

A G E N D A

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METRO

Agenda

MEETING: METRO COUNCIL REGULAR MEETING
DATE: December 10, 1998
DAY: Thursday
TIME: 2:00 PM
PLACE: Council Chamber

Presenter

CALL TO ORDER AND ROLL CALL

1. INTRODUCTIONS
2. CITIZEN COMMUNICATIONS
3. EXECUTIVE OFFICER COMMUNICATIONS
4. AUDITOR COMMUNICATIONS
5. MPAC COMMUNICATIONS
6. CONSENT AGENDA
 - 6.1 Consideration of Minutes for the December 3, 1998 Metro Council Regular Meeting.
7. 1998 GENERAL ELECTION VOTE ACKNOWLEDGMENT AND OATH OF OFFICE
 - 7.1 **Resolution No. 98-2737**, For the Purpose of Accepting the November 3, 1998 Election Abstract of Votes for Metro. McLain
8. ORDINANCES - FIRST READING
 - 8.1 **Ordinance No. 98-791**, For the Purpose of Adopting a New Chapter in the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency.

9. **ORDINANCES - SECOND READING**

- 9.1 **Ordinance No. 98-768**, For the Purpose of Amending the Metro Code Authorizing Exemptions from Competitive Bidding for Utilities and Certain Other Types of Contracts. Finance Committee
- 9.2 **Ordinance No. 98-790**, For the Purpose of Amending Metro Code 2.06 (Investment Policy) Regarding Authorized Qualified Institutions; and Declaring an Emergency. Finance Committee

10. **RESOLUTIONS**

- 10.1 **Resolution No. 98-2722**, For the Purpose of Confirming the Appointment of Herbert S. Pelp and Eric Johansen to the Investment Advisory Board. Finance Committee
- 10.2 **Resolution No. 98-2725**, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Year 1999-00 through 2003-04. Finance Committee
- 10.3 **Resolution No. 98-2730**, For the Purpose of Amending the Capital Improvement Plan for Fiscal Year 1998-99 through 2002-03. Finance Committee
- 10.4 **Resolution No. 98-2732**, For the Purpose of Authorizing the Executive Officer to Execute a Recycling Business Development Grant with Mursen Environmental, Inc. Morissette

11. **POSSIBLE ACTION ON URBAN GROWTH BOUNDARY ORDINANCES AND RESOLUTIONS**

- 11.1 **Ordinance No. 98-779C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.
- 11.2 **Ordinance No. 98-788B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.
- 11.3 **Ordinance No. 98-786C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.
- 11.4 **Ordinance No. 98-781C**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.
- 11.5 **Ordinance No. 98-782B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.
- 11.6 **Resolution No. 98-2726B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Area 65 in Washington County.

- 11.7 **Resolution No. 98-2728B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 51, 52, 53, 54 and 55 to the Hillsboro Regional Center Area.
- 11.8 **Resolution No. 98-2729C**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, 42, 62 and 63 in the West Metro Subregion.
12. **EXECUTIVE SESSION, Held pursuant to ORS 192.660 (1)(h), to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.**
13. **COUNCILOR COMMUNICATION**

ADJOURN

CABLE VIEWERS: Council Meetings, the second and fourth Thursdays of the month are shown on City Net 30 (Paragon and TCI Cablevision) the first Sunday after the meeting at 8:30 p.m. The entire meeting is also shown again on the second Monday after the meeting at 2:00 p.m. on City Net 30. The meeting is also shown on Channel 11 (Community Access Network) the first Monday after the meeting at 4:00 p.m. The first and third Thursdays of the month are shown on Channel 11 the Friday after the meeting at 2:00 p.m. and the first Sunday and Wednesday after the meeting on Channels 21 & 30 at 7:00 p.m.

PUBLIC HEARINGS: Public Hearings are held on all Ordinances second read and on Resolutions upon request of the public. Agenda items may not be considered in the exact order. For questions about the agenda, call Clerk of the Council, Chris Billington, 797-1542. For assistance per the American Disabilities Act (ADA), dial TDD 797-1804 or 797-1540 (Council Office).

Agenda Item Number 6.1

Consideration of the December 3, 1998 Metro Council Meeting minutes.

Metro Council Meeting
Thursday, December 10, 1998
Council Chamber

MINUTES OF THE METRO COUNCIL MEETING

December 3, 1998

Council Chamber

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

Councilors Absent:

Presiding Officer Kvistad convened the Regular Council Meeting at 2:15 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

Brent Curtis, Planning Manager, Washington Co., 155 N. First, Hillsboro, OR 97124, requested that the Council intervene on a Washington County ordinance dealing with minimum densities that was appealed to LUBA. He said Washington County had adopted the ordinance to fulfill their obligation to Metro to comply with the Functional Plan. He had talked to Mr. Shaw about this and knew time was very short for Council to consider the matter. He said Washington County very much wanted council to join them in the appeal because they were fulfilling their responsibilities to undertake the minimum density ordinance. He asked Council to please join in and intervene on their behalf in the LUBA proceeding.

Councilor Washington asked if it would cost them anything.

Mr. Curtis pointed out that as far as he was aware, this would be the first challenge to a minimum density ordinance to a local government seeking to fulfill Metro's Functional Plan requirements so he thought they would be interested in what the issues were and defending that particular set of provisions.

Presiding Officer Kvistad said he would talk with Mr. Shaw and send out a notice to council members, then next week they would potentially do an executive session to discuss it.

Mr. Dan Cooper said the deadline for giving notice to LUBA of Metro's intent to intervene was Monday. If Council wanted to, he would give the notice to LUBA and do an executive session with Council. After that, if Council concluded they did not want to participate he could withdraw the notice. He reiterated that in order to protect the timeliness of their participation, Council would need to make notice of their intent to be involved by Monday.

Councilor McLain said she would like to move that they do just that. She said it supported their own rules and it was Council's document Mr. Curtis was working from to try to produce the kind of land use development Metro had been discussing in the 2040 plan. She pointed out that if they did not like the way it was put together or felt it did not follow their guidelines, they could

withdraw, but they could not be added to the case. This was the only opportunity before Monday to get involved.

Presiding Officer Kvistad said if there were no objections following the discussion they could move it forward and review it at the next council meeting to determine what to do.

Councilor McCaig asked if Mr. Curtis had prepared any documentation to read regarding the appeal. She requested the matter be moved to the end of the agenda so she could see something in writing before they talked about it.

Presiding Officer Kvistad said that would be fine.

3. EXECUTIVE OFFICER COMMUNICATIONS

Mike Burton, Executive Officer, brought council's attention to his letter to the Presiding Officer summarizing the current status of code interpretations for making their decisions. He pointed out that the only thing new was under number 12 on page 8, addressing the park land and open spaces area which was required under the Functional Plan codes.

He recognized the Council for the tremendous amount of work and effort that had gotten them to this point. He said this process, which had been underway since 1992, with the adoption of RUGGOs, the 2040 concepts and the Regional Framework Plan had allowed the region to do work unprecedented in the United States today. He said no other multi-jurisdictional government had been through what they had been through to make very difficult decisions to maintain the region in the way Council had done and he felt congratulations and thanks for their very hard work was in order. He said they would be looking for close to 120,000 acres of expansion rather than the less than 10,000 that was being considered now if it weren't for that work. He wanted everyone to keep that in mind as the very difficult decisions were being made. He recognized Ms. Wilkerson, Mr. Turpel and Mr. Shaw of Metro staff for their dedication to getting the reports out for the Council. He finally thanked local government partners, elected officials of the region and their planning staffs who spent almost as much time as Metro staff in working through the details and providing analysis for the Council. He said it was truly a collaborative effort that had gotten the process this far. He said obviously everyone would not be happy with the decisions made but they could be proud of the fact that they had done the work with the best interests of the community in mind.

Councilor Morissette said and you too Mike.

Councilor McCaig asked Mr. Burton about letters of commitment as an acceptable measure for going forward. She said the issue was highlighted in the staff reports but with no recommendation. She was curious if there was an official position.

Mr. Burton said the local governments would ultimately have to provide the governance and infrastructure and costs for these areas and their sign-off on that was extremely important. He felt it was a policy question and he was concerned that making the difficult decisions was the first step and the next step was how to actually provide the services into the area. He said the state did not have an urban agenda that he knew of so it was left to the local governments to do that and to Metro to help coordinate it.

Councilor Morissette added that what was driving this was the fact that people were looking for different types of shelter. He felt it was important to allow all income brackets to have the choice of housing they were looking for. He said the goal was to make a positive impact on the citizens already here and keep in mind that it was not possible to have new people come into the region without impacting the area.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Judie Hammerstad, MPAC Chair and Clackamas County Commissioner, read her testimony in favor of bringing in urban reserve areas that met the Metro Code (a copy of which may be found in the permanent record of the urban growth boundary amendment record). She thanked the Council for honoring the hard work MPAC had done and appreciated the work Council was doing.

Councilor McCaig remarked that the Stafford area was not included on Ms. Hammerstad's chart and assumed it did not meet some of the Metro Code components. She summarized there were 15,222 units in the First Tier areas which met the Code and state law, and those elements that potentially did not meet the code or state law or were not First Tier land made up the remaining units on the chart.

Commissioner Hammerstad said the Stafford sheet had not been included because they were not recommending that area.

Councilor McCaig commented that if she was looking at the chart correctly they would get to the 15,222 housing units without the Stafford or St. Mary's property.

Commissioner Hammerstad said that was correct. She said they did not specifically look at them in parcels and had tried to follow the process and criteria outlined. She said she understood there was a master plan that met Hillsboro's approval. She said MPAC did not look at state law during their process. She pointed out that that chart had been generated by MPAC and not by Metro staff.

Councilor McLain appreciated the distinction being made between state law and Metro Code as far as the MPAC review but felt it was also important for the Councilors to know that MPAC had been given documents and reports from the Metro Growth Management staff indicating the differences in Goals 2 and 14 as to how they met state law. MPAC did not act on that but those documents were available and they all had them.

Chair Hammerstad said she would put copies of her testimony at the back of the room for any interested persons.

6. CONSENT AGENDA

6.1 Consideration of the minutes of the November 19 and 24, 1998 Regular Council Meetings.

Motion: Councilor Washington moved to adopt the meeting minutes of November 19 and 24, 1998 Regular Council Meetings.

Seconded: Councilor McLain seconded the motion.

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

7. PUBLIC HEARING AND POSSIBLE ACTION ON URBAN GROWTH BOUNDARY ORDINANCES AND RESOLUTIONS.

- 7.1 **Ordinance No. 98-779B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.
- 7.2 **Ordinance No. 98-788A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.
- 7.3 **Ordinance No. 98-786B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.
- 7.4 **Ordinance No. 98-781A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.
- 7.5 **Ordinance No. 98-782**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.
- 7.6 **Resolution No. 98-2726A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 62, 63 and 65 in Washington County.
- 7.7 **Resolution No. 98-2728A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 53, 54 and 55 to the Hillsboro Regional Center Area.
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Presiding Officer Kvistad opened a public hearing on the urban growth boundary ordinances and resolutions.

Mayor Gordon Faber, City of Hillsboro, urged the Metro Council to support Resolution No. 98-2728A and to follow their code by bringing into the UGB only those sites which satisfied code requirements. He said Hillsboro would be out of buildable residential land by 2003. He

reported that they added 6,500 residents (2,600 living units) to their city in the last year and by 2017 they would need to accommodate 58,000 new jobs according to the functional plan which would create a huge jobs/housing imbalance if the resolution was adopted. He said the city had provided Council with documentation demonstrating how the south Hillsboro UGB expansion complied with Goals 2 and 14 of the 2040 growth concept and assured that their plan fully satisfied all the Metro Code considerations and requirements.

Councilor Morissette said this process would hinge a lot on an area where they were not ready for growth and on an area where there had been billions of dollars worth of infrastructures spent on jobs. He said he had been working very hard to see that Washington County had some amount of housing with the jobs they would be creating and had been creating in the past. He said if someone came to Portland having no knowledge of the urban growth boundary and wanted to find the logical place for housing, especially in an unbalanced situation, they would rather quickly figure out where the jobs were being created and put housing near those jobs. He said when there was congestion, people would want to live close to the jobs. He hoped the Council would remember the City of Hillsboro's statement that it made more sense to put growth near jobs in Washington County than in Damascus where they would have to commute all the way across town to get to the jobs.

Councilor McCaig asked for clarification on the MPAC chart about Site 55. She asked if they wanted the entire site included in the UGB.

Mayor Faber answered yes, they did want the entire site included.

Tim Sercombe, Hillsboro City Attorney, asked to keep the record open until next Tuesday to receive additional information from the City of Hillsboro.

Presiding Officer Kvistad said he had the discretion to keep the record open and he wanted to be fair. He said if they wanted to put forward a place holder that there was more coming, he would accept it until noon on Tuesday. He said others had asked to do the same.

Councilor McCaig clarified that the ordinance only covered site #55.

Presiding Officer Kvistad said people were generically speaking of 55.

Councilor McCaig said people should speak to her about exactly what they were speaking about.

Presiding Officer Kvistad said the mayor had been speaking to the entire area surrounding St. Mary's along the TV Highway and 209th Street which would include #51 through #55.

Councilor McLain said her understanding of Mayor Faber's testimony was he was speaking to both the ordinance and the resolution. The ordinance was inside the jurisdictional boundary #55.

Mayor Faber concurred.

Mayor Jill Thorn, City of West Linn, 22825 Willamette Dr., West Linn, OR 97068, said her city was opposed to the inclusion of the Stafford basin, areas #31, 32, 33, and 34, as part of the expansion of the UGB. She said West Linn believed in the principles drawn by the regional

partners in regard to how growth would occur in the metropolitan area and planning was the key to its success. She said planning had not occurred in these areas and the local governments had not resolved the many issues of governance, infrastructure funding and environmental affects on the area. She said according to Metro's own rules, these areas should not be included. She respectfully requested these areas be left out of the UGB based on the Metro Code.

Oregon State Senator Ken Baker, 10121 SE Sunnyside Rd., #325, Clackamas, OR 97015, addressed an amendment to area #15 which was originally 54 acres south of the designated area 15 recommended by Clackamas County in regard to a litigation settlement. He said neither he nor his neighbors had notice of the settlement or that it would be included. He said the original amendment would have violated Monner Creek and Monner Road and he appreciated the work that had been done there to bring it south of Monner Road. He added that a 200' buffer on Monner Creek was insufficient. He felt they should move the area in light blue on the map because they were coming too close to the creek. He said moving the buffer to 500' would form a natural buffer and the crest of the hill would provide a good access point and would keep the community viable.

Joe Grillo, PO Box 4755, Beaverton, OR 97076, representing Mayor Rob Drake spoke on Area 65. He summarized that the city had a keen interest in this area because they saw it as within their eventual urban service area. They had a memorandum of understanding with Washington County dealing with governance. He said this was the appropriate time to deal with this request given the cooperative effort of Ryland with the City of Beaverton and Washington County. He said there had been a complete submittal under the rules. He noted his letter outlining 6 items for consideration (a copy of this letter can be found with the permanent record of this meeting.) that represented a commitment from them regarding what they intended if the area was brought in.

Councilor McCaig said this was not originally included in the First Tier and she wanted to know if it was before council now because there was a partner willing to pay for the master planning.

Mr. Grillo felt that was a fair statement.

Councilor McLain asked if he was speaking only of the blue elements of #65 or the whole site as far as the impacts and commitments for planning.

Mr. Grillo responded that they were only talking about the blue portion of #65.

Councilor McLain said she had seen a very simple IGA between Washington County and the City of Beaverton and asked if there had been more conversation addressing the issue of off-site mitigation of transportation and the transportation plan as far as who would take responsibility for the financial planning or funding.

Mr. Grillo said there were two levels of review that the City of Beaverton and Washington County went through every day. One was at the comprehensive plan level when a piece of property was brought in or changed from one planning designation to the other. That detail of review had yet to be done of this issue. The package in front of council today had the review required under Metro rules. Their second level of review done for transportation was when a specific development plan came to them with a commitment from the developer, there was a further detailed review dealing specifically with off-site impacts.

John Russell, Oregon Transportation Commission, 2000 SW Market St., Suite 678, Portland, OR 97201, said it was important to say that funding for the transportation network required for any UGB expansion was not in place and was not likely to be in place. Metro transportation staff believed, for example, that the cost of the transportation network would equate to a 20¢ per gallon gasoline tax increase plus an additional 1¢ every year for 20 years. He said contemplating an increase of that magnitude was ludicrous in the light of the recent history of state legislatures and local voters. He said allowing the UGB to expand knowing transportation funds were not likely to be available was deceptive to the public and while he realized there was a state mandate to add to the UGB, he wanted to suggest that the system of analyzing different factors for each potential tract of land under-weighted transportation costs. He said all of the five factors were arbitrarily equally weighted and transportation was only part of one of the five factors. He said the methodology used to evaluate transportation costs underestimated the total costs because the methodology did not include expansions to the downstream regional collector systems. He said the methodology used to analyze public facility costs under-weighted transportation because it mixed transportation costs with other public facilities such as sewer and water. He said the sewer and water costs, however, not only had their own funding source but were repaid to some extent by the users. So, while there may be a gross cost for water and sewer there may not be a net cost, while for transportation systems the gross and the net costs were the same. He felt the most important recommendation they could make was that the actual development of lands to be added to the UGB be conditioned on the presence of funding for the transportation costs. He said the presence of the cost could either be because of an increase in federal, state, or regional funding or county and municipal funding. He felt regardless of the source, allowing development to occur without the availability of funding for transportation dug us even deeper into the hole created from living off road infrastructures built during the '60s and '70s. He said they were failing to invest in accommodation of growth now and in the future. He said they hoped Council would recognize that fact when they permitted development within the new UGB.

Mike Houck, Audobon Society of Portland and the Coalition for a Livable Future, 5151 NW Cornell Rd., Portland, OR 97210, spoke about the conditions that would be applied for planning these areas before there were any comprehensive plan changes. He said they were particularly concerned about conditions 5) stormwater management, 6) flooding, 7) steelhead, and 12) parks. He noted that for the first time in 20 years he had heard elected officials talking about the need to provide better protection to streams. He offered support for those conditions. He felt it was crucial to get it right this time because past mistakes were so divisive.

Councilor McLain said the legal staff had given her those conditions for 3 out of the 4 that Mr. Houck had suggested. She said she had indicated that to the Presiding Officer and said they would be looking at those.

Mr. Houck added that was not sure whether Senator Baker was advocating this but there had been discussion in the past about the wisdom of bringing the stream areas and natural resources in with the urban reserves. He said he felt strongly that it was very important to do that because the fact of the matter was that if you looked at agricultural and forest practices there was a much greater opportunity through urban development to provide more protection to those areas than if they were left out.

David Farr, 580 Bergis Rd., Lake Oswego, OR 97034, read his letter in support of including site #32 in the UGB into the record (a copy of which may be found in the permanent record of the urban growth boundary amendment record)

Katy Amato, 9161 SE 172nd Ave., Boring, OR 97009, read a letter written to the Council by her neighborhood voicing their opposition to being included in the UGB. (A copy of this letter can be found with the permanent record of this meeting.) She urged Council to drop "area C" from the expansion plan and leave it unincorporated and unannexed until the master plan was in place, the roads had been improved and environmental and other considerations had been addressed.

Mary Bjornstad, 16225 SE Sager Rd., Portland, OR 97236, said it was their understanding that a master plan was required before an area could be included in the urban reserve. She said although Clackamas County had no money for planning it had made a vague and weak commitment to plan for the portion of urban reserve #5 south of the Clackamas County border sometime in the next 2-3 years. Her question was why was the area being considered for the urban reserve when the residents of the area believed a letter of commitment was not enough to follow Metro's codes. They felt urban area #5 should stop at the Multnomah County line where the commitments were definite.

David Adams, 19621 S. Hazelhurst Lane, West Linn, OR 97068, did a visual presentation opposing inclusion of the Stafford Triangle into the UGB for the council. He noted there was no service provider, no annexation agreements, and no approved master plan. He noted flaws in the master plan including zero citizen input, no coordination with the city, county or school district, and many transportation issues, such as no planning or funding for future projects, no jobs in the area so the people would have to go elsewhere to work thus aggravating the traffic situation even more. He listed all those he knew were opposed to the inclusion of this area in the UGB. He quoted Mike Burton, "the prize is not bringing in the land, it's making the communities work." He said this project would not work and it would destroy two communities in the process.

Lou Fasano, 2455 SW Gregory Dr. West Linn, OR 97068, repeated his testimony from previous meetings regarding his support of including site #41 into the UGB. He noted written testimony he had submitted at a previous meeting. He noted that there was nobody opposed to this inclusion that he knew of.

Mark Greenfield, 111 SW Columbia, Suite 1080, Portland, OR 97201 said he had provided a motion to Metro legal counsel for review that corrected the maps for sites #62 and #63. He asked favorable consideration of the motion so the resolution could move forward.

Art Lewellan, 3205 SE 8th, #9, Portland, OR 97202 said he thought some of the planning that was going on would end up developing another kind of sprawl by not addressing the needs transportation was now experiencing. He was afraid if this kind of planning continued that did not include mass transportation the result would be overloaded roads which would cause problems as they tried to deal with that problem at a later time. He noted examples of where he thought they could be making plans for. He noted that Beaverton was creating higher densities in its core and thought that may mean the surrounding land might not be suitable for parking 5 acres of trucks. He thought maybe only one acre for truck parking and another use for the reset of the land might be a better use. He noted that the Lloyd District was also densifying and he

thought the character of the new buildings was appropriate. He said a transit dependent community was being set up that one day should be able to see a reduction of its traffic load.

Mary Kyle McCurdy, representing 1000 Friends of Oregon and the Coalition for a Livable Future, 534 SW 3rd Ave., Suite 300, Portland, OR 97204, opposed inclusion of sites 53 - 55, 62, 63 and the resource lands in #65 into the UGB for two practical reasons. First, the land did not have to be brought in at this time because the claimed need could be met on First Tier and non-resource lands. Secondly, the resource lands in these areas were the focal point of current litigation and any decision to move these lands forward now would result in appeals. It would be far more practical for the Council to not move these lands in this year but wait until next year to consider them when there would be a decision from the LUBA and an update of technical information. Bringing the lands in now could potentially generate unnecessary public ill will. She noted significant legal reasons she had included in a letter to Council. (A copy of this letter can be found in the permanent record of this meeting.) she included additional comments in writing as she ran out of time.

Ms. McCurdy reviewed her map in response to a question from Councilor Morissette.

Tom McConnell, 9600 SW Oak St., Suite 230, Portland, OR 97223, representing Jim Standing in support of including areas #62 and #63 into the UGB and noted that they had submitted additional materials into the record today in that regard including a 6 page letter he had written and a concept transportation plan prepared by DKS Associates and a national resource evaluation and protection plan prepared by Envirosiences, Inc., in response to a staff request for additional information demonstrating compliance with Metro Code 3.01.012. (These materials can be found in the permanent record of this meeting.) He said they had been informed that their submittal had met all code requirements at this time. He appreciated staff cooperation and help.

Councilor McCaig asked for clarification that staff had indeed reviewed all of the concerns regarding sites #62 and #63.

Elaine Wilkerson, Growth Management, said they had been working with this proponent all week and had reviewed the material, particularly the transportation plan. She said staff had advised her that they thought everything was now satisfied under the requirements for urban reserve plans.

Dell Smith, 380 Rosemont Rd., West Linn, OR 97068, said he had testified November 12. He said he had additional written testimony to submit regarding some of the things Seattle was doing to cope with their growth and transportation issues. He also included a paper comparing quality of life issues for 15 metropolitan areas that he had picked up in Pittsburgh recently. He thought it might be helpful to the council in their deliberations. The third page he submitted was a suggestion that council consider the development of a community plan containing elements that should accompany any master plan. He said he was opposed to including the Stafford Triangle into the UGB. He believed no master plan should be accepted without an accompanying community plan.

Bill Dickis, Kell, Alterman & Runstein, 1001 SW 5th Ave., Suite 1800, Portland, OR 97204, representing Stewart Linquist, noted he had submitted a letter of testimony. (A copy of this letter can be found with the permanent record of this meeting.) He said his client wanted to be able to

use his property in site #32 on Burgis Road some day but he knew he never would be able to do so until the UGB came out and there was a realistic plan for the property.

Shari Sirkin, 74 NE Saratoga, Portland, OR 97211, said she farmed in Hillsboro, area #55 on Davis Road. She said she grew medicinal herbs and other types of organic produce. She said she and others needed close in farmland for growing good healthy food. She said good soil was a precious non-renewable resource that needed to be saved and urged council to keep this site as farm land for everyone's good.

Richard Stevens, 18880 S. Whitten Lane, West Linn, OR 97068 said he had not intended to testify today because he had done so previously, but he felt he needed to speak about farmland in his area because of Ms. Hammerstad's agency's contentions that the land he lived on was good for the production of hay and pasture. He thought it was rank hypocrisy for Clackamas County and the City of Lake Oswego, who owned land at Lusher farm and could not even give their hay away, to contend that it was prime farmland. He said they had used taxpayer funds to destroy the hay crop to avoid it becoming a fire hazard. He said it was not right to use an argument of "farmland" when you owned it and could not farm it and that was what the City of Lake Oswego had done. He specifically thanked the Presiding Officer and the other councilors for the inhuman patience they had exhibited through the process. He said he knew they would make good decisions based on the testimony.

DeLoris Casey, 814 SE 46th Ave., Portland, OR 97215, read her letter in opposition to including south Hillsboro area #55 into the UGB for the record (a copy of which may be found in the permanent record of the urban growth boundary amendment record).

Councilor McLain clarified that Ms. Casey's property was on Davis Road, to the left of the blue line on the map.

Wendie Kellington, Schwabe Williamson & Wyatt, 1211 SW Fifth Ave., Suites 1600-1800, Portland, OR 97204, representing the Halton Company, proclaimed that their concept plan was not deficient and said she was very frustrated by the opposition and the misinformation being put out. She had done a lot of work on this private effort with no public subsidies for the master plan which was 100% privately funded, but also 100% inclusive of everybody who had any interest in it and they were welcome to be part of shaping it. She said the only people who had been willing to listen and give them a fair shake were the council and a handful of others. She felt council would look at the evidence and make the right decision per their code. She said Metro's staff report from November 23 and 30th was flat out wrong.

Councilor McCaig appreciated Ms. Kellington's passion but said the 24 cities and 3 counties who represented Metro at MPAC had universally agreed that this piece did not meet the Metro Code. She said she understood the arguments being made but as far as making decisions and moving forward, those were the people she would have to work with in the future and they did not support moving that land in at this time. She asked for help as an elected official to figure out how to overcome that.

Ms. Kellington said Metro had the authority as the coordinating body to make unilateral decisions. She said Metro had stayed out of the decision and the jurisdictions had not looked at the code or the plan.

Councilor McCaig asked if Ms. Kellington meant that Metro staff as well as MPAC recommendations were wrong in their assessment that it did not meet the Metro Code, and it in fact did meet the code and Council should exercise their independent authority to overturn that advice and move to approve it because it did meet the code.

Ms. Kellington said that was absolutely correct and once it was done under Goal 11, the debate was over. She said she appreciated the question and the difficulty of the task but it was a situation they had not seen before in this state and she thought it would be a shame for the metropolitan region to establish a precedent that it was okay to establish a red line and send the growth somewhere else.

Councilor McCaig reminded Ms. Kellington that it was not just one or two local governments in Clackamas County but the regional representation of MPAC who had just come forward in the last 24 hours with a universal conclusion. It was a widely held view that this site did not meet the Metro Code.

Ms. Kellington said her memo would help council understand that their staff really blew it.

Larry Derr, 53 Yamhill St., Portland, OR 97204, spoke about area #47. He advised council that King City had submitted a detailed work program into the record with timelines for completion.

Lee Leighton, Shapiro and Associates, 1650 NW Front Ave., Suite 302, Portland, OR 97219, said they were proud to deliver the concept plan and other paperwork for the Rosemont Village property. He said they had been working very hard on the plan which now allocated 60 acres to schools and had detailed refinement of the transportation system as to phasing costs and roadway designations. He said they had demonstrated that the Rosemont Village neighborhood had a jobs/housing balance with the region's needs. He suggested that the responsible thing to do in this part of the subregion was to move into the planning necessary at the local level as well as the regional level to begin to respond to the pressures in that area. He urged inclusion of the Rosemont Village into the UGB.

Steve Larrance, 20660 SW Kinnaman Rd., Aloha, OR 97007, CPO #6 (Aloha, Cooper Mountain) said it was not true that the City of Hillsboro had approved the concept plan for this area and in fact they were meeting for the second hearing that night. They had not recommended anything to the city council as yet and could take as long as until January to decide. He noted Councilor Morissette's quote that the economic engine needed to be close to the jobs and answered that the south Hillsboro sites were a long way from those sites, about \$200 million away and nobody had a clue how to come up with those dollars. He said one could simply say that all the sites had transportation problems and the legislature needed to step up.

He said a successful appeal to all the sites in the south Hillsboro area based on the acknowledged transportation problems and inability to fund them would send council back to square one. He said an appeal to the west part of #55 because it was not a stand alone site would also be successful. He submitted written material to that point (a copy of this written testimony can be found with the permanent record of this meeting.) and said he would submit more before next Tuesday. He felt the reasonable thing to do was to table the site until they could look at an alternative area right across the street from the jobs and adjacent to Highway 26 where the state had commitments to improvement.

Councilor Morissette commented with due respect to Mr. Larrance that the political reality of it was they only had a couple of areas in Washington County where there was the opportunity to move forward. He said council could have put jobs and housing closer together in Hillsboro but it would have meant moving into agricultural land which the majority of the councilors did not support.

Marilyn Brock, 22170 SW Stafford Road, Tualatin, OR 97062, Rosemont Property Owners Association, said she had testified a few times on this matter and thanked the council for listening. She said they were looking for a solution that would benefit their surrounding area as well as the entire Metro area. She said there was still an argument but they had tried to show that the farmland was no longer worth keeping as farmland. She noted a letter from the Clackamas County Farm Bureau stating so.

Judy Eselius, 18018 Skyland Circle, Lake Oswego, OR 97034, was called but had left for an appointment.

Presiding Officer Kvistad closed the public hearing at 4:01 and recessed the meeting. After a short break he reconvened the meeting at 4:26 PM and explained the rest of the process for the UGB decisions and the timeline.

Councilor McLain reported that during the break three individuals had turned in written material. They were Larry Lack and Susanne Briggs representing the Hollywood Farmer's Market and speaking to the exception land in site #55, and Doug Bollam who had also submitted written material for the record.

Presiding Officer Kvistad said further written material could be submitted until Monday at 5:00 PM except for the City of Hillsboro who had asked for and been granted a special exception until Tuesday at noon.

Councilor McCaig directed her questions about the process to legal counsel. She said the manner in which they took the sites had an impact on the overall number. She asked if the only way under the law to start dealing with the sites was to start with those that had a master plan.

Mr. Cooper said the code was written in a way that said sites with master plans were considered first, and if, after those were considered and taken in, there was still a need for more, First Tier land with local government commitment, timeline and funding to complete the plan could be considered. He said council had determined last year, and findings had suggested that the need was approximately 32,000 housing units, which was greater than the amount of all of the agenda items today, whether or not they voted on the ones with plans first. He said there was no way they would exceed their need number with the mix in front of council today

Councilor McCaig understood that a master plan would not necessarily mean it had approval by the local government, that it had been judged a complete master plan, or that it met Metro Code or state law. She said there could be a site that had no government support but had a private developer who had prepared a plan and council could start there rather than another location where they met the master code, there was not a question about state law, and there was a letter of intent.

Mr. Cooper wanted to separate the procedural steps council might choose while considering these and address the question of what it meant to have a master plan. He said if land was going to be brought in based on it having a master plan, then that master plan must be complete and meet all of the master planning requirements. He said there were 3 alternative governance provisions in the code. The primary one was where a city or a city/county agreement dealt with eventual annexation to provide services. The second alternative was subject to interpretation because it was not cleanly written. The question was the sentence about whether the urban service agreement was consistent with ORS 195.065 was required. He said the interpretation was whether that meant the agreement was required before it could be moved into the UGB or did that become a condition after the boundary was moved. He believed that was ambiguous and could be read different ways by different people. He said council had the latitude to interpret its own words which then the Oregon courts should give great deference to, but whether they would or not on appeal he could not answer. He said all of the other master plan requirements in that subsection must be met. He said the last one, sub 13, required local governments to have the opportunity to consider the plan for adoption, but did not require that they approve the plan.

Councilor McCaig felt she was being asked to make decisions on the most controversial sites prior to the sites with more general support and if she wanted to support those sites with more general support it would increase the total number of acres she would be voting for at the end of the process. She said she would be forced to choose on the first set of master plans which would hold them up in the public arena because of lawsuits or other controversy around them. She said that meant they would potentially pass those and add them to the overall total of the expansion, and then move on to the easy ones. She thought that would be a bad thing.

Mr. Cooper said the procedure to consider them was at the discretion of the Presiding Officer but was subject to a majority vote of the body if they wanted to change it. He said the final vote was not scheduled until December 17 and the order question would come up again at that meeting.

Presiding Officer Kvistad said the work that had been ongoing for as long as 4-6 years for some of the councilors and as long as 7-8 years for others, would now begin the process of the first major adjustment in bulk of the urban growth boundary in several decades. He said they would take the need assessment of 32,000 units and do what the state mandated, take at minimum 50% of that need into the urban growth boundary. He said the process began in 1993 with the development of the 2040 growth plan and growth concept plan. Since that time they had put together the future vision, the functional plan and the framework plan. He reported they had reduced the urban reserve need down from 120,000 acres to 18,300 acres of land for the next 40 years, which was a terrific achievement. He said it was not just the members of this council and the executive officer but members of the community as well that had allowed that to be done. He said the urban edge, however, was a controversial thing to deal with and they had met a very tight schedule with very tight timelines on these decisions. He said it had been very difficult to get through and it had been nothing less than lightly controversial. Regardless of what they did today it would be no less so. He said no jurisdiction in the United States had ever been successful in doing what this region had already accomplished, let alone going to where we were going in the future if we followed the master plans this community had decided on. He thought this was a terrific opportunity. The councilors had different views and philosophies as to how it should work and he was going to try in his capacity at Presiding Officer and one of the 7 to move through quickly to the decisions today. He complimented and thanked staff and the executive, and the other 6 members of the council for all the hard work and the years it took to get to this

point. He said regardless of what happened now it was a terrific achievement and everyone could be very proud of what had been accomplished. He gave special kudos to the legal staff, to the analytical staff, and to John Fregonese who worked in the development of 2040 to get to the point where there was a plan and a concept. He thought the plan they had was an excellent one. He continued that they had neither the option nor the inclination to do "nothing" and a decision would be made today. He said they would do their best to make decisions in a very short timely order. He called for general comments and Councilor McLain's technical amendments.

Councilor McCaig noted MPAC's chart which included site #45. The site had been noticed but was not included in any ordinance or resolution. She said it had met all Metro Code requirements and had 1,772 potential housing units. She said she would like to make it an ordinance and asked for the procedure. She said she had understood if it had been noticed, this would be an appropriate action and asked it that was so.

Presiding Officer Kvistad asked Mr. Cooper for a legal interpretation.

Mr. Cooper said to get to this point we gave general notice in the newspaper and to DLCD at least 45 days before today of many of these sites including the site #45. Because it was not included in an ordinance or resolution that came out of the growth management committee process they did not give a required individual property owner's notice by letter to everybody who owned land or lived inside that or was within 500' of the boundary. That notice was also required. He said because it did not make it into an ordinance the individual letters were not sent out and without those individual letters you can't act on it. He said an ordinance could be prepared and introduced however it could not meet the timeline for the 17th.

Jeff Stone, Chief of Staff, confirmed that the letters had not been sent.

Councilor McCaig asked why it hadn't been included.

Councilor Morissette answered that Growth Management Committee discussions found it did not meet the test for moving forward into an ordinance. He said they had been concerned at the time that Sherwood had not done their master planning, although he thought they had committed to doing it now.

Councilor Morissette continued that he had tried to come up with a philosophy that made sense to an urban form and as a representative of the district with the most urban reserves and the least number of jobs he wanted to make sure they did not create traffic gridlock. He believed it was important to work with local partnerships and believed it was also important for people not to be able to opt out. He said moving Stafford forward at this time would cause the whole process to step back as it was not moving and they were debating around in circles. He believed the boundary should move with fair distribution throughout the region but getting houses close to jobs with limited transportation dollars made the most sense to him. He said he preferred a larger expansion at this time but did not want to run over the people who had to implement it like he tried not to run over the people he worked with so they could have a successful team. He believed that was what they had now with MPAC and hoped the councilors would consider that in their Stafford votes.

Councilor McLain said it was important to remember Mr. Cooper's comments about the votes today and on the 17th. She said her purpose today was to make amendments, for housekeeping

and to clean up certain findings or public hearing items from the last month and a half. She said the today's votes were to make the best possible ordinances and resolutions to go before council with completed findings on December 17th. She told staff to consider this their instruction to complete the findings for the final decision on the 17th. She pointed out that she, too, thought this was 2 year process and felt it was important to move in a pragmatic way with the partners so they understood this was only half of the work to be done. She said a commitment had been made at MPAC to look at the issue brought up today by 1,000 Friends and Ms. McCurdy regarding the 200' buffer being unbuildable because it was supposed to be Title 3 protected land but no longer was. She also thought it was important to remember as they looked at the Metro Code that the refinement between a plan that was completed, a commitment that was made, or a plan that had one or two items that still needed to be met, that they were going to be making decisions on analysis of whether those items that still needed to be met were longer or more complicated, or were dealing with infrastructure and funding issues more than others and what was the cost of the productivity for that particular area. It was not simply whether it met state law or the Metro Code, but whether it was doable or could the local jurisdiction, with the help of the state, Metro and others, actually be able to provide the kinds of services that were possible. Lastly she pointed out that the properties which were still in litigation, and which could possibly be in litigation for 6 months, were in resolutions and those resolutions would not be made into ordinances for at least 6 months, and those litigations would have an opportunity to work themselves out.

Mr. Cooper reviewed the process for considering legislative amendments to the Metro Urban Growth Boundary. He said it was set forth in the code and was consistent with state law. They would apply the criteria from the code and state law to the facts they had heard in testimony in the record before them. He said if they chose to bring a piece of land into the urban growth boundary they must explain the decision and why the property met the criteria. He said if the land was not already inside the urban growth boundary there was a 2 step process to follow. First adopt a resolution based on fact stating the intent to move the UGB if and when the land was annexed to Metro, then after the annexation occurred to act by ordinance to move the UGB in that area. He said adoption of a resolution was not a final land use decision. That happened when the ordinance moving the UGB was actually adopted. He said today there were 5 ordinances and 3 resolutions for consideration. The ordinances would be final decisions, if adopted. He said council was requested to make preliminary decisions today on each of the ordinances, after any amendments they wished to make, and then to forward those for final action. He said they should then direct his office prepare findings in support of those specific ordinances.

He said then they would make motions to forward the resolutions for final adoption. He said the findings needed to reflect which land they were choosing to bring into the UGB and which they were not choosing to bring in at this time. He said that was the reason for going through this procedural stage of finding out where they were on all of these before the findings could be written on the ones chosen to move forward. He said ordinances should not be amended on the day they are adopted, except technical, non-substantive amendments. He noted that any additional conditions made to an ordinance after today would require it to be continued before it was adopted. He said that was why they had recommended, since the record was open through Tuesday, that each of the ordinances chosen to move forward be placed on the agenda for December 10th for possible amendments so there would still be time to vote on final adoption on December 17th.

Councilor McLain said there were conditions that needed to be added to the ordinances today to be sure there was a full package on December 17th.

Presiding Officer Kvistad said he would recognize her to read the item, make the motion and take a second, then they would move to questions.

Motion to: **Councilor McLain** moved the following conditions be added to
Add Conditions: **Ordinance No. 781A:**

c) Prior to conversion of the new urbanizable land in this ordinance to urban land available for development stormwater management plans shall address means of assuring the speed, temperature, sediment and chemical composition of stormwater runoff meets the state and federal water quality standards as development occurs. This plan shall address on-site stormwater detention plan requirement.

d) Prior to the conversion of the new urbanizable land in this ordinance to urban land available for development the city shall consider the adoption of a requirement that the quantity of stormwater runoff after urban development of each development site is not greater than the stormwater runoff before the development.

e) Prior to the conversion of the new urbanizable land in this ordinance to urban land available for development the city shall adopt urban growth management functional plan requirements for revegetation and Title 3 building setbacks from streams, wetlands, and addressing federal requirements adopted pursuant to the ESA (Endangered Species Act).

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

Councilor Morissette asked if the motion was just to sites #4 and #5.

Councilor McLain said yes, just to those sites.

Discussion: None.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The technical adjustment was agreed to and the Ordinance became a "B" version.

Motion to: **Councilor McLain** moved to add the following conditions to
Add Conditions: **Ordinance No. 98-786B.**

c) Urban development consistent with Goal 14 and Factor 3 on orderly provision of stormwater urban services feasible with the condition that the urban reserve plan shall require that a stormwater management plan be adopted for this area to assure that the velocity, the temperature, the sediment, the chemical composition of the stormwater runoff for the form of approved development needs meet state and federal water quality.

d) Urban development consistent with Title 3 of the urban growth management functional plan on flooding is feasible with the condition that the urban reserve plan and the subsequent urban zoning provided for stormwater management to assure that a quality of

stormwater runoff leaving each site after urban development is no greater than before urban development.

e) Urban development consistent with Title 3 on water quality is feasible with the condition that Title 3 water quality setbacks and revegetation requirements shall be adopted prior to the adoption of an urban comprehensive plan and zoning designations for this area.

Seconded: Councilor Monroe seconded the motion.

Discussion: Mr. Cooper, responding to a question from Councilor Morissette, said these types of conditions were related to the timing of the release of the volume and it would be coming out when it was not flooding.

Councilor Morissette clarified that you could release water downstream as previously, but you were not going to encourage additional runoff during a particular period of high rains by detention ponds.

Mr. Cooper said that was basically correct.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion to amend passed and the ordinance became a "C" version.

Motion to Add Conditions: Councilor McLain moved to add the following conditions to Ordinance No. 98-782.

c) Adoption of an urban comprehensive plan designation in urban zoning for this area shall include means to assure the speed, temperature, sediment and chemical composition of the stormwater runoff to meet state and federal water quality standards.

d) Urban zoning shall address on-site stormwater detention requirements. The city shall consider a requirement the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

e) Adoption of an urban comprehensive plan designation in urban zoning for the subject area shall be approved only after the city or county adopts functional plan requirements for vegetation, title 3 setbacks from top of bank of streams, wetlands and address federal requirements adopted pursuant to the Endangered Species Act (ESA).

Seconded: Councilor Monroe seconded the motion.

Discussion: None.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion to amend passed and the Ordinance became an "A" version.

Motion to Add Conditions: Councilor McLain moved to add the following conditions to Ordinance No. 98-779B:

a) The urban reserve plan and urban comprehensive plan in zoning shall be consistent with Goal 14 Factor 3 for stormwater facilities by treating stormwater runoff by filtration through a bifiltration swail.

Seconded: Councilor Washington seconded the motion.

Discussion: Councilor McLain explained that this was a little bit smaller and there needed to be a particular appropriate fix due to the small site.

Vote: The vote was 6 aye/ 0 nay/ 0 abstain. The motion to amend passed of those present and the ordinance became a "C" version. Councilor McCaig was out of the room at the vote.

Motion to Add Conditions: Councilor McLain moved to add the following conditions to Ordinance No. 98-788A:

c) Adoption of an urban comprehensive plan designation and urban zoning for this area shall include means to assure the speed, temperature, sedimentation and chemical composition of the stormwater runoff meet state and federal water qualities.

d) Urban zoning shall address on-site stormwater detention requirements. The city shall consider a requirement that the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

e) An adoption of urban comprehensive plan designation and urban zoning for the subject area shall be approved by the city only after the city adopts a functional plan requirement for vegetation, Title 3 setbacks from top of bank of stream and wetlands and addressed federal requirements adopted pursuant to the Endangered Species Act (ESA).

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor McLain pointed out that there might be additional conditions on certain areas that were not present today. Those could take place on December 10th.

Vote: The vote was 6 aye/ 0 nay/ abstain. The motion to amend passed and the Ordinance became a "B" version. Councilor McCaig was out of the room at the vote.

Councilor McLain said there was a situation where there was a mapping error on site #62 and #63. She said that error had been corrected and there were correct maps available for their discussion.

Motion: Councilor McLain moved Resolution 98-2726A to accept the correction of the map of Urban Reserve #62 north of Sunset Highway and Urban Reserve #63 by substituting the concept plan map as the boundary map. This motion was to this and any other resolution pertaining to these sites.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McLain said the boundary map of UR #62 and #63 in the packets were not consistent with the description of boundaries as adopted in the urban reserve areas.

Vote: The vote was 6 aye/0 nay/0 abstain. The motion to correct the map passed. Councilor McCaig was out of the room at the vote.

Motion: Councilor McLain moved Ordinance No. 98-788B.

Seconded: Councilor Morissette seconded the motion.

Discussion: Councilor McLain indicated that this was the portion of site #55 that was inside the jurisdictional boundary of Metro and was exception land.

Councilor Monroe clarified that according to the MPAC chart it was 353 acres and would produce 1,493 housing units.

Councilor McLain said it was 355.9 and 1,405 dwelling units and 520 jobs.

Presiding Officer Kvistad said that information was included in each ordinance.

Councilor McLain said she moved the ordinance as amended to include the conditions recommended by the staff report and findings prepared by the office of general counsel for this ordinance. The new version of Ordinance 98-788B shall be forwarded to the council agenda on December 17 for final adoption. She said this ordinance included the portion of site #55 inside of the Metro boundary which was almost exclusively First Tier land. The acreage for the site was 355.9 acres which could accommodate approximately 1,405 dwelling units and 520 jobs according to Metro's productivity analysis. The property in this ordinance was properly noticed in compliance with Metro Code and state statute. The public has had an opportunity to provide input on this site and in fact a Metro public hearing on November 10 focused specifically on this site out in Hillsboro. The staff report for this site was available in a timely manner, Hillsboro had completed an urban reserve plan for site #55, included this portion of the site and staff was instructed to prepare findings and conditions of approval to assure implementation of the urban reserve plan. This also included the maps.

Vote: The vote was 7 aye/ 0 nay/ abstain. The ordinance was agreed to unanimously and moved forward for findings.

Motion: Councilor Morissette moved Resolution No. 98-2728A.

Seconded: Councilor McFarland seconded the motion.

Discussion: Councilor Morissette said he believed firmly in this issue and they needed to do the best they could with limited transportation dollars to try to get people as close to jobs as possible.

Councilor McLain said this sites #51 and #52 were not included in this resolution. She said she had an ordinance that included them and she wanted to explain this amendment. She said the site #51 acreage was 93.6, the dwelling units were 323 and the jobs accommodated were 108. Site

#52 was 98.8 acres, 421 dwelling units and 140 jobs. She said these sites could not wait because they were exception lands and needed to be included in this ordinance to make it appropriate for findings, state law and the Metro Code.

Motion to Amend: **Councilor McLain** moved to amend Resolution No. 98-2728A to include sites #51 and #52 which were previously and properly noticed.

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

Councilor McFarland asked about the acres and dwelling units for the total package as now constituted.

Councilor Morissette said approximately 1,400 acres and approximately 6,400 dwelling units.

Elaine Wilkerson and **Mark Turpel** came forward to testify on the record.

Ms. Wilkerson said 5,358 units and 2,801 jobs according to the productivity analysis which was not necessarily identical to the concept plan.

Councilor McCaig clarified that the amendment was for sites #51, #52, #53, #54 and the portion of #55 outside the Metro boundary. She understood that the housing units for the package was 6,842.

Ms. Wilkerson said that included the land inside the Metro boundary.

Councilor McCaig said in her calculation it did not include the land inside.

Discussion among councilors and staff regarding which sources of numbers were correct.

Councilor McFarland said that was exactly why she had asked the question, because it was obvious that everyone had added them differently and she wanted to be sure they were all dealing with the same thing.

Presiding Officer Kvistad said the numbers coming from the Growth staff were the correct numbers.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The ordinance to amend the resolution for consideration was agreed to and became a "C" version to move forward for findings. **Councilor McCaig** voted nay.

Councilor McLain indicated that after looking at the documentation, an issue for her was transportation. She said the first configuration of the ordinance had only sites #55 and #54 in it. It needed #52 and #53 to complete the transportation plan that this particular urban reserve plan was trying to use to address the transportation issues in the area. She pointed out that #52 and #51 were smaller areas and needed to be brought in to be certain they were master planned properly and appropriately. She said the conditions they had put on this resolution indicated a very high standard of the city of Hillsboro and Washington County in the next 6 months to make sure he issues were addressed. She said if this was an ordinance she could not vote for it. The only reason she was comfortable voting for it was because it was a resolution and allowed the

city to see if they could figure out some of the issues that had been brought up by the public at the hearings. The other issues was that there were still appeals on EFU land. She believed the resolution was appropriate.

Councilor Morissette suggested that if there was an EFU example it was completely surrounded by exception land. He felt this was an opportunity to build something really neat. He believed there were issues to be dealt with for the surrounding communities concerning transportation but he sincerely hoped council would support it.

Councilor Morissette moved Resolution 98-2728C to the council agenda of December 10 for final adoption and then to December 17th for final adoption. This resolution included urban reserve sites #53, #54 and a portion of #55 and then amended to include all of #51 and #52 outside of the Metro boundary. This resolution encompasses approximately 856 acres plus the newly added acreage, which can accommodate approximately 4,365 dwelling units and 2,217 jobs, keeping in mind those last two numbers would be amended with the additional area, based on Metro's productivity analysis. The sites were not Tier 1 site and included exclusive farm use land. The site in this resolution was properly noticed in compliance with Metro Code and state statute. The public had opportunity to provide testimony as to those sites at several public hearings, and in fact a Metro public hearing on November 10 specifically focused on this site. Hillsboro has completed an urban reserve plan for these sites referred to as the south Hillsboro plan and which includes the area generally referred to as St. Mary's. Staff reports for these sites were available in a timely manner and the maps were included.

Presiding Officer Kvistad said the motion included the inclusion of the appropriate amended map.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. The resolution passed as a C version to be forwarded to staff for findings. Councilors Washington, Monroe and McCaig voted nay.

Motion: **Councilor McLain** moved to amend Resolution No. 98-2729B.

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

Discussion: **Councilor McLain** said this resolution incorporated urban reserve sites #39, #41, and #42 and included #62 and #63 for a total of about 28 acres.

Presiding Officer Kvistad clarified that this item had been amended before Metro Council to include areas #62 and #63 and there was a competing resolution that included #62, #63 and #65. He said if the item before council was successful then for area #65 to be considered it would have to be considered separately as an item. The current item included sites #39, #41, #42, #62, and #63.

Councilor McCaig asked why they were combined in this manner.

Councilor McLain replied that the Presiding Officer had not wanted to have #62 and #63 with the south Hillsboro area. She believed the findings were more similar to sites #39 and #41.

Presiding Officer Kvistad said the item before council was the amended version that had been amended by a motion from Councilor McLain at a previous council meeting. It was not simply the three Wilsonville sites (#39, #41, and #42), it also included sites #62, #63 in western Washington County. He noted the amended map which had been moved by Councilor McLain.

Councilor McLain commented that legal counsel told her she should mention the map at this time.

Presiding Officer Kvistad said he would accept the motion as amended which included the new adjusted map as part of the motion. He called for general comments of the item.

Presiding Officer Kvistad said he had questions about this due to the prison siting. He said he was now comfortable voting it forward.

Councilor McLain said she was moving to incorporate #39, the school site, #41, the Dammasch site, and #42, the Day Road site into the Wilsonville area as well as sites #62 and #63 in northern Hillsboro.

Sites #39 and #41 are Tier 1 sites. Sites #39, #41, #62 and #63 do contain land designated as exclusive farm use land. The combined acreage of these sites is about 645 acres which can accommodate approximately 1,435 dwelling units and 4,512 jobs according to Metro's productivity analysis. This includes land in the urban reserve plan for site #62 and site #63. This resolution includes site #42 on the assumption that it will be used as a prison site. If that is not demonstrated by the time of final adoption, site #42 will be reviewed. This site and this ordinance were properly noticed in compliance with Metro Code and state statute. The public has had opportunity to provide testimony as to these sites at several public hearings and in fact the Metro public hearing on November 10th and November 19th focused specifically on these sites. Based on these hearings the council amended site #39, a proposed school site for Wilsonville-West Linn School District by adding an additional 7 acres to that school district's request. Staff reports for these urban reserve sites were available in a timely manner. Results of the staff analysis of state required factors varied and should be taken into account with the unique context of each site. Each of these sites involved unique factors for consideration. Site #39 is owned by the state of Oregon and may be transferred to a school district only for the purpose of a school siting. The district indicates it wants to put 2 school on this site and Metro has been a partner in seeking solutions to the difficulty of locating school sites in the metropolitan area. Wilsonville has committed to completing the urban reserve plan for this site. Either site #41 or #42 may be yet receive final designation as a prison site. The Dammasch portion site of #41 however, holds great promise as a model planned community meeting 2040 objectives based on work done by Wilsonville. Wilsonville has committed to complete an urban reserve plan for the First Tier site. Site #42, which is the Day Road site, was previously amended by Metro Council to add 72 acres conditioned on the state Department of Corrections making a final determination that this urban reserve would contain the women's prison. Productivity analysis for site #42 was based on the site containing the prison thus it's projected to produce some dwelling unit equivalence inside the prison of about 4,000 jobs. The purpose of the urban reserve plan is complete if the site is designated as a prison. Sites #62 and #63 are north of the Sunset Highway, Highway 26 near Hillsboro, and have completed an urban reserve plan of commitment which has been prepared with the assistance of the city of Hillsboro. These are highly productive sites which total only about 28 acres and may produce over 350 dwelling units according to the productivity analysis.

Presiding Officer Kvistad said this item also included the appropriate amended map.

Vote: The vote was 7 aye/ 0 nay/ abstain. The motion passed unanimously. **Presiding Officer Kvistad** declared this Resolution passed as amended.

Motion: **Councilor Monroe** moved to amend Resolution No. 98-2726A to remove sites #62 and #63.

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

Discussion: **Councilor Monroe** said since #62 and #63 had just been added to the previous package and passed it, it would be redundant to also have it in this package.

Councilor McCaig asked for some background. She noted that there was a private developer willing to put forward the money to develop the site and asked about the role that would play in council's choosing how and where to develop in the future.

Presiding Officer Kvistad explained why this was packaged as it was. **Councilor McCaig** said she would wait for the proper discussion to ask her questions about site #65.

Vote: The vote was 6 aye/ 1 nay/ abstain. The amendment to Resolution No. 98-2726A passed with **Councilor McLain** voting nay.

Motion: **Councilor Monroe** moved to adopt Resolution No. 98-2726B to be put forward for findings.

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

Discussion: **Councilor Monroe** said the portion of #65 that was encompassed by this resolution had been carefully planned and had the support of the city of Beaverton and MPAC. He said it was exception land and appropriate for inclusion in the UGB.

Presiding Officer Kvistad asked if this parcel qualified under the ownership requirements to be moved forward.

Ms. Wilkerson said at this time there were at least 4 owners.

Presiding Officer Kvistad said he wanted the record to show that it did not qualify as a land use adjustment and it was a properly amended amendment.

Councilor McCaig asked for clarification regarding inclusion of sites that may not have been First Tier, and may or may not have had local governments interested in the site until a developer came forward with a proposal. She wondered how to measure the public good when the drive was coming from outside of the process and council was incorporating it in the process.

Councilor Morissette said there had been a lot of discussion about the limited resources for master planning. He said this master planning in public testimony from the Growth staff, met the criteria to fit the requirements. The city of Beaverton had aggressively come forward in support of it.

Councilor McCaig said and that was a good thing.

Councilor McLain responded that the reason she had struggled with the site was for a different reason. They had tried very hard to take the EFU land out of Site 65. They were fairly successful on that but there were still some portion of EFU land. They had the same issues there as in St. Mary's. That had to be settled in the court. It was a special needs issue. Where Councilor McLain had some problems was the fact that even though she thought the developer was an extraordinarily creative and had great product she still thought that there was some issues in the commitment from Beaverton and Washington County that had not been addressed. In her mind as she was making choices between what was approved this year and trying to encourage people to do the best or the most they can do to meet those standards, she thought there was still more to be done. She had to make an analysis of the staff reports and in her mind there was still some issues on off-site mitigation, transportation plan issues that were part of the Metro Code. She was having those difficulties with this site. She may not have those difficulties with it next year. It was again an analysis, not that they didn't meet the basic standard, she thought you could say they met the basic standard but she did not think they were over the hurdle. There was also the issue of annexation and the fact that this was originally seen as being an orphan site even though a city had come forward and indicated interest.

Presiding Officer Kvistad called for further questions.

Councilor Monroe closed by saying, they were very impressed with the plan. It included school siting, connectivity, it was compatible with 2040 guidelines. They were cognizant that there were transportation problems in this area. There were transportation problems all over the region. There was no URSA that could be brought in that wouldn't create additional transportation problems. He believed that this site, had this plan been prepared at the time the Council made the decision between Tier 1 and Tier 2, would be classified as Tier 1. He urged the Council aye vote.

Vote: The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed with Councilors McLain, McCaig and Morissette voting no.

Presiding Officer Kvistad declared on a 4 to 3 vote, Resolution No. 98-2726B was agreed to with the appropriate amended maps in place and forwarded on for findings.

Presiding Officer Kvistad announced consideration of Ordinance No. 98-782A, the area in the Stafford basin.

Motion: **Presiding Officer Kvistad** moved Ordinance No. 98-782A.

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

Motion to

Amend: **Councilor Monroe** moved to amend Ordinance No. 98-782A to include only those areas described in the attached map, the Rosemont Village urban reserve plan area which included Urban Reserve 32 and a portion of Urban Reserve 31 and 33. He noted that this was the part that had been planned.

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

Councilor Monroe directed his question to Mr. Cooper, any ordinance that was put forward at this time required legal counsel to determine findings on how it met the Metro Code and why it should be brought into the UGB. He asked if it would be possible to determine such findings without this amendment.

Mr. Cooper responded that the Code required that land be brought into the Urban Growth Boundary either have a urban reserve plan that the Council approved of or be first tier land for which there was a local government commitment to complete the plan. The portion that was not part of the plan include a large part of land that was not either Tier 1 nor subject an urban reserve plan. To include all of the area that was currently in the ordinance would be inconsistent with the Code.

Councilor Monroe believed that this was the most controversial piece along with St. Mary's that the Council had looked at. If you looked at the map, this was an important compromise to take in only the northern portion of the Stafford Triangle at this time and to allow proper planning and determination of governance and so on to follow and then at some later time the Council may want to consider whether or not the remaining portions were appropriate for bringing into the Urban Growth Boundary.

Presiding Officer Kvistad clarified that this was a motion to amend and called for further discussion.

Vote to Amend : The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Morissette voting no. Presiding Officer Kvistad declared Ordinance No. 98-782A amended making it Ordinance No. 98-782B.

Councilor McLain said that there were several reasons why she could not vote for this particular ordinance this year. She explained why it was important not to bring this parcel in this year: the Metro Code spoke of governance, plans towards annexation, making sure that the 122 agreements had been met, and that those people who had completed the 122 agreements would at least keep those 122 agreements in their work and their planning. This had not been done in this area of Stafford. This was another area where, she thought, six months to a year would allow local jurisdictions and partners who need to be on board for this to happen to get their work done. Metro had had conversations from the MPAC members and Lake Oswego Council which indicated that they understood that there was going to be growth there some day. They had indicated their interest in making sure that they do that planning correctly. They wanted to have an opportunity to do that. We had tried to move them along. There was also a boundary commission change that started on January 1, 1999 where they would have an opportunity, she believed in the next six months, to see this as a challenge but also a reality because there would be a portion of that document that would indicate that local jurisdictions had to at least act on annexation requests that were before them. It was important for the Council not to try put the cart before the horse. Metro needed to let the local jurisdiction partners that would have to do this planning get that work done before it was moved. Metro said they would do that in the Metro Code. MPAC asked the Council unanimously to not move the boundary without meeting their own Metro Code. She thought that was were they fell down with this amendment and with this entire ordinance. She pointed out that, just as Councilor McCaig had brought up, some of her votes would be different on the 17th. This was because she was not going to vote in 27,000 dwelling units this year. She had made a commitment to herself and to their MPAC partners to

readdress that 200 foot buffer, the endangered species act and the steelhead issues. There were a number of those need factors that they agreed to revisit in a more holistic way in 1999. MPAC had agreed to help them with it. Those were many reasons why a vote in support of this ordinance would unravel this process. All of the hard work that the staff, local jurisdictions, MPAC and this Council had done would not be able to accomplish what they had hoped to accomplish here tonight. She in no way shape or form believed that West Linn, Tualatin, or Lake Oswego should not have some of the same responsibilities for growth that anyone else did and she did not think any of those 24 cities and three counties would opt out. They had agreed to the Functional Plan and the 2040 Growth Concept but they could not take it all in at one time. They couldn't use it all at one time and the Metro Code was not met with this ordinance tonight.

Councilor Morissette expressed a wish to quote a couple of number and reminded the Council that right now they had 2200 acres and 10,000 housing units. If 50% matters to the Council, just remember the Sites 4 and 5 represented 1531 acres and 6500 dwelling units. He did not know if there was a whole lot of controversy to that, he felt there was potentially going to be an amendment to that which might reduce those figures. Site 14 and 15, so 147th could be fixed, had unanimous support in the Council. Most likely the Council may be looking favorably towards those sites as well as a great master plan. These sites included 662 acres and 3262 housing units. Sites 43 and 47 were also supported unanimously and represented 92 acres and 406 housing units. These totals represented 2285 acres and 10,253 housing units. If the Council added together what they already had with the proposed acreage and housing units, this would put the figures at 4500 acres and 20,000 housing units not including what was being supported in the Stafford area of 820 acres and 320 housing units. He reminded the Council that this decision was not about whether Lake Oswego should be doing their fair share. He thought the Council had addressed this. What this issue was about was that MPAC, as a partner, came forward to start moving this process rather than deny the responsibility of need for growth and land in this region. MPAC had discussed the fact, even though they did not come to conclusions on the individual parcels, as to whether or not the Council was going to do it all now. For the Council to move everything in was certainly within their ability and their right but was the Council really doing what they had agreed to with the MPAC partnership if the Council brought all of the land in. He questioned whether they wanted to do this now or were just putting the final vote off until December 17th.

Councilor McCaig noted that this was the last one of these kinds of votes she would be casting this evening but it was her point originally when the Council started this process. She would like to have had a different opportunity to look both at Stafford, St. Mary's and Site 65 but because of the process and the description that Councilor Morissette had just given, she didn't have that opportunity. She knew that there were sites throughout this region where they had agreement and those sites were important to bring in and to allow Metro to move forward to meet some of the real needs. For the Council to try and make a point right now by pushing some of these was really dangerous for the Council and it was dangerous for Metro's success in the future. Had this process been structured differently, she thought she would have had an opportunity to view each one of these proposals for its uniqueness, which was true about Stafford, St. Mary's and Site 65. They were all unique, different under the other standards that the Council was looking at for expanding the boundary but because the Council started with those sites she was afraid she must vote no on this one as well.

Presiding Officer Kvistad said that he had been a supporter of the entire parcel since the beginning and he had taken a lot of heat for it. He and Commissioner Hammerstad had had their

discussion on this site. He felt strongly that this should come in and would support it doing so. As for the process, he was very proud of the process and what they had been able to do. They had been working on some of these parcels for six years. He understood the frustration of Councilor McCaig but he believed that should the Council vote this ordinance forward, which was an excellent compromise, he would support that compromise.

Councilor Monroe said they needed to know the number of acres left after his amendment and the approximate number of housing units.

Ms. Wilkerson said she did not have exact numbers but she believed that there were about 830 acres in the Rosemont Plan and she had looked at the productivity analysis numbers, she thought it had to be around 3800 dwelling units. The productivity analysis did not break out that particular number but it was pretty much Urban Reserves 31 and 32. She had added these two together and made an estimate on that basis.

Councilor Monroe urged the Council's aye vote. Councilor Monroe re-read his motion: he moved that Ordinance No. 98-782A be amended and forwarded to the Council agenda for December 17, 1998 for final adoption and that they Office of General Counsel be directed to produce findings and a condition of approval for the ordinance. The condition of approval was that urban service agreement consistent with ORS 195065 must be entered into before any urban development occurs. A condition of approval is required because the Council should interpret Metro Code Section 3.01.012e sub 2 to allow an urban growth boundary amendment subject to such a condition where the city/county agreements required by Metro Code 3.01.012e sub 1 had not been entered into. The findings should reflect this interpretation. This ordinance included the first tier portions of Urban Reserve site 33 and 34, Rosemont Village Plan which included all of site 32. The combined area would include about 881 acres which could accommodate about 4756 dwelling units and 1895 jobs based on Metro's productivity analysis and the Rosemont Village Plan.

Presiding Officer Kvistad reiterated that this ordinance was as amended with the appropriate language from Councilor Monroe's preliminary amendment which changed the version.

Mr. Cooper corrected the record and clarified that the ordinance as amended did not include the first tier portions of Urban Reserves 33 and 34. It simply included the Rosemont Village Plan which included all of Urban Reserve 32 and a large portion of 31 and a small portion of 33 as indicated on the map attached to the amendment that was made.

Presiding Officer Kvistad announced that this amended ordinance had been moved and seconded, the final adjustments included the amended maps.

Vote on Main The vote was 4 aye/ 3 nay/ 0 abstain. The motion passed
Motion: with Councilors McLain, Morissette and McCaig voting no.

Presiding Officer Kvistad announced that Ordinance No. 98-782B passed and was forwarded for findings.

He then announced that the Council had completed the planned areas and would move on to those areas that had commitments which included Ordinance No. 98-779C, 98-786C, and 98-

781B. They would move first to complete the Washington County section. First under consideration was areas 43 and 47.

Motion: **Councilor Morissette** moved Ordinance No. 98-779C be amended to include conditions, recommended in the staff report of findings prepared by the Office of General Counsel for this ordinance. The version of the ordinance 98-779C shall be forwarded to the Council agenda on December 17th for final adoption. The ordinance incorporates urban reserve sites 43 and 47 in Washington County. They are first tier sites encompassing about 100 acres. These sites can accommodate approximately 400 dwelling units and 135 jobs based on Metro's productivity analysis. Sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had opportunity to provide testimony on these sites at several public hearings. In fact Metro Public Hearings on December 10th and 19th specifically focused on these sites. Based on these hearings, the Council approved an amendment to correct the flood plain on the southern boundary of site 47 adding about 7.5 acres to the site. The staff reports for urban reserve sites 43 and 47 were available in a timely manner and indicated generally high marks across the board for factors related to required state goal analysis. The commitment to complete an urban reserve plan had been submitted from the City of Tualatin for Site 43 and in the case of Site 47, a commitment had been received from King City. The Council had received little or no testimony against inclusion of Site 43 being included in the urban growth boundary. The almost 10 acres of Site 43 under single ownership would be combined with an adjacent 12 acre parcel inside the UGB to create a single development. In addition to land for housing the site contained steeply sloped and wetland areas that could be designated as open spaces. Site 47 which currently included a mobile home park could be an important sources of affordable housing in the area. It was a first tier site with no EFU land and had been carefully drawn to exclude important riparian areas. The map was included with this ordinance.

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

Councilor Morissette felt that the Council had been briefed on this ordinance. The city of King City supported this ordinance as well as a development plan proposed by Derek Brown including the addition to the flood plain of the Whitney property.

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

Presiding Officer Kvistad declared that Ordinance No. 98-779C was agreed to. This item was now forwarded to staff for findings.

Presiding Officer Kvistad announced that Ordinance No. 98-786C as amended would now be considered. This area included Site 14 and 15, Sunnyside Happy Valley area.

Motion: **Councilor Morissette** moved Ordinance No. 98-786C be amended to include conditions recommended in the staff report and findings prepared the Office of General Counsel for this ordinance. The new ordinance No. 98-786C shall be forwarded to the Council agenda on December 17, 1998 for final adoption. This ordinance incorporates urban reserve sites 14 and 15 in the Sunnyside Road/Happy Valley area. They are first tier sites which encompass 661 acres. These sites could accommodate approximately 3300 dwelling units and 950 jobs according to Metro's productivity analysis. The sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had opportunity to provide testimony

as to these sites at several public hearings and in fact the Metro Public Hearing on November 26, 1998 specifically focused on sites 14 and 15. Based on these hearings, the Council amended Ordinance No. 98-786A to add to urban reserve area 15 and the UGB approximately 39 acres of exception lands south of Monner Creek adjoining both sites 14 and 15. The City of Happy Valley and Clackamas County provided testimony on this amendment. Staff reports for urban reserve sites 14 and 15 were available in a timely manner and indicated generally high marks across the board for factors related to required state goal analysis. In addition, letters committed to completing urban reserve plans have been received from Clackamas County and indicated coordination with the City of Happy Valley. Citizens testimony with regard to traffic amounts on Monner Road and possible impacts to Monner Road were addressed by modifying those 54 acres to 39 acres. All of this land is south of Monner Creek, not adjacent to Monner Road. The maps were included in this version.

Seconded: Councilor Washington seconded the motion.

Councilor Morissette said that they had heard testimony from Senator Baker on this ordinance. This area had the support of Clackamas County and a plan that John Fregonese was working on. Due to the commitments on the amount of buffer that Senator Baker brought forward, Councilor Morissette declared that he was not prepared to make a motion to enlarge the buffer. He thought meeting the requirements under Title 3, advanced buffering to stream corridors was a positive thing and he reminded the Council about what Mr. Houck said about more protection inside the UGB as opposed to outside the UGB. The area had a master plan in process and there was also support from Happy Valley.

Councilor Monroe asked for total acreage and housing units?

Councilor Morissette responded there were 662 acres, 3262 dwelling units and 939 jobs in these sites. This included the 39 acre modification which had originally been 54 acres. Councilor Morissette urged support of the Council.

Vote: The vote was 6 aye/ 1 nay/ 0 abstain. The motion passed with Councilor McCaig voting no.

Presiding Officer Kvistad announced consideration of Ordinance No. 98-781B as amended.

Motion: Councilor McLain moved Ordinance No. 98-781B.

Seconded: Councilor Washington seconded the motion.

Councilor McCaig asked for an update on the total number of acres and the total number of housing units the Council had now added as a result of the Council's decision to this point.

Councilor Morissette responded that it was 4485 acres.

Ms. Wilkerson said that her calculations were that there were approximately 3700 acres and about 17,500 dwelling units.

Motion to

Amend: **Councilor McFarland** moved the amend Ordinance No. 98-781A to exclude the 235 acres that were in Clackamas County at the southwest corner of the Pleasant Valley Urban Reserve 5.

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

Councilor McFarland said they had heard earlier testimony that she thought was very compelling. One of the reasons that they were taking this in was the fact that it was almost all exception land, hence, was the kind of place were they would like to build houses and not take productive farmland. She noted the discussion earlier about this area being wetlands a portion of the year. She knew from personal experience that this area acted as a sump during certain times of the year to absorb some of the run off. This area was in the Johnson Creek Watershed and she thought that people understood the flooding issues on lower Johnson Creek. This amendment was in the interest of retaining this area in a state where it would not be developed and paved over. She noted the testimony concerning traffic congestion and said that these problems were a problem no matter what area had been taken in. She felt that if this area were taken out, both the Council and those residents of the area interests would be served.

Mr. Cooper clarified that Councilor McFarland referred to the area south of the Clackamas County line. He wanted to confirm what her intentions were because there had been a 27 acre amendment adding the mobile home park which was also south of the Clackamas County line but away from the area that the witness identified as Area C from previous testimony. He pointed this out on the map. As Mr. Cooper understood it the motion to delete did not include the mobile home park area.

Presiding Officer Kvistad clarified that the motion would include all of the area south of the county line with the exception of the mobile home park which DEQ came forward and discussed with Council. Both the maker and seconder of the motion agreed to this exception. Therefore, the item before the council was to delete the area south of the Clackamas County line.

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

Presiding Officer Kvistad announced that Ordinance No. 98-781C was now on the table.

Motion as

Amended: **Councilor McLain** said this was Pleasant Valley which included portions of Site 4 and 5 as amended. These were first tier sites which encompasses 1532 acres less the 265 acres that Councilor McFarland took out. These sites could accommodate approximately 6500 and 3000 jobs according to the Metro productivity analysis. The sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had had opportunity to provide testimony as to these sites at several public hearings, in fact, the Metro Public Hearing on November 26, 1998 specifically focused on this site. Based on these hearings, the Council approved one amendment to this ordinance to add an additional 27 acres to urban reserve site 5 and the urban growth boundary amendment here which was that site that could be seen below the Clackamas County line that was a DEQ requested inclusion of an trailer court. This addition was involving areas around and including Happy Valley Mobile Home Park that

she had just mentioned. There were many environmental reasons related to inadequate sewage treatment capacity. Staff reports for urban reserve site 4 and 5 were available in a timely manner and indicated generally high marks across the board for factors relating to the required state goal analysis. In addition letters committing to completing urban reserve plans had been received for these sites. Portland will take the lead with regard to site 4 and the mobile home park. Gresham would take the lead with regard to site 5 with the cooperation of Clackamas County and Metro. Some testimony was offered reflecting concerns about the watersheds in these areas. These concerns would be addressed in part through the application of the Metro Title 3, further refinement of the urban reserve plans and local considerations enacted in the city and county comprehensive plan changes.

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

Councilor McCaig said this was her nightmare. The Council was exactly where she did not want to be and all due respect, she understood that she might not share a majority of the council position but she had never intended nor would she vote for more numbers than were necessary to meet the minimum requirements of the state law. The Council had the capacity to do that without controversy but the Council chose to go the controversial route. What the Council was looking at now, and she thought it was very important that the staff give the Council numbers that they could rely on right now, but in looking at what the Council had done so far, the Council was close to 17,000 dwelling units and somewhere above 4,500 acres. If the Council added this parcel, the Council would have 23,000 housing units and another 1500 acres that the Council was adding to the boundary. It was unnecessary, it may be the right place to have done it in the first place which was the reason to do the process differently but she was not going to be coerced through a process into ultimately voting for a larger expansion than she thought was necessary and that meets the minimum requirements of state law. She would be voting against this ordinance.

Councilor McLain said she was going to vote for it but she wanted everyone to understand that she might not vote for all of these pieces on the 17th. She happened to know that from the study she had done in the last month that this piece needed to be in. It needed to be in for the reason that the Council had to look at these individually but the need assessment all together make a complete puzzle that was going to be reflected upon, reviewed and appealed. This piece needed to be part of the mix that finished the race because this ordinance met the Metro Code and the state standard. Even though she would be voting on other properties that she had already voted for and voting in the negation on the 17th, this one she had to vote for because it was one of the pieces that met the Metro Code and the state standards the best. The staff report got one of the highest numbers that the staff aligned to these properties.

Councilor McCaig continued that if the Council was relying on the staff report, the Council would not have voted how they did on the first three sites that were dealt with during this process. If the Council had done this process in a manner in which they reviewed those areas first she agreed that she might be voting to support this site. But the process had been done in such a way where the Council was going to leave this meeting with 23,000 housing units and 5000 acres.

Councilor McLain responded that all the pieces that have the best opportunity to complete the package will be there for her to vote on on December 17th. She was leaving this with the hard

task, that the Council had already completed once, but would now have to complete again and choosing where she picked her 16,000 dwelling units.

Councilor McCaig said she just did that in this meeting. She made those choices.

Presiding Officer Kvistad said he normally did not get involved in these. He said he understand the frustration. He said he has been working on this for a long time as well. He said he understood Councilor McCaig's position. He said he did not support this site and he did not support bringing it in and he will not vote for bringing it in, but for a different set of reasons.

Councilor McCaig said that in all fairness, there was no clarity until the break as to how the presiding officer planned to proceed. She said it was a question for all the Councilors, because it would have an impact.

Presiding Officer Kvistad acknowledged that what she said was true. He said that the Council had the opportunity to make adjustment to that up front, by making a motion to select another direction. No one chose to do that. He thanked the Councilors for allowing him to comment and for keeping the discussion positive. He then called for general discussion of the parcel related to Ordinance 98-781C, as amended.

Councilor McLain said the amendment should include the maps.

Vote: The vote was 5 aye/ 2 nay/ 0 abstain. The motion -passed with Presiding Officer Kvistad and Councilor McCaig voting no.

Presiding Officer Kvistad announced that completed the items before the Council and the selections of the properties.

Councilor McCaig asked for the total acreage.

Ms. Wilkerson said that an accurate total would require going into the Geographic Information Systems (GIS) program, but she estimated the total was about 5,000 acres and 23,000 dwelling units.

8. RESOLUTIONS

8.1 Resolution No. 98-2736, For the Purpose of Authorizing the Execution and Delivery of a Lease/Purchase Agreement with Bank of America for Computer Equipment; Declaring Intent to Reimburse Expenditures, and Related Matters.

Motion: Councilor Monroe moved to adopt Resolution No. 98-2736.

Seconded: Councilor Washington seconded the motion.

Craig Prosser, Metro Financial Planning Manager, said the purpose of the resolution was to finance two projects that were included in the 1998- 2003 Capital Improvement Plan (CIP). One project was for consolidation services that served our network, and the other was for upgrades to our InfoLink hardware and database. These were approved projects in the CIP. The financing

was included in the 1998-99 budget. This was simply the financing mechanism through Bank of America. The anticipated interest rate was about 4.5% over a three-year period.

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

Presiding Officer Kvistad requested to intervene on a matter that had come up earlier in the meeting.

Councilor Morissette said it was totally inappropriate for Mr. Curtis to request support at the last minute.

Presiding Officer Kvistad said there would be two options on this discussion. One was to direct staff to intervene.

Councilor McLain said she had held a motion until the end of the meeting to support staff's putting in the appropriate notice that Metro would be there to intervene. She said if the Council chose not to intervene after hearing particulars from staff at the executive session, the request could be withdrawn. She said if this notice was not put in, then Metro could not be there as an intervenor.

Motion: **Councilor McLain** moved that Metro participate.

Councilor Washington clarified that this was simply a placeholder in the event Council chose to act.

Councilor McCaig said she had it and read it and had not understood what it said. She asked that it be explained again.

Mr. Cooper said Washington County adopted an ordinance adopting minimum densities, in part, throughout areas in Washington County. The Functional Plan, adopted in 1996, required all jurisdictions to do that. Someone had filed a notice of intent to appeal, but the reason would remain unclear until a brief was filed with LUBA. He said if the challenge brought raises issues that directly related to the regional issues involved with minimum densities, then the Council might need to be involved. The Executive Officer independently asked that notice be given. In light of that, this issue might be moot. Nonetheless, an executive session would be granted if the Council disagreed with his intentions on using resources to be involved, the Council would likely be granted deference to remain uninvolved. It was hard to tell at this point because the issues involved won't be known until after the notice to intervene was filed.

Councilor Morissette said the land-use and appeal process was a long process. Why was the Council being asked at the last minute to do something?

Mr. Cooper said you only get 21 days from the file date to make a decision. It was not a long time. Metro received copies of the notice of intent to appeal and was asked by the Executive Officer to look into what this was about, and given what the legal staff and the planning staff had been doing for the past couple of weeks, they hadn't delved deeply into the issue nor had a conversation with Washington County. Washington County came here first; Metro had intended to call them before the 21 days ran out. It was not uncommon for these things to happen quickly like this.

Councilor Morissette said he was uncomfortable taking that action, so he assumed there were people more comfortable than he.

Presiding Officer Kvistad said the issue could be reviewed at the Council meeting on December 10, also.

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

Vote: The vote was 6 aye /1 nay/ 0 abstain. The motion passed with Councilor Morissette voting no.

9. COUNCILOR COMMUNICATION

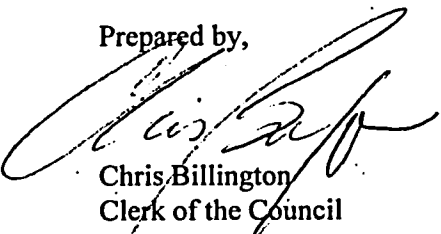
Presiding Officer Kvistad thanked everyone--staff, and all the Councilors. He said this had been six years working through. He said he had both the luxury and the displeasure of chairing both the 2040, the Regional Framework Plan, the Functional Plan decision, the Urban Reserve decision, and tonight. He thanked all for their professionalism, for caring, for paying attention. He said he knew they disagreed on certain issues. He recognized that sometimes they didn't thank each other enough. This was a difficult undertaking that few jurisdictions anywhere in the country have been able to do. He commended them for being good partners and friends.

Councilor Washington said he would not be in Council on December 10.

10. ADJOURN

There being no further business to come before the Metro Council, **Presiding Officer Kvistad** adjourned the meeting at 6:35 p.m.

Prepared by,



Chris Billington
Clerk of the Council

Agenda Item Number 7.1

**Resolution No, 98-2737, For the Purpose of Accepting the November 3, 1998 Election Abstract of
Votes for Metro.**

1998 General Election Vote Acknowledgment and Oath of Office

Metro Council Meeting
Thursday, December 10, 1998
Council Chamber

**FOR THE PURPOSE OF ACCEPTING
THE NOVEMBER 3, 1998 GENERAL
ELECTION ABSTRACT OF VOTES FOR
METRO**

)
)
)
)

RESOLUTION NO. 98-2737

Introduced by Presiding Officer
Jon Kvistad

WHEREAS, a General Election was held in the State of Oregon on November 3, 1998; and

WHEREAS, the positions of Metro Councilors representing Districts 2, 6 and 7 appeared on the General Election ballot; and

WHEREAS, ORS 255.295 requires that Metro shall determine the result of the election and notify the Multnomah County Elections Division of same; and

WHEREAS, the Multnomah and Clackamas County abstracts were received by the Council, attached herein at Exhibit A; now therefore.

BE IT RESOLVED

1. That the Metro Council hereby accepts the results of the November 3, 1998, General Election, relating to elections for Metro officials and ballot measures; and
2. That the voters of District 2 have elected Bill Atherton for the position of Metro Councilor for a term commencing on January 1, 1999 and ending on December 31, 2002; and
3. That the voters of District 7 have elected David Bragdon for the position of Metro Councilor for a term commencing on January 1, 1999 and ending on December 31, 2002; and
4. That the voters of District 6 have elected Rod Monroe for the position of Metro Councilor, vacated by the resignation of Lisa Naito, to fill the remaining term of office ending on December 31, 2000; and
5. That the voters of the Metro region have defeated a measure that would have authorized the general obligation bonds for expansion and completion of the Oregon Convention Center.

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to form:

Daniel B. Cooper, General Counsel

c:r98-2737 (stone)

METRO COUNCILOR DIST. 2

R	V	V	T	B	J	U	O	W
E	D	O	U	I	O	N	V	R
G	T	A	R	L	H	D	E	I
I	E	T	N	L	E	E	R	T
S	R	S	O	R	L	R	V	E
T	S		U	T	E	V	O	-
E			T	O	Y	O	T	I
R				N		T	E	N
E						E	S	S
D						S		

RECEIVED

NOV 18 1998

EXECUTIVE OFFICER

All Districts

004 PCT. 0141	59	38	64.4 %	14	4	20	0	0
080 PCT. 1400	1466	852	58.1 %	351	161	329	2	9
081 PCT. 1402	446	279	62.5 %	129	65	83	2	0
All Districts	1971	1169	59.3 %	494	238	432	4	9
RACE TOTALS	1971	1169	59.3 %	494	238	432	4	9

Certificate

I certify that the votes recorded on this abstract correctly summarize the tally of votes cast at the election indicated.

Vicki K. Ervin

Vicki K. Ervin, Director of Elections
 Multnomah County, Oregon

OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

CORRECTED

 * I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
 * RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * * * *
 * RESULT OF VOTES CAST AT THE ELECTION INDICATED. * * * * *

METRO (2) COUNCILOR ZONE 2

A -- JOHN JACKLEY
 B -- BILL ATHERTON

Precinct	A	B	over	under	total
0001	225	298	4	291	818
0002	231	311	6	299	847
0003	209	258	6	211	684
0005	158	191	3	207	559
0006	241	264	5	269	779
0007	353	416	8	451	1,228
0008	310	420	4	446	1,180
0009	119	194	3	198	514
0010	29	31	1	33	94
0011	90	147	3	113	353
0031	106	101	7	110	324
0032	120	96	7	93	316
0033	310	281	10	362	963
0034	319	271	9	281	880
0038	163	188	9	233	593
0039	287	267	8	331	893
0090	0	0	0	2	2
0094	1	5	0	3	9
0096	345	515	17	724	1,601
0130	283	329	4	320	936
0131	352	424	12	395	1,183
0132	336	346	4	293	979
0134	423	332	9	353	1,117
0135	226	326	3	238	793
0136	250	324	3	229	806
0137	9	3	0	1	13
0138	399	313	3	294	1,009
0139	325	297	8	227	857
0140	187	185	1	178	551
0151	216	433	15	315	979
0152	172	386	5	237	800
0153	209	357	8	272	846
0154	207	327	13	366	913
0155	258	538	11	342	1,149
0157	104	254	9	201	568
0158	190	397	7	274	868
0159	210	489	7	289	995
0160	229	479	8	265	981
0162	249	522	6	338	1,115
0163	287	578	15	333	1,213
0164	160	331	5	292	788
0165	193	399	4	288	884

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED *

* NOV 23 1998 *

METRO (2) COUNCILOR ZONE 2
A -- JOHN JACKLEY
B -- BILL ATHERTON

Precinct	A	B	over	under	total
0166	257	417	9	324	1,007
0167	166	346	6	292	810
0169	97	172	7	153	429
0170	1	3	1	1	6
0300	146	269	4	249	668
0301	249	448	4	358	1,059
0303	65	118	6	97	286
0305	25	31	1	23	80
0306	11	13	0	8	32
0313	55	157	5	85	302
0326	283	333	6	304	926
0327	251	299	7	340	897
0328	14	22	0	29	65
0390	194	264	8	395	861
0394	130	207	8	259	604
0401	190	323	14	394	921
0403	95	158	4	223	480
0405	129	170	4	252	555
0407	53	102	2	134	291
0411	159	314	7	339	819
0412	182	228	10	345	765
0413	127	165	5	295	592
0414	183	227	4	360	774
0422	68	64	4	90	226
0441	71	77	2	94	244
0442	228	250	7	335	820
0443	233	265	12	338	848
0444	165	242	9	291	707
0445	291	288	11	357	947
0451	0	1	0	0	1
0480	151	201	2	247	601
0490	0	0	0	2	2
0491	80	71	4	69	224
0492	10	21	0	22	53
0503	218	235	14	359	826
0505	223	252	7	334	816
0506	114	174	7	206	501
0507	172	201	5	253	631
0521	202	212	18	264	696
0522	120	101	19	130	370
0523	74	50	9	84	217
0525	229	225	4	285	743

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES
RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE
RESULT OF VOTES CAST AT THE ELECTION INDICATED.

John Kauffman

DATE OF ABSTRACT :
NOV 23 1998

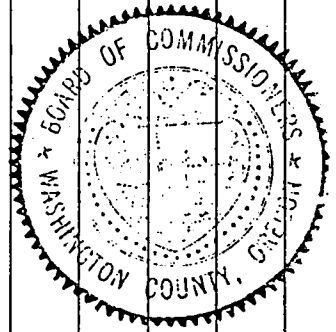
METRO (2) COUNCILOR ZONE 2
A -- JOHN JACKLEY
B -- BILL ATHERTON

Precinct	A	B	over	under	total
0526	219	253	11	313	796
0530	216	254	15	346	831
0531	206	253	6	288	753
0532	127	152	1	194	474
0533	162	219	16	255	652
0538	119	187	8	217	531
0549	175	161	3	198	537
0550	284	252	9	362	907
0551	216	216	5	266	703
0552	238	229	4	327	798
0553	108	85	5	104	302
0555	275	304	9	396	984
0560	145	219	4	254	622
0561	42	59	2	89	192
0562	9	14	0	14	37
0563	184	228	5	205	622
0568	36	41	0	53	130
0587	21	17	1	37	76
TOTAL	17,583	23,482	630	23,934	65,629

METRO COUNCILOR ZONE 2

MISC WRITE-INS 7

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 3, 1998****
METRO COUNCILOR POS 2



Page Number 103.001.001

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263 VBM	5	5	100.0%	3	0
265 VBM	23	15	65.2%	7	4
**** TOTALS ****	28	20	71.4%	10	4

METRO COUNCILOR DIST. 6 UNEXP.

R	V	V	T	R	R	S	U	D	W
E	O	O	U	O	O	C	N	V	R
G	T	T	R	N	D	O	D	E	I
I	E	E	N	A	R	T	E	R	T
S	R	S	O	R	O	T	R	V	E
T	S		U	T	E		V	O	-
E			T	Y			O	T	I
R							T	E	N
E							E	S	S
D							S		

All Districts

010 PCT. 0300	1	0	0.0 %	0	0	0	0	0	0
011 PCT. 0332	231	69	29.8 %	18	19	15	14	0	3
018 PCT. 0541	0	0	0.0 %	0	0	0	0	0	0
023 PCT. 0548	27	6	22.2 %	2	3	1	0	0	0
025 PCT. 0601	0	0	0.0 %	0	0	0	0	0	0
113 PCT. 3000	1089	500	45.9 %	170	127	85	106	1	11
115 PCT. 3002	1348	622	46.1 %	191	173	113	141	1	3
134 PCT. 3122	1122	747	66.5 %	73	292	148	231	0	3
141 PCT. 3156	1258	715	56.8 %	155	207	139	207	0	7
142 PCT. 3160	1350	659	48.8 %	169	211	129	141	1	8
143 PCT. 3163	1126	663	58.8 %	150	193	119	191	1	9
144 PCT. 3174	1014	615	60.6 %	71	211	116	212	0	5
145 PCT. 3177	1384	865	62.5 %	124	303	173	255	0	10
146 PCT. 3185	741	459	61.9 %	111	141	87	118	1	1
147 PCT. 3186	1345	714	53.0 %	171	189	164	184	0	6
148 PCT. 3193	1338	820	61.2 %	78	273	196	263	1	9
149 PCT. 3196	1194	748	62.6 %	86	266	165	222	0	9
150 PCT. 3205	1307	814	62.2 %	86	276	176	266	1	9
151 PCT. 3212	1483	831	56.0 %	95	264	175	287	2	8
152 PCT. 3217	613	340	55.4 %	64	106	60	109	0	1
153 PCT. 3219	927	478	51.5 %	110	122	83	159	0	4
154 PCT. 3223	1021	514	50.3 %	59	175	122	151	0	7
155 PCT. 3228	1160	612	52.7 %	111	187	119	179	2	14
156 PCT. 3233	880	470	53.4 %	76	134	111	146	0	3
157 PCT. 3234	944	427	45.2 %	75	130	84	136	0	2
158 PCT. 3240	1519	795	52.3 %	142	244	165	233	0	11
159 PCT. 3248	1563	870	55.6 %	116	321	207	216	0	10
168 PCT. 3284	1769	1154	65.2 %	87	426	362	276	0	3
169 PCT. 3286	1315	913	69.4 %	52	278	330	241	2	10
170 PCT. 3290	1005	701	69.7 %	55	250	241	149	0	6
173 PCT. 3306	1223	723	59.1 %	145	219	189	167	0	3
174 PCT. 3307	1263	704	55.7 %	120	209	165	206	0	4
175 PCT. 3308	972	667	68.6 %	114	232	160	157	0	4
177 PCT. 3310	1204	616	51.1 %	161	140	135	172	0	8
178 PCT. 3311	1466	825	56.2 %	248	232	155	178	1	11
179 PCT. 3312	2010	1108	55.1 %	266	369	198	260	4	11
180 PCT. 3315	1312	555	42.3 %	144	162	100	136	2	11
182 PCT. 3323	1075	668	62.1 %	146	214	128	173	0	7
183 PCT. 3324	1195	720	60.2 %	172	195	125	221	0	7
184 PCT. 3326	674	272	40.3 %	63	75	62	65	0	7
207 PCT. 4085	1451	886	61.0 %	109	309	209	250	3	6
208 PCT. 4092	1294	675	52.1 %	113	207	126	220	0	9
210 PCT. 4111	1035	647	62.5 %	66	205	158	211	2	5
211 PCT. 4114	1245	822	66.0 %	72	262	208	273	2	5

METRO COUNCILOR DIST. 6 UNEXP.

R V	V C	T	R M	R M	S P	U	O	W
E O	O A	U	O C	O O	C R	N	V	R
G T	T S	R	N C	D N	O A	D	E	I
I E	E T	N	A	R	T T	E	R	T
S R	S	O	R	O	T T	R	V	E
T S		U	T	E		V	O	-
E		T	Y			O	T	I
R						T	E	N
E						E	S	S
D						S		

All Districts

212 PCT. 4117	1423	860	60.4 %	128	314	181	232	1	4
213 PCT. 4118	1210	746	61.6 %	108	263	151	211	0	13
214 PCT. 4125	1432	667	46.5 %	129	195	126	207	0	10
215 PCT. 4128	1483	666	44.9 %	122	223	123	186	0	12
216 PCT. 4131	1381	743	53.8 %	82	299	153	201	0	8
217 PCT. 4132	1179	795	67.4 %	73	292	182	239	1	8
220 PCT. 4152	1459	869	59.5 %	93	361	160	249	0	6
221 PCT. 4155	1429	775	54.2 %	105	309	141	214	1	5
222 PCT. 4156	1410	693	49.1 %	101	290	117	173	1	11
224 PCT. 4176	1121	552	49.2 %	87	189	116	154	0	6
225 PCT. 4178	1473	665	45.1 %	91	242	148	176	0	8
226 PCT. 4185	1533	697	45.4 %	118	269	119	179	0	12
227 PCT. 4190	911	430	47.2 %	81	156	62	125	1	5
228 PCT. 4196	1459	560	38.3 %	115	182	103	149	0	11
229 PCT. 4202	1507	747	49.5 %	104	273	156	207	0	7
230 PCT. 4208	1427	669	46.8 %	119	220	137	174	1	10
231 PCT. 4216	1673	664	39.6 %	124	239	110	174	0	17
232 PCT. 4221	1460	651	44.5 %	121	216	123	182	4	5
239 PCT. 4246	907	518	57.1 %	62	188	105	156	1	6
240 PCT. 4248	1212	558	46.0 %	67	222	105	159	2	3
241 PCT. 4250	1325	770	58.1 %	68	331	149	220	0	2
246 PCT. 4278	1367	777	56.8 %	111	248	162	244	2	10
247 PCT. 4279	1366	756	55.3 %	97	258	168	231	1	1
251 PCT. 4296	3	3	100.0 %	2	1	0	0	0	0
252 PCT. 4297	1523	629	41.3 %	116	248	106	149	1	9
253 PCT. 4298	1546	634	41.0 %	116	200	132	176	0	10
254 PCT. 4299	1204	538	44.6 %	79	181	110	160	1	7
255 PCT. 4307	1618	694	42.8 %	98	296	107	184	1	8
258 PCT. 4319	1389	807	58.0 %	164	282	131	223	1	6
259 PCT. 4320	706	276	39.0 %	63	85	42	78	1	7
265 PCT. 4337	972	381	39.1 %	74	133	69	98	0	7
267 PCT. 4339	1370	582	42.4 %	105	198	102	165	1	11
268 PCT. 4340	971	430	44.2 %	63	172	68	119	0	8
288 PCT. 5029	580	389	67.0 %	83	117	82	104	2	1

All Districts	90522	48200	53.2 %	7905	16251	10049	13420	51	524
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RACE TOTALS	90522	48200	53.2 %	7905	16251	10049	13420	51	524
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** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

CORRECTED

 * I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
 * RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * * NOV 23 1998 *
 * RESULT OF VOTES CAST AT THE ELECTION INDICATED. * * *

METRO (6) COUNCILOR ZONE 6 UNEXPIRED TERM

- A -- SCOTT PRATT
- B -- ROD MONROE
- C -- RON MCCARTY

Precinct	A	B	C	over	under	total
0093	21	31	5	5	51	113
0411	20	24	7	3	48	102
0451	74	136	49	9	189	457
0452	82	95	39	7	135	358
0453	155	266	99	11	355	886
0454	141	221	96	15	391	864
0478	74	91	59	15	166	405
0481	175	222	115	7	259	778
TOTAL	742	1,086	469	72	1,594	3,963

METRO COUNCILOR ZONE 6

MISC WRITE-INS 1

METRO COUNCILOR DIST. 7

R V E O G T I E S R T S E R E D	V C O A T S E T S	T U R N O U T	D B A R V A I G D D O N	L C I A Z L L I S O N	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
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All Districts

005 PCT. 0151	15	8	53.3 %	4	1	3	0	0
006 PCT. 0156	79	60	75.9 %	23	24	13	0	0
012 PCT. 0424	80	60	75.0 %	36	13	11	0	0
041 PCT. 1143	1010	719	71.1 %	411	122	185	0	1
043 PCT. 1156	1407	1013	71.9 %	577	159	264	1	12
044 PCT. 1160	748	476	63.6 %	225	99	149	1	2
045 PCT. 1170	1447	1078	74.4 %	596	173	304	0	5
046 PCT. 1173	1353	1036	76.5 %	499	203	331	0	3
047 PCT. 1177	646	331	51.2 %	102	100	127	0	2
048 PCT. 1179	564	347	61.5 %	153	95	97	1	1
049 PCT. 1183	1328	652	49.0 %	278	182	181	2	9
050 PCT. 1186	1441	1034	71.7 %	503	235	290	1	5
051 PCT. 1189	1414	865	61.1 %	355	232	272	0	6
052 PCT. 1200	1599	980	61.2 %	467	238	270	1	4
053 PCT. 1205	1289	660	51.2 %	227	215	212	1	5
054 PCT. 1206	2081	1271	61.0 %	443	432	380	2	14
055 PCT. 1211	819	537	65.5 %	266	133	134	0	4
056 PCT. 1213	846	459	54.2 %	151	134	169	1	4
057 PCT. 1215	1454	966	66.4 %	407	275	280	0	4
058 PCT. 1220	1312	796	60.6 %	265	288	232	3	8
059 PCT. 1222	1316	889	67.5 %	400	244	238	0	7
060 PCT. 1223	967	668	69.0 %	263	174	230	0	1
061 PCT. 1224	1446	1036	71.6 %	467	269	298	0	2
062 PCT. 1225	998	668	66.9 %	329	145	194	0	0
063 PCT. 1226	1171	782	66.7 %	381	159	241	1	0
064 PCT. 1229	1054	727	68.9 %	266	244	208	4	5
065 PCT. 1230	1406	897	63.7 %	315	304	271	0	7
066 PCT. 1232	1390	949	68.2 %	341	350	257	0	1
067 PCT. 1233	1194	867	72.6 %	306	301	256	1	3
068 PCT. 1236	1626	1160	71.3 %	405	429	322	0	4
069 PCT. 1238	1921	1082	56.3 %	409	341	319	1	12
071 PCT. 1244	1357	888	65.4 %	296	307	277	1	7
072 PCT. 1245	1486	936	62.9 %	320	311	296	0	9
073 PCT. 1246	927	668	72.0 %	262	158	248	0	0
074 PCT. 1248	1069	743	69.5 %	312	217	211	1	2
075 PCT. 1250	986	632	64.0 %	231	179	215	0	7
076 PCT. 1253	587	408	69.5 %	162	115	127	3	1
079 PCT. 1315	0	0	0.0 %	0	0	0	0	0
081 PCT. 1402	0	0	0.0 %	0	0	0	0	0
087 PCT. 1515	1077	804	74.6 %	414	114	273	0	3
088 PCT. 1546	1133	803	70.8 %	387	162	251	1	2
165 PCT. 3273	654	286	43.7 %	94	105	83	0	4
166 PCT. 3274	952	501	52.6 %	200	139	152	1	9
167 PCT. 3283	1233	611	49.5 %	213	208	185	2	3

METRO COUNCILOR DIST. 7

R V	V C	T	D B	L C	U	O	W
E O	O A	U	A R	I A	N	V	R
G T	T S	R	V A	Z L	D	E	I
I E	E T	N	I G	L	E	R	T
S R	S	O	D D	I	R	V	O
T S		U	O	S	E	O	T
E		T	N	O	T	T	E
R				N	E	S	S
E					S		
D							

All Districts

194 PCT. 4005	1280	621	48.5 %	238	192	183	1	7
195 PCT. 4009	1363	733	53.7 %	307	189	231	0	6
196 PCT. 4022	1504	611	40.6 %	206	194	195	3	13
197 PCT. 4026	1431	728	50.8 %	260	249	211	0	8
198 PCT. 4027	1318	738	55.9 %	298	225	206	1	8
199 PCT. 4033	1382	783	56.6 %	286	244	245	0	8
200 PCT. 4041	1115	665	59.6 %	297	162	194	1	11
201 PCT. 4044	1041	683	65.6 %	332	167	180	1	3
202 PCT. 4048	1149	695	60.4 %	302	184	204	0	5
203 PCT. 4049	1312	715	54.4 %	309	197	204	0	5
204 PCT. 4064	1140	679	59.5 %	287	181	207	0	4
205 PCT. 4065	1649	954	57.8 %	402	286	250	1	15
206 PCT. 4068	1213	613	50.5 %	208	219	180	1	5
209 PCT. 4106	1797	1012	56.3 %	408	294	300	1	9
216 PCT. 4131	174	83	47.7 %	23	35	22	0	3
217 PCT. 4132	168	74	44.0 %	26	26	20	1	1
218 PCT. 4143	1443	880	60.9 %	403	245	228	0	4
219 PCT. 4147	1311	750	57.2 %	292	240	208	0	10
223 PCT. 4167	1451	731	50.3 %	296	222	209	1	3
225 PCT. 4178	13	5	38.4 %	3	2	0	0	0
233 PCT. 4223	1998	1058	52.9 %	399	343	306	0	10
234 PCT. 4228	1255	596	47.4 %	233	194	162	1	6
235 PCT. 4236	1130	582	51.5 %	252	166	153	1	10
236 PCT. 4242	1417	835	58.9 %	313	267	245	1	9
237 PCT. 4243	1266	626	49.4 %	278	172	170	3	3
238 PCT. 4244	935	619	66.2 %	259	184	171	0	5
239 PCT. 4246	211	138	65.4 %	50	52	35	0	1
240 PCT. 4248	830	443	53.3 %	140	174	121	0	8
242 PCT. 4254	963	569	59.0 %	282	115	168	0	4
243 PCT. 4259	1524	981	64.3 %	439	287	247	2	6
244 PCT. 4264	1415	893	63.1 %	484	206	199	1	3
245 PCT. 4271	1027	724	70.4 %	333	202	184	1	4
248 PCT. 4282	1447	1058	73.1 %	584	193	276	1	4
249 PCT. 4285	1535	798	51.9 %	303	255	230	0	10
250 PCT. 4295	1594	902	56.5 %	398	274	223	1	6
251 PCT. 4296	203	128	63.0 %	50	40	34	0	4
270 PCT. 4342	1149	601	52.3 %	208	222	166	0	5
276 PCT. 4349	1212	764	63.0 %	305	215	239	0	5

All Districts	91247	55421	60.7 %	23254	15642	16062	54	409
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RACE TOTALS	91247	55421	60.7 %	23254	15642	16062	54	409
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** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED. * *

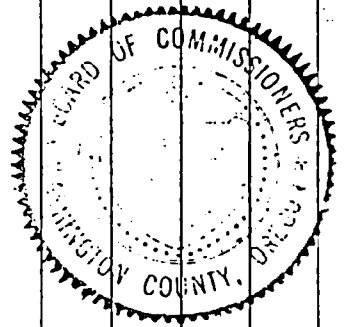
METRO (7) COUNCILOR ZONE 7
A -- DAVID BRAGDON
B -- LIZ CALLISON

Precinct	A	B	over	under	total
0051	253	240	3	307	803
0053	199	222	7	272	700
0054	202	193	7	218	620
0056	160	182	6	217	565
0057	218	268	4	301	791
0058	173	165	3	234	575
0060	226	264	6	303	799
0062	227	255	7	353	842
0063	210	273	2	260	745
0064	227	268	2	301	798
0091	41	22	0	37	100
0092	20	26	0	26	72
0095	3	0	0	3	6
0303	76	91	1	143	311
0313	85	38	2	75	200
0475	201	277	6	364	848
0478	97	128	2	158	385
TOTAL	2,618	2,912	58	3,572	9,160

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 3, 1998****
 METRO COUNCILOR POS 7

Page Number 104.001.001

REGISTERED VOTERS	TURNOUT	TURNOUT PERCENTAGE	DAVID BRAGDON METRO COUNCILOR POS 7	LIZ COLLISON METRO COUNCILOR POS 7
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063 RALEIGH HLS SCH	987	612	62.0%	21	24
065 VALLEY COMM CH	954	675	70.7%	91	63
066 RALEIGH PK SCH	325	229	70.4%	63	66
069 W SYLVAN SCHOOL	689	482	69.9%	174	131
092 RALEIGH PK SCH	1358	983	72.3%	341	223
093 MONTCLAIR SCH	657	416	63.3%	0	0
198 RIDGEWOOD SCH	731	475	64.9%	25	26
209 VBM	61	29	47.5%	9	3
233 VBM	289	151	52.2%	34	43
269 MONTCLAIR SCHOOL	575	379	65.9%	64	37
**** TOTALS ****	6626	4431	66.8%	822	616

26-69 METRO CONVENTION CENTER BONDS

	R V E O G T I E S R T S E R E D	V C O A T S E T S	T U R N O U T	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts								
001 PCT. 0102	1518	956	62.9 %	370	537	43	6	0
002 PCT. 0103	15	8	53.3 %	2	5	1	0	0
003 PCT. 0104	14	11	78.5 %	6	5	0	0	0
004 PCT. 0141	59	38	64.4 %	14	21	3	0	0
005 PCT. 0151	15	8	53.3 %	3	5	0	0	0
006 PCT. 0156	79	60	75.9 %	15	40	4	1	0
008 PCT. 0158	191	143	74.8 %	70	66	7	0	0
009 PCT. 0159	151	94	62.2 %	39	51	3	1	0
010 PCT. 0300	34	19	55.8 %	7	11	1	0	0
011 PCT. 0332	231	69	29.8 %	20	45	4	0	0
012 PCT. 0424	80	60	75.0 %	19	38	3	0	0
013 PCT. 0432	227	83	36.5 %	18	60	4	1	0
014 PCT. 0433	260	124	47.6 %	36	81	7	0	0
015 PCT. 0500	0	0	0.0 %	0	0	0	0	0
016 PCT. 0503	0	0	0.0 %	0	0	0	0	0
017 PCT. 0521	68	41	60.2 %	12	25	4	0	0
018 PCT. 0541	0	0	0.0 %	0	0	0	0	0
019 PCT. 0542	15	4	26.6 %	2	2	0	0	0
020 PCT. 0543	22	8	36.3 %	3	5	0	0	0
021 PCT. 0546	108	37	34.2 %	14	20	3	0	0
022 PCT. 0547	2	0	0.0 %	0	0	0	0	0
023 PCT. 0548	27	6	22.2 %	2	4	0	0	0
024 PCT. 0590	64	17	26.5 %	7	9	1	0	0
025 PCT. 0601	0	0	0.0 %	0	0	0	0	0
026 PCT. 0603	0	0	0.0 %	0	0	0	0	0
027 PCT. 1001	560	332	59.2 %	94	227	9	2	0
028 PCT. 1002	206	131	63.5 %	32	87	12	0	0
029 PCT. 1013	1451	844	58.1 %	445	346	53	0	0
030 PCT. 1017	775	547	70.5 %	269	229	48	1	0
031 PCT. 1019	1407	1004	71.3 %	471	485	45	3	0
032 PCT. 1025	1141	578	50.6 %	292	240	45	1	0
033 PCT. 1031	1217	635	52.1 %	327	254	54	0	0
034 PCT. 1043	2078	985	47.4 %	532	363	89	1	0
035 PCT. 1045	260	191	73.4 %	80	101	9	1	0
036 PCT. 1049	1501	686	45.7 %	397	227	61	1	0
037 PCT. 1053	1580	585	37.0 %	340	203	41	1	0
038 PCT. 1103	931	535	57.4 %	300	195	39	1	0
039 PCT. 1117	1017	720	70.7 %	365	313	40	2	0
040 PCT. 1118	1678	852	50.7 %	483	311	56	2	0
041 PCT. 1143	1010	719	71.1 %	345	340	34	0	0
042 PCT. 1155	501	274	54.6 %	147	113	13	1	0
043 PCT. 1156	1407	1013	71.9 %	521	445	44	3	0
044 PCT. 1160	748	476	63.6 %	278	161	36	1	0
045 PCT. 1170	1447	1078	74.4 %	539	488	48	3	0

26-69 METRO CONVENTION CENTER BONDS

	R E G I S T E R E D	V O T E S	V O T E S	T U R N O U T	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts									
046 PCT. 1173	1353	1036	76.5 %	420	566	50	0	0	0
047 PCT. 1177	646	331	51.2 %	153	140	37	1	0	0
048 PCT. 1179	564	347	61.5 %	162	166	19	0	0	0
049 PCT. 1183	1328	652	49.0 %	340	266	44	2	0	0
050 PCT. 1186	1441	1034	71.7 %	470	509	55	0	0	0
051 PCT. 1189	1414	865	61.1 %	372	428	62	3	0	0
052 PCT. 1200	1599	980	61.2 %	459	470	49	2	0	0
053 PCT. 1205	1289	660	51.2 %	263	349	47	1	0	0
054 PCT. 1206	2081	1271	61.0 %	500	674	96	1	0	0
055 PCT. 1211	819	537	65.5 %	225	282	27	3	0	0
056 PCT. 1213	846	459	54.2 %	184	215	60	0	0	0
057 PCT. 1215	1454	966	66.4 %	381	516	69	0	0	0
058 PCT. 1220	1312	796	60.6 %	337	410	49	0	0	0
059 PCT. 1222	1316	889	67.5 %	306	536	45	2	0	0
060 PCT. 1223	967	668	69.0 %	262	369	37	0	0	0
061 PCT. 1224	1446	1036	71.6 %	449	528	58	1	0	0
062 PCT. 1225	998	668	66.9 %	303	329	36	0	0	0
063 PCT. 1226	1171	782	66.7 %	350	390	42	0	0	0
064 PCT. 1229	1054	727	68.9 %	267	422	35	3	0	0
065 PCT. 1230	1406	897	63.7 %	354	487	56	0	0	0
066 PCT. 1232	1390	949	68.2 %	390	505	54	0	0	0
067 PCT. 1233	1194	867	72.6 %	331	493	42	1	0	0
068 PCT. 1236	1626	1160	71.3 %	434	656	65	5	0	0
069 PCT. 1238	1921	1082	56.3 %	447	572	61	2	0	0
070 PCT. 1240	734	532	72.4 %	259	252	20	1	0	0
071 PCT. 1244	1357	888	65.4 %	293	543	51	1	0	0
072 PCT. 1245	1486	936	62.9 %	338	547	50	1	0	0
073 PCT. 1246	927	668	72.0 %	281	347	40	0	0	0
074 PCT. 1248	1069	743	69.5 %	277	427	35	4	0	0
075 PCT. 1250	986	632	64.0 %	260	339	30	3	0	0
076 PCT. 1253	587	408	69.5 %	176	204	28	0	0	0
077 PCT. 1305	1901	783	41.1 %	466	255	60	2	0	0
078 PCT. 1313	2074	1094	52.7 %	633	364	93	4	0	0
079 PCT. 1315	1256	775	61.7 %	423	310	42	0	0	0
080 PCT. 1400	1466	852	58.1 %	374	394	83	1	0	0
081 PCT. 1402	446	279	62.5 %	119	136	23	1	0	0
082 PCT. 1500	335	209	62.3 %	59	135	14	1	0	0
083 PCT. 1503	222	150	67.5 %	54	91	5	0	0	0
086 PCT. 1507	361	281	77.8 %	122	138	20	1	0	0
087 PCT. 1515	1077	804	74.6 %	418	349	36	1	0	0
088 PCT. 1546	1133	803	70.8 %	363	393	46	1	0	0
089 PCT. 2002	1314	549	41.7 %	132	391	25	1	0	0
090 PCT. 2005	1635	711	43.4 %	161	517	32	1	0	0
091 PCT. 2015	1563	811	51.8 %	231	544	35	1	0	0

26-69 METRO CONVENTION CENTER BONDS

	R V E O G T I E S R T S E R E D	V C O A T S E T S	T U R N O U T	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts								
092 PCT. 2018	1449	713	49.2 %	195	474	43	1	0
093 PCT. 2023	1567	696	44.4 %	207	453	35	1	0
094 PCT. 2026	1462	454	31.0 %	161	272	20	1	0
095 PCT. 2027	1232	573	46.5 %	170	374	29	0	0
096 PCT. 2029	1599	740	46.2 %	233	468	38	1	0
097 PCT. 2043	1439	637	44.2 %	147	461	29	0	0
098 PCT. 2049	1175	604	51.4 %	179	397	28	0	0
099 PCT. 2051	1353	853	63.0 %	244	568	39	2	0
100 PCT. 2061	2083	1158	55.5 %	381	719	57	1	0
101 PCT. 2077	1336	776	58.0 %	235	499	40	2	0
102 PCT. 2083	569	211	37.0 %	72	127	12	0	0
103 PCT. 2086	1210	581	48.0 %	214	327	40	0	0
104 PCT. 2099	1674	592	35.3 %	232	311	46	3	0
105 PCT. 2100	1333	768	57.6 %	243	490	33	2	0
106 PCT. 2109	1537	723	47.0 %	244	438	40	1	0
107 PCT. 2114	1472	750	50.9 %	249	452	49	0	0
108 PCT. 2118	1546	661	42.7 %	209	411	41	0	0
109 PCT. 2139	1444	497	34.4 %	192	269	35	1	0
110 PCT. 2142	1021	649	63.5 %	248	367	34	0	0
111 PCT. 2143	1535	846	55.1 %	342	460	42	2	0
112 PCT. 2145	1068	537	50.2 %	163	352	21	1	0
113 PCT. 3000	1089	500	45.9 %	124	357	19	0	0
114 PCT. 3001	1299	579	44.5 %	188	363	27	1	0
115 PCT. 3002	1348	622	46.1 %	186	406	29	1	0
116 PCT. 3004	1540	609	39.5 %	219	359	30	1	0
117 PCT. 3008	1312	659	50.2 %	242	382	34	1	0
118 PCT. 3021	1420	659	46.4 %	287	335	35	2	0
119 PCT. 3026	1495	548	36.6 %	198	320	30	0	0
120 PCT. 3027	1519	621	40.8 %	284	298	37	2	0
121 PCT. 3032	1471	707	48.0 %	285	376	45	1	0
122 PCT. 3039	1078	464	43.0 %	213	221	28	2	0
123 PCT. 3042	1746	570	32.6 %	240	301	29	0	0
124 PCT. 3052	1300	797	61.3 %	294	465	36	2	0
125 PCT. 3058	1553	736	47.3 %	270	399	65	2	0
126 PCT. 3071	1348	467	34.6 %	197	230	38	2	0
127 PCT. 3073	1685	697	41.3 %	297	328	69	3	0
128 PCT. 3080	1244	846	68.0 %	379	434	33	0	0
129 PCT. 3086	1573	771	49.0 %	221	514	35	1	0
130 PCT. 3090	1087	692	63.6 %	269	388	35	0	0
131 PCT. 3097	1453	841	57.8 %	382	428	31	0	0
132 PCT. 3109	1368	933	68.2 %	467	420	43	3	0
133 PCT. 3113	1477	1038	70.2 %	538	449	49	2	0
134 PCT. 3122	1122	747	66.5 %	307	399	40	1	0
135 PCT. 3128	1466	938	63.9 %	430	463	44	1	0

26-69 METRO CONVENTION CENTER BONDS

	R V E O G T I E S R T S E R E D	V C O A T S E T S	T U R N O U T	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts								
136 PCT. 3135	1662	1139	68.5 %	505	558	73	3	0
137 PCT. 3138	1221	831	68.0 %	410	382	37	2	0
138 PCT. 3144	1368	936	68.4 %	494	391	51	0	0
139 PCT. 3151	1279	733	57.3 %	348	337	48	0	0
140 PCT. 3155	1009	422	41.8 %	201	181	39	1	0
141 PCT. 3156	1258	715	56.8 %	255	426	33	1	0
142 PCT. 3160	1350	659	48.8 %	210	420	27	2	0
143 PCT. 3163	1126	663	58.8 %	168	456	36	3	0
144 PCT. 3174	1014	615	60.6 %	217	360	37	1	0
145 PCT. 3177	1384	865	62.5 %	309	509	46	1	0
146 PCT. 3185	741	459	61.9 %	117	324	18	0	0
147 PCT. 3186	1345	714	53.0 %	233	439	40	2	0
148 PCT. 3193	1338	820	61.2 %	330	452	37	1	0
149 PCT. 3196	1194	748	62.6 %	324	367	54	3	0
150 PCT. 3205	1307	814	62.2 %	364	402	47	1	0
151 PCT. 3212	1483	831	56.0 %	342	427	62	0	0
152 PCT. 3217	613	340	55.4 %	109	219	12	0	0
153 PCT. 3219	927	478	51.5 %	141	315	22	0	0
154 PCT. 3223	1021	514	50.3 %	203	281	28	2	0
155 PCT. 3228	1160	612	52.7 %	200	370	42	0	0
156 PCT. 3233	880	470	53.4 %	141	303	26	0	0
157 PCT. 3234	944	427	45.2 %	129	266	31	1	0
158 PCT. 3240	1519	795	52.3 %	267	483	45	0	0
159 PCT. 3248	1563	870	55.6 %	346	488	34	2	0
160 PCT. 3253	1320	707	53.5 %	373	269	60	5	0
161 PCT. 3258	1243	806	64.8 %	374	377	53	2	0
162 PCT. 3259	1256	741	58.9 %	429	248	62	2	0
163 PCT. 3263	1052	616	58.5 %	317	255	40	4	0
164 PCT. 3268	744	339	45.5 %	155	138	44	2	0
165 PCT. 3273	654	286	43.7 %	146	129	11	0	0
166 PCT. 3274	952	501	52.6 %	228	243	28	2	0
167 PCT. 3283	1233	611	49.5 %	269	293	49	0	0
168 PCT. 3284	1769	1154	65.2 %	468	628	57	1	0
169 PCT. 3286	1315	913	69.4 %	415	447	48	3	0
170 PCT. 3290	1005	701	69.7 %	278	378	40	5	0
171 PCT. 3297	1299	617	47.4 %	192	384	40	1	0
172 PCT. 3299	1109	530	47.7 %	173	343	14	0	0
173 PCT. 3306	1223	723	59.1 %	202	487	33	1	0
174 PCT. 3307	1263	704	55.7 %	210	447	47	0	0
175 PCT. 3308	972	667	68.6 %	201	433	33	0	0
176 PCT. 3309	1366	1066	78.0 %	281	725	59	1	0
177 PCT. 3310	1204	616	51.1 %	181	400	34	1	0
178 PCT. 3311	1466	825	56.2 %	211	567	46	1	0
179 PCT. 3312	2010	1108	55.1 %	339	699	70	0	0

26-69 METRO CONVENTION CENTER BONDS

	R E G I S T E R E D	V O T E S	V O T E S	T O T A L	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts									
180 PCT. 3315	1312	555	42.3 %	175	346	34	0	0	
181 PCT. 3322	1638	954	58.2 %	273	639	42	0	0	
182 PCT. 3323	1075	668	62.1 %	155	483	28	2	0	
183 PCT. 3324	1195	720	60.2 %	171	531	16	2	0	
184 PCT. 3326	674	272	40.3 %	90	170	12	0	0	
185 PCT. 3327	874	422	48.2 %	151	254	17	0	0	
186 PCT. 3328	1353	715	52.8 %	190	489	35	1	0	
187 PCT. 3329	845	559	66.1 %	124	411	23	1	0	
188 PCT. 3330	1378	627	45.5 %	168	433	25	1	0	
189 PCT. 3332	1295	735	56.7 %	208	486	37	4	0	
190 PCT. 3336	868	470	54.1 %	132	307	31	0	0	
191 PCT. 3337	1051	530	50.4 %	152	350	26	2	0	
192 PCT. 3338	1146	551	48.0 %	306	207	37	1	0	
193 PCT. 3339	1205	676	56.1 %	249	394	32	1	0	
194 PCT. 4005	1280	621	48.5 %	274	304	42	1	0	
195 PCT. 4009	1363	733	53.7 %	335	340	58	0	0	
196 PCT. 4022	1504	611	40.6 %	286	269	55	1	0	
197 PCT. 4026	1431	728	50.8 %	323	338	64	3	0	
198 PCT. 4027	1318	738	55.9 %	339	340	58	1	0	
199 PCT. 4033	1382	783	56.6 %	325	398	60	0	0	
200 PCT. 4041	1115	665	59.6 %	264	346	54	1	0	
201 PCT. 4044	1041	683	65.6 %	282	364	37	0	0	
202 PCT. 4048	1149	695	60.4 %	310	346	39	0	0	
203 PCT. 4049	1312	715	54.4 %	327	336	50	2	0	
204 PCT. 4064	1140	679	59.5 %	284	354	39	2	0	
205 PCT. 4065	1649	954	57.8 %	385	509	59	1	0	
206 PCT. 4068	1213	613	50.5 %	222	358	33	0	0	
207 PCT. 4085	1451	886	61.0 %	356	477	51	2	0	
208 PCT. 4092	1294	675	52.1 %	200	428	45	2	0	
209 PCT. 4106	1797	1012	56.3 %	413	502	95	2	0	
210 PCT. 4111	1035	647	62.5 %	231	378	36	2	0	
211 PCT. 4114	1245	822	66.0 %	325	447	47	3	0	
212 PCT. 4117	1423	860	60.4 %	255	543	62	0	0	
213 PCT. 4118	1210	746	61.6 %	265	436	43	2	0	
214 PCT. 4125	1432	667	46.5 %	194	444	29	0	0	
215 PCT. 4128	1483	666	44.9 %	186	437	43	0	0	
216 PCT. 4131	1555	826	53.1 %	264	499	62	1	0	
217 PCT. 4132	1347	869	64.5 %	357	470	41	1	0	
218 PCT. 4143	1443	880	60.9 %	364	458	54	4	0	
219 PCT. 4147	1311	750	57.2 %	301	405	42	2	0	
220 PCT. 4152	1459	869	59.5 %	269	527	72	1	0	
221 PCT. 4155	1429	775	54.2 %	223	501	49	2	0	
222 PCT. 4156	1410	693	49.1 %	216	436	40	1	0	
223 PCT. 4167	1451	731	50.3 %	283	385	63	0	0	

26-69 METRO CONVENTION CENTER BONDS

	R E G I S T E R E D	V O T E S	V O T E S	T O T A L	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts									
224 PCT. 4176	1121	552	49.2 %	144	381	27	0	0	0
225 PCT. 4178	1486	670	45.0 %	233	403	34	0	0	0
226 PCT. 4185	1533	697	45.4 %	207	450	39	1	0	0
227 PCT. 4190	911	430	47.2 %	134	255	41	0	0	0
228 PCT. 4196	1459	560	38.3 %	167	360	33	0	0	0
229 PCT. 4202	1507	747	49.5 %	211	489	45	2	0	0
230 PCT. 4208	1427	669	46.8 %	182	459	28	0	0	0
231 PCT. 4216	1673	664	39.6 %	169	468	24	3	0	0
232 PCT. 4221	1460	651	44.5 %	167	452	31	1	0	0
233 PCT. 4223	1998	1058	52.9 %	455	535	66	2	0	0
234 PCT. 4228	1255	596	47.4 %	262	294	40	0	0	0
235 PCT. 4236	1130	582	51.5 %	221	327	34	0	0	0
236 PCT. 4242	1417	835	58.9 %	308	474	52	1	0	0
237 PCT. 4243	1266	626	49.4 %	260	322	42	2	0	0
238 PCT. 4244	935	619	66.2 %	213	364	42	0	0	0
239 PCT. 4246	1118	656	58.6 %	208	400	46	2	0	0
240 PCT. 4248	2042	1001	49.0 %	317	622	60	2	0	0
241 PCT. 4250	1325	770	58.1 %	266	461	40	3	0	0
242 PCT. 4254	963	569	59.0 %	240	266	63	0	0	0
243 PCT. 4259	1524	981	64.3 %	371	526	81	3	0	0
244 PCT. 4264	1415	893	63.1 %	352	489	50	2	0	0
245 PCT. 4271	1027	724	70.4 %	287	400	37	0	0	0
246 PCT. 4278	1367	777	56.8 %	226	499	52	0	0	0
247 PCT. 4279	1366	756	55.3 %	222	485	47	2	0	0
248 PCT. 4282	1447	1058	73.1 %	436	576	45	1	0	0
249 PCT. 4285	1535	798	51.9 %	311	428	57	2	0	0
250 PCT. 4295	1594	902	56.5 %	356	501	42	3	0	0
251 PCT. 4296	206	131	63.5 %	43	82	5	1	0	0
252 PCT. 4297	1523	629	41.3 %	148	456	25	0	0	0
253 PCT. 4298	1546	634	41.0 %	148	459	25	2	0	0
254 PCT. 4299	1204	538	44.6 %	141	373	23	1	0	0
255 PCT. 4307	1618	694	42.8 %	183	495	15	1	0	0
256 PCT. 4309	1085	640	58.9 %	167	441	31	1	0	0
257 PCT. 4313	1053	639	60.6 %	189	428	21	1	0	0
258 PCT. 4319	1389	807	58.0 %	233	541	31	2	0	0
259 PCT. 4320	706	276	39.0 %	51	211	14	0	0	0
260 PCT. 4324	1117	597	53.4 %	173	394	28	2	0	0
261 PCT. 4325	1527	753	49.3 %	226	482	45	0	0	0
262 PCT. 4329	733	354	48.2 %	99	235	20	0	0	0
263 PCT. 4330	900	334	37.1 %	86	229	18	1	0	0
264 PCT. 4333	1357	707	52.1 %	196	475	34	2	0	0
265 PCT. 4337	1596	666	41.7 %	195	444	26	1	0	0
266 PCT. 4338	1851	874	47.2 %	195	639	38	2	0	0
267 PCT. 4339	1370	582	42.4 %	158	397	26	1	0	0

26-69 METRO CONVENTION CENTER BONDS

	R V E O G T I E S R T S E R E D	V C O A T S E T S	T U R N O U T	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts								
268 PCT. 4340	1150	502	43.6 %	125	353	24	0	0
269 PCT. 4341	1037	512	49.3 %	138	338	36	0	0
270 PCT. 4342	1149	601	52.3 %	275	278	47	1	0
271 PCT. 4343	730	385	52.7 %	81	291	12	1	0
272 PCT. 4344	1193	605	50.7 %	156	428	21	0	0
273 PCT. 4345	698	364	52.1 %	87	269	8	0	0
274 PCT. 4346	915	399	43.6 %	132	249	18	0	0
275 PCT. 4348	1194	605	50.6 %	129	455	21	0	0
276 PCT. 4349	1212	764	63.0 %	296	423	45	0	0
277 PCT. 4350	1196	594	49.6 %	134	427	33	0	0
278 PCT. 4351	1584	697	44.0 %	191	466	38	2	0
279 PCT. 4352	1136	494	43.4 %	157	317	19	1	0
280 PCT. 4353	871	437	50.1 %	96	315	25	1	0
281 PCT. 4354	2058	1014	49.2 %	270	695	48	1	0
282 PCT. 4356	1223	566	46.2 %	133	403	30	0	0
283 PCT. 4357	758	407	53.6 %	88	294	25	0	0
284 PCT. 4358	1240	709	57.1 %	163	516	30	0	0
285 PCT. 4359	1026	552	53.8 %	139	388	25	0	0
286 PCT. 4360	1046	468	44.7 %	100	348	20	0	0
287 PCT. 4361	1027	513	49.9 %	127	364	22	0	0
288 PCT. 5029	580	389	67.0 %	125	241	20	3	0
289 PCT. 5100	1373	586	42.6 %	154	408	23	1	0
290 PCT. 5101	1466	599	40.8 %	180	401	17	1	0
291 PCT. 5200	1113	567	50.9 %	168	375	22	2	0
292 PCT. 5201	1502	837	55.7 %	221	577	35	4	0
293 PCT. 5202	1422	812	57.1 %	243	530	39	0	0
294 PCT. 5203	1487	718	48.2 %	191	496	30	1	0
295 PCT. 5204	1571	819	52.1 %	253	534	30	2	0
296 PCT. 5301	1627	743	45.6 %	237	456	50	0	0
297 PCT. 5401	320	206	64.3 %	73	119	13	1	0
298 PCT. 5424	444	258	58.1 %	63	172	23	0	0
300 PCT. 5551	88	52	59.0 %	10	39	3	0	0
301 PCT. 5602	517	289	55.8 %	56	218	14	1	0
302 PCT. 5603	451	241	53.4 %	48	177	16	0	0
303 PCT. 5604	745	466	62.5 %	107	336	22	1	0
304 PCT. 5605	587	325	55.3 %	67	243	15	0	0
306 PCT. 5805	1303	640	49.1 %	155	429	53	3	0
307 PCT. 5806	1327	497	37.4 %	185	276	36	0	0
308 PCT. 5809	1133	603	53.2 %	124	432	46	1	0
309 PCT. 5819	879	472	53.6 %	107	323	42	0	0
310 PCT. 5820	1076	540	50.1 %	140	328	71	1	0
311 PCT. 5823	1012	557	55.0 %	158	359	39	1	0
312 PCT. 5824	1284	697	54.2 %	215	407	74	1	0
313 PCT. 5825	1470	806	54.8 %	213	520	71	2	0

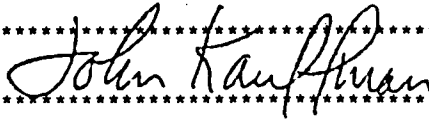
26-69 METRO CONVENTION CENTER BONDS

	R E G I S T E R E D	V O T E S	V O T E S	T O T A L	Y E S	N O	U N D E R V O T E S	O V E R V O T E S	W R I T E - I N S
All Districts									
314 PCT. 5828	1540	706	45.8 %	202	448	53	3	0	
315 PCT. 5829	893	556	62.2 %	180	343	32	1	0	
316 PCT. 5840	1698	869	51.1 %	231	547	85	6	0	
317 PCT. 5842	1363	806	59.1 %	252	478	75	1	0	
318 PCT. 5843	969	506	52.2 %	186	260	60	0	0	
319 PCT. 5845	1230	503	40.8 %	166	295	41	1	0	
320 PCT. 5846	1035	601	58.0 %	142	411	45	3	0	
321 PCT. 5850	1434	655	45.6 %	198	404	52	1	0	
322 PCT. 5851	1269	657	51.7 %	199	388	69	1	0	
323 PCT. 5853	1284	700	54.5 %	204	414	81	1	0	
324 PCT. 5855	1547	943	60.9 %	276	581	85	1	0	
325 PCT. 5857	1341	587	43.7 %	138	394	53	2	0	
326 PCT. 5858	1398	605	43.2 %	214	352	39	0	0	
327 PCT. 5859	1818	808	44.4 %	255	469	84	0	0	
328 PCT. 5860	1149	642	55.8 %	192	390	58	2	0	
329 PCT. 5861	1441	827	57.3 %	258	486	81	2	0	
330 PCT. 5864	1318	770	58.4 %	220	483	63	4	0	
331 PCT. 5865	1034	504	48.7 %	146	311	46	1	0	
332 PCT. 5866	1464	846	57.7 %	250	538	56	2	0	
333 PCT. 5867	391	171	43.7 %	51	104	16	0	0	
334 PCT. 5868	1211	537	44.3 %	179	325	32	1	0	
335 PCT. 5869	869	469	53.9 %	146	288	34	1	0	
336 PCT. 5870	2023	853	42.1 %	266	510	77	0	0	
337 PCT. 5871	1221	501	41.0 %	170	294	36	1	0	
338 PCT. 5873	1284	583	45.4 %	133	405	45	0	0	
339 PCT. 5874	1020	419	41.0 %	123	264	32	0	0	
340 PCT. 5876	1369	826	60.3 %	245	516	64	1	0	
341 PCT. 5900	1024	533	52.0 %	147	351	35	0	0	
342 PCT. 5901	861	458	53.1 %	161	250	47	0	0	
343 PCT. 5902	642	316	49.2 %	80	202	33	1	0	
All Districts	389940	210705	54.0 %	76274	121338	12732	361	0	
RACE TOTALS	389940	210705	54.0 %	76274	121338	12732	361	0	

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

CORRECTED



* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * * NOV 23 1998 *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0001	252	467	0	99	818
0002	254	473	2	118	847
0003	201	407	1	75	684
0005	176	301	0	82	559
0006	207	499	0	73	779
0007	349	749	0	130	1,228
0008	343	684	1	152	1,180
0009	120	335	1	58	514
0010	27	58	0	9	94
0011	111	200	0	42	353
0031	98	185	0	41	324
0032	81	203	0	32	316
0033	283	600	1	79	963
0034	204	591	0	85	880
0038	204	344	1	44	593
0039	265	568	0	60	893
0051	287	422	0	94	803
0053	210	419	2	69	700
0054	186	368	0	66	620
0056	176	327	0	62	565
0057	260	466	1	64	791
0058	188	329	0	58	575
0060	243	476	0	80	799
0062	246	531	1	64	842
0063	250	434	3	58	745
0064	231	497	0	70	798
0090	0	2	0	0	2
0091	39	53	0	8	100
0092	15	52	0	5	72
0093	31	73	0	9	113
0094	2	7	0	0	9
0095	0	5	0	1	6
0096	506	949	1	145	1,601
0130	254	568	0	114	936
0131	340	672	2	169	1,183
0132	303	559	1	116	979
0134	345	628	0	144	1,117
0135	272	408	0	113	793
0136	228	460	0	118	806
0137	8	4	0	1	13
0138	365	527	0	117	1,009
0139	316	442	0	99	857

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

.....
 * I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : * DATE OF ABSTRACT : *
 * RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * *
 * RESULT OF VOTES CAST AT THE ELECTION INDICATED. * * *

John Kauffman * NOV 23 1998 *

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0140	195	297	0	59	551
0151	387	468	0	124	979
0152	330	371	1	98	800
0153	366	358	0	122	846
0154	428	360	0	125	913
0155	457	528	0	164	1,149
0157	276	231	0	61	568
0158	382	404	0	82	868
0159	400	496	2	97	995
0160	456	428	0	97	981
0162	455	549	0	111	1,115
0163	514	548	0	151	1,213
0164	352	330	1	105	788
0165	375	413	0	96	884
0166	409	492	0	106	1,007
0167	415	303	1	91	810
0169	187	174	1	67	429
0170	0	4	0	2	6
0201	198	271	0	43	512
0202	295	418	0	98	811
0203	377	440	1	116	934
0204	284	402	0	81	767
0205	191	276	1	57	525
0206	280	453	0	62	795
0251	0	2	0	0	2
0252	351	420	0	80	851
0300	258	342	1	67	668
0301	446	543	0	70	1,059
0303	277	273	1	46	597
0305	43	31	0	6	80
0306	17	12	0	3	32
0313	219	231	0	52	502
0326	355	470	0	101	926
0327	263	558	1	75	897
0328	22	35	0	8	65
0390	246	536	0	79	861
0394	171	360	1	72	604
0401	249	555	0	117	921
0403	108	336	1	35	480
0405	146	347	0	62	555
0407	63	200	0	28	291
0411	362	498	0	61	921

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
* RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * *
* RESULT OF VOTES CAST AT THE ELECTION INDICATED. * * *

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0412	281	413	1	70	765
0413	214	338	0	40	592
0414	286	430	1	57	774
0422	59	138	1	28	226
0441	106	114	0	24	244
0442	268	481	1	70	820
0443	230	548	0	70	848
0444	213	438	0	56	707
0445	333	523	1	85	947
0451	195	197	0	66	458
0452	119	205	1	33	358
0453	257	557	0	72	886
0454	305	469	0	90	864
0475	273	512	1	62	848
0478	251	473	1	65	790
0480	172	371	0	58	601
0481	258	458	1	61	778
0490	0	2	0	0	2
0491	65	142	0	17	224
0492	17	31	0	5	53
0503	277	463	0	86	826
0505	263	480	1	72	816
0506	152	316	0	33	501
0507	199	380	1	51	631
0521	243	393	0	60	696
0522	198	94	1	77	370
0523	102	62	0	53	217
0525	220	460	2	61	743
0526	266	457	0	73	796
0530	258	484	0	89	831
0531	258	431	0	64	753
0532	139	296	0	39	474
0533	186	385	0	81	652
0538	173	293	0	65	531
0549	148	337	1	51	537
0550	264	566	0	77	907
0551	191	444	1	67	703
0552	277	435	3	83	798
0553	97	175	0	30	302
0555	309	586	0	89	984
0560	154	423	0	45	622
0561	55	124	0	13	192

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

 * I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : *John Kauffman* * DATE OF ABSTRACT : *
 * RECORDED ON THIS ABSTRACT CORRECTLY SUMMARIZE THE * * * NOV 23 1998 *
 * RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

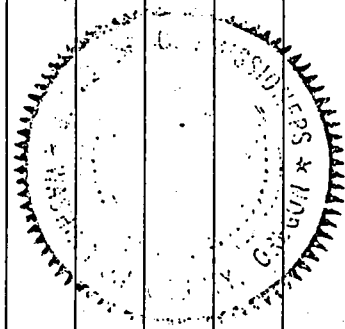
Precinct	A	B	over	under	total
0562	8	27	0	2	37
0563	170	388	0	64	622
0568	25	92	0	13	130
0587	17	50	0	9	76
TOTAL	28,632	46,591	50	8,676	83,949

**** OFFICIAL STATEMENT OF THE GENERAL ELECTION ON NOVEMBER 3, 1998****

METRO 26-69

Page Number 243.001.001

	REG I S T E R E D V O T E R S	T U R N O U T	T U R N O U T P E R C E N T A G E	M E T R O 2 6 - 6 9	M E T R O 2 6 - 6 9															
001 TUALATIN HIGH SCHOOL	741	432	58.2%		92	248														
002 SHERWOOD INT SCHOOL	1108	691	62.3%		219	409														
003 HOPKINS SCHOOL	567	333	58.7%		12	40														
004 TUAL COUNCIL BLDG	1120	709	63.3%		227	425														
005 K CITY TOWN HALL	1047	804	76.7%		236	425														
006 TUAL ELEM SCHOOL	982	490	49.8%		158	296														
007 DURHAM PLANT, USA	626	423	67.5%		174	210														
008 TERRA LINDA SCH	781	528	67.6%		197	278														
009 CHRIST KING LUTH	906	606	66.8%		201	354														
010 KINNAMAN SCHOOL	911	550	60.3%		118	378														
011 GRONER SCHOOL	579	350	60.4%		3	39														
013 WITCH HAZEL SCH	411	266	64.7%		17	80														
014 COOPER MTN SCH	1083	687	63.4%		183	424														
015 METZGER PK CLUB	1087	590	54.2%		185	350														
016 MAISON ARMORY	1032	664	64.3%		218	388														
017 SW BIBLE CHURCH	1006	473	47.0%		184	226														
018 LIVING SAVIOR LUTH	1196	672	56.1%		262	355														
019 E HASSELL ELEM SCHOO	945	523	55.3%		145	351														
020 ALOHA PARK ELEM SCHC	958	568	59.2%		158	367														
021 MT VIEW MIDDLE SCH	968	490	50.6%		126	328														
022 BUTTERNUT CREEK	1247	655	52.5%		157	443														
023 BUTTERNUT CREEK	1398	780	55.7%		210	498														
024 HAZELBROOK MIDDLE SC	839	400	47.6%		139	220														
025 KING CITY CROWN CTR	807	670	83.0%		197	404														
026 GARDEN HOME REC	959	634	66.1%		215	365														
027 METZGER PK CLUB	882	564	63.9%		140	379														
028 FOWLER MID SCHOOL	714	458	64.1%		128	301														
029 EDWARD BYROM SCHOOL	1264	815	64.4%		271	464														
030 TIGARD WATER DIVISIO	1089	537	49.3%		174	325														
031 TIGARD WATER DIVISIO	1469	756	51.4%		235	435														
032 C F TIGARD ELEM SCH	1752	1047	59.7%		338	627														
033 M WOODWARD ELEM SCHC	770	468	60.7%		128	292														
034 J TEMPLETON SCH	1304	789	60.5%		271	447														
035 VINEYARD CHRISTIAN	773	398	51.4%		136	227														
036 LIVING SAVIOR LUTH	372	222	59.6%		72	133														
037 HAZELDALE ELEM SCHOO	1822	982	53.8%		273	609														
038 KING CITY CROWN CTR	641	348	54.2%		90	152														
040 TUALITY MID SCH	1547	801	51.7%		284	450														
041 SUMMERFLD CLUB HOUSE	1216	956	78.6%		296	494														
042 CONESTOGA MIDDLE SCH	861	369	42.8%		166	165														
043 ROYAL VILLA REC	490	282	57.5%		66	165														
044 CENTRAL CHURCH	1215	701	57.6%		232	396														
045 1ST UNITED METH	971	513	52.8%		168	266														
046 OUR REDEEMER LUTH CH	850	530	62.3%		173	315														
047 ST MARY VALLEY	700	354	50.5%		116	207														
048 FIR GROVE SCH	1099	680	61.8%		204	420														
049 HITEON ELEM SCH	948	559	58.9%		192	319														
050 FIR GROVE SCH	1123	680	60.5%		203	405														
051 VOSE SCHOOL	1281	813	63.4%		261	488														
052 VOSE SCHOOL	836	472	56.4%		152	266														
053 HIGHLAND PARK MIDDLE	1015	674	66.4%		218	388														
054 ELSIE STUHR ADULT CE	1269	623	49.0%		184	356														
055 GREENWAY SCH	1270	706	55.5%		250	379														
056 CHEHALEM SCH	1146	744	64.9%		236	433														
058 MCKAY SCHOOL	1264	820	64.8%		298	462														
059 ALOHA PK SCHOOL	1132	517	45.6%		124	357														
060 ST BARTHOLOMEW	1156	410	35.4%		151	199														
061 HITEON SCH	1193	729	61.1%		248	419														
062 KOREAN SOCIETY OF OR	446	288	64.5%		91	175														
063 RALEIGH HLS SCH	987	612	62.0%		262	284														



** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

CORRECTED

* I, JOHN KAUFFMAN, COUNTY CLERK, CERTIFY THAT THE VOTES * BY : * DATE OF ABSTRACT : *
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* RESULT OF VOTES CAST AT THE ELECTION INDICATED. *

John Kauffman

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0001	252	467	0	99	818
0002	254	473	2	118	847
0003	201	407	1	75	684
0005	176	301	0	82	559
0006	207	499	0	73	779
0007	349	749	0	130	1,228
0008	343	684	1	152	1,180
0009	120	335	1	58	514
0010	27	58	0	9	94
0011	111	200	0	42	353
0031	98	185	0	41	324
0032	81	203	0	32	316
0033	283	600	1	79	963
0034	204	591	0	85	880
0038	204	344	1	44	593
0039	265	568	0	60	893
0051	287	422	0	94	803
0053	210	419	2	69	700
0054	186	368	0	66	620
0056	176	327	0	62	565
0057	260	466	1	64	791
0058	188	329	0	58	575
0060	243	476	0	80	799
0062	246	531	1	64	842
0063	250	434	3	58	745
0064	231	497	0	70	798
0090	0	2	0	0	2
0091	39	53	0	8	100
0092	15	52	0	5	72
0093	31	73	0	9	113
0094	2	7	0	0	9
0095	0	5	0	1	6
0096	506	949	1	145	1,601
0130	254	568	0	114	936
0131	340	672	2	169	1,183
0132	303	559	0	116	979
0134	345	628	0	144	1,117
0135	272	408	0	113	793
0136	228	460	0	118	806
0137	8	4	0	1	13
0138	365	527	0	117	1,009
0139	316	442	0	99	857

NOV

EXHIBIT A

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

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METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER
 A -- YES
 B -- NO

Precinct	A	B	over	under	total
0140	195	297	0	59	551
0151	387	468	0	124	979
0152	330	371	1	98	800
0153	366	358	0	122	846
0154	428	360	0	125	913
0155	457	528	0	164	1,149
0157	276	231	0	61	568
0158	382	404	0	82	868
0159	400	496	2	97	995
0160	456	428	0	97	981
0162	455	549	0	111	1,115
0163	514	548	0	151	1,213
0164	352	330	1	105	788
0165	375	413	0	96	884
0166	409	492	0	106	1,007
0167	415	303	1	91	810
0169	187	174	1	67	429
0170	0	4	0	2	6
0201	198	271	0	43	512
0202	295	418	0	98	811
0203	377	440	1	116	934
0204	284	402	0	81	767
0205	191	276	1	57	525
0206	280	453	0	62	795
0251	0	2	0	0	2
0252	351	420	0	80	851
0300	258	342	1	67	668
0301	446	543	0	70	1,059
0303	277	273	1	46	597
0305	43	31	0	6	80
0306	17	12	0	3	32
0313	219	231	0	52	502
0326	355	470	0	101	926
0327	263	558	1	75	897
0328	22	35	0	8	65
0390	246	536	0	79	861
0394	171	360	1	72	604
0401	249	555	0	117	921
0403	108	336	1	35	480
0405	146	347	0	62	555
0407	63	200	0	28	291
0411	362	498	0	61	921

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

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 * NOV 23 1998 *

METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0412	281	413	1	70	765
0413	214	338	0	40	592
0414	286	430	1	57	774
0422	59	138	1	28	226
0441	106	114	0	24	244
0442	268	481	1	70	820
0443	230	548	0	70	848
0444	213	438	0	56	707
0445	333	528	1	85	947
0451	195	197	0	66	458
0452	119	205	1	33	358
0453	257	557	0	72	886
0454	305	469	0	90	864
0475	273	512	1	62	848
0478	251	473	1	65	790
0480	172	371	0	58	601
0481	258	458	1	61	778
0490	0	2	0	0	2
0491	65	142	0	17	224
0492	17	31	0	5	53
0503	277	463	0	86	826
0505	263	480	1	72	816
0506	152	316	0	33	501
0507	199	380	1	51	631
0521	243	393	0	60	696
0522	198	94	1	77	370
0523	102	62	0	53	217
0525	220	460	2	61	743
0526	266	457	0	73	796
0530	258	484	0	89	831
0531	258	431	0	64	753
0532	139	296	0	39	474
0533	186	385	0	81	652
0538	173	293	0	65	531
0549	148	337	1	51	537
0550	264	566	0	77	907
0551	191	444	1	67	703
0552	277	435	3	83	798
0553	97	175	0	30	302
0555	309	586	0	89	984
0560	154	423	0	45	622
0561	55	124	0	13	192

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
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METRO MEASURE 26-69 BONDS TO EXPAND AND COMPLETE THE OREGON CONVENTION CENTER

A -- YES
B -- NO

Precinct	A	B	over	under	total
0562	8	27	0	2	37
0563	170	388	0	64	622
0568	25	92	0	13	130
0587	17	50	0	9	76
TOTAL	28,632	46,591	50	8,676	83,949

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

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John Kauffman

* DATE OF ABSTRACT : *
 * NOV 23 1998 *

METRO (2) COUNCILOR ZONE 2
 A -- JOHN JACKLEY
 B -- BILL ATHERTON

Precinct	A	B	over	under	total
0001	225	298	4	291	818
0002	231	311	6	299	847
0003	209	258	6	211	684
0005	158	191	3	207	559
0006	241	264	5	269	779
0007	353	416	8	451	1,228
0008	310	420	4	446	1,180
0009	119	194	3	198	514
0010	29	31	1	33	94
0011	90	147	3	113	353
0031	106	101	7	110	324
0032	120	96	7	93	316
0033	310	281	10	362	963
0034	319	271	9	281	880
0038	163	188	9	233	593
0039	287	267	8	331	893
0090	0	0	0	2	2
0094	1	5	0	3	9
0096	345	515	17	724	1,601
0130	283	329	4	320	936
0131	352	424	12	395	1,183
0132	336	346	4	293	979
0134	423	332	9	353	1,117
0135	226	326	3	238	793
0136	250	324	3	229	806
0137	9	3	0	1	13
0138	399	313	3	294	1,009
0139	325	297	8	227	857
0140	187	185	1	178	551
0151	216	433	15	315	979
0152	172	386	5	237	800
0153	209	357	8	272	846
0154	207	327	13	366	913
0155	258	538	11	342	1,149
0157	104	254	9	201	568
0158	190	397	7	274	868
0159	210	489	7	289	995
0160	229	479	8	265	981
0162	249	522	6	338	1,115
0163	287	578	15	333	1,213
0164	160	331	5	292	788
0165	193	399	4	288	884

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

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METRO (2) COUNCILOR ZONE 2
A -- JOHN JACKLEY
B -- BILL ATHERTON

Precinct	A	B	over	under	total
0166	257	417	9	324	1,007
0167	166	346	6	292	810
0169	97	172	7	153	429
0170	1	3	1	1	6
0300	146	269	4	249	668
0301	249	448	4	358	1,059
0303	65	118	6	97	286
0305	25	31	1	23	80
0306	11	13	0	8	32
0313	55	157	5	85	302
0326	283	333	6	304	926
0327	251	299	7	340	897
0328	14	22	0	29	65
0390	194	264	8	395	861
0394	130	207	8	259	604
0401	190	323	14	394	921
0403	95	158	4	223	480
0405	129	170	4	252	555
0407	53	102	2	134	291
0411	159	314	7	339	819
0412	182	228	10	345	765
0413	127	165	5	295	592
0414	183	227	4	360	774
0422	68	64	4	90	226
0441	71	77	2	94	244
0442	228	250	7	335	820
0443	233	265	12	338	848
0444	165	242	9	291	707
0445	291	288	11	357	947
0451	0	1	0	0	1
0480	151	201	2	247	601
0490	0	0	0	2	2
0491	80	71	4	69	224
0492	10	21	0	22	53
0503	218	235	14	359	826
0505	223	252	7	334	816
0506	114	174	7	206	501
0507	172	201	5	253	631
0521	202	212	18	264	696
0522	120	101	19	130	370
0523	74	50	9	84	217
0525	229	225	4	285	743

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
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NOVEMBER 3, 1998

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* NOV 23 1998 *

METRO (2) COUNCILOR ZONE 2

A -- JOHN JACKLEY
B -- BILL ATHERTON

Precinct	A	B	over	under	total
0526	219	253	11	313	796
0530	216	254	15	346	831
0531	206	253	6	288	753
0532	127	152	1	194	474
0533	162	219	16	255	652
0538	119	187	8	217	531
0549	175	161	3	198	537
0550	284	252	9	362	907
0551	216	216	5	266	703
0552	238	229	4	327	798
0553	108	85	5	104	302
0555	275	304	9	396	984
0560	145	219	4	254	622
0561	42	59	2	89	192
0562	9	14	0	14	37
0563	184	228	5	205	622
0568	36	41	0	53	130
0587	21	17	1	37	76
TOTAL	17,583	23,482	630	23,934	65,629

METRO COUNCILOR ZONE 2

MISC WRITE-INS 7

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

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METRO (6) COUNCILOR ZONE 6 UNEXPIRED TERM

- A -- SCOTT PRATT
- B -- ROD MONROE
- C -- RON MCCARTY

Precinct	A	B	C	over	under	total
0093	21	31	5	5	51	113
0411	20	24	7	3	48	102
0451	74	136	49	9	189	457
0452	82	95	39	7	135	358
0453	155	266	99	11	355	886
0454	141	221	96	15	391	864
0478	74	91	59	15	166	405
0481	175	222	115	7	259	778
TOTAL	742	1,086	469	72	1,594	3,963

METRO COUNCILOR ZONE 6

MISC WRITE-INS 1

** OFFICIAL CANVASS WITH OVER AND UNDER VOTES **

CLACKAMAS COUNTY
GENERAL ELECTION
NOVEMBER 3, 1998

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John Kauffman

NOV 23 1998

METRO (7) COUNCILOR ZONE 7
 A -- DAVID BRAGDON
 B -- LIZ CALLISON

Precinct	A	B	over	under	total
0051	253	240	3	307	803
0053	199	222	7	272	700
0054	202	193	7	218	620
0056	160	182	6	217	565
0057	218	268	4	301	791
0058	173	165	3	234	575
0060	226	264	6	303	799
0062	227	255	7	353	842
0063	210	273	2	260	745
0064	227	268	2	301	798
0091	41	22	0	37	100
0092	20	26	0	26	72
0095	3	0	0	3	6
0303	76	91	1	143	311
0313	85	38	2	75	200
0475	201	277	6	364	848
0478	97	128	2	158	385
TOTAL	2,618	2,912	58	3,572	9,160

STAFF REPORT

Consideration of Resolution No. 98-2737, for the Purpose of Accepting the November 3, 1998, General Election Abstract of Votes

December 3, 1998

Prepared by: Jeff Stone

BACKGROUND

State law requires that Metro declare the election results for Metro positions and ballot measures on the ballot. In the November 3, 1998 General Election, the positions of Metro Councilor for Districts 2, 6 and 7, and the general obligation bonds for expansion and completion of the Oregon Convention Center (OCC) were on the ballot.

RESULTS

According to the attached abstracts, Bill Atherton was elected to the Council for District 2; David Bragdon was elected to the Council for District 7; Rod Monroe was elected to fill the position vacated by Lisa Naito for District 6; and the Bond Measure for expansion and completion of the OCC failed.

STAFF RECOMMENDATION

Staff recommends to the Presiding Officer that this resolution be fast tracked to the December 10, 1998 Metro Council meeting and be approved.

c:r98-2737.sr (stone)

Agenda Item Number 8.1

Ordinance No. 98-791, For the Purpose of Adopting a new Chapter of the Metro Code Making the Local Government Boundary Changes and Declaring an Emergency.

First Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING A) ORDINANCE NO 98-791
NEW CHAPTER OF THE METRO CODE)
RELATING TO LOCAL GOVERNMENT) Introduced by Councilor McLain
BOUNDARY CHANGES AND)
DECLARING AN EMERGENCY)

WHEREAS, the 1997 Oregon Legislature adopted Chapter 516 of Oregon Laws of 1997, which abolished the Portland metropolitan area Boundary Commission effective January 1, 1999, and authorized Metro, pursuant to ORS 268.347 through ORS 268.354, to adopt procedural and substantive provisions related to local government boundary changes; and

WHEREAS, MPAC, after study, has recommended to the Council that provisions be adopted to carry out the legislative authorization; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Chapter 3.09, Local Government Boundary Changes, attached hereto as Exhibit A, is hereby adopted; and,
2. This Ordinance is necessary for the immediate preservation of public health, safety and welfare; and an emergency is therefore declared to exist, and this Ordinance shall take effect immediately, pursuant to Metro Charter Section 39(1), in order for the provisions of Chapter 3.09 to be in effect on January 1, 1999, when the Portland metropolitan area local government Boundary Commission is abolished.

ADOPTED by the Metro Council this _____ day of _____ 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

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Exhibit A

CHAPTER 3.09

LOCAL GOVERNMENT BOUNDARY CHANGES As Approved By MPAC Subcommittee

SECTIONS	TITLE
3.09.010	Purpose and Applicability
3.09.020	Definitions
3.09.030	Uniform Notice Requirements for Final Decisions
3.09.040	Minimum Requirements for Petitions
3.09.050	Uniform Hearing Requirements for Final Decisions
3.09.060	Creation of Boundary Appeals Commission
3.09.070	How Contested Case Filed
3.09.080	Alternate Resolution
3.09.090	Conduct of Hearing
3.09.100	Ex Parte Communications to the Boundary Appeals Commission
3.09.110	Ministerial Functions of Metro

3.09.010 Purpose and Applicability

The purpose of this chapter is to carry out the provisions of ORS 268.354. This chapter applies to all boundary changes within the boundaries of Metro or any urban reserve designated by Metro prior to June 30, 1997.

3.09.020 Definitions

As used in this chapter, unless the context requires otherwise:

(a) "Affected entity" means a city, city-county, or special district for which a boundary change is proposed or is ordered.

(b) "Affected territory" means territory described in a petition.

(c) "Boundary change" means a major or minor boundary change.

(d) "Contested case" means a boundary change decision by a city or county that is contested or otherwise challenged by a necessary party.

(e) "Final decision" means a decision adopted by resolution or ordinance of a city or county approving a boundary change, including a resolution or ordinance that declares the result of an election to which a boundary change decision has been referred, and that is final if not appealed to the entity having jurisdiction over the appeal.

(f) "Major boundary change" means the formation, merger, consolidation or dissolution of a city or district.

(g) "Minor boundary change" means an annexation or withdrawal of territory to or from a city or district or from a city-county to a city. "Minor boundary change" also means an extra-territorial extension of water or sewer service by a city or district.

(h) "Necessary party" means: (1) The county(ies) where the affected territory is located; (2) The city(ies) with adopted urban service areas that include the affected territory; (3) The district(s) that provide(s) an urban service to any portion of the affected territory; (4) Metro; and (5) Any other unit of local government, as defined in ORS 190.003, that is a party to an agreement for provision of an urban service to the affected territory, including an agreement under ORS Chapter 190, ORS 195.020 or ORS 195.065.

(i) "Petition" means the form of initiatory action for a boundary change.

(j) "Uncontested case" means a boundary change decision by a city or county that is not challenged by a necessary party to that decision.

(k) "Urban services" has the meaning assigned by ORS 195.065(4).

3.09.030 Uniform Notice Requirements for Final Decisions

(a) The following minimum requirements apply to all boundary change decisions by a city or county. These procedures are in addition to and do not supersede the requirements of ORS

chapters 198, 221 and 222 and any city or county charter for boundary changes. Each city and county shall provide for notice of boundary change decisions to its residents.

(b) A city or county presented with a complete petition for a boundary change shall, within 30 days after the petition is complete, schedule the matter for final decision and give notice of its proposed date of decision by mailing to all necessary parties, by weatherproof posting in the general vicinity of the affected territory, and by publication in a newspaper of general circulation in the affected territory and in the affected entity, at least 45 days prior to the date of decision.

(c) The notice of a proposed final decision at a minimum shall describe the affected territory in a manner that allows the description to be made certain, shall state the date, time and place where the city or county will consider its final decision on the boundary change, and shall state the means by which any interested person may obtain a copy of the entity's report on the proposal. The notice shall state whether the city or county intends to reach the decision by an expedited process if a necessary party does not request a public hearing on the proposed decision.

(d) A city or county may adjourn or continue its final decision on a proposed boundary change to another time. For a continuance later than thirty-one days after the time stated in the original notice, notice shall be reissued in the form required by subsection (b) of this section at least 15 days prior to the continued date of decision. For a continuance scheduled within thirty-one days of the previous date for decision, notice shall be adequate if it contains the date, time and place of the continued date of decision.

(e) A city or county's final decision shall be reduced to writing and authenticated as its official act within thirty (30) days following the decision and mailed to Metro and to all necessary parties to the decision. The mailing to Metro shall include payment to Metro of the filing fee required pursuant to Section 3.09.120. The date of mailing shall constitute the date from which the time for appeal runs for appeal of the decision to the Metro Boundary Appeals Commission.

(f) Each county shall maintain a current map and list showing all necessary parties entitled to receive notice of proposed boundary changes. The counties shall provide copies of the map and list to Metro including any changes thereto.

3.09.040 Minimum Requirements for Petitions

(a) A petition before a city or county for a boundary change shall be deemed complete if it includes the following information:

- (1) The statutory or other basis on which the petition is before the city or county for a proposed final decision;
- (2) A narrative, legal and graphical description of the affected territory in the form prescribed by the Metro Executive Officer, and in a manner that allows the description to be made certain;
- (3) The names and mailing addresses of all persons owning property and all electors within the affected territory;
- (4) A listing of all present providers of urban services to the affected territory;
- (5) A listing of the proposed providers of urban services to the affected territory following the proposed boundary change;
- (6) The current tax assessed value of all property within the affected territory; and
- (7) any other information required by state law.

(b) A city or county may charge a fee to recover its reasonable costs to carry out its duties and responsibilities under this chapter.

3.09.050 Uniform Hearing Requirements for Final Decisions

(a) The following minimum requirements for hearings on boundary change decisions are intended to and shall operate in addition to and not in lieu of any and all procedural

requirements for boundary changes provided for under ORS chapters 198, 221 and 222. Nothing in this chapter allows an affected entity to dispense with a public hearing on a proposed boundary change when a public hearing is required by those statutes or is required by the affected entity's charter, ordinances or resolutions.

(b) A city or county may proceed to a final decision on a completed petition for an annexation of territory to a city or special district without a public hearing when such proposal is uncontested by any necessary party within the time allowed by this chapter, when a decision without public hearing is not inconsistent with the city or county's charter or state statutes, when the affected territory is surrounded by a city as described in ORS 222.750 ("island annexations") or when the petition is accompanied by the written consent of one hundred percent (100%) of the property owners and at least fifty percent (50%) of the electors within the affected territory ("100% owner annexations").

(c) A city or county shall conduct a public hearing on the proposed boundary change in all cases if a necessary party requests a hearing in a writing delivered to the city or county not later than 15 days prior to the date set for the decision. At such hearing the affected entity shall have the burden to prove that the petition meets the criteria for a boundary change set out in this section.

(d) Not later than 30 days prior to the date set for a boundary change decision, the city or county that will make the final decision shall make available to the public a report that includes at a minimum the following:

- (1) The extent to which urban services presently are available to serve the affected territory;
- (2) The extent to which urban services serving the affected territory result from extraterritorial extensions of service outside the service provider's legal boundary;
- (3) A description of how the proposed boundary change complies with any urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;

- (4) A description of how the proposed boundary change is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, regional urban growth goals and objectives, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
- (5) Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and
- (6) The proposed effective date of the decision.

(e) A city or county's final decision shall be reduced to writing and authenticated. A final decision that is subject to a public hearing shall be based on substantial evidence in the record of that hearing. All boundary change decisions whether made with or without a public hearing shall include findings of fact and conclusions from those findings as to address the following minimum criteria for decision:

- (1) The decision complies with urban service provider agreements adopted pursuant to ORS 195.065 between the affected entity and all necessary parties;
- (2) The decision is consistent with the comprehensive land use plans, public facility plans, regional framework and functional plans, urban planning agreements and similar agreements of the affected entity and of all necessary parties;
- (3) The affected entity can assure that urban services are now or can be made available to serve the affected territory, by its own forces or by contract with others.
- (4) If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criteria for approval.

f) In addition to the criteria for decision set out in subsection (e) of this section, in those cases where the agreements required by ORS 195.065 are not yet adopted and a proposed provider of an urban service to the affected territory is disputed by a necessary party, a final decision by a city or county made after public hearing shall address and consider, as to the proposed providers of urban services to the affected territory:

- (1) Financial, operational and managerial capacity to provide the service;
- (2) The effect on the cost of the urban service to the users of the service, the quality and quantity of the service provided and the ability of urban service users to identify and contact service providers, and to determine their accountability with ease;
- (3) Physical factors related to the provision of the urban service;
- (4) The feasibility of creating a new entity for the provision of the urban service;
- (5) The elimination or avoidance of unnecessary duplication of facilities;
- (6) Economic, demographic and sociological trends and projections relevant to the provision of the urban service;
- (7) The allocation of charges among urban service users in a manner that reflects differences in the costs of providing services to the users;
- (8) Matching the recipients of tax supported urban services with the payers of the tax;
- (9) The equitable allocation of costs between new development and prior development; and
- (10) Economies of scale.
- (11) Where a proposed decision is inconsistent with adopted intergovernmental agreements by or among any

necessary parties, the city or county making the final decision shall include factual findings that the decision better fulfills the criteria of subsections (1) through (10) of this section.

(g) A final boundary change decision by an affected entity shall state the effective date, which date shall be no earlier than 30 days following the date that the decision is reduced to writing, authenticated, and served on all necessary parties by mailing.

(h) A city or county may decide a petition for annexation to a city, or creation of a new city, only as to territory already within the defined Metro Urban Growth Boundary at the time the petition is complete. A city or county may not decide a petition for annexation of territory to a city, or creation of a new city, as to territory within an adopted Urban Reserve but outside the existing Urban Growth Boundary. The Metro Council shall retain exclusive jurisdiction to amend the Metro Urban Growth Boundary.

3.09.060 Creation of Boundary Appeals Commission

(a) The Metro Boundary Appeals Commission is created to decide contested cases of final boundary change decisions made by cities and counties within the boundaries of Metro. The Metro Council shall appoint the Commission which shall consist of three citizen members, one each to be appointed from a list of nominees provided to the Metro Executive Officer at least 30 days prior to the commencement of each term by Clackamas, Multnomah and Washington counties, respectively. The Council shall appoint two of the members for a initial four-year term and one for a nominal two-year term, the initial terms to be decided by chance; thereafter, each Commissioner shall serve a four year term. Each Commission member shall continue to serve in that position until replaced. Commission members may not hold any elective public office.

(b) The Metro Executive Officer shall provide staff assistance to the Commission and shall prepare the Commission's annual budget for approval by the Metro Council.

(c) At its first meeting and again in its first meeting of each successive calendar year, the Commission shall adopt rules of procedure that address, among other things, the means

by which a position is declared vacant and the means of filling a vacant position; and, the Commission at that first meeting shall elect a chairperson from among its membership, who shall serve in that position until a successor is elected and who shall preside over all proceedings before the Commission.

3.09.070 How Contested Case Filed

(a) A necessary party to a final decision that has appeared in person or in writing as a party in the hearing before the city or county on that decision may contest the decision to the Metro Boundary Appeals Commission. A contest shall be allowed only if notice of appeal is served on the city or county making the decision no later than the close of business on the 10th day following the date that the decision is reduced to writing, authenticated and mailed to all necessary parties. A copy of the notice of appeal shall be served on the same day on Metro together with proof of service on the affected entity accompanied by payment of Metro's prescribed appeal fee. Service of notice of appeal on the affected entity within the time allowed by this chapter and payment of the prescribed appeal fee shall be jurisdictional as to Metro's consideration of the contested decision.

(b) A city or county that is served with notice of appeal of a boundary change decision within the time allowed by this chapter shall prepare and certify to Metro, no later than 20 days following the date the notice of appeal is served, the record of the proceedings that resulted in the decision being appealed.

3.09.080 Alternate Resolution

(a) On stipulation of all parties to a contested case made at any time before the close of the hearing before the Commission, the Commission shall stay further proceedings before it for a reasonable time to allow the parties to attempt to resolve the contest by other means.

(b) A contested case that is not resolved by alternate means during the time allowed by the Commission shall be rescheduled for hearing in the normal course.

3.09.090 Conduct of Hearing

(a) The Commission shall schedule and conduct a hearing on a contested case no later than 30 days after certification of the record of the proceedings below on the decision that is the subject of the contested case.

(b) The Commission shall hear and decide a contested case only on substantial evidence in the record of the proceeding as certified by the city or county that made the decision below. No new evidence shall be allowed. The party bringing the appeal shall have the burden of persuasion.

(c) The Commission shall hear, in the following order, the Metro staff report, if any; argument and summary of evidence by the city, county or district in support of its action; argument and summary of evidence of the party that contested the decision below; rebuttal argument. The Commission may question any person appearing before it. Metro staff shall not make a recommendation to the Commission on the disposition of a contested case.

(d) A hearing before the Commission may be continued for a reasonable period not to exceed thirty (30) days as determined by the Chairperson.

(e) The Chairperson may set reasonable time limits for oral presentation and may exclude or limit cumulative, repetitious or immaterial testimony. The Chairperson shall cause to be kept a verbatim oral, written, or mechanical record of all proceedings before the Commission in contested cases to be preserved for subsequent judicial or other review.

(f) No later than 30 days following the close of a hearing before the Commission on a contested case, the Commission shall consider its proposed written final order and shall adopt the order by majority vote. The Order shall include findings of fact as to all the criteria for decision listed in Section 3.09.050 of this chapter. The Order shall be deemed final when reduced to writing in the form adopted, authenticated and served by mailing on all parties to the hearing.

(g) The Commission shall affirm or deny a final decision made below based on substantial evidence in the whole record.

The Commission shall have no authority to remand a decision made below for further proceedings before the city or county that made the decision, and may only stay its proceedings to allow for alternate resolution as provided for in this chapter.

3.09.100 Ex Parte Communications to the Boundary Appeals Commission

Commission members shall place in the record a statement of the substance of any written or oral ex parte communication on a fact in issue made to them during the pendency of the proceeding on a contested case. A party to the proceeding at its request shall be allowed a reasonable opportunity to rebut the substance of the communication.

3.09.110 Ministerial Functions of Metro

(a) Metro shall create and keep current maps of all service provider service areas and the jurisdictional boundaries of all cities, counties and special districts within Metro. The maps shall be made available to the public at a price that reimburses Metro for its costs. Additional information requested of Metro related to boundary changes shall be provided subject to applicable fees.

(b) The Metro Executive shall cause notice of all final boundary change decisions to be sent to the appropriate county assessor(s) and elections officer(s), the Secretary of State and the Oregon Department of Revenue.

(c) The Metro Executive Officer shall establish a fee structure for establishing the amounts to be paid upon filing notice of city or county adoption of boundary changes appeals to the Boundary Appeals Commission and for related services. The fee schedule shall be filed with the Council Clerk and distributed to all cities, counties and special districts within the Metro region.

Agenda Item Number 9.1

Ordinance No. 98-768, For the Purpose of Amending the Metro Code Authorizing Exemptions from Competitive Bidding for Utilities and Certain Other Types of Contracts.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) ORDINANCE NO. 98-768
METRO CODE AUTHORIZING)
EXEMPTIONS FROM COMPETITIVE) Introduced by Mike Burton, Executive
BIDDING FOR UTILITIES AND CERTAIN) Officer
OTHER TYPES OF CONTRACTS

WHEREAS, Chapter 2.04, Metro Contract Policies, establishes policies for Metro regarding public contracts, personal services contracts and intergovernmental agreements, and

WHEREAS, occasional business and economic changes promote needed changes in Metro's contracting procedures, and

WHEREAS, the utility industry being deregulated provides opportunity for cost savings and competitive bidding is not an efficient manner to procure these services, and

WHEREAS, contracts for art and art related fabrication are needed and competitive bidding is not an efficient manner to procure these services, and

WHEREAS, occasionally Metro sponsors events such as SOLV for which competitive processes are not efficient.

THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. Council adopts the findings in Attachment A.
2. Metro Code Section 2.04.054 is amended as follows:

2.04.054 Competitive Bidding Exemptions

Subject to the policies and provisions of ORS 279.005 and 279.007, and the Metro Code, all Metro and Metropolitan Exposition-Recreation Commission public contracts shall be based upon competitive bids except:

(a) State Law. Classes of public contracts specifically exempted from competitive bidding requirements by state law.

(b) Board Rule. The following classes of public contracts are exempt from the competitive bidding process based on the legislative finding by the board that the exemption will not encourage favoritism or substantially diminish competition for public contracts and that such exemptions will result in substantial cost savings:

- (1) All contracts estimated to be not more than \$25,000 provided that the procedures required by section 2.04.056 are followed.

- (2) Purchase and sale of zoo animals, zoo gift shop retail inventory and resale items, and any sales of food or concession items at Metro facilities.
- (3) Contracts for management and operation of food, parking or similar concession services at Metro facilities provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.
- (4) Emergency contracts provided that written findings are made that document the factual circumstances creating the emergency and establishing why the emergency contract will remedy the emergency. An emergency contract must be awarded within 60 days of the declaration of the emergency unless the board grants an extension.
- (5) Purchase of food items for resale at the zoo provided the provisions of section 2.04.060 are followed.
- (6) Contracts for warranties in which the supplier of the goods or services covered by the warranty has designated a sole provider for the warranty service.
- (7) Contracts for computer hardware and software provided that procedures substantially similar to the procedures required for formal Request for Proposals used by Metro for personal services contracts are followed.
- (8) Contracts under which Metro is to receive revenue by providing a service.
- (9) Contracts for the lease or use of the convention, trade, and spectator buildings and facilities operated by the Metro Exposition-Recreation Commission.
- (10) Public contracts by the Metro Exposition-Recreation Commission in an amount less than \$75,000, which amount shall be adjusted each year to reflect any changes in the Portland SMSA CPI, provided that any rules adopted by the commission which provide for substitute selection procedures are followed; or
- (11) Contracts for equipment repair or overhaul, but only when the service and/or parts required are unknown before the work begins and the cost cannot be determined without extensive preliminary dismantling or testing.

- (12) Contracts in the nature of grants to further a Metro purpose provided a competitive request for proposal process is followed.
- (13) The procurement of utilities, including telephone service, electric, natural gas, and sanitary services, (provided that competition is available) and a request for proposal process is followed.
- (14) The procurement of art and art related production and fabrication provided that a request for proposal process is followed.
- (15) Sponsorships which are identified and approved in the proposed budget and are not designated by Council as having a significant impact as outlined in 2.04.026 need not follow a competitive bidding or proposal process. In order to be eligible for this exemption the sponsorship shall provide Metro with event advertising and/or media releases.

(c) Board Resolution. Specific contracts, not within the classes exempted in subsections (a) and (b) above, may be exempted by the board by resolution subject to the requirements of ORS 279.015(2) and ORS 279.015(5). The board shall, where appropriate, direct the use of alternate contracting and purchasing practices that take account of market realities and modern innovative contracting and purchasing methods, which are consistent with the public policy of encouraging competition.

(Ordinance No. 96-635B, Sec. 3. Amended by Ordinance No. 97-677B, Sec. 2)

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

STAFF REPORT

FOR THE PURPOSE OF AMENDING THE METRO CODE AUTHORIZING EXEMPTIONS FROM COMPETITIVE BIDDING FOR UTILITIES AND CERTAIN OTHER TYPES OF CONTRACTS

Date: August 13, 1998

Presented by: Scott Moss

PROPOSED ACTION

Adopt Ordinance No. 98-768 authorizing amending 2.04 to allow request for proposals (rather than low bid) for utilities and art production. The ordinance also provides that sponsorships approved by the Council in the budget process and on the contract list, not designated significant impact, do not need to go through a competitive process.

FACTUAL BACKGROUND AND ANALYSIS

Many utilities are being deregulated allowing for competition among service providers. Metro/MERC desires authorization to evaluate service providers based on cost, service, quality, features, experience, delivery methods and reliability. Requesting proposals, rather than bids, would not diminish competition and allow for all appropriate factors to be considered in the selection of the utility. Utilities include telephone service (local and long distance), electricity, natural gas, and sanitary services.

Art and art fabrication requires special artistic skills and qualifications. Metro/MERC desires authorization to evaluate art producers based on factors other than cost, such as experience, qualifications, past performance, and references. Requesting proposals rather than bids would not diminish competition and allow for all appropriate factors to be considered in the selection of the art producer.

Metro Council occasionally authorizes sponsorship contracts with entities such as SOLV, Regional Arts Commission, etc. The current contract code requires such sponsorships to have the Council waive the competitive procurement process even after the funds have been budgeted and approved by Council. This amendment proposes that sponsorships that are in the approved budget and the contracts list, and not designated as having significant impact, are waived from competitive bidding and proposals.

BUDGET IMPACT

None

EXECUTIVE OFFICER RECOMMENDATION

The Executive Officer recommends approval of Ordinance No. 98-768.

Attachment A

ORS 279.015(2) requires that an agency make certain findings as a part of exempting certain public contracts or classes of public contracts from competitive bidding. The Contracting Board must find that - It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts.

These findings support that favoritism will not occur and competition will not be diminished.

- A) **Solicitations Advertisement:** Request for Proposals are advertised in accordance with Metro Code and placed on the internet and contract telephone hotline.
- B) **Full Disclosure:** To ensure full disclosure of all project requirements, the Contracting Manual requires proposals to obtain the following: Detailed description of the project, Contractual Terms and Conditions, Selection Process Description, and Evaluation Criteria.
- C) **Selection Process:** Selection for contractor from a Request for Proposal is outlined in the Metro Code and the Contracting Manual. Proposals are independently evaluated by at minimum of two individuals.
- D) **Specialized Expertise Required:** These projects involves the need for skills at conceptual estimating, detailed scheduling, artistic skills, past expertise/experience, and special knowledge.
- E) **Technical Complexity:** Providing utilities to large facilities and art fabrication is technically complex.
- F) **Competitive Price:** Performing a competitive proposal process for utilities and art products and fabrication ensures the best value for the amount paid.

Agenda Item Number 9.2

Ordinance No. 98-790; For the Purpose of Amending Metro Code 2.06 (Investment Policy) Regarding Authorized Qualified Institutions; and Declaring an Emergency.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING METRO CODE)
2.06 (INVESTMENT POLICY) REGARDING)
AUTHORIZED QUALIFIED INSTITUTIONS;)
AND DECLARING AN EMERGENCY)

ORDINANCE NO. 98-790
Introduced by Mike Burton,
Executive Officer

WHEREAS, The Metro Code, Section 2.06, contains the investment policy which applies to all cash-related assets held directly by Metro; and

WHEREAS, Improved portfolio performance can be achieved by the addition of secondary dealers to the list of approved broker/dealers; and

WHEREAS, The Oregon Short Term Fund Board has reviewed the proposed amendment to add secondary dealers; and

WHEREAS, The Investment Advisory Board has reviewed and approved the proposed amendment to the investment policy; now, therefore,

THE METRO COUNCIL HEREBY ORDAINS:

1. That Metro Code Chapter 2.06 is amended as written in Exhibit A.
2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, in order to meet obligations and comply with Oregon Revised Statutes, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

ATTEST:

Recording Secretary

Daniel B. Cooper, General Counsel

CHAPTER 2.06

INVESTMENT POLICY

SECTIONS	TITLE
2.06.010	Scope
2.06.020	Objectives
2.06.030	Responsibility
2.06.040	Prudence
2.06.050	Investment Diversification
2.06.060	Competitive Selection of Investment
2.06.065	Monitoring the Portfolio
2.06.070	Qualifying Institutions
2.06.090	Safekeeping and Collateralization
2.06.100	Indemnity Clause
2.06.110	Controls
2.06.120	Accounting Method
2.06.130	Reporting Requirements
2.06.140	Performance Evaluation
2.06.150	Policy Adoption
2.06.160	Policy Reoption

Exhibit A
Ordinance 98-790
Page 9
Inserted text -
bold
Deleted text -
strikethrough
Revised lines -
on left border

2.06.010 Scope

These investment policies apply to all cash-related assets included within the scope of Metro's audited financial statements and held directly by Metro. Other than bond proceeds or other segregated revenues, the total of funds pooled for investments ranges from \$60 million to \$100 million with an average of \$80 million. Funds held and invested by trustees or fiscal agents are excluded from these policies; however, such funds are subject to the regulations established by the State of Oregon.

Funds of Metro will be invested in compliance with the provisions of ORS 294.035 through 294.048; ORS 294.125 through 294.155; ORS 294.810; and other applicable statutes. Investments will be in accordance with these policies and written administrative procedures. Investment of any tax exempt borrowing proceeds and of any debt service funds will comply with the 1986 Tax Reform Act provisions and any subsequent amendments thereto.

2.06.020 Objectives

(a) Safety. Investments shall be undertaken in a manner that seeks to ensure the preservation of principal in the overall portfolio and security of funds and investments. For securities not backed by the full faith and credit of the federal

government, diversification is required in order that potential losses on individual securities would not exceed the income generated from the remainder of the portfolio.

(b) Liquidity. The investment officer shall assure that funds are constantly available to meet immediate payment requirements including payroll, accounts payable and debt service.

(c) Yield. The investment portfolio shall be designed with the objective of regularly exceeding the average return on 90-day U.S. Treasury Bills. The investment program shall seek to augment returns above this level, consistent with risk limitations described in this policy and prudent investment principles.

Due to Metro's fiduciary responsibility, safety of capital and availability of funds to meet payment requirements are the overriding objectives of the investment program. Investment yield targets are secondary.

(d) Legality. Funds will be deposited and invested in accordance with statutes, ordinances and policies governing Metro.

2.06.030 Responsibility

(a) Investment Officer. The executive officer is the investment officer of the district. The authority for investing Metro funds is vested with the investment officer, who, in turn, designates the investment manager to manage the day-to-day operations of Metro's investment portfolio, place purchase orders and sell orders with dealers and financial institutions, and prepare reports as required.

(b) Investment Advisory Board (IAB). There shall be an investment advisory board composed of five members.

(1) Terms of Service. The term of service for citizens appointed to the IAB shall be three calendar years. The term of appointment shall be staggered so that not more than two members' terms expire in any calendar year.

(2) Appointment. The investment officer shall recommend to the council for confirmation, the names of persons for appointment to the IAB.

- (3) Duties. The IAB shall meet at least quarterly. The IAB will serve as a forum for discussion and act in an advisory capacity for investment strategies, banking relationships, the legality and probity of investment activities and the establishment of written procedures for the investment operations.

(c) Quarterly Reports. At each quarterly meeting, a report reflecting the status of the portfolio will be submitted for review and comment by at least 3 members of the IAB. Discussion and comment on the report will be noted in minutes of the meeting. If concurrence is not obtained, notification will be given to the investment officer including comments by the IAB.

2.06.040 Prudence

The standard of prudence to be applied by the investment officer shall be the "prudent investor" rule: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived." The prudent investor rule shall be applied in the context of managing the overall portfolio.

2.06.050 Investment Diversification

(Definitions of terms and applicable authorizing statutes are listed in the "Summary of Investments Available to Municipalities" provided by the state treasurer.) The investment officer will diversify the portfolio to avoid incurring unreasonable risks inherent in over investing in specific instruments, individual financial institutions, or maturities.

(a) Diversification by Investment

	Percent of Portfolio (Maximum)
(1) U.S. Treasury Bills, Notes, Bonds, Strips and/or State and Local Government Series (SLGS)	100%
(2) Securities of U.S. Government Agencies and U.S. Government Sponsored Enterprises	100%

- | | | |
|-----|--|------|
| (3) | Certificates of Deposit (CD)
Commercial Banks in Oregon insured
by FDIC | 100% |
| (4) | Repurchase Agreements (Repo's)
Maximum 90-day maturity | 50% |
| (5) | Banker's Acceptances (BA) | 100% |
| (6) | Commercial Paper (CP)
Issued by a financial institution,
commercial, industrial or utility
business enterprise. | 35% |

For a corporation headquartered in Oregon; A-1 and P-1 only, maximum 90-day maturity; A-2 and P-2, A-1/P-2, or A-2/P-1 only, maximum 60-day maturity.

For a corporation headquartered outside Oregon; A-1 and P-1 only; maximum 90-day maturity

- | | | |
|-----|---|------|
| (7) | State of Oregon and Local Government
Securities with A ratings or better | 25% |
| (8) | State of Oregon Investment Pool | 100% |
| (9) | Market Interest Accounts and Checking
Accounts Minimum necessary for daily
cash management efficiency | |

(b) Diversification by Financial Institution

- (1) Qualified Institutions. The investment officer shall maintain a listing of financial institutions and securities dealers recommended by the IAB. Any financial institution and/or securities dealer is eligible to make an application to the investment officer and upon due consideration and approval hold available funds.

A listing of the eligible institutions shall be held by the investment officer and provided any fiduciary agent or trustee.

- (2) Diversification Requirements. The combination of investments in Certificates of Deposit and Banker's Acceptances as outlined individually at

2.06:050(b) (2) (A) and (C) invested with any one institution shall not exceed 25 percent of the total available funds or 15 percent of the equity of the institution.

(A) Certificates of Deposit - Commercial Banks

No more than the lesser of 25 percent of the total available funds or 15 percent of the equity of the financial institution may be invested with any one institution.

(B) Repurchase Agreements

May be purchased from any qualified institution provided the master repurchase agreement is effective and the safekeeping requirements are met. All repurchase agreements will be fully collateralized by general obligations of the U.S. Government, the agencies and instrumentalities of the United States or enterprises sponsored by the United States government, marked to market.

The investment officer shall not enter into any reverse repurchase agreements.

(C) Banker's Acceptances

Must be guaranteed by, and carried on the books of, a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.

Qualified institution means:

- (i) A financial institution that is located and licensed to do banking business in the State of Oregon; or
- (ii) A financial institution located in the States of California, Idaho, or Washington that is wholly owned by a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon.

No more than the lesser of 25 percent of the total available funds or 15 percent of the equity of the financial institution may be invested with any one institution.

(D) Commercial Paper

No more than 5 percent of the total portfolio with any one corporate entity.

(E) State and Local Government Securities

No more than 15 percent of the total portfolio in any one local entity.

(F) State of Oregon Investment Pool

Not to exceed the maximum amount established in accordance with ORS 294.810, with the exception of pass-through funds (in and out within 10 days).

(G) U.S. Government Agencies

Securities of U.S. Government Agencies and U.S. Government Sponsored Enterprises as defined under ORS 294.035 and/or 294.040. No more than 40 percent of the total portfolio in any one agency.

(H) U.S. Government Treasuries

No limitations

(c) Diversification by Maturity. Only investments which can be held to maturity shall be purchased. Investments shall not be planned or made predicated upon selling the security prior to maturity. This restriction does not prohibit the use of repurchase agreements under ORS 294.135(2). This policy shall not preclude the sale of securities prior to their maturity in order to improve the quality, net yield, or maturity characteristic of the portfolio.

Maturity limitations shall depend upon whether the funds being invested are considered short-term or long-term funds. All funds shall be considered short-term except those reserved for capital projects (e.g., bond sale proceeds).

(1) Short-Term Funds

(A) Investment maturities for operating funds and bond reserves shall be scheduled to meet projected cash flow needs. Funds considered short-term will be invested to coincide with projected cash needs or with the following serial maturity:

25% minimum to mature under three months

75% minimum to mature under 18 months

100% minimum to mature under five years

(B) Investments may not exceed five years. Investment maturities beyond 18 months may be made when supported by cash flow projections which reasonably demonstrate that liquidity requirements will be met. Maturities beyond 18 months will be limited to direct U.S. Treasury obligations.

(2) Long-Term Funds

(A) Maturity scheduling shall be timed according to anticipated need. ORS 294.135 permits investment beyond 18 months for any bond proceeds or funds accumulated for any purpose which the district is permitted by state law to accumulate and hold funds for a period exceeding one year. The maturities should be made to coincide as nearly as practicable with the expected use of the funds.

(B) Investment of capital project funds shall be timed to meet projected contractor payments. The drawdown schedule used to guide the investment of the funds shall evidence the approval of the investment officer and review of the Chief Financial Officer.

(d) Total Prohibitions. The investment officer may not make a commitment to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement of the purchase or sale transaction, and may not agree to invest funds or sell securities for a fee other than interest. Purchase of standby or forward commitments of any sort are specifically prohibited.

(e) Adherence to Investment Diversification. Diversification requirements must be met on the day an investment

transaction is executed. If due to unanticipated cash needs, investment maturities or marking the portfolio to market, the investment in any security type, financial issuer or maturity spectrum later exceeds the limitations in the policy, the Investment Officer is responsible for bringing the investment portfolio back into compliance as soon as is practical.

2.06.060 Competitive Selection of Investment Instruments

Before the investment officer invests any surplus funds, a competitive offering solicitation shall be conducted orally. Offerings will be requested from financial institutions for various options with regards to term and instrument. The investment officer will accept the offering which provides the highest rate of return within the maturity required and within the prudent investor rule. Records will be kept of offerings and the basis for making the investment decision.

2.06.065 Monitoring the Portfolio

The investment manager will routinely monitor the contents of the portfolio comparing the holdings to the markets, relative values of competing instruments, changes in credit quality, and benchmarks. If there are advantageous transactions, the portfolio may be adjusted accordingly.

2.06.070 Qualifying Institutions

The investment officer shall maintain a listing of all authorized dealers and financial institutions which are approved for investment purposes. Written procedures and criteria for selection of financial institutions will be established by the investment officer. Financial institutions must have a branch in Oregon. Any firm is eligible to apply to provide investment services to Metro and will be added to the list if the selection criteria are met. Additions or deletions to the list will be made by the investment officer and reviewed by the IAB. At the request of the investment officer, the firms performing investment services for Metro shall provide their most recent financial statements or Consolidated Report of Condition (call report) for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the broker/dealers who will have contact with Metro as specified by but not necessarily limited to the National Association of Securities Dealers (NASD), Securities and Exchange Commission (SEC), etc. At minimum, the investment officer and the IAB shall conduct an annual evaluation of each firm's qualifications to determine whether it should be on the authorized list.

Securities dealers not affiliated with a Qualified Financial Institution, as defined in ORS.035, will be required to have headquarters located in the State of Oregon, Washington or Idaho and, if not headquartered in the State of Oregon, to have an office located in Oregon. Notwithstanding the above, securities dealers who are ~~bank shall be~~ classified as primary reporting dealers affiliated with the New York Federal Reserve Bank are also eligible. ~~as primary dealers, or meet the criteria for financial institutions.~~

2.06.090 Safekeeping and Collateralization

All securities purchased pursuant to this investment policy will be delivered by either book entry or physical delivery to a third party for safekeeping by a bank designated as custodian. Purchase and sale of all securities will be on a payment versus delivery basis. The trust department of the bank designated as custodian will be considered to be a third party for the purposes of safekeeping of securities purchased from that bank. The custodian shall issue a safekeeping receipt to Metro listing the specific instrument, rate, maturity and other pertinent information.

Delivery versus payment will also be required for all repurchase transactions and with the collateral priced and limited in maturity in compliance with ORS 294.035(11).

Deposit-type securities (i.e., Certificates of Deposit) shall be collateralized through the state collateral pool as required by ORS 295.015 and ORS 295.018 for any amount exceeding FDIC coverage, recognizing that ORS 295.015 requires only 25 percent collateralization and ORS 295.018 requires 110 percent collateralization when the institution is notified by the state treasurer.

2.06.100 Indemnity Clause

(a) Metro shall indemnify the investment officer, chief financial officer, investment manager, staff and the IAB members from personal liability for losses that might occur pursuant to administering this investment policy.

(b) The investment officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific security's credit risk or market price changes, provided that these deviations are reported to the council as soon as practicable.

2.06.110 Controls

The investment officer shall maintain a system of written internal controls, which shall be reviewed annually by the IAB and the independent auditor. The controls shall be designed to prevent loss of public funds due to fraud, error, misrepresentation or imprudent actions.

Metro's independent auditor at least annually shall audit investments according to generally accepted auditing standards and this ordinance.

2.06.120 Accounting Method

Metro shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies, including but not necessarily limited to, the American Institute of Certified Public Accountants (AICPA); the Financial Accounting Standards Board (FASB); and the Government Accounting Standards Board (GASB).

2.06.130 Reporting Requirements

(a) A transaction report shall be prepared by the investment manager not later than one business day after the transaction, unless a trustee, operating under a trust agreement, has executed the transaction. The trustee agreement shall provide for a report of transactions to be submitted by the trustee on a monthly basis.

(b) Quarterly reports shall be prepared for each regular meeting of the IAB to present historical investment information for the past 12-month period. Copies shall be provided to the executive officer and the Metro council.

2.06.140 Performance Evaluation

The overall performance of Metro's investment program is evaluated quarterly by the IAB using the objectives outlined in this policy. The quarterly report which confirms adherence to this policy shall be provided to the Metro council as soon as practicable.

The performance of Metro's portfolio shall be measured by comparing the average yield of the portfolio at month-end against the performance of the 90-day U.S. Treasury Bill issue maturing

closest to 90 days from month-end and the Local Government Investment Pool's monthly average yield.

2.06.150 Policy Adoption

This investment policy must be reviewed by the IAB and the Oregon Short-Term Fund Board prior to adoption by the Metro council. Adoption of this policy supersedes any other previous council action or policy regarding Metro's investment management practices.

2.06.160 Policy Readoption

This policy shall be subject to review and readoption annually by the Metro council in accordance with ORS 294.135(b).

STAFF REPORT

CONSIDERATION OF ORDINANCE NO. 98-790 AMENDING METRO CODE 2.06 (INVESTMENT POLICY) REGARDING AUTHORIZED QUALIFIED INSTITUTIONS; AND DECLARING AN EMERGENCY

Date: November 5, 1998

Presented by: Howard Hansen

FACTUAL BACKGROUND AND ANALYSIS

Metro Code, Section 2.06, contains the investment policy which applies to all cash-related assets held directly by Metro. The major objectives of the policy are safety, liquidity, and yield, with safety of capital and availability of funds as the overriding objectives.

The Oregon Revised Statutes require annual readoption of the investment policy whether or not any amendments are proposed. The last readoption by Metro Council took place April 19, 1998.

An amendment to broaden the scope of broker/dealers available to Metro is proposed by staff. It will allow improved yield while maintaining acceptable risk and meeting investment policy objectives. This amendment has been reviewed with and approved by Metro's Investment Advisory Board. It has also been presented to the Oregon Short-Term Fund Board for their review. They review and comment on all public agency investment policies. Their response dated October 1, 1998 is included as attachment A.

Historically, Metro has used broker/dealers associated with qualified financial institutions. This industry has undergone dramatic changes in structure and style of operation and it will continue to evolve. These changes have resulted in reduced service and returns to Metro. Metro will take advantage of the existing code to survey primary dealers to add to the list of approved broker/dealers. One component of this industry absent from the existing code is known as secondary market broker/dealers. While primary dealers provide closer access, and sometimes better pricing, for initial offerings, Metro's investments are more suited to secondary market transactions due to its cash flows.

The proposed amendment will allow use of secondary broker/dealers as long as they are headquartered in Oregon, Washington or Idaho with an office located in Oregon. Surveys will be periodically conducted to insure that the selection of financial institution dealers, primary dealers, and secondary dealers as approved broker/dealers will provide the optimum returns to Metro. Whatever class of dealer is used, purchased investments are always delivered to Metro's third-party custodian before payment for the investment is made.

The full Chapter 2.06, as amended, is attached to the ordinance as Exhibit A. The specific amendment to Section 2.06.070 is included with this staff report as attachment B.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends amendment of Metro Code 2.06 by Ordinance No. 98-790.



OREGON SHORT TERM
FUND BOARD
350 WINTER STREET NE, SUITE 100
SALEM, OREGON 97310-0840
(503) 378-4633
FAX (503) 373-1179

OREGON SHORT TERM FUND BOARD

October 1, 1998

Howard Hansen
Investment Manager
METRO
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Howard,

In reference to your revised investment policy submitted to the Oregon Short-Term Fund Board for review and comment, comments by Jim Yasutome, Senior Investment Officer, Short-Term Fund Board included the following:

METRO has made some minor changes to their investment policy with which we concur. We have no further comments except that Metro's policy is excellent.

There were no other comments offered by the Board. If we can be of further assistance to you, please call 1-800-452-0345.

Sincerely,

Debbe Moore
Recording Secretary
Oregon Short-Term Fund Board

dm

cc: OSTF Board
Jim Yasutome, OSTF Senior Investment Officer

STAFF REPORT
ATTACHMENT A

Staff Report
Attachment B

2.06.070 Qualifying Institutions

The investment officer shall maintain a listing of all authorized dealers and financial institutions which are approved for investment purposes. Written procedures and criteria for selection of financial institutions will be established by the investment officer. Financial institutions must have a branch in Oregon. Any firm is eligible to apply to provide investment services to Metro and will be added to the list if the selection criteria are met. Additions or deletions to the list will be made by the investment officer and reviewed by the IAB. At the request of the investment officer, the firms performing investment services for Metro shall provide their most recent financial statements or Consolidated Report of Condition (call report) for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the broker/dealers who will have contact with Metro as specified by but not necessarily limited to the National Association of Securities Dealers (NASD), Securities and Exchange Commission (SEC), etc. At minimum, the investment officer and the IAB shall conduct an annual evaluation of each firm's qualifications to determine whether it should be on the authorized list.

Securities dealers not affiliated with a Qualified Financial Institution, as defined in ORS 294.035, will be required to have headquarters located in the State of Oregon, Washington or Idaho and, if not headquartered in the State of Oregon, to have an office located in Oregon. Notwithstanding the above, securities dealers who are ~~bank shall be classified as primary reporting dealers affiliated with the New York Federal Reserve Bank are also eligible as primary dealers, or meet the criteria for financial institutions.~~

Agenda Item Number 10.1

Resolution No, 98-2722, For the Purpose of Confirming the Appointment of Herbert S, Pelp and Eric Johansen to the Investment Advisory Board.

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF CONFIRMING THE
APPOINTMENT OF HERBERT S. PLEP AND
ERIC JOHANSEN TO THE INVESTMENT
ADVISORY BOARD

) RESOLUTION NO. 98-2722
)
) Introduced by Mike Burton
) Executive Officer

WHEREAS, The Metro Code, Section 2.06.030, provides that the Council confirms members to the Investment Advisory Board; and,

WHEREAS, Herbert S. Plep and Eric Johansen come highly recommended by their background and experience; and,

WHEREAS, The Council finds that Herbert S. Plep and Eric Johansen are exceptionally qualified to perform these duties, now, therefore,

BE IT RESOLVED,

That Herbert S. Plep and Eric Johansen are confirmed as members of the Investment Advisory Board for terms ending October 31, 1999 and October 31, 2001 respectively.

ADOPTED by the Metro Council this _____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2722 CONFIRMING THE APPOINTMENT OF HERBERT S. PLEP AND ERIC JOHANSEN TO THE INVESTMENT ADVISORY BOARD.

Date: October 15, 1998

Presented by: Howard Hansen

FACTUAL BACKGROUND AND ANALYSIS

Metro Code, Section 2.06.030, includes the creation of the Investment Advisory Board. One provision of this Code requires the Investment Officer to recommend to the Council for confirmation those persons who shall serve on the Board to discuss and advise on investment strategies, banking relationships, the legality and probity of investment activities, and the establishment of written procedures for the investment operation.

On April 14, 1994, Jeff S. Stewart was appointed to the Investment Advisory Board for the term ending October 31, 1999. His employment has evolved to the point where he is unable to complete his term. We propose Mr. Herbert S. Plep as a candidate for the remaining term of Jeff S. Stewart.

Mr. Plep is Assistant Treasurer of Esco Corporation where he has been for twenty eight years. His resume (Attachment A) reports a wide exposure to banking relationships, cash management, and review of investment management performance.

David Smith has served on the Investment Advisory Board since April 14, 1994. He does not plan to continue full time employment after the end of the calendar year, and therefore is unable to serve beyond his present term which expires October 31, 1998. Mr. Smith has proposed, and staff recommends the appoint of Mr. Eric Johansen for a new three year term to end October 31, 2001.

Mr. Johansen has an extensive background in investments and public finance. His resume (Attachment B) recaps a five year employment with the City of Portland, a five year employment with Public Financial Management, plus five years as an investment banker with Shearson Lehman Brothers. Staff also recognizes the value of appointing an individual from the public sector based on their familiarity with the regulatory restrictions controlling the investment of public funds. Mr. Johansen is well qualified to serve in this capacity.

The Executive Officer, acting as the Investment Officer, recommends appointment of Herbert S. Plep for a term ending October 31, 1999 and Eric Johansen for a three year terms ending October 31, 2001.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends approval of Resolution No. 98-2722

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ATTACHMENT A

Herbert S. Plep

Summary of Qualifications

28 years diverse work experience in accounting, finance and human resource management
Worked with investment managers and actuaries for 15+ years
Implemented 401(k) program

Professional Experience - ESCO Corporation

Junior Accountant - 1970
Various accounting positions
Corporate Finance Manager - approx. 1985
Assistant Treasurer - 1991

Responsibilities:

Global banking relationships
Global cash management
Performance of 3 pension investment managers, (2 for defined benefits plans and 1 for defined contribution plan)
Structure of subsidiary investment and pension programs
Outside actuarial work
Global risk management - casualty and property
U.S. payroll and U.S. accounts payable
Had managed employee benefit department for 3 years, implementing major changes in retirement program
Had assisted with internal 401(k) educational program

Education

Bachelor of Science, Accounting - Univ. of Oregon, 1965
Graduate courses in finance - Univ. of Oregon, 1966
" " " " - Portland State Univ., 1971

Biographic Information for Eric Johansen

ATTACHMENT B

Eric Johansen has been with the City of Portland since November 1993 and has served as Debt Manager since September 1997. He is responsible for the City's debt management program, including new debt issuance, management of over \$1 billion in outstanding debt, arbitrage rebate compliance, continuing disclosure and debt systems management. Most recently he has worked to implement electronic bidding for the City's competitive bond sales. In April 1998, the City became the second issuer in the country to sell its bonds via the Internet with a \$29 million sale of limited tax revenue bonds. In September the City sold \$160 million of sewer revenue bonds via the Internet.

Before joining the City of Portland, he worked as a financial advisor for five years with Public Financial Management (1988-1993) where he specialized in utility revenue finance, advance refundings, arbitrage rebate compliance and quantitative analysis. Prior to that, he worked as an investment banker with Shearson Lehman Brothers (1983-1988).

Mr. Johansen is currently a member of the City of Beaverton Planning Commission, past member and chair of the Beaverton Traffic Commission and past member and chair of the Tri-Met Citizens Advisory Committee on the Budget.

Mr. Johansen graduated with honors from the University of Oregon in 1981 where he was elected to Phi Beta Kappa.

Agenda Item Number 10.2

**Resolution No. 98-2725, For the Purpose of Adopting the Capital Improvement Plan for Fiscal Year
1999-00 through 2003-4.**

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING THE) RESOLUTION NO. 98-2725
CAPITAL IMPROVEMENT PLAN FOR FISCAL) Introduced by
YEARS 1999-00 THROUGH 2003-04) Mike Burton, Executive Officer

WHEREAS, Metro recognizes the need to prepare a long-range plan estimating the timing, scale and cost of its major capital assets;

WHEREAS, Metro departments have inventoried existing major capital assets, prepared status reports on current capital projects and assessed future capital needs;

WHEREAS, Metro's Executive Officer has directed the preparation of a Capital Improvement Plan for fiscal years 1999-00 through 2003-04 that projects what Metro major capital spending needs are over the next five years, assesses the impact of capital projects on the forecasted financial condition of Metro funds, and assesses the impact on operating costs;

WHEREAS, The Metro Council has reviewed the FY 1999-00 through FY 2003-04 Capital Improvement Plan; and

WHEREAS, The Council has conducted a public hearing on the FY 1999-00 through FY 2003-04 Capital Improvement Plan; and

BE IT RESOLVED,

1. That the Proposed FY 1999-00 through 2003-04 Capital Improvement Plan as amended with capital project changes approved by the Metro Council Finance Committee, which is on file at the Metro offices, is hereby adopted.

2. That the Executive Officer is requested to include the FY 1999-00 capital projects from the FY 1999-00 through 2003-04 Capital Improvement Plan in his proposed FY 1999-00 budget.

ADOPTED by the Metro Council this ____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

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STAFF REPORT

CONSIDERATION OF RESOLUTION 98-2725 ADOPTING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 1999-00 THROUGH 2003-04

Date: November 6, 1998

Presented by: Mike Burton, Executive Officer

FACTUAL BACKGROUND AND ANALYSIS

The Proposed Capital Improvement Plan for Fiscal Years 1999-00 through 2003-04 will be forwarded to Council on November 6, 1998. Resolution No. 98-2725 is the formal instrument by which the plan will be adopted. Final action to adopt the plan will need to occur by January 1, 1999 to allow sufficient time to incorporate the plan's FY 1999-00 capital projects into the Executive Officer's proposed FY 1999-00 budget.

The proposed CIP for FY 1999-00 through FY 2003-04 includes 76 capital projects at a total cost of over \$196.6 million.

Three capital projects - Oregon Convention Center Expansion, Great Northwest Project at the Oregon Zoo, and Open Spaces Acquisitions (including Local Share Acquisitions) - account for over \$165 million or 84 percent of Metro's proposed capital expenditures for the next five years. All three projects are or would be financed in whole or in part with general obligation bonds. Bond measures for the Zoo's Great Northwest Project and Regional Parks and Greenspaces' Open Spaces Acquisitions have already been approved by voters. The majority of the capital projects are from two Metro departments: MERC at a little over 49 percent and Regional Parks and Greenspaces at 35 percent.

The Finance Committee will need to schedule meetings to discuss the plan at the earliest possible date.

This action would formally adopt Metro's Capital Improvement Plan for Fiscal Years 1999-00 through 2003-04 and request the Executive Officer to include the plan's FY 1999-00 capital projects in his proposed FY 1999-00 budget.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 98-2575.

Agenda Item Number 10.3

**Resolution No. 98-2730, For the Purpose of Amending the Capital Improvement Plan for Fiscal Year
1998-99 through 2002-03.**

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING THE) RESOLUTION NO. 98-2730
CAPITAL IMPROVEMENT PLAN FOR FISCAL) Introduced by
YEARS 1998-99 THROUGH 2002-03) Mike Burton, Executive Officer

WHEREAS, Metro recognizes the need to prepare a long-range plan estimating the timing, scale and cost of its major capital assets;

WHEREAS, The Metro Council adopted the FY 1998-99 through FY 2002-03 Capital Improvement Plan on December 11, 1997; and

WHEREAS, A need has arisen to complete certain projects, not previously planned in the CIP, during FY 1998-99, and

WHEREAS, The Metro Council has reviewed these projects and concurs in the necessity to amend the FY 1998-99 through 2002-03 Capital Improvement Plan, NOW THEREFORE

BE IT RESOLVED,

1. That the Proposed FY 1998-99 through 2002-03 Capital Improvement Plan be amended with capital project changes, attached as Exhibit A, and approved by the Metro Council Finance Committee.

ADOPTED by the Metro Council this ____ day of _____, 1998

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

Project Detail
Project Title: Lory Exhibit

Project Number:	Department/Division: Oregon Zoo			Type of Request: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		Dept. Priority: 2	Date: 8/10/98		
Type of Project: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Replacement	Source of Estimate: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Based on Design <input type="checkbox"/> Actual Bid Documents			Project:		Prepared By: Kathy Kiaunis			
				Start Date: October 1998	Completion Date: May 1999				
Project Estimates	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	Beyond 2004	Total	
Capital Cost:									
Plans & Studies									
Land & Right-of-Way									
Design & Engineering									
Construction	250,000							\$250,000	
Equipment/Furnishings									
Project Contingency									
1% for Art									
Other									
Total	\$250,000							\$250,000	
Funding Source:									
Fund Balance	250,000							\$250,000	
Grants									
G.O. Bonds									
Revenue Bonds									
Other									
Total	\$250,000							\$250,000	
Project Description/Justification: Construction of a bird exhibit to house lories (small birds similar to parakeets). The exhibit would be constructed so that visitors would have an opportunity to feed the birds. The exhibit would be mesh construction with an entry structure, holding area, concrete pathway, plantings, and an exit structure (possibly with photo sales). The exhibit will be located in the former sculpture garden area.					Annual Operating Budget Impact				
					Annual Revenues:				
					Annual Expenditures:				
					Personal Services Costs				\$20,000
					Materials & Services Costs				10,000
					Capital Outlay Costs				
Other Costs									
Sub-total, Expenditures:				30,000					
Net Operating Impact:				\$30,000					
Estimated Useful Life (years)				30					
First Full Fiscal Year of Operation:				1999-2000					
Fund(s):				Zoo Capital Fund					

Project Detail
Project Title: Invertebrate/Reptile House

Project Number:	Department/Division: Oregon Zoo			Type of Request: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		Dept. Priority: 3	Date: 8/10/98	
Type of Project: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Replacement	Source of Estimate: <input checked="" type="checkbox"/> Preliminary <input type="checkbox"/> Based on Design <input type="checkbox"/> Actual Bid Documents			Project: Start Date: Oct. 1998 Completion Date: May 1999			Prepared By: Kathy Kianus	
Project Estimates	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	Beyond 2004	Total
Capital Cost:								
Plans & Studies								
Land & Right-of-Way								
Design & Engineering								
Construction	75,000							75,000
Equipment/Furnishings								
Project Contingency								
1% for Art								
Other								
Total	\$75,000							\$75,000
Funding Source:								
Fund Balance	75,000							75,000
Grants								
G.O. Bonds								
Revenue Bonds								
Other								
Total	\$75,000							\$75,000

Project Description/Justification: This project calls for the refurbishing the former gift shop and Tiger Cafe to house a short-term (5 years) exhibit for invertebrates and reptiles. The construction includes minimal improvements to the existing building to make it usable and construction of exhibit cases and interpretive stations.	Annual Operating Budget Impact	
	Annual Revenues:	
	Annual Expenditures:	
	Personal Services Costs	
	Materials & Services Costs	\$10,000
	Capital Outlay Costs	
	Other Costs	
Sub-total, Expenditures:	10,000	
Net Operating Impact:	\$10,000	
Estimated Useful Life (years)	5	
First Full Fiscal Year of Operation:	1999-2000	
Fund(s):	Zoo Capital Fund	

Project Detail
Project Title: Civic Auditorium – Window Drapery System

Project Number:	Department/Division: MERC Portland Center for the Performing Arts			Type of Request: <input checked="" type="checkbox"/> Initial <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		Dept. Priority: 3	Date: 8-23-98	
Type of Project: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Replacement	Source of Estimate: <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Based on Design <input type="checkbox"/> Actual Bid Documents			Project:		Prepared By: Harriet Sherburne		
				Start Date: Sept. 1998	Completion Date: Jan. 1999			
Project Estimates	1998-99	1999-2000	2000-01	2001-02	2002-03	2003-04	Beyond 2004	Total
Capital Cost:								
Plans & Studies								
Land & Right-of-Way								
Design & Engineering								
Construction								
Equipment/Furnishings	90,000							90,000
Project Contingency								
1% for Art								
Other								
Total	\$90,000							\$90,000
Funding Source:								
Fund Balance	\$90,000							\$90,000
Grants								
G.O. Bonds								
Revenue Bonds								
Other								
Total	\$90,000							\$90,000
Project Description/Justification:						Annual Operating Budget Impact:		
<p>The existing window drapery coverings in three lobbies of Civic Auditorium were installed with the major reconstruction in 1967-68. Over 30 years' use is extraordinary longevity for such fabric and mechanized drapery track. The existing drapery fabric is seriously deteriorated and allows sun penetration which harms carpet, fine woods and art in the public spaces. In addition, the fabrics do not meet current code for fire safety in places of public assembly. The entire system of drapery track is too fragile to repair, full replacement is urgently needed. Complete specifications and cost estimates have been prepared for competitive bidding of the project in FY 1998-99.</p>						Annual Revenues:		
						Annual Expenditures:		
						Personal Services costs		
						Materials & Services Costs		
						Capital Outlay Costs		
						Other Costs		
Sub-total, Expenditures								
Net Operating Impact:								
Estimated Useful Life (years)			20					
First Full Fiscal Year of Operation:			1999-2000					
Fund(s):			MERC Operating Fund (\$80,000) MERC Pooled Capital Fund (\$10,000)					

STAFF REPORT

CONSIDERATION OF RESOLUTION NO. 98-2730 AMENDING THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 1998-99 THROUGH 2002-03

Date: November 4, 1998

Presented by: Mike Burton, Executive Officer

FACTUAL BACKGROUND AND ANALYSIS

On December 11, 1997 the Metro Council adopted the FY 1998-99 through FY 2002-03 Capital Improvement Plan. Projects listed in that plan for either construction or purchase in FY 1998-99 were included in the FY 1998-99 Adopted Budget.

During preparation of the proposed CIP for FY 1999-2000 through FY 2003-04 several projects were identified as needing to be accomplished during FY 1998-99. After careful review by staff the following projects are submitted as amendments to the FY 1998-99 through FY 2002-03 CIP.

Oregon Zoo

Two new exhibits have been proposed to be completed during FY 1998-99. These two projects are submitted to add animals to the collection, focus on underrepresented species, and add interest to the Zoo during the construction of the Great Northwest Project. These two projects will provide for the ongoing entertainment and education of visitors. They will also help to keep the numbers of visitors to the Zoo at a steady level and assist in meeting revenue targets.

Lory Exhibit - This project calls for construction of an exhibit to house lories (small birds similar to parakeets). This exhibit offers visitors not only viewing of the birds but also an opportunity to feed the birds. Total estimated cost: \$250,000

Invertebrate/Reptile House - This project calls for the refurbishing of the former gift shop and the Tiger Cafe to house an exhibit for invertebrates and reptiles. This is an exhibit that would draw much interest and excitement especially from school aged children. Total estimated cost: \$75,000

Fiscal Impact

It is believed that these two new projects can be completed within existing appropriations. Two projects currently scheduled within the CIP for construction during FY 1998-99 will be eliminated. The project calling for construction of restrooms at the Washington Park train station has been deleted pending possible construction of restrooms in the park by the City of Portland. The other project that called for development of the amphitheater at the Zoo has been put on hold pending the review and reprioritization of the other projects at the Zoo.

Additionally, funds for the Cascades Improvements project have carried over into the FY 1999-2000 through FY 2003-04 CIP to begin in FY 1999-2000 rather than FY 1998-99. The changes in these two projects, along with the expected under spending in all other capital projects with the exception of the Great Northwest Project, will provide sufficient appropriations for these two new projects. The changes are outlined in the chart on the following page:

Project	Cost in FY 1998-99	Comments
<i>Add</i>		
Lory Exhibit	\$250,000	new project
Invertebrate/Reptile House	\$ 75,000	new project
Subtotal	\$325,000	
<i>Delete</i>		
Washington Park Restrooms	(\$133,000)	to be constructed by Portland Parks Bureau
Develop Amphitheater	(\$ 60,000)	project on hold pending review and reprioritization of other projects.
<i>Reprogram</i>		
Cascade Improvements	(\$ 75,000)	moved to FY 1999-2000
Subtotal	(\$268,000)	
<i>Difference</i>	\$ 57,000	to be funded by the anticipated underspending in the remaining in other capital projects budgeted in the Zoo Capital Fund

MERC

The existing widow drapery coverings in the three lobbies of the Civic Auditorium are in need of replacement. The draperies were installed with the major reconstruction to the facility in 1967-68. Over 30 years of use is extraordinary longevity for such fabric and mechanized drapery track. The fabrics do not meet current fire safety codes and as such must be replaced quickly to provide for the safety of the visiting public. The total cost of the replacement of the draperies and the mechanical track is \$90,000

Fiscal Impact

The project planned in FY 1998-99 to replace theatre seats in the New Theatre Building has been canceled. The total costs of the project was \$85,000. The cancellation of this project, as well as projected underspending on other projects, makes possible the completion of the project to replace the draperies.

MERC has canceled several projects including the replacement of the theatre seats due to the downturn in Hotel/Motel Tax revenues. In the review of all the projects it was determined that the project to replace the draperies, although funded by Hotel/Motel Taxes was one of high priority and need.

EXECUTIVE OFFICER'S RECOMMENDATION

The Executive Officer recommends adoption of Resolution No. 98-2730

Agenda Item Number 10.4

Resolution No. 98-2732, For the Purpose of Authorizing the Executive Officer to Execute a Recycling Business Development Grant with Mursen Environmental, Inc..

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AUTHORIZING THE) RESOLUTION NO. 98-2732
EXECUTIVE OFFICER TO EXECUTE A)
RECYCLING BUSINESS DEVELOPMENT GRANT) Introduced by Mike Burton,
WITH MURSEN ENVIRONMENTAL, INC.) Executive Officer

WHEREAS, The long-term success of Metro's recycling effort depends on strong markets for secondary materials; and

WHEREAS, Mursen Environmental, Inc. has made application for a Recycling Business Development Grant pursuant to the application requirements of that program; and

WHEREAS, An independent evaluation committee composed of experts in business finance and lending, business management, economic development, and solid waste and recycling, evaluated this grant application and recommended approval; and

WHEREAS, The Council finds that approving this grant will support regional recycling goals within the restrictions established by the Recycling Business Development Program; and

WHEREAS, The resolution was submitted to the Executive Officer for consideration and was forwarded to the Council for approval; now therefore,

BE IT RESOLVED,

That the Metro Council authorizes the Executive Officer to enter into a multi-year grant contract with Mursen Environmental, Inc, under the terms and conditions specified in Exhibit A attached to this resolution.

ADOPTED by the Metro Council this ____ day of _____, 1998.

Jon Kvistad, Presiding Officer

Approved as to Form:

Daniel B. Cooper, General Counsel

GRANT CONTRACT

THIS GRANT CONTRACT is by and between Metro, a metropolitan service district organized under the laws of the State of Oregon and the 1992 Metro Charter, located at 600 Northeast Grand Avenue, Portland, Oregon 97232-2736, and Mursen Environmental, Inc., whose address is 3802 S.W. Huber, Portland, OR 97219, hereinafter referred to as "Mursen."

RECITALS

1. Metro is authorized under the 1992 Metro Charter to exercise the function of disposal of solid waste and other solid waste functions as required by the state.
2. Metro is obligated under the Regional Solid Waste Management Plan, adopted as a functional plan by Metro Council and accepted by DEQ in 1995, to increase the number and quantity of materials that are recycled in the District.
3. Since 1994, through its Recycling Business Development Grant Program, Metro has helped to develop demand for recyclable materials by providing funding to businesses that develop new technologies designed to increase recycling in the District.
4. Mursen Environmental, Inc., an S corporation formed in 1998, is developing a device (hereinafter, "Device") that will divert food solids from the liquid and solid waste disposal systems of restaurants, and containerize these food solids at the site for collection and recovery.
5. Recovery of food solids will help to stimulate the local recycling industry, reduce the tonnage sent to landfills, reduce the load placed on sewage treatment plants, and ultimately increase recycling in the Metro region.
6. Mursen has developed preliminary designs for the Device, investigated the market for the Device, developed a design for a prototype based on feedback from the market research, and has completed a patent search. Mursen has applied for a Recycling Business Development Grant to perform further research, development, engineering, testing, documentation, and to create a working prototype of the Device. The end result will be an Underwriter's Laboratories, Inc. (UL) certified, patentable and marketable version of the Device.
7. Mursen intends to use grant funds to perform the following tasks, which are necessary to achieve its objectives. The good-faith dollar estimates have been provided by an independent engineering firm, and represent the direct costs* to Mursen of completing the indicated tasks:
 - a) Conduct pressure tests**\$2,900
 - b) Design a computer model using data from (a) above\$26,000
 - c) Produce working prototype.....\$17,000
 - d) Debug and redesign prototype\$14,000
 - e) Evaluate prototype in operating situations.....\$3,200

f) Upgrade prototype per findings from (e) above.....	\$8,500
g) Field test re-designed prototype.....	\$4,900
h) Final design changes, engineering & documentation from field trials	\$2,500
i) Fabrication (engineering oversight).....	\$1,000
GRAND TOTAL	\$80,000

- * *Mursen will pay for other costs related to these tasks, such as patent fees.*
- ** *To determine the centrifugal force required to separate water from food solids.*

8. Specific objectives of Mursen during the term of this Agreement are to:
- a. Develop a marketable version of the Device; and
 - b. Obtain Underwriter’s Laboratories, Inc. (UL) certification of the Device; and
 - c. Apply for a patent on the Device; and
 - d. Install at least 24 Devices in restaurants within the Portland metropolitan area.

Now, therefore, in recognition of the mutual interests of the parties and based upon the terms and conditions herein, it is mutually agreed that Metro shall provide funding to be utilized by Mursen to perform further research, development, engineering, testing, documentation, and to create a working prototype of the Device that will divert food solids from the liquid and solid waste disposal systems of restaurants, and containerize these food solids at the site for collection and recovery.

AGREEMENT

1. Provision of Metro Funding. Metro hereby provides funding to Mursen in the sum of eighty thousand and 00/100 (\$80,000) for development of a working prototype of the Device and delivery of reports, and for such additional purposes as set forth herein.
2. Term of Agreement. This Agreement shall be effective on the last signature date below, and shall remain in effect through February 28, 2000, unless earlier extended or terminated in conformance with this Agreement. The length of this grant extends beyond the current fiscal year. Therefore, it is subject to future appropriations by the Metro Council to fund its provisions and may be cancelled by Metro upon a 30-calendar-day written notice to Mursen in the event that Metro Council fails to provide future funding.
3. Responsibilities of Mursen.
 - a. Mursen shall procure all work necessary to perform research, development, engineering, testing, documentation, and to create and market-test a working prototype of the Device with funds from this grant.
 - b. Mursen shall demonstrate working prototypes of the Device to Metro staff and elected officials at reasonable times and by the request of the Metro Project Manager. Mursen shall not be required to provide demonstrations that could reveal trade secrets or compromise Mursen’s ability to patent the Device.

- c. Mursen agrees that any information and working Devices procured pursuant to this Agreement will be the exclusive property of Mursen Environmental, Inc., and shall not be conveyed to another person without prior notification to Metro.

4. Reporting Requirements.

- a. The review of Mursen reports by Metro staff including the Metro Project Manager shall be governed by the confidentiality protections described in paragraph 5.b of this Agreement.
- b. At the conclusion of each project phase, as represented by paragraphs 7(a) through 7(i) of the Recitals, Mursen shall prepare progress reports. Progress reports shall consist of a narrative description or journal of program activities, summary findings, barriers encountered, and strategies to overcome barriers. These reports shall be reviewed with the Metro Project Manager and Mursen shall deliver a written summary to Metro within 20 business days after each phase is substantially completed. Mursen shall not be required to include in the summary reports any information that could compromise Mursen's ability to patent the Device.
- c. Mursen shall prepare and deliver a final report that documents the activities procured pursuant to this Agreement. Said report shall describe the findings and conclusions of the research. This report shall be reviewed with the Metro Project Manager and Mursen shall deliver a written summary to Metro within 45 business days after the final phase of the project (paragraph 7(i) of the Recitals). Mursen shall not be required to include in the final report any information that could compromise Mursen's ability to patent the Device.
- d. Within 45 business days after the final phase of the project (paragraph 7(j) of the Recital), Mursen shall either:
 - i) Deliver to Metro a copy of the audited financial report for Mursen Environmental, Inc. if available and prepared for distribution to the public; or
 - ii) Allow Metro staff to examine Mursen Environmental, Inc. financial reports that shall:
 - A) Include the balance sheet, income statement, and statement of changes in financial position (cash flow statement) for Mursen Environmental, Inc., and
 - B) Be prepared in accordance with generally accepted accounting principles (GAAP), including appropriate documentation, and
 - C) Include a separate explanation for all significant changes.
- e. Mursen shall notify Metro immediately of any event, or pending event of which the Mursen becomes aware, that in Mursen's knowledge would materially affect or impair the operation of the Facility or the profitability of Mursen Environmental, Inc., including but not limited to regulatory infractions, lawsuits, claims, liens, patent infringements, defaults, foreclosures, or material changes in contracts, warranties or leases.

5. Responsibilities of Metro.

- a. Metro shall review the reports and notifications required by Paragraph 4 of this Agreement, and within ten (10) business days of receipt of each report or notification,

Metro shall approve the report or notification, or request additional information. If Metro does not act within ten (10) business days, the report or notification shall be approved.

- b. Metro will take all reasonable precautions, including but not limited to preparation and execution of confidentiality agreement(s), necessary to protect from disclosure any proprietary information, trade secrets, and other information considered confidential by Mursen.

In particular, the Metro Project Manager shall sign a confidentiality agreement with Mursen prior to being given access to confidential information regarding the Device that, if made public, could jeopardize the patentability of the Device.

6. Release of Metro Funds.

- a. Subsequent to signing of this Agreement by both parties, Metro agrees to release \$28,900 of the funds to Mursen within thirty (30) days of receipt of an invoice for "Advance on Grant" from Mursen Environmental, Inc.
- b. Release of the remainder of the grant funds shall be based on Mursen invoices, and on the following terms and conditions:
 - i. Invoices will be considered only for the costs of the activities cited in the Recitals to this Agreement. Each invoice must be accompanied by invoice(s), billing statement(s), work order(s) or other documentation of the expenditures listed in the invoice.
 - ii. Invoices shall not be submitted more frequently than once per month, and shall be sent to the attention of the project manager identified as the Metro contact for this Agreement.
 - iii. The reporting obligations required of Mursen in Paragraph 4 of this Agreement must have been timely received and approved by Metro before invoices will be considered for payment approval.
 - iv. The Metro project manager shall review each invoice, and shall approve the invoice or request additional information within three (3) business days of receipt of each invoice. If Metro does not act within three (3) days, the invoice shall be considered approved.
 - v. Metro shall make payment within 30 days of approving Mursen's invoice.
- c. Metro shall have the right to withhold from any reimbursements due Mursen such sums as necessary, in Metro's sole opinion, if Mursen does not comply with all terms of this Agreement. All sums withheld by Metro under this Article shall become the property of Metro and Mursen shall have no right to such sums to the extent that Mursen has breached this Agreement.

7. Obligation to Repay.

- a. Upon termination of this Agreement, Mursen shall convey to Metro a promissory note in an amount not to exceed the total disbursements by Metro to Mursen under this Agreement, on the following terms and conditions:

- i. **Terms.** Said promissory note shall provide for quarterly payments (one payment every three months), but shall not provide for interest. Quarterly payments shall be an amount equal one hundred dollars (\$100) for each Device over fifteen (15) Devices booked during the quarter. No payment shall be required for quarters in which no sales of Devices are booked. Monthly payments shall be due 30 days after the last day of each quarter in which a payment obligation has been incurred.
- ii. **Commencement of Payments.** Payment obligations shall begin to accrue the month following the earlier of: (A) the sale of four hundred (400) Devices, or (B) when more than fifty percent (50%) of sales revenue during the previous three months is generated from Devices that are installed at locations outside Clackamas, Multnomah or Washington counties in Oregon.

b) Until said promissory note is satisfied:

- i. Mursen shall allow Mursen Environmental, Inc. financial reports to be examined annually by the Metro Project Manager or his designee.

Metro shall provide Mursen with thirty (30) days notice of intent to examine financial records.

- ii. Mursen Environmental, Inc. financial reports shall reflect the revenue from sales of Devices, footnoted to document the number of Devices booked, ancillary revenue-producing sales (such as service contracts), and the unit sales price of each Device.
- iii. Mursen Environmental, Inc. financial reports shall be prepared in accordance with generally accepted accounting principles (GAAP).

8. **Disclosures.** By signing this contract, Mursen represents that there are no undisclosed events, or undisclosed pending events of which the Mursen has become aware, of the nature described in Section 4.e of this Agreement.

9. **Insurance.** Mursen shall purchase and maintain at Mursen's expense, the following types of insurance, covering the Mursen, its employees, and agents:

- a. Broad form comprehensive general liability insurance covering bodily injury and property damage, with automatic coverage for premises, operations, and product liability. The policy must be endorsed with contractual liability coverage; and
- b. Automobile bodily injury and property damage liability insurance.

Insurance coverage shall be a minimum of \$500,000 per occurrence. If coverage is written with an annual aggregate limit, the aggregate limit shall not be less than \$1,000,000. Metro, its elected officials, departments, employees, and agents shall be named as ADDITIONAL INSUREDS. Notice of any material change or policy cancellation shall be provided to Metro 30 days prior to the change or cancellation. Mursen, its subcontractors, if any, and all employers working under this Agreement that are subject employers under the Oregon Workers' Compensation Law shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers. Mursen shall provide Metro with certification of Workers' Compensation insurance including employer's liability. If Mursen has no employees and will perform the work without the assistance of others, a

certificate to that effect may be provided to Metro, in lieu of the certificate showing current Workers' Compensation.

10. **Indemnification and Release.** Upon the receipt of any funds from Metro, Mursen hereby agrees to indemnify and hold harmless and defend Metro, its elected officials, officers, agents, and employees from any and all claims, demands, damages, actions, losses, and expenses (including all attorney's fees at trial or upon appeal), arising out of or in any way connected with Mursen's performance of this Agreement. Mursen is an independent contractor and assumes full responsibility for the performance of the program and the content of its work and performance of Mursen's labor, and assumes full responsibility for all liability for bodily injury or physical damage to person or property arising out of or related to this Agreement. Mursen is solely responsible for paying Mursen's subcontractors. Nothing in this Agreement shall create any contractual relationship between any subcontractor and Metro.
11. **No Waiver.** By making this agreement, the parties acknowledge and agree that Metro does not admit any liability or violation of law, and that nothing in this Agreement shall affect any right of contribution, indemnification, or cost recovery which Metro may now or in the future have against any third party. By making this Agreement, the parties also acknowledge and agree that Mursen does not waive any claim, cause of action or enforcement authority it may have as to any party other than Metro.
12. **Termination.** Metro may terminate this Agreement upon giving Mursen seven (7) days' written notice. In the event of termination, Mursen shall be entitled to payment for work performed to the date of termination. Upon termination, Metro shall not be liable for indirect or consequential damages whatsoever. Termination of this agreement by Metro will not in any way waive any claim or any recovery of remedies Metro may have against Mursen. Metro's failure to object to any breach of this Agreement shall not constitute a waiver of Metro's right to object to an additional breach or to require strict performance of the Agreement.
13. **Public Contracts.** Mursen shall comply with all applicable provisions of ORS Chapters 187 and 279 and all other conditions and terms necessary to be inserted into public contracts in the state of Oregon, as if such provisions were a part of ORS 187.010.020 and 279.31.430
14. **Situs of Agreement.** The situs of this agreement is Portland, Oregon, and any litigation thereto shall be governed by the State of Oregon and conducted in the Circuit Court of Multnomah County.
15. **Non-Transferability.** This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the expressed written consent of both parties.

16. Contacts. The manager of this grant for Metro shall be the person named below, until such time as the Executive Officer may name a replacement. Coordination of this Agreement will be conducted by, and all notices shall be delivered to, the following designated Project Managers:

For Mursen:

Kristi Hansen, Vice President
Mursen Environmental, Inc.
3802 S.W. Huber
Portland, OR 97219
(503) 977-9929
(503) 452-9522 FAX

For Metro:

Meg Lynch
Metro
600 NE Grand Ave.
Portland, OR 97232
(503) 797-1671
(503) 797-1795 FAX

17. Extension. Metro may, at its sole discretion and upon written notice to Mursen, extend the term of this contract for a period of 12 months. During such extended term, all terms and conditions of this contract will continue in full force and effect. No additional funds will be provided in the event of a contract extension, except by Metro's discretion.

18. Entire Agreement. Notwithstanding and succeeding any prior agreements or practices, this Agreement represents the entire agreement between the parties and may be expressly modified only by written instrument signed by both parties.

In witness whereof, the parties have executed this Agreement on the dates hereinafter indicated as follows.

Jeffrey A. Murray

METRO

Signature

Signature

Print Name and Title

Print Name and Title

Date

Date

**EXECUTIVE SUMMARY
RESOLUTION NO. 98-2732**

**AUTHORIZING THE EXECUTIVE OFFICER
TO EXECUTE A RECYCLING BUSINESS DEVELOPMENT GRANT
WITH MURSEN ENVIRONMENTAL, INC.**

PROPOSED ACTION

Authorizes the Executive Officer to enter into a multi-year grant contract with Mursen Environmental, Inc., to develop a device that will enhance the ability to divert, collect, and recover organic waste from small-volume commercial generators.

WHY NECESSARY

- Food waste accounts for about 27 percent of the commercial waste stream generated in the region, and to meet Metro region recovery goals, RSWMP targets 41,700 tons of commercial food waste for recovery. This is an aggressive target, based on the marginal cost-effectiveness of diverting and recovering food waste.
- Through the grant funds, Mursen Environmental, Inc., will develop a technology that allows cost-effective collection of food waste from small-volume generators and has the potential to divert an additional 23,000 tons of food waste annually.
- On the basis of Metro's interest and commitment to this venture, this grant will leverage commitments of private capital for the balance of the necessary investment.

ISSUES/CONCERNS

- No significant issues or concerns. Mursen is not targeting materials for which privately-developed recycling markets already exist. Metro's funds will be used to leverage private investment; therefore, this grant does not compete with or substitute for private capital. Mursen has no direct competitors, and a patent search reveals that it is developing a new and patentable technology.
- Without development of this technology, it is unlikely that food waste can be recovered from small-volume commercial generators.

BUDGET/FINANCIAL IMPACTS

- Awarding the grant would cost Metro \$80,000 in FY 1998-99.
- Although the adopted FY 98-99 Metro budget does not include a specific line item appropriation for Recycling Business Development Grants, the Budget Narrative does refer to the possibility of grant awards during FY 1998-99.
- The Department has sufficient Materials & Services appropriations within the Solid Waste Revenue Fund's Operating Account to fund this grant.
- The grant agreement contains provisions for repayment based on performance, so there is likelihood that these funds will be returned for re-granting in the future.

STAFF REPORT

IN CONSIDERATION OF RESOLUTION NO. 98-2732, FOR THE PURPOSE OF AUTHORIZING THE EXECUTIVE OFFICER TO EXECUTE A RECYCLING BUSINESS DEVELOPMENT GRANT WITH MURSEN ENVIRONMENTAL, INC.

November 17, 1998

Presented by: Bruce Warner
Douglas Anderson

I. Summary and Recommendation

Approval of Resolution No. 98-2732 would authorize the Executive Officer to execute a Recycling Business Development Grant agreement with Mursen Environmental, Inc. in the amount of \$80,000.

Mursen is developing a device that will divert food solids from the liquid and solid waste disposal systems of restaurants, and containerize these food solids at the site for collection and recovery. Mursen has developed a preliminary design, performed a patent search, done market research, and written a business plan that they have shared with Metro. Metro's grant funds will go toward developing a working prototype of the device for field testing and obtaining a patent. Mursen has also lined up a number of private investors who, on the basis of Metro's interest and commitment to this project, have committed to provide the balance of funding for the business.

The grant is justified by the three primary parameters of the Recycling Business Development Program: it addresses development of demand for recyclable materials, it provides the funding necessary to leverage private investment, and if successful will result in recycling of wastes that otherwise would have been landfilled.

The grant agreement with Mursen contains a "moral obligation to repay" that is triggered by performance. Like a grant, Metro shares some of the risk that this venture might not succeed. But unlike a "pure" grant, funds are repaid if the venture is successful. The intent of this provision is to make these grant monies available again for future applicants.

The Executive Officer recommends approval of Resolution No. 98-2732

II. Background

A. Reason for the Resolution

The grant agreement that is authorized by this Resolution stems from an application for a Recycling Business Development Grant submitted to the Regional Environmental Management Department by Mursen Environmental, Inc.

B. Recycling Business Development Program

The Recycling Business Development Program was established in 1994 to support regional recycling goals. This program fosters *demand* for recyclable materials by

supporting the development of end-uses for recyclable materials. In contrast, most waste reduction programs are designed to increase the *supply* of recyclable materials. The distinction makes Metro's Recycling Business Development Program unique in the state.

Since 1994, the program has helped to fund specific initiatives that expand demand for recyclable materials. Among the acceptable uses of funds are: establishment or expansion of businesses that utilize recyclable materials generated in the Metro area, assistance to businesses that are substituting recycled for virgin content in their products, and development of new technologies that permit recycling of materials that are currently landfilled.

Grants are awarded only if they are likely to increase the regional recycling rate, and if they meet certain conditions and constraints, including:

- The grant does not compete with or substitute for private capital.
- The grant funds are needed to bridge the gap between private investment and the investment necessary to make the business happen.
- The grant does not target materials for which private markets already exist.
- The applicant demonstrates that the business can ultimately operate without the public subsidy.

In evaluating applications, REM's Waste Reduction Division convenes an independent evaluation committee to advise Metro on grant applications. The committee is chaired by the REM Waste Reduction manager, and includes outside experts in business finance and lending, business management, economic development, solid waste and recycling; as well as a Metro Council Analyst. The committee may recommend approval, denial, or approval with conditions.

This committee has evaluated Mursen's grant application, and recommended approval. The grant agreement authorized by this Resolution reflects the committee's specific recommendations and conditions.

C. The Applicant's Request and Analysis

Mursen Environmental, Inc. is researching and developing a technology to consolidate and dewater food waste generated by restaurants, thereby allowing this material to be diverted from the solid waste and sewer systems and collected for organics recovery. The company requests up to \$80,000 to research, test, document, produce, and field-test a working prototype.

Waste composition studies in the Metro region indicate that nearly 27 percent of the commercial waste stream is composed of food waste. Very little of this waste is recovered at present. Furthermore, studies by Metro's Waste Reduction Division indicate that it is not cost-effective to recover food waste from small generators (such as restaurants) with current technology. Mursen's technology targets these problematic generators with a solution that is likely to provide for cost-effective diversion, temporary storage, and collection.

Consistent with Metro's Regional Solid Waste Management Plan goals on recycling and resource conservation, recovery of this material will help stimulate the local recycling industry, reduce the tonnage sent to landfill, reduce the load on sewage treatment plants and, ultimately, increase recycling in the Metro region.

Among the waste reduction practices recommended in the Regional Solid Waste Management Plan is the collection and off-site recovery of source-separated food from businesses. This recommended practice alone accounts for 41,700 tons of waste reduced by the year 2000. The Plan assumed that this tonnage could be obtained from large-volume generators. If the Mursen technology is successful with small-volume generators, even more food waste could be recovered. The applicant estimates that their technology has the potential to divert as much as 23,000 tons per year in the Metro region within five years of commercialization.

The company's principals, management and legal counsel each have many years of experience in the solid waste and recycling industries. Based primarily on Metro's interest and commitment, Mursen has lined up a number of private investors that have committed to provide additional funding at more than a 2-to-1 ratio over the Metro grant.

Mursen has applied for this grant because it has exhausted its own internal resources on preliminary design, patent searches, extensive market research, development of a business plan, and other related expenses. Mursen has applied to Metro for funds to take the next steps: engineer, build, field-test, and patent a working prototype of the device. Mursen's additional investors stand ready to fund the business from this stage.

In staff's opinion, Mursen's venture is likely to be successful because (1) it provides significant potential savings on sewer and waste disposal costs by the target users (2) it is designed to substitute for existing equipment—little or no change in operation is required by the user to achieve the cost savings; and (3) any potentially competing equipment requires add-ons that take additional space, has significantly higher initial investment, and requires changes in operation to utilize. Staff concludes that making this grant to Mursen would not result in compete with existing technologies or materials markets of any significant size.

In conclusion, staff finds that the Mursen proposal is fully eligible for consideration of a Recycling Business Development Grant, that the Mursen proposal is consistent with the objectives of the program and meets all of the conditions and constraints on the use of the funds, and that the proposal is likely to succeed. REM's independent evaluation committee has concurred with these findings and recommends approval. For these reasons, staff recommends granting a Recycling Business Development Grant in the requested amount of \$80,000 to Mursen Environmental, Inc.

III. Budget Impact

Awarding this grant to Mursen Environmental, Inc. would result in expenditures of \$80,000 during FY 1998—99. Although the adopted FY 1998—99 Metro budget does not include specific appropriations for Recycling Business Development Grants, the FY 1998—99 REM Budget Narrative made reference to the possibility of grant awards during FY 1998—99. The Department has determined that it has sufficient Materials &

Services appropriations within the Solid Waste Revenue Fund's Operating Account to fund this grant.

Upon termination, the grant agreement stipulates that Mursen will convey to Metro a promissory note in the amount of the funds granted to Mursen. Under this arrangement, Metro will be remunerated in future years for the funds disbursed during FY 1998—99. The timing and level of repayment of the promissory note can only be estimated at this time, as repayment depends on the business performance of Mursen Environmental, Inc. Under the terms of the promissory note—and if Mursen meets its business plan as submitted to Metro—payments can be expected to begin during 2002, and average approximately \$2,000 per month. This would indicate that the note would be satisfied between 3 and 3½ years after the conditions to begin repayment are triggered.

AMENDED VERSIONS OF
ORDINANCES NO. 98-779C, 98-788B, 98-786C,
98-781C, 98-782B AND
RESOLUTIONS NO. 98-2726B, 98-2728B and
98-2729C WILL BE AVAILABLE IN THE METRO
COUNCIL OFFICE ON DECEMBER 10, 1998.

Agenda Item Number 11.1

Ordinance No. 98-779C, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING)	ORDINANCE NO 98-779 <u>BC</u>
METRO URBAN GROWTH BOUNDARY)	
AND THE 2040 GROWTH CONCEPT)	Introduced by Councilors Kvistad, Monroe,
MAP IN ORDINANCE 95-625A IN)	McLain, Morissette, Washington, McFarland
URBAN RESERVE AREAS 43, 47 OF)	and the Growth Management Committee
WASHINGTON COUNTY)	

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including these urban reserve areas 43 and 47; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

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/////

WHEREAS, notice of Proposed Amendment for these urban reserve areas 43 and 47, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary in URAs 43 and 47 by this ordinance ~~as shown on attached Exhibit A are hereby adopted~~ are hereby designated as "inner neighborhood design type."

2. The Metro Urban Growth Boundary is hereby amended to add urban reserve areas 43 and 47 inside Metro's jurisdictional boundary as shown on the map in Exhibit B, attached, and incorporated by reference herein.

3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, the December 3, 1998 final hearing and final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with statewide planning goals and Metro's acknowledged regional goals and objectives:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, an urban reserve plan shall be completed for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. The urban reserve plan and urban comprehensive plan and zoning shall be consistent with Goal 14, Factor 3 for stormwater facilities by treating stormwater runoff by filtration through a biofiltration swale.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the cities of Tualatin, Wilsonville and King City shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this _____ day of _____ 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

i:\r-ol\98wacos2.c
(12/01/98)



ORIGINAL LAMB INFORMATION SYSTEM

Draft 2040 Design Types

Urban Growth Boundary Legislative Amendment index number 12

- Central City
- Regional Center
- Town Center
- Lower Neighborhoods
- Outer Neighborhoods
- Employment Area
- Industrial Area
- Corridor
- Main Street
- ▲ Proposed Regional Thoroughways
- ▲ Potential Regional Thoroughways
- ▲ Green Corridors
- ▲ Planned & Existing Light Rail Lines
- ▲ Proposed Light Rail Alignments
- ▲ Potential MCI Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Exclusion From Use
- Reserve Land in Urban Reserves
- Urban Reserve not in Legislative Amendment
- Rural Reserve
- Open Space
- ▲ Urban Growth Boundary
- ▲ Urban Reserve Boundary
- ▲ Area added in Reserve by Metro Council Resolution
- Neighboring Cities
- Public Parks

Scale in Feet

0 400 800 1200 1600 2000

MEVRO

MEVRO CONSULTING GROUP, INC.
10000 N. 10th Street, Suite 1000, Portland, OR 97228
503.253.1000

Location Map

Exhibit A

DRAFT



**Draft 2040
Design Types**
Urban Growth Boundary
Legislative Amendment
Index number 10

- Limited City
- Regional Centers
- Town Centers
- Incentive Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Landmarks
- Main Routes
- ▲ Proposed Regional Throughways
- ▲ Potential Regional Throughways
- ▲ Green Corridors
- ▲ Planned & Existing Light Rail Lines
- ▲ Proposed Light Rail Alignment
- ▲ Potential H.T. Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Airfields
- Intermodal Rail Yards
- ▲ Rail Corridors in Northwest
- Suburban Farm Use
- Reversion Land in Urban Reserves
- Reserve Land in Urban Reserves
- Urban Reserve not in Legislative Amendment
- Rural Reserve
- Open Space
- ▲ Urban Growth Boundary
- ▲ Urban Reserve Boundary
- ▲ Areas added to Reserve by Metro Council Ordinance
- Neighboring Cities
- Public Parks

DRAFT

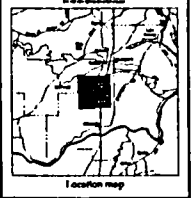
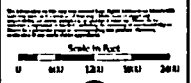


Exhibit A

Ordinance #98-7791 Urban Reserve #43

First Tier
Within Metro Boundary




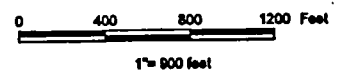
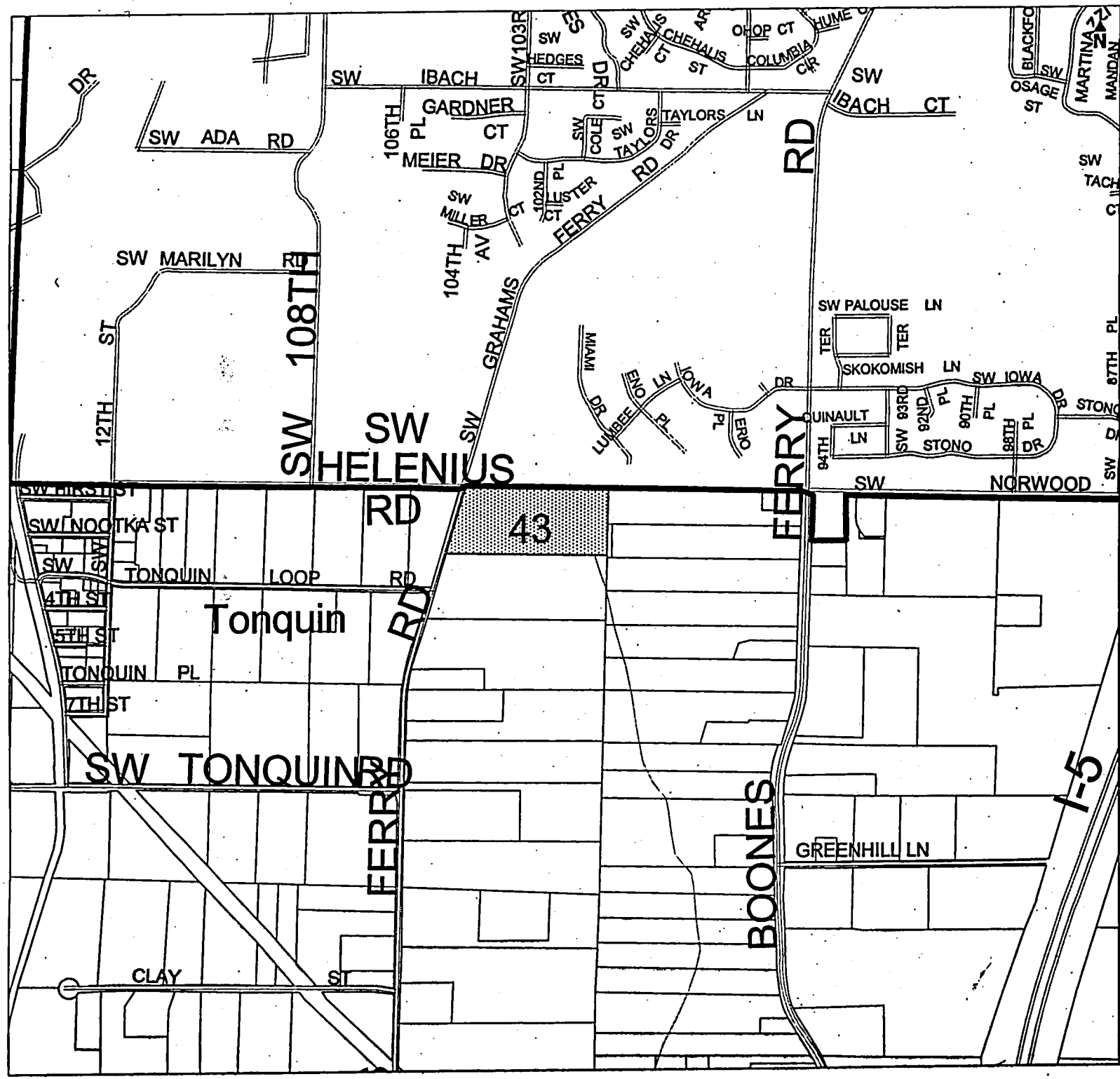
-  Area Considered in Ordinance
-  First Tier Urban Reserve
-  Urban Growth Boundary

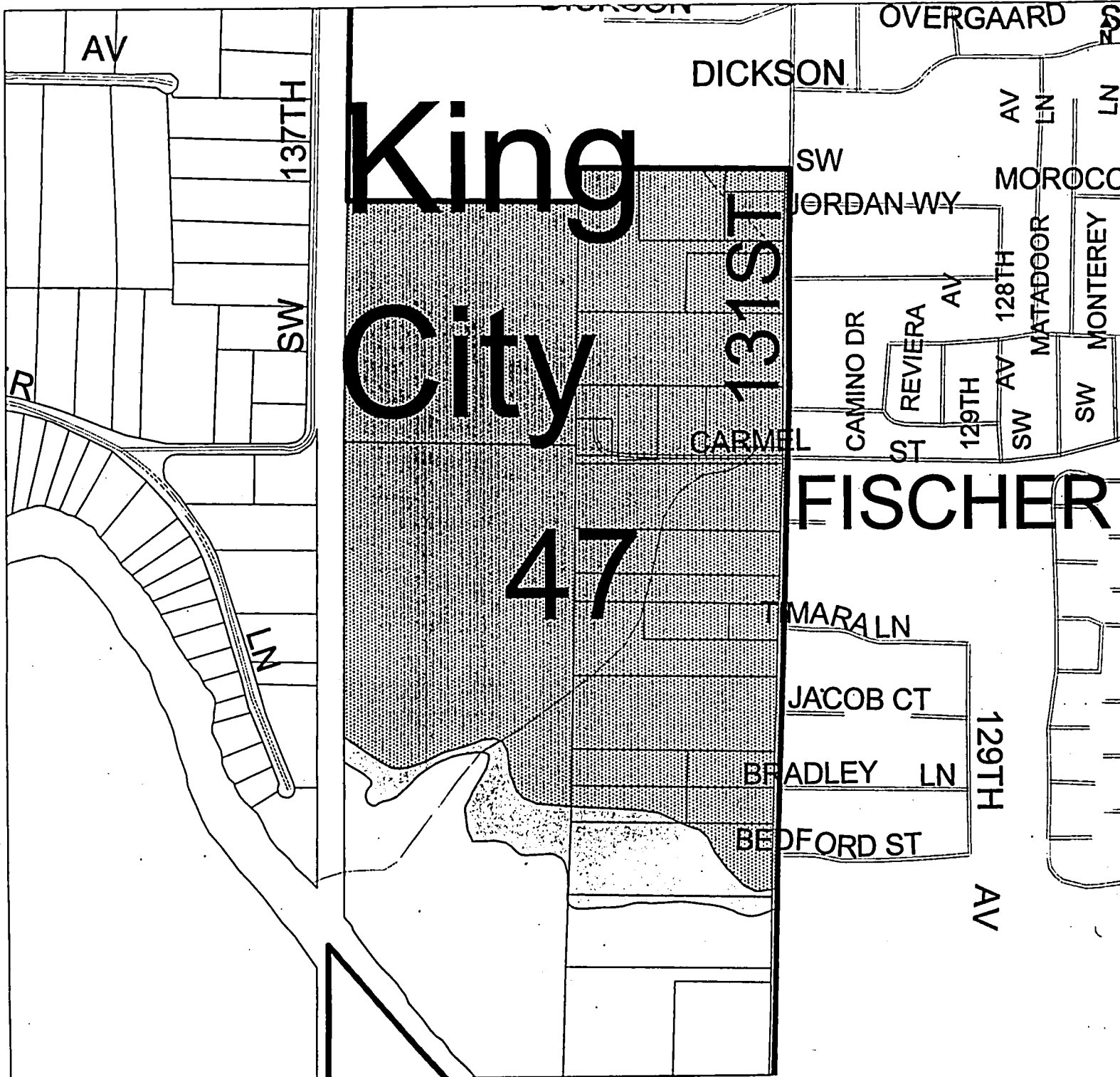
EXHIBIT B



METRO

800 NE Grand Ave.
Portland, OR 97232-2736
503 787-1742 FAX 503 787-1908
Email: dro@metro.deLor.us





REGIONAL LAND INFORMATION SYSTEM

Ordinance #98-779
Urban Reserve #47

First Tier
Within Metro Boundary




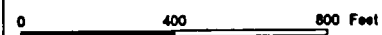
-  Area Considered in Ordinance
-  First Tier Urban Reserve
-  Urban Growth Boundary

EXHIBIT B



1" = 500 feet



METRO

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503 797-1742 FAX 503 787-1909
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Pluses symbols with colored office name

DRAFT

ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-779B (URA 43, 47)

3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

This provision of the Metro Code provides that the Metro Council may consider first tier lands where a city or county commits to complete and adopt such an urban reserve plan. Documentation must be provided to support its commitment to complete a conceptual plan for the urban reserve area. URAs 43 and 47 are first tier lands.

For URA 43, the City of Tualatin has provided the Metro Council with a letter stating that it has committed to complete a conceptual plan. The city's letter of November 19, 1998, provides for a work program, timeline for completion and funding for the planning. The Council accepts this demonstration of commitment and finds that 3.01.015(e) is satisfied. For URA 47, King City has committed in a November 10, 1998 letter to complete and adopt an urban reserve plan for the area. The plan has identified funding and an estimated time for completion.

3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. The Metro Code has been acknowledged by the Land Conservation and Development Commission. Therefore, compliance with this code section satisfies Goals 2 and 14.

3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both.

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3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3

regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 7 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listing resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries

Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory "along with all other appropriate data" to be completed to determine whether the projected need for land to accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217,430 dwelling units and about 73,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32,370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro's Urban Growth Management Functional Plan (Functional Plan), which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro's jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the Oregon Legislature's action to require Metro to assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the Functional Plan can be measured. Nevertheless, the Functional Plan requirements direct any surplus of developable

residential land inside the UGB to be developed at densities which address the unmet forecasted need calculated in the 2017 Regional Forecast as discussed in the UGR.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

3.01.020(b)(1)(D)

The Metro Code requires consideration of lands outside the UGB which are best suited for expansion. This criterion was addressed in the Metro Council's designation of Urban Reserves in March, 1997 and through the Metro Urban Reserve Productivity Analysis (Productivity Analysis) which was completed in September, 1998.

The Metro's Council's designation of urban reserves completed several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1).

The Productivity Analysis considered which urban reserves around the region represent the most efficient location for UGB expansion at this time. The study was conducted in two phases. Phase 1 analysis examined all 18, 571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves

with at least 40 percent buildable land to gross acreage were selected for Phase 2.

- **Serviceability Rating.** Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- **Exceptions.** Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for 12,000 acres. The productivity of URAs 43 and 47 are addressed in Factor 3 below.

In the alternative, this section and OAR 660-004-0010(c)(B)(ii) requires a review to determine that areas which do not require a new exception cannot reasonably accommodate the use. The staff have completed a review of exception lands entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion" attached as Appendix 1 to these findings. The Council finds that this analysis describes exception lands adjacent to the UGB which cannot reasonably accommodate the present need for about 32,400 dwelling units.

3.01.020(b)(1)(E)

Section 3.01.012(e) of the Metro Code requires an urban reserve conceptual plan. Consistent with section 3.01.015(e), for first tier urban reserves, a commitment from the a city or county to complete a conceptual plan prior to implementing urban zoning is sufficient to satisfy this requirement provided that the city or county: 1) documents its commitment to complete the plan, 2) and adopts a work program, timeline for completion and identifies funding for completing the plan. Other urban reserves must provide a completed conceptual plan for review prior to or at the time of UGB amendment. URAs 43 and 47 are first tier urban reserves with such commitments. See 3.01.015(e) above.

3.01.020(b)(1)(F)

The Council adopts and incorporates by this reference its findings for Metro Code section 3.01.020(b)(1)(C).

This code provision requires that the need identified in the Regional Forecast cannot reasonably be met within the existing UGB. The analysis in the UGR and the updates in

the UGRA demonstrate that Metro meticulously reviewed its buildable land inventory, vacant lands and infill and redevelopment rates to identify lands inside the UGB which are suitable for increasing the capacity of the existing UGB. The UGBAN summarizes these efforts. First, Metro considered all net developable land, regardless of parcelization or ownership in calculating existing UGB capacity. All 2040 Growth Concept design plan categories were considered in the UGR and UGRA. Second, an aggressive redevelopment and infill rate of 28.5 percent was initially used in the UGR. Actual data from 1995-1996 refined this estimated rate. Matching the actual rate identified in new data from 1995-1996 in the UGRA, combined with other factors did not significantly change the range of total housing units needed.

Metro's Functional Plan requires the 24 cities and three counties in Metro's jurisdiction to increase densities to more efficiently use residential land. After local governments amend their comprehensive plans and implementing ordinances in February, 1999, development in residentially designated lands must occur at 80 percent of zoned density which will maximize the use of newly developed or redeveloped parcels. The effect of the Functional Plan requirements will be reviewed in 1999 after local governments amend their comprehensive plans to comply with Functional Plan requirements. At that time, trends in residential densities can be assessed to help refine the estimated amount of land needed to provide a 20-year supply of land in the region. That approach is consistent with ORS 197.299(2)(b).

3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

(A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

According to the staff reports, the Productivity Analysis was performed to assess dwelling unit and employment capacity in selected URAs and to estimate costs for wastewater, water, stormwater, and transportation service to these URAs. The Productivity Analysis indicates that although all URAs can be provided with the above services, some areas are more costly to serve than others.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA.

The Council finds that URA 43 and 47 can feasibly be provided with services. According to the staff reports both URA 43 and 47 will be used for housing and subject to the 2040 Growth Concept design type of inner neighborhood. This design type requires an average density consistent with at least 10 units per net developable acre as required by Metro Code 3.01.012(e)(4). The staff report indicates that 45 units will be built on 7.2 net buildable acres for URA 43. For URA 47, 412 dwelling units are anticipated for 57.2 buildable acres. Although both URS 43 and 47 can be served, when ranked from lowest to highest for total cost, the estimated cost for URA 43 is \$62,001 per DUE, the 44th lowest cost ranking. The information provided for 47 indicates it also has high relative costs among URAs - \$34,125 - the 39th lowest cost determined in the Productivity Analysis.

The owner of URA 43 submitted more site specific evidence which shows that the area can be connected to the City of Tualatin's wastewater service as part of the city's gravity system which would eliminate the need for a pumping station as assumed for the productivity analysis ranking. The Metro Council accepts this site specific evidence that is confirmed by the city.

The owner of lands in URA 47 has provided information which clarifies a mapping issue in the boundary of URA 47 at its southern border. This information demonstrates that the Floodplain boundary based on the FEMA flood elevation should be located to the south of the line currently shown on the urban reserve maps. The corrected boundary is identified in Exhibit B of Ordinance 98-788A.

This provision of the Metro Code states "the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services." The cost estimates for URA 43 and 47 show that other URAs are relatively better by comparison of overall cost of connecting to existing service systems. However, Factor 3(A) must be balanced against the other factors in Metro Code 3.01.020. The higher, actual inner neighborhood minimum density levels will allow for costs to be spread over a larger number of dwelling units than in other URAs. Therefore, sites 43 and 47, on balance, are better than the average of the 12,000 acres of urban reserve land in Phase 2 of the productivity analysis. All such above average lands will be needed to add about 32,400 units to the UGB.

(B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

URAs 43 and 47 are adjacent to the UGB. Both will integrate into existing service systems. For URA 43, the City of Tualatin has committed to a schedule, funding and a work program for completing a public services plan for this area. For URA 47, the City of

King City has submitted a letter to the Council making a similar commitment. Funding for that planning will come from two owners of property in URS 47.

Wastewater

URA 43

Site specific evidence on wastewater shows that wastewater service would be provided by attaching to the City of Tualatin's existing system. According to the Productivity Analysis, provision of sanitary sewer service to URA 43 was estimated to require one new pump station. In addition, this reserve would need approximately 7,200 feet of pipe, manholes and trenching, 2,250 feet of force mains and treatment capacity for 0.02 million gallons per day (mgd). However, site specific evidence indicates that a gravity sewer will be sufficient to provide service. Information from USA demonstrates that there is existing capacity for the additional wastewater that will be generated by this area. The Council concludes that extension of wastewater service outside the existing UGB into URA 43 will not impair existing service in the City of Tualatin.

URA 47

URA 47 is located immediately adjacent to King City with an existing sewer line located in 131st Avenue. The staff report states that additional capacity must be added to the treatment facility serving the current UGB. However, the United Sewerage Agency (USA) has indicated that the extension of services from existing serviced areas will be available to this area when it is included in the UGB. Based on this evidence, the Council concludes that this extension of wastewater service outside the existing UGB into URA 47 will not impair existing service in the City of King City or compromise USA's existing system.

Water

URA 43

According to the staff report and the Productivity Analysis, provision of water service to URA 43 would require a water source expansion of 0.02 mgd and 200 feet of transmission lines. The City of Tualatin has stated that water service can be provided from its existing system. Based on this evidence, the Council concludes that extension of water service outside the existing UGB into URA 43 will not impair existing service in the City of Tualatin.

URA 47

The staff report states that the Tigard Water District has indicated that services can be extended from areas within the UGB to serve URA 47. A water service master plan will be completed by the Tigard Water District to serve this area. Expanding water service to this area will not compromise the ability of the Tigard Water District to continue to serve the

area within the current UGB and may actually enhance existing systems by providing more opportunities for looping water lines and increasing water pressure. Therefore, the Council finds that extension of water service outside the existing UGB into URA 47 will not impair existing service as provided by the Tigard Water District.

Stormwater

URA 43

According to the staff report, the City of Tualatin states that stormwater services can be provided to URA 43. Exhibits 10 and 17 of the proposed "Site 43 Urban Reserve Plan" demonstrates that the drainage system site development uses the natural drainage to Seely Ditch in a manner consistent with Title 3.

URA 47

According to the staff report, there is no existing or planned, piped storm water collection system in place in this area. All existing runoff from impervious surface in this area is either allowed to infiltrate directly into the ground or is collected in a roadside ditch system.

The Council does not consider connection to existing piped stormwater systems to be necessary to demonstrate that stormwater can be adequately managed consistent with local government regulations and Metro's Urban Growth Management Functional Plan. The Productivity Analysis estimates that water quality pond/marshes and detention will be required to address stormwater runoff from urbanization of URA 47. Detention facilities will slow and delay water run-off and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban run-off and collect sediments before this run-off reaches streams and creeks.

Therefore, URA 47 stormwater facilities will be orderly on the condition that the final urban reserve plan provide sufficient on site stormwater detention consistent with USA guidelines and Title 3 of the Urban Growth Management Functional Plan.

Transportation

URA 43

Grahams Ferry Road is the primary north and south roadway in the URA 43 area and provides two-lane access between Tualatin and Wilsonville. According to a traffic analysis completed by Kittleston & Associates, Inc. (March 1998), the transportation system in the area would be adequate to accommodate year 2015 traffic with or without development of up to 70 single family houses on URA 43. While the Boones Ferry Road and Grahams Ferry Road intersection under existing conditions is operating at unacceptable level of service (LOS) F during peak hours, the current improvement project is anticipated to

upgrade the LOS to an acceptable level (D or better). In addition, the report states that developing the reserve to anticipated Tualatin zoning would not significantly affect any of the transportation facilities serving the site. Therefore, the Council finds that urban levels of development in URA 43 will not compromise the existing transportation system inside the UGB or the surrounding areas.

URA 47

Fischer Road and 131st Avenue provide two-lane access to URA 47. Beef Bend Road (north of URA 47) has been identified in Metro's draft Regional Transportation Plan (RTP), *Proposed Transportation Solutions for 2020* (September 1998) as being one of a list of projects identified as the most critical system need in the Portland region for the next 20 years. Beef Bend Road and King City sidewalk improvements will improve the overall accessibility in this area. The list of projects and programs is part of a major update to the RTP that begins to implement the Region 2040 plan. Beef Bend Road (a street extension from Scholls Ferry Road to Highway 99W) is identified for a Traffic Management Plan and will be included in the second round of analysis for the RTP scheduled in 1999.

The staff report indicates that both 131st and Fischer Road can be extended to provide access to URA 47. Due to the shapes of the parcels within URA 47 there are opportunities for east-west and north-south connections. Transit bus service will also be included in any transportation plan. Therefore, transportation service is feasible for URA 47 with the condition that the final urban reserve concept demonstrate the planned transportation connections consistent with the Regional Transportation Plan and the applicable local transportation plan.

Fire, Police and Schools

URA 43

The City of Tualatin has indicated that it will provide police and fire service for URA 43. The Sherwood School District has stated that it has sufficient existing schools capacity for the area. Therefore, schools service is feasible with the condition that the final Urban Reserve Plan indicates how the school district boundary issue affecting this property has been resolved.

URA 47

Tualatin Valley Fire District and the Washington County Sheriff have indicated that emergency services can be provided. The Tigard School District (23J) serves URA 47 and has indicated that it can adequately serve this area. The Council finds that school and fire service are available to URA 47 and that the providers have indicated that they have sufficient capacity to serve the area without compromising their other service obligations inside the UGB.

3.01.020(b)(4)

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

(A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

URA 43

According to the staff report, URA 43 is capable of being developed with features that comply with the 2040 Growth Concept. The Productivity Analysis includes assumptions that URA 43 would most likely be developed with the 2040 design type of an inner neighborhood. This results in an estimated 45 to 54 dwelling units and 15 to 18 jobs that can be accommodated within URA 43. Development at these levels will result in an average density of about 10 dwelling units or more per net buildable acre which is capable of encouraging pedestrian, bicycle and transit use.

URA 47

URA 47 consists of approximately 82 acres. The Productivity Analysis estimates that from 361 to 436 dwelling units and 120 to 145 jobs can be accommodated within this area. Development at this intensity will result in an average density of 10 dwelling units or more per net buildable acre which complies with the 2040 Growth Concept design type for inner neighborhood. The staff report also states that the addition of this URA combined with the existing level of development in the surrounding area will be sufficient to support transit service. The compact development envisioned for this area would provide opportunities for multi-modal transportation that would encourage walking, bicycling and transit.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented

regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

(B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

The staff report concludes that the anticipated densities in URAs 43 and 47 will facilitate efficient urban growth inside the UGB. Street connectivity would be improved through subdivision layout of streets in consistent with the land within the City of Tualatin with enhanced street connectivity. This would provide better access for fire and police protection, as well as increased opportunities for bike and pedestrian trips. Extension and looping of water lines between existing development within Tualatin and URA 43, and King City and URA 47 will enhance water service by eliminating dead end lines and increasing available water pressure. In addition to those efficiencies, urbanization of URA 43 will encourage the local street network to be improved to urban standards to add curbs and gutters, sidewalks, wheelchair ramps and bike lanes. Extension of sanitary sewer to URA 47 may allow areas inside the UGB without sanitary sewer service to gain such service and reduce current dependence on individual septic systems over time.

3.01.020(b)(5)

Factor 5: Environmental, energy, economic and social consequences.

(A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

URA 43

No resources or hazards subject to special protection which are identified in the Washington County comprehensive plan are present in URA 43. However, Seely Ditch will be subject to protection provided by Title 3 of the Functional Plan (Water Quality, Flood Management and Fish and Wildlife Conservation) when brought into the UGB.

URA 47

No resources or hazards subject to special protection which are identified in the Washington County comprehensive plan are present in URA 47. A tributary of the

Tualatin River in URA 47 will be subject to protection provided by Title 3 of the Functional Plan once the area is amended into the UGB.

(B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for any URA.

(C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

Environmental

URA 43

The staff report shows that Seely Ditch, a tributary of the Willamette River, runs north to south along the eastern portion of URA 43. The Creek Corridor includes 20 percent and greater slopes with a good forest cover. The forest cover provides multiple water quality and quantity benefits. The staff report indicates that maintaining the creek vegetation to protect these benefits is important protecting water quality in the areas. The Council agrees and finds that implementation of Title 3 of the Functional Plan in this area once it is made part of the UGB will provide that needed protection.

URA 47

A tributary of the Tualatin River crosses URA 47 and the Tualatin River is located directly south of the reserve area. Portions of the stream have intact riparian vegetation that should be protected to maintain water quantity and quality benefits. Generally, the riparian areas within the site provide a good linkage to the river and need to be protected. A portion of the stream upstream of the Tualatin River has had virtually all of the riparian vegetation removed. There is a valuable opportunity for stream restoration on this section of the stream. URA 47 is in the middle of a habitat corridor that is surrounded by heavy development. The Council agrees and finds that implementation of Title 3 of the Functional Plan in this area once it is made part of the UGB will provide that needed protection.

The Council finds that the impacts of urbanizing both URA 43 and 47 are not more adverse than would typically occur in other urban reserves.

Social

URA 43 and 47

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, the area can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URAs 43 and 47 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB.

Both URA 43 and 47 are exception lands which are currently zoned to allow residential uses on five acre lots. Urbanization in these two areas will not cause the loss of EFU land. The staff report indicates that there are no archeological, historic or aggregate resources sites on either URA 43 or 47. Both sites offer the same opportunity to provide affordable housing at inner neighborhood 2040 design type densities. Therefore, Council finds that the social impacts of urbanizing these two URAs is minimal compared to the advantages discussed above and are certainly not more significant than would typically result from the needed lands being located in other urban reserves.

Economic

URA 43

The Council finds that urbanization of URA 43 and 47 will have the typical impacts that accompany urbanization of lands anywhere in the region. Intensification of residential development will increase the per acre value of land and improvements within this reserve. Once annexation to the adjacent cities and development occurs, all special districts serving this area will also receive an increase in their tax bases. Because the current use of the area is primarily rural residential, the Council finds there will be no significant loss of agricultural or forest production from URAs 43 or 47. Since these URAs will be

developed at densities corresponding to 2040 inner neighborhood design types, development will add to the economic base of the area by adding dwelling units and potentially some home-based jobs.

Energy

According to the staff reports URA 43 and 47 will not significantly increase energy consumption. Both are located adjacent to the UGB and have close access to nearby town centers. Providing increased housing availability at 2040 growth concept densities will help reduce vehicle miles traveled by providing housing opportunities close to the jobs centers in King City, the City of Tigard and City of Tualatin. The Council finds that any increase in energy consumption from fossil fuels or electricity required for new residential development will not be typically more adverse that would typically result from development of other lands requiring and amendment to the UGB.

3.01.020(b)(6)

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff reports correctly state that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URAs 43 and 47 were adopted as part of that ordinance. As noted in Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff reports also correctly note that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, both URA 43 and 47 are composed completely of exception lands. Therefore, there is no agricultural land to retain. In the urban reserves study analysis, URSA 43 received a good agricultural land retention rating of 14. URA 47 received a rating of 12. These relative suitability scores are part of Metro's prior analysis demonstrate that adding these URAs to the UGB will have a region wide effect of retaining agricultural land. The Council finds that there is no evidence which indicates that the Factor 6 scoring for URA 43 and 47 should be revised. Therefore, the Council finds that amending the UGB in these two areas would retain farmland in accordance with Factor 6 even if the areas were not exception lands already designated as urban reserves.

3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

- (i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

URA 43

According to the staff report, there are 191 acres of EFU land within one mile of URA 43. None of that land is currently being farmed. No other agricultural activities are identified to be occurring on other lands within one mile of URA 43.

URA 47

URA 47 has approximately 649 acres of EFU-zoned land located within one mile of its western and southern boundary. This EFU land represents 21 percent of the entire land area within one mile of URA 47. Of the 649 acres identified, approximately 4 percent of the EFU land is in high value nursery stock, 2 percent in orchards and 93 percent is either in lower value field crops or is un-farmed. This estimation was made using Metro Regional Land Information System, aerial photos and information obtained from the Farm Bureau.

- (ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

URA 43

The staff report indicates that none of the EFU land identified in Factor 7(i) above is presently being farmed. No other agricultural activities have been identified in this area. Therefore, the Council finds that there are no agricultural activities "taking place" at this time which could be impacted by urban development. Should such activities arise after URA 43 is amended into the UGB, it will be buffered by the forested areas to the south, Grahams Ferry Road to the west, and a tributary of the Tualatin to the east. The Council finds that any future impacts on traffic congestion will not compromise the present acceptable level of service on surrounding roadways.

URA 47

The Council finds that the majority of EFU in this area is located across the Tualatin River and will not be adversely affected by the development of this URA. However, fresh vegetable and nursery operations may benefit from increased markets created by nearby development. Drainage impacts due to increased stormwater runoff from this URA on nearby farmland will be minimal.

3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to consider whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) URA 43 is compatible with the adjacent rural residential uses because urbanization will not compromise services in the area. Traffic impacts will be minimal and will not affect the presently acceptable level of service.. URA 43 is compatible with the nearby agricultural uses because it is buffered by Seely Ditch to the east, and Grahams Ferry Road to the west. Therefore, URA 43 is not adjacent to intensive farming practices. Also, URA 43 adds to the nearby market for the nursery stock and fresh vegetables currently in production.

URA 47 is compatible with adjacent agricultural use because it is separated from those uses by flood plan that is not appropriate for intensive farming practices and the Tualatin River.

(3) The ESEE consequences resulting from urban use at URA 43 and 47 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing these two URAs are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since these URAs are primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, these two URAs provide the benefits of compact urban form and 2040 housing densities.

3.01.020(d)

URA 43

URA 43 is contiguous to urbanized residential land to the north and rural residential areas to the east, south and west. Seely Ditch and its associated riparian corridor, approximately 150 feet wide, would buffer the land to the east of the site. The land to the south, zoned rural residential, would be contiguous to the urban residential development. Along the

western boundary of the site is Grahams Ferry Road, which would serve as a transition to the rural residential land to the west of the roadway. The Council finds that adding URA 43 to the UGB will not create an island of urban land or allow urbanized land to project into nearby resource lands.

URA 47

The UGB and urban uses to the north and east border URA 47. Areas to the south and west are located in Washington County. The area of Washington County to the south is located in the FEMA 100-year floodplain of the Tualatin River. The Council finds that adding URA 47 to the UGB will not create an island of urban land or allow urbanized land to project into nearby resource lands.

The Council finds that adding URS 43 and 47 to the UGB will result in a clear transition between rural and urban lands.

3.01.020(e)

The applicable Statewide Planning Goals are 2 and 14. These goals are addressed by the analysis for Metro Code Section 3.01.020 discussed above. No other applicable goals were identified in the record.

3.01.020(f)

URAs 43 and 47 are consistent with the 2040 Growth Concept because the above findings show that development in these areas consistent with Region 2040 policies and the design types of inner neighborhood is feasible.

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Date: October 26, 1998

To: Mark Turpel, Senior Program Manager
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *AB*
Growth Management Services Department

Re: ***Exception Lands Not Considered as Alternative Sites for Urban Growth
Boundary Expansion***

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the exception lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category

Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30.** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.

Exception Land

Outside Urban Reserves

Number on Map refers to Exception lands memo October 26, 1998

Urban Reserves

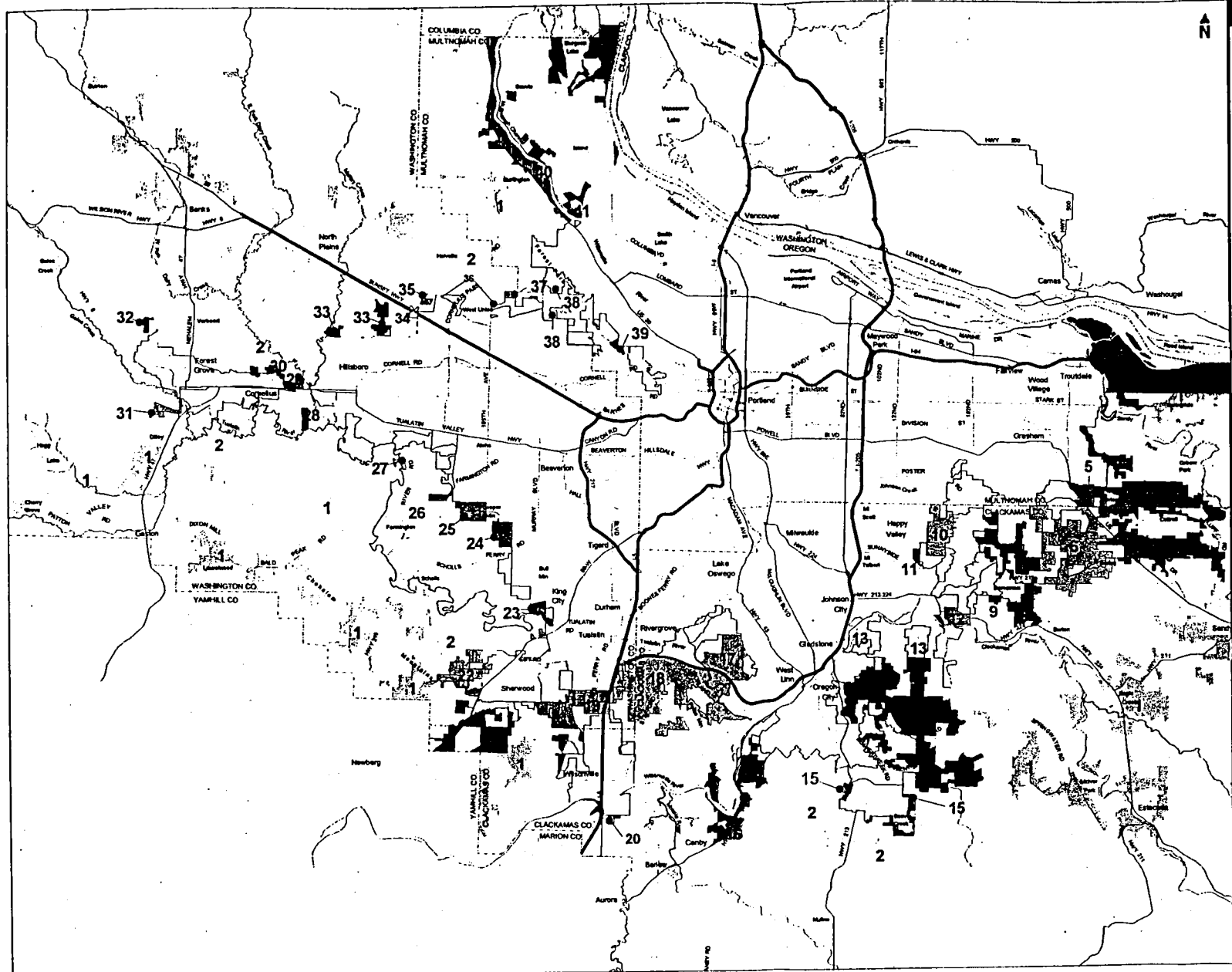


1" = 3.0 miles



METRO

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Agenda Item Number 11.2

Ordinance No. 98-788B, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve Area 55 of Washington County.

Second Reading

**Metro Council Meeting
Thursday, December 10, 1998
Council Chamber**

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF AMENDING) ORDINANCE NO 98-788AB
THE METRO URBAN GROWTH)
BOUNDARY AND THE 2040 GROWTH) Introduced by Councilors McLain, Morissette,
CONCEPT MAP IN ORDINANCE 95-) McFarland and Washington
625A IN URBAN RESERVE AREA 55 OF)
WASHINGTON COUNTY)

WHEREAS, The Metro Council designated urban reserve areas in Ordinance No. 96-655E, including the portion of urban reserve area 55 inside Metro jurisdiction; and

WHEREAS, urban reserve study areas were shown on the 2040 Growth Concept map adopted as part of the Regional Urban Growth Goals and Objectives in Ordinance No. 95-625A and the map was amended by Ordinance No. 96-655E to show urban reserve areas; and

WHEREAS, ORS 197.298(1)(a) requires that land designated as urban reserve land by Metro shall be the first priority land for inclusion in the Metro Urban Growth Boundary; and

WHEREAS, the Metro Council has initiated a series of legislative amendments to the Urban Growth Boundary, including this ordinance for lands inside the Metro jurisdictional boundary; and

WHEREAS, notice of hearings was published and mailed in compliance with Metro Code 3.01.050(b), (c) and (d); and

WHEREAS, a series of hearings was held before the Council Growth Management Committee on October 6, 13, 20 and 27, and before the full Metro Council on November 10, 12, 16, 17, 19 and December 3, 1998; and

WHEREAS, notice of Proposed Amendment for urban reserve area 55, consistent with Metro Code and ORS 197.610(1), was received by the Oregon Department of Land Conservation and Development at least 45 days prior to the December 3, 1998 final hearing; and

WHEREAS, the staff report for these areas was available at least seven days prior to the December 3, 1998 final hearing; and

WHEREAS, Metro Code 3.01.012(c)(3) requires designation of regional design types consistent with the 2040 Growth Concept for the land added to the UGB; and

WHEREAS, the Metro Council considered all the evidence in the record, including public testimony in October, November, and December, 1998 hearings to decide proposed amendments to the Urban Growth Boundary; and

WHEREAS, conditions of approval are necessary to assure that these urban reserve areas added to the Urban Growth Boundary are used to meet the need for housing consistent with the acknowledged 2040 Growth Concept; now therefore,

THE METRO COUNCIL HEREBY ORDAINS AS FOLLOWS:

1. Regional design types consistent with the Metro 2040 Growth Concept for the land added to the Metro Urban Growth Boundary by this ordinance as shown on attached Exhibit A are hereby adopted.
2. The Metro Urban Growth Boundary is hereby amended to add the exception land portion of urban reserve area 55 inside Metro's jurisdictional boundary as shown on the map in Exhibit B, attached, and incorporated by reference herein.
3. The 2040 Growth Concept map adopted as part of Ordinance No. 95-625A is hereby amended to show the Metro Urban Growth Boundary amendment in Exhibit B as within the UGB, instead of urban reserves.

4. This amendment of the Metro Urban Growth Boundary is based on Findings of Fact and Conclusions in Exhibit C, attached hereto and incorporated by reference herein.

5. In support of Findings and Conclusions adopted in Section 2 of this Ordinance, the Council hereby designates as the record herein those documents submitted and before the Council for consideration on these lands during the period between the October 6 Growth Management hearing, the December 3, 1998 final hearing and final adoption of this ordinance.

6. The following conditions of approval are needed to assure compliance of the developed use with acknowledged Metro Code 3.01, Metro's acknowledged regional goals and objectives and related statewide goals:

A. The land added to the Urban Growth Boundary by this ordinance shall be planned and zoned for housing uses to the extent and in a manner consistent with the acknowledged 2040 Growth Concept text and the regional design types shown on Exhibit A.

B. Prior to conversion of the new urbanizable land in this ordinance to urban land available for development, the relevant portions of the South Hillsboro Urban Reserve Plan ~~an urban reserve plan shall be completed~~ for the lands added to the Urban Growth Boundary by this ordinance consistent with Metro Code 3.01.012, as amended by Ordinance No. 98-772B, including Title 11 of the Urban Growth Management Functional Plan.

C. Adoption of an urban comprehensive plan designation and urban zoning for this area shall include means to assure that speed, temperature, sedimentation and

chemical composition of the stormwater runoff meet State and Federal water quality standards.

D. Urban zoning shall address on-site stormwater detention requirements.

The City shall consider a requirement that the amount of stormwater runoff after completion of development shall not be greater than the stormwater runoff before development.

E. Adoption of an urban comprehensive plan designation and urban zoning for the subject area shall be approved only after the city adopts the Functional Plan requirements for revegetation, Title 3 setbacks from the top of bank streams and wetlands, and addressed Federal requirements adopted pursuant to the Endangered Species Act.

7. Consistent with ORS 268.390(3) and ORS 195.025(1), Washington County and the city of Hillsboro shall include the area added to the Urban Growth Boundary by this Ordinance as shown on the map in Exhibit B in applicable text and map provisions of their comprehensive plans.

ADOPTED by the Metro Council this ____ day of _____ 1998.

Jon Kvistad, Presiding Officer

ATTEST:

Approved as to Form:

Recording Secretary

Daniel B. Cooper, General Counsel

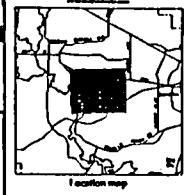
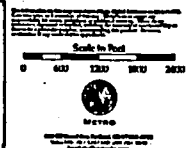
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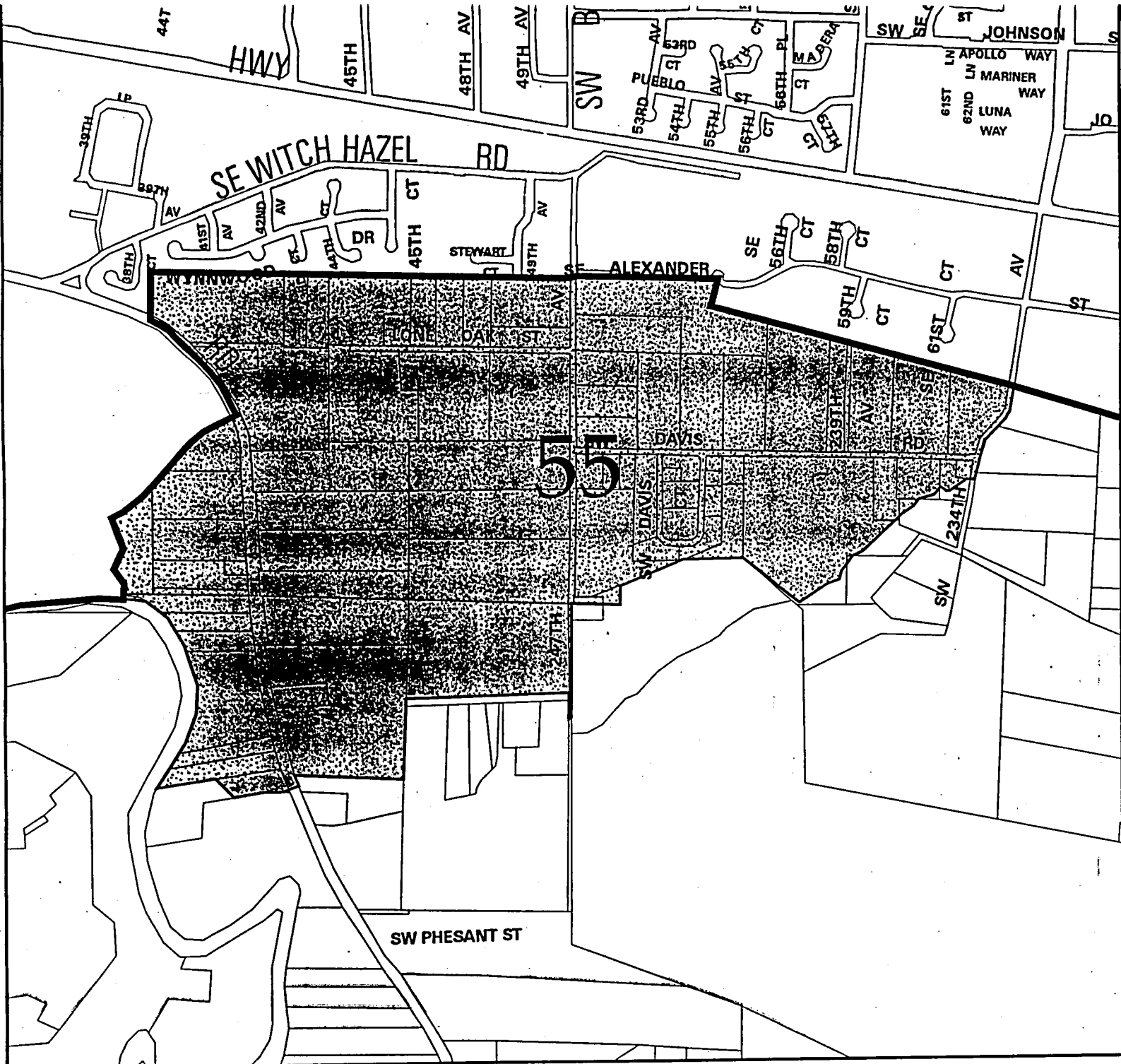


**Draft 2040
Design Types**
Urban Growth Boundary
Legislative Amendment
Index number 13

- Central City
- Regional Center
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Leachin
- Main Streets
- Proposed Regional Throughways
- Potential Regional Throughways
- Green Corridors
- Planned & Labeling Light Rail Lines
- Proposed Light Rail Alignment
- Potential Light Rail Alignment
- Light Rail Station
- Potential Light Rail Station
- International Airports
- Regional Airports
- Business
- Intermodal Rail Yard
- Rail Corridor in Network
- Exclusive Farm Use
- Reception Land in Urban Reserve
- Reserve Land in Urban Reserve
- Urban Reserve not in Legislative Amendment
- Rural Reserve
- Open Space
- Urban Growth Boundary
- Urban Reserve Boundary
- Areas added to Reserve by Micro Council Ordinance
- Neighboring Cities
- Public Parks

DRAFT





Ordinance #98-788C
Urban Reserve #55
 (Partial)

First Tier
 Within Metro Boundary




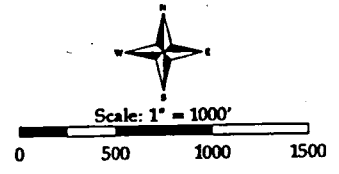
-  Area Considered by Council
-  First Tier Urban Reserve
-  Urban Growth Boundary

Exhibit B 1 of 1

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the necessity of ownership, title or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.



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ADOPTED FINDINGS AND CONCLUSIONS - ORDINANCE 98-788.B (URA 55)

3.01.015(e)

Based on the analysis for Metro Code 3.01.0120(b)(1)(A), there is insufficient land available in the current UGB for about 32,400 housing units. Urban reserve areas with a proposed urban reserve plan under Council consideration in 1998 would provide less than 10,000 units. Even if all these proposed urban reserve plans are approved in 1998, there is insufficient land available that satisfies the requirements of an urban reserve plan to meet the statutory requirement for 1998 that land for one-half the need, or about 16,200 units, be added to the UGB.

This portion of URA 55 is first tier land.¹ The City of Hillsboro has opted to include this area in its Hillsboro South Urban Reserve Concept Plan. Therefore, the portion of the concept plan for URA 55 must satisfy Metro Code section 3.01.012(e). Those criteria will be addressed at the end of these findings.

3.01.020(a)

Metro Code section 3.01.020 contains the complete requirements for amending the regional UGB. The code provisions have been acknowledged to comply with Statewide Planning Goals 2 and 14. They satisfy Metro's Regional Growth Goals and Objectives (RUGGO), as well. Application of this section constitutes compliance with ORS 197.298 which sets land priorities for lands amended into the UGB because the lands being added to the UGB are designated urban reserve areas. Since the Metro Code has been acknowledged by the Land Conservation and Development Commission, compliance with this code section satisfies Goals 2 and 14.

3.01.020(b)(1) and (2) General Need Factors

This acknowledged code section corresponds to Factors 1 and 2 of Goal 14. The need for urban growth boundary amendments may be demonstrated, generally, using either Factor 1 or Factor 2 or both. This acknowledged code section predates ORS 197.298(3). Therefore, need may, also, be met by complying with this statute on specific land need.

3.01.020(b)(1)(A) Factor 1

The Metro Code requires that the demonstration of need shall include a forecast of regional population and employment. The forecast must also include a forecast of net developable land need. Concurrent with these forecasts, completion of an inventory of net developable land is required.

The regional population and employment forecast, net developable land need and inventory of developable land are contained in Metro's Urban Growth Report (UGR). The first draft

¹ These findings for Ordinance 98- 788A discuss the first tier portion of URA 55 only. References to URA 55 in these findings refer only to the first tier areas.

of the UGR was presented to the Metro Council in March, 1996. After public hearings, the Council directed the Metro Executive Officer and Staff for conduct further research on urban growth demand. The results of this research were presented to the Council in the second draft of the UGR in June, 1996. On December 18, 1997, the Metro Council adopted the final UGR in Resolution No. 97-2559B to comply with ORS 197.299(1). That final report estimated a UGB capacity deficit from 29,350 to 32,370 dwelling units and 2,900 jobs.

The UGR has two components. It contains the 2017 Regional Forecast which projects households and population, in demand for dwelling units, and demand for employment to the year 2017. This forecast represents an update of the 2015 Regional Forecast which made projections for three separate 25-year growth scenarios - Medium Growth, High Growth and Low Growth. The UGR predicted that the Medium Growth scenario has the highest likelihood of being realized over the 20 year forecast horizon. This forecast will be extended to 2019 or 2020 when UGB amendments are completed by December, 1999 as required by ORS 197.299(2)(b).

The UGR also contains a Buildable Land and Capacity Analysis for the Metro UGB. The analysis estimates the supply of land inside the current UGB sufficient to meet future development for industrial, retail and commercial uses and lands "available and necessary for residential uses" under state law. ORS 197.295(1). The conclusion of the developable lands capacity analysis was that the region does not have a 20-year supply of land inside the current UGB.

Two recent reports update data in the UGR: the Urban Growth Report Addendum (UGRA), and the Urban Growth Boundary Assessment of Need (UGBAN). The UGRA was completed August 26, 1998. The UGRA uses the same methodology as the UGR and updates UGR data in three areas. First, the data on vacant lands were updated from 1994 information to include 1997 data. Second, the analysis of actual residential redevelopment and infill rates were measured for 1995 and 1996 to refine the estimates used in the UGR. Third, the inventory of unbuildable land inside the UGB was revised to better identify land constrained by environmental features.

The UGRA also provides data on two scenarios for assessing the amount of developable land inside the UGB that will be constrained by Title 3 of Metro's Urban Growth Management Functional Plan. These estimates reflect 1998 adoption of the map of Title 3 regulated land. The first scenario calculates total developable land assuming a regionwide 200-foot buffer from the centerline of streams and for steep slopes greater than 25 percent. This assumption is a conservative estimate of additional required buffer widths that could be required as a result of two contingencies, the Endangered Species Act (ESA) listing of lower Columbia River Steelhead and Metro's Fish and Wildlife Habitat planning. Both are in early stages of development. The second scenario calculates total developable land assuming only the buffer widths as required by Sections 1-4 of Title 3 on the 1998 map which provide performance standards for regional water quality and flood control.

Metro Staff have a completed a draft work plan for Title 3, Section 5 Fish and Wildlife Habitat protection which will be coordinated with existing Statewide Planning Goal 5 planning in the region. The work plan describes the research necessary to determine the scientific basis for buffers beyond those adopted for statewide Goal 6 and 7 purposes in riparian corridors, wetlands. These and other Goal 5 resources may require additional regulation that may be included in a regional functional plan. The work plan also sets a schedule for determining a methodology by which buffers can be applied to identified Goal 5 and regional resources. It is anticipated that this analysis will be available in 1999, and that the Council can determine at that time whether regionwide buffers up to 200 will be necessary to protect identified Goal 5 and ESA listed resources. That information will be included in the refined UGB capacity analysis prior to or concurrent with UGB amendments required to expand the UGB to bring in the remaining one half of needed land in 1999 as required by ORS 197.299(2)(b).

In March, 1998, National Marine Fisheries Service (NMFS) listed lower Columbia River Steelhead as a threatened species under the ESA. The listing affects a major portion of the Metro region because the listing includes the Willamette River up to the Oregon City falls. NMFS is also reviewing a petition to list salmonid species in the upper Willamette River above the falls and a decision is expected in 1999. To conserve listed steelhead may require buffers along regional streams which are well in excess of the vegetated corridors required by the water quality and flood management provisions of Title 3 of the Functional Plan. NMFS has not yet promulgated rules which they are authorized to adopt under section 4(d) of the ESA, which contain restrictions to conserve threatened steelhead. However, the 4(d) rule is anticipated to be in place by early 1999. At that time, the Metro Council will have more specific information upon which to refine its Buildable Land and Capacity Analysis.

The UGBAN was completed in October, 1998. This report summarizes all of Metro's efforts to assess the supply of developable land inside the UGB, and Metro's efforts to maximize the capacity of the current UGB. This updating of information in the UGRA and analysis in the UGBAN demonstrates that Metro has taken measures to increase the capacity of the UGB to accommodate unmet forecasted need for housing in the region. The Council finds these analyses sufficient evidence upon which to amend the UGB to satisfy the requirements of ORS 197.299(2)(a). However, more study is needed in 1999 to estimate the impact of the Functional Plan and to account for stream buffer requirements resulting from Metro's Fish and Wildlife Habitat planning and National Marine Fisheries Service restrictions for Lower Willamette River Steelhead. The Council will revisit the UGB capacity assumptions with refined data prior to or concurrent with amending the UGB in 1999 to accommodate the remaining land needed as mandated by ORS 197.299(2)(b).

3.01.020(b)(1)(B)

The Metro Code requires a regional forecast and inventory "along with all other appropriate data" to be completed to determine whether the projected need for land to

accommodate the forecast of population and employment is greater than the supply of buildable land inside the UGB.

The UGR compares the 2017 Regional Forecast with the Buildable Land and Capacity Analysis for the Metro UGB. The UGR found that the current supply of buildable land inside the UGB can accommodate about 217, 430 dwelling units and about 473,100 jobs. However, the regional forecast estimates that by 2017, the housing need will be for approximately 249,800 dwelling units and the employment need will be about 476,000 jobs. This leaves a deficit of developable land inside the current UGB needed to accommodate about 32, 370 dwelling units and 2,900 jobs. The UGR indicated that at an estimated average 2040 Growth Concept density of 10 dwelling units per net developable acre, between 4,100 and 4,800 gross acres need to be added to the regional UGB to accommodate the need to comply with ORS 197.299(2). The Metro Council held a public hearing, providing the opportunity for public comment on Resolution No. 97-2559B on December 18, 1997.

3.01.020(b)(1)(C)

Since the inventory of net developable land is less than the forecasted need, the Metro Code requires an analysis to determine whether there is a surplus of developable land in one or more land use categories that could be suitable to meet that need without expanding the UGB.

The UGBAN discusses Metro's Functional Plan, which was an early implementation measure consistent with ORS 197.296. Under its statutory authority to adopt functional plans, Metro may require or recommend changes to the comprehensive plans and implementing ordinances of the 24 cities and three counties in Metro's jurisdiction. In 1996, the Metro Council adopted the Functional Plan which set targets for housing density with the goal of not having to expand the UGB at the time of this five-year need update. However, these targets were set prior to the requirements in ORS 197.299 that Metro must assess the need for developable land and amend the regional UGB to accommodate at least one half of that need in 1998. Full compliance with the Functional Plan is not required until February, 1999. At that time, unless Metro approves an extension, local governments will adopt amendments to their comprehensive plans and implementing ordinances to accommodate housing densities on future development that are consistent with the 2040 Growth Concept design types. As a result, it will be some time before the full impact of the upzoning required by the Functional Plan can be measured. The Functional Plan requirements direct development of all residential lands at higher densities than existing comprehensive plans. No surplus lands zoned for nonresidential uses have been identified.

The UGBAN also considered the potential for conversion of industrial lands to residential uses to address the unmet need. Based on regional review of industrial lands and compliance plans submitted by jurisdictions which have a significant amount of industrial land, the UGBAN concludes there is minimal opportunity to redirect industrial land to accommodate housing because those areas are already jobs poor or converting employment

to housing will have adverse impacts on the 2040 Growth Concept goal of creating complete communities where residents have close access to jobs and services.

3.01.020(b)(1)(D)

Consideration of a legislative amendment requires "review of an analysis of land outside the present UGB to determine areas best suited for expansion of the UGB to meet the identified need" (emphasis added). This analysis was done in stages. The first stage was to identify lands outside the UGB which cannot meet the need (see Appendix A). The second stage was designation of urban reserves. The third stage was a productivity analysis of urban reserves. Phase I of that analysis narrows the 18,600 acres of urban reserves designated to the year 2040 to 12,000 acres studied in Phase II. The analysis rated the productivity of 12,000 acres. Then, in Phase II, the absence of 998 quasi-judicial applications for UGB amendments, the Metro Council identified lands among the most productive Phase II lands which had begun conceptual plans for 1998 UGB amendment consideration. All of the lands considered for 1998 UGB amendment and more will be needed to comply with ORS 197.299 by December, 1999.

The Council reviewed exception lands outside the UGB which are not designated as urban reserves. That analysis is contained in Exhibit A of the staff reports and is entitled "Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion." This report and accompanying map are attached as Appendix A and are incorporated into these findings by this reference. The factors that weighed against inclusion in the UGB included lands zoned for EFU, lands that would eliminate the separation between communities, lands more than one mile from the existing UGB and noncontiguous areas. In addition, natural features and settlement patterns that effect the buildability of land were also considered. These features include steep slope, lands in the FEMA 100-year floodplain and small acreage single family residential areas.

The Council then considered the urban reserves designated in March, 1997. That process was the culmination of several years of analysis, public hearings and study of lands adjacent to the UGB which were deemed suitable for urbanization as measured by Goal 14, factors 3 through 7 and the exceptions criteria of Goal 2. State law sets priorities for amending the UGB which requires that urban reserves generally be considered for urbanization before other lands. ORS 197.298(1). All urban reserves were then reviewed in the Productivity Analysis to determine those urban reserves which were relatively more efficient to serve in the near term to comply with the deadline set by ORS 197.299(2)(a).

The Productivity Analysis was conducted in two phases. Phase 1 analysis examined all 18,571 acres of urban reserve land. The analysis generated an inventory of buildable land within the urban reserves to determine the range in the amount of land that might be needed to accommodate about 32,400 dwelling units and 2,900 jobs. Phase 2 selected a subset of the total urban reserves which would be most efficiently serviced and maximize the efficiency of the existing UGB. Those selection criteria included:

- Inclusion of urban reserves in first tier urban reserves. The Metro Code requires that first tier urban reserves be considered for UGB expansion prior to consideration of other urban reserves. The Productivity Analysis included first tier lands in part to satisfy this requirement.
- Proximity to UGB. While all urban reserves are adjacent to the UGB, the analysis did not select urban reserves that would require other more proximate urban reserves to be developed first before they could develop.
- Productivity Ratio. The Productivity Analysis focused on urban reserves which have a higher ratio of net buildable land to gross acres. Only urban reserves with at least 40 percent buildable land to gross acreage were selected for Phase 2.
- Serviceability Rating. Phase 1 considered the 1996 Utility Feasibility Analysis provided by KCM and the 1998 Urban Reserves Planning Status Report as a baseline for doing further serviceability research. If these reports indicated that the service was easy or moderate, then the urban reserve could be selected for Phase 2 analysis.
- Exceptions. Some urban reserves were selected for Phase 2 analysis even though serviceability was difficult if the urban reserve had a high productivity rating (70-80%) or there were existing urban reserve planning efforts under way.

The productivity analysis resulted in a comparative analysis of the public facilities efficiencies for about 12,000 acres.

The Council then reviewed the urban reserves identified in Phase 2 of the Productivity Analysis to determine whether sufficient information was available at this time to corroborate the service assumptions used for individual urban reserves. This analysis is found in Exhibit B of the staff reports and is attached as Appendix B and incorporated into these findings by this reference. This report identifies urban reserves where the cost estimates may not be reliable because there is little actual data available on service feasibility or funding sources for extension of existing services. The report also identifies urban reserves which, if urbanized, would exacerbate an existing subregional jobs/housing imbalance. The Council finds that the remaining urban reserves are those for which there is sufficient information at this time upon which to consider specific UGB amendments.

The identified need for about 32,000 dwelling units for a 20-year UGB must be fully accommodated by December, 1999. ORS 197.299(2)(a) requires half of that need to be accommodated within one year of the December, 1999 need analysis. This statutory requirement, to do half the needed UGB amendments by a date certain, affects the analysis

of land outside the UGB to meet the identified need. The staff reports on the urban reserve areas identified for 1998 legislative UGB amendment consideration conclude that if all these lands were added to the UGB only about 28,700 dwelling units would be accommodated. Therefore, all of these lands, and more are the "best suited" lands outside the UGB to meet the identified need.

3.01.020(b)(3)

Factor 3: Orderly and economic provision of public facilities and services.

- (A) For the purposes of this section, economic provision shall mean the lowest public cost provision of urban services. When comparing alternative sites with regard to factor 3, the best site shall be that site which has the lowest net increase in the total cost for provision of all urban services. In addition, the comparison may show how the proposal minimizes the cost burden to other areas outside the subject area proposed to be brought into the boundary.

The Productivity Analysis assumed the following 2040 design types for URA #55: Inner Neighborhoods (96 percent) and Main Street (4 percent). Based on this assumption, the average density of URA #55 is at least 10 dwelling units per net buildable residential acre.

The cost of providing services to URAs were compared by calculating dwelling unit equivalents. The total estimated cost for wastewater, water, stormwater and transportation is expressed in staff reports as cost per Dwelling Unit Equivalent (DUE). A DUE is an estimate of service demand taking into consideration employment based needs as well. A DUE is the Estimated Dwelling Units (EDUs) per URA plus the estimated employment per URA. The total estimated cost for wastewater, water, stormwater and transportation for URA 55 is \$11,398 per DUE - the 6th lowest cost. The Council finds that this low per unit cost estimate makes URA 55 among the better URAs for efficiency of providing services.

- (B) For the purposes of this section, orderly shall mean the extension of services from existing serviced areas to those areas which are immediately adjacent and which are consistent with the manner of service provision. For the provision of gravity sanitary sewers, this could mean a higher rating for an area within an already served drainage basin. For the provision of transit, this would mean a higher rating for an area which could be served by the extension of an existing route, rather than an area which would require an entirely new route.

Wastewater

The majority of residences in URA 55 are currently served by septic systems. This URA is adjacent to the City of Hillsboro and unincorporated Washington County. According to the City of Hillsboro urban reserve plan, United Sewerage Agency (USA) will provide wastewater treatment. USA's Rock Creek Treatment Plant is immediately northwest of the

URA 55 and can serve the area if new collection facilities are provided. According to the city of Hillsboro, USA has room on their site to expand capacity.

Provision of sanitary sewer to existing residential uses within this area will greatly reduce the potential of any current or future effluent leakage from septic systems and drain fields that would pollute ground water or degrade water quality in Gordon Creek and Witch Hazel Creek. Extension of sanitary sewer within URA 55 may allow economies of scale to be realized if these facilities are constructed at the same time and may reduce the overall public costs. The Council finds that providing wastewater service to this area is feasible and such provision will not compromise the existing service inside the UGB.

Water

The City of Hillsboro has stated that the City and the Joint Water Commission (JWC), which includes Hillsboro, Forest Grove and Beaverton, will provide water service to the URA. A 42-inch high-pressure transmission line exists north of the URA along the TV Highway, which according to the staff report has the capacity to serve this URA. Also, the recent enlargement of Barney Reservoir from 4000-acre feet of storage to 20,000 provided the JWC with a significant increase in water availability. The Council finds that provision of water service to URA 55 is feasible without compromising the existing service inside the UGB.

Stormwater

The staff report states that there is no formal, piped stormwater collection system existing in this area. The Council does not read this provision to require existing stormwater facilities. The staff report shows that URA 55 presents significant opportunities to plan for regional detention and water quality facilities. Such regional facilities can be incorporated into the existing system of swales, stream corridors and previously converted wetlands. These detention facilities will slow and delay water runoff and prevent downstream flooding. Incorporation of water quality features will filter increased pollutant loads from urban runoff and collect sediments before this runoff reaches streams and creeks.

The City of Hillsboro is addressing this issue in their urban reserve plan. Providing stormwater service to this area will not compromise the ability of the city to serve the areas within the existing UGB because most of the treatment and detention will occur in the immediate area. The specific water quality and detention systems for the basin shall be determined in the comprehensive plan and zoning consistent with the conditions in this ordinance. Compliance with these conditions will require basin studies will be necessary to determine pre- and post-development run-off rates and release projections to eliminate downstream flooding and prevent degradation of Witch Hazel Creek, Gordon Creek and the Tualatin River.

Transportation

According to the staff report, the TV Highway is north of URA 55 and provides access for this area to points east and west. The highway is designated as an arterial in the current Hillsboro Transportation System Plan (TSP) and as a regional arterial in the Washington County Plan. The section of the highway in the vicinity of the URA is five lanes with paved shoulders (bike lanes) and has intermittent sidewalks. It is a designated trunk transit route. The staff report explains that the Draft Hillsboro TSP (dated August 25, 1998) Access Management Strategies will need to be employed to ensure sufficient capacity for the TV Highway over the next 20 years. The plan indicates that 20-year demand can be satisfied without providing additional travel lanes on TV Highway, but that the need for seven travel lanes will occur shortly after the 20-year horizon. Washington County's TSP calls for TV Highway to be widened to seven lanes within the 20-year horizon. The Council finds that the future improvements identified in the urban reserve plan are consistent with the revised Level of Service Standard (LOS) in the Kittelson Report of that plan and required by the conditions of this ordinance.

The record contains alternative estimates of needed transportation facilities and costs from a citizen. This testimony does not consider the effects of the policy decision by Hillsboro to accept greater traffic congestion in the South Hillsboro area with the enhancement of other modes of transportation consistent with the Functional Plan. The Metro Council finds that the Kittelson analysis in the urban reserve plan which uses the revised LOS is more detailed and credible than the alternative evidence from citizen Larrance. The revised LOS is required to be included in the city comprehensive plan for the South Hillsboro area with other measures to assure greater availability of other modes of travel to reduce vehicle miles traveled per capita.

Street connectivity is addressed in the Kittelson analysis in the urban reserve plan consistent with the Urban Growth Management Functional Plan. As required in the conditions of this ordinance, 10-16 local street connections per mile will be provided as this area develops. This addresses citizen Larrance's claim that no east-west connectivity is provided by the urban reserve plan for URA 55 alone. This internal street connectivity provides points of access east to 234th without accessing Tualatin Valley Highway.

The Hillsboro South "First Tier Concept Plan"² identifies a number of on and off-site transportation system improvements which are needed to make provision of transportation services feasible. Metro Transportation Planning staff have reviewed the "Hillsboro South Urban Reserve Concept Plan" Transportation Report provided by Kittelson & Associates and has generally found the conceptual plan to meet the spirit and intent of the Regional Transportation Plan. However, Metro staff agreed that certain steps should be pursued to ensure a sound transportation system. Therefore, the Council finds that provision of transportation service is feasible upon the following conditions:

² South Urban Reserve Concept Plan at 129.

- Hillsboro shall identify off-site transportation improvements with rough cost estimates in its Public Facilities Plan to assist in implementing its funding strategy.
- Local streets shall be planned and provided at street connectivity of 10-16 connections per mile.
- Hillsboro shall provide or require construction in its approval of development of all on-site road improvements identified in the First Tier Concept Plan.
- Hillsboro shall amend its transportation plan to provide for the identified off-site road improvements. As part of amending its transportation plan, Hillsboro shall state that it adopts the alternative level of service standard consistent with Title 6 of the Urban Growth Management Functional Plan consistent with the conditions of this ordinance.
- Hillsboro shall amend its comprehensive plan to require a corridor study of the Tualatin Valley Highway prior to development approvals to “provide a strategy to maintain the through traffic capacity of TV Highway, while providing acceptable access to and across the highway” from Beaverton to Hillsboro.³ The results of the study shall be implemented concurrent with urban development using the development proposal outlined in the First Tier Concept Plan.
- Hillsboro shall amend its comprehensive plan to reflect the changes in the functional classification of Tualatin Valley Highway consistent with the Regional Motor Vehicles System Plan Map (1997) consistent with the conditions of this ordinance.

As coordination with Hillsboro on the Tualatin Valley Highway study, Metro will address a corridor study for TV Highway in its Regional Transportation System Plan.

The staff report states that Tri-Met Forest Grove Route 57 provides seven-day service from Forest Grove to downtown Portland and carries approximately 8,500 daily riders. Tri-Met’s Draft Transit Choices for Livability (May 1998) includes neighborhood oriented bus service around Brookwood Avenue, Cornelius Pass Road, 216th and 219th Avenues, and the two Hillsboro high schools, as well as connections to Westside Max stations. These services are planned for the next one to five-year time frame. However, additional transit service may be needed as URA 55 develops. Therefore, the Council finds that orderly provision of transit services will be feasible with the condition in this ordinance that Hillsboro coordinate with Tri-Met to develop a transit implementation plan to be phased in as development occurs.

³ Hillsboro South Urban Reserve Concept Plan - Transportation Report at 2-3.

Fire, Police and Schools

The staff report indicates that the City of Hillsboro will provide fire and police services once the area is annexed to the City. Additional police and fire services are part of Hillsboro's conceptual plan. The plan also calls for a civic center, library, one middle or high school and three elementary schools. The conceptual school plan for URA 55 includes a middle school location and 2 - 3 elementary school locations. The Hillsboro School District will absorb the new students generated by this area. Hillsboro's conceptual plan technical appendix "Technical Concept Impact Report - Schools" states that the district has some capacity to accommodate new students now. Once the area urbanizes, additional capacity will be needed. The potential school sites are identified, and the Council finds that it is feasible that development of needed schools can take place concurrently as the area develops according to the concept plan.

Factor 4: Maximum efficiency of land uses within and on the fringe of the existing urban area.

- (A) The subject area can be developed with features of an efficient urban growth form including residential and employment densities capable of supporting transit service; residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and the ability to provide for a mix of land uses to meet the needs of residents and employees. If it can be shown that the above factors of compact form can be accommodated more readily in one area than others, the area shall be more favorably considered.

Urban form issues have been partially determined for URA 55 by the acknowledged 2040 Growth Concept. Exhibit A of this ordinance includes 2040 Growth Concept designations for this area to include it in the acknowledged urban form for the region.

According to the staff report, URA 55 is capable of being developed with features that comply with the 2040 Growth Concept. The main street area will accommodate mixed-use development with medium and high density residential housing. The Council finds that these development patterns are capable of encouraging pedestrian, bicycle and transit use. In addition, the First Tier Concept Plan calls for sidewalks and bicycle facilities which will improve opportunities for pedestrian and bicycle transit.

URA 55 consists of approximately 402 acres. The staff report estimates that approximately 1,493 dwelling units and 457 jobs can be accommodated within this area. The urban reserve plan estimates a slightly higher 210 buildable acres and nearly 2,000 dwelling unit capacity. Development at these densities will result in an average density of approximately 10 dwelling units per net buildable acre which is consistent with the 2040 Growth Concept. The Council finds that this density is sufficient to develop transit service as it is comparable with the actual density of much of the area within the current UGB that is served by transit.

Compliance with Factor 4 of Goal 14, which this section of the Metro Code is acknowledged by LCDC to implement, also requires consideration of measures for satisfying the Factor 1 and 2 need inside the existing UGB. Metro has gone well beyond considering some measures to improve existing capacity inside the UGB. Metro's Urban Growth Management Functional Plan, Title 1 requires all of the 24 cities and three counties in Metro's jurisdiction to amend their comprehensive plans and implementing ordinances by February 1999, to require that new development result "in the building of 80 percent or more of the maximum number of dwelling units per net developable acre permitted by the [existing] zoning designation for the site." This requirement will significantly increase the housing unit capacity inside the existing UGB. Therefore, Metro has considered and implemented regionwide measures which comply with the Goal 14, Factor 4 requirement to avoid premature conversion of land outside the UGB to urban use.

- (B) The proposed UGB amendment will facilitate achieving an efficient urban growth form on adjacent urban land, consistent with local comprehensive plan policies and regional functional plans, by assisting with achieving residential and employment densities capable of supporting transit service; supporting the evolution of residential and employment development patterns capable of encouraging pedestrian, bicycle, and transit use; and improving the likelihood of realizing a mix of land uses to meet the needs of residents and employees.

Urban development of URA 55 will facilitate efficient urban growth inside the UGB in several ways. Street connectivity will be improved by providing east/west street connections which do not rely on Tualatin Valley Highway consistent with the conditions of this ordinance. Enhanced street connectivity will provide better access for fire and police and protection. As the area urbanizes, the local street network will be improved to urban standards with curbs and gutters, sidewalks, handicapped ramps and bike lanes. The Council finds that these improvements will integrate with the existing residential areas near SE Witch Hazel Road. The Council also finds that improvements to the wastewater system which will occur with development of URA 55 will generally improve efficient provision of service on adjacent urban land.

Factor 5: Environmental, energy, economic and social consequences.

- (A) If the subject property contains any resources or hazards subject to special protection identified in the local comprehensive plan and implemented by appropriate land use regulations, findings shall address how urbanization is likely to occur in a manner consistent with these regulations.

Gordon Creek and Witch Hazel Creek pass through URA 55. These streams will be subject to protection under Title 3 of the Functional Plan. All development, excavation and fill in the floodplain would be subject to Title 3 consistent with the conditions of this ordinance. The Council finds that Title 3 performance standards will adequately protect these two stream corridors as URA 55 develops.

- (B) Complementary and adverse economic impacts shall be identified through review of a regional economic opportunity analysis, if one has been completed. If there is no regional economic opportunity analysis, one may be completed for the subject land.

A regional economic opportunity analysis has not been completed as of the date of this report for URA 55.

- (C) The long-term environmental, energy, economic, and social consequences (ESEE) resulting from the use at the proposed site. Adverse impacts shall not be significantly more adverse than would typically result from the needed lands being located in other areas requiring an amendment of the UGB.

Environmental

Two stream systems are located on URA 55: Gordon Creek and Witch Hazel Creek. The Tualatin River is the western-most boundary of URA 55. Gordon Creek is the eastern boundary of the site. There is little or no remaining vegetation adjacent to Gordon Creek due to intensive agricultural practices. The stream flows in a southwesterly direction through the southeastern corner of URA 55 where riparian wetlands and adjacent uplands are forested and relatively undisturbed.

Witch Hazel Creek is a tributary of Rock Creek. Portions of the creek have been piped and culverted. According to the staff report a short segment of this stream flows through URA 55 and is relatively undisturbed. The channel occupies a narrow riparian corridor that widens considerably to the south near River Road. Witch Hazel Creek occupies a narrow floodplain with dense riparian vegetation. The staff report identifies this area as having important habitat functions.

The Council heard testimony asserting that an Indian burial ground and other historic sites are generally located in the area of URA 55. However, this testimony was not supported by substantive evidence of such sites. The staff report indicates that the State Historic Preservation Office reviewed URA 55 and found that no archeological or historic resources are located in URA 55.

The Council finds that the typical environmental impacts of urban development near riparian areas can lead to stream degradation if measures are not in place to address those impacts. Title 3 of the Functional Plan requirements in conditions of this ordinance provide protection for riparian areas to improve water quality and manage Floodplain. Title 3 will apply to development in URA 55. Due to these protections, the Council finds that the impact of urbanizing URA 55 will not be significantly more adverse than developing other urban reserves.

Social

As the staff report demonstrates, there are positive and negative consequences to urbanizing any area. Through required urban reserve planning, URA 55 can be developed in an efficient manner with the amenities of an urban area. This would provide an opportunity for mix-use development with a wide array of services for local residents. The closer proximity of housing to services and jobs will result in fewer vehicle miles traveled by local residents, and will provide opportunities for other modes of transportation such as transit, bicycling and walking. These benefits are gained at the cost of losing a small portion of the rural lands outside the current UGB. Farming activities may feel the impacts of increased urbanization in the form of increased traffic or pressure to develop their lands or curtail farming activities. These social costs must be weighed against the costs of not providing enough land to accommodate needed housing and jobs.

However, the Council finds that the social cost of not expanding the UGB in areas close to existing developed areas is great. Bringing limited amounts of land into the UGB and requiring development consistent with the 2040 Growth concept is anticipated to decrease the pressure on nearby farm land and rural residential land to accommodate more low density development. URA 55 can accommodate 2040 Growth Concept densities which the Council finds will limit impacts such as the loss of agricultural production, increased costs of services, increased vehicle miles traveled and pollution that result from pushing growth outside of the areas that are contiguous to the current UGB. The Council finds that the social impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

Economic

The majority of the land in first-tier URA 55 is designated for rural residential use. According to the staff report, approximately 16 percent of URA 55 is zoned EFU (72 acres) and is being cultivated with field crops such as grasses and grains, or used for pastures. A review of aerial photos shows that agricultural activity is also occurring on exception lands. As a result of urbanization, a loss of farm income due to the conversion of agricultural lands to housing and commercial uses will occur. Other URAs are anticipated to have similar losses of farm income as lands are urbanized. A shift in economic income will occur as construction occurs in this area.

Overall, the adverse economic consequences of a slight loss in farm-related income near URA 55 will be offset by increases in commercial and retail development by bringing these lands into the UGB with a new main street area. The relatively small number of existing farm uses and the lack of productive farm soils make the loss in this area minimal compared to other lands outside the UGB. Therefore, the Council finds that the economic impacts associated with urbanizing URA 55 are not typically more adverse than are likely to occur for other urban reserves.

Energy

URA #55 is proximate to the City of Hillsboro boundary, which makes logical extension of roads to serve this area practical. Reduction in the number of miles to serve a developing area decreases fossil fuel consumption and decreases the negative consequences of pollution from using automobiles. In addition, the 2040 Growth Concept and the average of 10 dwelling unit per net acre makes for compact urban form that in itself is more energy efficient. Overall reductions in vehicle miles traveled and out-of-direction travel can be expected from locating the UGB expansion in this area as opposed to allowing development outside of the boundary. Planned development will increase the density of the area making existing and proposed street system more efficient.

URA 55, with the new main street area and Functional Plan upzoned residential densities maximize energy efficient land uses. VMT is reduced compared to other lands outside the UGB without this planning. The Council finds that the impacts of urbanizing this area are not typically more adverse than amending the UGB in other urban reserve areas.

Factor 6: Retention of agricultural land.

(B) After urban reserves are designated and adopted, consideration of Factor 6 shall be considered satisfied if the proposed amendment is wholly within an area designated as an urban reserve.

The staff report correctly states that the Metro Council adopted urban reserves on March 6, 1997 by Ordinance No. 96-655E. URA 55 was adopted as part of that ordinance. As noted in the Metro Code, the above hierarchy is only to be used prior to adoption of urban reserves.

Alternatively, the staff report also correctly notes that the designated urban reserves are not yet acknowledged by LCDC and are currently under appeal. However, URA 55 is composed primarily of exception lands. Therefore, there is almost no agricultural land to retain. The Council finds that amending the UGB in this area retains farmland in accordance with Factor 6 by adding the only large area of exception land in the Hillsboro regional center area, even if the area was not already designated urban reserve.

3.01.020(b)(7)

Factor 7: Compatibility of proposed urban development with nearby agricultural activities.

(i) A description of the number, location and types of agricultural activities occurring within one mile of the subject site.

The staff report identifies the number, location and types of agricultural activities occurring within one mile of URA 55. The report states that there are approximately 23

acres of orchards, 139 acres of row crops, 1,161 acres of field crops and about 648 acres of unfarmed EFU land.

(ii) An analysis of the potential impacts, if any, on nearby agricultural activities taking place on lands designated for agricultural use in the applicable adopted county or city comprehensive plan, and mitigation efforts, if any impacts are identified. Impacts to be considered shall include consideration of land and water resources, which may be critical to agricultural activities, consideration of the impact on the farming practices of urbanization of the subject land as well as the impact on the local agricultural economy.

Impacts to land and water resources critical to agricultural activities will be negligible from urbanization of URA 55. Almost all of the identified agricultural activities in the area occur on lands that are south and southwest of URA 55. Although no specific adverse impacts have been identified, this farmland is buffered by the Tualatin River to the west and the Reserve Vineyards Golf Course to the south. Therefore, the Council finds that any impacts from urban uses in URA 55 will be mitigated due to this buffering.

3.01.020(c)

(1) The land need identified for Factors 1 and 2 of 3.01.020(b), above, included the estimated effect of the regionwide upzoning of residential densities required by the Urban Growth Management Functional Plan. The requirements of Title 1 of that Plan include use of an 80% minimum residential densities and target upzoning for all 24 cities and 3 counties in Metro. Those regionwide policies require the accommodation of all the additional housing inside the UGB that is reasonable. The Council finds that the measures required by the Functional Plan goes beyond the Metro Code requirement to "consider" whether the identified land need cannot reasonably be accommodated within the current UGB.

(2) The 2040 Growth Concept densities anticipated for URA 55 are similar to the urban areas to the north of the site inside the UGB. Residential uses in URA 55 will also be compatible with the existing residential area to the west near Witch Hazel Road. Public facilities and transportation will be integrated with existing systems and are likely to improve existing services as explained in the findings for Factor 3. Furthermore, as explained in the findings for Factor 7, agricultural activities to the south and west will be adequately buffered from future urban uses. Therefore, the Council finds that the proposed uses for URA 55 will be compatible with other adjacent uses.

(3) The ESEE consequences resulting from urban use at URA 55 are set forth in the Council's findings on Factor 5. Those findings demonstrate that the impacts of urbanizing this URA are not more adverse than would typically result in allowing urban development in other urban reserve areas. Since URA 55 is primarily composed of exception land, the loss of agricultural land is minimized. Compared to other urban reserves which are also exception lands, this URA provides the benefits of compact urban form and 2040 housing densities.

3.01.020(d)

To the west, URA 55 is bordered by the Tualatin river, Witch Hazel Creek and River Road. These are natural and built features which are consistent with this code section. To the south and southwest, URA 55 is buffered by the Reserve Vineyards Golf Course. To the east, URA 55 is bordered by 229th Avenue which provides a clear built transition between URA 55 and other urban reserves to the east. The UGB is located directly north of URA 55. The Council finds that these natural and built features provide a clear transition between URA 55 and surrounding rural and agricultural lands.

3.01.020(e)

Although the staff report provides a general discussion of other Statewide Planning Goals, the Council finds that the only applicable Goals are 2 and 14. These goals are addressed by the analysis for Metro Code section 3.01.020 discussed above. No other applicable goals were raised in testimony before the Council or identified in the record.

Alternatively, the Metro Council adopts the discussion of other goals in the November 24, 1998 Staff Report at pp. 37-39.

3.01.020(f)

URA 55 is consistent with the 2040 Growth Concept because the above findings show that development in the area will be consistent with Region 2040 policies and the primary design type of inner neighborhoods is feasible.

3.01.012(e)

The Metro Code Section 3.01.015(e) requires that the Council consider the urban reserve conceptual planning requirements set forth in 3.01.012(e). If insufficient land is available that satisfies the conceptual plan requirements, the Council may consider first tier lands where the city or county has committed to completing and adopting an urban reserve plan.

The City of Hillsboro has submitted a draft concept plan known as the Hillsboro South Urban Reserve Concept Plan for URAs 51 through 55. The plan also includes a First Tier Concept Plan, which is a stand-alone plan for the first tier portion of URA 55. These findings address only the First Tier Concept Plan.

Alternatively, if the urban reserve concept plan is not complete, the Metro Council accepts the Hillsboro transmittals in the record as a commitment to complete the concept plan in 1999. This commitment satisfies Metro Code 3.01.015(e).

3.01.012(e)(1)(A - C)

The City of Hillsboro and Washington County entered into a Memorandum of Understanding, dated January 29, 1998 to determine planning responsibilities for the purpose of preparing urban reserve conceptual plans for URAs 51 - 55. The Memorandum gives planning responsibility for URAs 51 - 55 to the City of Hillsboro. To address subsection (A), Hillsboro agrees to adopt comprehensive plan amendments implementing the conceptual plan upon Metro approval.⁴ To address subsection (B), Hillsboro agrees to initiate action to annex URA 55 to the city only after Metro amends the UGB.⁵ In response to subsection (C), the city and county agree that rural zoning will apply to URA 55 until it is annexed to the city.⁶ The Council finds the Memorandum of Understanding sufficient to satisfy Metro Code section 3.01.012(e)(1).

3.01.012(e)(4)

The First Tier Concept Plan Map⁷ shows a mix of low-medium density, medium-high density and mixed used-high density housing types in URA 55. The staff report states that the First Tier Concept Plan will provide 10 units per net developable acre because of the concentration of housing density near the main street portion of URA 55. This URA is also subject to the 2040 design type of inner neighborhood. The Council finds that the proposed allocation of housing densities will provide an average of 10 units per net developable acre and conform to the 2040 design type for inner neighborhood.

3.01.012(e)(5)

The First Tier Concept Plan provides a residential housing program which estimates the diversity of the housing stock anticipated for URA 55. The program demonstrates that there will be at least eight different housing types ranging from large single family to apartments and senior housing. The staff report estimates that approximately 55 percent of the housing units will be owner occupied, and about 45 percent will be renter occupied. The Council finds that the residential program provides for a diversity of housing stock sufficient to satisfy this code criterion.

3.01.012(e)(6)

The First Tier Concept Plan explained that the need for affordable housing in URA 55 can be satisfied without public subsidy by providing row housing or plex ownership opportunities. Staff initially found that not enough information was provided to determine whether this section was satisfied. An additional report has been submitted from the City

⁴ Memorandum of Understanding - Section III. A.

⁵ Memorandum of Understanding - Section V. A.

⁶ Memorandum of Understanding - Section III. E.

⁷ Figure W of first tier Concept Plan.

of Hillsboro which addresses affordable housing.⁸ This information identifies the need for housing units at or below 80 percent of median income. Affordable rental rates for the Hillsboro area are estimated to be approximately \$851 at 80 percent of median income and \$532 at 50 percent of median income. At these estimated rents, the associated rental unit value of two bedroom and studio multifamily or attached housing at approximately \$73,265 and \$45,791 respectively. With general housing densities of 10 units per net developable acres and up, and considering the mix of housing discussed in the "Housing Program" above, the report shows that at current per acre land costs, affordable housing is possible at normal levels of profitability for development. The report demonstrates, and the Council finds that the First Tier Concept Plan for a mix of residential housing will provide opportunities for affordable housing without public subsidy.

3.01.012(e)(7)

The First Tier Concept Plan calls for about 15 acres designated for employment in the mixed-use Main Street and Neighborhood Center identified on the concept plan map. The site is planned to accommodate an estimated 225 jobs with commercial, retail and a grocery store and miscellaneous personal and health care services in the Main Street area. There is a difference between the number of jobs estimated by the Productivity Analysis and the Concept Plan. However, this difference appears to be primarily due to the estimate of home-based jobs in the Productivity Analysis, which is not included in the Concept Plan estimate. In addition, the First Tier Final Concept Plan Map⁹ shows the main street area to be in close proximity to the existing residential development near SE Witch Hazel Avenue. It is reasonable to assume that service and employment opportunities created in the main street - neighborhood center will also serve the needs of those residents inside the current UGB. The Council finds that the commercial and employment opportunities provided by the planned main street area satisfy this section of the code.

3.01.012(e)(8)

Metro's Transportation Department has reviewed the First Tier Conceptual Plan - Transportation Plan for consistency with the RTP.¹⁰ The conceptual transportation plan substantially meets the RTP criteria with the improvements identified in the Hillsboro South Urban Reserve Plan Transportation Report, Kittelson & Associates, Inc. These improvements are needed for adequate transportation service for the area. The findings and conclusions under Factor 3 are adopted here by this reference. To ensure that the improvements identified by the First Tier Concept Plan and Metro's Transportation Department are made part of Hillsboro's comprehensive plan, the Council has attached conditions which must be satisfied prior to conversion of urbanizable land in URA 55 to urban uses.

⁸ Memo - Ed Starkie to Sonny Conder, November 30, 1998.

⁹ This map is identified as Figure W in the First Tier.

¹⁰ The Transportation Department's review is found in a memo dated November 22, 1998.

3.01.012(e)(9)

The First Tier Concept Plan relies on a Natural Resources and Stormwater Management: Background, Integrated Plan and Impact Assessment Report (August 1998)¹¹, to identify and map areas to set aside for protection of fish and wildlife habitat, water quality enhancement and mitigation, and natural hazards mitigation. The plan incorporates many of the recommendations in the report and the maps identify areas for protection from development for riparian, wetland and upland habitat protection. The maps also identify wetland mitigation sites, potential stream and riparian restoration, regional stormwater detention sites and stormwater treatment sites. The Council finds the identification and mapping of natural resources is sufficient to satisfy this code section.

The staff report indicates that while identification and mapping are adequate, the First Tier Concept Plan does not contain a funding strategy for protecting those areas identified. The City of Hillsboro has submitted a "Conceptual Financing Strategy" which provides a funding strategy for protecting areas in accordance with this code section.¹² Part of Hillsboro's strategy for natural area protection is to incorporate protection into existing park and regional water quality detention facilities planning. Incorporated into those plans, the city has identified existing funding, approximately \$9.7 million, which can be provided through current parks system development charges. According to the city, this amount of funding is sufficient to extend the existing level of park land to residents that currently existing in Hillsboro. The city also identifies developer exactions and dedications as part of its strategy for funding protection of identified natural resources. The Council finds that Hillsboro's Conceptual Financing Strategy for natural areas identifies funding sources sufficient to make the city's funding strategy feasible.

3.01.012(e)(10)

The First Tier Concept Plan provides a conceptual public facilities and services plan which includes costs for the major utility needs of the proposed concept plan covering URA 55. The staff report indicates that the public facilities concept plan is adequate to satisfy this criteria.

USA will provide wastewater treatment for the area. The Rock Creek treatment plant is immediately west of URA 55. The concept plan includes a small gravity line paralleling Gordon Creek and a large gravity line northwest of the site that will provide additional wastewater collection for URA 55. Pump stations and force mains will cross Gordon Creek. The plan indicates that facilities will be located in public right-of-way and existing and proposed roads when feasible. The staff report provides a rough cost estimate of \$11,725,806 for wastewater facilities.

¹¹ W & H Pacific report dated August 14, 1998.

¹² Memo - Wink Brooks to Carol Krigger, November 25, 1998.

The City of Hillsboro and the Joint Water Commission (JWC) will provide water service to the area. A 42-inch water transmission line runs north of the urban reserve and can be tapped to provide service to the area. The City has indicated that the water source, Barney Reservoir, is more than adequate to provide the water needs to the proposed community on first tier lands. The staff report provides a rough cost estimate of \$4,330,273 for water facilities.

Stormwater detention and water quality facilities will be distributed along tributaries of Witch Hazel Creek and Gordon Creek. The staff report provides a rough cost estimate of \$2,394,000 for stormwater facilities.

The transportation needs of URA 55 have been addressed through a system of streets including community boulevards, community streets, collectors and local streets. The Council discussed the First Tier Conceptual Plan - Transportation Plan under Factor 3 of these findings and 3.01.012(e)(8) above. Those findings are adopted here by this reference. The staff report provides a rough cost estimate of \$6,237,425 for transportation facilities for URA 55.

Police and first protection for URA 55 will be provided by three agencies: the City of Hillsboro, Tualatin Valley Fire and Rescue and the Washington County Rural Fire Protection District #2. An emergency services complex for police and fire service, located at Century Boulevard and Davis Road, is identified in the plan to serve the entire planning area. The Plan states, however, that off-site emergency services may have capacity for approximately 2,000 residential units anticipated for development in URA 55. The city has provided an estimated cost of a combined police and fire services facility of \$4.3 million. That cost is related to facility that would serve the entire South Hillsboro Urban Reserve Plan area.

The First Tier Concept Plan identifies 90 acres land for active recreation use in URA 55. Specific components of the plan include a community park located west of River Road; a neighborhood park adjacent to the proposed elementary school near the main street center; a linear park near the regional detention facility; natural and stormwater areas along wetlands; riparian areas and stream corridors throughout the site; and bike and pedestrian pathways located along stream corridors and through linear parks. Rough cost estimates to acquire all land designated for parks in the South Hillsboro Urban Reserve Plan area are between \$15,750,000 and 21,000,000.

The Council finds that Hillsboro's conceptual public facilities plan adequately addresses sewer, water, storm drainage, transportation, fire and police protection facilities and parks. The plan and staff report also provide rough cost estimates for providing these services. At the time the staff report was completed, however, the city had not provided sufficient information to address a financing strategy for these estimated costs. Hillsboro has provided supplemental information which provides a conceptual financing strategy for public facilities.

For wastewater, stormwater and water, the city has estimated that the total system development charges attributable to the South Hillsboro Urban Reserve Plan area are approximately \$36,384,000. Applying this estimate against estimated costs results in a \$10.2 shortfall.¹³ Hillsboro's information indicates that additional funding for these services can be provided by the developers of these sites. The Council finds that the majority of the funding for wastewater, stormwater and water have been identified by the city and that financing for provided by developers is feasible as the area develops.

Similarly, the city has identified projected transportation impact fees of \$15.1 million from residential development and \$1.8 million from commercial development that are chargeable against on-site improvements. The rough cost estimate in the Kittelson Report estimates that the total transportation improvement costs for South Hillsboro on-site improvements is approximately \$33 million. The urban reserve plan indicates that the city anticipates that the developers of URA 55 can be required to pay for internal improvement which will address some of the shortfall. Based on this strategy and these estimates, the Council finds that the city's transportation financing strategy is feasible.

The rough cost estimate in the Kittelson Report estimates that total off-site transportation improvement costs of about \$22 million. The funding strategy is to combine funds from six potential sources of funding: transportation impact fees, additional systems, development charges, regional funding, developer exactions, gas tax for state-owned improvements, and/or Washington County MSTIP funding.¹⁴ The Metro Council finds these estimates and strategies to be based on detailed analysis, including the revised Level of Service and connectivity required next for streets. These estimates are more credible than the higher estimates for transportation facilities by citizen Larrance.

Hillsboro's parks financing strategy is discussed under 3.01.012(e)(9), and the Council finds that the city's funding strategy for parks and natural areas is feasible. Hillsboro has also provided information that it anticipates financing for police and fire facilities to be financed through internal funds and general obligation bonds. The city also explains that some existing facilities may be sold which will generate additional funds for fire and police facilities. The Council finds that this funding strategy is feasible for providing funding for these services.

While the Council concludes that the financing strategy component of 3.01.012(e)(10) is feasible for the services discussed above, to ensure that adequate funding is available to provide these services at the time urban development occurs, the Council has conditioned approval upon the city adopting a financing plan for funding these public facilities improvements prior to conversion of urbanizable land in URA 55 to urban uses which demonstrates that identified funding sources are adequate to provide such facilities as URA 55 develops.

¹³ See Table 9 of Hillsboro South Urban Reserve Concept Plan.

¹⁴ Memo - Wink Brooks to Dan Cooper, December 7, 1998.

3.01.012(e)(11)

The First Tier Concept Plan identifies a potential need for at least one elementary school within URA 55. The proposed location of the elementary school site, about 10 acres, is shown on the First Tier Final Concept Plan Map near the Gordon Creek Main Street/Neighborhood Center. According to the schools analysis performed, the need for a middle school in URA 55 area may not be necessary until the urban reserves to the east are added to the UGB. The Council finds that the conceptual school plan has demonstrated coordination with the affected school district and concludes that this criterion has been met.

3.01.012(e)(12)

First Tier Final Concept Plan Map attached as Appendix C to these findings shows all of the above elements required by this criterion. The Council finds that this section of the code is satisfied.

3.01.012(e)(13)

The Memorandum of Understanding between the City of Hillsboro and Washington County demonstrates coordination between those two local governments. The First Tier Concept Plan also demonstrates sufficient coordination with other public bodies including Metro, USA, Tualatin Hills Parks and Recreation District and Tualatin Fire and Rescue. The Council finds that this section of the code is satisfied.



METRO

Appendix A

Date: October 26, 1998

To: Mark Turpel, Senior Program Manager
Growth Management Services Department

From: Glen Bolen, Associate Regional Planner *GB*
Growth Management Services Department

Re: *Exception Lands Not Considered as Alternative Sites for Urban Growth Boundary Expansion*

In December 1997, Metro Council concluded, through adoption of the Urban Growth Report, the Urban Growth Boundary (UGB) did not contain sufficient land to accommodate the forecasted 20 years of residential development. The Metro Council adopted the report describing the deficiency as follows: the UGB must be expanded in order to accommodate just over 32,000 households and 2900 jobs.

According to State law, Metro has until December 31, 1998, to bring enough land into the boundary to accommodate one-half of the total need, just over 16,000 households and 1,450 jobs. State law requires that Metro establish urban reserves to designate the areas it will expand its UGB into over the next 30 years. Metro established 18,579 acres as urban reserves on March 6, 1997. In accordance with State law and Metro Code, the UGB can only be expanded into these adopted urban reserves.

State land-use laws specify a hierarchical approach to making a UGB expansion decision. The State requires Metro to first look at exception lands near the boundary. Exception lands are those that have been excepted from Statewide Planning Goals 3 and 4, protecting farm and forest lands. If exception lands cannot meet the entire need, then Metro may consider resource lands. Metro included both exception land and land designated for farm or forest use in designating its initial Urban Reserve Study Areas (URSAS). The adopted urban reserves, selected from the URSAS also contain both exception land and resource land.

To decide which lands in proximity to the current UGB can best accommodate the immediate forecasted need, Metro contracted with Pacific Rim Resources to perform a productivity analysis of the adopted urban reserves. The consultants completed their task in two phases. The first step was to analyze all of the urban reserves with a cursory look at household and job capacity. The first step allowed the consultants to narrow their focus to approximately 12,000 acres for a more detailed second phase of analysis. Some exception lands were dropped from consideration in the first phase because they were shown to be less productive or more costly to serve.

Some may question why not all the Exception Lands around the region have been considered. The intent of this memo is to describe why those lands were not considered in the UGB expansion.

The majority of the spatial information relied upon for this memo was derived from the data contained in Metro's RLISLITE CD-ROMS dated August 1998. Digital Ortho-photography comes from Metro's RLIS Photo CD-ROMS dated September 1997. Copies of the CD-ROMS utilized are attached. The remainder of the geographic information relied upon was taken from the acknowledged Region 2040 Growth Concept Map.

The staff analysis of exception lands not included in the urban reserves is categorized for ease of reading. The first two groupings include exception land some distance from or not contiguous to the current UGB. Categories 3 through 41 are set up geographically as a 'walk' around the UGB with an analysis on specific small groupings of exception lands that share a common issue.

Category
Number Description

1. **Distance.** None of the lands included in category one are near enough to the present UGB to enable efficient urban expansion. All of these exception areas are at least one full mile from the present UGB. Urban development in these areas would have negative impacts on the environment, specifically air quality; resultant from increases in vehicle mile traveled.

In addition, many of the exception areas within this category are located within Metro identified rural reserves, and green corridors as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan, and the Regional Urban Growth Goals and Objectives (RUGGOs) specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations.

Metro is currently working with neighboring communities to develop agreements on shared policy. The intent of the agreement is to protect the rural reserves from urban development and maintain separation between communities.

A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

2. **Noncontiguous Areas.** These exception areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require that the intervening agricultural areas be urbanized. In addition, many of the exception areas within this category are located within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

3. **Columbia Gorge National Scenic Area.** Exception lands in Multnomah County that are affected by Columbia Gorge National Scenic Area were excluded from consideration for urbanization. Urbanization of these areas would conflict with the goals established by the federal government.
4. **Area East of Gresham.** This area has a considerable amount of land that consists of slopes in excess of 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, there is a significant canyon in the area with a stream that contains both wetlands and lands in the FEMA 100-year floodplain.
5. **Gresham Sandy Separation.** The RUGGOs Objective 26.1 specifies that communities will benefit from maintaining separation. This separation can be achieved by retaining the rural nature of the lands between the UGB and neighboring cities. The area between Gresham and Sandy serves this function. This area is also contained within a rural reserve as identified by the Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The Region 2040 Growth Concept Map also identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan, Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

6. **Area South of URAs 1, 2 and 3.** This area was shown by the 1996 "Utility Feasibility Analysis for Metro 2040 Urban Reserve Study Areas" report completed by KCM to require "above average cost" for servicing. The land in this area is distant from existing urban services. The area contains a considerable amount of hilly land with slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This land is separated from the urban reserve land to the north by a watershed boundary, and drains to the south, away from the gravity systems of Portland and Gresham. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

The Regional Framework Plan Objective 1.11 (Neighbor Cities) specifies that communities will benefit from maintaining separation. Not including these lands helps achieve this separation by retaining the rural nature of the area between Gresham and Sandy.

US Highway 26 is a designated Access Oregon Highway. The Region 2040 Growth Concept Map identifies Highway 26 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

7. **Area East of URAs 6, 7 and 8.** Much of the land in this area is shown to have slopes of equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is far from existing urban services.

A considerable portion of this area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities. The scenic value of the buttes in this area is important to retain while balancing the land need for housing with quality of life needs for the general population.

A portion of this area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge adding significantly to the cost of urbanization.

8. **Area East and South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the land in this area is distant from existing urban services.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

9. **Area South of URA 9.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. In addition, the presence of wetlands further excludes this land from being urbanized.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will have to have storm drainage water treatment applied prior to discharge making it expensive to develop.

10. **Area North of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

11. **Area West of URA 15.** Much of the land in this area is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The scenic value of the buttes in this area is important to retain, while balancing the land need for housing and quality of life needs of the general population.

12. **Carver Vicinity.** This area is almost entirely consumed by unbuildable land. A large proportion of this land is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Most of the land that is not steeply sloped lies within the FEMA 100-year floodplain of the Clackamas River. Metro's adopted Urban Growth Management Functional Plan (Functional Plan) (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area, if urbanized, will be required to have storm drainage water treatment applied prior to discharge, adding significantly to the cost of development.

13. **Area South of Clackamas River.** This area naturally drains into the Clackamas River. The Clackamas River is one of the three "pristine rivers" contained in the DEQ Three Basin Rule (the other two are the McKenzie and the Santiam). This area will have to have storm drainage water treatment applied prior to discharge.

This area contains significant amounts of land that is shown to consist of slopes greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Other lands in this area lie within the FEMA 100-year floodplain of the Clackamas River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

14. **Area East of Oregon City.** This area contains the Newell Creek Canyon, an area with significant amounts of land that is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. According to testimony from the City of Oregon City (see the legal record for the March 6, 1997, Urban Reserve Decision) the topography in this area makes it difficult to efficiently deliver urban services.

There is a substantial amount of land in this area that lies within the FEMA 100-year floodplain. It is also evident that there are several wetlands in this area. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

This area is located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

The addition of this land area would create an island of non-urban land surrounding Highway 213 or would increase the pressures of urbanization on the agricultural lands between this area and the UGB.

15. **Beavercreek Area.** These lands were excluded from consideration largely due to the existing settlement patterns. Lot sizes in this area start as small as one-half acre. Examination of aerial photography shows land is being fully utilized by the existing development. There is only one large parcel (approximately 160 acres) of land in the area. This parcel, however, is under construction as a county-owned golf course. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

16. **Oregon City, Canby Separation.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The acknowledged Region 2040 Growth Concept Map identifies Highway 99 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

17. **Stafford Area.** Much of this exception land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the

Region 2040 Growth Concept and the Urban Growth Report. A large amount of the remaining terrain is found to contain slopes between 18-24 percent.

The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain a separation between communities.

The land directly west of URA 30 abuts a watershed boundary that directs sewer and stormwater away from the nearest service provider, the City of West Linn. This watershed boundary will make the efficient provision of urban services to these exception lands more costly. Using watershed boundaries for delineation of an UGB is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

18. **South of Interstate-205.** The acknowledged Region 2040 Growth Concept Map identifies I-205 as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

This area also contains environmentally sensitive lands. There are significant areas shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There are also lands in this area that lie within the FEMA 100-year floodplain of the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended

to support and protect farm and forestry operations and maintain a separation between communities. I-205 provides a clear boundary consistent with Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

19. **Sherwood, Tualatin, Wilsonville.** These exception areas are located within rural reserves as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

A considerable amount of land in this area is environmentally sensitive. Some of this sensitive land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. There is also a considerable amount of land in this area that lies within the FEMA 100-year floodplain, and in federally protected wetlands. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

In addition, the exception lands near Highway 99 are compromised by the presence of a green corridor as identified by the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

20. **South of Wilsonville.** All of these exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.
21. **South of Sherwood.** These exception areas are located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through

rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

22. **West of Sherwood.** Much of the exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 99 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas. The Oregon Department of Transportation (ODOT) has designated Highway 99 as an Access Oregon Highway. The region depends on this transportation facility as a free-flowing connection to communities in Yamhill County and at the Oregon Coast.

23. **Area West and South of URA 47.** All of the exception land south of URA #47 and a significant amount to the west are located within the FEMA 100-year floodplain for the Tualatin River. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These exception lands are also compromised by the existing settlement patterns. Lot sizes in this area begin at less than one-half acre. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

24. **North of URA 49.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

25. **Cooper Mountain.** These exception lands are compromised for urbanization by the existing settlement patterns. This area is comprised almost entirely of small acreage single family residential dwellings. Residents in this area expressed concerns to the Metro Council about this area's suitability for further urbanization, and that there is an

operating vineyard in the vicinity. There are deed restrictions in place currently that limit the additional capacity of the smaller acreage tax lots in this area. Examination of aerial photography shows these lands are largely being utilized by the existing development. Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

26. **Area Southwest of URA 51.** It would be difficult to provide public services to these exception lands if they were added to the UGB. Water, sewer, and storm drainage will have to be run perpendicular to the UGB for some distance in order to serve very few properties.

This area protrudes from the existing UGB into an area designated for farm or forest use by the Washington County Comprehensive Plan. Urbanization of this area would be in conflict to Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

27. **Area South of URA 55.** These exception lands are almost entirely within the FEMA 100-year floodplain. In addition, the presence of wetlands is also an issue. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

There is one small piece of exception land in this area that is isolated from the land that is constrained environmentally. This isolated parcel appears from aerial photography to be the clubhouse and other structures associated with the vineyard and golf course known as "The Reserve." Substantially developed areas such as this do not provide much additional development potential. Therefore, the increase in urban growth capacity from adding these lands to the UGB would be minimal.

28. **Area West of Hillsboro.** These exception areas are designated rural reserves by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural area.

29. **Area between Cornelius Hillsboro.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the

RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

Highway 8 in this area is designated as a green corridor on the acknowledged Region 2040 Growth Concept Map. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

The western edge of this area is adjacent to the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

30. **Area North of Cornelius.** The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within both wetlands and the 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

31. **Area Southwest of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The UGB in this area borders the FEMA 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides,

floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

A considerable amount of the exception land in this area falls within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

32. **Area North of Forest Grove.** The exception land in this area is located within rural reserves as identified by the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain a separation between communities.

The majority of this land is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

33. **Area North of Evergreen Road.** These exception lands are relatively small and situated within a larger area of agricultural lands. Urbanization of these lands would have negative effects on the agricultural activities in this area. This intrusion into an agricultural area would not be consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

Inclusion of these exception lands within the UGB will create difficulties in regard to the efficient provision of public services. Water, sewer and storm drainage will have to be run perpendicular to the UGB for a distance to serve very few properties.

In addition, to the presence of wetlands, these exception lands contain land within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

34. **Area West of URA 62.** This small area of exception land is almost entirely within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and build featured, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

In addition, the exception areas at the western end of Evergreen Road are within rural reserves as designated on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

35. **Area Northeast of URA 62.** A considerable amount of the exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

These areas are not contiguous to, or connected to, other exception areas that are contiguous to the UGB. To expand the UGB onto non-contiguous exception areas would require the addition and urbanization of the intervening agricultural areas.

36. **Area West of URA 65.** This area of exception land in this area is within the FEMA 100-year floodplain. The Functional Plan (Title 3) requires that land of this nature be protected from the effects of development. In addition, such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

The boundary of the adjacent URA #36 corresponds to the 100-year floodplain. Using the FEMA floodplain as a boundary is consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition). In addition, the Metro Code Section 3.01.020(d) states the proposed location for the UGB shall result in a clear transition between urban and rural lands, using natural and built features, such as roads, drainage divides, floodplains, powerlines, major topographic features, and historic patterns of land use or settlement.

37. **Area North of URA 65.** Agricultural lands and the FEMA 100-year floodplain surround this small area of exception land. Brugger Road was selected as the logical boundary to enhance a compact urban form consistent with the acknowledged Region 2040 Growth Concept and the Regional Framework Plan Objective 1.7.

38. **Area East of URA 65.** The majority of the exception lands in this area is shown to contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report. Agricultural lands also surround this area. In addition, the topography of this area limits the accessibility to sewer trunk lines, making the provision of public services more costly.

39. **Skyline Area.** This small area of exception lands is shown to almost entirely contain slopes equal to or greater than 25 percent. Such lands were deemed unbuildable in the analysis of the Region 2040 Growth Concept and the Urban Growth Report.

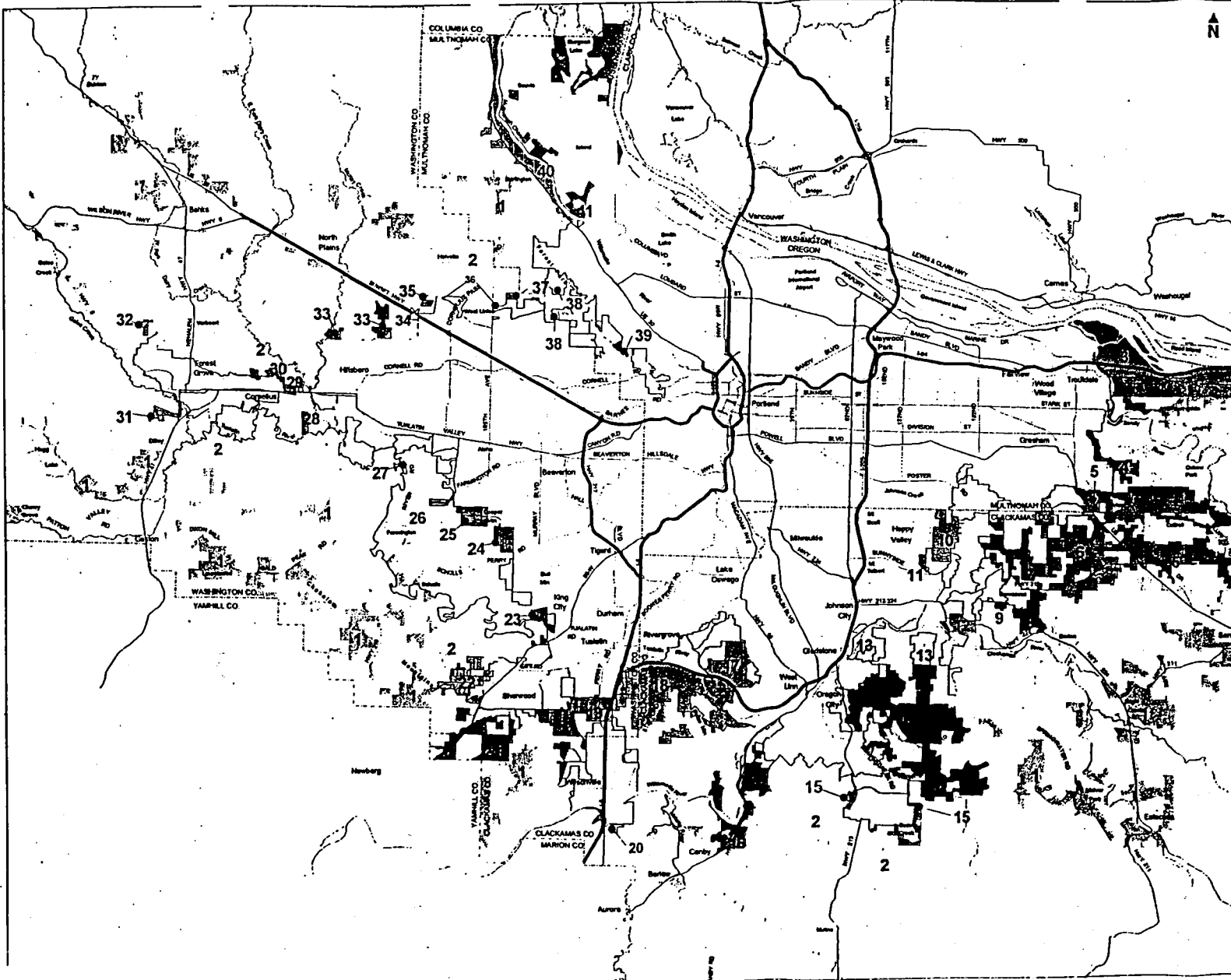
The addition of this area to the UGB would create an island of non-urban land surrounded by the UGB. Creation of such an island is not consistent with the Regional Framework Plan Objective 1.7 (Urban/Rural Transition).

40. **Highway 30:** The Region 2040 Growth Concept Map identifies Highway 30 in this area as a green corridor. A green corridor is defined in the Regional Framework Plan Objective 1.11 (Neighbor Cities) as a transportation facility through rural reserves that serves as a link between the metropolitan area and a neighbor city that also limits access to the farms and forests of the rural reserve. The intent is to keep urban to urban accessibility high to encourage a balance of jobs and housing, but limit any adverse effect on the surrounding rural areas.

In addition, the exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed for urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and to maintain separation between communities.

41. **Sauvie Island.** The exception land in this area is within a rural reserve as shown on the acknowledged Region 2040 Growth Concept Map. The policies contained in the Regional Framework Plan and the RUGGOs specify that rural reserves are lands that will not be developed in urban uses in the foreseeable future. They are intended to support and protect farm and forestry operations and maintain separation between communities.

This area also suffers from poor accessibility for transportation services.



R L I O S F

REGIONAL LAND INFORMATION SYSTEM

Exception Land

Outside Urban Reserves

Number on Map refers to
Exception lands memo
October 26, 1998

Urban Reserves

0 1 2 3 4 5 6 7 Miles

1" = 3.0 miles

METRO

800 NE Grand Ave.
Portland, OR 97232-2736
503 797-1742 FAX 503 797-1909
Email: drc@metro.dcl.or.us

Appendix B – Additional Site Considerations

Urban
Reserve

Reasons for No Further Consideration at This Time

-
- URA #1 No evidence of public service feasibility when Gresham is already shouldering primary responsibility for planning and public facilities for very large, primarily exception land urban reserve (URA #5). A large number of highly productive agricultural uses (nurseries) are located within and around the site. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #3 Site added to the Metro UGB through locational adjustment in Fall 1998.
- URA #11 No evidence of public service feasibility when Clackamas County is already shouldering primary responsibility for URAs #14 and #15 in close proximity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #17 Site is amenable to urban residential, but not employment. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #18 Same as URA #17.
- URA #19 Same as URA #17.

- URA #22 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #23 Same as URA #17.
- URA #24 Same as URA #22.
- URA #25 Same as URA #22.
- URA #29 Site is amenable to urban residential, but not employment because of access and parcel size. Considering job/housing imbalance of the area, addition of residential area would only further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #30 Site is suitable for urban residential, but not employment, because of slopes. Considering local job/housing imbalance, addition of residential only now would further the imbalance. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #35 No evidence of public facility capability at this time when the City of Wilsonville is taking responsibility for planning and public facilities for URAs #41 and #42. The area has a water shortage to the extent that the City has adopted a moratorium. The problem may not be addressed until the year 2000. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #36 This URA is primarily a riparian area with very little buildable land. The Productivity Analysis estimates very high public facility cost per dwelling unit and very low productivity. This area is included as an URA for protection of resources. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #37 Same as URA #35.
- URA #44 Active aggregate resource extraction site and as such is a protected Goal 5 resource. Additional information about the resource is needed before further consideration and is not now in the record. Closure and reclamation are not yet initiated. The City of Tualatin and the property owner have agreed to begin the planning process next year. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #48 While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #49 Same as URA #48.
- URA #61 Same as URA #48.
- URA #64 Same as URA #48.
- URA #67 This area has among the highest public facility costs as estimated by the Productivity Analysis. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

- URA #68 The Productivity Analysis estimated very high public facility costs and very low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #69 The Productivity Analysis estimated very high public facility costs. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.
- URA #70 The Productivity Analysis estimated very high public facility costs, low productivity. While the Productivity Analysis provides some information about the costs of public service provision, there is no local government or private entity that has provided any corroborating information sufficient to further substantiate public service feasibility. Without this verification of information, the Productivity Analysis cost estimates may not be reliable. Further, there is no evidence to support funding feasibility of providing service extensions from adjacent areas within the UGB.

Figure W



CITY OF HILLSBORO

Hillsboro South Urban Reserve Area


























Tier 1 Final Concept Plan

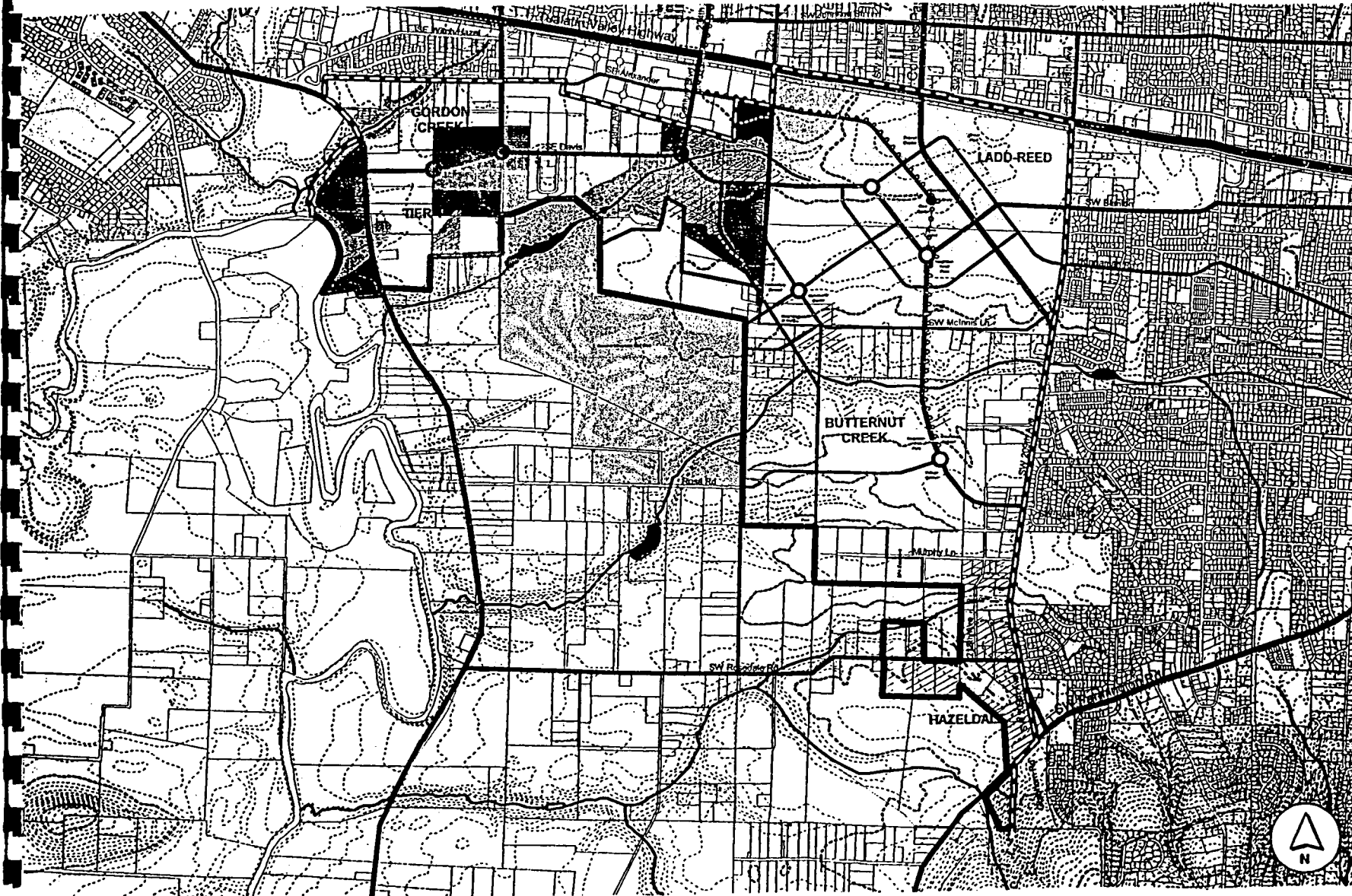
October 29, 1998

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Legend

- Base Map Information**
-  Concept Plan Boundary
 -  Tax Lots
 -  Urban Growth Boundary
 -  Urban Reserve
- Land Uses**
-  Low Density Res. (2-4.3 U units/ac)
 -  Low-Medium Density Res. (5-7 U units/ac)
 -  Medium-High Density Res. (17-22 U units/ac)
 -  Mixed Use & High Density Res. (23-28 U units/ac)
 -  Civic, Public & Schools
 -  General Employment
 -  Golf Course
- Transportation**
-  Minor Collector
 -  Community Street/Boulevard
 -  Expandable to Regional Boulevard
 -  Regional Boulevard
 -  IV Highway
 -  Collector Road (Optional)
 -  Streetcar (Optional)
- Natural Systems**
-  100' Contours
 -  10' Contours
 -  Perennial Stream
 -  Intermittent Stream
 -  Parks & Greenspace
 -  Stormwater
 -  Title 3 & Rec Corridor



0 1000 2000 Feet