

MINUTES OF THE METRO COUNCIL MEETING

December 5, 1996

Council Chamber

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

Councilors Absent: None.

Presiding Officer Jon Kvistad called the meeting to order at 2:08 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATIONS

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. URBAN BOUNDARY COMMISSION REPORT

Councilor McCaig briefed the Council on the Urban Boundary Commission Report, the result of the work of the Government Affairs Committee, Councilors Washington, McFarland and McLain.). She reviewed, several months ago, Commissioners Hale and Hammerstad came before the Council and presented the work of the MPAC work group on the Boundary Commission and asked the Council to continue that work, to review the report and make the necessary additions and comments necessary. She noted the chart (which may be found in the Permanent Record of this meeting, in the Metro Council Office). a comparison of Government Affairs Committee proposal and of the original proposal from MPAC. Under the category of the non-contested case and the local government process, there was pretty much universal agreement on that. The Committee made some additions to the process but hadn't changed in substantially and MPAC agreed with that. She noted that there may be some interest under the contested case process. She asked the Council to review this item further. The proposal originating from MPAC included a hearings officer as the focal point for contested cases with a review and an appeal to the Metro Council and then the opportunity for appeal to LUBA. One of the strongest components of the public testimony was the concern of the elimination of the Commission and the role of citizens in participating in deliberating on these kinds of issues. That was also a significant issue for the MPAC work group, debating it endlessly as well as having a tie vote on it three separate times. It was a difficult issue.

The Committee recommended that the hearings officer be replaced with a three member citizen commission appointed by the Metro Council, using as a model something similar to the Multnomah Board of Equalization. The issue that remained in the contested case process that currently an individual who was dissatisfied with an outcome of the contested case process had the opportunity to appeal to

LUBA. There had been a request by some individuals that in the contested case process, the Metro Council establish a separate appeal process for an individual directly to the Metro Council. The Government Affairs Committee did not choose to include that but it continued to be an issue that the Council would hear from people on and the GA Committee would like to review with Council. Two remaining issues, included MPAC's recommendation that Metro's boundaries would include for the Boundary Commission purposes those special districts which abut Metro's boundaries. That Metro boundaries, for the purposes of the Boundary Commission would be expanded to include these districts. The Inner Governmental Affairs Committee was recommending a different proposal which now had the support of MPAC and that was as we finalize our Urban Reserve Study Areas that the Council would consider moving to the legislature a piece of legislation that would expand Metro's Boundary to include the Urban Reserves as Metro's jurisdiction. In doing that, the Council would accomplish the greater goal of providing the new Boundary Commission with those areas where Metro was going to see some of the toughest issues, annexation and growth issues. Lastly, after testimony from a variety of people and with agreement with the MPAC work group, the Committee suggested that the effective date be postponed until December 31, 1998 until the Council saw the work of the Urban Services Agreement, SB 122 and how quickly some of the local jurisdictions had been able to iron out and work through some of their service agreements.

It was the Committee's hope that the Council would give authorization to go forward with a resolution to put the Governmental Affairs Committee proposal in resolution form and from that the Committee would take the Council's comments and amendments, amend that document. From there the Committee would proposal legislation and proceed to the legislature.

Councilor McLain indicated that McCaig's report was excellent and interesting. She said that the only issue she had would be an amendment between the hearings officer and the three person commission but she wanted the rest of the Council to know that from the MPAC discussions she has had and local jurisdiction comments as well as the work she did by listening through all the subcommittee reports at the MPAC level, this was the one issue she was still not comfortable with. The rest looked great.

Councilor Morissette noted that his district had areas that were not currently proposed for Urban Reserves in them. He asked what Metro's jurisdiction would be in those areas, they voted in his race but they were in a limbo area so even if all of the Urban Reserves were brought in, what about those areas that were inside the Metro boundary that were outside of the Urban Reserves.

Councilor McCaig responded that the jurisdiction of the new Boundary Commission would be everything within Metro's current jurisdiction, in addition the Committee would propose adding those areas which the Council included as Urban Reserves. The total number of acres was probably less than 10,000 because many of the acres being reviewed as Urban Reserves were already within Metro's boundary.

Presiding Officer Kvistad asked Councilor McCaig if she would draft the ordinance in committee and then bring it back to Council for first reading. At that time, the Council would discuss whether to bring it directly to Council or to put it back into committee.

5. ALBINA COMMUNITY BANK

Presiding Officer Kvistad delayed the Albina Community Bank presentation. This presentation was rescheduled.

6. CONSENT AGENDA

6.1 Consideration of the Minutes for the November 12, 14, 18, 19 and 21, 1996 Listening Posts and the November 21, 1996 Metro Council Meeting.

Motion: **Councilor Washington** moved for the adoption of the minutes of November 12, 14, 18, 19, 21, 1996 Listening Posts and the November 21, 1996 Metro Council Meeting.

Seconded: **Councilor McLain** seconded the motion.

Discussion: None.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The minutes were approved as written.

7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 96-664**, Amending the FY 1996-97 Budget and Appropriations Schedule for the Purposes of Transferring \$38,905 in the Support Services Fund from Administrative Services Department Capital Outlay to Personal Services to Provide Staff Support for the InfoLink Project and Adding 0.6 FTE; and Declaring an Emergency.

Ordinance No. 96-664 was assigned to Finance Committee.

7.2 **Ordinance No. 96-666**, For the Purpose of Granting a Yard Debris Processing Facility License to Scotts Hyponex Corporation to operate a Yard Debris Composting Facility; and Declaring an Emergency.

Ordinance No. 96-666 was assigned to Regional Environmental Management Committee.

7.3 **Ordinance No. 96-668**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the Purpose of Transferring \$39,100 from Contingency to Personal Services within the Zoo Capital Fund for Funding a Limited Project Manager Position for the Zoo's Oregon Project; and Declaring an Emergency

Ordinance No. 96-668 was assigned to the Regional Facilities Committee.

7.4 **Ordinance No. 96-663**, Amending the FY 1996-97 Budget and Appropriations Schedule Transferring \$715,333 from the Contingency of Various Funds to the Personal Services of the Same Funds to Cover Labor Contracts and Changes in Pay Plans; and Declaring an Emergency.

Ordinance No. 96-663 was assigned to Finance Committee.

Councilor Monroe announced that there will be a Finance Committee meeting on December 18, 1996 at 3:30 p.m.

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 96-657**, For the Purpose of Amending the FY 1996-97 Budget and Appropriations Schedule, Transferring \$10,000 from the General Fund Contingency to Council Materials and Services.

This Ordinance was removed from the agenda by request of the City of Tigard.

8.2 **Ordinance No. 96-655A**, For the Purpose of Designating Urban Reserve Areas for the Portland Metropolitan Area Urban Growth Boundary.

Motion: **Councilor McLain** moved the approval of Ordinance No. 96-655A with the understanding that the Metro Council will consider all of the Urban Reserve Study Areas and remove some from final designation as Urban Reserve Areas in this ordinance.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** said the purpose of this ordinance is to put all 23,000 acres of Urban Reserves Study Areas in front of the Council for deliberation. Selection of the Urban Reserves Areas, LCDCs Urban Reserve Rule requires that the Metro Council designate the location of Urban Reserves in the Portland Metropolitan Area.

A general analysis of lands adjacent to the URB for Urban Reserves led this Metro Council to identify 23,000 acres of Urban Reserve Study Areas for intensive staff study and review in February of 1996. These study areas remain before the Metro Council's consideration as Urban Reserves. The basis for designating the Urban Reserves is established by state law in the Urban Reserve Area Rule. A general suitability and analysis of lands within the two miles of the URB was used to identify Urban Reserve Study Areas. Detailed information has been presented by staff, property owners, and public which relate to the criteria for Urban Reserves. This criteria includes the cost of public facilities, efficiency of land use, consequences of urbanization, retention of agricultural land and compatibility with agricultural activities. The Council considers these criteria and compares suitable sites and prioritize suitable exceptional lands in selecting the lands for designation of Urban Reserves. All Metro's actions including designation of Urban Reserves must comply RUGGO's Urban Reserve Policies consistent with the Urban Reserve Area Rule and have been part of the RUGGOs since 1991. However, RUGGOs now includes the 2040 Growth Concept, so Urban Reserves must support regional and town centers and other design type policies in the 2040 Growth Concept to comply with RUGGOs. Each of the Councilors, with this information from the technical background, the public testimony, the study of the 2040 Growth Concept, will begin to use this information to formulate their own tools to provide a regional approach to the job of designating Urban Reserves that provides an opportunity for healthy centers, for commerce and housing while protecting the most valuable critical mass of resources and agricultural lands in the Metro area. This is a massive decision.

Councilor Morissette stated that there seems to be a bit of conflict that people generate about his serving and involvement in this process. He believed it was clear to most people when he was elected that he was a home builder and very proud of this. As the Council goes through this process, he wished to dispel peoples concerns wherever possible but he also believed as an elected official that he has a right to participate and he does this with as clear as conscience as he possible can and if there is any remote possibility of being in conflict, he tries to stay out of the way of that, there are some who would like him to stay out of the way of the entire decision but he has no intention of doing that while he serves. Therefore, for the record, he read his written potential conflict of interest statement into the record. (a

copy of this written statement is included in the Permanent Record of this meeting, found in the Metro Council Office).

Presiding Officer Kvistad noted the process for reviewing the Urban Reserves. The Council has had available to them over the last at least two years and specifically in the last six months, all of the materials and the public testimony that the Council has received at their Listening Posts, in the mail and hand delivered to the Metro Council Office. All of the Council has received a copy of documentation on the latest information, all of these materials had been delivered to Council in the last week including the most recent Listening Posts minutes and letters from the public. There was even materials, which are included in the Councilors packets, which was accepted after the deadline so that individuals felt that their concerns were heard. All of the Council should have had opportunity to go through these materials, the Executive Officer's recommendations and the advisory committees. Presiding Officer Kvistad noted the maps prepared for the Councilors as well as those placed in the Chamber for easy referral. The vote process will be to go on a parcel by parcel basis beginning with parcel 72. It would take four votes to either amend or delete. Prior to the discussion about each parcel, he would ask for a request for a motion from a member of the Council, if a motion is made, the Council will act upon it. If there are no motion, the parcel will remain in and the Council would proceed to the next parcel. He noted that although this Council Meeting was not a public hearing, out of courtesy, he would allow Mayor McRobert to come forward but asked that she direct her comments to be general and not parcel specific.

Mayor Gussie McRobert thanked the Council for have the public hearings out in the community. She asked the Council in the light of Measure 47 to understand that the cities will not have the money to do the Master Planning for a ton of urban reserves. She asked that as the Council goes through the list to think about what is going to cost unless Metro has all the money to do the planning.

Councilor McCaig commented about how she had approached the Urban Reserves and to get some feedback from the Council. Although the criteria has been objective and solid for each site, she has been worried that is difficult to see a cumulative impact on the region by the Council's choices. When looking at each site, if it meets the criteria, but is it ultimately what the Council wanted to establish when the Council put the 2040 Growth Concept together. She noted what was left out of the boundary and the urban reserves is actually as important as what is put in the boundary and urban reserves. It is like seeing the negative of a photograph, it is an understanding that the Council must not get lost in evaluating each site without looking at the cumulative impact, one must look at the whole picture. As she went through the sites, she utilized several guide posts. The first was development within the current boundary, with Measure 47, it would be very expensive to develop urbanization outside boundary. If Metro is going to put Urban Reserves in, 90% should be to support existing communities or to create new communities. She suggested that Metro does not want to do edge growth like a big "Blimp" but to set a path for growth over the 100 years. The Council needs to set a direction not just that every one has their fair share of growth but rather that growth is happening in the right place. Lastly, there are some immediate needs, which Councilor Morissette speaks of all of the time, jobs/housing balance. There is an imbalance and there is a real need. She utilized those criteria as she put her list together. She was willing to go through on each site and tell the Council why she selected that site to stay in or out. The information is a compilation of whether she felt something should be in or out, yes means it should be in, no means it should be out. She had also put the Executive Officer's recommendations as well on the chart. She also provided space on the chart for each Councilor to note their feelings. In addition, she identified 3,708 buildable acres which translated to 6,565 acres which are necessary and available right now which fit the short term strategy of jobs/housing balance and the 4,000 acres identified in the Functional Plan as being immediate. They would have to come on board where there is the facility and infrastructure almost ready to go. The remainder of the recommendations are long term investments, long term strategy investments

in designing and developing communities. She thought that as the Council talked about the future, this needed to be kept in mind. To conclude, she reviewed the map, indicating the areas that she recommended the Council protect. There were natural boundaries, mountains, a river, she recommended that this area was where one did not want to see growth and expansion. She indicated that growth should be along I-5, Sheridan, Tualatin, Beaver Creek. This was the area she wished to see growth. When the Council makes decisions, she believed that the Council should be thinking about what they are protecting not just individual parcels. She concluded by saying that these components were what guided her as she looked at each site.

Presiding Officer Kvistad said that he felt Councilor McCaig's process was a very healthy thing to do and gave her credit for the work she had done. He asked the members of the Council if they had anything to add.

Councilor Morissette briefed the Council on which sites he will be abstaining on which were 35, 36, 37, 49, 71 and 72 because with the knowledge he had now and with the property he owns, these sites were relatively close to properties he owns and even with the perception of a conflict he wished to avoid and these properties were within a reasonable distance. He briefly spoke to Councilor McCaig's point. He felt that the staff had done a good job in trying to estimate, it is a difficult process. Each individual parcel could easily be analyzed far more in depth but when there are 1000 pieces, it is easy to have a position that might be contradictory to that. The one area that he had some concern in the staff work was that the staff had over estimated the highly partitioned properties for the net yield they will be able to produce for housing. With the Urban Reserve Rule, he believed that Metro will not be nearly as productive in those outer areas to meet the 10 units per acre in some of the highly partitioned areas. Some of this criteria had been utilized to analyze the parcels. His objection with the majority of what staff had done was mainly related to those areas. He did not believe, when one actually saw the parcel developed, that they were going to be any where near as dense as the plan said they could be based on what the Council was currently talking about. Second, he spoke to the fair distribution of growth, he understood this was not a fairness issue when Councilor McCaig spoke of setting a trend and having a philosophy, the Council needed a short term view and a long term view. There was a problem now with what housing and land prices were doing in this region. The Council needed to look at this as both a long term and short term solution to fixing the problems with full knowledge of what the implications and costs were to what was being planned. If the Council didn't plan and didn't find solutions to it, there would be the same number of costs in lost livability in the community. Either way, it was a tough choice that the local governments in partnership with Metro would have. He was very disappointed with the high percentage of urban reserves in Clackamas County. Clackamas County had the same constraints that Washington and Multnomah County had but the one difference is that Clackamas County did not have the jobs. There may be a proposal down the road for getting some jobs but the County currently did not. In Multnomah and Washington Counties where there were not a lot of urban reserves, there were a lot of jobs. The Council could debate about the usefulness of the highly partitioned urban reserves but the reality was that there were jobs and billions of dollars being invested in jobs in Washington and Multnomah Counties, which they did not have in Clackamas County other than in the Wilsonville area. He urged the Council to consider to not forget, one could not put all of the Urban Reserves in Clackamas County. He did believe that the Council must make rational decisions but that there also must be fairness in distribution of growth around the region.

Councilor McLain appreciated Councilor McCaig's work. She believed this was a healthy way to start the conversation. She agreed with most of what Councilor McCaig had said to this point understanding that the analysis that she had done could be interpreted many ways. She added that as she reviewed her own analysis, she checked to see if Councilor McCaig's analyses were similar. Councilor McLain

indicated that on some of these sites, Councilor McCaig was voting the opposite of how Councilor McLain would vote. The interpretation from Councilor McLain's perspective included things such as a filter, that Councilor McCaig may not have considered, growth inside the UGB, what kind of yield. She looked realistically at what kind of a yield could honestly be accomplished. Secondly, Councilor McLain looked at the critical mass that the resource acres and the critical mass for the agricultural industry. She spent a lot of time talking to the Farm Bureaus and to the farmers and asking, if you give any thing in the areas of resource land, where would it be. It was important to note what the farm bureaus and farmers felt was important. They wanted people to go to the southern areas of a creek versus the northern areas because of things like traffic movement, dealing with having a good buffer between active productive farm land and high density. Third, was timing. When Councilor McLain looked at these acreages and remembered what the next process was which was prioritizing what would actually come into the UGB, she looked at timing. She noted that both Councilors Morissette and McCaig pointed out, there were going to be some areas that needed to be immediate resources. If those parcels were not inside the UGB, which one of those reserves would serve for short time needs and which one of those reserves would Metro be able to use for a long time need where the infrastructure or the resources might be more expensive or not in place. Finally, the two elements of the 2040 Growth Concept that she paid particular attention to were the environmental resources and the job/housing balance.

Presiding Officer Kvistad believed in a standard of reasonableness in what was appropriate and what worked for the long term interest of the region. He thought that what he had seen from the members of the Council going into this discussion despite the Council's very severe differences on some specific issues, had been very positive. He believed that at this Council meeting, despite votes going against them on one side or the other, that what the Council would decide at this meeting and perhaps at the December 12th meeting would be a quality process. He announced that he had rescheduled the Albina Community Bank presentation.

Councilor Monroe said he had several concerns since he learned that the committee decided to move all 23,000 acres in and then require the Council by a positive vote of 4 to remove the site. He said there had been a lot of concerns of the public expressed to him about that process. It should not make a difference if it worked right because it still took four votes. If there were not four votes to remove something then the assumption would be there four votes to keep the site in. He asked the Council that instead of starting with site number 72, that the Council start at site number 1. The reasons for this request included that the smaller numbers seemed to have much less controversy up through about site number 30. Conversations with the citizens, government officials and the Executive indicated that there was much less controversy with those sites than those at the higher level, such as the Washington County sites. It had been his experience as a negotiator that one was better off to start with where one agreed than to start where one disagreed. In the process of getting the Council moving on these decisions, he felt it would make sense to start with site #1 instead of site #72. Furthermore, he noted that the Mayor of Gresham was at this meeting and out of courtesy he felt that she would like to be at the meeting when those properties close to the City of Gresham were dealt with. He asked the Presiding Officer to make that change, if not he was prepared to make a motion to the effect.

Presiding Officer Kvistad said he had asked the members of the Council and did not find a majority for Councilor Monroe's position.

Motion: **Councilor Monroe** moved that the Council start with Site #1 and proceed to Site #72.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Councilor McLain** asked to explain her no vote. First, she said the Council would make her undo everything she had done to this point, her materials started with Site #72. More importantly, what was trying to be done was when they looked at the map originally they started with site #1, to make it fair and neutral starting this time with site #72 was appropriate so that the Council did not pick out the easy and the hard sites.

Councilor Washington said that he was not in disagreement with Councilor Monroe but asked what the big difference was with starting with at the beginning or the end. He asked if there was something that would impact the process other than dealing with the tough issues. With respect for Mayor McRobert, he felt that there were others in the audience that would like to have their sites looked at first as well. He felt that there needed to be a reason for starting at site #1 or site #72.

Councilor McCaig commented that she supported the original proposal to subtract, to delete. That proposal came forward only 10 minutes before a committee meeting. She thought Councilor McLain got caught up in this same thing. It was for people who would like to struggle through what we added to the boundary by the way this process was being done. It put the burden on Councilor McCaig because she wanted less acres added in Urban Reserves to make the case that we should not add something. It was backward, it was reversed. She felt it was OK because ultimately she believed the Council could argue through it and get to the four votes but in the sites that the Council was starting with, there was not agreement among Council about whether those sites should be in or out. If the Council worked from site #1, the Council would know how many acres were under their belts before they reached the higher numbered sites. It gave the Council more flexibility to look at those sites to see if the Council truly wanted to add those farmlands. So why wouldn't the Council start with the acres where there was agreement, where the acres could be added up, to get a sense of the dent the Council was making and know what the totals would look like by having the higher sites be the ones remaining to have the Council struggle over. She felt strongly that it made sense to start with site #1. She felt that the higher number sites were very controversial. For purposes of her bias, which were few acres and protecting farmland, she did not want to start with site #72.

Presiding Officer Kvistad said that all of his materials had been set up to begin with Site #72. The direction of the decision wouldn't have been an issue had the decision to begin with Site #1 been made two weeks ago. However, he was not prepared at this meeting to begin with Site #1.

Councilor Monroe noted that Councilor McCaig made his point. He said if the easier sites were done first, the Council will know how many acres were generated and the Council would have a better feeling for how much of the tough ones, which include farmland, would need to be added to get the number of acres that each Council members believed was necessary. The Council could also talk about job/housing balance. He urged the Council's support and felt that it would bring about a more amicable meeting and decision making process.

Vote: The vote was 3 aye/ 4 nay/ 0 abstain. Councilors McFarland, Monroe and McCaig voted aye, Councilors Morissette, McLain, Washington and Presiding Officer Kvistad voted nay. The motion failed.

Councilor Morissette commented that in each one of the Urban Reserves there was a lot of conflict.

Motion: **Councilor McLain** moved to delete Map 72.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** believed that the Council could see that the majority of the site did have green which meant resource acres. The site was very close to the Forest Park area. The major reason was the slopes, the steepness of the area. If the Council was going to compromise any EFU land, it would be where there could be good yield. She did not believe that the Council would find that in Site #72.

Councilor Monroe asked if any of Site #72 was inside the boundary of the City of Portland.

Councilor McLain said that in sites 72, 71, and 70 there were some of the acreage inside the boundary of Portland and outside of the Urban Growth Boundary. She would be speaking on those issues.

Motion to Amend the Main Motion: **Councilor Monroe** moved that the areas that were within the boundaries of the City of Portland included in the Urban Reserve.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Presiding Officer Kvistad** asked Mr. Fregonese if any or all of that parcel was within the City of Portland boundary.

Mr. Fregonese indicated that they were.

Councilor Monroe said that it was an oxymoron to have something that was outside of the Urban Growth Boundary and inside the boundary of the City of Portland. If the Council put something in an Urban Reserve that the City of Portland did not think it wanted to develop then it should de-annex that land and get it out of the City. It made no logical sense to have something in a City that was not in the Urban Growth Boundary.

Councilor McLain said she would be making some amendments of her own on sites 70, 71, and 72 and felt that if the Council did this blanket, bringing everything into the City of Portland, that the Council would not be taking into consideration the technical issues that were up there. These sites did not all look alike, they were not all of the same slope. There were some plateaus, it was a situation where the Council did not do more wrong but rather more right. If the City of Portland had a need to de-annex, then let the Council support and help them in that process but bringing more of this type of land in so there were more houses skiing down the slopes during the flood season was not what the Council should do. This particular site was so steep that Metro would have some problems. There were conservation districts and E zones that the City of Portland had. Much of this site would never be developed because of those very reasons. The proximity to Forest Park would cause some conflict with resource land.

Councilor Monroe closed by saying that his motion to amend spoke to those areas already in the City of Portland, this amendment did not require the City of Portland to develop these areas or to even allow development of these areas, it simply forced them to take care of what he believes was a stupid situation. The City of Portland could do this by zoning the area any way they wanted or by de-annexing, but it made no logical sense to have something that was inside of an organized city that was not in the Urban Growth Boundary.

Vote to Amend the The vote was 2 aye/ 3 nay and 2 abstain. Councilors McFarland and Monroe voted aye, Councilors McLain, Washington and Presiding Officer

Main Motion: Kvistad voted nay and Councilors McCaig and Morissette abstained. The motion to amend failed.

Vote on the Main Motion: The vote was 3 aye/ 3 nay/ 1 abstain. Councilors Washington, McLain and Presiding Officer Kvistad voted aye, Councilors McCaig, Monroe, and McFarland voted nay and Councilor Morissette abstained. The motion failed, Site 72 remained as an Urban Reserves.

Motion: **Councilor McLain** moved to delete Site #71.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** said that 72, 71 and 70 were very similar. Her comments were similar to those on site #72.

Councilor Monroe asked the staff if any of site 71 was inside the boundary of the City of Portland.

John Fregonese noted the red line as the City of Portland boundary.

Presiding Officer Kvistad synopsisized that all of site 71 was within the city limits.

Mr. Fregonese noted which area was within the city limits and which area was outside the Urban Growth Boundary.

Councilor Monroe said that he would not be supporting deleting this site since it was inside of a city.

Councilor McLain said that one of the other elements, after having spent time up at this site, was that there was no yield nor was there any way that the City of Portland was going to build on that site. It compromised Forest Park, there was no sense in doing this. There would be no help for 2040. It did not provide Metro with any better regional centers, nor town centers, nor a good buffer to the rest of the resource land. This site was classic as far as being study acreage which would not further 2040, would not give any yield and would not help Metro in any way with resource protection.

Vote: The vote was 4 aye/ 2 nay/ 1 abstain. Councilors McCaig, Washington, McLain and Presiding Officer Kvistad voted aye. Councilors Monroe and McFarland voted nay and Councilor Morissette abstained. Site #71 is deleted.

Councilor McLain asked that the Council look at Site 69 through 72 so that they could see what relationship they were to make this a contiguous Urban Reserve.

Motion: **Councilor McLain** moved to delete Sites #69 and #70 except for the one parcel which was a plateau next to Skyline.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** said that if the Council looked at the map, the Council would see if the plateau was taken in which had been titled the Angel property next to Skyline Boulevard, there was a buffer between that property and Forest Park. There also was a plateau so that the steepness of that area was less steep. This particular property had been and was annexed into the City of Portland in 1971. Half

of this property was inside UGB and half it was out. It did make sense, since there was less steep slopes, it did not touch Forest Park, it had access and open frontage to Skyline Road and it was current served by City water, police, fire, transportation and other services including the Portland School District, that this piece be brought in.

Councilor Monroe asked for clarification on the motion. He then requested that the issue be divided and the vote be separated out. He then rescinded his request.

Vote: The vote was 3 aye/ 2 nay/ 2 abstain. Councilors Washington, McLain and Presiding Officer Kvistad voted aye, Councilors Monroe and McFarland voted nay and Councilors McCaig and Morissette abstained. The motion passed, deleting all of site #69 and 70 with the exception of the one parcel.

Councilors McLain and McFarland asked Mr. Cooper for clarification on the vote. Councilor McFarland then asked for a copy of the Robert's Rules of Order.

Dan Cooper responded that the motion was 3 aye/2 nay and 2 abstentions, the motion passed. Abstentions were neither a yes or no vote. He also said that any ruling of the Chair was subject to appeal by the whole body, it would take a majority vote to overrule the Chair.

Presiding Officer Kvistad further clarified saying that each site required a majority but the final Ordinance required 4 votes to pass.

Councilor Monroe indicated that with three positive votes, the Council has voted something in and voted to exclude something.

Motion: **Councilor McCaig** moved to delete Site #68.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Councilor McCaig** reiterated that this was exactly the reason this process did not work. When the Council looked at sites 63 through 68, the Council would see that there were some places within those areas that were already exception lands. The dilemma and the challenge for members of the Council who cared about sections 68 and all exception lands, was that why not add it into the Urban Reserves because adding it into the Urban Reserves gave it a fast path into the Urban Growth Boundary. That was the logic for adding those parcels, which were not EFU, but were already exception lands, already parcelized. If the Council made decisions to add those exception lands across that rim, the Council was sending a message about the direction of development that was acceptable for the region. And the next time, five years from now, when the Council came back to add land, they would continue to add to those areas. Councilor McCaig argued that the Council should not do any of the EFU in that area and more importantly there was good reason not to put these already slightly urbanized areas in the UGB because it began to allow a direction of pattern of development into the farmlands. She would be voting against this motion.

Councilor McLain asked the Council to look at the small maps before them. She said that she found it encouraging that there was 67.48 acres and no EFU. There would be a time where the Council would have to make decisions on filling in. But as the map reflected, on two sides of this site, it was highly dense and the situation was that one must pick the places where the exception lands had the roads to

accommodate it. The other types of urbanized services, in a comparable way, site 68 was one of those sites that looked reasonable. Site #68 would be a better buffer for that which was to the right of the site.

Presiding Officer Kvistad noted that parcel 68 was completely surrounded by the UGB with the exception of one point at its northwestern corner. It was all exception land, there was no EFU within the parcel. If anything qualified this one parcel did.

Councilor McCaig said what that did, was allowed acreage that did not have the capacity that the Council was looking for to meet the needs that had been talked about in both the Functional Plan and the Urban Growth Report. So the Council had a total now of acres that were adding up, some of which were heavily parcelized and didn't have as much development capability and imply that the Council was providing, in fact, more acreage for development than the Council was. She understood the needs on the urban services and it was surrounded. But there were two issues which separated those parcels for Councilor McCaig, one was that she genuinely believed that the Council was setting a pattern of development for the next 100 years. This was not a site by site decision making process. The site by site decision making was a tool to help the Council understand the broader direction the Council wanted to go. From Councilor McCaig's perspective and bias, she fundamentally disagreed with anything which began to allow for a direction and pattern of development and encouraged it, including putting additional resources into those urban services in those areas which were that parcelized in that part of the region.

Vote: The vote was 3 aye/ 4 nay/ 0 abstain. Councilors McCaig, Monroe and McFarland voted aye, Councilors Washington, McLain, Morissette and Presiding Officer Kvistad voted nay. The motion failed, site #68 stays in the Urban Reserves.

Motion: **Councilor McCaig** moved to delete Site #67.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Councilor McCaig** said that her previous presentation on Site 68 applied to this site as well.

Councilor Morissette urged the Council's support on this site, he was hearing Councilor McCaig, he did appreciate being on the losing side of the vote. He really believed that there was a need for balance, Washington County had billions of dollars in investment now and there was a disputable point among the Council about jobs/housing balance. He urged the Council to support a reasonable amount of Urban Reserves in Washington County. It would be very hard for him to support any kind of proposal that put all of the Urban Reserves in Clackamas County. So he hoped that the Council remembered this, but the Council was going to have to put some reserves in Washington County and it was his hope that the Council would consider keeping Site 68 in the Urban Reserves.

Councilor McLain pointed out that out of 406 acres, there was only 47 of them that were EFU.

Councilor Monroe said he might be willing to support inclusion of part of 67 and of 68 if he knew what decisions would be made in Clackamas County and in 1 through 65, but since he did not he would have to vote to delete this reserve as well.

Councilor McLain said that she was not looking at total acreage right now, she was looking at the merit of every site. She thought that this was the only way this could be done. It was her hope that once the merit of every site had been looked at, then if there was a need to assess higher or lower than the site

acreage, that the Councilor had come up with through this very thorough look at every site for its merit, the Council could have that discussion.

Councilor McCaig reiterated that she would like to urge the Council to reverse what the Council was looking at and if the Council decided to include site #67, she asked the Council to look at what was felt. As the Council started moving in that direction, the Council would begin to see the allowance of opportunities for further advancement in places where there was general agreement about where the Council did not want growth. The Council must stop that growth now, not 20 years from now or the Council would come back and infill those areas. She asked for the Council's consideration to delete this site from Urban Reserves.

Vote: The vote was 2 aye/ 5 nay/ 0 abstain. Councilors Monroe and McCaig voted aye, Councilors McLain, Washington, McFarland, Morissette and Presiding Officer Kvistad voted nay. The motion failed, site #67 was retained in the Urban Reserves.

Motion: **Councilor McCaig** moved that site #66 be deleted.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Councilor McCaig** said that in all of these sites, the original Executive Officer's recommendation was to not include the sites. In the criteria by which the Executive Officer made his original recommendations, he had not supported inclusion of any of the sites discussed so far.

Councilor Morissette said that he urged the support of the Council for the inclusion of this site. This parcel could have the potential of doing some of the 2040 type housing. The other parcels may be more of a problem but he still felt that there needed to be a balance. This parcel was relatively low parcelization and the Council had heard testimony that it was difficult to farm at all and there needed to be some parcels that made some sense that were reasonably sized in the right areas to do some creative types of housing for someone that did the housing that builders could actually accomplish rather than just think about. This site represented that option.

Councilor Monroe noted that two thirds of this site was resources, only one third was considered buildable.

Vote: The vote was 4 aye/ 3 nay. 0 abstain. The motion passed with Councilors Monroe, McCaig, McFarland and Washington voting yes and Councilors McLain, Morissette and Presiding Officer Kvistad voting nay. This site was deleted from the Urban Reserves.

Motion: **Councilor McLain** moved to delete Site #65.

Seconded: **Councilor McCaig** seconded the motion.

Discussion: **Councilor McLain** found site 65 to be different than some of the other items in that particular portion of the region. She thought that the Council needed to make sure that when EFU was being looked at, that it was really EFU. Over half of the site was EFU that the Council had been told by the farming community was important to them. Lands were actively farmed, there had been testimony from over seven of the active farmers out in that area indicating a wish to continue farming. Metro's transportation staff had also indicated that if you look in that area, there was already mass transportation

issues. There were some major types of urbanization that were part of this region and those transportation issues wouldn't get better. There was also a situation where there were some very well defined boundaries, such as PCC Rock Creek Campus, Springville Road. Metro made an Urban Growth Boundary amendment in 1992 which easily made a buffer or boundary with PCC with the resources acres and farm acres. She asked for the Council's support to delete site 65 because it was truly a good buffer and would allow real farming to take place.

Councilor Morissette said that this site represented a great property. There was a local engineering firm that did a comprehensive mapping for Councilor Morissette of this area to show how many housing units could be built, realistically, not as he had stated earlier where there had been analysis of the highly partitioned properties to the point where some had said that there were the same yields. He did not believe highly partitioned properties would be able to get the kind of yields that the Council was talking about to accomplish the 2040 goals. This property was very close to jobs, there was some transportation issues. This was a balancing act. The testimony Councilor Morissette remembered was that this property was very difficult to farm and yes there may be some individuals who wished to farm but the Council also heard from many who owned the properties in this area that could not farm their property any more effectively or profitably. He believed that this parcel was a very high priority, it represented almost three units to one in relation to what may be gotten in Damascus, a long ways from jobs. He really hoped the Council would consider keeping this one in the reserves.

Councilor McCaig said, out of respect to Councilor Morissette's position, she has paid attention to these arguments because she worried about where Metro was going to provide the capacity, where the density would actually be met. She did not buy the argument that because Clackamas County was taking the reserves that Washington County should as well. But she did understand that flat productive lands could sometimes provide more capacity than slopes in Damascus. A goal of this process had been that when the Council made these choices for Urban Reserves that the Council either created new communities or added Urban Reserves to those areas to enhance already existing community. This site was not a community, it was a sprawl. By adding acreage to that area, the Council was not enhancing the overall goals of 2040 Plan, the Council was simply doing edge growth, just expanding. If Metro put the kind of capacity it proposed to be put in that area, there would be a different kind of community because there were bigger square foot lots and people were completely car dependent. She could not agree with the argument that this would be the best use of the land to meet those kinds of needs.

Councilor Morissette said that one of things that the Council heard from Mayor McRobert, when she first testified at this Council meeting, was the cost of infrastructure. New communities would require new sewer plants, new major improvements to road, etc. This area could be serviced with much better yield from much less dollars than could be done in a lot of the areas being voted on at this meeting. He said that this was a very important piece of property. He added that in the Council's first deliberations on this parcel, the Council already compromised by pulling the majority of the EFU land out of it, so the Council continued to compromise down to nothing because if all the Council brought in was highly partitioned property, Metro would have a real problem getting the density. He reminded the Council that the region built roughly 9,000 to 10,000 housing units every year over an average of a 20 year period. This meant that there must be some productive acres as the Council went through this, to Councilor Morissette this piece of property represented one of the most important pieces that the Council could include in the Urban Reserves.

Councilor McCaig indicated that she would walk her talk on this when the St. Mary's and Stafford areas were looked at. She would not walk away from that dilemma. The Council needed to provide the acreage

to compensate the growth plan. She argued that this must be done in a way that benefits the longer term strategy.

Presiding Officer Kvistad commented that should this motion pass, he would have one further amendment that was in this area.

Vote: The vote was 3 aye/ 4 nay/ 0 abstain. Councilors McCaig, Washington and McLain voted aye, Councilors Monroe, Morissette, McFarland and Presiding Officer Kvistad voted nay. The motion failed, site 65 remained in the Urban Reserve.

Motion: **Councilor Monroe** moved that all areas west of 185th and north of West Union in Site #65 be deleted.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Councilor Monroe** said that this was prime farmland.

Councilor McLain believed that this particular area was extremely important as far as making sure there was a buffer. She saw taking out and deleting site 65 was helping with true agricultural community activity and with a well defined line already established in 1992. If not all of it could be voted out, she would support Councilor Monroe's motion to take the piece that included Bethany.

Councilor Morissette urged the Council to stay with what the Council already voted for.

Presiding Officer Kvistad said that this was the area that would have been his motion had the Council deleted the rest of the area simply because it was directly adjacent to the PCC Rock Creek Campus, it was bordered on the west by a wet lands which was a natural boundary to any further expansion to the Urban Growth Boundary over time which was a concern to Councilor McCaig. This particular parcel was PCC Rock Creek, directly south of that area, the open area along 185th was currently being developed as high density housing by the Randall Company. The cross made perfect sense for a community around an educational facility. That was why in this particular case, as well as all of the land that used to be farmland (and he understood the sensitivity to that request), he asked the Council to keep this parcel as an Urban Reserve. One could build a community along 185th and West Union Road, there were already some small stores there. That community needed to have a community center, that was the perfect place for a community center to develop and without that you had sprawl without community center. He reiterated that he was opposing deleting this one parcel and asked the Council to vote no to deleting this parcel.

Councilor Monroe said that the Rock Creek Campus was on the other side, the east side of 185th. He reviewed his motion which was to delete that area west 185th across 185th from the Rock Creek Campus. The areas around the Rock Creek Campus would still be in and the area on the other side of the Rock Creek Campus would still be in, so if the Rock Creek Campus needed to expand they would have a lot of opportunity to do this. The area that would be deleted by his motion was two large farms, which was currently being farmed, it was good farmland and it made sense to have those major arterials be also the boundaries between urban and rural.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion passed as amended with Councilors McCaig, Monroe, Washington, McLain and McFarland voting aye and Councilor

Morissette and Presiding Officer Kvistad voting nay. This area, Site 65 as amended was deleted from the Urban Reserves.

Motion: **Councilor McLain** moved to amended Site #64 to exclude the EFU lands and include just the parcelized areas.

Discussion: **Presiding Officer Kvistad** clarified with Councilor McLain if her line was east of Cornelius Pass Road, if so, he would be supporting the amendment.

Councilor McLain responded that her line was, no EFU lands, which would leave in the triangle above Cornelius Pass Road.

Presiding Officer Kvistad said that if Councilor McLain was willing to amend her motion and use Cornelius Pass Road as a buffer he would be willing to support her. The reason for doing this was that there was a split parcel.

Councilor McLain agreed with Presiding Officer Kvistad to amend her amendment to include utilizing Cornelius Pass Road as the boundary line.

Motion to Amend the Main Motion: **Councilor McLain** moved to amend Site #64 to exclude the EFU lands and utilize Cornelius Pass Road as the natural buffer.

Seconded: **Presiding Officer Kvistad** seconded the amended motion.

Reconsideration of the Main Motion: **Councilor Monroe** moved to amend Councilor McLain's amended motion to her original amended motion which read, Councilor McLain moved to amend Site #64 to exclude the EFU lands and include just the parcelized areas.

Seconded: **Councilor McCaig** seconded Councilor Monroe's amendment.

Discussion: **Councilor McLain** reviewed the site indicating that Councilor Monroe should look at the small piece down below on this site, the bottom piece that was outside the Urban Growth Boundary below West Union she believed that you created the same thing. You had a hard line of a Road. Presiding Officer Kvistad was convincing to her that that small piece of EFU would no longer be farmed if we let the rest of the URSA, which was all exception land, in. She believed it was important to make common sense boundaries. She believed Presiding Officer Kvistad's recommendation made some sense so she asked the Council to not vote for Councilor Monroe's amendment to her amended motion.

Presiding Officer Kvistad clarified Councilor McLain's amendment and what areas were included.

Councilor McLain indicated that her amendment also allowed a center at West Union.

Presiding Officer Kvistad continued that all of the EFU lands above and to the east were out of the site. Councilor Monroe's amendment was to delete the EFU lands.

Councilor Monroe asked staff if they could tell him the use of the triangle and the quality of farm land in that triangle.

Mr. Fregonese said that there was a 2000 square foot building on triangle. The Triangle was 16 acres, it was in agricultural use.

Councilor Monroe synopsized that you have a 16 acre farm with a modest home on it. He urged the Council's aye vote.

Councilor McCaig asked that if she voted no on any of the amendments she was left with the whole thing in the Urban Reserves.

Presiding Officer Kvistad affirmed Councilor McCaig's question.

Councilor McCaig said that by the nature of how this process worked it never adequately reflected her position.

Vote to Reconsider the Main Motion: The vote was 4 aye/ 3 nay/ 0 abstain. Councilors McCaig, Monroe, Washington, and McFarland voted aye, Councilors McLain, Morissette' and Presiding Officer Kvistad voted nay, the motion passed with all EFU lands being deleted from Site #64.

Discussion: **Councilor McLain** reviewed her motion indicating that she still believed that what the Council was doing was excluding something that was not useful farmland and the Council was including what was not good farm land, the Council was excluding what was good farmland as can be seen on the map.

Presiding Officer Kvistad said that over 65 to 70% of the parcel will be excluded with Councilor McLain's motion.

Councilor McFarland asked for clarification, what did a yes vote leave?

Presiding Officer Kvistad responded that a yes vote included the parcels and everything else would be deleted. A yes vote would accept the McLain amendment which would accept only the exception land within the parcel as outlined, a no vote would be to retain the entire parcel.

Vote on Amended Motion: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed, Site #64 as amended was included in the Urban Reserve.

Councilor McLain asked Mr. Fregonese if he could point out this site on the map. Site 63 was a small corner at the freeway exit that was to the north of Sunset Highway, 19 acres, everything to the east to the wetlands, at a major freeway exit with urbanization to the south of it and it made sense to get some density there.

Motion: **Councilor McLain** moved to amend Site #63 to delete all of area 63 with the exception of one parcel, the section to the east of Helvetia Road and north of the Sunset Highway.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McLain said she tried to look at each one of these sites on their own merit and she believed that we could get a little bit of housing and density in a place where there was transportation. There was the Sunset, a major freeway right there and there were already houses on the parcel.

Presiding Officer Kvistad reviewed Councilor McLain's motion, excluding all of the EFU, all of this parcel with the exception of this portion of Site 63, which was the only thing that would remain with Councilor McLain's motion.

Councilor McLain responded, that that was correct.

Presiding Officer Kvistad said that a 'yes' vote on Councilor McLain's motion would exclude all of that area with the exception of that one parcel. A 'no' vote would be to keep the entire parcel intact.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed, Site 63 was in the Urban Reserves as amended.

Motion: Councilor McLain moved the Site #62 as amended including only the corner of Evergreen and 242nd, running to 253rd.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McLain reviewed Site 62, indicating that it was very large and ran to the north of Evergreen Road and to the west of Shute Road. Right across from it was inside the urban growth boundary, a large corporate park, Dawson Park, and a number of other industrial areas out there. It was surrounded on two sides by industrial land. She had asked the City of Hillsboro to give her some reasonable trade-out. They really felt that this piece right now as it was on a major interchange with corporate industrial land to two sides of it, that there was some sense to create some future sites that would fit right in with that corporate area. She told them she wouldn't give them any more industrial unless they would do a trade-out and so what she had asked them to do was trade-out exactly the same amount of acreage of which this was 200 and it was 29% of their original requested 692 acres, only 29%. They were scaling it back to balance Goal Nine on economic objectives while protecting EFU lands. The 200 acre site was supported by the special lands need provision of the urban reserve rule. Its inclusion implemented the stated Planning Goal Nine by addressing the state regional shortage of large sites for campus industrial enterprises. There was only such a site remaining and that was the Seaport property. They had agreed with Councilor McLain, though, not to increase their industrial base by trading out 200 acres of the Seaport property for residential. Another reason to support this was that the Hillsboro High School district had already purchased a school site inside that area and so putting 200 acres worth of residential around a school site made some sense instead of having them up next to an industrial neighbor.

Presiding Officer Kvistad clarified Councilor McLain's recommendation asking if all of the rest would be excluded? All of the farmland to the west of this line, then, would be excluded?

Councilor McLain gave the dimensions, the corner of Evergreen and 242nd and running to 253rd.

Presiding Officer Kvistad indicated that it tied in from the interchange at the Sunset Highway, it cut right down along these housing units over to this corner on this parcel, roughly, and took this area.

Councilor McLain acknowledged that this was correct. It was the corner right there because it was 253rd.

Presiding Officer Kvistad clarified that the only area that Councilor McLain's motion included, all of the other would be deleted and would remain outside of the Urban Reserves. All of the area to the west or to the left? All of this area would be out and so the only area that would be in would be right along the industrial land that was there (as he pointed to the map).

Councilor McLain said that this was correct, adding that this site would give Hillsboro additional flexibility with their existing land use designations along the north of the Sunset Highway. The interchange at Shute and Evergreen roads presented a potentially congested intersection that could be avoided by including this 200-acre site because it would allow internal roads within the parcel that would vent traffic away from the intersection and by providing alternative routes between Hillsboro and Sunset Highway, adequate adjacent public infrastructure, right across the road, the sewers, the water, utilities, and the road. They were all there and they had been sized to be able to handle this site. This site abutted urban land in industrial uses along its east and south boundaries and existing exception land along its west boundary and the north along the tributary of McKay Creek. She reiterated that Hillsboro went from 100% of their request at her bidding, to 29%. She believed that the 29% that Metro had studied made sense because of roads, because of infrastructure, because of the fact that it was right there next to its other industrial neighbors and, in asking the farm community, even though they would prefer to keep all EFU land, if they were going to give, this was one of the areas that they understood would give them in protection and in a buffer.

Motion to Amend the Main Motion: **Councilor McCaig** amended the motion to delete Site #62 entirely.

Seconded: **Councilor Monroe** seconded the motion.

Councilor McCaig continued that this was a perfect example of everything she had said on those other sites. This was all farmland, a huge chunk. It was 600 and some acres. With Councilor McLain's recommendation, one was cutting it down but it was still this chunk (she pointed to the map). These were large parcels not small parcels. One was going to be creating a community there with none of the kinds of goals and infrastructures the Council had talked about. It was exactly the wrong place to put that kind of investment and commitment of these times and dollars. It was 692 acres and of the 692 acres, 590 of those were resource acres. That was a way of life out there and if the Council thought because there was a school there, put residential around it, it was by an interchange and had high tech industries, the Council was sending a signal that the Council was going to look at that area for future development and Councilor McCaig thought that was wrong. She said, we want to push that development down south so she urged the Council to delete that entire farmland from the Urban Reserve Study areas.

Presiding Officer Kvistad reviewed Councilor McCaig's amendment. It has been moved and seconded so we were speaking to her amendment to delete the entire parcel.

Councilor Monroe asked a question of staff concerning the land in question that Councilor McLain wanted to leave and the land that Councilor McCaig wanted to take out, how was this land being used? Soil classifications, etc?

John Fregonese responded that the Growth Management Department could get the soil classification map, he believed everything up in the area was one and two. He believed it was irrigated.

Councilor Monroe said, prime farmland?

John Fregonese responded yes, he believed this was an area of prime farmland. As one could see as he went through these when they looked at building value, these did not have any buildings on these. The building value / building square foot item here were all zero - so there are no building on them. That one had a 2800 square foot home and that was probably the same home. That was a 3000 square foot home. It appeared to him, and one could see by the valuation, that it was all in farm use.

Councilor Monroe spoke to the amendment, supporting the amendment. This was prime one and two class farmland which was the highest classification of farmland. It was being used exclusively for farming. There were no hobby farms. There were no mansions built on a farm, pretending they were farming or anything like what we see in a lot of the region. This was prime farmland being farmed. It would be criminal, he thought illegal, it would violate state law to include this parcel, so he urged the to support the amendment to take it out.

Presiding Officer Kvistad stated, "you have strong feelings on that, Councilor!"

Councilor McLain reviewed a couple of items that have been left unsaid. Number one, when the Council looked again at EFU land, the Council needed to look at the ability to be able to farm the area. As far as what had been the crop on this parcel for the last two to five years, the Council needed to look at the successfulness of that crop. She could tell the Council right now from the conversations that she had had, that they are just barely getting something that were going to pay the bills. Secondly, it was a situation where there was a major intersection of Evergreen and Shute, where there was industrial users who are making a very congested intersection. The compromise allowed the City of Hillsboro to deal with their transportation area because there would be roads going in and out on both sides of Shute Road and on Evergreen Road to allow the traffic to have more than one in and out to the City of Hillsboro and to the Sunset Highway.

Second, please recognize the fact that, and she wanted Mr. Monroe to know right now, there was no way that any of the things that she voted on today or anything that she had worked on that would break state law, she had been very careful to make sure that she had looked at the criteria and factors 3, 4, 5, 6, and 7 to make sure that there was reasoning for why this might be an exception to the EFU issue. So that was the first thing the Council needed to know. Secondly, the Council would be helping with infrastructure, making the flow and the congestion situation for this very highly used, very important regional industrial area to be able to function at its highest efficiency. Hillsboro recognized that they could not have all of the EFU land that they wanted out there because there was a very active agricultural community that needed to farm it. What the Council had to do was to make amendments that made some sense for both the urban and the rural community. She didn't do this on the small roads. She did this on major intersections where the infrastructure was in place to handle it.

Presiding Officer Kvistad thanked Councilor McLain and ask for any other comments on Councilor McCaig's motion?

Councilor McCaig reviewed, of all of the sites up there, Sites 61 through 68, this site was the largest EFU resource site that existed. The argument that we are going to be enhancing Hillsboro's ability to deal with a budding transportation problem didn't make sense to her. In the time of Measure 47 and no

transportation dollars and the lack of public support for some of these things, she found it hard to understand by how focusing more growth on that farmland, we were going to, in fact, be facilitating better transportation and better infrastructure services there, so she really urged the Council to vote to support her motion to delete the entire segment.

Presiding Officer Kvistad clarified, a 'yes' vote would delete the entire parcel, a 'no' vote would go back to Councilor McLain's original motion.

Vote to Amend the Main Motion: The vote was 3 aye/ 4 nay/ 0 abstain, Councilors Monroe, McCaig and McFarland voted aye, Councilors Morissette, Washington, McLain and Presiding Officer Kvistad voted nay, the amendment to the main motion failed.

Presiding Officer Kvistad reviewed the site, right down here, the rest of the farmland here was all out and from that point up, would be the urban reserve area.

Councilor McLain closed by saying that she would like to make about four comments that had not been said yet. First, when we were making a conscious effort of taking the technical information that we had about EFU land and about all of the other slopes and the other constraints that we might have on these study acres we recognized the fact that all of the exception land, primarily, was in Clackamas County. So her job, as a Councilor from Washington County, was very difficult knowing from the start that she needed to try and figure out and do a better and more thorough study of the differences between the EFU land that was out there. This particular EFU land was very different. She noted that she lived very close to the EFU land that was not compromised by a corporate, a very large corporate, industrial park area. There one could farm because one could get farm equipment across the roads. One could not at this site, she had traveled past this site every day. One could not do a certain type of farming on this site because of the water rights and one could not do a certain type of farming on this site because of the urbanization already there and because one could not do the kind of crop dusting that was need. This was different because it also was part of a reserve that the Council had a responsibility to maintain for good industrial sites in the entire region for economic vitality which also was a state law and a state regulation and a state factor. So it was important to understand that the Council was not looking at lush, prime, pretty-to-look-at, highly productive yield farm land but rather looking at a corner between two major roads and a corporate site across on both sides of those two roads. Her comment would be that she believed that Metro had done a good job of distinguishing the difference between this EFU land and other EFU lands which she would also be protecting and voting to keep out.

Presiding Officer Kvistad reviewed the main motion, which was to accept this land that was outlined here as the urban reserve lands and to delete all of the rest of the lands in that parcel, a 'yes' vote would be to select only that section and delete the rest, a 'no' vote would be to continue with the parcel as a whole.

Vote on the Main Motion: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed.

Councilor McCaig asked for an vote explanation which she would like in the record. She had to vote 'yes' in order to delete the portion of the property that was before her but she supported deleting all of the property.

Motion: **Presiding Officer Kvistad** moved to delete site #61.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Presiding Officer Kvistad** reviewed this area on the map; it was all EFU, he believed and asked Mr. Fregonese for clarification?

John Fregonese said he believed Parcel 61 was primarily exception. It was a very small area.

Councilor McLain said it was half EFU.

Councilor McLain reviewed the site which was on Evergreen Road and the Executive actually supported this site and so this was the one that the Council did want to keep in. It was the next one we were talking about.

Motion **Presiding Officer Kvistad** removed his motion from the table.

Recinded:

Second **Councilor McLain** said she would remove her second.

Recinded:

Councilor Monroe asked staff a question, was a portion of 61 EFU? Over there on the west side?

John Fregonese responded that was 17 acres of resource land (and then showed the boundary on the map).

Motion: **Councilor Monroe** moved to delete that EFU land and to leave the rest of site 61 in.

Presiding Officer Kvistad clarified the motion, to delete the 17 acres of EFU which was to the east, retaining the exception land which was to the west.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Councilor Monroe** indicated that Councilor McLain's work on the previous one left that area just to the west out of the urban reserve and what he was doing was tacking on to that some more farm land, making sure that it was protected as farm land as well and allowed development of the exception land.

Councilor McLain said she would support that.

Councilor Morissette asked Councilor Monroe to outline Site 61 and the part Councilor Monroe was proposing?

Presiding Officer Kvistad said 61 was this area on the map. Councilor Monroe's motion would delete approximately the eastern half of that section and asked for any other discussion on this item? He clarified the vote by saying, those voting to delete half of this site retaining the other would vote 'yes', those wanting to retain the entire site would vote 'no.'

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion as amended passed unanimously.

Councilor McLain said that the site was in the Cornelius area and the road that ran primarily through the middle of Site 60 was Susbauer Road. This was where there was active farming going on and this particular site had much flood plain in it.

Councilor McLain said that the City of Cornelius had also provided testimony that indicated that what they were capable of servicing was below Council Creek. This was all above Council Creek. It was active farm land, all of the light green was all active farm land. All of that was farmed heavily. There was also a wild life refuge over in the corner along Hobbs Road and it made the current corner, the right corner there. It was flood plains, active farming, refuge for wildlife. It made no sense and it could not be served.

Motion: **Councilor McLain** moved to delete Site #60 entirely.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Presiding Officer Kvistad** asked if Councilor McLain's motion was to delete and to include in the exception land because he showed on his map there was exception land to the east and to the west.

Councilor McLain responded that it was still above Council Creek, one couldn't cross it well and Cornelius couldn't serve it.

Presiding Officer Kvistad reviewed Councilor McLain's motion, a 'yes' vote would delete Site 60 in its entirety.

Vote: The vote was 7 aye/0 nay/ 0 abstain. The motion passed unanimously with site # 60 being deleted from the urban reserve.

Motion: **Councilor McLain** moved to delete everything in Site #59 above Council Creek and maintain the 35 acres below.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** said, first of all, she would like to remind the Council that Site 59, after looking at Staff recommendations on this and looking at the fact that the Staff had done their technical rating, keeping in the flood plain and Council Creek which Cornelius did not want that portion of it, that was the good buffer between the active farm lands.

Presiding Officer Kvistad clarified, "you are talking this line here which is flood plain?"

Councilor McLain said that was all flood plains and there was Council Creek (she pointed to the map) which the City of Cornelius said they wanted to keep below for service, etc., reasons and there was active farming, (referring to the map, the mint green all the way up) all of that was actively farmed. Cornelius' major concern had been their ability to provide jobs to their community. They didn't have any industrial sites other than what was directly below and abutting that particular piece and so the motion was to delete everything in the study area above Council Creek and maintain just the 35 acres below.

Presiding Officer Kvistad again clarified that the motion was to accept all of Site 59 with the exception of the flood plain which was along this line north.

Councilor McLain responded, “everything below Council Creek is to be kept in.”

Councilor McCaig said to the Presiding Officer that she was going to support the motion and this was one of those examples that she thought Councilor Morissette appreciated that this was necessary. It was EFU land and she was willing, in specific cases, to make exceptions for using EFU lands when she thought it furthered the broader goals of the region and was part of longer-term strategy and of the 66 acres, she didn’t know how many Councilor McLain had just taken out. Sixty-four of those were resource acres, though, so the Council still had some significant resource acres in that. She thought it was worth the trade off and she wished the Council had been with her on the other one so that this would be better but nonetheless, she thought it was the right thing to do for Cornelius and for Forest Grove.

Presiding Officer Kvistad reviewed the motion, a ‘yes’ vote would be to retain the areas that are south of Council Creek and to eliminate the area north, a ‘yes’ vote would be to accept that land and a ‘no’ vote would be to retain it in its entirety.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, the motion passed unanimously.

Motion: **Councilor McCaig** moved to delete all of Site 58.

Seconded: **Councilor Monroe** seconded the motion.

Councilor McLain said she was going to support the total deletion of this motion. She wanted it out so she agreed with Councilor McCaig.

Councilor McCaig suggested the Council vote.

Councilor McLain said that this was prime farm land. There was a request by the City of Forest Grove, to try to find something in this area that would enlarge or increase their industrial base. I couldn’t find anything that we could defend. This was actively farmed and there was no problem with any of the resources or with any of the things that she had talked about before such as getting farm equipment across the road or those types of things and so she would like to see this all deleted.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, the motion passed unanimously.

Presiding Officer Kvistad declared a ten-minute recess.

Motion: **Councilor McLain** moved to delete Site 57.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** indicated that there was already a good buffer between the farm land. This land was being farmed and she thought it should be deleted.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain, the motion passed unanimously.

Motion: **Councilor McCaig** moved the deletion of Site 56.

Seconded: **Councilor Monroe** seconded the motion.

Councilor McCaig noted there were 48 acres, of that 48 acres, 48 of them were resource acres. She argued that, consistent with all the other discussion the Council has had, that this was appropriate to be deleted from the urban reserve study areas.

Councilor McLain responded that she could not go along with this motion for the following reasons: Metro had already agreed that this was needed and appropriate acreage almost seven years ago. This was the Zurka property. It was at the bottom of the only industrial site that Forest Grove had. We were not talking about the flood plains, we were talking about industrial partners and industrial neighbors to the north. Metro had findings on this already. It didn't make sense, Forest Grove kept a very tight urban growth boundary where neighbors like Hillsboro did not. They had no industrial sites other than a few right between Forest Grove and Cornelius. The Council had the findings on it. It was at the very bottom of the industrial complex that they had which was very small and it was not being farmed because it had the flood plain problem to the south and east sides. It was so wet at the bottom side of it, on the outside of the study area, that they really couldn't get into this piece. They couldn't get into it because they had industrial neighbors to the north and below it they had a flood plain that kept them from getting to the real EFU acres further south. This made sense. It had been already proven to be worthy of findings and she would like to see it stay in the urban reserve.

Councilor McCaig said she knew nothing about the findings. She went through all of the public testimony. She attended Hillsboro's Listening Post. She asked Staff today where, in fact, the argument had been made because she had heard through just the climate, that the City of Forest Grove wanted those 56 acres and there was no record, beyond a comment in Hillsboro from, she believed, the City Manager, she was not sure of that, and when one looked at Site 56, it was another one of those terrific examples. She wished these sites were shown in the whole so one could see that it was starting to move in a direction where there was no reason to go that way. That didn't make any sense. It was beginning to support a direction of growth that wasn't related to any of the other goals of Forest Grove and Hillsboro beside they just happened to have that acreage. It was, again, 48 acres of which 48 of them were resource. Of the 48 acres, only 23 of them were buildable. Why would one set aside that entire site for 23 potentially buildable acres and open up a whole new opportunity for expansion. She thought that it was wrong.

Presiding Officer Kvistad asked a question of Staff before the Council went to a vote Was this area that was south of this, was this all wetlands? Was that why this was dotted (he referred to the map)? So everything out here was flood plain except for that one parcel.

John Fregonese said that the stippled area was flood plain one can see down here (referring to the map).

Presiding Officer Kvistad clarified that this was the only parcel that was not within the flood plain?

Councilor McCaig noted that the Councilors were coming at it from different ways. That was her point as well, which was, why would you push industrial into that when currently it was resource lands and it was an entire package of resource lands. The Council had heard this before. She would urge deletion of all of Site 56.

Presiding Officer Kvistad clarified, a 'yes' vote would be to delete the entire parcel; a 'no' vote would be to retain it.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. Councilors Washington, Monroe, McCaig and McFarland voted aye, Councilors Morissette, McLain and Presiding Officer Kvistad voted nay. The motion passed to delete site #56 from the Urban Reserves.

Councilor Monroe asked for a little more description of Site 55? 54 was what had been called 'the nun's property?'

Presiding Officer Kvistad stated that Site 55 was this area here which included the St. Mary property and the land along the Tualatin Valley Highway.

Councilor Monroe asked which was 55 and which was 54? He was not sure where the boundary was.

John Fregonese noted that the boundary was right here, Councilor, this light blue line (referring to the map). The St. Mary's property was divided between the two study areas.

Presiding Officer Kvistad added that the next one would be Site 54 which would take in the rest of the property.

John Fregonese said the majority of the St. Mary's property was in Site 55.

Presiding Officer Kvistad added that the Council was only dealing with Site 55 which went to this line. After the Council was done with this parcel, the Council would deal with the lower parcel.

Councilor Monroe asked, "and the area that is to the west of the St. Mary's property in Site 55, over there, is resource exception land?"

John Fregonese responded that it was mostly exception land and down here was a little bit of resource land. The boundary here was this creek and this boundary was a water shed boundary. This drains this way and this drains that way. One can see the creek here that collected the water from this creek.

Councilor Monroe asked if the creek was that southern boundary?

John Fregonese showed on the map, a water shed boundary that drained into this creek so this was the boundary between things that drained to the north and things that drained to the south and this boundary continued here and one could see this boundary that went through St. Mary's, this area of St. Mary's drained north to this creek. This area of St. Mary's drained south to this creek.

Presiding Officer Kvistad said when the Council had been talking about these parcels, they had been talking about them in total but they had been split into two parcel numbers.

Councilor McCaig addressed Councilor McLain, "since there is not a motion to delete it and it is in your district, would you speak to why it should be included?"

Councilor McLain said as she was sifting through her information and making her own decisions on Site 55 and Site 54, some of the issues that she had with this particular site was the fact that if the Council was going to be able to do the 2040 Growth Concept, the Council had to make sure that we use transportation and land use issues together. She believed that this particular site, because of the fact where the little white hand was right now, was exception acres - all that light yellow stuff - that that would be something

that she would feel very strongly should come in because it was partially parcelized. It was exception land. It was right there on a major highway and so she thought that the piece should come in. When one brought that piece in, then she wanted the Council to look at the other side of the map, at 55 and 54, that there was then a piece of land that was right, that had some potential for being urbanized on three sides. Actually, it was urbanized on four sides. If the Council looked at the little piece down below Site 55 that was already parcelized right there, she then tried to say, "OK, if it's urbanized on four sides, because I am not going to include Site 53 in this discussion, you have got a land-locked piece of EFU." In that way, she thought that there was some merit for Sites 55 and 54 to come forward. It was a difficult call because you've got the fact that you've got a land-locked piece and in the last vote; the Council was talking about two very different sizes between 56 and 55 and 54. She thought that you had an opportunity in this larger size, to actually do some of the infrastructure and land use planning and densities that the Council had been talking about as being important to the 2040 Growth Concept in the RUGGOs.

Councilor McCaig asked for the courtesy of the Council to postpone taking a vote on Sites 54 and 55. That added up to at least 1000 acres of which 550 were resource lands and she was uncomfortable at this point not knowing the outcome of the rest of these votes and the available resources lands to make a decision on this last large parcel. She would like to postpone that.

Presiding Officer Kvistad said he was not inclined to do that but would listen to the discussion.

Councilor McCaig concluded by saying that this was all she had.

Councilor Monroe thought perhaps that the appropriate action would be to serve notice that, at a future meeting, a Councilor may wish to make a motion on this since there would be no motion on it now and we were accepting it with no motion. It seemed to him that it would be in order for Councilor McCaig to announce that she may, at a future Council meeting, like next week, wish to make a motion dealing with this when she saw what else has happened.

Presiding Officer Kvistad responded that if there was no motion in the affirmative, that this would be appropriate. Someone could make a motion in the affirmative and thus pull it in with an affirmative motion but it was currently in the Urban Reserves.

Councilor Monroe said it was in and stayed in without a motion but Councilor McCaig and he would like to have the opportunity next week when the Council saw what else had happened and how many acres the Council had made decision on to possibly make a motion dealing with property. Was that all right?

Presiding Officer Kvistad said that the Council was on notice that that would be requested.

Councilor McCaig asked for a point of clarification? She had learned from experience with this Council that everyone of these motions was open to a revisiting the next week so she appreciated that but unless there was some clarity that we are not, in fact, going to revisit any of these, can you make that statement?

Presiding Officer Kvistad intended that once the Council voted on these sites, the Council was done with them and it was his intention not to revisit any of these sites.

Councilor McCaig asked, "without doing the fact finding, without seeing the lines drawn, and without having the totals, you are telling me we are not going to revisit these."

Presiding Officer Kvistad asked Councilor McCaig to allow him to continue. The process was that once the Council had made the selection of which of these areas were in, the vote was not to accept and it became law. The vote was to send it to Staff for findings. Those findings would be done over the course of approximately one month and it would come back to this Council with the findings in place for final action sometime in January or possibly early February. It depended on when the legal findings are done. That was when the findings were to be done. The decisions that the Council was making now were on the areas themselves that were going to come in and then we were going to move forward all of the areas that were selected into the findings process. At the end of the findings process, depending on what those findings were, was the point at which the Council would go back, if adjustments would have to be made, and make those adjustments. That was the process from legal staff and the process that he had been anticipating. If the Council wanted to change that, they could have that discussion.

Councilor McCaig appreciated that clarity and she would operate on that impression until a final vote was taken.

Presiding Officer Kvistad noted that the actual ruling was four votes made these decisions. Four votes prior to the Council sending the sites out for final findings and if the Council came back and had four votes, then the Council would revisit whatever we had four votes to revisit.

Councilor McCaig said, "so I now need four votes to bring it back?"

Councilor McLain added that she had indicated that she was looking at each one of these sites on its own merits and she also indicated that at the end of looking at all of these sites on their own merits, that she also might want to revisit some of these sites because of the fact of the same things that Councilor McCaig was talking about, there may be some joining and melding of the information and of the decisions the Council has done. It didn't mean a wholesale revisiting of the entire 72 sites. It meant that there had to be a legitimate reason that it wasn't discussed before and not that there was EFU or no EFU.

Presiding Officer Kvistad indicated to Councilor McLain that she had made that point so she was on the record as having this parcel being one that she might want to discuss later.

Councilor McCaig asked for a point of clarification, did she need four votes?

Presiding Officer Kvistad said that she needed four votes to make changes but not to bring it back. He then asked if there were any motions on this item? He announced that there were no motion on site #55; therefore, area No. 55 was within the current urban reserves.

Presiding Officer Kvistad reviewed site 54, which was the lower half and which included the exception land down to the creek and right up here through this part of the upper area (he noted on the map). That was the area that the Council was talking about which was the second half of this parcel. He asked if there were any motions on this item? Any motion to delete any portion of this item? There were none, therefore, Area 54 was included in the urban reserves.

Councilor McCaig asked if she served notice on both of those when she served notice?

Presiding Officer Kvistad said, yes.

Councilor McLain said she was looking at Area 53 right now and when she was looking at the site, what came to mind for her again was she was always looking for buffers between urbanization, urban use, and agricultural use.

Presiding Officer Kvistad defined Site 53. There was a narrow handle that came down here which was exception land and it cut over. This was 53 which went up like this and up this handle (he pointed to the map). That was Site 53. It had been referred to as the Hanauer property.

Councilor McLain stated that it was her belief that this particular piece offered that buffer between truly dense and truly urban and the agricultural uses and that as the Council looked at the St. Mary's area (areas 55 and 54), the Council needed to look for a natural buffer if that was in or out. To her, Area 53 offered that. It also was not requested by Hillsboro for serving and she thought that this was a natural buffer and we needed that if we were going to have our agricultural communities and our urban communities living and coexisting in an appropriate way.

Motion: **Councilor McLain** moved to delete Site 53.

Seconded: **Councilor Monroe** seconded the motion.

Presiding Officer Kvistad said since the Council had already had the presentation on the area, was there any discussion on this item.

Councilor Washington asked to have Staff give some sense of this one as it related to Sites 54 and 55.

John Fregonese reviewed Site 55, 54 and 53 in the map.

Councilor Washington asked if Site 53 was the tree farm? Was that correct? Stumps and all that stuff?

John Fregonese said he believed so.

Councilor Washington asked if it was able to be farmed? Could you grow anything on the stumps?

John Fregonese responded that the testimony presented by the owner was that this area could not be farmed. It had also been pointed out that nurseries can use sites like this.

Councilor McCaig stated that she was going to support this motion and again, it had a significant portion of resource lands in it. She actually drove out and looked at it and it was a stump farm but if you removed that use from it, she thought there were all sorts of potentials available for that and it just happened that that particular owner didn't want to pursue using it for that which was not our business. From her perspective, could you still use it for farm land. That answer, she thought was yes. She was going to support the motion to delete Site 53 from the urban reserve study areas.

Presiding Officer Kvistad indicated that he was not going to support the motion.

Councilor McLain asked Mr. Fregonese if he would go the bigger map again? "If you look at the bigger map, I think it is important for you to see again that you've got to have some buffers to keep agricultural land possible. You've got to have something like that particular one, Site 53, to be able to get tractors and so forth into the heart of the farm land and so the 52, you've got to have something; you can't have that all densely urbanized again, all around it. I am asking for you to support the deletion of Site 53."

Presiding Officer Kvistad asked staff where the golf course was located?

Mark Turpel said he believed the golf course was right in here (referring to the map).

Presiding Officer Kvistad added that that was not really farm land; that was a golf course that was being built and developed right now?

Councilor McLain said that the golf course is not on both sides of that road. The golf course was only to the west side of the road.

Councilor Washington asked what was that light area on this piece of property? Was that a lake over to the left?

John Fregonese said he didn't know.

Presiding Officer Kvistad thought that it was a swamp area south of Hillsboro.

John Fregonese said it was all flood plain. It was exception lands that was all flood plain and this probably was a river.

Presiding Officer Kvistad clarified that, a 'yes' vote would delete site 53 and a 'no' vote would retain it.

Vote: The vote was 5 aye/ 2 nay/0 abstain. The motion passed to delete site 53. Councilors Washington, Monroe, McCaig, McFarland, and McLain voted aye, Councilor Morissette and Presiding Officer Kvistad voted nay.

Presiding Officer Kvistad asked Council if there was a motion to delete Site 52? Again, was there a motion to delete Site 52. Seeing no motion on Site 52, it was adopted and would come into the urban reserves.

Councilor McCaig asked Presiding Officer Kvistad why should this Site be in?

Presiding Officer Kvistad responded that it was all exception land. The site took in only the land that was exception land and fairly parcelized. If the Council would look, there was no large urban parcel and it was directly adjacent to existing areas so, as he understood it, there was no EFU except for that bottom corner but when Metro firmed up the edges, those corners would be defined later during the findings.

Councilor McCaig asked if she could draw from that, that at least as the Presiding Officer evaluated it and what to add, and she was more than willing to support this but she would support it for different reasons; that priorities for him are any of those areas which appeared to be already parcelized or not EFU lands.

Presiding Officer Kvistad indicated that his main criteria on a lot of these lands that were left was the ones that were not EFU as well as areas that were parcelized; also close to schools and with existing services. Aloha High School was within 1/4 mile. There were existing schools, there was existing infrastructure available, should that be urbanized.

Councilor McCaig appreciates that answer and would appreciate, that any time there was no motion to delete, that someone speak to why, and she would imagine it would be the Councilor whose district it lay in because that was where the most expertise was, why it should be in so the public had some idea of why the Council was making some of these decisions.

Councilor McLain felt that the Council had done that up to this point.

Councilor McCaig said that she had asked, that was why.

Councilor McLain was happy to do that and would like to add to that that it was not just as it was parcelized. The situation was that some parcelization was very different than some of the other parcelization that she couldn't support because here Metro had a chance to actually work some density and we actually had some opportunity to utilize the urban resources and urban services we already had. There aren't houses sitting smack dab in the middle of a lot. Here was a situation where existing housing might be able to stay and additional housing added but those are good reasons for it to be in the urban reserve area.

Presiding Officer Kvistad said seeing no motions, Site 52 was accepted within the urban reserve.

Councilor Monroe asked for information on site #51? What about that piece of EFU in the southern end of 51.

Motion: **Councilor McLain** moved to delete the EFU in site #51.

Presiding Officer Kvistad reviewed, with this motion the exception lands were retained to the north and the southern portion of this item would be deleted which was shown in the darker green as exception lands.

Seconded: **Councilor Morissette** seconded the motion.

Councilor Morissette asked for clarification, he said, there were two little EFU pieces up in the northern part up there that were part of this motion to keep in?

Presiding Officer Kvistad said, right, the Council was only dealing with these parcels that it crossed in this area.

Councilor McLain clarified that her motion was just for the solid piece at the bottom.

Presiding Officer Kvistad reiterated, just the solid piece at the bottom. That was the motion that has been moved and seconded, to delete this portion of Site 51 and retain the rest

Motion to Amend the Main Motion: **Councilor McCaig** moved to amend the motion to delete the entire site 51.

Seconded: **Councilor Monroe** seconded the motion to amend.

Councilor McCaig said she was having difficulty with that picture because if one looked at what the Council just did with site 52 and what the Council was talking about doing with Site 51, the Council was

taking a finger out again, an area which was fundamentally still farm land. As the Council talked about what was going to happen in the future, we just do as recommendations were made by the Councilor from the district. Next time we came back we were going to want to fill this, and we were going to want to fill this, because there was parcelized land there and then why not fill this.

Councilor McCaig urged the Council to vote to delete that entire piece of property from inclusion in the urban reserves.

Presiding Officer Kvistad indicated that he was not going to support this to the extent that he believed if you looked at the parcel in total, since the Council had just taken the northern portion of that to come down here and to take the area along this line made sense to him. In the findings, if Metro finds that area might be sticking out, he would have no problem with revisiting it but he didn't believe that with the amendment that Councilor McLain had that it would be inappropriate so he would asked Council not to support the motion.

Councilor McLain noted that the Council had just left in that one right there, that boot, and so to make Councilor McCaig's argument, we would be giving some consistency to the urbanization in that area. We just left in the boot; we just left in 52 and so the top part of 51 helped with urbanization and services as well as schools and kept the urbanization together. The Council dropped out the bottom part of 51 because that was part of a contiguous rural and agricultural region and so the Presiding Officer was right, we had to pick and choose and this time she picked the urbanization side that interfaced with 52 and took out what interfaced with the rural.

Councilor McCaig appreciated that and understood that we had a trend down here. The question for her was how you looked at it; whether you were looking at adding 51 to what we were doing up in that corner or if you looked at that we were starting 51 and we were sending a tone and a direction down this way. Her argument was that there were parcelizations going on out there and we had already heard from members of the Council that that mattered to them and that ultimately, when we looked towards future development, we are creating a pretty obvious place for us to put that development and she thought it was the wrong place to go. It didn't have the sense of community; it was only adding an extension to the already existing boundary; it didn't have those kinds of components of high transit that we were looking at. She just had to tell the Council this.

Councilor McLain asked Councilor McCaig a question on a comment she made.

Presiding Officer Kvistad asked Councilor McCaig if she would entertain a question?

Councilor McCaig, "No."

Presiding Officer Kvistad said that a 'yes' vote was a deletion; a 'no' vote would go back to Councilor McLain's motion.

Vote to The vote was 3 aye/ 4 nay/ 0 abstain. The motion failed with Councilors Monroe,
Amend the McCaig and McFarland voting aye and Councilors Morissette, McLain, Washington,
Main Motion: and Presiding Officer Kvistad voting nay.

Councilor McLain closed by saying she would like to point out that in this acreage of 116 acres, there were only 44 EFU acres. Those EFU acres were what she would be deleting and if Council looked at Sites 52 and 51, the parts that were exception lands to the top, the parcelization was exactly the same

pattern as Site 52 and she indicated that these were the types of parcelization that we needed to bring in because they offered us the ability to do the kind of density and 2040 Growth Concepts that the Council said they were involved in. The Council would be just taking out the EFU that was in that large piece to the bottom and leaving in the top half.

Presiding Officer Kvistad said that the motion was that a 'yes' vote was to delete the EFU and accept all the exception lands. It was to delete this land below that line, delete this area here and to accept the rest of the parcel.

Vote on the Main Motion: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously.

Motion: **Presiding Officer Kvistad** moved to delete parcel #50.

Seconded: **Councilor McLain** seconded the motion.

Discussion: **Presiding Officer Kvistad** stated that the reason behind the deletion was this was highly parcelized land with very expensive housing on the top of Cooper Mountain. There was no further area for added density and it would make no sense for Council to take it in simply to have it in the urban reserve. With that, he asked for the Council's 'aye' vote to delete this area.

Councilor McCaig said she was confused because she understood, as we went through across the top and as we looked at all these other sites, that one of the issues was bringing into the urban reserves those area which were already parcelized and in need of urban services and, in fact, she thought Presiding Officer Kvistad just made that case eloquently. She supported him on it on site 53.

Presiding Officer Kvistad said that those were his criteria on those but there were other criteria which had to do with 'is it developable at any density?'

Councilor McCaig added, as she recalled, there were potentially 1900 housing units that were available out of this site. She looked at that specifically and there were still infill opportunities within that property. Now she didn't want to argue too much to include it but she thought there was something a little inconsistent about this.

Councilor Morissette said that this was a classic, where the staff was overly-aggressive in what they thought they are going to be able to accomplish here in infill with the price of the homes and the parcelization.

Presiding Officer Kvistad said, in his view, the reasoning behind his exclusion and, as Council knew, he thought that the maximum degree of exception land could be used for more intense urbanization. This was land not tied easily to services, this was the top of Cooper Mountain. It was very expensive homes on modestly large parcels. In terms of further density, he did not see where it could be. If the Council saw fit to do something else, that was fine. He just wanted to put it on the table because he didn't think this parcel in particular was one that allowed the Council additional density.

Councilor McCaig said in looking at it, even taking into consideration Councilor Morissette's comments, the proposal out of the staff was 1790 housing units. It only had one resource acre in it and it was 282 acres. She had actually thought about putting a list together of all the sites that were like this because she didn't think they fundamentally buy the region what we are looking for in terms of future activities of

growth but at the same time, it seemed incredibly inconsistent, to her as we have gone through and specifically added these kinds of parcels, not to add this one in particular. And there were an additional 1700 or 1000 units that Metro could get out of it.

Councilor Monroe indicated that this parcel was already urbanized. It was country club urbanized but it was urbanized. There were big homes, big lots, cul-de-sacs, and they wanted to have their cake and eat it too. They didn't want to pay city taxes so they didn't want to ever be put in the city. They wanted to be able to continue to have their palatial homes on one to five acre lots without any future possibility of better and more efficient use of the land. If there was one piece of land that ought to be in the urban reserves, this was it.

Councilor Morissette said he had no doubt that at some point, the Council was all going to be looking at the total number of acres that was being added into urban reserves. If the Council added a bunch of acres that weren't going to do us anything and he didn't believe it was a discussion about, was it 1700 or 1000, he thought it was a couple of units that could end up here. At some point, the Council was going to say we added too many acres. If too many of the wrong kind of acres are added, this represented that kind of a situation for him here. This was a lost opportunity, in his opinion.

Presiding Officer Kvistad echoed Councilor Morissette. Normally on these areas, he had no problem with bringing them in, especially on exception lands, but this area was not one where we could get the density. Councilor McCaig just spoke to the number of units that were potential. There was no way that the parcelized aspects with the kinds of homes that were there, the kind of incomes of those that lived there, that this was going to be parcelized or that we are going to get anywhere near any number of units here that would make any sense. That was the reason for my motion and that was why it was on the table for discussion. He noted a 'yes' vote would be to delete area No. 50; a 'no' vote would be to retain it.

Vote: The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed, Site 50 remained in the Urban Reserves with Councilor Morissette and Presiding Officer Kvistad voting aye and Councilors McFarland, McLain, Washington and Monroe voting nay.

Councilor Morissette said that he hoped that when the Council got to the total number of acres that the Council had some that weren't going to be all that productive.

Motion: **Councilor McLain** moved the deletion of EFU lands which included the land in the center and down below in Parcel #49.

Seconded: **Councilor Washington** seconded the motion.

Discussion: **Councilor McLain** started out with an amendment that she was sure of and thought this was a very complicated piece. She just voted 'yes' on 50 because of some parcelization that we could get some density for. The parcelization in this particular piece, No. 49, was far better parcelization for getting density than the last piece. Those of the Council that voted to retain this last one, needed to really look at this parcel. Her amendment would be to delete the EFU acres, if you go to Site 49, the Council would see the EFU lands were right in the middle and then down on the bottom, there was a piece down there to the bottom of it. Her amendment was to remove all EFU land. Councilor McLain continued that this was a strange piece and if anybody hadn't been out there to drive this road, they should. This was Reusser Road and it went up into the top half of the piece. Up in the top, there was also parcelization. It was something very similar to No. 50 where you had the same kind of situation where you had some parcelization, but she thought this one was better than 50 because you didn't have the houses sitting in

such a way that you didn't have anything to put together because of the way that they were situated so she thought that the top piece offered some density. The bottom piece offered even more because the parcelization was not quite so small.

Presiding Officer Kvistad added that this was very difficult for him because he had gotten a lot of people in the upper portion here on both sides of this issue depending on their parcel and which one was farmed; which one has houses and he didn't think he would support this.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. Councilors Monroe, McLain, McFarland, McCaig, Washington and Presiding Officer Kvistad voted aye, Councilor Morissette abstained. The motion passed site #49 as amended was adopted.

Presiding Officer Kvistad requested motions for Site #48. Presiding Officer Kvistad said there was no motion on Site #48. This parcel was all exception land on the backside of Bull Mountain, it is serviceable by water and sewer. This was the area that was carved out, the original parcel went down along Beef Bend Road and this land was excluded from that parcel, only the exception land was kept that was already currently connected on the backside of Bull Mountain but all of the EFU was dropped. Area 48 was adopted and remained part of the Urban Reserves.

Presiding Officer Kvistad requested motions for Site #47. Presiding Officer Kvistad said there were no motions on Site #47. He spoke to Site #47, there was no EFU land in this parcel, there was some flood plain in the lower portion but that would come out with findings. He said that this area was part of the larger area deleted in the earlier session. He said only the flat land were kept in, this is the King City area. He also noted the power line corridor. He said that this parcel was all exception land, there was no EFU.

Councilor McLain said that it was important to note for staff that the Council was interested in taking out the flood plain in the findings.

Presiding Officer Kvistad said that the flood plains automatically came out but that one could not build below contour line 128, it was not buildable. That area would be taken care of naturally. As there was no motion on this item, Site #47 was adopted and remains part of the Urban Reserves.

Motion: **Councilor McCaig** moved to delete Site #46.

Seconded: **Councilor Monroe** seconded the motion.

Discussion: **Councilor McCaig** indicated that the City of Sherwood had withdrawn their support of the site. It was 112 acres, of those there were very few resource acres. Her interest in it again continued to be on setting the direction. It was clearly a peninsula that the Council was establishing out on the other side of the highway. She indicated that it again sets a pattern of development and one could see how people would fill in around this area if this parcel was put in the Urban Reserves and then ultimately added back into the Urban Growth Boundary. She asked the Council to delete this site.

Councilor McLain wanted the Council to remember that there was only 5.7 EFU acres out of 111.55 acres. She did not understand if one took out those exception lands how the Council would have a defensible position when Metro went to the state agency and said that we took in some EFU but left out some exception land. She thought that where there was the exception land, we must take it in and at least to have findings written on it. She reviewed the area noting the new YMCA, the downtown area. She indicated that their downtown was close to this piece. She reiterated that this was exception land. She said

that the Council would find in the next piece that was at the bottom of Sherwood that she would be amending all EFU land out. She believed that the Council must include the exception land. Sherwood asked for some ability to have more of a core to their old downtown and to their new facilities like the YMCA. Primarily because it was a deficient EFU area, she believed that the exception acres needed to be looked at to be taken in, particularly when it was this size. over 111 acres.

Presiding Officer Kvistad said that this was one where the Council just took in an area on top of Cooper Mountain that was fully parcelized with very expensive homes. The Council took that in saying that they could achieve density. Now what was being said on this area adjacent to Sherwood was it was all exception lands where we could get density. But it would be taken out? He suggested consistency. He was not going to support the motion, but if the Council did support the motion, he wished to make it clear that the Council just took in an area that they would never be able to parcels and developed but the Council was excluding a large number of acres that could be parcelized that had the same land.

Councilor McCaig admitted that not all application to the criteria were consistent but the piece that she did not seem to be prevailing on with the Council was that it was not always specifically whether it was EFU land or exception lands or not but rather that that was an incredibly narrow criteria to use to make a final determination on a piece of property. She cared about the direction that the Council was establishing by putting some of these pieces of property in. When she looked at sites #50 through #54, there was some logic to it about carving out a chunk and what was being left on the other side of the chunk. She was trying to evaluate all of that. With this site in particular, she asked staff to give her a larger view of the area to see what kind of growth was occurring on each side of #46. She said that the next piece of property being considered was site #45 which runs all the way across and has a significant EFU piece. She said she would support including #45, it should be in and developed. She will also support the motion to take out the EFU but she thought that this was a logical decision to include this site, when looking at the big picture of Sherwood and across towards Tualatin and down towards Wilsonville where all of the parcelization that was already occurring, that was where the growth needed to be pushed. We did not want to push it out that way, so for those people in Sherwood who wished to become more dense, they could develop site #45. Site #46 was a priority for development in a parcel that she did not believe should be developed.

Vote: The motion was 5 aye/ 2 nay/ 0 abstain. The motion passed with Councilors McCaig, Monroe, Washington, Morissette and McFarland voting aye and Councilor McLain and Presiding Officer Kvistad voting nay. Parcel #46 was deleted from the Urban Reserves.

Motion: **Councilor McLain** moved to delete all of the EFU acres on Map #45.

Seconded: **Councilor McCaig** seconded the motion.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously as amended.

Presiding Officer Kvistad asked if there were any motions on Site #44. He spoke to this parcel by saying this was the old rock quarry adjacent to the Tualatin city limits. There were no motions on this site, therefore, site 44 remained in the Urban Reserves.

Presiding Officer Kvistad asked if there was a motion on Site #43.

Councilor McLain asked staff about the separation of community issue. She asked about the white area on the site, was it exception land.

John Fregonese said this was correct, this was an area between Wilsonville and Tualatin. They have had a long standing agreement to keep their communities separate. It also was an area for potentially future Tualatin/I-5/99 bypass. They also had both agreed to keep development out of that area, which was exception land not farm land, it was pretty parcelized with rural housing. But the City of Tualatin did testify and oppose Site #43 be included because it was in the area of separation and potentially would conflict with a toll road or freeway going through the area to connect 99 with I-5. Tualatin had strongly recommended to keep this out.

Presiding Officer Kvistad announced that there was no motion on Site #43 therefore, Site #43 remained in the Urban Reserve.

Presiding Officer Kvistad announced that Site #42 had been discussed, it was an area off the Stafford Road interchange, all exception land and all adjacent and did not infringe in the area between Wilsonville and Tualatin. There was no resource land in this area. There was no motion made on this site, therefore, Site #42 was agreed to and remained in the Urban Reserves.

Presiding Officer Kvistad reviewed Site #41, on the Sherwood quadrangle map. There was no motion made on this site, therefore, Site #41 was agreed to and remained in the Urban Reserves.

Motion: **Presiding Officer Kvistad** moved to delete Site #40.

Seconded: **Councilor McFarland** seconded the motion.

Discussion: **Presiding Officer Kvistad** said that Site #40 was the area across Grahams Ferry Road. The reason for the deletion was that Grahams Ferry Road made a much better urban buffer than did the wedge of land (he pointed to on the map). He did not believe there was an objection from Wilsonville on this item.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed to delete site #40.

Motion: **Councilor Monroe** moved to delete site #39.

Seconded: **Councilor McCaig** seconded the motion.

Discussion: **Councilor Monroe** asked staff to tell the Council more about this site which shows as EFU land.

John Fregonese said that this site was part of that Wilsonville track that he believed that Metro was buying a portion of for open space. This was to be sold to the West Inn Wilsonville School District for a middle school, it was a 20 acre portion to be added to the middle school.

Councilor Monroe asked if it needed to be in the Urban Reserve to be a bona fide school site?

Mr. Fregonese responded that in Washington County in order to get services such as sewer and water it must be in the UGB. He thought that this was true for this county as well.

Councilor Monroe withdrew his motion and Councilor McCaig withdrew her second, therefore Site #39 remained in the Urban Reserves.

Motion: Councilor McLain moved to delete Site #38,

Seconded: Councilor McFarland seconded the motion.

Presiding Officer Kvistad said that while this site was EFU it seemed to him that it made a much better buffer to use the wetlands below and the road above to contain the urban growth in this area. He would oppose the motion.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors McCaig, Monroe, Washington, McLain, Morissette, and McFarland voting aye and Presiding Officer Kvistad voting nay. The motion passed, Site #38 was deleted from the Urban Reserves.

Presiding Officer Kvistad reviewed where site #37 was and announced that there was no motion on Site #37.

Councilor Morissette noted that for the record on Site #37, 36 and 35 he would be abstaining.

Presiding Officer Kvistad announced that Site #37 remained in the Urban Reserves.

Motion: Councilor McLain moved to delete Site #36.

Seconded: Councilor Monroe seconded the motion.

Discussion: Councilor McLain indicated that this site was very steep, it was very treed, its slope is about 18%. It would be expensive to serve, only 7 of the 33 acres were estimated to be buildable. There was a stream which ran right through the property and it was very narrow, so that stream as far as buffer zones, she wanted the Council to be able to meet the Functional Plan. She said there was hope for decent buffers along stream corridors. Site #36 was very different that Site #37, it should be deleted.

Councilor McCaig said she understood that the City of Wilsonville supported keeping this site in because they wanted to designate it as an open space within their Urban Reserves.

Presiding Officer Kvistad affirmed Councilor McCaig's statement. Metro was trying to reserve this as an open space and allow the City of Wilsonville that area of control. This was why he would oppose the motion that was on the floor.

Councilor McCaig asked which decision offered the greatest protection for the property, keeping it in a Urban Reserve or leaving it outside the Urban Reserve?

Mr. Fregonese responded that in the case of exception land, he thought that it did not matter whether it was in the city or the county. It needed to have additional regulation that would preserve it specifically and he was unsure which would be better. It depended on whether Clackamas County did the designation or Wilsonville. They would both have the same effort in terms of designating it as a Goal 5 resource and setting if off limits to the developers.

Councilor McCaig said that intuitively, she would think it would be better to leave it out to force the additional work to bring it in.

Presiding Officer Kvistad said that in his experience with the City of Wilsonville, the City had been a very good steward of their Greenspaces and open spaces within their urban area. He had full confidence in the City of Wilsonville to handle this willingly and to do a good job in making sure this was an exceptional use of this property.

Mr. Fregonese said that he had additional information that the State Forest Practices Act was the only thing that could govern tree harvest outside the Urban Growth Boundary but inside the UGB, the City of Wilsonville could control it. Being in an Urban Growth Boundary would allow the City to control tree harvesting on the site which the county could not do outside the UGB.

Councilor McLain thought as Metro was looking for findings that Metro was going to try and make sure that we had the most appropriate hard lines on the Urban Reserves. If there was a slope that was too steep or a flood plain that would not allow building, wouldn't we in findings not include those areas. If so, was that not a controversy.

Mr. Fregonese responded that 65th Street would be also a fine line with the property line to the north. This would be considered a natural area included in an urban area just like the open space designations were in the 2040 Plan.

Councilor McLain indicated that if this motion did not pass, she would like to give direction to staff that she wanted the specific finding to include the issue that the area that was known as #36 was designated as open space, flood, creek corridor that does not fit the criteria.

Councilor Morissette asked of staff to do what Councilor McLain just asked on each one of the parcels.

Vote: The vote was 5 aye/ 1 nay/ 1 abstain. The motion passed with Councilor McCaig, McFarland, McLain, Washington, Monroe voted aye, Presiding Officer Kvistad voted nay and Councilor Morissette abstained. Site #36 was deleted from the Urban Reserves.

Councilor Monroe indicated that he had to leave because he was being sworn in as a board member of a major civic organization. He requested that if Council continued that he be given the courtesy to reopen any issues that when he is not at here.

Presiding Officer Kvistad announced a continuance to the next Council meeting on this item.

9. COUNCILOR COMMUNICATION

None.

10. ADJOURN

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 5:55 p.m.

Prepared by,

Metro Council Meeting
Thursday, December 5, 1996
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Chris Billington
Clerk of the Council