

## MINUTES OF THE METRO COUNCIL MEETING

December 12, 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 2:05 p.m.

### 1. INTRODUCTIONS

**Presiding Officer Kvistad** introduced Ms. Sandi Hansen, a former Metro Councilor.

### 2. CITIZEN COMMUNICATIONS

None.

### 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

### 4. ALBINA COMMUNITY BANK

**Mr. Leon Smith**, President and Chief Executive Officer of Albina Community Bank, a community development bank located in North and Northeast Portland, one of about six community banks in the county. He reported to the Council and Metro, who had deposits with the bank of approximately \$100,000, the results of the first year of operation. He wished to share with Metro how their money was being used and to solicit further action to place additional moneys with the bank.

He thanked the Council for their support and spoke about some of the quantitative and qualitative results. The quantitative results the bank projected approximately \$20 million in total assets as of the end of the first year of operation, the current financial report the bank at \$19.1 million with still three weeks left in the first year of operation. The bank had anticipated \$16 million in deposits, the bank was at approximately \$15.5 million. The bank anticipated \$12 million in loans, the banks was at \$7.5 million in loans but the bank did have \$5 million in closing so they believed that they would come in the middle of their business plan. The operating losses were right on plan with profitability anticipated for 1997, fairly typical for any start up banking. From a quantitative standpoint, the bank's mission was to stimulate economic development in North and Northeast Portland while ensuring the low to moderate income population had an opportunity to participate in the resurgence of economic development. He highlighted the \$12 million in loans that the bank would have made by year end, approximately 84% were in northeast Portland, half was residential and half commercial. Approximately 56% were loans made the minority home buyers. The bank's focus had been to do loans that other banks were not prepared to do, therefore, the numbers of home ownership were pushed up and by stimulating small business development where it would not ordinarily happen, the bank created new economic resources in the community such as the re-establishment of E and M Community Market, an \$800,000 transaction that the

bank brought in to participate with the bank, Key Bank and PDC. PDC had also been partner with the bank on establishing another restaurant as well as other entities and the establishment of the Portland State University Business Outreach effort to stimulate economic development by the creation of small businesses.

Community involvement included being the recipient of the Business Diversity Award from the Human Rights Commission, for recruiting and maintaining a diverse work force. The North Portland Bible College had also given the bank an award. Some of the corporation community involvement included Interstate Firehouse Culture Center, Friends of Trees, Habitat for Humanity, and the like. At this point the bank had a seventeen employee staff, 11 of whom lived in northeast Portland as well as being an anchor for the Ablina Corner Project.

He said that the bank was very proud of their accomplishments, appreciated Metro's support and asked that Metro might consider increasing that support in 1997.

## 5. CONSENT AGENDA

### 5.1 Consideration of the Minutes for the December 5, 1996 Metro Council Meeting.

**Motion:** **Councilor Morissette** moved for the adoption of the minutes of December 5, 1996 Metro Council Meeting.

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

**Discussion:** **Councilor Morissette** noted that his statement was not included in a copy of the minutes of the meeting(his statement are in the Permanent Record of this Council Meeting which may be found in the Council Office).

During **Councilor McLain** commentary under Ordinance No. 96-655 she asked to clarify the minutes which were unclear on one point. That the Urban Reserve Site 63 was voted out at last Council meeting also the area roughly that same size adjoining this site to the east and west of Helvetia Road and north of Sunset Hwy. which was part of site 62 was voted in.

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

## 6. ORDINANCES - SECOND READING

6.1 **Ordinance No. 96-658**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule for the purpose of transferring \$35,275 from the Regional Parks and Expo Fund contingency to provide funding for the flood related expenses at Oxbow Regional Park, title reports for transferred Multnomah County properties and to purchase a laser printer for the Regional Parks and Greenspaces Department; and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 96-658.

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

**Discussion:** **Councilor McFarland** briefed the Council on this ordinance to repair the damage at Oxbow Park with several other things added in that the Committee thought were good

measure and good use of the funds.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 96-658.

No one came forward.

**Presiding Officer Kvistad** closed the public hearing.

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

6.2 **Ordinance No. 96-661**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Schedule in various funds to hire a Capital Projects Assistant for MERC; and Declaring an Emergency.

**Motion:** **Councilor Washington** moved the adoption of Ordinance No. 96-661.

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

**Discussion:** **Councilor Washington** indicated that this ordinance had been before the Regional Facilities Committee. This ordinance provided funds for a Capital Projects Assistants for the balance of this year. In the past this position had been temporary, but it was at the point where the facilities such as Expo and PCPA needed someone permanent to do this. This had been requested by MERC and he urged the Council's support.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 96-661.

No one came forward.

**Presiding Officer Kvistad** closed the public hearing.

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

6.3 **Ordinance No. 96-667**, An Ordinance Amending the FY 1996-97 Budget and Appropriations Scheduling the Spectator Facilities Fund by reducing contingency by \$273,500 and increasing the Materials and Services and Capital Outlay portions of the budget to provide for capital renewal and replacement at the Portland Center for the Performing Arts; and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved the adoption of Ordinance No. 96-667.

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

**Discussion:** **Councilor McFarland** said this had been through both the Finance and Regional Facilities Committees and she believed that everyone on Council had heard. This had to do with a long list of repairs and refurbishment that need to be done at PCPA. The funds came out of contingency and did not change the budgeted amounts.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 96-667.

No one came forward.

**Presiding Officer Kvistad** closed the public hearing.

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

## 7. RESOLUTIONS

7.1 **Resolution No. 96-2427**, For the Purpose of Approving Change Order No. 1 to the Public Contract with Norseman Plastics for the Manufacture and Distribution of Earth Machine Compost Bins.

**Motion:** **Councilor McLain** moved the adoption of Resolution No. 96-2427.

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

**Discussion:** **Councilor McLain** reviewed this resolution noting the staff report. This resolution gave a change order No. 1 with Norseman Plastic Contract for the earth machine compost bins. \$80,000 had been allotted for the compost bin distribution program in the Spring of 1997, this was the third year that Metro has supported this waste reduction effort. This amendment would take the Metro bin contribution distribution and took away part of the subsidy from \$7.30 to only \$4.30 per bin. The residents would pay \$25 per bin rather than \$22. The contractor shall manufacture and distribute 18,000 earth machine, 7,000 more than last year in the original contract. The contractor would conduct 6 sales on separate weekends from April through June rather than have the 4 sales on the same day. Councilor McLain felt this was a good project for waste reduction.

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

**Presiding Officer Kvistad** announced that Resolution No. 96-2430 would be moved to the end of the agenda.

## 9. URBAN RESERVE WORK SESSION

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

**Motion:** **Councilor McLain** moved that Ordinance No. 96-655A be amended to include the proposed amendments and the draft ordinance of 96-655B.

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

**Discussion:** **Councilor McLain** said that this amendment had nothing to do with the Urban Reserves. The purpose of the B version amendment to the Urban Reserve ordinance was for Metro to make a final decision on the location of the Urban Reserves when the ordinance is adopted. This avoided postponing a final Metro position on the location of the Urban Reserves during the 1997 legislature and during consideration on any Urban Growth Boundary amendments proposed by property owners in 1997. Metro is taking three actions in the amended ordinance. 1) Urban Reserve area locations were designated for counties to protect as in their current ordinance, 2) Metro acknowledged Urban Growth Boundary procedures are amended to include the Urban Reserve Areas as the first priority for Urban Growth Boundary amendment, 3) the 2040 Growth Concept Map was acknowledged, RUGGO ordinance was amended to add Urban Reserve areas to RUGGO. An emergency clause was added to assure that the UGB procedures amendment would be in effect for any March 1997 applications for Urban Growth

Boundary amendments. The serviceability clause was included in case LUBA and courts interpret the Urban Reserve Rule differently on Metro's designation decision.

She spoke to two items. In March of 1997 the Council would still be in the process of Urban Reserves. In this process, there was a code in place that offered an opportunity to the public to make Urban Growth Boundary amendment application, March of every year to make sure that any Urban Reserve that the Council designates was going to have top priority, this motion needed to be in place. Secondly, there was a situation as was done with the Functional Plan. If there was any party who felt that part of the Urban Reserve designation did not meet a criteria or goal then that part would be severed.

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

**Councilor McLain** announced that during this week the Council had a citizen's group that came in and asked for a copy of the Public Record. She clarified that because they made a presentation to Washington County that was not factual, she asked to read the letter which she was sending the Linda Peters, Washington County Board Chair. She also said she wished to make sure that the public was watching as these documents were placed into the Public Record. (A copy of her letter to Linda Peters was read into the record and may be found in the Permanent Record of this meeting in the Council Office.) She also noted that the two binders from Growth Management Department and a map were received into the permanent record.

Councilor McLain indicated she had personally received from Mr. David Vanasche as well as letters on Site #49 from W & H Pacifics, a letter from Washington County from Linda Peters and Wallace and Korh PC a request for reconsideration of Site #49. She asked to clarify the minutes which were unclear on one point. That the Urban Reserve Site 63 was voted out at last Council meeting also the area roughly that same size adjoining this site to the east and west of Helvetia Road and north of Sunset Hwy., which was part of site 62, was voted in.

**Councilor McCaig** asked for a point of clarification. In reading the minutes Councilor McLain was summarized on Site 63 as voting differently than she just noted. She recommended an amendment to the minutes.

**Councilor McLain** said that the minutes had already been reviewed and that would be taking place with the clarification that she had requested to be put into the record. In the minutes there were two things that will be corrected. She asked that in the minutes that it was recorded as she had just previously read into the record that the Site that the Council voted on was West of Helvetia Road and North of the Sunset Highway which was part of Site 62 and it was voted 7/0 to be kept in.

**Presiding Officer Kvistad** asked for a motion and second to make sure this was included in the minutes.

**Motion:** **Councilor McLain** asked that two items be clarified in the minutes of December 5, 1996, one, that Site 63 was voted out by Council and that, two, site 62 west of Helvetia Road and the north of Sunset Hwy. be kept in.

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

**Discussion:** None.

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

minutes were amended.

**Presiding Officer Kvistad** told the Council that they had received a memo from himself regarding the Urban Reserve process. He read the last part of this indicating what would occur at the completion of today's agenda, what would happen when the Council sends the ordinance out to findings. The following would happen," as soon as the Council is in agreement and approves the motion to send the Urban Reserves to findings, the following will occur, one, I, as Presiding Officer, will direct that the record remain open for written public testimony for the period of one week ending, December 19, 1996. This testimony will be treated as part of the official record and included in materials sent to our legal staff for findings. Two, when the selected Urban Reserve areas are sent to our legal counsel, I will refer as Presiding Officer, for review, the Ordinance changes in RUGGOs to MPAC and request a recommendation on those changes regarding the Urban Reserve sites in the 2040 Growth Concept Map within 30 days. What I will do is make an amendment so MPAC has the opportunity to review this item and come back to us by the end of January rather than strictly 30 days because we will have about a week and a half to two weeks before the end of the year and I don't believe that we want them to have to use as part of their work time. Three, the Office of General Counsel will present proposed findings to the Council in February of 1997. At that time we will hold a public hearing on those proposed findings, MPAC recommendations and the Council Urban Reserve selections. Four, the Council will have a work session to examine and consider the findings, public testimony and MPAC recommendations and proceed with a final vote at that time."

**Councilor McCaig** asked to go on record as objecting to two points within that memo. The first she was never part of any discussion which concluded that the objective of this process was to identify 18,300 acres in Urban Reserves. She appreciated that this was the Presiding Officer's and Councilor McLain's perception and perspective, that was not hers. Secondly, the other recommendations, which she assumed the Presiding Officer would get into at the end of this process, dealing with revisiting any issue which was a close vote, was something she would like to talk about later and she would object to.

**Presiding Officer Kvistad** responded to Councilor McCaig. The Council was basing the 18,300 acres on the decision of the Growth Report that was adopted by the Growth Management Committee and by Council and sent out for further consideration later. He understood that Councilor McCaig had a difference of opinion at that and that was a fair difference of opinion.

**Councilor McCaig** followed up by saying that the recommendation that came from the Executive Officer and the staff actually put them in the ballpark of 13, 995 acres. Although that recommendation had never been discussed there was nothing conclusive or even discussion in the Growth Management Committee that those targets would be applied to this.

**Presiding Officer Kvistad** responded that the Executive Officer made a recommendation, it was not a policy decision and the only policy decision that the Council had to work from was the Council votes on this item.

**Councilor McLain** commented that Councilor McCaig, Morissette McLain and Presiding Officer Kvistad, for part of a year, sat on a Growth Management Committee which reviewed the Urban Growth Report. The Urban Growth Report was voted on twice in the Growth Management Committee. She referred anyone who was uncertain of the votes on that item to please check the record.

**Presiding Officer Kvistad** indicated that the Council would begin with Site 35. Site 35 in the Sher quadrangle map, a site in the northern part of the city of Wilsonville. This site took in the area where the Wilsonville city service center was located.

**Councilor Morissette** reiterated that this was one of the parcel's that he would be abstaining on.

**Presiding Officer Kvistad** announced that there was no motion to delete Site 35, this parcel remained in the Urban Reserve Study area.

**Councilor McLain** went on record stating that the City of Wilsonville contacted her and had sent documentation indicating their support of this site. One of the reasons for this was that the City had some of their services such as trucks and public works on this site already and were using it for urban purposes.

**Presiding Officer Kvistad** announced that Site 34 would be reviewed next. This site was in the Lake quadrangle map.

**Presiding Officer Kvistad** announced that there was no motion to delete Site 34, this parcel became a site within the Urban Reserves.

**Councilor McLain** spoke to Site 34. The review of the technical information given by staff and the Executive Officer, she believed that generally speaking, this study area had excellent access to I-205 and that the tax lots vary in size from less than an acre east of River Grove to larger parcels of 30 acres or more. She indicated that as far as the service provision, that there had been indication through the comparison of the technical information done on the cost of service provision and the site did seem to have the necessary services or could provide potential services necessary for urbanization.

**Presiding Officer Kvistad** reviewed Site 33.

**Councilor McLain** suggested that both Site 33 and 34 both have low EFU and that there were good schools and reviewing traffic issues, these sites had a higher level of traffic mixes. Both sites had Burton's support in the original proposal.

**Presiding Officer Kvistad** asked if there were any motions to delete. There were no motions to delete Site 33, this area was accepted into the Urban Reserve.

**Presiding Officer Kvistad** read a statement on Site 31 and 32. "There are many reasons why these sites should be designated as Urban Reserves, these sites involved 823 acres all rated as outer neighborhood according to our 2040 design type classification, buildable acres equals 472, almost 60% of total acres. Estimated dwelling capacity is 4,717 and employment capacity is 1,933. Staff rankings are low in the areas of agricultural retention and compatibility and in fact these sites contain a high proportion of resource land. However, other variables are rated good to high particularly with regard to traffic congestion, access to schools, lack of environmental constraints. This resource land is mostly class 3 and 4 soils with some class 2. However, these lands are almost totally surrounded by urban on three sides or exception land. In addition, very little actual commercial, agricultural activities are conducted on these lands. Availability of water for agricultural purposes is also becoming more limited. The cost to serve these sites is about average when compared to other sites. However, urban development in this area is likely to be very high end making service provision actually more feasible when compared with many other parts of the region. Testimony received thus far on these sites, testimony in favor of these sites had included the following, the area is close to Portland and will be very desirable and convenient for people

in that regard. The public services are available to many pieces of the current property, that the cost for providing services are not as high as local jurisdictions have alleged and that the area in fact is close to many cities and towns, has marginal soil types and is good buildable land.” He asked Mr. Morrissey to hand his statement out to members of the Council.

**Motion:**           **Councilor McCaig** moved to delete Site 32.

**Seconded:**       No second.

**Presiding Officer Kvistad** announced that since there was no second on the motion, the motion failed. There was no further motion, therefore, Site 32 was accepted into the Urban Reserve.

**Motion:**           **Councilor McCaig** moved to delete Site 31

**Seconded:**       No second.

**Presiding Officer Kvistad** called twice for a second. There was no second to the motion, therefore the motion failed. There were no further motions on this site, Site 31 was accepted into the Urban Reserves.

**Councilor McCaig** asked a point of clarification. She asked to explain why she made the motion now that the vote was completed. Those sites were the two areas known as the Stafford basin, Site 32 and 31. Site 31 was a relatively large site, 736 acres, 616 are farmland, but not prime farmland. As a result of the Council’s action at last Thursday’s Council meeting, the Council reviewed 8,500 acres and voted to include 5,000 acres in the Urban Reserves. Of those 5,000 acres, 1600 acres were prime farmland. Councilor McCaig did not support including the prime farmland in Washington County and in her original proposal would have voted for Stafford because she believed that this was the appropriate place for development. She thought it was more appropriate than the prime farmland being done in Washington County. Without deleting Stafford, at the end of the process, the Council would have over 2,000 acres of prime farmland and she did not believe that was ever the intent of the 2040 process or the goals of the Regional Framework Plan. She was disappointed by the vote but wanted the Council to know that this area was the right place to develop but in exchange for other farmland, she could not support it.

**Presiding Officer Kvistad** called for a motion on Site 30.

**Councilor Morissette** pointed out that this site was part of a person property, and he realized that they were not being property line specific. He referred to Mr. Seda’s property, it was important that the Council not leave him with something that he couldn’t use because part of it was slated for a school.

**Presiding Officer Kvistad** asked again for a motion on Site 30, no motion was made, therefore, Site 30 became a parcel within the Urban Reserve.

**Councilor Morissette** briefed the Council on Site 30. There was a request from the City of West Linn to have a school in that area. There were also numerous other reasons, already touched on, from that area.

**Presiding Officer Kvistad** continued, reviewing Site 29 which was on the Canby quadrangle map.

**Motion:**           **Councilor McLain** moved to delete resource zoned lands from Site 29.

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



**Discussion:** **Councilor McLain** spoke to this site indicating that this site should be included as an urban reserve except for the resource land. There was resource land on both the left and right. This change would eliminate about 134 acres of resource zoned land and would still leave 188 acres for the future urban development. There was support from Oregon City and the services seemed to be right next to the site.

**Presiding Officer Kvistad** said that the area in green was considered resource land, the area in white was considered exception land.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously, Site 29 was included in the Urban Reserves with the exception of the resource zoned lands.

**Presiding Officer Kvistad** called for further motions on Site 29. There were none. He then continued on to Site 28, in the Oregon City quadrangle.

**Motion:** **Councilor McCaig** moved to delete Site 28.

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

**Discussion:** **Councilor McCaig** reviewed, this site was 55 acres of which 51 acres were prime resource lands. It would be difficult to develop, it had a variety of different geographic needs, she believed Council should delete the whole site.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously, Site 28 was deleted from the Urban Reserves.

**Motion:** **Councilor McCaig** moved to delete Site 27.

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

**Discussion:** **Councilor McCaig** said 19 acres, of which 13 acres had the same kinds of traffic areas and resource lands.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously, Site 27 was deleted from the Urban Reserves.

**Motion:** **Councilor McLain** moved to delete the areas west of Ferguson Road and South of the tributary of Beaver creek which was immediately to the south of Beaver creek Road in Site 26.

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

**Discussion:** **Councilor McLain** said that this amendment included lands around the existing traditional Beaver creek Center so that the expansion of any existing community could occur but did not intrude into more rural lands south and east of the site. This site, as amended, would still include larger flat sites which could be developed as employment centers if an urban designation were made.

**Presiding Officer Kvistad** reviewed the amendment by pointing to the map and clarified with Councilor McLain what lands would be deleted.

**Councilor McLain** concurred. Councilor McLain continued that the site as amended still included larger flat sites which could be developed as employment centers for an urban designation. This would help address an existing lack of jobs in the whole area providing a better opportunity to reduce vehicle miles traveled and increased the breadth of the tax base to support the needed urban services especially the schools. Oregon City, Clackamas County and the Clackamas County Business Round Table had all presented reasoning for support.

**Presiding Officer Kvistad** asked Councilor McLain if these entities presented testimony on deletion of these parcels.

**Councilor McLain** said that the testimony presented spoke of the value of area 26 for industrial uses. Her interpretation was to leave in the areas of their concern.

**Councilor McCaig** noted her confusion, there were 1,947 acres in the site. Councilor McLain suggested that the Council delete everything to the right.

**Presiding Officer Kvistad** said that the exception land to the east and to the south would be deleted.

**Councilor McCaig** asked why the Council was deleting a portion of the site?

**Councilor McLain** responded that she had gone to a Beaver Creek hearing attended by over 100 people. There was a different character between west side of the Urban Reserve and the east side. Two of the most important reasons that made the east side not as usable were the type of parcelization, also the traffic issues and the lack of flow of traffic in that area. It also was a situation where there was reasoning that the Beaver Creek center was what should be urban not the rural type of area that she referred to as the east side.

**Councilor McCaig** said she would probably vote against the proposal only because that was exactly what the Council was attempting to do, was to build communities or enhance existing communities understanding that there were differences among communities. When reviewing the total number of households that could be developed from the 1,947 acres, almost 10,000 households, with employment at 6,000, she believed the goal of this process was to find those areas where we could reach those kinds of numbers. She would vote to leave the entire site in.

**Councilor Monroe** asked staff if they would elaborate on what Councilor McLain was suggesting being deleted from this site in terms of its current land usage. He noted that this was not resource land, it was exception land. He asked what the land use was in the area and why it was not appropriate for urbanization.

**John Fregonese**, Director of Growth Management Services, responded about the land use on this site. Most of smaller parcels were single family homes of one to two acres or they were small farms. He noted one parcel, one of the larger ones on this site, about 20 acres with a \$57,000 home on it. He said that there was some constraints on this larger parcel due to a creek which ran through the property. This was rural exception land with the soil class being primarily class 2 soils. The soil classes in the area were fairly good.

**Councilor Monroe** stated that the parcelization was such that they were so small that active farming was probably not a possibility. Was that correct?

**Mr. Fregonese** said that commercial farming was not commonly carried out in this area. There were some horticulture underway, some nursery stock and the kinds of things that could be done on small acreage. Generally, it did not appear to be an area of large commercial horticulture.

**Councilor Monroe** indicated that he was going to oppose the motion. It struck him that this was the kind of land that we ought to be bringing in ultimately to the Urban Growth Boundary for continuing the urbanization that had clearly already begun and allowed protection of more farmland.

**Councilor McLain** closed by saying that the size of this particular urban reserve study area was 1,947 acres. The size along was in itself problematic. What she was trying to look at was again on its own merit, what gave the most possibility for the best urbanization. She revisited Councilor McCaig's argument on the Stafford site that if there was an area that poked out extending into the farmland, that this was in itself a reason to vote it out. On that particular site, Councilor McCaig voted to keep all of the exception land out of the urban reserve. Additional reasons for deleting those particular areas of site 26 was there were wetlands and flood plains as well as some active small farming going on in those areas. She believed that they would not be able to use it for industrial. Keep in mind that there was particular interest in this site, not for housing but rather for industrial sites in Clackamas County. The type of land that was in the peninsula shaped area would not provide an industrial opportunity. The amendment which included the area to the west of that area still allowed for industrial sites or manufacturing for the people of Clackamas County and the people who lived there.

**Presiding Officer Kvistad** once again reviewed the area of deletion from site 26, deleting the area on the east side. Those voting in favor would be voting to delete that area, those voting no, would leave the parcel intact.

**Vote:** The vote was 3 aye/ 4 nay/ 0 abstain. Councilors Washington, Morissette and McLain voted aye, Councilors McFarland, McCaig, Monroe and Presiding Officer Kvistad voted nay. The motion failed, site 26 remained an urban reserve.

**Councilor McFarland** asked Mr. Fregonese for clarification on the \$10,000 building that Mr. Fregonese referred to on one of the parcels in this site. She suggested that this may or may not be a home.

**Presiding Officer Kvistad** again announced that Parcel 26 was accepted in total into the Urban Reserve.

**Councilor Morissette** spoke to site 25. There was low EFU, the Executive Officer had recommended it and it ranked fairly low in service provisions.

**Councilor Monroe** asked staff about the EFU triangle of land up in the corner of the site.

**Mr. Fregonese** said he believed in the Executive Officer's recommendation he did delete that area.

**Motion:** **Councilor Monroe** moved to delete the EFU land in Site 25.

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

**Discussion:** **Councilor McLain** spoke to this site. There would be some things that she wished to revisit as the Council goes through at the end of this process when there was a full package. This was a perfect example of a site that was similar to one out in West Union. That small triangle could not be farmed when it was completely surrounded by urbanization. The Council had chosen to put the rest of the site into an Urban Reserve which meant that some day it could possibly be urbanized. She asked staff how large the EFU corner was?

**Mr. Fregonese** responded that it was a forty acre parcel with no home to the east. In the data set it was valued at \$14,000, probably a farm tax deferral. There was not building value or square footage and it was 37.8 acres.

**Councilor Monroe** concluded by saying that this EFU area is not an isolated corner but part of much larger contiguous EFU area.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously. Site 25 remained as part of the Urban Reserves with the EFU land being deleted from the site.

**Presiding Officer Kvistad** called for any further motions. There were none, therefore, Site 25 remained in the urban reserves as amended.

**Councilor Morissette** spoke to Site 24 which had a low EFU, has large parcels, the Executive had supported it.

**Councilor Monroe** asked staff to take a closer look at the EFU corner which once again was contiguous to a larger EFU area. He asked staff to review the parcel, what was its use, did it have building on it, how many acres was it?

**John Fregonese** said that area was \$771,000 in value, 66 acres with no building. The soil class was 2. It was in resource use.

**Motion:** **Councilor Monroe** moved to delete the EFU land from Site 24.

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

**Discussion:** None.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously to delete the EFU land from Site 24.

**Councilor McCaig** asked for a point of personal privilege. She understood what the Council was doing, every time there was a couple of acres of EFU it would be taken out. She would vote to do this, however, she wished to go on record as saying that in many of these cases she believed those were appropriate places and the capacity was significantly increased by these small parcels adjacent to small communities or potential communities. She believed that this was backwards, the Council was in fact protecting farm land in places where all of the past work would indicate if the trade had to be made, those were the important places to make the trade. She would support these motions but would rather protect large areas of farm land in entire regions where there were no good reasons to develop than nickel and diming the process by trying to protect small pieces.

**Presiding Officer Kvistad** announced that there were no further deletions on site 24. Site 24 as amended was moved into the urban reserve.

**Presiding Officer Kvistad** called for motion on Site 23. There were no motions on Site 23, therefore, Site 23 remained in the Urban Reserves.

**Councilor McLain** said, for the record, this site had no EFU, a low slope, and the Executive Officer supported this site in his report.

**Councilor Monroe** asked staff about the nature of the EFU land by Abernathy Creek in Site 22, what was the status of land, the current use of the land and the soil classification.

**Mr. Fregonese** responded that this land was 55 acres with the land use shown as vacant. By its value he believed was farm use deferral, class 2 soils and some class 1 soils. He noted two additional parcels just to north which were similar, 25 acres and 28 acres.

**Motion:** **Councilor Monroe** moved to delete the EFU land from Site 22.

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

**Discussion:** **Councilor Monroe** said that the Abernathy Creek Valley was a very pristine rural agricultural valley, this parcel was a part of that valley. It was in that use now, he saw no reason to include the EFU land for urbanization at this time.

**Councilor McCaig** asked staff to pull up the larger map so the Council could see what the trend was around that area.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously with the EFU lands being deleted from Site 22.

**Motion:** **Councilor Morissette** moved to delete Site 21.

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

**Discussion:** **Councilor Morissette** indicated that this site had steep slopes, a total of 12 acres, 10 of the acres was in resource land. He believed this was a poor site to be accessed.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously. Site 21 was deleted from the Urban Reserve.

**Councilor McLain** said that site 20 was a very unusual site. She recommended visiting the site. One of the reasons Councilor McCaig talked about nickel and diming us to death on the EFU land was because in Clackamas County, because of some of the previous planning that was done in the 70s and 80s, one would find a lot of little sites that looked different right next to each other. This particular site had documentation on how it might effect Newell Creek Canyon. As a Metro agency with open space issues and with trying to acquire and protect that Newell Creek Canyon open space and environmentally sensitive areas, this existing zoning would allow some additional development and would have much

more impact because of the very steep and sensitive land right around the east and west portions of the site.

**Motion:**           **Councilor McLain** moved to delete site 20.

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

**Discussion:**     **Councilor Monroe** asked staff to review a piece of land in the site that was on either side of a road that was on a ridge top? Were there home lots on each side of the road?

**Mr. Fregonese** said that that was correct. There was pretty much a home on each of the properties that fronts on the street, the lots were long and skinny and went back down the slope on either side.

**Councilor Monroe** further clarified that the part that was being suggested for Urban Reserve did not go clear down the slope but was fairly minimal?

**Mr. Fregonese** responded that it was along the road a couple of hundred feet.

**Councilor Monroe** expressed his concern about Newell Canyon. He wondered if having the urbanized strip under the control and jurisdiction of the City might not through City zoning actually enhance the protection level since it was already essentially urbanized rather than leaving it theoretically rural, rural-urban without any protection from any municipality. He asked for Mr. Fregonese's input on that thesis.

**Mr. Fregonese** said that that was a policy thesis. He said it was about 500 feet back from the road.

**Councilor Monroe** said he would like to see the control and protection of the city along there. He suggested the Councilor McLain might be able to convince him that deleting this area really did in fact protect Newell Canyon. If not it was the kind of area that he had been voting to consistently include.

**Councilor McLain** asked Councilor Monroe to review the map that showed him how close he really was to Newell Creek Canyon. Those individuals couldn't do anything more to their property because this was done before there was good land use in place in the state. If Councilor Monroe really wanted to protect Newell Canyon he would not allow any further urbanization, especially up on the ridge where all of the waste water could run down.

**Vote:**               The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously eliminating Site 20 from the urban reserve.

**Councilor Monroe** requested a vote explanation. He was expecting Commissioner Hammerstad to still protect this area under county jurisdiction.

**Councilor Morissette** spoke to Site 19, no EFU land, good access to centers and the Executive had supported this site.

**Presiding Officer Kvistad** called for any motions on site 19. There was no motion, therefore, Site 19 remained within the Urban Reserve.

**Presiding Officer Kvistad** reviewed Site 18, the top most parcel on the Oregon City quadrangle map.

**Councilor Morissette** spoke to Site 18, about 5% EFU, large parcels, the Executive had supported it.

**Presiding Officer Kvistad** called for motions to delete site 18.

**Councilor Monroe** asked about the bit of EFU connected to some farms and why was the line not drawn to exclude those areas and how many acres were EFU.

**Presiding Officer Kvistad** responded that they were trying not to be lot line specific since these were study areas, they were still not lot line specific. Therefore it was probably at drainage basin or at a contour.

**John Fregonese** acknowledged Presiding Officer Kvistad's assessment of the site and added that there was 6.7 acres of EFU land.

**Presiding Officer Kvistad** saw no motion to delete Site 18, therefore, Site 18 remained within the Urban Reserve.

**Councilor Morissette** spoke to Site 17. There was no EFU land, good access to centers and the Executive had supported the site.

**Presiding Officer Kvistad** indicated Site 17 on the map and called for motions. There were no motions, Site 17 remained within the Urban Reserves.

**Councilor McLain** reviewed site 16. The site was very steep with no yield. There were only two acres of buildable space within the 15 acres. One of the Growth Management staff told Councilor McLain that this parcel was "steeper than a cow's face".

**Councilor Morissette** indicated that there was 26% slope.

**Motion:** **Councilor McLain** moved to delete Site 16 from the urban reserve.

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

**Discussion:** **Councilor McLain** asked the Council to please delete this site.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously with Site 16 being deleted from the urban reserve.

**Councilor McLain** asked questions of staff on Site 15 and asked staff to show her the map.

**Presiding Officer Kvistad** showed on the map where the Urban Growth Boundary was.

**John Fregonese** showed where Sunnyside Road was at the bottom of the site.

**Councilor McLain** reviewed Site 15, noting Road 147. She felt that the left hand side of the site was problematic to her. She indicated that there had been a road issue brought before the Council in this urban reserve study area. Route 147 had been closed because of safety issues including a school bus accident. There was a need to make sure that whatever the urban reserve study area was that it was configured in such a way to allow that road to be at least revisited as far as travel was concerned because if urban

reserves were done to the right of 147, without allowing enough to be there in site 15, there would be difficulty solving the traffic problem or road safety problem. In looking at it on the small map, Councilor McLain said it looked to her like there were some large parcels to the left that were still exception land and that the site should go to that next road and go straight up in a square. She drew the change on her own map and presented the map she was talking about.

**Presiding Officer Kvistad** asked if Councilor McLain was concerned about this area here (and pointed to the map)?

**Councilor McLain** responded, "that's correct."

**Presiding Officer Kvistad** reviewed the changes Councilor McLain had indicated.

**Councilor McLain** wanted to make sure that there were opportunities to fix the transportation issue because she could see putting any more urbanization in that area if the road could not be fixed.

**Councilor Morissette** added that there was testimony from Happy Valley, the Whites and the Roses. They encompassed part of that wide area there. He asked that Mr. Fregonese take that line straight up on this site. He thought the recommendation that Councilor McLain was trying to get to was to include that portion in Site 15.

**Councilor McLain** said she was looking for either a man-made barrier or some kind of ridge or a creek, perhaps, because she didn't want to just make it out there. She wanted to make it was out there (as she pointed to the map); she just wanted to make sure that was enough for 147th. She would take it out to that blue line, if she had a choice. She noted the blue line and asked to zoom out to the bottom blue line.

**Presiding Officer Kvistad** said that according to his map, this was the top of a butte.

**Councilor McLain** pointed to the map and said about right here. We needed to make sure that there was the possibility for work on that road. She wanted to amend Site 15 to include that area.

**Presiding Officer Kvistad** clarified with Council McLain that she was making a motion to amend Site 15 to include this land here.

**Councilor McLain** affirmed and said that she would not be able to vote for it as an urban reserve without that change.

**Main**

**Motion:** **Councilor McLain** moved the amend Site 15 to include a piece of land.

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

**Discussion:** **Councilor Monroe** suggested to Councilor McLain to include along that ridge top road and those lots on either side that went to the west? There was a road there and there was some development on either side and it was basically a ridge top leading up toward the mountain top.

**Presiding Officer Kvistad** said he had a technical question to direct to legal staff. It had been his understanding and intention that the Council was dealing only with the study areas. He was not prepared



to include any areas. He asked Mr. Cooper what the legal ramifications were or what were the ramifications of including areas in our urban reserve which had not yet studied.

**Chief Counsel Dan Cooper** said it was going to be an issue for findings and evidence in the record. He added that Metro had done the studies. The Council had that basis. The actions taken in designating the study areas specifically didn't preclude the Council from taking action to add other areas to the urban reserve. The Council was just marshaling their resources and limiting what staff time was spent on the specific areas the Council decided to study. The problem came not from this motion being moved in. It was the record were going to have to have and develop and make sure we had sufficient evidence and knew more about this and he guessed those were the issues. Mr. Cooper suggested that Mr. Fregonese may wish to comment on that.

**Councilor McLain** requested to speak to the issue. It was her understanding that this was not a land use decision and that our urban reserves did not have a hard or soft edge and that we were studying a glob of area. Her concern was that she wanted to give direction to staff that if this was chosen as an urban reserve, that she was giving them a suggestion of what she thought would be a better edge to this study area. She believed that there would be a problem if you stopped right there on that road that had been closed because of the steepness of the terrain and that you needed to give them some room to navigate that urban reserve if you were going to include any more urbanization. She addressed Councilor Monroe and said if this made more sense, then fine. She would give them that direction. She indicated that this was not a hard edge. We did not study any hard edges and that was what staff would do in findings and that was exactly what she was doing. She was just suggesting that this area was a little bit more appropriate for an edge than this one because of the road condition.

**Councilor Morissette** clarified that the Council was voting on Site 15 with an addition of the area outlined by Councilor McLain? He asked if that was correct?

**Presiding Officer Kvistad** affirmed Council Morissette's clarification and said what he wanted was to be very clear about where the edge was.

**Councilor Monroe** said his suggestion was to include a part right here which was already broken up into small plots along a ridge top and there was a road right up the ridge. He thought he had heard Councilor McLain saying that she would agree to this change and that Councilor McLain was asking to include this rectangle (as he outlined on the map).

**Councilor McLain** agreed to Councilor Monroe's amendment to her amendment. It was a friendly amendment.

**Motion to Amend the Main Motion:** **Councilor McLain** amended her amended site 15 to include the additional small plotted lands along the ridge top.

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

**Discussion:** **Presiding Officer Kvistad** clarified the change and indicated he was uncomfortable with adding area that had not studied. He wished to make sure that when drawing a new map edge, that the Council was drawing a curved edge that was not lot-line specific within whatever this region would be.

**Councilor Washington** asked if the Council was actually adding something now to the urban reserve? He had heard two things from Councilors McLain and Monroe. Number one, that they were making a suggestion that if the Council adopted this addition, that area would be considered. He asked if the Council was adopting a suggestion or were we actually changing the boundaries up there?

**Presiding Officer Kvistad** responded that Councilor McLain's motion, as he understood it, would be to add roughly this parcel and he drew it with curved edges, as amended, by Councilor Monroe. He reiterated that the Council was not making lot-line decisions. He clarified with Councilor Monroe, was he adding that area into Parcel 15 and clarified with Councilor McLain, that Councilor Monroe's addition went with her amendment. It had been moved and seconded to amend Parcel 15 with the addition of roughly this area here, not necessarily using lot lines but using a curved edge into the urban reserve Site 15. It had been moved and seconded. Was there any discussion on that?

**Councilor Monroe** said that he had just a question that Councilor Washington had already asked. Approximately how many acres did that add to the urban reserve?

**John Fregonese** said he would estimate it on the order of 50 acres.

**Presiding Officer Kvistad** said, with the understanding that it was approximately 50 acres, was there further discussion about the motion?

**Councilor McCaig** said she would vote for a clean Site 15. She asked for clarification to return to the original site boundaries and asked if she must make another amendment to add something on Site 15. Should she move to amend this motion?

**Presiding Officer Kvistad** said that Site 15 currently existed in its current configuration. A 'no' vote on this would retain it in its current configuration. A 'yes' vote would add to this area.

**Councilor McCaig** felt that a proposal at this point in time to do something like this just contributed to the lack of credibility that this process had. She could not believe that we were talking about adding land that had not been studied and we didn't even know the total acreage nor had we had any testimony on this. She thought it was a bad idea. She would support Site 15 without doing anything to it because then it stayed in.

**Councilor McLain** responded to the last comments, which she did not agree with. First of all, the Council had received quite a bit of testimony in this area including a Mr. Rose and a Mr. White and testimony from Clackamas County and Happy Valley on their issues, which was in support of Site 15. She would also point out that we had also been given information that this study was not line-lot specific and that we needed to give direction to staff if we are going to vote something into the urban reserve findings process. That was exactly what we were doing right now. She would end with this comment: The Council had already done this. We had given direction to staff in other areas including the ones in Washington County on what we wanted the findings to reflect.

**Presiding Officer Kvistad** clarified that a 'yes' vote would be to include this land into Parcel 15. A 'no' vote would be to retain Parcel 15 as it currently existed.

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

**Presiding Officer Kvistad** announced that Parcel 15 existed in its original form and asked if there was a motion to delete Parcel 15? Again, was there a motion to delete Parcel 15?

**Motion:** **Councilor McLain** moved to delete the entire Parcel 15 because she believed that further urbanization in this area would create many safety issues.

**Seconded:** None.

**Presiding Officer Kvistad** announced that the motion died for the lack of a second. Was there any further motion on Parcel 15? He saw no further motions therefore, Parcel 15, as it exists was accepted into the urban reserve.

**Councilor Morissette** reviewed parcel 14. This was part of the Damascus area that the Council had been looking at. It was numbered in several different ways. There was no exclusive farm use (EFU) on this proposal. It had Executive Officer Mike Burton's support.

**Presiding Officer Kvistad** outlined parcel 14 on the map and called for any motions to delete Parcel 14? No motions were presented, therefore, Parcel No. 14 remained within the urban reserve.

**Presiding Officer Kvistad** said that Parcel No. 13 was in the Damascus quadrangle map.

**Councilor McLain** asked staff how much of that site was flood plain.

**John Fregonese** responded, the flood plain percentage was in the report. The stippled area was flood plain, the town of Carver. The total amount of flood plain was 3.7 acres.

**Presiding Officer Kvistad** considered Parcel No. 13. Are there any motions to delete Map 13?

**Motion:** **Councilor McCaig** moved to delete Map 13.

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

**Discussion:** **Councilor McCaig** said this site was reviewed by the staff and got a particularly low rating. It was not included in the Executive Officer's proposal nor had the Council received any testimony in support from the local government involved to include that. She would asked that the Council delete it.

**Councilor McLain** asked to put in the record that she believed that there was testimony on this area and she didn't want that to go on the record that we did not receive testimony.

**Councilor Monroe** noted the town of Carver in the site, was that correct? That area was a busy intersection with restaurants and all kinds of things. He couldn't imagine why we shouldn't include it in the urban reserve. It was already urban.

**Councilor McLain** said she would speak against this motion to delete. It was a perfect beginning to a town center that the Council had suggested as appropriate for different portions of the region so that people weren't going so far for services and she would vote against this deletion. There was also, Mr. Presiding Officer, no exclusive farm use (EFU) land.

**Presiding Officer Kvistad** asked if there were any further comments on the motion to delete?

**Councilor McCaig** said that she received no local government testimony in support of the measure which maybe there was something but that was the specific comment she made. Secondly, in the objective criteria rating in which Councilor McLain participated, the overall rating for this particular lot was a 47.5. It didn't even meet the minimum cut off of a 50% rating in terms of review by Executive Officer Mike Burton for inclusion, so overall, it was not very stable property. It was not the kind of property that we wanted to do a lot of building on and it didn't meet the kind of capacity needs that we were talking about even though it was not (EFU) exclusive farm use. That was the reason why.

**Presiding Officer Kvistad** reviewed, a 'yes' vote would be to delete Site 13, a 'no' vote would be to retain it in the urban reserve.

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

**Presiding Officer Kvistad** announced that this item remained within the urban reserve. Any further motions on this item? Seeing no further motions, Site 13 remained within the urban reserve.

**Presiding Officer Kvistad** called for a motion for deletion on Area 12?

**Motion:** **Councilor Morissette** moved to delete Area 12 and added that there was 24% slopes.

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

**Discussion:** **Councilor Morissette** said this slope should speak volumes. It was probably not a productive area and we would be putting a bunch of high-density housing in there.

**Presiding Officer Kvistad** asked how that fit within the 'cow-face criteria?'

**John Fregonese** said it was slightly less than the previously discussed 26% sloped site.

**Councilor Monroe** asked Mr. Fregonese about the current use of this land. He understood that some of it, especially to the south and west, was very rugged and steep but what about up on the top? What about the north-east corner of this land? Was it just a big hillside?

**John Fregonese** indicated it was fairly steep. This area actually looked like there was one home on an 86-acre parcel. It didn't have a land use on it so he couldn't tell the Council anything. He knew it was steep and forested. In looking at the ranking that was presented to the Council, it received a zero in efficiency. It was among the least efficient properties, having only 45 buildable acres out of 195 and similarly, the road network, traffic congestion, schools, efficiency factor, buildable land, environmental constraints (received a 1) so it scored very low on everything almost, other than the fact that it was a DFU obviously scoring high on that factor, but low on every other one.

**Councilor Monroe** asked what was the Executive Officer's recommendation?

**John Fregonese** responded that he did not recommend that this site be included.

**Presiding Officer Kvistad:** said a 'yes' vote would be to delete Site 12. A 'no' vote would be to retain it

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors McFarland, Morissette, McLain, Washington, Monroe and McCaig voting aye and Presiding Officer Kvistad voting nay.

**Presiding Officer Kvistad** announced, on a six to one vote, Site 12 was deleted from the urban reserve.

Presiding Officer Kvistad said Area 11 was also on the Damascus quadrangle map. It went south approximately to here (reviewing the map) and went up into approximately here and then down to approximately here. Was there any information on Site 11.

**Councilor McLain** said that Mr. Burton did support this in the basic recommendation. There was a low cost of services indicated in the reports that we had seen and it was low EFU (exclusive farm use) land; in fact, very low.

**Presiding Officer Kvistad** called for a motion for deletion of Site No. 11? He saw no motion to delete, therefore, Site No. 11 was retained within the urban reserve.

**Presiding Officer Kvistad** referred to the Damascus quadrangle map. Area No. 10 was adjacent to Site 11 and encompassed this area along here (pointing to the map). With that, he called for a motion for deletion of Parcel 10?

**Councilor McFarland** asked if there was a piece of EFU (exclusive farm use) land there?

**Presiding Officer Kvistad** said the data showed as exception land.

**Councilor McFarland** asked if it was truly EFU (exclusive farm use) land and how much there was of it. Was it next to more EFU (exclusive farm use) land?

**John Fregonese** said this was a 40-acre parcel that was exception land. That particular parcel had a 5000-square foot house on it. It must be a big family. This was a fairly large area of EFU (exclusive farm use) in Clackamas County. The executive recommended this but did recommend that the EFU be edited out.

**Motion:** **Councilor Monroe** moved to remove the EFU (exclusive farm use) land.

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

**Discussion:** **Presiding Officer Kvistad** said that there was a motion before the Council for the elimination, in Area 10, of this portion which was EFU (exclusive farm use) land. Were there any questions or comments on this item?

**Councilor Morissette** asked if it wouldn't create an island here with this parcel because this was at the base of another set of buttes sloping down to this area?

**John Fregonese** believed this was an area that sloped down to that creek but that it was not actually - it was actually at the top of the butte. The creek was quite steep and it flattened out a bit in this area. This

creek was in a sense a barrier between these two areas but he thought this also had sufficient access that it would be probably an area of 100 acres or so of resource land. I didn't believe that this was necessarily farm land. A lot of this was forest land in this part of Clackamas County so it was not the same as farming. It could be some kind of wood lot. This area was primarily soil class III and a little bit of soil class II. One could see it as a canyon there. It appeared to be similar to some of the Stafford area but it was part of a larger, contiguous area.

**Councilor McFarland** asked if the Executive Officer recommended that we take that corner out?

**John Fregonese** answered affirmatively.

**Presiding Officer Kvistad** reviewed, a 'yes' vote would be to delete that from the area, a 'no' vote would be to retain it.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously, Site 12 was amended to delete the EFU lands.

**Presiding Officer Kvistad** said this urban reserve area No. 10 was amended. He called for a motion for the deletion of the amended area in No. 10? He saw no motion, Area 10 as amended remained within the urban reserve.

**Presiding Officer Kvistad** reviewed area 9 on the Damascus quadrangle map and said it was comprised entirely of exception land. Was there anyone who would like to speak to that?

**Councilor McLain** said No. 9 had less than 1% EFU (exclusive farm use) land. She thought there were two or three acres and the Executive Officer had supported this.

**Presiding Officer Kvistad** asked if there was a motion for the deletion of Area No. 9?

**Councilor Morissette** recommended that we look at the parcelization there. There was probably not going to be a lot of houses in an area like that. He made a lot of those comments the last time so he didn't want to be belabor it. He just wanted the Council to remember how parcelized some of these sites were for the productivity we were assuming. He thought the Council was off.

**Presiding Officer Kvistad** announced that there were no motions to delete, Area No. 9 was retained within the urban reserve.

**Presiding Officer Kvistad** said Site 8 was also in the Damascus quadrangle, it was all exception land. Was there any information on Area No. 8?

**Councilor McLain** indicated there was no EFU (exclusive farm use) land and the Executive Officer did support it in his basic concept and it was contiguous with the other pieces that we had left in the study area to be urban reserves.

**Presiding Officer Kvistad** called for a motion to delete, there was no motion to delete Site No. 8, it remained within the urban reserve.

**Presiding Officer Kvistad** noted Site No. 7 was also in the Damascus quadrangle map.

**John Fregonese** said he wanted to add, for the record, that Sites 8 and 9 were the commercial center of Damascus and contained a Safeway and a number of commercial activities.

**Presiding Officer Kvistad** said the Council was now at Site No. 7. It was all exception land.

**Councilor Morissette** spoke to it other than the highway-partitioned and the parcelized nature and the low probability of high-density housing being in the area, it was part of that Damascus area that the Council had been moving through. It had the Executive Officer's support.

**Presiding Officer Kvistad** called for a motion for the deletion of urban reserve area No. 7? There were no motions to delete, Area No. 7 remained within the urban reserve.

Presiding Officer Kvistad noted Area No. 6 was a fairly large parcel.

**Motion:**           **Councilor McLain** move deletion of the EFU (exclusive farm use) land in Area No. 6.

**Councilor Monroe** said he had a question before he seconded. Down in the south EFU (exclusive farm use) area, did we leave the EFU (exclusive farm use) land that was in No. 11 intact or did we remove it? He believed we left it in?

**John Fregonese** said, that was correct, Councilor Monroe. He would like to tell Councilor Monroe about the Executive Officer recommendation on this. The Executive did not delete any of these that was Class III and IV soils, they were completely surrounded and under the urban reserve rule, he did not believe that they are under the same protection as other EFU (exclusive farm use) lands.

**Councilor McLain** removed her motion from the table.

**Councilor Monroe** continued, was that true of the northern EFU (exclusive farm use) lands there up along Foster as well?

**John Fregonese** responded, yes, this area was completely surrounded by exception lands and this little piece was completely surrounded by exception land as well. These were in holdings of exception land. He asked Mark Turpel if he had anything on soil classifications? There was a tiny bit of Class I right here but it was heavily surrounded by Class III with some Class II.

**Presiding Officer Kvistad** called for a motion to delete Area No. 6? He saw no motion to delete, Area No. 6 remained within the urban reserve.

Presiding Officer Kvistad indicated that Area No. 5 was also on the Damascus quadrangle map and asked if there was someone that would like to speak to this parcel?

**Councilor Morissette** reviewed, this parcel had a lot of the same circumstances as the previous ones the Council had been discussing, low EFU (exclusive farm use) lands, low slopes. The Executive Officer had recommended 'yes' on this.

**Presiding Officer Kvistad** asked if there was a motion to delete urban reserve No. 5? He saw no motion, urban reserve area No. 5 remained with in the urban reserve.

**Councilor McLain** read the following information into the record. First of all, when the staff was reviewing their work and reviewing their technical ranking of all of these sites, they found that they had made an error in this site, Site 4. The site rating was in error because the site was totally surrounded by urban lands. The computer rating system erroneously miscalculated individual ratings. This site had no resources lands within it yet scored almost at the bottom of the ranking for agricultural retention and agricultural compatibility. Revised ratings would place it highly suitable for urbanization when compared with the other sites.

**Presiding Officer Kvistad** reviewed Site No. 4. The Urban Growth Boundary currently surrounded the site completely. Was there a motion for the deletion of Site No. 4? He saw no motion, Site No. 4 was retained within the urban reserve.

**Presiding Officer Kvistad** announced Site No. 3 would be on the Damascus quadrangle map. He believed it also showed up on your Sandy quadrangle map but the best view was on the Damascus quadrangle map.

**Motion:** **Councilor McFarland** moved to delete Site No. 3 with the exception of a little piece of land in the southwest corner.

**Councilor McFarland** believed Mr. Turpel had a description for that area, the reason being the roadway on the Persimmon Golf Course had already been planned and it made a little loop through there and it was very important that they have the access to that. It was diagonally shaped. She would leave that portion in. It was the southwest corner of Parcel No. 3.

**Presiding Officer Kvistad** reiterated that Councilor McFarland had made an amendment to delete all of Site No. 3 with the exception of the one little wedge that approximately came down to this lot line below (he pointed to the map).

**Councilor McFarland** said this was already a part of a designed road that went through the area and looped down through and she believed it had already actually been accepted by the planners in the area. A lot of the site was EFU (exclusive farm use) land and it was rated by poorly on utility feasibility, road network, efficiency factor, buildable land and environmental constraints. She didn't think there was any reason for the Council to keep the rest of that in since we needn't burden East Multnomah and East Clackamas Counties with too much of that. She recommended that we take it out with the exception of the land she described.

**Presiding Officer Kvistad** said he also showed a piece which he believed was in Site 1A. Would that be this parcel here? Would you deal with that with Site No. 1?

**Councilor McFarland** agreed that would be dealt with when she dealt with Site 1.

**Seconded:** **Councilor Monroe** seconded Councilor McFarland motion on site 3..

**Discussion:** **Presiding Officer Kvistad** announced that it had been moved and seconded that Site No. 3, with the exception of this parcel approximately of this size, showing on this exhibit, be deleted. This area here would remain in the urban reserve; this area would be deleted from the urban reserve (he reviewed the map). Was there any discussion of that motion?

**Councilor McFarland** suggested the Council vote.



**Presiding Officer Kvistad** reviewed the vote would be as follows. a 'yes' vote would be to delete all of Site No. 3 with the exception of that one area. A 'no' vote would be to retain the parcel in total.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously to delete all of Site 3 with the exception of the small piece of land in the southwest corner.

**Presiding Officer Kvistad** said on an unanimous vote of Metro Council, Parcel No. 3 was amended and was deleted with the exception of that area. Were there any further amendments to Parcel No. 3 as amended? Was there any further amendment to Parcel No. 3 as amended? He saw no further amendments, Parcel No. 3 as amended remained within the urban reserve.

Presiding Officer Kvistad moved on to Parcel No. 2

**Councilor McFarland** indicated she want to leave the majority of Parcel No. 2 in but the NW corner. She would like to move that out and she didn't know exactly how many acres that it was. Can the staff tell her how many acres?

**Presiding Officer Kvistad** clarified that Councilor McFarland was moving to amend out of No. 2 this area?

**Motion:** **Councilor McFarland** moved to delete the EFU (exclusive farm use) land in the northwest corner from Parcel No. 2.

**Presiding Officer Kvistad** reiterated that Parcel 2 would remain intact under Councilor McFarland's motion with the exception of this area (he pointed to the map) so she was moving to delete this portion of Parcel No. 2. Was that correct?

**Councilor McFarland** responded, exactly, and asked the staff how many acres was included.

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

**Discussion:** **John Fregonese** said it appeared to be in the order of 45 acres.

**Councilor McFarland** said it was largely EFU (exclusive farm use) land.

**Presiding Officer Kvistad** announced that the amendment on the floor that had been moved and seconded (reviewing it on the map) was all of Parcel No. 2. The amendment was to delete this portion of parcel No. 2. Was there any discussion about this motion?

**Councilor McFarland** responded, no, Mr. Presiding Officer.

**Presiding Officer Kvistad** said the motion before the Council was to delete this portion of Area No. 2. A 'yes' vote would be to delete this portion; a 'no' vote would retain No. 2 in total.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilors Washington, Monroe, McFarland, Morissette, McLain and Presiding Officer Kvistad voting aye and Councilor McCaig voting nay.

**Councilor McCaig** said she had been confused and she would lose this if she did it in improper order.

**Motion:** **Councilor McCaig** moved to delete all of Site No. 2.

She then asked if she had lost the opportunity to do that?

**Presiding Officer Kvistad** responded the Councilor McCaig had the motion. She did have the opportunity for a motion to delete the entirety of the remaining Parcel No. 2. He had a motion from Councilor McCaig. He called for a second on Councilor McCaig's motion for deletion? There was no second to her motion, therefore the motion failed due to a lack of a second.

**Councilor McCaig** asked just for purposes of discussion, was the Council now almost to 3000 acres of prime farm land. The Council was almost at 18,000 to 19,000 acres total. These two pieces of property which were out in east Multnomah County were very long-term investments. They didn't have the infrastructure. Mayor McRobert would tell us that it was not a top priority for them to see this added in. There was no reason for us to break the bank by continually adding in property that didn't have a real constituency or serve a real need. In these two pieces of property, there were another 350 acres of prime farm land. Her argument was that we would always have the opportunity to go back and add these things in and we didn't have to do it all now. It was not part of a community; it was on the other side of a hill; it didn't meet the basic requirements of the 2040 process. It didn't create a new community with an identity and it didn't enhance an existing community. She would have voted, had we had an opportunity to delete both of those.

**Presiding Officer Kvistad** reviewed, before the Council there was a motion to delete. There was no second to that motion. Was there any further motions to amend on Parcel No. 2? Were there any further motions to amend or delete or Parcel No. 2.

**Motion:** **Councilor Monroe** moved to delete Site No. 2.

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

**Councilor Monroe** said he dittoed what Councilor McCaig said.

**Councilor McFarland** said she would strongly speak against that. She had talked extensively with the people who lived out there and the governments that were involved and this was a compromise that we arrived at.

**Presiding Officer Kvistad** asked are there any further comments on the motion to delete? "Seeing none, Councilor Monroe, do you have a close?"

**Councilor Monroe** responded, no.

**Presiding Officer Kvistad** said there was a motion on the floor to delete the entirety of Site No. 2. A 'yes' vote would delete the entirety of Parcel No. 2; a 'no' vote would retain Parcel No. 2 as amended.

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Monroe and McCaig voting aye and Councilors McFarland, McLain, Morissette, Washington and Presiding Officer Kvistad voting nay.

**Presiding Officer Kvistad** announced that the motion to delete the entirety of Parcel No. 2 had failed and called for further motions on this parcel? There were no further motions on this parcel, the motion to delete having failed, Parcel No. 2 was retained within the urban reserve.

Presiding Officer Kvistad moved on to Parcel No. 1.

**Motion:**           **Councilor McFarland** moved to leave the portion of the site west of Highway 26 in and it was marked 'in and leave the portion on the east side of that highway out. That was land that was poor for development.

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

**Presiding Officer Kvistad** said there was a motion to delete this portion of the parcel - from this line out and to retain this portion of the parcel. There was a motion and second to delete this portion of No. 1 and retain this portion of Area No. 1.

**Councilor McFarland** said, again we had worked quite a bit with the people in the area and talked about the feasibility of services to that area. She said she may be speaking out of turn but she believed part of the portion that she wanted to be out would require that we pump sewage up hill and she thought it definitely had to be out.

**Councilor McCaig** asked a question of staff: Would they please do the larger map that showed where Sites 1 and 2 were in relation to all the other sites that the Council had talked about and what surrounded it?

**John Fregonese** said sites 1 and 2 were south of Gresham. The town center of Gresham was in this vicinity (referring to the map).

**Councilor McCaig**, responded, to the motion, again, as the Council had gone around the region, we had talked about the advantages and disadvantages of edge growth. Given other circumstances, there may be a case for adding this property but it had 219 acres of prime farm land. It was on the other side of Gresham - it was on the down hill side. It did not have an identity of its own and one was not enhancing an existing community. The need for additional services and infrastructure were a long-term investment. Again, she would urge the Council to consider that, as the Council looked at the regional picture that this was not a necessary site for inclusion and it was a very large site. She was opposing Councilor McFarland's motion.

**Presiding Officer Kvistad** reminded Councilor McCaig that she had an opportunity for a motion to delete the entirety of what was not amended at the end of the motion.

**Councilor Monroe** said he believed the motion was to delete the portion east of Highway 26. He wished to speak in favor of that motion for a number of reasons, some of which were in agreement with what Councilor McCaig just said and also that it was, if included, tending toward growing Gresham and Sandy together and that would be bad. We wanted to leave a significant rural buffer between Sandy and Gresham and if you moved on down Highway 26, especially on the east side, you were moving dangerously close to growing Gresham and Sandy together. He supported the motion to delete that portion.

**Councilor McCaig** said she would support that motion because it did move in the right direction. She would also like to point out that had we been doing this in a chronological order and moving 1 through 2, you might notice that we wouldn't have had that gap and we would have looked at Site 2 a little differently. We would have, in fact, seen an entire part of that region protected. She thought it came to 2000+ acres. She supported the motion.

**Presiding Officer Kvistad** reviewed, the motion on the table was the deletion of this portion of urban reserve Area No. 1, retaining this portion of reserve in No. 1.

Presiding Officer Kvistad said, it had been moved and seconded and there had been a close. A 'yes' vote would be the deletion of this portion of the parcel. A 'no' vote would be to retain the parcel intact and in whole.

**Vote:** The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed unanimously, amending Site 1

**Councilor McCaig** asked a question of staff, under what was remaining in the urban reserve area, would they show the Council the farm land?

**Presiding Officer Kvistad** reviewed, it would be this portion of land here and this finger of land here.

**Councilor McCaig** concluded that the Council left the majority of the 219 acres of farm land in the site for urban reserves?

**John Fregonese** responded that that was correct.

**Motion:** **Councilor McCaig** moved to delete the remaining Site 1.

**Presiding Officer Kvistad** said there was a motion to delete what remained of Site 1. It had been moved by Councilor McCaig. He called for a second to the motion to delete what remained of Site 1. There was no second, the motion died for lack of a second. He asked, were there any further amendments on this?

**Councilor Monroe** followed up by saying that Councilor McCaig didn't convince him on this one because they lost on Site 2. If you deleted that portion of Site No. 1, it would really make it illogical. Site 2 would have been down there by itself with a big gap and so that was why - He thought if you had one in, you had to have the other one in as well.

**Presiding Officer Kvistad** called for any other corrections or deletions to this parcel? The parcel that remained was from this line here - this was what remained of urban reserve Area No. 1. Was there a motion to delete? There were no further motions to delete. Area No. 1 as amended was agreed to and remained within the urban reserve area. That completed the 72 parcels that the Council had before them. The process, at this point, would be to take approximately 15 minutes for staff to be able to work through and give the Council the total number of acres that we had before the Council. He announced a 15 minute recess.

Presiding Officer Kvistad said that the total number of acres, the goal was 18,300, recognizing that the Council had some people who didn't agree with that - the total number of acres selected by Metro Council to this point was 17,965 acres. Of that, there was 3,040 acres of EFU (exclusive farm use) land or resource land. Of that, there was approximately 1500 acres of that this that was not surrounded. Of the

3040 acres, lands that were surrounded were not counted as EFU (exclusive farm use). Therefore, there was approximately 1500 acres of total resource land out of a total of 17,965 acres. He would refer back to the memo. We had a series of parcels that were discussed earlier. There were some close votes on those. The Council would begin with Parcel No. 72. He would accept motions for reconsideration. To reconsider a parcel, the Councilor would need four votes. According to the process, the Council would ask for reconsideration and have reconsideration only on votes that were either 3-3-1, 4-2-1, 4-3 or another combination which did not show a consensus on a parcel. The Council would go back around the edge one more time with the parcels that were available. He would take questions on process at this point and then the Council would move to consideration.

**Councilor McCaig** had a question and a statement. She wanted it very clear that she did support the Urban Growth Report but she also supported the Functional Plan which indicated we would need only about 4,000 acres. The Functional Plan, the Urban Growth Report and the urban reserves were three unique entities and information from all of those could be compiled to help the Council make decisions about any one of them. The sites were not distinctly tied together. There was nowhere where the Council had said collectively as a council, that our target was 18,000 acres. Councilor McLain may feel that should be the number, Presiding Officer Kvistad may feel that should be the number and they had every right to do that but she wanted to make it clear that Council had not taken that position nor do she support it. Secondly, it was unusual in a process like this that you revisited on those areas which were controversial. In more cases, in a legislative body, the person who was on the prevailing side, if for some reason compelling evidence had been submitted over the last week or last two weeks and they wanted to change their minds, usually had the opportunity because of additional information and they were on the compelling side, the prevailing side would move for reconsideration. By allowing anyone who was in a close vote, who was on the losing side, to continually be able to move an issue didn't necessarily resolve the discussion. What one did, just because there was controversy, didn't mean one had identified key public policy issues that one wanted to revisit. There was no reason for the Council, under those circumstances, not to revisit anything that was 5-2, for example; or 6-1 for example, if there was not a motion to reconsider, from somebody who was a 'yes' vote, she didn't believe the Council should spend time on reviewing those issues which were not controversial.

**Presiding Officer Kvistad** asked if Councilor McCaig would like to make that in the form of a motion, and ask for Council consent.

**Councilor McCaig** responded, no, because she knew the outcome.

**Presiding Officer Kvistad** said he was not sure Councilor McCaig would know the outcome but he would give her the opportunity to make that in the form of a motion.

**Councilor McCaig** said she would like to go on record again as saying she thought this was a poor way to conduct the public's business.

**Presiding Officer Kvistad** said, that being said and that being noted, the Council would move to the process debate. The Council would take parcels between 67 and 72.

**Councilor McLain** wanted to make sure before she started with Site 72 because of the comments made by Councilor McCaig, that it was very clear that as she indicated, there was a great deal of agreements between Councilor McCaig and herself on the issue. She was using the Functional Plan, the Urban Growth Report work that had been done and also the urban reserve study acres analysis to make her decisions tonight. She did personally believe that because she really thought that the Functional Plan was

going to work, that we would never, ever get into some of the urban reserves we might consider. If, at the very worst case scenario, that we had looked at the Urban Growth Report, we knew that the worst number possible that we might need would be 18,000 acres. Not the best number, which she thought we were going to get to. She would like to talk right now about Site 72.

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

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

**Presiding Officer Kvistad** announced that it had been moved and seconded to delete Site 72.

**Councilor Monroe** said that he thought it took four votes for reconsideration. He didn't hear four votes.

**Presiding Officer Kvistad** said he believed that was correct. Councilor McLain would need four votes for reconsideration on the parcel.

**Councilor McLain** said it was called a majority and all you had to do is vote on the issue after she had spoken to it.

**Presiding Officer Kvistad** reiterated, there was a motion to reconsider. There was a second on the motion to reconsider.

**Councilor McLain** pointed out on Site 72 that it was up in the Skyline area. The Council deleted Site 71, 70 and 69. There was a little tip of an island that the Council left up there. She pointed out to the Council again that it was in a natural resource zone by the City of Portland. She pointed out that by the latest staff report that there was absolutely no buildable acres up there. It also backed right into Forest Park. At this time, she would ask the Council to reconsider Site 72 and she would like to see it deleted from this map.

**Councilor Monroe** said this was entirely within the boundaries of the City of Portland, was it not Mr. Fregonese?

**John Fregonese** responded yes, it was.

**Councilor Monroe** continued, therefore, it was by its very nature being in the City of Portland, urban, and therefore ought to be included in the urban reserve?

**Councilor McCaig** said she didn't believe the Council really wanted to take the debate and discussion prior to the actual vote for reconsideration which was what the Council was doing. She wanted, for the record, to remind people that the vote last time was 3-3-1. Councilor McLain moved last time to delete it, was supported by Councilor Washington, Councilor McLain, Presiding Officer Kvistad, with Councilor Morissette abstaining. Councilor McFarland, Councilor Monroe, and Councilor McCaig voted to keep it in.

**Presiding Officer Kvistad** said those voting for reconsideration would vote 'yes' and those opposed would vote 'no.'

**Vote:**           The vote was 4 aye/ 2 nay/ 1 abstain. The motion passed for reconsideration.

Councilors McFarland, McLain, Washington and Presiding Officer Kvistad voted aye, Councilors Monroe and McCaig voted nay and Councilor Morissette abstained.

**Presiding Officer Kvistad** said on a 4-2 vote, this site would be reconsidered.

**Motion:** **Councilor McLain** moved that Site 72 be deleted.

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

**Discussion:** **Councilor McLain** said having heard what Councilor Monroe had to say a couple of time that just because it was inside the boundary for the City of Portland that made it urban. She would like to have Councilor Monroe come out and see this site with her. It was not urban. It was forest. It backed right up to a forest. It was steep. There were no places to build homes. This was in their natural resource area. It was not a buildable site and would be an extra acreage in the urban reserves that could never be used.

**Presiding Officer Kvistad** announced that the motion before the Council was to delete Site No. 72.

**Vote:** The vote was 4 aye/ 2 nay/ 1 abstain. The motion passed with Councilors McLain, Washington, McFarland and Presiding Officer Kvistad voting aye, Councilors Monroe and McCaig voting nay and Councilor Morissette abstaining from the vote.

**Presiding Officer Kvistad** stated that Site 72 was deleted.

**Councilor McCaig** indicated she had some other sites for reconsideration but what made it difficult for the public and for her in this process, was I didn't know why the Councilors who changed their vote, changed their vote. She didn't know what had happened and they are not required to give an explanation or to argue their case in following a process like this. All of a sudden, the Council had a shift from one week to the next without anyone having the benefit of why an individual or how. She suggested it might be valuable to her to know that because maybe she would want to change her mind, too. That was the difficulty with this process.

**Presiding Officer Kvistad** understood that. He again suggested Councilor McCaig had the option to make a motion to do that in order to run the process that way. He had given her the opportunity to make a motion to put before the Council whether or not to require an explanation.

**Councilor McCaig** acknowledged that she understood.

**Presiding Officer Kvistad** added that what he wanted to do was make sure that we don't have to go through this every time we had a vote. If Councilor McCaig would like to make the motion that someone on the prevailing side move it and get a second, we could vote on that. He just didn't want to get through every single parcel and have the same thing happen, if that would be all right.

**Councilor McCaig** appreciated that suggestion but said that she wouldn't do that. This was the first time we did it and it provided the example for people to understand that we had had a vote change from an individual Councilor. We had heard the same argument from the Councilor who made the motion last week. She had not received any new information and for the rest of the process, she wouldn't bring that

up but that was the downside to conducting business this way. No one knew why people were changing their votes.

**Councilor Monroe** had a process question. It was his understanding that the process was that if a person wanted to reconsider one of those close votes, that the Council would see if there were three other members that agreed with them in order to have reconsideration and then we would have a debate and so on; not have the debate before we see whether or not there were four votes.

**Presiding Officer Kvistad** said that would be done in the future, Councilor Monroe. That was the first vote and that was his mistake for not catching it. We would entertain a motion for reconsideration. Was there any Councilor that would like to move a reconsideration between Sites 72 and 60?

**Councilor McCaig** responded yes.

**Councilor Monroe** believed on the amendment of Site 62 there was also a 3-4 vote. It was a critical amendment.

**Presiding Officer Kvistad** took that under advisement.

**Councilor McCaig** said in the hand-out that the Council received, she would like to note that on Site No. 62 which was modified, the original motion was to modify. She came in with an amendment to delete. The amendment to delete failed 3-4. Then there was the modified vote which passed 7-0.

**Presiding Officer Kvistad** added Site 62 to the list.

**Councilor McCaig** stated that was 237 acres. We were still working backwards. She would like to address two issues, first, to make sure that all the councilors had in front of them the letter from the Oregon Land Conservation and Development Director.

**Presiding Officer Kvistad** stated that he was entertaining motions for reconsideration on parcels.

**Councilor McCaig** said the letter was specific to these parcels. The Council had preliminary identified significant tracts of agricultural land for designation.

**Presiding Officer Kvistad** felt that was extraneous testimony which we were not dealing with at this point. If you have a motion on a parcel, he was accepting motions for reconsideration on parcels.

**Motion:** **Councilor McCaig** moved reconsider Site 65.

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

**Presiding Officer Kvistad** said there was a motion and a second to reconsider Parcel 65. To Councilor McCaig's motion, it had been seconded and would require four votes. Those in favor of reconsidering this item would vote 'yes' and those opposed would vote no.

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed, there would be no reconsideration of Parcel 65. Councilors McCaig and McLain voted aye, Councilors Monroe, Washington, McFarland, Morissette and Presiding Officer Kvistad voted nay.



**Motion:** Councilor McCaig moved for reconsideration of Site 62.

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

**Presiding Officer Kvistad** said the Council would take a vote on the motion to reconsider.

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

**Presiding Officer Kvistad** said on a 4-3 vote, the motion to reconsider was adopted. Councilor McCaig, do you have a motion?

**Motion:** Councilor McCaig moved to delete Site 62.

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

**Discussion:** Councilor McCaig stated that Site 62 as modified, continued to have 237 acres of prime farm land. In the letter that was delivered to Presiding Officer Kvistad, dated December 11, 1996, from the Department of Land Conservation and Development director, he listed a series of sites that he raised as having preliminary concerns, many of which the Council was not going to be able to talk about, but Site 62 was included in that list. She would be interested, rather than seeing the specific sites, seeing the whole north end, that whole range again. As the Council looked at Sites 72 through 35, that whole swath, there was about 1160 acres of prime farm land that we had added. Across the top of Washington County, how many acres of farm land had we added? She thought it was about 600 acres, if you put your map on what we had added across the top of Washington County. Her case had been, on all of the sites, that as the Council looked at what we wanted to protect out towards North Plains and Helvetia, that what we wanted to do was protect the prime farm land and an entire way of life for this region. What we didn't put into the boundary was as important as what we put into the boundary. There were two major blocks of prime farm land, Sites 65 and 62 and she would ask, at a minimum, that the Council delete Site 62 from the urban reserve area.

**Councilor McLain** added that when the Council originally talked about this, one of the things that was important for the Council to note was that, as Councilor McCaig was asking to look at what we had put in, one also needed to look at what we took out. We took out all of the EFU (exclusive farm use) land that were close to this site, to the north of the Sunset Highway. We also took out all but 200 acres of Site 62. Those 200 acres represented only 29% of the original 692 acres and in response to the letter that Councilor McCaig started to talk about from Richard Benner, he also had a paragraph that said that he just simply wanted us to know that we needed to make sure that we had to have findings that would indicate that this had to be a top priority in our acknowledgment plan. We understood that EFU (exclusive farm use) land had a different criteria and a set of guidelines that we had to be able to have findings on. It was the opinion of this Councilor that if the little hand that was out there - the little red beam - would go to the corner of Shute Road and Evergreen that we had such a piece. That piece of 200 acres had an industrial neighbor, large industrial neighbors to the south, to the east and it completely surrounded the full course. Secondly, there was a congestion problem at that Evergreen and Shute Road corner because of the amount of industrial users that we had there and with this site, it helped make the efficiency of the industrial land and the industrial sanctuary in the Hillsboro area be more efficient. We

talked about the special land needs provision of the urban reserve rule and she thought that, again, Mr. Benner brought that up in his letter. Its inclusion would implement state planning of Goal 9 by addressing the state and regional shortage of large sites for campus industrial enterprises. There was only one such site remaining and that was the Seaport property.

**Presiding Officer Kvistad** reviewed that the only site in 62 that was currently in (he pointed to the map) was this area. This area here had been deleted.

**Councilor McLain** responded that that tip across the street also was deleted way over there on that side. She would like to continue on by stating that there was adequate adjacent public infrastructure and if you looked at the criteria three through seven, it indicated that we had to take into consideration which of these pieces that we were trying to look at could be served and at what cost they could be served at. Sewers, water, utilities, and roads were available because of the industrial development and use with the neighbors right across. It was not just that. In talking to Washington County Farm Bureau and also other farmers, there had been individual farmers that had indicated if you are going to take any land in Washington County, it needed to be below the Sunset Highway. It needed to be below Council Creek if at all possible. If you could see the wetlands and so forth up there, you would see that we were trying to stick to that by taking that 200 acres in the corner. There was no perfect world. This was reasonable. It was defensible. We passed it last time and she would suggest that we continue to support this. Hillsboro supported it. She thought it was the best compromise that we were going to get between the agricultural community and the urban community.

**Councilor McFarland** changed her vote on the last one and the request was why did she change her vote. She changed her vote on this one. Perhaps everybody else had heard what was said a number of times but she had been inundated with what everybody had said and she did listen but part of the reason she changed my vote on the last one was because of what we had done with the land around it as we went forward and she thought going back to look at it was a reasonable thing to do. What she did with this one was vote to reconsider this because she wanted to hear again the discussion and to think again of what we had done around the region. Her vote to reconsider was not necessarily a vote to change her vote on the upcoming question but she did believe that Councilor McCaig deserved the opportunity to argue her point of view and that was part of why she did that. She didn't know that anybody out there wanted her to explain to them every time she voted. She had always felt like maybe they didn't but, on the other hand, she did believe she had compelling reasons when she changed her vote.

**Councilor Monroe** said that Councilor McFarland, Councilor McCaig, and himself voted to delete all of Site 62. He was interested in asking staff a question about the portion of Site 62 that was not EFU (exclusive farm use) land. What was the nature of that land? Was it urbanized already? If so, perhaps it ought to be in the urban reserves.

**John Fregonese** responded that there appeared to be buildings on most of this land. It appeared that it was an old town plat. The parcels were approximately one to two acres in size.

**Councilor Monroe** asked if the maker of the motion if she would accept a friendly amendment - instead of deleting all of Site 62 to delete all EFU (exclusive farm use) land within Site 62 which would leave only that portion that we were currently looking at.

**Councilor McCaig** responded that her difficulty with that was that she had argued against adding even exception lands and the reason for that was she was fearful about what we did the next time we came back to this region. This was all exception land here currently so you could see that the next time we came

back, five years from now, the motion was going to be to move up here and why not just finish this part off and she argued that was the kind of thing for which we did not want to set a trend. She had consistently argued not to even add the exception lands. If there was any chance that she could get this thing to pass by leaving that, she would be happy to accept the friendly amendment.

**Presiding Officer Kvistad** reviewed the motion which was to delete all of Site 62 with the exception of that area. Was there further discussion?

**Councilor McFarland** had a question for staff. Were we required to have a certain amount of EFU (exclusive farm use) land in our planning land? Were we recommended to have?

**John Fregonese** responded no, Councilor McFarland. Including EFU (exclusive farm use) land was an exception that had to be justified.

**Councilor McFarland** asked, any EFU (exclusive farm use) that we include had to be justified.

**John Fregonese**, any other than that which was surrounded and was not prime or unique. Of the areas that were in the urban reserve, probably 2000 acres had to have special findings. This would be in that area that would need a special justification.

**Presiding Officer Kvistad** announced that the motion before the Council was the deletion of all of Site 62 with the exception of the exception land portion of Site 62. Was there any further discussion on this?

**Councilor McCaig** added only to reiterate that it was 237 acres of prime farm land. It would need a justification because it did not fit any of those criteria and it was in a place that if we decide to establish a trend or a path, that next time, we were going to encroach upon that area which, by all accounts, was Type I soils. She thought it would be good to delete it.

**Presiding Officer Kvistad** finished by saying the motion before the Council was the deletion of all of Site 62 with the exception of the parcel that was adjacent to the Sunset Highway. A 'yes' vote would delete it and a 'no' vote would leave it as it had been amended and currently within the urban reserve.

**Vote:** The vote was 2 aye/ 5 nay/ 0 abstain. The motion failed with Councilors Monroe and McCaig voting aye and Councilors McFarland, Morissette, McLain, Washington and Presiding Officer Kvistad voting nay.

**Presiding Officer Kvistad** announced on a 5/2 vote, the motion failed. He asked if there were any other motions between Sites 60 and 72? There were none, he asked for motions between Sites 50 and 59. Were there any motions between Sites 50 and 59?

**Motion:** **Councilor McLain** moved to reconsider Site 56, it had 44 acres and it was to the south of Forest Grove.

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

**Presiding Officer Kvistad** reviewed that it had been moved and seconded to reconsider. Those voting for reconsideration would vote yes. Those who were opposed to reconsideration would vote no.

**Vote:** The vote was 5 aye/ 2 nay/ 0 abstain, the motion for reconsideration of Site 56 passed with Councilors McLain, Washington, McFarland, Monroe, Morissette and Presiding Officer Kvistad voting aye and Councilors Monroe and McCaig voting nay.

**Presiding Officer Kvistad** said on a 5/2 vote, the motion to reconsider passed.

**Motion:** **Councilor McLain** moved to include in the urban reserves Site No. 56.

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

**Councilor McLain** reviewed Site 56 which included 44 acres and sat at the bottom of an industrial park. It sat to the north of a wetland. It was completely locked from use in active farming at this time. She wanted to bring the testimony up to date. She had available two notebooks that included Growth Management staff and the legal staff of this Agency which had indicated that they believed that there were findings available for this site to be seen as a special circumstance and a need for the community for some of the criteria including economic development that we had agreed to. This site, when it came up in 1990, went to the State before the LCDC and it was turned down. At this time, we believed that the findings would be even stronger and would find a different result. Councilor McLain reviewed a letter in the record indicating their strong support of site 56. The documentation gave the following legal definition. The site was located south of the Tualatin Valley highway bypass between Maple and Elm Street, south of Forest Grove in Washington County. This was the amendment she was asking for. It was identical to the 35 acres that Councilors McCaig and Morissette voted for the City of Cornelius. They asked the City of Forest Grove for 644 acres, all Councilor McLain was asking was for 44 acres which would be designated as industrial. From a farm girl perspective, this area was not a prime piece of farmland and the Washington County Farm Bureau and all four farmers that had written major letters had not indicated that this was a piece they would miss.

**Councilor McCaig** asked to review the big map and said that this was another example of edge growth in Forest Grove. This was just a 44 acre plot in the middle of the northern boundary of Forest Grove, in the middle of a flood plain. The vote was 4 to 3 to not include it, to leave it out of the urban reserve areas. In 1987, the City of Forest Grove, who had wanted this piece of property, came and offered an amendment to the boundary. The Metro staff did find findings, it was challenged, taken to LUBBA and the decision was overturned. There was no support at the State level for including this area or any compelling need to do that. It was exactly an example of the kind of edge growth that did not fit in to any big pattern. If asked were the two big territories were where there was prime farmland it continued to be up here and down here (as she pointed to the Washington County and Clackamas County areas). It was her hope that the Council would vote no on the amendment which would continue to keep the piece of property out of the urban reserves.

**Presiding Officer Kvistad** added that this particular parcel was surrounded to the south, east and west by wetlands, there could be no further growth there. This parcel was an orphan parcel. Considering what was being done and also considering the request by the City of Forest Grove, there was no way for any further expansion of this parcel to any other direction. To put this parcel in made it clear and consistent and gave them an edge but there could be no further growth on that side.

**Councilor McLain** said that the City of Forest Grove was the only jurisdiction in the entire region that the Council had not allowed for an opportunity in 50 years to expand any of their industrial base or be able to have jobs for the people in their city. She could see no other vote but a yes vote for inclusion.

**Presiding Officer Kvistad** reviewed the motion, a yes vote would be to include this in the urban reserve, a no vote would be to continue its exclusion from the Urban reserve.

**Vote:** The vote was 4 aye/ 3 nay/ 0 abstain. Councilors McFarland, McLain, Morissette and Presiding Officer Kvistad voted aye, Councilors Washington, Monroe, McCaig vote nay. The motion passed and Site 56 was included in the urban reserve.

**Presiding Officer Kvistad** called for any motions for reconsideration on Site 26, 15 and 13. Site 26 was a 4 to 3 vote on the amendment to exclude the land in Beaver creek, Site 15 was to include additional urban area that had not been studied.

**Motion:** **Councilor McLain** moved to reconsider Site 26.

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

**Vote:** The vote was 1 aye/ 6 nay/ 0 abstain. The motion failed with Councilor McLain voting aye and Councilors Monroe, McCaig, Morissette, McFarland, Washington and Presiding Officer Kvistad voting nay.

**Councilor McLain** explained that the reason for reconsideration was because this was the amendment that she asked for the lower east/south corner of Beaver creek to be excluded for the urban reserve. She believed it was going to be difficult to meet some of the factors. The main factor was the water and flooding issues there.

**Presiding Officer Kvistad** called for a motion to reconsider on sites 15 and 13. There were no motions to reconsider. He announced that that completed the sites that were within the criteria for reconsideration.

**Presiding Officer Kvistad** asked for a point of personal privilege. The Council had received a great deal of testimony on site 49. Site 49 did not meet his reconsideration criteria, therefore, he asked for a vote of the Council to allow him to reconsider. This site was technically outside of the boundaries. He asked for a consensus of the Council rather than a formal vote.

**Councilor McFarland** asked what the vote was on this site?

**Presiding Officer Kvistad** said that the vote on this site was 6/0/1 for an amended 49 inclusion with Councilor Morissette abstaining. Councilors Monroe, McCaig, McFarland, Washington said no, Councilor Morissette abstained, Councilor McLain and Presiding Officer Kvistad voted yes. He announced that he would not move for reconsideration and it did not fit within the criteria.

**Motion:** **Councilor McLain** moved this body of amendments and the Ordinance in front of Council to staff with the direction to find the findings necessary to carry them forward for the urban reserve designation by the State laws that the Council is required to do so.

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

**Discussion:** **Councilor Morissette** said that he did not wish to be redundant but he thought that the Council had estimated that the highly partition lands within our urban reserves are far more

productive than ultimately they will be. He asked how he made sure that this was reevaluated to make sure the Metro had properly analyzed the right kinds of densities numbers be achieved. Would he make an amendment that through the findings that are done that there was a re-analysis the effectiveness of infill on highly partitioned property.

**Presiding Officer Kvistad** said he believed that the time that would be best for further discussion on that item would be following the findings. The findings were a series of legal decisions and legal comments. At that time when the findings came back from the Legal staff, these discussion could occur.

**Councilor Morissette** asked Mr. Fregonese to watch that particular request.

**Councilor McCaig** thanked everyone for their patience but she really believed throughout this last six month process that every step along the way there was an opportunity to make it better. She had not particularly supported this process. She hadn't thought the process was the best it could be and she had made those criticisms known continually but she had also tried to work within it. She believed that the product that had been completed was going to be balanced and it was not. In her view it turned back the work of this agency that had earned Metro a national reputation over the last five years. We did not manage growth in what was just chosen to do, we chose to let it all out. We did exactly what the staff work, goals, objectives, the Functional Plan and the 2040 process were designed to prevent the Council from doing. There were 18,000 acres in urban reserves that even members of the Council said we might not need. It wouldn't be likely that those acres would be taken out of urban reserves. The only way they may be taken out was to add them to the Urban Growth Boundary. Never in her wildest imagination were there going to be 3000 acres of prime farmland. She was stunned by that. She never believed that Stafford, St. Mary's, all of Washington County and then the small parcels in Damascus, Oregon City and Beavercreek. She thought that the Council had set a direction by the Council's actions that was fundamentally wrong. It would damage the livability of this region. She would be voting against this plan.

**Councilor McLain** said because of Councilor McCaig's comments she felt an obligation to talk about the work in another light, through a different interpretation. She came on this Council six years ago to work on the vision for good land use and transportation in this region. She still felt very heartened that the Council was headed in the right direction and that there would be an excellent product when the process was finished. One, all that had been done today was to limit the amount of acreage that staff would again review for findings. The Council would also be going to invite the public and local jurisdictions and ourselves back in 45 days to review the work of the Council and the work of the staff on the findings. There could be some adjustments in that piece of work. In addition to that the Executive had asked MPAC to review in 30 days the findings and this plan in the month of January. The Council was not done but simply continuing the process. She did not believe that Metro would ever use any of the urban reserves that are finally designated and voted on. She does believe that the Functional Plan in this region will be used, used well and a better job will be done in the next 20 years than the last 20 years on land use inside the Urban Growth Boundary. There would be a public hearing coming up in over 45 days, Council had only 18,000 acres that Council had requested staff to find findings on and if Council was going under status quo, there would be 60,000 acres used over a 50 year period. 18,000 as a possible use compared to 60,000 by doing business as it was being done today. It was extremely important for the Council to remember that the citizens and local jurisdictions needed to be ready to talk to Metro about design and density inside the Urban Growth Boundary so that Metro did not have to use the Urban Reserves that this agency by law were required to do.

**Presiding Officer Kvistad** thanked the entire staff and department for all of the hard work on this, without the staff it would have been very difficult to get to any decision what so ever. The last four years

of work had been outstanding. He greatly appreciated their work. Many had criticized the process that he tried to define for this, he tried to define a process that would allow the Council to go through the parcels and take out the areas that were most sensitive. He realized that many people didn't like that process and he had taken a great deal of heat. He understood that but he still believed that some good work had been done. He did not apologize for it, but for those who disagreed, he did the best that he could on this and he believed that he did a good job. He spoke to where the Council was, when the Council started this process in 1993, the Council was looking at a series of blob maps with 60,000 to 100,000 acres of urban reserve lands. The Council was looking at a United States that had done nothing even near what Metro had attempted to do. The Council was now having discussions about a maximum of 18,000 acres of urban reserves. These were reserves, this was not Urban Growth Boundary expansion, these were lands on to which we might grow if we didn't do 2040 well. For those who didn't believe that there was enough land cut, it was up to them to be involved with Metro, with the local jurisdictions to make sure that the local jurisdictions help with the kind of density that would not require a growth in the Urban Growth Boundary and Metro would need help to do that. He also asked to put this in context, in talking to staff, not only was Metro between 60,000 to 100,000 that would have been needed, the city of Baltimore just added about 220,000 acres that they were looking at for urban expansion, outside of the City of San Francisco, in the valley, they were looking at over 600,000 acres of urban expansion. We were looking at one of the fastest growing cities in the country and we were talking, in a 50 year period, less than 20,000 total acres. That was something to be very proud of, he was very proud of the work that had been done. He was proud of all of the members of the Council despite the difference on this issue and he was proud to serve with the Council.

**Vote:** The vote was 6 aye/ 1 nay/ 0 abstain with Councilors McLain, McFarland, Morissette, Monroe, Washington and Presiding Officer Kvistad voting aye and Councilor McCaig voting nay. The motion passed. The urban reserves were adopted and sent to staff for findings.

**8. EXECUTIVE SESSION HELD PURSUANT TO ORS 192.660(1)(e). DELIBERATIONS WITH PERSONS DESIGNATED TO NEGOTIATE REAL PROPERTY TRANSACTIONS.**

8.1 **Resolution No. 96-2430**, For the Purpose of Authorizing the Executive Officer to Purchase Property in the Columbia River Shoreline Target Area.

**Presiding Officer Kvistad** opened an Executive Session pursuant to ORS 192.660(1)(e) to discuss Resolution No. 96-2430.

Present: Nancy Chase, Alison Kean Campbell, members of the press.

**Motion:** **Councilor Monroe** moved the adoption of Resolution No. 96-2430.

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

**Discussion:** None.

**Vote:** The vote was 5 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those voting. Councilors McCaig and Morissette were no longer in the Council Chamber.

**10. COUNCILOR COMMUNICATION**

**Presiding Officer Kvistad** announced that there was a list of committee choices. He asked Councilors to fill them out and get them back to him during the course of this week.

**Councilor Washington** asked about the final Council meeting for this year.

**Presiding Officer Kvistad** announced that the final meeting of this year would be on December 19, 1996. The Council would reconvene on January 7, 1997 which was a Tuesday for a vote on Council reorganization and a reception for those being sworn in. On January 9, 1997, the first Council meeting of 1997. The Council would receive at that time a calendar with the Council meetings and times and days of the committee meetings would be decided once the committee assignments were made.

**11. ADJOURN**

With no further business to come before the Metro Council this afternoon, the meeting was adjourned by Presiding Officer Kvistad at 5:59 p.m.

Prepared by,

Chris Billington  
Clerk of the Council