

## MINUTES OF THE METRO COUNCIL MEETING

Thursday, June 24, 2004  
Metro Council Chamber

Councilors Present: David Bragdon (Council President), Susan McLain, Rod Monroe, Rex Burkholder (by phone), Carl Hosticka, Rod Park, Brian Newman

Councilors Absent:

Council President Bragdon convened the Regular Council Meeting at 2:01 p.m.

### 1. INTRODUCTIONS

There were none.

### 2. CITIZEN COMMUNICATIONS

Les Poole, 15115 SE Lee Milwaukie OR 97267 said he lived in Milwaukie and was a land use advocate. He noted where he owned property inside and outside the Urban Growth Boundary (UGB). He had been involved in the rural residential rule planning. He said Metro had two big missions, habitat protection and transportation planning. He said he would not even dream of being in the Council's shoes. Currently there was a situation that Council would soon be involved in. It involved the property around Kellogg Lake and TriMet. He said Councilor Newman was aware of this situation. Ultimately they were planning on bringing light rail to Milwaukie. The transportation department at Metro was hearing from the citizens in Milwaukie about the attempt to build a large transit center on was deemed open space. The property directly adjacent to it is green space. The other side of that was property that his family sold to Milwaukie. They donated \$22,000 of the property value with the understanding that some day they would see some natural protection and improvements there. The plan was to build a large transit center, a huge parking structure there eventually when light rail came. What had happened was that they had a political decision in the community that was dividing the City of Milwaukie and would result in more bad press for Metro, and result in a lot of conflict because this property was so small there was no way that this structure could be sited there and come close to meeting the spirit of the Endangered Species Act. He had testified in Milwaukie. He urged Council to look at the buffers in the area as well as looking at the fish and wildlife protections there. He expected that the Milwaukie City Council will be making a decision and be forwarding it to Metro soon.

### 3. CONSENT AGENDA

3.1 Consideration of minutes of the July 17, 2004 Regular Council Meetings.

Motion:

Councilor Newman moved to adopt the meeting minutes of the June 17, 2004, Regular Metro Council.

Vote:

Councilors Burkholder, McLain, Monroe, Park, Newman, Hosticka and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.

### 4. ORDINANCE – FIRST READING

4.1 **Ordinance No. 04-1054**, For the Purpose of Amending Chapter 9.01 of Title IX of the Metro Code, Relating to Vacancies in Metro Elective Offices.

Council President Bragdon assigned Ordinance No. 04-1054 to Council.

## 5. **ORDINANCES – SECOND READING**

5.1 **Ordinance No. 04-1040B**, 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.

Andy Cotugno, Planning Director, said the ordinance before Council today included the Urban Growth Boundary amendments themselves and amendments from last week to remove some areas in Wilsonville and add some areas in Cornelius. The action that, that was tied to was based on industrial land need. This adopted what that need was. This action included the amendments contained in Councilor Hosticka's ordinance relating to impacting agricultural land adding to our Code to establish standards for where we would locate expansion. This action also included the amendment to Title 4, which would limit use of industrial land for non-industrial purposes.

Lydia, Neill, Planning Department, said they had received an additional 50 letters and comments that they would like to add to the record. They were from various areas. They also had two pieces of correspondence, one from City of Tualatin and the other from the City of Wilsonville. Councilor McLain asked if the additional comments had new information? Ms. Neill said the preliminary analysis was that the comments were similar to what they had heard throughout the hearing process.

Council President Bragdon said in reviewing the work that was done last week, vis-à-vis the need, in Mr. Cotugno's professional estimation, if we were to adopt this ordinance, were they meeting the need that had been identified?

Mr. Cotugno said given the calculations on how much need there was and how much of that need was already met by land in the Urban Growth Boundary, already met by land added in 2002, and that would be met by the action being taken today, technically it constituted 99% of the need given the variations in the forecast that dealt with how much growth was coming to the region and how much of that might occur through redevelopment and infill and how much of that was going to come to our UGB versus our neighbors UGB, it was well within the tolerance of accuracy and therefore they would assert that this constituted the 20-year need that they were obliged to provide.

Councilor McLain said Mr. Cotugno had said we were making estimates of future need over a 20-year period. So they knew they were trying to make that estimate within a plus or minus of the variation of the actual need itself. She said that Mr. Cotugno had just said it met the 20-year need. She asked Dan Cooper, Metro Attorney, legally speaking since we were trying to hit a target that was more general than a specific number what in the findings that was before Council answered that need question?

Mr. Cooper responded that Mr. Cotugno's summary of how we calculated the need and how much of the need we had actually established would be satisfied by today's actions as well as Council's past actions. Those were summarized in the findings already. They thought that this

was both not only adequate and sufficient but represented that the Council had done exactly what the law required it to do.

Mr. Cotugno said, also recall, it was a self-correcting process. If they estimated too high, it got picked up next time, if they estimated too low it got picked up next time.

Council President Bragdon opened a public hearing on Ordinance No. 04-1040B.

Mary Kyle McCurdy, 1000 Friends 534 SW 3<sup>rd</sup> Portland OR 97204 complimented the Council on their decision making process. She said, however, that was not why she was here today. She spoke to the issue of bringing the Cornelius parcel in. She provided her written testimony for the record (a copy of which may be found in the record). She said she had gotten a tremendous number of phone calls from farmers in the area.

Councilor Newman said half of that land north of Cornelius was exception land and resource land that was brought in connecting the two to provide an area that could be serviced. Was she supportive of the exception land being brought in and just not the resource land or was she opposed to all of it? And if she was opposed to all of it, did she think that it should not be listed as exception land and be reclassified?

Ms. McCurdy said she didn't believe that there was justification for bringing in farmland to service exception land; she felt that the rationale for bringing it had been somewhat murky. She thought if you asked the agricultural industry to determine which areas around the boundary would intrude upon the commercial agriculture land base and they looked at more issues than just soil and they said crossing Council Creek did that. The Council had other exception land that Council could chose from without choosing these lands and their associated farmlands. She felt there was a legal argument to be made that if Council had to bring in farmland in order to service that exception land but you had other areas were you could just bring in exception land that didn't need farmland to accompany it, to service it, that Council needed to take that exception land in first. The Department of Agriculture offered other areas in west Wilsonville and the Coffee Creek area that Council could have brought in. She thought Metro's question to the Department of Agriculture was more sophisticated than just looking at soils but also looking at the impact on agriculture industry. The Department of Agriculture offered them up other agriculture lands that would have less impact. Some of those lands Council had brought in but she was not sure they complimented those lands.

Linda Malone, Mayor of Sandy, PO Box 333 Sandy OR 97055 read her letter into the record (a copy of which is included in the record). She urged Council to preserve the separation between Sandy and the Urban Growth Boundary. She said they would challenge the Council's action.

Councilor McLain said she was involved in the separation agreement. She said one of the things they were frustrated about was that Oregon Department of Transportation (ODOT) had not signed the agreement but Sandy, Metro and Clackamas County had signed it.

Mayor Malone responded that ODOT was allowed to opt out of that portion of the Intergovernmental agreement. Councilor McLain said she had still been trying to push that they sign it. They hadn't gotten any results but they had tried to get ODOT to consider it to be a valuable concept. Councilor McLain asked, when they were signing that agreement, did they ever say how much separation between the two?

Mayor Malone said there were two separate agreements, the rural reserve and a green corridor agreement. This decision had to do with the rural reserve agreement. 87 acres of that land was included in Metro's urban growth expansion. The reason that they all agreed that ODOT would be out of it was budgetary. ODOT did not want to be responsible for maintaining this area along the highway. They were holding up their signing because of money. Sandy didn't care about the money. They cared about preserving that space.

Councilor McLain asked if she remembered if there was any language that talked about how far the separation would be? How big the separation would be?

Mayor Malone said she didn't remember anything about how big the separation would be. She thought that was more included in the green corridor agreement, which was on either side. If was not just specifically 87 acres, it was larger than 87 acres, it was specifically on the map that was included with the agreement. The 87 acres was a portion of the agreement, it was like the nibbling away of the overall space that was included.

Councilor Park said he appreciated the interest that she was showing in this. One of things that her testimony pointed out was that we did have some of these agreements in place between here and also between Canby and the Metro region. Unfortunately, they also had requirements by the State, which said that certain kinds of land must come in first. The area that she was describing was an exception area that was required of Metro as they were considering all of the other areas. What she was really pointing out was that even though Metro had policies in place that they tried to enforce them in good faith with the neighbors, they still had other State requirements that must be upheld. He asked if she would be amenable to work with Metro and go to the State to seek a remedy to be able to enforce these types of agreements, unfettered by the State.

Mayor Malone asked if he was saying that the State was going to make Metro do this?

Councilor Park said that the hierarchy of state lands required Metro to go to certain areas first and the reason he brought this up was that on the rural reserve map there was a tremendous amount of land east of Gresham that was exception land, areas that he believed were in the rural reserves that he thought that the Portland Metro region had in that agreement with Sandy. So it was not only this piece that had been looked at, but as the next time occurred, they would be back looking at these areas again. The only way they could see around this was seeking a State remedy. If it required a State remedy to help the green corridor be enforced, would she be interested in going with Metro to the State?

Mayor Malone said she would support the State being able to control Metro if they couldn't. She had spoken to Michael Jordan several years ago concerning Metro. At that time she didn't have an overly high opinion of Metro. Sandy chose not to be assimilated. They wanted to maintain their separate identity from the Metro region. They would like to work cooperatively with Metro. If that meant going to the State cooperatively to abide by the agreements that Metro had signed, she was willing. If that was what it took and they couldn't agree to abide by the agreements that were signed, she was willing to go to the State with Metro. She said Metro could have considered other areas within the boundary before considering this area.

Rob Ruedy 24285 SW 100<sup>th</sup> Ave Tigard OR 97224 read his testimony into the record (a copy of which is include in the record). He wanted to bring some validity to the process that these lands were marketable.

Marcus Simantel, 2024 SW Howards Way Portland OR 97201 complimented their efforts. He had fears that they would bring in 2000 to 3000 acres of farmland but had not. He noted an article in the Oregonian today. He felt that the land use laws not only protected farmland but urban areas also. He hoped Metro would go to the State and abolish the 20-year land supply. He spoke to the Hosticka ordinance. It was a rough day for agriculture because of the Cornelius decision. He reminded that agriculture was an industry.

Richard Meyer, City of Cornelius, 1355 N. Barlow, Cornelius, OR 97113 said he was on the staff for Cornelius and represented the Mayor and City Council. He said they had contended for two years that recommended expansion met six of the seven considerations in Goal 14 upon which a boundary change was to be based. That included demonstrated need to accommodate urban population, the need for employment opportunity, orderly and economic provision of services, maximum efficiency of land uses, environmental energy economic and social consequences, compatibility of proposed urban uses with near by agricultural activities. The seventh, retention of agricultural land was softened. The fact that it didn't directly meet that seventh factor was softened by the fact that at least 50% of the industrial uses in Cornelius currently were supportive and necessary to sustain agricultural industry in the surrounding area. It was likely that additional industrial land would be more of a benefit than a detriment to agriculture. He spoke to industries that supported agriculture industry such as a processing plant for hazel nuts would like to relocate to this area. He said the farmer landowner opinion was split in the area. He spoke to farmers who supported the industrial lands decision; those farmers south of Dairy Creek favored the UGB expansion. They reported that land produced barely enough to pay taxes. None of this land was irrigated on either side of Susbauer. It had not been watered in several years. This information was from the Tualatin Valley Irrigation District. He noted that some of the farmland was not valuable farmland compared to other Tualatin Valley farmland. Finally, much was made of the hard boundary of Council Creek. He served a Senior Planner in 1983 when Washington County's comprehensive plan was in process and completed, the future urban boundary north of Cornelius was Dairy Creek, not Council Creek. The map in the primary documents of the comprehensive plan would show that. In Cornelius they were happy to participate in a cooperative study of future rural reserves, urban reserves and whatever hard boundaries helped accomplish that. He thanked the Council for the study of these areas, they were important to the sustainability of local communities and agriculture in Washington County.

Doug Rux, City of Tualatin, 18880 SW Martinazzi Ave Tualatin OR 97062 said his testimony pertained to Exhibit E in the maps. The mapping exercise that was done as part of the East Coffee Creek and the Quarry area originally land north of Tonquin Road was part of the Quarry area. In the mapping it had been modified and now that land north of Tonquin Road was showing up as part of East Coffee Creek. They had talked with staff and asked them to correct the maps and if there were any numerical adjustments, those be done as well. The same thing would go for the Quarry area map. If got taken off down by Tonquin Road and became part of East Coffee Creek. They asked that those be corrected. On Exhibit F under the Tualatin area, Metro had identified that the area be inner neighborhood. They had submitted information to Metro staff that requested that it be identified as outer neighborhood. That was consistent with the outer neighborhood designation for the residential land on the southern border of Tualatin. That way it would be consistent. Under the Quarry area on Exhibit F there was a statement about coordinating concept planning for the Quarry area with Tigard Sand and Gravel and Tonquin area if possible. They were already starting that concept planning. They already had the grant. The next correction was on the Coffee Creek area on Exhibit F. They had communicated to staff that they didn't know exactly where their boundary line would be drawn between Wilsonville and Tualatin in the future. They had requested that Tualatin be added so it would read Washington and Clackamas

counties or upon annexation to the city of Wilsonville or Tualatin, the city in conjunction with Metro. This provided flexibility as jurisdictions went through discussions.

Council President Bragdon said these were technical corrections and could be adjusted.

Keith Fishback, Washington County Farm Bureau, 11375 NW Roy Rd Banks OR 97106 urged that they not expand the boundary north of Council Creek. He spoke to protecting the farmland and keeping the line at Council Creek. He said they represented commercial agriculture in the county. He felt they needed to be protecting the agricultural industry as a whole. They needed large lot agricultural land and protection from urban uses with their agricultural land. He spoke to satellite cities such as Banks and North Plains. These were bedroom communities for the urban area. He urged a cooperative effort so they did not continue to expand.

Council President Bragdon closed the public hearing.

Councilor Hosticka asked for clarification on Mr. Rux's remarks. Were these technical amendments that needed to be moved? Dan Cooper, Metro Attorney, said Council would need to move those as amendments. They were not material enough to cause the Council to have to delay the ordinance for adoption. Council could amend it as recommended by the City of Tualatin and still adopt it today.

Motion to Amend:	Councilor Hosticka moved to amend Ordinance No. 04-104B based upon the suggestions of Mr. Rux and the City of Tualatin
Seconded:	Councilor Monroe seconded the motion

Councilor Hosticka said he thought that Mr. Rux made some good points about clarifying the conditions. Council President Bragdon said he would be supporting this amendment. They wanted to allow some flexibility in the concept planning area. Councilor Hosticka said they had one meeting that was convened by the Chief Operating Officer with the Mayors and Planning Directors of the three cities, Wilsonville, Tualatin and Sherwood. He would anticipate that that effort would continue after this decision was made today to try and clarify the various jurisdictions that would be providing services in that area.

Councilor McLain said some of the comments that were made were just about maps. Other comments made included adding Tualatin on the list of possibilities of where the line was going to be.

Mr. Cooper suggested that it might be appropriate to ask the staff to respond to pros and cons of individual elements of that recommendation. He believed staff had had an opportunity here to know somewhat about what Tualatin was going to asked for. We had nothing in the record other than what Mr. Rux had said that would clarify exactly these do and don't do.

Councilor McLain said she wanted to hear the pros and cons. The other element that Mr. Rux had said was we weren't going to plan, don't expect us to plan for this particular area because they had already started one planning endeavor. That sounded different if they had some conditions that ask for a certain level of planning. She wasn't sure if it was an editorial or if it was something we needed to look at.

Richard Benner, Senior Attorney, said there were three suggestions made by Mr. Rux. The first had to do with parcels that were moved from one of the study areas, the Quarry Study Area to the Coffee Creek Study Area. He couldn't respond to that. Another recommendation was that the

condition that was currently before Council having to do with the Tualatin Study Area said that when the corridor, the alignment was finally chosen for the connector, that land in the study area to the north of it would be designated residential rather than industrial. Land to the south presumably would remain industrial. Council had discussed this last week. Why does the condition say inner neighborhood? Shouldn't that be left to Tualatin? The response from him was Council had a requirement to put one of the 2040 design type designations there. You can't leave it without a designation. Inner neighborhood was chosen because that had been Council's practice for all the land that Council added to the UGB. There were descriptions of those two design types in the 2040 growth concept segment of the Regional Framework Plan. Council also needed to be mindful of the requirement in the Code that said when you add land to the UGB for residential development; it should be at 10 units per acre net unless you designated other. If you look at the discussion about inner neighborhood versus outer neighborhood, inner neighborhood was closer to what the Code required. The third point had to do with a quarry condition. In our condition they said, to the extent possible, Title 11 planning for this new Quarry area should be coordinated with the planning that was going on now with the city for the track of land that Council added in December 2002. Mr. Rux said it probably couldn't happen. Council could remove the condition if Council wanted but the condition said, if possible. He didn't see any harm in keeping it in. The fourth suggestion that Mr. Rux had for a change was that since there was a fair chance that a portion of the Coffee Creek area would ultimately be annexed to the City of Tualatin, rather than the City of Wilsonville, then the conditions Metro currently had on the Coffee Creek area should probably add the City of Tualatin. He felt it made good sense. He had some language to do that.

Ms. Neill clarified how the acres ended up getting moved. She thought that Mr. Benner outlined the change in the condition to make certain that Tualatin would have the opportunity to be involved in the planning of the Coffee Creek area and discussions about these acres. It was important for access for some of the quarry development that they were considering now.

Councilor McLain said there were five different issues here. The one that Mr. Benner said he had words for she thought that they should hear what those words were before they voted. Secondly, as far as keeping in the "if possible", she didn't think there was anything wrong with keeping in those words. She couldn't vote for the amendment if it was going to take out those words. Mr. Benner said the change would be to Condition 1 under Coffee Creek area in Exhibit F. It would read, "Washington County and Clackamas County or upon annexation to the cities of Tualatin or Wilsonville in conjunction with Metro shall complete the Title 11 planning for the area within 2 years."

Councilor Hosticka said they would retain the language under D2 for the quarry area which said "if possible" acknowledging that it may not be possible for them to coordinate the planning and that they have the freedom to then not do it if it was not possible. Councilor Monroe said as seconder he was agreeable to the withdrawal of that portion of the motion.

Councilor McLain asked if Councilor Hosticka was then leaving his amendment to take from inner neighborhood to outer neighborhood on that other condition? Councilor Hosticka said that was still in.

Vote to amend:

Councilors Park, Hosticka, Newman, Burkholder, McLain, Monroe and Council President Bragdon voted in support of the motion. The vote was 7 aye, the motion passed.
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Councilor McLain said this package in her mind had many flaws. We tried to do good work; she thought we were consistent with trying to follow State law. They had tried to do the best we can

in good faith with the State in the two years of extension to try to come up with enough job land for a 20 year supply. She thought that they had been consistent with our motives, processes and all of the different goals that this Council had set out. She believed that we would hear today, that they believed that there were some things that needed to be changed in state law before any of the 24 cities, three counties or the Metro Council felt that they had an adequate set of rules and guidelines to go by. That should be a general basis for talking about this decision today. She believed that we had some guidelines that this Council should follow which included the Regional Framework Plan and agreements with neighboring cities that helped improve and make this the special place that it was. She also believed that there had to be a wider conversation about all industry. She felt that the Council had done the right thing by trying to get the Department of Agriculture and also all industry in high tech and warehousing to give the Council an idea of what they needed in the way of their particular land use needs as well as other necessities of clustering, etc. But she didn't believe that we still had enough information so she felt we had to continue that discussion.

She said it was important to note that the decision research of Washington County recently did a public poll and 71% to 79% said that we should keep the UGB and that we should make very careful amendments to the UGB. Those were people who lived here right now but didn't necessarily own the land, didn't necessarily benefit from the industry that would go to the land but these were folks that should have some input in the process because it effected where they lived and how they lived and what they were able to do. She also thought that the area of Cornelius and how it affected commercial farming and the agriculture base in Washington County could not be overlooked. She really believed that a lot of people thought, it was just 91 acres and they hadn't gotten anything for 24 years. It was not just 91-acres; it was a precedent being set. It was not just 91 acres, it was a protrusion into farmland and whether it had been irrigated for two years or not, the irrigation potential was still there and that was what was important. It was also important that we asked our agriculture industry if we have to use your land, which land should we use first and which should the use last. The farmers said bring in Cornelius last. She said it was not just 91-acres; it was going to be symbol and a symbol that they were going to have to deal with. She also felt that the agreement with Sandy and Canby were extremely important. If they agreed that we should have rural reserves, then we have to find out where they were and give the farmers some certainty and our neighboring cites some certainty of what that meant. She believed that it was important to recognize that this package was probably something that not anyone up here on the Council was completely happy with. She said they were trying to close the books on 2002, the review of the UGB and from the lessons we have learned in trying to put this final piece of the package together that we can go forward and try and figure out the glitches in both process and well as the industrial need issues that we have for both farming and all other industries. She said it was hard for her to vote on a package that she didn't have complete agreement with so she wanted to go on the record that she had voted against the Cornelius piece being amended back in. She believed that was the right vote for her.

Councilor Hosticka said he has had difficulty determining how to vote on this entire package because he felt that this package was a vast improvement from the package they had started with and that it went a long way in meeting the needs of the people, the desires of the people and the local jurisdictions at least in the area that he represented. After thinking a long time, it was hard for him to vote yes on this on the basis that then when asked afterward, well you supported it, do you think it was a good thing? He couldn't say yes to that for the following reasons: one, he felt that regardless of what our staff said, he still thought that this package could be described as incomplete, that it didn't meet all of the needs that it should meet and that left us vulnerable to having other people try to step forward to meet those needs in ways that we might not desire. He thought the package was incomplete and it failed to include areas, which would have made more

sense for the kind of economic development that we were trying to promote in this region and it included areas that didn't make a lot of sense for that kind of economic development.

He also agreed with Councilor McLain. He was troubled by violating an agreement with a neighboring jurisdiction, when the next thing they were going to discuss was creating more agreements with neighboring jurisdictions. It put our credibility into question in that regard. Finally, he didn't think this package told a story or reflected a strategy. We were urged by Steve Clark of Community Newspapers in Washington County to try to articulate a vision about what it was they were trying to accomplish through this effort. He was having a hard time articulating any kind of a vision. He thought there were individual decisions, some he supported and some he opposed but the package as a whole didn't seem to hold together so he was not going to be able to support it today.

Councilor Newman said he was disappointed that Councilor Hosticka couldn't support this package. He didn't think there was any Councilor who didn't have some dissonance about some piece of this package. He would be supporting this package. He realized that this was a deliberative process and that there were things he liked and things he disliked. We were at the eleventh hour of a five-year process. The frustration for him was he entered the process after all of the assumptions had already been made to some extent, the first round of decisions had already been made and the Growth Report had already been adopted. He tried to participate as genuinely as he could. As a former City Councilor and as a person who was very eager to run for this office, he had to admit that he was shocked at how few choices Council had as decision makers and how little latitude they often times had when they made these kinds of land use decisions and how often our hands were tied. Ultimately, this was the last vote of periodic review. He felt there should be a party but there were a lot of folks at the dais who had some dissonance about the outcome.

A couple of things that stand out were, one, breaking out the industrial lands piece from the original portion of periodic review was a mistake. It was one thing to bring land into the UGB and to give the responsibility and authority to do the concept planning and be as creative as local government could be to come to a final product that they could support and have ownership of. To do it on one single use and to plop it down even though he understood that there was concept planning to be undertaken, but that was the perception, that Metro was dropping smoke stacks or truck farms or scrap metal yards in peoples backyards and that made Metro the big bad guy and didn't give the cities any ownership of the product which was what they would do if they had to go through an inclusive and transparent concept planning process without any perceived notion on how that would turn out. That was a mistake and something they had learned from. Second, the whole conflict of farmland and urbanization would continue to be a problem. This 1200 acres had turned out to be much more controversial than the 18,000 acres that was brought in two years ago. He felt that this was because a lot of the low hanging fruit had been taken and these conflicts would continue to be a problem until we came to terms with what it meant to protect the agriculture industry, what it meant to weigh that against the wishes of cities to grow in certain ways and to service certain areas as they grow and come to terms with all of that rural exception land that bordered a lot of these cities where people have continued to move and live and there was still a lot of development going on and they had encountered a character of their neighborhoods that they would defend until the last decision was made. This will continue to be difficult and he felt that the Council had to position itself to engage the State to get some kind of clarify, some kind of consensus as far as making this better. He was not looking forward to the next periodic review when this whole issue was going to be in front of Council again. He would be supporting the package, he understood this was a deliberative process and he was happy with some of it and unhappy with other parts. In the end, it was a package he would support and he

thanked the staff for their efforts. He also thanked the members of Metro Policy Advisory Committee (MPAC) for grappling with the Council on this issue.

Councilor Monroe said it was too bad they didn't finish the job a year and half ago. He believed that moving the UGB in small chunks was not the way to do it. If we expand the UGB, we need to do it thoughtfully and selectively and allow for the proper planning of whatever land came in for it highest and best use whether that be for residential, commercial or industrial. To try to find little pieces of land that was ideal for only one narrow purpose was very difficult. It had been a difficult process. We didn't finish the job two years ago. We had to finish it now to meet State law. He was pleased with what Council did with South Tualatin. He had spent a lot of time with some of the neighbors. He felt what they had done in South Tualatin was good. We protected those neighborhoods, provided some industrial land. We made it easier to site a badly needed highway that was in our Regional Transportation Plan. He didn't feel good about what was done in the intrusion towards Sandy or taking farmland north of Council Creek. If we vote this down today, what did that mean? We would have to start all over and would the final product be any better, probably not. He would support the package that was before Council even though he had reservations on parts of it.

Council President Bragdon said he shared the general dissatisfaction both with the package and the process. He would be voting yes for similar reasons to Councilor Monroe said, if all of us had objections and voted no, it would actually fail but that was part of what the process was. He would be voting yes without joy and much of a sense of accomplishment. The biggest failing on behalf of all of us as a community was that this decision was not closely tied to an economic strategy. While they had been saying for 18 months that part of the reason that we were doing this was to provide for the future he was still not convinced that what we were doing was going to contribute to that in a meaningful way. He felt we could learn a lot from what they had gone through in the last 18 months. He acknowledged the tremendous staff Metro had, he thanked Michael Jordan, Chief Operating Officer, as well as the Planning staff. He noted the exemplary outreach work. In terms of questions for the future, they had learned a lot about the ever-changing nature of industry. He felt that the region needed to have a discussion about that in terms of its impact on the landscape, the relative importance of warehousing and distribution. Was this something we were really seeking? Do we accommodate it? Was it a necessary evil? If so, what were the characteristics? How does planning effect that? They had learned about the obstacles of providing infrastructure. Our decisions today didn't provide infrastructure. There was less and less capacity for local jurisdictions as well as less and less willingness on the part of the citizens to finance both that infrastructure but also the reinvestment in the existing infrastructure such as brown fields. Now we could turn our attention to redevelopment. We had spent years talking about how and where to expand the UGB and relatively little time talking about how did we use the land that we have more effectively. He hoped both Metro and the region as a whole could now turn our attention to that.

We had touched today on the fiscal disparities among jurisdictions in the region. This was one of the things that made him least comfortable about the Cornelius aspect of this decision. Frankly, if the decision to make Cornelius a separate entity had not occurred 150 years ago, we wouldn't be expanding the UGB in that area. Cities of Milwaukie and Fairview had very similar needs. They were not on the UGB so we couldn't help them with this type of measure. We needed to talk about the have and have nots and quit using land use to help even that out. Finally, we were going to get to a discussion on hard lines and where this all ends in terms of UGB discussions. He knew that there had been a lot of people alarmed by the prospect of growth boundary expansions near them and they ought to be more alarmed that under the current State law, today was not the end of the story. Under current State law, unless it was changed, Metro would be forced to be back

evaluating those very same neighborhoods and very same lands three to five years from now. That was cause for alarm. We had been put on a treadmill by State law as a region, as an organization and as a Council where we were perpetually discussion UGB and were forced to come back to these same lands and these same questions over and over. He looked forward to working with fellow citizens to see if we couldn't change that regime and get on to other things.

Councilor Burkholder echoed a number of comments from Councilors particularly the last remarks made by the Council President. He said from strictly a district representational standpoint, he should be voting no because this really had no value for his area. This decision would impact inner city's growth and prosperity because the development would take place outside those inner city areas. He would be supporting this ordinance. They needed to stop working on this so they could organize some of their fellow citizens to change the rules so that we could address those issues. He felt like the process had been a good one underneath the difficulty that we were faced with. They had made sure the information they had was accurate and that the decisions made were based on facts. He would be voting yes for this. They would need the assistance of many of those who testified who had concerns about the system. He hoped the citizens would work with Metro to change the process so that we could come out with outcomes that we were all happy with.

Councilor Park said this was the finishing of the 2002 decision. He would suspect that if you were to look back at 2002, we got it about 90% right. He would suspect if you looked at this decision, we had it about 90% right. The 90% would be different for each one of the Council depending upon their viewpoints and that was the difficulty they had run into. The seven Councilors had found this both satisfying and unsatisfying at the same time. As we worked through the process, there didn't seem to be a real theme or story. He felt this was very true. They were trying to make a better urban form. This decision was filling in those last bit of pieces that they couldn't get done last time. He wasn't sure that we should have delayed the decision last time but there were forces that were pushing the region ahead. There were certainly concerns about paralysis by analysis that was occurring in the building. He also agreed with what others had said, that they didn't agree with going north of Council Creek today. He might be able to agree to it in the future once they had done some other work. There was the question about where did you stop. The concern about dealing with our 24 cities and three counties was also mentioned by Councilor Monroe. The reality was that when you really looked at how this region worked, it was the northern Willamette Valley. He said Metro was already in Sandy, North Plains, Banks and all of these outlying areas because people worked in region and lived in these cities. The concern was they didn't want to hear of bedroom communities. Some of the analysis that we were seeing was that unless we can come up with some better ways of doing what we were already doing, that was what was occurring in the long run. He thought it should be disturbing to everyone. It was a pattern that could not be replicated nor sustained. We didn't get it right all of the time. We got it right most of the time. We also seemed to be the test bed for everything that went on in the State as being the largest most complex area not only with our side of the river but with Clark County. He said Clark County was very much part of this region but we didn't have ways to access it. Hopefully, as we become more sophisticated as we continue to move ahead, that we will be able to come up with better ways to deal with this but hopefully collectively and not as adversaries. They were really trying to work for the best interest and trying to balance it across the region. He urged citizens to help them to do the right thing and create changes in Salem to make our system look better. He said it hadn't been the most satisfying experience. He urged an aye vote.

Vote on the Main  
Motion:

Councilors Park, Newman, Burkholder, McLain, Monroe and Council President Bragdon voted in support of the motion. The vote was 6 aye/0 nay/1 abstain, the motion passed with Councilor Hosticka abstaining from the vote.
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Mr. Cotugno thanked the planning staff, data resource center, Council staff, Dick Benner and Dan Cooper, public affairs staff, print shop staff, Michael Jordan and the Metro Council. He felt they all made this an effective process.

Councilor McLain said one of the things that made this region unique was that they could have hard conversations but that they continued to figure out what was best for the entire region. This may have not been their favorite decision but they would be back to continue the process. She thanked former MPAC chairs, Judie Hammerstad, Gussie McRoberts, and Charlie Hales for their guidance and leadership. They respected MPAC's advice but they had to understand it. We all learned from this process.

5.2 **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.

Councilor Hosticka said he felt it was time to move on from the decision of the UGB to the question that they were dealing with, what kind of place did they want to live in? It was bigger than the question of preserving farmland or protecting economic development. It had to do with what was the identity of Oregon and what was special about this place and what did they want to keep special about this place? To him, what was special about Oregon and set us apart from other parts of the world was that they tried to maintain a co-existence between three different types of areas, the urban areas in which people lived together in close proximity, between natural areas where there were no people and nature was predominant and between rural agriculture areas where people lived and worked on the land.

He felt that our goal in Oregon under our State land use laws and what set us apart was that we tried to preserve all of those and tried to coexist and bring those together so that people could have a complete experience close to where they lived and not have to travel far away to see a different kind of place. One of the tools that land use planning gave us to try and deal with that issue was the UGB. The UGB did place limits on the extent of urbanization but there was no limit on the UGB. As we have seen today and in the last few years, while the UGB may place a limit for today, tomorrow there could be movement of the UGB. While we say we were preserving land we may be only preventing its development for a short period of time. He thought they ought to start talking about limits to the UGB. We ought to start saying there were some areas where we wanted to stop the urbanization of the land and that we didn't favor unending expansion up and down the area and the merging of communities within that area, within the region. There was a loss of identity as communities merged and became contiguous with other areas. People began to lose their identity as anything other than the Portland metropolitan area. The vision he had was not Los Angeles but more the Manchester New Hampshire to Richmond Virginia kind of urban megalopolis where you had unending urbanization for hundreds of miles. He didn't think that was what we wanted or was the vision for our area. He thought our vision was that we would have limits on the metropolitan expansion and preserve rural areas between urban areas. He thought we did have to recognize that we were all part of one larger community, who lived together in the north end of the Willamette Valley. When we decided that we wanted to stop the expansion of the UGB, or say that there were limits to the UGB, we were doing that to both enhance the development within the UGB and to preserve the character of the entire area.

Where were areas that they should try to say that we would not expand the UGB beyond that place, where there was a limit to the expansion of the growth of the Portland metropolitan area? He thought there were many areas possible. But the most obvious one was the Willamette River south of Wilsonville and area between that and the Pudding River, the western edge of the Canby

area. The Willamette River offered us a place that had been widely discussed as a natural hard edge. What we had seen already in our discussions was that nature did not provide hard edges to urbanization; we have to provide those hard edges. Nature could help us define where those areas were but unless we took affirmative action to declare areas as the edge that they wouldn't happen by themselves. He gave an example of the Willamette River in downtown Portland. We have to take the responsibility to say where those edges were. In this case, the Willamette River south of Wilsonville was an obvious place to declare that edge. The vision that he had tried to articulate was not his own vision but was shared by many individuals throughout the region. The people who were in favor of drawing the line at the Willamette River were MPAC, the Department of Agriculture, Oregon State Agriculture Commission, Oregonian Newspaper, Coalition for a Livable Future, 1000 Friends of Oregon, the Coalition to Save the Valley, both Clackamas and Marion counties, the cities of Aurora, Canby, Oregon City, Sandy and Wilsonville said they believed that the Willamette River should be the hard boundary. He felt this was natural step to start making a hard edge. He urged passing the ordinance.

Council President Bragdon opened a public hearing on Ordinance No. 04-1041

Charlotte Lehan, Mayor of Wilsonville, 30000 SW Town Center Loop E Wilsonville OR 97070 read her comments into the record (a copy of which is included in the record). Unfortunately, she had been told that Council would launch having staff study other possible hard edges. She felt that this edge had had a yearlong public process. What was the role of MPAC? She had hoped that Metro could be the leader in controlling urban sprawl.

Michael Kohlhoff City of Wilsonville 30000 SW Town Center Loop E Wilsonville OR 97070 said they had received a broad range of support for the ordinance. He detailed that support. Nowhere was it better stated than in today's Oregonian article (he submitted a copy of this article for the record). So many Oregonians wanted this ordinance to stick. The evidence in the record urged the Council to draw the line.

Teresa Huntsinger, Coalition for a Livable Future, 310 SW 4<sup>th</sup> Ste 612 Portland OR 97204 highlighted her testimony submitted on June 10<sup>th</sup> (a copy of which is included in the record).

Judie Hammerstad, Mayor of Lake Oswego, 380 A Avenue, Lake Oswego, OR 97034 said this was not a provincial issue, it was not just about Wilsonville, it was about protecting high value farmland and about directing development within the UGB. This area came up because it appeared that it fit all of the criteria for coming into the UGB for industrial development. Lake Oswego didn't have any argument with this. She was testifying because they were redeveloping their downtown and they wanted to be sure that the wise use of land within the UGB was the priority. If we were to move on to flat land, close to an interchange for any reason, that would be the easiest place to develop. She urged Council to go along with Councilor Hosticka, if you like the idea, vote yes.

Marcus Simantel, 2024 SW Howards Way Portland OR 97201 said he was not opposed to this ordinance but was concerned that other areas equally in need of protection should be addressed. He gave examples of these other areas. If Council embarked on this, they owed it to the rest of the region to look at extra protection for those other areas.

Council President Bragdon linked Mr. Simantel's previous testimony to his current testimony. Mr. Simantel testified previously in opposition to the expansion around Cornelius on behalf of Washington County Farm Bureau. In essence, given the State mandate that they bring in acreage to the UGB, the question was where. There was a conscious deliberate trade off between land

around Wilsonville, which led to the addition around Cornelius. He felt this was great illustration of what Mr. Simantel was talking about. Mr. Simantel suggested working together in Salem.

Councilor Park asked about North Plains and the allowance of expansion in North Plains to occur. He spoke to people coming in the back door such as North Plains. He asked Mr. Simantel how he would classify North Plains soil. Mr. Simantel said he would classify it as Number 1. Western Washington County just like Sauvie Island was incredibly important as far as agriculture was concerned. What had happened to Washington County agriculture lands in the past 20 years was a crime. Most of the farmers out in this area had no faith that 50 years from now it would still be agricultural lands.

Mary Kyle McCurdy, 1000 Friends of Oregon, said they had submitted written testimony on this ordinance. She was feeling dispirited about this. She urged adoption of this ordinance. She urged, taking a stronger stand. We had to look more carefully inside the existing UGB as well as at the rest of the region including Clark County. We had to examine the changing nature of industrial use. She disagreed with Council President Bragdon, Cornelius wasn't brought in, in exchange for land in Wilsonville, those served different needs, and it wouldn't be for warehousing and distribution. We had to start looking at these things differently. The governor was marketing agricultural products in Japan. This was a huge and growing trade sector industry. If we were serious about economic development, we had to take the agriculture industry in this region seriously too.

Council President Bragdon closed the public hearing.

Motion to Amend:	Councilor Park moved to amend Ordinance No. 04-1041 with Park Amendment on Exhibit A.
Seconded:	Councilor McLain seconded the motion

Councilor Park spoke to this amendment (a copy of which is included in the record). He had used Councilor Hosticka's ordinance as a base. If this amendment were to pass today he understood that it would require additional staff work because it was substantive. What the amendment did was change the concept of the protection of agriculture and forest industry and lands. This was a big distinction that we needed to make across the region. Protection of agricultural lands or forestlands was really not what they were looking at. They were looking at protecting those industries. That was a conception that needed to be reinforced because just providing the lands doesn't provide for the continued existence of the industry. They needed the tools, the water and all the other things that other types of industry needed. It also removed just south of the Willamette River for reasons as sited in terms of looking at all of the areas because we needed to be looking at how to protect commercial farming and forestry by creating rural reserves. The other part of the amendment was that we could protect those lands from Metro region urbanization but currently we couldn't protect those areas from urbanization from other entities that could grow in from the other side. That was very much what people needed to understand, even if Metro didn't grow out, the Metro sphere of interests continued to go out because people used those market roads and freight routes to commute from outer communities, neighboring communities, bedroom communities, satellite communities into the Portland region. Our transportation studies had shown it. The biggest one was at Wilsonville in the morning, I-5 was at 90% capacity going north and at 90% capacity going south in the evening. You had that many people that were already taking a commute pattern outside the region. In our own Urban Growth Report it showed that we were growing housing at a lower rate than we were in terms of jobs, which he was told was a trend that would continue. The way the current law was written, we couldn't use certain tools to help make that work better which had the potential to not allow our

centers to work as well as they should because of the leakage of this energy and population to other areas. The amendment suggested that we should create mechanisms that were going to be necessary to make these real if we were going to protect these areas long term from urbanization not just from the Metro region. It gave those areas the tools they needed to be viable areas for agriculture and forestry. We needed to remember the best protection for those areas was having them actually be viable areas for agriculture because that gave the farmers and foresters no reason to want to sell out. That was the best protection we could give them.

Councilor Hosticka said he would say the attempt by Councilor Park to try to extend the protection to a higher level by talking about different areas and different mechanisms was a good idea but he didn't see it as a substitute to drawing the line at the Willamette River. He would rather see it as an addition to drawing at the Willamette River. He thought if we didn't draw the line but embarked upon the kind of effort that was contemplated in these amendments, that people would have no more assurance than they had today. We could go through a long and torturous process and we didn't know where the result was. He would consider this as a friendly amendment, if it were worded to say, agriculture or forest land south of the Willamette River and west of the Pudding River or in those areas where the protection of commercial farming and forest industry could be achieved. Otherwise he thought this operated in the form of a substitute and took us from the decision that we can make and set us off on a process that we had no idea where it was going to end up even though it was a process that we should embark upon. He thought we ought to be drawing hard lines and look at ways to cooperate with our neighbors to guarantee that areas between Metro and our neighbors would remain in the rural areas. He didn't see this as a substitute for drawing the line at this time.

Councilor Newman said instead of drawing hard edges, Councilor Park's concept was to designate agriculture and forest industry reserves. As he read this, there was no time line or process for the Metro Council to do such as thing. He wondered if Councilor Park had contemplated that, was there a specific timeline?

Councilor Park said part of this would require legislative fixes in Salem. We were just now entering into the time where they were thinking about which bills they would like to have introduced. At that time would be the appropriate time to look at what pieces that we would need to have added in.

Councilor McLain said she was looking at a couple of opportunities to have either a symbol or a next step for bettering the decisions and the criteria for UGB amendments. One of items that they had had discussion about was putting a timeframe to it. She would hope that Councilor Park would consider a timeframe if he wanted to support for this. She suggested at least six months. She asked if he was willing to include this. Councilor Park said he was willing to entertain this. He said this was a draft. He would want to check with staff to make sure it was realistic and they may want to put a double timeline because of the legislative session coming up. Councilor McLain talked about a need for definitions, what did we mean by a rural reserve, an urban reserve, forest and agricultural land. She knew there were some possibilities for definition that could be a starting place. Would either author, Councilor Park or Hosticka, be willing to put a definition that would help us with what we were really asking ourselves to do here?

Councilor Park responded that we needed to make sure these were consistent with ORS statutes. He thought that we needed to make sure the definitions were parallel.

Councilor Hosticka suggested that there were some good ideas but felt they were best dealt with in form of another ordinance to be considered after these ideas were fleshed out. At this point he

would think it was best to defeat the amendment to address the question of the Willamette River directly and then move on to consider the kind of issues that were raised here because he felt they had a lot of merit.

Councilor Park urged an aye vote. He thought this put us where we wanted to go with actually creating policy not in terms of just setting the limits because we could protect the front door but the back door was wide open.

Vote to Amend:

Councilors Park, Burkholder, and McLain voted in support of the motion, Councilors Hosticka, Monroe, Newman and Council President Bragdon voted no. The vote was 3 aye/4 nay, the motion failed.

Motion to Postpone:	Councilor Newman moved to postpone Ordinance No. 04-1041.
Seconded:	Councilor Monroe seconded the motion

Councilor Newman read his motion (a copy of which is included in the record).

Councilor Newman wanted to make it clear that this effort of drawing hard edges didn't start with Councilor Hosticka. The Council as a group in our own strategic goal setting session unanimously agreed that we needed to draw hard edges around this region. It needed to be a regional effort and we needed to incorporate a lot more than just the area south of Wilsonville. Most of the Council still agreed that they needed to do this. He paraphrased May West, if it was worth doing at all, it was worth doing well. He felt that it was worth doing this approach instead of the approach outlined in the ordinance. First, Metro took very seriously providing that regional table where all citizens of the region could come to and think as regional citizens to solve problems. It was extremely important that as we set these edges that the citizens of Gresham were as invested in this process as the citizens of Wilsonville and visa-a-versa. He thought that there was a value added to the process by getting all citizens involved as opposed to an ad hoc process where we just did one portion of the region and then hopefully someday got to the rest of it. He didn't think that made much sense. Second, there had been concerns raised that by doing it ad hoc and doing it in just one part of the region without a comprehensive look that it wouldn't sustain a legal challenge. Again, if it was worth doing then Metro should do it in such a way that it would stand up to legal challenge. He represented a district that was concerned about hard edges but not just limited to the Willamette River. His district was just as concerned about setting a hard edge on the Clackamas River and Deep Creek Canyon to preserve all of the farmland on the plateau. That area was just a critical to protect. Finally, Councilor Park's notions related to this, were worth considering. He voted no on Councilor Park's amendment because he thought we could look into all of these issues over the next nine months. It was one thing for Metro to set a boundary but if it weren't going to be respected by neighboring communities, then, it would not do much good over the long haul. We should lead by example and work in the long term to set intergovernmental agreements so those other governments respected and also set their own hard edges because sprawl grew both ways. He felt this was the best approach and added value to the process and got all citizens of the region engaged in the outcome. He urged support.

Councilor McLain said she wished that we could put these two together because it wasn't just about the lines. What was good about the first amendment today was that it really started talking about rural reserves and urban reserves. If you were just going to talk about a line, it was only as good as the next vote of the next Council. The conversation needed to be about rural reserves that farmers could depend on for 20 to 50 years and urban reserves that cities and counties could plan toward and have services that they could prepare for more than just line. She felt that some of the language in the first amendment spoke to these issues. She indicated that there was definitely a

need for definition. She appreciated the fact that there was a definition in Councilor Newman's amendment but again it would have to be fleshed out and coordinated with State ordinance and statutes. She had some questions with this direction. She understood that Councilor Newman only laid out a direction for staff. The actual motion was just to delay with a time certain. If you were going to get people to vote for this you needed to put the time certain into the motion and not have it just as direction. Councilor Newman said he would consider that a friendly amendment. Councilor McLain suggested putting both of those times in, one when the report came back to Council and two when the Council would expect to act. Councilor Newman said if there was no objection they could treat all of this as a motion, including the staff direction. Councilor Monroe agreed to the friendly amendment. Councilor McLain suggested the words "not be limited to" was a nice safety net. She also noted that the list of possible hard edges wasn't inclusive. Councilor Newman said the advantage of doing a comprehensive look was that if there was the support regionally for these hard edges, they could consider referring it to the voters and putting it in our charter. Second, he consciously put "but not limited to" because he thought there were other areas that made sense as hard edges.

Council President Bragdon confirmed having dates certain as part of the motion.

Councilor Park said the reality was that this didn't get to anything other than causing a delay. What they really needed to be looking at was actually taking some actions. His point was he felt this amendment was way to soft and didn't put them where they wanted to go. He felt it was incomplete.

Councilor Hosticka said he felt that they needed to defeat this motion. He agreed with Councilor McLain that we could do what was envisioned in this motion without having a postponement of 04-1041. He believed we could pass 04-1041 today and then embark upon the kind of study that was contemplated in Councilor Newman's amendment and in Councilor Park's amendment. The question before Council was do we want to postpone this decision? As he considered that, he didn't see that we gained anything by postponing the decision since most had said that they believed the Willamette River was one of those places where they wanted to draw a hard edge. He said, let do it and move on to the other areas. We had a possibility of losing if we didn't take this action today. What they lose was partially the kind of regional support that Councilor Newman was talking about. This suggestion to draw a line at the Willamette River was not only supported by the people of Wilsonville and Charboneau. It had also been supported by the City Council of Canby, City of Lake Oswego, and many citizens groups. He believed we had a regional consensus. He felt by delay the decision we would not strengthen that regional consensus, they were likely to diminish it because people would say that we had our opportunity to lead and you declined that opportunity so now we were going to take leadership ourselves. If we decline the opportunity now he was afraid the kind of support they had now would dissipate as they went through a long and complicated process. He believed Council should defeat the motion to postpone and pass 04-1041 today and then get on with the work that Councilor Newman and Councilor Park think we ought to do.

Councilor Monroe asked Mr. Cooper if the passage of Ordinance No. 04-1041 would jeopardize our efforts to get approval of Ordinance No 04-1040B. Mr. Cooper said he did not believe so. The best case for defending 04-1040B was the record Council had in front of them. He spoke to the lack of record for 04-1041 and that we may not have a big enough record to defend it. The record they had, fully justifies the Council's decision not to include land south of the Willamette River. The COO never recommended land south of the Willamette River.

Councilor Monroe said if we approved the Newman amendment today and allowed for a public processes around the region, with public comment and a recommendation from the COO and deliberation by this Council, would that be easier to defend 04-1041 as it was currently drafted?

Mr. Cooper responded that from a process wise challenge, yes. Depending upon what Council did after they had that record and which edged Council picks which he did not know, Council might create problems for themselves depending upon how that decision came out. Anything Council did would be subject to a challenge after they made a final decision.

Councilor McLain said they asked Councilor Newman to put in a time certain for the report back and action date, did that motion help or hinder us? It looked like they were preempting the discussion.

Mr. Cooper suggested asking the Chief Operating Officer who would have to conduct the study.

Michael Jordan, COO, said as long as it was understood that he was not speaking from a legal perspective. Purely logistically, they could certainly do what they were directed to do. His concern given the agenda that was on our plate currently Goal 5 and upcoming UGB analysis due December 2007, and aspects of the Big Look was that the report would have more questions than answers for the Council. He was also concerned given the amount of public input necessary to accomplish this that a timeline between a report and two months for a public process was an awful short time line. He was concerned from a logistical perspective.

Councilor Park asked if we had passed 04-1041 last year and this policy was in place, and then proceeded to do 04-1040, where would they be at in terms of our legally defensible position? He was relating this back to the 1999 urban reserve decision.

Mr. Cooper said if you had adopted 04-1041 nine months ago, we would probably be waiting to hear from the Court of Appeals whether what ever decision the Land Use Board of Appeals (LUBA) had made about was going to be upheld or not. Since we didn't, he didn't know how successful he would have been at LUBA defending it and he didn't know where it would have gone with the Court of Appeals. But they would have been in the position of making the 04-1040 decision without a lot of guidance. Assuming the Council would have adopted 04-1041, and it would have either been upheld or not challenged then they would be making their 04-1040 decision and it wouldn't have looked any different than the one the Council was currently making.

Councilor Park said if you passed 04-1041 without the other addendums, where would we be on the next UGB decision.

Mr. Cooper said if Council passed 04-1041 and Council was at the next decision, it would depend upon what was in the record and what was the land need and what Council was looking for because as 04-1041 was written, it was a very good political symbol but it still reflected accurately what Oregon land use law said, was that we get to set our regional policies consistent with the current version of State law. So unless State law was changed, it was possible that they would end up with a record the next time that still pointed Council in this direction. To the extent that we had the ability to set a hard edge, we could do so but just like to edge they had in a policy between Tualatin and Wilsonville for that exception land to be considered as separation of communities area, you get to the point that your need forces you to not have any other exception land to go to, you had to take the exception before you could get into a higher priority of land for protection under State law.

Councilor Hosticka said Mr. Cooper just made the best rationale why the motion to postpone should be defeated which was lets make this decision today with the very extensive record that they had and by the time it has been reviewed, we will know whether we could set hard edges or not and will have some guidance about what kind of record we need to create and we can do the kind of work that was contemplated between now and then. He suggested that they had just gotten the best argument for making a decision on 04-1041, now was the best time.

Councilor Burkholder said this was a critical issue and one that they had not had a chance to discuss. He explained why he voted for Councilor Park's amendment. This was a critical issue. People were concerned about urban growth, where it was going and what impact it had on our State. But they were not just concerned about this one site, people had only been given one choice, not where would you do it if you had a choice. There hasn't been the same opportunity around the region to put other choices before the Council. If we pass this, have we then lost the kind of support we needed for more difficult decisions such as North Plains and Hillsboro. The strategic question was would we lose support or gain support. He felt that the Park amendment dealt with broader concerns. Councilor Newman's motion didn't quite go far enough. He felt it left us hanging.

Council President Bragdon said he would be supporting the motion to postpone. He felt that it gave us the opportunity to deal with a really important issue but to do it in a comprehensive way and to do it in a way that avoided the issues of fairness and equity that were absent in the current 04-1041 and possibly the legalities of it. He thought this pointed them toward solving the problem that created a lot of anxiety for us, which was that our growth management efforts were merely slowing down our transformation into a landscape like Southern California. We were just not doing it as fast as was happening in a lot of other places. Simply drawing a line by a particular council was not going to solve that issue either. A very strong redevelopment agenda and reinvestment in existing areas agenda as well as changes in the State law was what was needed. Ultimately Metro Code was subject to State law. They wanted to come up with something that actually sticks. He didn't think 04-1041 would stick both for the political reasons and the legal reasons. Another issue that needed to be dealt with was how to close the back door. In our discussion on this part of region about drawing a line at the Willamette River did it do any good if Woodburn didn't draw a line around itself? He hoped that we could take a more comprehensive approach.

Councilor McLain said there were two reasons that she was having a hard time with this. She was leaning toward supporting the motion. She said this would bring all kinds a folks from the region to talk about hard edges but she wanted them to do more than that. She wanted them to talk about what they wanted in the way of rural reserves and urban reserves so that all parts of the community were cared for. This was not just about a pretty map or a geographical shape to our landscape. She said it had to do with people being able to do their jobs, recreate and live in places that they can appreciate. She would vote for a delay and hoped that Councilor Park's language would be forwarded for the Big Look discussion. She thought that the urban and rural reserves were definitely part of that Big Look. The connection and the coordination intergovernmental agreements with our neighboring cities were part of that Big Look. 24 years ago there was plenty of room to grow. What people were saying now was that we were going to have to make some choices about whether we were going to grow, where were we going to grow and how were we going to grow. She thought we had to have all part of that discussion to make it work.

Councilor Newman said he supported hard edges. If this didn't pass, he would support 04-1041. He felt this 04-1041 ordinance was incomplete. This was the opportunity to make it complete,

which was what they all said they wanted to do nine months ago. This motion was intended to look at this in time certain terms.

Vote to Postpone:

Councilors Newman, Burkholder, McLain, Monroe and Council President Bragdon voted in support of the motion, Councilors Hosticka and Park voted no. The vote was 5 aye/2 nay, the motion passed.

Councilor Burkholder indicated he would be leaving the meeting.

5.3 **Ordinance No. 04-1038**, For the Purpose of Adding a New Chapter 10.04 “Pioneer Cemeteries” to Metro Code Title X – Regional Parks and Greenspaces providing for the Management of Metro’s Pioneer Cemeteries And Repealing Metro Code Section 10.02.050.

Motion:	Councilor Monroe moved to substitute Ordinance No. 04-1038 with Ordinance No. 04-1038A.
Seconded:	Councilor Newman seconded the motion

Councilor Monroe said they did include an emergency clause so that this can take effect right away. Councilor Monroe said when the Multnomah County Parks Department merged with Metro in 1994, Metro assumed responsibility for the operation and care of 14 Pioneer Cemeteries Presently the Metro Code contained no regulations directing the management of these cemeteries. The regulations proposed in this ordinance will ensure that the Pioneer Cemeteries were managed: In compliance with state laws, as community assets, in a manner that will maximize financial benefit and long term stability, and to protect and preserve their historically significant nature. The ordinance vests authority to manage and operate these cemeteries in Metro’s Chief Operating Officer, including the authority to adjust rates and fees commensurate with market rates. He urged support.

Council President Bragdon opened a public hearing on Ordinance No. 04-1038A. No one came forward. Council President Bragdon closed the public hearing.

Councilor McLain said when they had a work session on this issue, they had asked for State and other cemetery guidelines. Mr. Jordan said the staff report predates the work session. His understanding conforms with all of the operations polices from State law.

Jim Desmond, Regional Parks and Greenspaces Director, said they did a survey of older cemeteries in the area. They were actually the only body that did not have a Code.

Councilor McLain asked about the COO establishment of fees. Mr. Desmond said it would be based on a market study. Councilor McLain suggested in section A included “at least every ten years”. She felt it should be reviewed on a regular basis. Mr. Jordan said there was no objection to this. He had suggested that in the budget they would review it on an annual basis. That was their intent. Councilor McLain suggested we review fees every year on an annual basis. Mr. Cooper said when you set budget guidelines you could ask that the fees be reviewed.

Councilor President Bragdon said he didn’t any problem with this. Councilor McLain said she would like to look at fees annually.

Vote:

Councilors Park, Hosticka, Newman, Monroe and Council President Bragdon voted in support of the motion with Councilor McLain voting no. The vote was

5 aye/1 nay, the motion passed.
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Councilor McLain said she voted no and that she would be bringing forward a resolution with budget guidelines at a future date.

**6. RESOLUTIONS**

6.1 **Resolution No. 04-3456**, For the Purpose of Designating South Metro Area Rapid Transit (SMART) Transit District as Eligible to Receive Federal Urbanized Area Formula Program Funds and to Amend the 2004-07 Metropolitan Transportation Improvement Program (MTIP) to Reflect Distribution of Federal Funds to SMART.

Motion:	Councilor Park moved to adopt Resolution No. 04-3456.
Seconded:	Councilor Hosticka seconded the motion

Councilor Hosticka spoke to the resolution and said after the 2000 census, the City of Wilsonville and its South Metro Area Rapid Transit (SMART) service area became part of the Portland Metro urbanized area recognized by the US Department of Transportation (DOT). Data from the Wilsonville area was now also included in the Federal Transit Administration’s (FTA) determination of the Portland metro area’s share of federal urban transit funds.

SMART, TriMet and C-Tran, the 3 local transit agencies, have signed an agreement to determine how to divide federal transit funds (Section 5307 funds). In order to establish SMART’s eligibility for federal funds, the Metropolitan Planning Organization (MPO) for the area must concur. Adoption of this resolution would serve this function for Metro as the region’s MPO.

Because the Wilsonville area is included in FTA determination of apportioning transit funds to the Portland metro area, this resolution will not result in a reduction in funds to other public transit agencies in the Portland area. He and Councilor Park urged support.

Vote:	Councilors Park, Newman, Hosticka, McLain, Monroe, and Council President Bragdon voted in support of the motion. The vote was 6 aye, the motion passed.
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6.2 **Resolution No. 04-3466**, For the Purpose of Approving Metro’s Priorities For Application for Regional Flexible Transportation Funds through the Transportation Priorities 2006-09.

Motion:	Councilor Park moved to adopt Resolution No. 04-3466.
Seconded:	Councilor Monroe seconded the motion

Councilor Park introduced the resolution and said every 2-years, Metro conducted the Transportation Priorities program to select projects for funding from the federal Surface Transportation Program (STP) and Congestion Mitigation/Air Quality (CMAQ) funds.

Joint Policy Advisory Committee on Transportation (JPACT) and Metro Council recently adopted policy guidelines (Res. 04-3431, March 18, 2004) for awarding these funds, identifying support of economic development as the primary objective of the program.

The Transportation Priorities program would identify approximately \$57.75 million for expenditure in the years 2008 and 2009 (about 4% of the funds expended in the Metro region

each year). Applications must be approved by the governing body of the applicant agency – approval of this resolution served this purpose for Metro applications.

Exhibit A identified potential Metro applications for approval by Council, including traditional Metro transportation programs (such as Transit Oriented Development and Corridor Planning) and one-time projects Exhibit B identified potential regional applications to the program in which Metro will participate as a regional partner, including rail transit, trails, and Regional Travel Options program. He urged adoption.

Vote:

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

6.3 **Resolution No. 04-3472**, For the Purpose of Authorizing the Implementation of a 1.6 percent Cost of Living Adjustment for Metro Non-represented employees for Fiscal Year 2004-05.

Motion:	Councilor McLain moved to adopt Resolution No. 04-3472.
Seconded:	Councilor Newman seconded the motion

Councilor McLain summarized the resolution and staff report. She urged support.

Vote:

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

**7. CHIEF OPERATING OFFICER COMMUNICATION**

He had nothing to say.

**8. COUNCILOR COMMUNICATION**

Councilor Hosticka reminded Council of two retirement parties occurring this evening.

**9. ADJOURN**

There being no further business to come before the Metro Council, Council President Bragdon adjourned the meeting at 5:00 p.m.

Prepared by

Chris Billington  
Clerk of the Council

**ATTACHMENTS TO THE PUBLIC RECORD FOR THE MEETING OF JUNE 24, 2004**

Item	Topic	Doc Date	Document Description	Doc. Number
3.1	Minutes	6/17/04	Minutes of the Metro Council Meeting of June 17, 2004	062404c-01
5.1	Exhibit G	6/22/04	To: Metro Council From: Richard Benner, Senior Attorney Re: Exhibit G to Ordinance No. 04-1040B	062404c-02
5.1	Staff Report	6/21/04	To: Metro Council From: Lydia Neill, Planning Department Re: Staff report to Ordinance No. 04-1040B	062404c-03
5.1	Letter	6/24/04	To: Metro Council From: Debora Collard, Ball Janik LLP, Attorneys Re: written testimony on industrial lands	062404c-04
5.1	Letter	6/22/04	To: Metro Council From: Pamela Berry, Berry, Elsner and Hammond LLP Re: additional submittal for the record on 04-1041A, industrial lands	062404c-05
5.1	Email	6/13/04	To: Councilors Bragdon, Newman and Hosticka and Mayor Ogden From: Lori Williams-Forbes Re: Industrial Lands in east Tualatin	062404c-06
5.2	Draft amendment	6/23/04	To: Metro Council From: Councilor Park Re: Draft amendment for Ordinance No. 04-1041	062404c-07
5.3	"A" version of ordinance	6/24/04	Ordinance No. 04-1038A, Cemetery Code policies	062404c-08
5.1	Letter	6/24/04	To: Metro Council From: Peter Voorhis Re: property owner for NE corner of intersection of NW 27 <sup>th</sup> and Vaughn re: restrictions on industrial land, Ordinance No 04-1040B	062404c-09
5.2	Promotion piece	6/24/04	To: Metro Council From: Greg Leo Re: Promotion piece supporting drawing the line at the Willamette River	062404c-10
5.2	Motion	6/24/04	To: Metro Council From: Councilor Newman Re: Motion to postpone Ordinance No. No 04-1041	062404c-11
5.1	Letter	6/22/04	To: Metro Council From: Mayor Malone Re: supports excluding 87 acres identified as part of the green corridor/rural reserve in Sandy's IGA with Metro	062404c-12
5.1	Testimony	6/24/04	To: Metro Council From: Mary Kyle McCurdy, 1000 Friends of Oregon Re: issues having to do with Cornelius parcels	062404c-13
5.1	Testimony and letter	6/24/04	To: Metro Council From: Robert Ruedy Re: concerns of the overall economic future of the region and providing a	062404c-14

			comprehensive land use review process	
5.1	Exhibit F	6/24/04	To: Metro Council From: Dick Benner, Senior Attorney Re: Revised Exhibit F to Ordinance No. 04-1040B	062404c-15
5.2	Oregonian Article	6/24/04	To: Metro Council From: Michael Kohlhoff Re: an Oregonian articles “Drawing a line to protect farmland”	062404c-16