, had he not added property, had specific sites that were sent to him for review been eliminated?

Mr. Shaw responded, no.

Councilor McCaig asked Mr. Shaw, had he not added property then why weren't there exchanges made for a piece of property.

Mr. Shaw responded that they weren't exchanges, they were the results of the analysis that ended up with that result. Some went one way, some another, so they were netted out because the Council wanted to know what the bottom line was.

Councilor McCaig asked Mr. Shaw if he could have reached the 18,000 number then by adding all exception lands, some of which the Council hadn't studied, and eliminating all of the farmland?

Mr. Shaw said he could not because that was not what the Council gave him to work with, they didn't give him that direction. He continued with the next category, part of the Urban Reserve Rule called maximum efficiency of land uses. The basic idea was that when land was totally surrounded or surrounded on three sides, if the Urban Growth Boundary was on several sides and the sewer system was in a different area, in order to serve another area, did one have to go across the lands with roads, sewer lines, water lines, urban services to get the most efficiency out of the Urban Growth Boundary or out of the exception lands that were being put in first priority? The summary was that the 554 acres of land remaining in the Executive's summary

that were surrounded got this category. In reviewing where the lands were located, the extension of services in each of these areas would require extension of existing roads, water and sewer lines to get urban services to these areas. There was about 1000 acres in that category in 4A of the Executive Summary. Most of the lands to this point, other than Stafford, were not overwhelmingly controversial.

Every single one of the next set Mr. Shaw was reviewing were controversial. The category was specific land need. The concept in the Urban Reserve Rule was that one had first priority lands, then lower priority lands which weren't well defined such as marginal lands and secondary lands. The only way that farmland that was not secondary, not surrounded or not needed to be crossed for purposes of getting urban services efficiently from one side to the other of exception land or the Urban Growth Boundary, the only way that that resource land could be included was by being an exception to the priority list. The concept of specific land need was an exception to the priority list. By definition, specific land need was something that was identified which could not be reasonably accommodated on higher priority lands such as exception lands. He noted the section of the findings that were very detailed on some of the sites, URSA 54 and 55 which included primarily St. Mary's resources land with exception lands around it, some of which were owned by St. Mary's and some by property owners. The specific land need had to address the resource lands of St. Mary's which were estimated at 618 acres of resource lands. The analysis in the findings was that this land was needed to improve the projected jobs/housing ratio by adding land between the current Urban Growth Boundary tying the 2015 and 2017 and 2040 that could be used to improve what the jobs/housing ratio would be at that time. This would be the primary use of the regional center bases of jobs/housing balance analysis that came from the amendment to the Urban Reserve Rule that the Metro Council requested and was adopted in November of 1996.

The next one was Study Areas No. 62 which had three portions to it. It had 200 acres that the City of Hillsboro had requested for a campus industrial site for the long term past the year 2017. The small area above the green, south of Hwy. 26, about 42 acres of exception land that was highly parcelized using an estimate of 10 units per acre, and then just north of US 26, was about 18 acres of farmland that was a mix of class 4 and 2 soils, bounded on the north by a swail which separated it from the farmland above it which was higher quality. He noted the analysis of the 200 acre piece for a campus industrial purposes and an analysis of the 18 acres north of Hwy. 26 for housing where the jobs/housing balance argument was used in the analysis. The land owner had committed to no less than 18 units per acre which would be substantially higher than the average for outer neighborhoods in the 2040 Growth Concept. The theory in URSA 62 was that one campus industrial site was needed in the years between 2017 and 2040 to add to the existing integrated semi-conductor industry that was surrounding the Hillsboro Airport and that vicinity. There was an analysis in the record of the number of large fabricators, electronic component manufacturers, makers of component parts for those industries and the suppliers for those industries that made up the integrated industry out in that area. The controversial portion of the information in the record was that Hillsboro had counted the employers which had in most cases built at least phase one of a piece of property, in several case built phase 2 of their piece of property and had a master plan for that particular manufacturer, supplier or component manufacturer to use that property for its own use in the future. This was part of the unique situation that the record and the findings noted. Analyzing the entire area for industrial lands found only one other property, the Seaport property mentioned in the hearings, that was large enough to accommodate large campus industrial use. He came to the conclusion that whether or not that property within the UGB was rezoned for residential uses to help with the jobs/housing balance in a 20 year period rather than land outside of that effecting the jobs/housing balance in the period after 2017, as the City had discussed in its hearing with the

Council, that property was currently zoned for industrial uses. There was an analysis in the findings which dealt with the Seaport property either being used for residential or not being used for residential and the conclusion was that for URSA 62 and the 200 acres of resource land was needed either way for a specific land need for at least one additional 200 acre site reserved for another large campus industrial user in the 43 year period of the Urban Reserve land supply. The other part of URSA 62, the 18 acres of resource land, was all buildable, separated from other agricultural land by a swail and was located to help improve the jobs to housing ratio in the Hillsboro regional center area with higher density housing. Because the commitment had been made by the property owner for higher density housing at 18 units per acre, with this number of units per acre there would be a mix of housing providing smaller units that were more likely to match the wage status of the workers in that area. Both the location and the type of housing that would result from that density made it appropriate to address the jobs to housing ratio by adding housing that was most appropriate to the needs in that area with lots of jobs.

Presiding Officer Kvistad asked if URSA 63A should be addressed.

Mr. Shaw said that he had not addressed this, it was a policy issue because the Council voted on this site and he made no recommendation on items that the Council had voted on.

Councilor McLain said URSA 63 was voted out.

Mr. Shaw continued, reviewing URSA 59 which was Cornelius' request for land adjacent to its existing industrial park. There were 47 acres in the original study area. The City in its communication said that it intended only to request 35 acres and therefore Mr. Shaw had written in their recommendation because they provided the data to go into the findings. He did not have a new boundary line for that, however, he included the City of Cornelius' recommendation to the Council which was to reduce the size of that site by 12 acres of resource land.

Councilor McLain said that the Council had received that testimony when the Council voted on that site. It was her understanding that this was the direction of the Council vote, to take in the consideration that the staff had sized that as too large. It also had a wetland and the creek in that site, so they took it below the creek and made it 35 acres. This was direction that came to her.

Mr. Shaw said he did not remember this but he felt that the City of Cornelius' recommendation was included in the findings.

Councilor McLain said that those findings were consistent with what Mr. Shaw would find on the record of those meetings.

Mr. Shaw reviewed URSA 56 which was 33 acres of resource land adjacent to Forest Grove. The analysis was the same as Cornelius which was that Cornelius and Forest Grove both had targets, for housing and jobs for 2017 under the Urban Growth Management Functional Plan. Forest Grove's analysis which was included in the record indicated that they need these lands just to meet the 2017 targets for jobs.

Mr. Shaw noted the conclusion and said that Mr. Morrissey had condensed these conclusions to one page (a copy of this may be found in the permanent record of this meeting).

Councilor Naito asked about the resource land from URSA 65.

Mr. Shaw said he did not address URSA 65, there was a vote on this URSA. He could not remember the reasoning behind the vote so he had not fully address URSA 65.

Presiding Officer Kvistad said he still had questions on URSA 63 as to what the final vote actually was because it was a parcel in two parts. Some Councilors thought the west part, some thought the east part, some thought that both parts were taken.

Councilor Naito asked about the vote on URSA 65.

Councilor McCaig answered that it was moved and seconded for a deletion and they did not get the votes for a deletion.

Councilor Naito concluded that URSA 65 was in the Urban Reserve but there were no findings.

Mr. Shaw said that URSA 65 was in but the Council had findings on all but 40 acres on the west that he did not know what the reasoning for the Council vote. Therefore it was incomplete in that regard.

Councilor McLain said she remembered that Councilor Monroe asked that the Council delete the land to the west which was EFU and the Council voted in support of this. There was an equal amount of land to the east that was EFU and so the confusion come in when the Council said 'all EFU land', some Councilors felt that was both to the west and to the east.

Mr. Shaw suggested that this vote be cleared up because there was EFU land to the west that was deleted and there was EFU land to the east which was where the record needed to be reviewed.

Presiding Officer Kvistad said that the Council did not delete the east portion of this site. The Council dealt with the land to the west, the land to the east, and the parcel in total went forward and was in.

Councilor Morissette confirmed Presiding Officer Kvistad's summary.

Councilor Naito noting the DLCD letter, said that the analysis of the urban reserve land priorities which had been used for some of the other sensitive EFU lands was not in the findings for that parcel. She said this was of interest to her in terms of public policy and whether it could be supported to be included as this point with the lack of findings.

Councilor McLain said she would agree with Council Naito, it was her intention at this meeting when Council went to the amendment packages that she would bring this up as one of three that she had. This was one that there were no findings for and she would move to delete that forty acres on the west side.

Presiding Officer Kvistad said that this was not the appropriate forum for that motion.

Councilor Naito asked a process issue, this Council meeting was noticed as a work session, could the Council consider a motion?

Councilor McLain answered that this vote could not be taken at this work session.

Presiding Officer Kvistad said that the only motion that could be accepted at the work session was based on the findings before Council presented by Mr. Shaw. If Council chose to accept some or all of the findings, the Council could forward these to the meeting on February 6, 1997 so it would be on the table for the public hearing on February 13, 1997. That would be the only action item that the Council was discussing, it would be based solely on the findings and the specific action items the Mr. Shaw had recommended as legal staff.

Councilor Naito stated that she would need to study the addition lands before she would be willing to vote on them.

Presiding Officer Kvistad said that this would be part of the debate that the Council would have once the finished with a review of the findings.

Councilor McFarland echoed Councilor Naito feelings. If there was something she had not considered, had not seen before she did not feel herself qualified to go forward with any of the additions at this meeting until she had studied them. She felt that the addition land issue was a different question and that she was not willing to consider it at this meeting.

Presiding Officer Kvistad clarified saying that it was his understanding that none of the additions were in Washington County. Was this correct.

Mr. Shaw responded that the only additions were surrounding Oregon City.

Councilor McCaig asked if there was a way in which the Council could bring forward those boundary changes, those things that right those pieces of property, and not ones that were substantive changes? She understood that the Presiding Officer Kvistad wanted to get those boundary changes to the Council this Thursday so that people at the public hearing would have a truer map of the sites that the Council had all agreed upon.

Presiding Officer Kvistad said that Councilor McCaig's analysis was correct. What needed to be dealt with was Mr. Shaw's recommended technical corrections.

Councilor McCaig asked if the Council could agree to those sites which were sites that the Council sent to findings which now had minor boundaries adjustments?

Presiding Officer Kvistad summarized Councilor McCaig's question, could the Council accept the deletions and leave the additions portion on the table? This could be done, putting the deletions on the February 6, 1997 to change the technical aspects of the findings without dealing with the additions portion if that was the desire of the Council. This would mean a reduction in the total number of acres.

Councilor McCaig thought that this was a good idea, it was just a minor boundary adjustment to accommodate the individual piece of properties so it was a truer line on the piece of property.

Presiding Officer Kvistad said that most of these were corrections to do just that.

Councilor McCaig said that some were not.

Presiding Officer Kvistad said that the deletions actually fit within the criteria and fit within the lines existing parcels.

Councilor Morissette said, short of property line adjustments, if the Council wanted to do a reconsideration of 63A, what would be the process for this?

Presiding Officer Kvistad responded that URSA 63A was one that was still unclear as to how the Council voted. The Council, could as part of this adjustment packet, forwarded it as a point of clarification. He would like to review this with Council before anything was done on specific parcels.

Councilor Morissette said in his mind it was clear how the Council voted on this item but that did not mean that there wouldn't be a logical process for reconsideration. He asked what the process was?

Presiding Officer Kvistad said that following the public hearing on February 13, 1997, the Council would have final action items taken on the night that the Council moved forward for the final vote. Depending upon the public testimony, Mr. Shaw's findings, the volume of testimony and what needed to be reviewed he would then set the date for the final action. At this time corrections could be made.

Councilor Morissette asked if Councilor McLain's forty acres would be taken care of at that time?

Councilor McLain responded yes.

Councilor McCaig said Councilor McLain announced at the Growth Management Committee meeting that February 13, 1997 was a public hearing, February 20, 1997 was where amendments would be made, and the final vote would be February 27, 1997. In answer to Councilor Morissette's question, if it did not come up on February 13th it could be raised on February 20th.

Presiding Officer Kvistad said that was correct. February 20, 1997 would be the final time for amendments.

Councilor McCaig asked if it was important to get these adjustment made for February 6, 1997?

Presiding Officer Kvistad believed that this was the appropriate time for Council to make a determination as to whether the Council wanted to accept those recommendations, the technical adjustments that Mr. Shaw had presented, either the additions or deletions. Based on the acceptance or rejection, the Council would then forward these for action on the February 6, 1997 agenda to clarify the points so that the findings were in effect complete.

Councilor McCaig said that she did not consider all of the recommendations technical amendments. How should the recommendations be broken out, those that may be more substantive and those that were minor technical changes?

Presiding Officer Kvistad said that most of the deletions were technical in nature if one reviewed the maps and parcels. The deletions were fairly technically correct and would be easier for the Council to move forward. The additions however would require the Council to have a discussion about the parcels involved.

Councilor Naito said it looked to her that the key parcels were 24, 25, and 26.

Presiding Officer Kvistad said that these were all in the Oregon City area and those were all based on the Oregon City recommendations.

Councilor McLain said that everything, except what Councilor Naito had just noted, was to remove, not add. Site 24, 25, and 26 were the additions.

Councilor Naito said that on Site 17 although they were lot line adjustments, they would be adding land that was outside of the studied area. She did not know if that area was EFU or not or whether it had been studied or not. She suggested that the Council was making a lot line specific and it might be a good idea to do this at this meeting because there would be time to see at the next hearing if it came up as EFU.

Mr. Shaw said all of the adjustments that the Council saw in the Oregon City area were exception lands. The only adjustment was a deletion of 7 acres of resource land at the top of Site 18. All of the adds were exception lands, where they were trying to determine whether that exception land just outside the URSA boundary was the same as the land inside the URSA boundary.

Councilor McCaig said those were exception lands that had not been studied that were under consideration to be added.

Mr. Shaw summarized that those were movement of the URSA boundary to include more exception land in those URSA, yes.

Councilor McCaig said she was not comfortable doing that particular piece.

Presiding Officer Kvistad recommended the following; 1) any additional lands should go through the process whereby there would be public testimony on them on February 13, 1997. He did not support any additions of additional land at this point that was not originally determined as part of the findings. 2) He did however support the reductions that Mr. Shaw had presented to Council for the findings. He thought they were consistent with what the Council was trying to do, they built better parcels to justify to DLCD and they made sense. 3) Any technical adjustments that the Council felt were missed should be sent forward to Council. He noted URSA 63A, this parcel was divided in such a way that he and Councilor Morissette were not clear on what the Council's actions were on that parcel. He recommended that URSA 63A be the entire parcel and be sent forward. This could be done following the public testimony rather than at this meeting. He wanted to deal with the technical adjustments at this Council meeting. He put this on the table as a motion for discussion to accept the deletions only sent forward by Mr., Shaw to the Council to be an action item on the Council agenda for February 6, 1997.

Councilor Naito asked that this be site specific, 52, 56, 59, 67. In map no. 18 there was some EFU land that was to be deleted and she believed that this should be added to the motion.

Presiding Officer Kvistad said he would not be accepting additions only deletions. The areas of deletions would all be included in the motion. On site 18 the Council would be deleting exception land.

Councilor Naito said she wanted to be clear that in all of the sites, they would be making those deletions recommended by Mr. Shaw.

Councilor McCaig said Sites 17, 18, 22, 24, 25, 26 and 29, may have deletions in them. She said the map would need to be reviewed to see if these site had deletions or additions.

Presiding Officer Kvistad said that he thought that Councilor McCaig was correct.

Councilor McCaig said that Sites 52, 56, 59 and 67 were specifically deletions with no additions to them. She said the Council knew for certain that they could support deletions of 52, 56, 59 and 67. The Council would have to review the other sites and pick which were deletions. She asked Mr. Shaw if he could tell which sites were deletions?

Mr. Shaw responded that Site 18 was deletions and Site 17 was a round-off addition. The main ones that had additions were 24, 25, and 26.

Presiding Officer Kvistad said that on Site 17 he felt that if they did make that adjustment, which would be the deletion that was shown on 17, it would probably take care of itself. He would rather leave the line as it currently existed on Site 17 which was not lot line specific. In that one instance the lot line adjustment would be made by staff one way or the other based on the final information that they gave Council following the public hearing. So on Site 17 he did not see the corner on that one parcel being a deletion as part of his motion. They would stay with the rough generic boundary in that one parcel.

Councilor Naito said there were two other sites that were not part of the recommendations. On map 35 there was a tiny bit of EFU land on the right hand parcel.

Mr. Shaw said he believed that that site was already out.

Councilor Naito said that maybe that site was voted out by the Council. She said that the map she was looking at did have the Council vote.

Mr. Shaw said, from memory, he believed that they took out all of the EFU land.

Councilor Naito reviewed Map 51, the Hazeldell property, it looked like two lots with EFU on the northern piece of that site.

Mr. Shaw said he could not remember the vote on that.

Presiding Officer Kvistad said that if they were currently on the map that meant that there were small portions of EFU that were left in for consistent edge. There were some sites where not all EFU land was removed from the parcel. There weren't many but there were a few.

Councilor Naito asked that since those appeared to be on a lot line, would the Growth Management Committee be looking at those as there were actual lot specific lines created or was this meeting the appropriate time to bring this up?

Mr. Michael Morrissey, Council Analyst, said in that case, the Executive staff was recommending this.

Councilor Naito said so that would be revisited then in the committee?

Presiding Officer Kvistad said that these decisions would not be made at the committee level, these were Council decisions. The final recommendations would be made before the entire Council. There would be a presentation following the findings.

Councilor Naito said she just wanted to be clear on the process and that she would bring these issues up at that later time. She felt comfortable supporting the motion.

Presiding Officer Kvistad said many of the technical changes that the Council would see would be presented based on what staff brought back.

Councilor Naito pointed out that in voting for the removal of these sites it did not necessarily in her view indicate her support or opposition for the entire parcel included in the map but she would vote for these deletions.

Councilor McCaig clarified, this motion couldn't be voted on in a work session.

Presiding Officer Kvistad said what he was doing was getting a consensus of the Council to put the motion on the agenda for this coming Thursday's Council meeting. This specific item with the specific motion made would be on the February 6, 1997 agenda for Council's consideration only to be consistent with findings. There was not objections so his motion would be before the Council as a stand alone action item. He noted that dates for the process, February 13, 1997 would be the public hearing, February 20, 1997 would be the final determination of actions items, and then the final action would be scheduled for February 27, 1997.

Mr. Shaw said that bringing together the pieces of these findings was very difficult and he would be remiss in not thanking some Metro staff members, Carol Krigger, Sonny Conder, Dave Ausherman. They helped him understand how to run the URSA model. The staffs of Hillsboro, Cornelius, Forest Grove, Oregon City, Wilsonville who provided additional information were also helpful. He could not have come to his conclusions without their assistance and the new information they provided. Additionally, some attorneys for the property owners had made some contributions and the biggest one came in today and was not included in the 33 pages of findings. There would be an additional 10 to 12 more pages that were focused primarily on Site No. 62 and the St. Mary's property which were consistent with the theory that he had gone through that gave greater detail than he was able to do to get some post findings.

Presiding Officer Kvistad clarified that these findings would not be changing the maps as they were before Council at this work session?

Mr. Shaw said it would not change the maps, it was increased justification and in some cases responses to issues raised by DLCD letter.

Presiding Officer Kvistad asked if Mr. Shaw could give him the net result of acres by going with the deletions.

Mr. Shaw said he thought it was 126 plus 7 acres, about 133 acres plus little ones in the Oregon City area which he had not calculated yet.

Presiding Officer Kvistad concluded that the Council was moving forward approximately the deletion of 140 acres. This action item would be on the agenda for February 6, 1997.

Councilor McLain commented on the DLCD letter, they had given the Council their first letter which was without knowing the findings and they had promised the Council a second letter that Council would be able to look at before the public hearing on February 13, 1997. She felt that this letter would be a more informative letter because DLCD would have the findings in front of them before they wrote their letter. She felt that the DLCD's first letter was informative and she believed that the second letter would be equally helpful. She noted the public hearing on February 13, 1997 with a time certain of 2:15 p.m.

Presiding Officer Kvistad said he was hopeful that the people of this region would be succinct.

Councilor Naito pointed out that she had received several complaint calls about when the hearing was being held. The Council was holding that hearing at a time that they could not come. She suggested getting the word out that the Council would anticipate being in the public hearing into the evening.

Presiding Officer Kvistad noted the February 13, 1997 agenda and that there were several big issues on that agenda.

II. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Jon Kvistad at 6:15 p.m.

Prepared by,

Chris Billington
Clerk of the Council

DOCUMENT NUMBER	DOCUMENT DATE	DOCUMENT TITLE	TO/FROM
020497cw-01	020497	summary site specific changes rec in UR	susan mclain from michael morrisey
020497cw-02	020497	exec summary, proposed UR findings	to council from larry shaw
020497cw-03	013197	proposed UR designations	
020497cw-04	121296	map packet UR	
020497cw-05		UR decision map	
020497cw-06		pot. empl. ctr maps	
020497cw-07		urban reserve maps	