

MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 10, 2004
Metro Council Chamber

Councilors Present: Brian Newman (Deputy Council President), Susan McLain, Rod Monroe, Rex Burkholder, Carl Hosticka, Rod Park

Councilors Absent: David Bragdon (excused)

Deputy Council President Newman convened the Regular Council Meeting at 2:02 p.m.

1. INTRODUCTIONS

Deputy Council President Newman introduced Steve Heinrich, Mayor of Cornelius and Amy Scheckla-Cox, City Councilor for Cornelius, Tom Hughes, Mayor of Hillsboro and Chuck Becker, Mayor of Gresham.

Councilor Park introduced Brenda Bernards, Planning Department, who would be leaving Metro. He noted her contributions to Metro. Other Councilors provided thanks to Ms. Bernard for her service at Metro. Ms. Bernards shared that she had enjoyed her time at Metro.

2. CITIZEN COMMUNICATIONS

There were none.

3. CONSENT AGENDA

3.1 Consideration of minutes of the June 3, 2004 Regular Council Meetings.

3.2 **Resolution No. 04-3460**, For the purpose of appointing David Bikman as an at-large member of the Metro Committee for Citizen Involvement (MCCI), accepting the Multnomah County Office of Citizen Involvement nomination of Jeannie (J.C.) Kizak to MCCI, and appointing Kate Schiele from an at-large position to a District 2 position on MCCI.

3.3 **Resolution No. 04-3463**, For the Purpose of Accepting the May 18, 2004 Primary Election Abstract of Votes for Metro.

3.4 **Resolution No. 04-3464**, For the Purpose of Appointing the Following Members and Alternates to the Metro Policy Advisory Committee (MPAC), Ted Wheeler as Multnomah County Citizen Member; Dresden Gregory, Washington County Citizen Alternate; Wilda Parks, Clackamas County Citizen Member; and Ed Gronke, Clackamas County Citizen Alternate.

Motion:

Councilor Park moved to adopt the meeting minutes of the June 3, 2004, Regular Metro Council and Resolution Nos. 04-3460, 04-3463, and 04-3464.

Vote:

Councilors Burkholder, McLain, Monroe, Park, Hosticka and Deputy Council President Newman voted in support of the motion. The vote was 6 aye, the motion passed.

4. ORDINANCES – SECOND READING

4.1 **Ordinance No. 04-1040A**, For the Purpose of Amending the Metro Urban Growth Boundary, The Regional Framework Plan and the Metro Code to Increase the Capacity of the Boundary to Accommodate Growth in Industrial Employment.

4.2 **Ordinance No. 04-1041**, For the Purpose of Amending Metro's Regional Framework Plan to Better Protect the Region's Farm and Forest Land Industries and Land Base; and Declaring an Emergency.

Deputy Council President Newman said in the interest of providing information for the citizens in our viewing audience who might need context to better understand some of the issues discussed on today's agenda, he wanted to take a few moments to provide some background.

In 2002, the Metro Council voted to bring into the urban growth boundary acres. As the official Metropolitan Planning Organization for the 24 cities in the region, the Metro Council administered Oregon land use planning processes. Land use law had two primary objectives: to protect productive farmland and to promote the most efficient use of land for economic development inside the urban growth boundary. Today's agenda was centered on some unfinished business from the 2002 decision. By June 24 he fully expected that the Council would have finally closed the books on the region's requirements to close the books on creating an inventory of land that could be protected for the exclusive use of siting industry.

A couple of months ago Metro's Chief Operating Officer (COO) made his formal recommendation to Council. The recommendation included guidelines on conditional uses of regionally significant industrial lands and it laid out the reasoning, based on years of analyses, behind his recommendation. Even though this final decision in our legally required review of inventoried lands accounts for only about 8%, or about 1,200 acres out of 13,000 that will be converted to new uses as a result of our decision two years ago as well as the decision we will make on the 24th of this month, it was perhaps a more difficult decision to make.

As he said earlier, there were 24 cities within the Metro region boundaries. All of these cities were subject to the same land use laws that the Metro Council used in planning for and controlling the region's growth. These cities and their representatives worked closely with the Council on an ongoing basis to plan for the best and highest uses of land within their city boundaries as well as those unincorporated areas outside city boundaries.

He said he thought he could speak for all the Councilors here today, and for Metro President David Bragdon who could not attend today's meeting, when he said that working through the trade offs associated with the choices for finding industrial lands had been tough. And it had been revealing. The Metro Council didn't just wake up one morning and say, "let's go out and change how land was used in local jurisdictions". He said we ran for office and we were pleased to serve citizens in this capacity because there were some realities that government, especially a regional government, were best suited to achieve on behalf of its citizens.

The fact was that population in our region would increase. How we used land as one tool to accommodate that growth in beneficial ways was central to the economic prosperity of the region. Our responsibility as Metro Councilors was to make the best choices for the best advantage of the region. It was very seductive to lapse into a parochial view of our jobs here as Metro Councilors.

The fact was and every measure available to us confirmed this, the region was the economic unit in our global society. We recruited family wage jobs and sustainable industries because the region was competitive in a long list of factors.

Some things were true whether we believed them or not. It was never our wish to cannibalize the region in any way. Any decision that undermined the welfare of folks in Gresham or Oregon City undermined the way of life for folks as far away as Hillsboro and Sherwood. In that same vein, the economic benefits derived in Lake Oswego accrue North Portland and Carver. Oregon land use law required that governments prepared for the most efficient and effective ways to grow the economy. The same law required that we also ensured that vibrant and sustainable communities were the results of our planning. We also wanted great neighborhoods and capacity to accommodate diverse populations, industries, and life styles.

There was another fact that he thought was relevant to the discussion today and to the weeks in front of us. The fact was that over the years local jurisdictions had carved away at the lands that previous Metro Council's had brought into the UGB, ostensibly, for industrial uses. Many of those acres, which were ideal for keeping our 20-year inventory for the time when business and industry were ready to make investments, have been subjugated to big box retail, strip malls and other uses that offered immediate gratification to local jurisdictions. It was not a condition that we reminded people of very often because it seemed accusatorial. But he thought it was factual to say that if we had done a better job as regional partners to protect those lands from being under valued and under used, we might not be facing the situation we face today.

Last night some members of the Council attended the Metro Policy Advisory Committee (MPAC). Mayors and staffs of cities and counties within the region attended to respond to the ordinance we were considering today. He wanted to go on record with a few of the folks who were in the Chamber this afternoon and with others who may not be here. He said he was speaking on his own behalf but he was sure his Council colleagues would have their own views that they may wish to offer. He was not unsympathetic to the arguments used by those who were seeking changes to the ordinance. He heard the rationale that was presented last night, as he had heard it in many previous advisory committee meetings, at hearings here in the Council chambers and around the region, and at countless small, one-on-one meetings with property owners and elected officials.

He said, for our citizens in Wilsonville – you have made tremendous strides in planning for your community's livability while accommodating the industrial siting that every city needed for jobs and for financing that made a community self-sustaining. In some regard it was true that when the staff looked closely on the ground at all the requirements that industry had for locating in a community, Wilsonville was laudable and easy to recommend for its careful attention to routing trucks, investing in utilities, and otherwise being ready for the opportunities that come when the law said its okay to convert natural resource lands to developable lands.

He closed by saying that as of last night we have asked for a small procedural change in how MPAC presented recommendations to Council. This afternoon and he thought it was a good idea to consider it for all future communications, the MPAC chair or his or her designee would present recommendations to the Council thus we reflected a more authentic representation of the partnership between the Council and MPAC members. He appreciated Mayor Becker's willingness to follow this change in protocol on such short notice.

Chuck Becker, Mayor of Gresham and MPAC Chair, thanked Council for the opportunity to come before the Council. He wanted to preface his comment about the recommendation of MPAC with a statement that when MPAC first heard of the decision of the Metro Council, there were a lot of emails passing back and forth and the members of MPAC handled what could have been a very contentious issue in a very statesmanship manner. He thought it had been a very civil discussion that took place and was very constructive and positive. He felt they had come forward with a very good recommendation to the Metro Council. He spoke to the MPAC process, which included several amendments. He read the motion to the Council, "to recommend to Metro Council to consider their action as amended to recommended to Metro Council to reconsider their action to remove the north portion of Frog Pond in Wilsonville and to add to the Chief Operating Officer's recommendation, the Cornelius portion of 91 acres, to remove the north half of the Tualatin portion and recommend that the Council consider among other areas under consideration parts of the Evergreen area to meet the balance of the need. The motion passed with 11 ayes and 4 nays. They were pleased that they were able to make this recommendation to the Metro Council. They thought it was a recommendation that the entire will benefit. It was good for all sub-regions of the region.

Deputy Council President Newman opened a public hearing on Ordinance No. 04-1040A

Patricia Miller, FARM Horticultural Park Place, 8900 NW Dick Rd Portland OR 97223, provided written testimony and maps for the record and summarized her testimony for the record (a copy of which is found in the record). She said she had served on Metro Committee for Citizen Involvement (MCCI). She felt this property was a win-win property for industrial use. She urged that this property be included in the Urban Growth Boundary. She noted a letter of support from a neighbor.

Councilor McLain asked for clarification on where her property was, was she north of Helvetia? Ms. Miller said it was known as Helvetia study area. She noted the proposed expansion area and where her property was.

Philip Edmunds, 6235 SW Kahle Rd, Wilsonville, OR 97070 provided a letter from his father, Fred Edmunds, and summarized both his own and his remarks for the record (a copy of which is found in the record). He said he ran a rose nursery in the Wilsonville East area. He said, every farmer along the I-5 corridor had sold his or her property for industrial use. He spoke to the history of his land. Several years ago they started having problems with their well. He spoke to the water table dropping. He then moved his production to California. In making the decision to move their operation to California, they decided to continue living on their property in Wilsonville. He believed that Council had made the right decision to include this land as industrial use.

Sparkle Fuller Anderson, 27480 SW Stafford Rd Wilsonville, OR 97070 thanked the Council for their work thus far. She believed the Frog Pond area was a good choice for industrial use. She felt the Bragdon amendment was a good start. She provided written testimony for the record. She urged amending the ordinance to include the southern portion of the Frog Pond area.

Maureen Larsen, 25935 SW Stafford Wilsonville OR 97070 read her testimony into the record. They owned nurseries in Wilsonville and Hillsboro. She said the north Wilsonville area would make a positive addition to industrial lands.

Lise Glancy, Port of Portland, 121 NW Everett Portland OR 97208 provided written testimony for the record and summarized that testimony. She spoke to a Terminal 6 mapping error.

Councilor Burkholder said what he was hearing from Ms. Glancy in terms of the Port's interest in this decision was that lands along the I-5 or I-205 corridors were superior to anything out Hwy 26, toward the west of the region. Ms. Glancy qualified his statement, for distribution and logistics. Councilor Burkholder asked what kind of work does the Port do with its counterpart on the Washington side given that the I-5 corridor goes north too and that lots of lands were being developed in that area including some that have come on recently with warehouse distribution uses? Ms. Glancy responded that they had been very active in the I-5 trade transportation corridor and all jurisdictions involved in that have been concerned about distribution activities and development along the corridor and controlling land uses. Their domain was not in the Washington area but they have continued to be involved in those discussions. However, they have limited jurisdictional influence.

Keith Fishback, Washington County Farm Bureau, 11375 NW Roy Rd Banks, OR 97106 thanked the Council for their support of the Farm Bureau in the past. He said land was their biggest asset. They needed flat land with adequate water. He spoke to City of Cornelius and that Council Creek made a good natural buffer between agricultural land and the City of Cornelius. The agricultural industry needed buffers. He spoke to the lack of transportation in Cornelius area. He also noted the Evergreen area, which had the same issues. The site had no natural buffers. He provided written testimony as well.

Tad VanderZanden, Washington County Farm Bureau President, 2551 NE Nova Ave Hillsboro OR 97124 echoed Mr. Fishback's comments. They opposed expansion onto agricultural land. He spoke to Hillsboro/Evergreen Road area. Their family farm was close to this area. This land was some of the most productive. He urged saving this land. Councilor Burkholder asked about land east of Wilsonville. He said some of this land was compromised according to testimony they had heard. He asked Mr. VanderZanden to comment on this area. Mr. Fishback said if there wasn't enough irrigation water, it would make a good choice for industrial. Councilor Park asked about water rights versus water table. He asked their perspective on water rights. Mr. Fishback said water right was an asset to have on the property. Water rights increased the opportunity to be productive. Councilor Hostiska asked about water rights. He said they needed to be clear about the rights versus use.

Jack Hoffman Lake Oswego City Councilor, 380 A Street, Lake Oswego OR 97034 said he had four points to make; one is Borland, the second was Stafford Triangle, the third was the matter before the Metro Council which was the 2004 Industrial Land expansion, the product and the process and then finally, wrap up with the regional challenges ahead. In terms of the Borland area, he thought it was appropriate that that land not be included in terms of this round of UGB expansion for the reasons stated in their letters to the Council, for the reason stated last Thursday by this Council and for the reason that Councilor Newman state last night at MPAC. It was appropriate and they needed to move on. With respect to Stafford, there was some comments made by some of the Councilors, that there needed to be planning and coordination among the jurisdictions in Stafford. Lake Oswego agreed. They agreed two and a half years ago. But there was an issue of resources and there was an issue of partnership. Metro needed to be at the table to facilitate and partner with the cities that surround the Stafford Basin. He understood that there was an issue in terms of resources and staffing and where were you going to get the money. But if Stafford was to be planned appropriately and carefully, they needed Metro's help. They needed Metro's staffs help and the elected officials help. With respect to the UGB, the product and the process, the product was the last 5% but it was 5% that had caused a lot of angst and concern. He felt that there were some important concepts. One was, whenever the UGB moves, it can't be at the expense of town centers, main streets or corridors because these define our communities.

People have a sense of place, a sense of community. When these senses of places change, people were concerned. People react, resist and revolt. That was something we have to keep in mind both now and for 2007. That was why there was this concern.

With respect to the process, we have to remember that we all represent 1.3 million people in this region. The Metro Council wanted the local jurisdictions to think as regional citizens and when they serve on MPAC that was an appropriate role. He reminded, their neighbors elected the elected officials at MPAC and the neighbors were the ones they had to answer to. He thought the discussion at MPAC last night was one of the best he had attended in the last five years. It was intelligent, thoughtful and obvious that there had been a lot of homework done, a lot of consulting with attorneys, staff, with neighbors and other councilors. There were mayors there who articulated their strongly felt positions but also legally acceptable and well thought out recommendations. MPAC came up with a compromise position. He thought from his perspective that it was a very concerted effort by the mayors of Beaverton, Gresham, Wilsonville, Tualatin, etc to extend the hand of partnership to the seven Metro Councilors to try to meet them half way, to try to get this behind them, to try to get this job done that had been dragging on since 2001. He thought this could be accepted in the terms and method and manner in which it was given that they really were thoughtful. There was still anger and emotion out there but they were willing to work. This was not the time to have our lawyers lob grenades at your lawyers.

In terms of the regional challenges, they had Goal 5, sub-regional, UGB, the son of measure 7, and takings issues facing them. He thought this was the opportunity for Councilors to reach out and accept the hand of partnership that had been extended to Council by the mayors of MPAC and move forward so that we can solve the regional problems that were coming up ahead. Councilor Park said he appreciated inviting the Council into the discussion. They were trying to figure out how you stretched resources. It was constructive to be looking at those spots now and be thinking about it in the future. Council was looking at the concept of urban reserves when you were talking about how to plan these future areas. He reminded that Council had extended their hand as well. He appreciated Councilor Hoffman coming to the meeting.

Amy Scheckla-Cox City Councilor City of Cornelius 1355 N Barlow Cornelius OR 97231 said they would like the council to reconsider their decision for expansion and to reconsider the 91 acres to help maintain a more balanced community. She read a letter from John Groth, which referred to pollution, traffic, and inadequate supply of medium lots in the region. She then read testimony from Jacob Millens, he spoke in favor of the proposal. This UGB expansion was helpful to their area. She asked them to reconsideration the 91 acres in Cornelius.

Bill Bash City of Cornelius, 1355 N Barlow Cornelius OR 97231 read his letter into the record. He said they had included a letter from Ken Martin concerning Cornelius area. He spoke to the issue of hard boundaries.

Steve Heinrich City of Cornelius Mayor 1355 N Barlow Cornelius OR 97231 said he grew up in Washington County. He said he came from a farming background. He provided written for the record.

Dick Kline, City Manager for City of Cornelius 1355 N Barlow Cornelius OR 97231 said he was recently here from Eastern Oregon which was heavily dependent on agriculture. He said they were concerned about the recent request to add an addition of 78 acres to the 91 acres. This was done to a response to an opportunity to straighten out and make full street improvements on Hobbs Road or 29th Avenue. This area was not intended to be a land grab. This was a honest and well-planned approach to make for better infrastructure and transportation access for the future. It

was not intended to be a grope for property. He spoke to an area of 29th Avenue that lay between Hobbs Farms Estates and Natures Rib subdivision south Council Creek. They had an opportunity to make a full street improvement in combination with the Street of New Beginnings, housing development this June. That was a full street improvement along the entire section of roadway from the north railroad line to Council Creek. The City of Cornelius understanding that Metro did not have money for full street improvements, went out on their own and in return for dedication of right-of-way, offered to build that complete roadway. In the future, he wanted Metro to remember that. He urged not to jump to any conclusions or inferences. He urged working cooperatively. This was their intent and in the future they would be working with Metro.

Dave Volz 22930 SW Erio Place Tualatin OR said he was here as a citizen representing his neighbor in South Tualatin area. They were frustrated. They had given ample evidence in previous testimony to support not putting south Tualatin in as industrial land. He said the City of Tualatin had concurred with this recommendation. He said they had an obligation to balance the Goals. He suggested looking at Goal 2 to work with the cities on planning. They had ignored City of Tualatin, citizens and MPAC's recommendation. He felt they had a classic case of bureaucracy that had run amuck. He spoke to Oregon statute, which required them to weigh all of the goals. Councilor Hosticka said there had been a number of proposals concerning this area. Did he have thoughts about MPAC's recommendation or conditions others had suggested which would make this area a residential area. Mr. Volz said he felt the connector would have a huge impact on this area. He suggested keeping all of the area out until the connector was planned. Councilor McLain said if you have a connector wasn't it better to have the opportunity to plan the area to provide protection for the area? Mr. Volz said he didn't have a lot of faith in the outcome of conditions. It appeared to him to be more intelligent, let the connector fall where it was the most appropriate. Councilor Monroe said besides land use decisions and UGB decisions, they also had control over transportation decisions. He had committed to having the new connector have buffers from neighborhoods. The problem with waiting until the connector was sited was they could face litigation. They were trying to do the best thing for their community. Mr. Volz said he felt this decision would be challenged regardless. He believed Council had legal obligations to look at all of the Goals.

Curtis Vice, on behalf of Julian and Sharon Cranford 23320 NW West Union Rd Hillsboro OR 97124, said he was here to support Council's decision in the West Union area. Councilor Burkholder asked if this area was called Helvetia. Mr. Vice said yes it was.

Kristin Greene Cogan Owens and Cogan 813 SW Alder St #320 Portland OR 97205 said they supported inclusion of the Helvetia area. She provided a letter for the record (see Cogan, Owens, Cogan). She had been working with Bob Baker and adjacent property owners.

Bob Baker, 13820 SW 325 Place Hillsboro OR 97123 provided written testimony and summarized that testimony for the record. He said he was representing himself and other property owners in the Helvetia area. He said they saluted Council's decision. He had lived in the area all of his life. They needed land planned. He thanked the Metro Council.

Heidi Juza, 6985 SW Elligsen Tualatin OR 97062 provided written testimony and a map for the record. She spoke against the Frog Pond area zoning as industrial. She talked about traffic issues in the area. Trucks didn't belong in any neighborhood. She asked Council to apply the same compassion as President Bragdon had when he dropped the southern area. Councilor Hosticka asked if the map showed the slopes in the area. She said the City Engineer would be speaking to the slopes in the area. Councilor Park asked if they opposed it for other uses such as residential. Ms. Juza said she trusted their Mayor and City planners in their recommendation for this area.

She said semi-trucks and children weren't a good combination. Councilor Park noted that farmers used trucks as well.

Doug Rux City of Tualatin 18880 SW Martinazzi Tualatin OR 97062 provided a letter for the record from Lou Ogden, Mayor of Tualatin. He suggested that all of the goals must be balanced. He spoke to complete communities, livability, character of the community and dollars for infrastructure. He asked that communities have a local vision, work with their communities. Councilor Newman asked if these areas might be more appropriate for residential versus industrial. Mr. Rux responded that goals must be balanced. He said there was rationale to leave land in or out. He said, concerning Tualatin position for the future, the primary issue was the connector. There were 12 alignments that were being studied for the connector. This decision had to be made before they could plan the area around it. Councilor McLain asked about the 12 alignments and where they were? Mr. Rux explained where the alignments were. Councilor Hosticka asked about complete communities concept. He urged Mr. Rux to help them understand what a complete Tualatin looked like to get an overall vision of what the city's vision was for a complete community. Mr. Rux said Tualatin was a complete community at this time. They felt they were out of balance with the addition of industrial land. They had done community outreach. They felt they needed to do more but they were working on that path now. Councilor Burkholder said they were following the law concerning land. They were trying to balance the various goals. The percentages of lands were a wide range of quality of lands. They weren't following one line of reasoning but were attempting to balance all of the needs.

Steve Clark Community Newspapers 1315 SW Custer Rd Portland OR said despite what Councilor Burkholder said he felt much of the decision was guided by land quality and soil types. He suggested Council be more clear. He provided written testimony for the record. He urged that their decision shape and ensure complete communities or delay their decision. He urged, do the right thing for the right reasons, which might mean a delay in the Council's decision. Councilor Park said he appreciated what Mr. Clark was saying. He wasn't sure that a delay was a good idea. How did we shape this portion of this part of the extension the 2002 decision? He could foresee making the wrong decision with a delay. Which path did you pick? It was very difficult trying to project out ahead. The dilemma they were in was that any decision had an up or down side. Mr. Clark said what was most important was that they were clear on what they expected the outcomes should be. He felt that many of the decisions that Council made he would make in his own business. It was time they articulate and connect with the communities.

Charlie Allcock, Regional Economic Development Partners 121 SW Salmon Portland OR 97204 said there was a clear need for lands to encourage the trade sector. He provided a letter for the record and summarized the letter (Doug Rux also a signature on the letter). He spoke the need for significant infrastructure. As they moved forward, they had to work with the local communities to get these sites shovel ready. There was another step to get these sites ready for industry. Councilor Burkholder reminded the audience that much of this land they were bringing in was for Title 4, existing industrial lands. Councilor Park said we were looking at 20% of the land, 80% was already part of a service area. There were other obstacles to make things happen. Mr. Rux concurred with Councilor Park's comments.

Michael Kohlhoff, City of Wilsonville 30000 Town Center Loop E Wilsonville OR 97070, said Wilsonville respectfully requested that they reconsider the MPAC recommendation. He provided a bound document titled Wilsonville for the record, which included his letter. Councilor McLain suggested that truck route conditions would be part of Wilsonville's planning conditions. Mr. Kohlhoff spoke to truck traffic issues.

John Michael, City of Wilsonville 30000 Town Center Loop E Wilsonville OR 97070 said he was an engineer with City of Wilsonville. He said Mr. Kohlhoff had submitted an engineering analysis of the Frog Pond area. The analysis included cost, slope and other analysis. He spoke to the fact that they didn't have infrastructure for this area. He noted the engineering analysis from Michael Stone, which included south of the Willamette area analysis (a copy of which is included in the record). He spoke to well water issues. Councilor Hosticka said the slope analysis in the Frog Pond area indicated that was parts of that area that were more than 10%. The northern part of the Frog Pond area had well above 10% slopes. The only area that would be the area north of Kali Road, east of Stafford Road area, which was right next to a residential area. Councilor Park asked transit and treatment plant issues. Mr. Michael said they didn't have treatment capacity for the Frog Pond area currently. He said serving this site in Wilsonville was much easier than the Damascus area. Councilor McLain asked for clarification on the treatment issue.

Steve Zandhuisen, 5911 SW Brian Patch Wilsonville OR 97070 spoke to water rights and not being able to use the water. Use of water and right of water were different. He applauded Council for including Frog Pond in their recommendation. He felt they had considered the regional need. A copy of his testimony was included in the record.

Mary Kyle McCurdy, 1000 Friends, 534 SW 3rd Portland OR 97204 said she had submitted written testimony last week and summarized this testimony for the record. Councilor Monroe summarized that 1000 Friends would recommend Frog Pond and Tualatin. Ms. McCurdy said they thought their overall recommendation was sound.

Nancy Allender 7435 SW Frobase Rd Tualatin OR 97062 said she was the fourth largest landowner in the Frobase area. She was also speaking for Mr. Elligsen who could not be here today. She provided pictures of her farm for the Council. She spoke to what kinds of farming they did in the area. They had grade 2 soil. She said they run bio-solids. They must have access to roads. They had to deliver fertilizer and other products with her trucks. Semi-trucks would prohibit this opportunity. She spoke to wildlife in the area also. Councilor Burkholder said he assumed she was opposing the Frog Pond area as industrial land. Ms. Allender said yes. Councilor Park asked if this area could be residential. Ms. Allender said they would have a water problem.

Ralph Elligsen 7485 SW Elligsen Tualatin OR 97062 did not testify.

Charlotte Lehan, Mayor of Wilsonville, 30000 SW Town Center Loop Wilsonville OR 97070 provided her testimony for the record. The dialogue had encouraged her in the last week. She urged their consideration of MPAC's recommendation. Councilor Hosticka asked about the southern area of Tualatin. Mayor Lehan said the Tualatin decision had been difficult. Finding the mix was a sensitive matter between the two cities. They had tried to be supportive of Sherwood and Tualatin in their planning for the connector. They would not be unwilling to serve that area. It was a matter of timing. Councilor Hosticka said they tried to convene meetings on this issue. He then asked about water rights. Mayor Lehan said most of the farmers in the area have water rights. The issue was all of the existing water irrigators all together don't have the capacity to pull the water levels down. There were no restrictions on existing water right holders. Councilor Hosticka talked about water rights and water users. If they had farmers that were senior to Wilsonville would they have the water rights first? Mayor Lehan said yes. Councilor Park stated that he disagreed about water rights. Would this area be preferred as residential or industrial? Mayor Lehan said their preference would be residential. The Frog Pond had yet to be annexed to the city. They felt they had a 20-year supply of residential. They were trying to avoid EFU land for residential or industrial. Councilor McLain said the water debate had been the biggest issue in

Wilsonville East. She said the farmers said they had lost their water rights and were having to reapply for those water rights. She was hopeful that the city addressed the issue of new water rights. Ms. Allender said she was working on a transfer water right. Mayor Lehan added that usually people had lost water right for not using them. You had to abandon your wells five years in order to lose water rights. The City had been cooperative with Water Resources. The only thing they would need the wells for was for backup. Councilor McLain said she believed for insurance purposes, you had to have a back up water system. Her question was what was the scenario as far as a backup system for water? Mayor Lehan said it would be an extreme situation. They had 6 million gallons of water reserve before they would have to use the wells.

Kristina Traffas, Save the Frog Pond Community Coalition 28579 SW Wagner Wilsonville OR 97070 provided written testimony. She had submitted a letter from Judith Jindrich (in the box). She read this letter into the record.

Holly Iberg, Newland Community 16701 SE McGillvary #150 Vancouver, WA provided Hillsboro South Urban Reserve Concept Plan Figure A (a copy of which is included in the record). She talked about the property. She read her letter into the record (a copy of which is included in the record). Councilor Hosticka spoke to the concept plan. This had been done for this area? Ms. Iburg said yes. Councilor McLain asked where this piece was as far as location. Dan Cooper, Metro Attorney, said there was no current litigation.

Keith Aden PO Box 1501 Lake Oswego OR 97035 said he was one of property owners in the Frog Pond area. He was in favor of it being put into the industrial zone. He said he had owned the property for 129 years. He spoke to livability and what had happened to the area. Over the years, the zoning had restricted the use of the property. There had been takings of the use, the water, and property from his facility. He said more recently City of Wilsonville and Don Morrisette had built 200 homes on 40 acres next to him. He was allowed to put 2 homes on his land. There would be more of a negative impact on the area. He understood the idea of traffic, but felt that the professional drivers were far safer than the average driver.

John Hartsock, Committee for Future of Damascus 18510 SE Boser Rd Boring OR 97009 talked about the MPAC meeting of June 9th. He felt it was a good meeting and they came up with some good recommendations. He talked about potential solutions. He supported the MPAC recommendation. Councilor Park asked if there were restrictions on the 2002 decision. Mr. Cooper said that you must not unbalance the residential equation of LCDC. This was something that they would not want to say yes to. Mr. Cooper spoke to Hartsock's idea and wondered about the impact on the residential mix. Councilor Park asked if it was permissible for the Frog Pond area to go residential. Mr. Cooper said if you were adding land for residential, you were looking for resource land. We did not want to get into EFU land for analysis. Councilor Hosticka asked about bringing that land in for residential purposes. Would that change your recommendation? Mr. Cooper said the fact was that we had already drafted language for an undetermined amount for residential. We did not want to over-supply the amount of land for future purposes. Mr. Johnson's report was careful to remind you that their opinion on EFU land should be considered only for that purpose and not for any other.

Jay Cosnett, 1246 SW Borland Rd West Linn OR read his letter into the record. He spoke about Borland Road being a bad choice. He also spoke to why Frog Pond was not a good area for industrial. We needed to look at redeveloping areas already in the UGB.

Tom McConnell, Alpha Engineering Inc 9600 SW Oak St Suite 230 Portland OR 97223 provided written documentation of Shute Road Interchange. He talked about the staff proposal for the

Helvetia property. When bringing in land for industrial use, you had to consider what its conversion for industrial use was. He said the land was highly parcelized. He spoke to site constraints. They recommended an additional three parcels to be included in the Helvetia area. It could be served by the utilities. He spoke to the recommended interchange improvement and utilizing it to its maximum capability.

Mark Greenfield, 2121 SW Broadway Portland OR said he was also representing Mr. Standing. The Industrial Land Task Force created by the Governor included Shute Road and the Nike Property of US 26 Interchange due to immediately adjacency to Hwy 26. The size of ownership was two property owners. Third, these were property owners were willing to sell. Fourth, it was better use of infrastructure and fifth, it met the need for industrial land. This property would be good property to make up the need for those properties that were being taken out.

Jim Standing, 12670 SW 68th #400 Tigard OR 97223 said he had learned what agriculture issues were. He owned the two pieces of property on the northwest corner of Shute Road. They would work diligently with the homeowners in the area to make a hard line between agriculture and industrial uses where appropriate.

Jim Johnson, Oregon Department of Agriculture noted the letter submitted on June 8th. He highlighted the main points in the letter (a copy of which is already in the record). He spoke to specific areas, which were related to following state law. A couple of the areas that were in the COO's recommendation included exception land. He urged that these areas be looked at first. It was important when looking at the list to think about core agriculture capability. The Board of Agriculture strongly supported the work that Metro was doing to identify industrial areas. He spoke to efficient use of industrial lands and commercial lands. He then spoke to the Willamette River and recommended not going south of the river. Councilor Burkholder asked about hard edges. They would be looking for help from the state, LCDC and the agricultural community as to what the hard edge meant. Currently, under state law, there were no hard edges. Councilor Monroe asked about four areas and whether they were supported by the Department of Agriculture. Mr. Johnson responded that they would support areas being brought in, in the order they were included in the agriculture report. Councilor Monroe summarized the one that ought to come in first was the Frog Pond or East Wilsonville. Mr. Johnson said yes. Councilor Park asked about land south of the Willamette. Mr. Johnson said south of the Willamette River had the best of the best farmland in the State. Councilor Park then asked about water rights and the ability of farmers to react. He spoke to the lack of water or suspended water. How did that affect the ability of the farmer to farm? Mr. Johnson said water was a key issue in farming. There was less water in the summer. Irrigation was the farmer opportunity to adapt. Councilor Park asked about the Orient study, an area east of HWY 26, 460 acres, he wanted to make sure that he was not recommending taking this area out.

Councilor McLain noted emails and a letter for the record, Washington County Commissioner Andy Duyke said he was in favor of keeping Cornelius out of the recommendation. She received an email from Kristin Kolberg. They also supported keeping the industrial land out of Cornelius.

Deputy Council President Newman closed the public hearing and announced that these ordinances would be held over until June 24th for consideration of a final decision.

4.3 **Ordinance No. 04-1044A**, For the Purpose of Adopting the Annual Budget For Fiscal-Year 2004-05, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Motion:	Councilor Hosticka moved to adopt Ordinance No. 04-1044A.
---------	---

Seconded:	Councilor Burkholder seconded the motion
-----------	--

Councilor Hosticka yielded to Deputy Council President Newman. Deputy Council President Newman said they would consider technical amendments and councilors amendments. He asked Casey Short to respond to questions.

Motion to amend:	Councilor Burkholder moved to amend Ordinance No. 04-1044A with the technical amendments and the substantive amendments prepared by Kathy Rutkowski (a copy of which is included in the meeting record).
Seconded:	Councilor Monroe seconded the motion

Councilor Burkholder introduced the amendments. Councilor McLain asked about her amendment and if there was a reason that she couldn't support this package. Mr. Short said they were two independent actions.

Vote to amend:	Councilors Park, Hosticka, Burkholder, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 6 aye, the motion passed.
----------------	--

Motion to amend:	Councilor Monroe moved to amend Ordinance No. 04-1044A with Monroe Amendment # 1 concerning neighborhood clean-up grants.
Seconded:	Councilor McLain seconded the motion.

Councilor Monroe spoke to his amendment.

Vote to amend:	Councilors Park, Hosticka, Burkholder, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 6 aye, the motion passed.
----------------	--

Motion to amend:	Councilor Monroe moved to amend Ordinance No. 04-1044A with Monroe Amendment #2.
Seconded:	Councilor Park seconded the motion

Councilor Monroe explained his amendment and asked that Mike Hoglund, Solid Waste & Recycling Director, be available to respond to question. Councilor Park asked for a friendly amendment, expenditure of the final \$150,000 regional system fee credits for FY 04-05, should be based upon an assessment of the need for the credits relative to potential implementation requirements that dry waste be subject to material recovery at a Metro licensed material recovery facility. Councilor Monroe asked if they needed to access these funds, would they have to come back to Council for another vote? Mr. Hoglund said the way he intended this to be written was that the monies would be allocated with the extra \$150,000 automatically. When they do the dry waste MRFing and material recovery analysis, and it turned out that they estimate that those facilities can recover the cost through gate increases because there was no dry waste land filling opportunity and therefore reduces the need for the credits, specifically this \$150,000, we would come back with that analysis after going through the whole process of working with the facilities and the public and let Council know what they found and we don't think the \$150,000 was necessary or maybe only part of it would be necessary. Councilor Monroe accepted the friendly amendment. Councilor Burkholder said he was not comfortable with doing it this way. He felt it was more appropriate to bring an amendment next spring. He would not support this now. Councilor McLain said it seemed important to her that industry had a clear idea of what they

expected. Did this language cause any issues with industry? Mr. Høglund said the discussion around these issues had drawn them into this number. He thought this amendment was clear to the industry. There could be changes based on the MRFing. He felt they were aware of this amendment. He would make sure they understood this after the meeting. Councilor Hosticka said he would support this amendment because we should budget our expenditure based on what we know today. The budget note wasn't necessary. Councilor Monroe thanked Councilors Hosticka and Park for their comments and the friendly amendment. He explained the history of the amendment.

Vote to amend:

Councilors Park, Hosticka, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 5 aye/ 1 nay the motion passed with Councilor Burkholder voting no.

Motion to amend:	Councilor McLain moved to amend Ordinance No. 04-1044A with McLain Amendment #3.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain moved her Zoo amendment and further explained what the amendment did. She spoke to the budget note and the appropriateness of the note. She said the Zoo did not know that they were going to be having these dollars put into our general contingency fund. It was an oversight on both of our parts. The Zoo had a lot of replacement and repair needs. She spoke to Code requirements. There were two agencies that may require Metro to make changes, maintenance or replacement programs because of the safety of the Zoo exhibits. This was a routine Zoo accreditation visit. Mr. Short said he felt it was relevant to deal with this amendment now. In most respects it was independent of Ordinance No. 04-1053.

Councilor Park asked for clarification on zoo exhibits relating to excise taxes. Casey Short said yes the 2004-05 was based on the assumption that the Zoo will receive all of the revenues and spend all of the money associated with these two items and others that might be similar and that the excise tax will be levied on it. Councilor Park said this would be a one time only occurrence? Mr. Short said yes.

Councilor Burkholder asked whether they would still have the general fund balance if this money were expended. Mr. Short said yes.

Vote to amend:

Councilors Park, Hosticka, Burkholder, McLain and Deputy Council President Newman voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Monroe absent from the vote.

Deputy Council President Newman opened a public hearing on Ordinance No. 04-1044A No one came forward. Deputy Council President Newman closed the public hearing.

4.4 **Ordinance No. 04-1053**, For the Purpose of Amending the FY 2003-04 Budget and Appropriations Scheduled by transferring \$250,256 from Contingency to Operating Expenses in the Zoo Operating Fund to allow the Zoo to recognize the cost associated with the Simulator and Butterfly exhibits; and declaring an emergency.

Motion:	Councilor Park moved to adopt Ordinance No. 04-1053.
Seconded:	Councilor Monroe seconded the motion

Councilor Park introduced the ordinance. He explained that originally, the Oregon Zoo Foundation recorded the financial activity for the simulator and butterfly exhibits at the Oregon Zoo and net proceeds were transferred to the zoo as a donation. It had been determined that gross revenue and expenditures should have been recorded by the Zoo.

This ordinance was a correcting mechanism to reverse the accounting transactions and add back in the costs associated with these attractions that were never recorded by the Zoo. There will be a corresponding increase in revenue, as the original entries were net of expenses.

While this action itself would not reduce the Zoo's fund balance, it was part of a more comprehensive correction of the accounting processes on these attractions, which included application of excise tax. The tax will result in a reduction of \$55,000 to the Zoo ending fund balance for FY 2003-04. This action would provide the appropriation authority necessary to avoid an over-expenditure situation. He urged support.

Deputy Council President Newman opened a public hearing on Ordinance No. 04-1053.

Phil Prewitt, provided written testimony for the record. He asked the Council to restore the night keeper position.

Deputy Council President Newman closed the public hearing.

Vote:

Councilors Park, Hosticka, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Burkholder absent from then vote.
--

5. RESOLUTIONS

5.1 **Resolution No. 04-3450**, For the Purpose of Revising the Transportation Planning Public Involvement Policy to update the policy and to consolidate Metro and Local Government Standards.

Motion:	Councilor McLain moved to adopt Resolution No. 04-3450.
Seconded:	Councilor Monroe seconded the motion

Councilor McLain reviewed the reasoning behind this resolution.

Vote:

Councilors Park, Hosticka, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Burkholder absent from the vote.

5.2 **Resolution No. 04-3462**, For the Purpose of Approving the Wilsonville Tract Master Plan and Natural Resources Management Plan.

Motion:	Councilor Hosticka moved to adopt Resolution No. 04-3462.
Seconded:	Councilor McLain seconded the motion

Councilor Hosticka reviewed the resolution. Jim Desmond, Director of Metro Regional Parks and Greenspaces Department, provided background information. Heather Nelson Kent, Regional Parks and Greenspaces Department stated that with the new budget dollars provided, this would be one of the new sites to be developed for public use. It provided connectivity to wildlife, natural

areas and the public. She referred to the master plan map to illustrate the key elements of the plan. The focus will be on being a “gateway” between two public partners, Metro and Wilsonville. She mentioned that the main restoration project would involve land currently being used as farmland. She stated that three open houses were held in Wilsonville that yielded solid support in the community for the project.

Mayor Charlotte Lehan spoke about the partnership between the Metro Greenspaces staff and city officials. She noted that it wasn't a process without controversy. She stated that it was ultimately a project that gained the support of residents. Councilor McLain expressed her thanks to staff and the City of Wilsonville in the design and planning of the master plan project, relating it to other issues involving Goal 5. She recognized Mayor's Lehan's contributions to the process.

Councilor Park stated that it was disappointing that the Oregon Garden could not of been sighted at this location. Nevertheless, he was pleased that this project was underway. Councilor Monroe noted his excitement over the education opportunities of this sight, it was a marvelous opportunity to take students out and provide them with a hands-on opportunity to examine the relationship with man, land, and animals.

Councilor Hosticka expressed his thanks for the good work this project involved.

Vote:

Councilors Park, Hosticka, McLain, Monroe and Deputy Council President Newman voted in support of the motion. The vote was 5 aye, the motion passed with Councilor Burkholder absent from the vote.

6. CHIEF OPERATING OFFICER COMMUNICATION

There were none.

7. COUNCILOR COMMUNICATION

There were none.

8. ADJOURN

There being no further business to come before the Metro Council, Deputy Council President Newman adjourned the meeting at 6:00 p.m.

Prepared by

Chris Billington
Clerk of the Council

ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 10, 2004

Item	Topic	Doc Date	Document Description	Doc. Number
3.3	Exhibit	6/10/04	Exhibit A to Resolution No. 04-3463	061004c-01
4.3	Technical Amendments	5/28/04	Technical Amendments to Ordinance No. 04-1044A	061004c-02
4.3	Amendment	6/9/04	To: Metro Council From: Councilor McLain Re: Proposed amendment and budget note to Ordinance No. 04-1044A	061004c-03
4.3	Amendment	6/10/04	To: Metro Council From: Councilor Monroe Re: Proposed amendment to Ordinance No. 04-1044A	061004c-04
4.3	Amendment	6/10/04	To: Metro Council From: Councilor Monroe Re: Proposed Amendment to Ordinance No. 04-1044A	061004c-05
5.2	Exhibit A to Resolution No. 3462	6/10/04	To: Metro Council From: Parks and Greenspaces Department Re: Wilsonville Tract	061004c-06
4.1	Arial Map	6/10/04	To: Metro Council From: Lydia Neill, Planning Department Re: Cornelius Arial Map	061004c-07
4.1	Arial Map	6/10/04	To: Metro Council From: Lydia Neill, Planning Department Re: Evergreen Arial Map	061004c-08
4.1	Map and Comparison of recommended areas	6/10/04	To: Metro Council From: MPAC Re: MPAC Revised recommendation map and comparison of MPAC recommended areas to Council's recommended area	061004c-09
4.1	Letter	6/10/04	To: Metro Council From: Fred Edmunds Re: Frog Pond area comments	061004c-10
4.1	Comment card	6/10/04	To: Metro Council From: Patricia Miller Re: Public Hearing notice	061004c-11
4.1	Letter and maps	5/5/04	To: Metro Council From: Tom Hughes, Mayor of Hillsboro Re: Ordinance No. 04-104 Exhibit E and Exhibit B	061004c-12
4.1	Letter and Map	6/10/04	To: Metro Council From: Lise Glancy, Port of Portland Re: Letter and Map concerning dock extension to Terminal	061004c-13
4.1	Letter	6/10/04	To: Metro Council From: Tom Hughes, Mayor of Hillsboro Re: Evergreen Road Site	061004c-14
4.1	Letter and maps	6/10/04	To: Metro Council From: Patricia Miller Re: FARM Horticultural Park Place	061004c-15
4.1	Letter, maps and reports	6/10/04	To: Council From: Steve Heinrich, Mayor, City of Cornelius	061004c-16
4.1	Testimony	6/10/04	To: Council From: Heidi Juza Re: Opposition to expansion in Frog Pond	061004c-17
4.1	Letter	6/10/04	To: Council From: Bob Baker and	061004c-18

			Arnold Cogan of Cogan, Owens & Cogan Re: In support including Helvetia sites in expansion	
4.1	Report	6/10/04	To: Council From: Michael Kohlhoff, Wilsonville City Attorney Re: Exclusion of Wilsonville East and South from Industrial Lands	061004c-19
4.1	Letter and Report	6/10/04	To: Council From: Timothy Sercombe of Preston Gates & Ellis LLP on behalf of the City of Hillsboro Re: Legal Objections to Proposed Ordinance 04-1040A	061004c-20
4.1	Letter	6/10/04	To: Council From: John Hammond, City Attorney, City of Sandy Re: City of Sandy's Support for Exclusion of Certain Lands from the UGB	061004c-21
4.1	Letter	6/10/04	To: Council From: Douglas Rux and Charlie Allcock, Portland Regional Partners for Business Re: Amendments to the UGB	061004c-22
4.1	Letter	6/10/04	To: Council From: Mayor Charles Becker, City of Gresham Re: Consideration for 90 acres abutting Telford Rd. in the UGB	061004c-23
4.1	Testimony and Maps	6/10/04	To: Council From: Holly Iberg, City of Hillsboro Re: Hillsboro South Urban Reserve Concept Plan	061004c-24
4.1	Testimony	6/10/04	To: Council From: Sparkle Anderson Re: Support of Frog Pond area into the UGB	061004c-25
4.1	Testimony	6/10/04	To: Council From: Maureen Larsen Re: Support of North Wilsonville into the UGB	061004c-26
4.1	Testimony	6/10/04	To: Council From: Keith Fishback, VP Washington County Farm Bureau Re: Reasons for Exclusion of the Cornelius site	061004c-27
4.1	Letter	6/10/04	To: Council From: Amy Scheckla-Cox, City of Cornelius Re: 91 Buildable Acres in Cornelius for Industrial Use	061004c-28
4.1	Map	6/10/04	To: Council From: Heidi Juza Re: Elligsen and Stafford Roads	061004c-29
4.1	Testimony	6/10/04	To: Council From: Jay Cosnett Re: Reasons to Remove All of the Wilsonville East Area from the UGB expansion	061004c-30
4.1	Letter	6/10/04	To: Council From: Nancy Waller Re: Stafford and Elligsen Roads	061004c-31
4.1	Report	6/10/04	To: Council From: Tom McConnell, Alpha Engineering Re: Shute Road	061004c-32

			Interchange	
4.1	Testimony	6/10/04	To: Council From: Steve Zandhuisen Re: Water Rights vs. Water Usage	061004c-33
4.1	Testimony	6/10/04	To: Council From: Charlotte Lehan, Mayor, City of Wilsonville Re: Expansion for Industrial Lands	061004c-34
4.1	Letter	6/10/04	To: Council From: Mary Kyle McCurdy, Staff Attorney, 1000 Friends of Oregon Re: Regionally Significant Industrial Areas, Medical Facilities	061004c-35
4.1	Report	6/10/04	To: Council From: Port of St. Helens Re: Industrial Lands Advisory Committee Report	061004c-36
4.1	Report	6/10/04	To: Council From: City of Helvetia Re: Helvetia Road Industrial Land Study	061004c-37
4.1	Testimony	6/10/04	To: Council From: Keith Aden Re: Support for Clackamas County to retain and manage the property outside of Wilsonville	061004c-38
4.1	Testimony and Petition	6/10/04	To: Council From: Kristin Kolberg Re: Spiesschaert Road area of Cornelius	061004c-39
4.1	Letter	6/10/04	To: Susan McLain From: Andy Duyck, Washington County Commissioner Re: MPAC Recommendations	061004c-40
4.4	Meeting Minutes	6/10/04	To: Council From: Rovers Area Re: Animal Health	061004c-41
4.1	Letter	6/10/04	To: Council From: Judith Jindrich Re: Removal of Wilsonville East from expansion	061004c-42
4.1	Letter	6/10/04	To: Lane Shetterly From: Nancy Waller Re: Measure 26-29	061004c-43
4.1	Testimony	6/10/04	To: Council From: Krisitina Traffas, President, Save the Frog Pond Coalition Re: Wilsonville East	061004c-44
4.1	Petition	6/10/04	To: Council From: Krisitina Traffas, President, Save the Frog Pond Coalition Re: Wilsonville East	061004c-45
4.1	Letter	6/10/04	To: Brian Newman From: Mayor Rob Drake, City of Beaverton Re: Support of MPAC Recommendations from June 9, 2004	061004c-46