

# MINUTES OF THE METRO COUNCIL MEETING

September 24, 1998

Hillsboro School District Administrative Office Board Room

Councilors Present: Jon Kvistad (Presiding Officer) Ruth McFarland (by phone), Ed Washington, Susan McLain

Councilors Absent: Rod Monroe, Don Morissette, Patricia McCaig

**Presiding Officer Kvistad** convened the Regular Council Meeting at 7:07 p.m. He welcomed the citizens of the Hillsboro area.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

**Mayor Ralph Brown, City of Cornelius**, 586 S 12th Cornelius, OR 97113, thanked the Metro Council for all of the help they have given the City of Cornelius, a growing community of over 8,000. He also thanked Councilor Washington for his visit to review low income housing projects as well as Councilor McLain for her continued involvement. He also noted the Presiding Officer's special interest in the Cornelius area and his assistance in the community solutions endeavors.

**Councilor Washington** appreciated the hospitality of the City of Cornelius when he came to look at affordable housing. He noted that the Affordable Housing Technical Advisory Committee had finally started, he would be sharing some of Cornelius' successes with the committee.

**Presiding Officer Kvistad** added that Councilor McLain had also been talking about a Cornelius light rail extension.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

**Councilor McLain** reviewed the subcommittee activity on MPAC. The three primary subcommittees were: 1) a funding subcommittee which was dealing with infrastructure costs, building the 2040 Growth Concept Plan and carrying out the Regional Framework Plan, 2) the boundary commission subcommittee which dealt with Metro and the counties taking over the Boundary Commission's responsibilities at the direction and guidance of the legislature, and 3) schools and school planning subcommittee which dealt with shared resources and how to deal

with the need for new schools in the future. MPAC had moved to support MTAC's recommendation to continue and carry out the work on the update on the Urban Growth Report, the need assessment on the upcoming Urban Growth Boundary amendment.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the September 17, 1998 Regular Council Meeting.

**Motion:** **Councilor Washington** moved to adopt the meeting minutes of September 17, 1998 Regular Council Meeting.

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

**Vote:** The vote was 4 aye/ 0 nay/ 0 abstain. The motion passed of those present.

## 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-774**, Approving Urban Growth Boundary Locational Adjustment Case 98-5: Valley View, and Adopting Hearings officer's Report Including Findings and Conclusions. (*Presentation of Hearings officer's Report and Recommendations*)

**Mr. Dan Cooper**, Legal Counsel, said this was an ordinance that would approve a locational adjustment to the Urban Growth Boundary. Pursuant to the Council's rules, it came to the Council at first reading for the hearings officer's report, recommendation and testimony. This was an application for a locational adjustment to the Urban Growth Boundary, a quasi-judicial proceeding which meant that the Council was required to consider the facts that were in the record and apply the criteria that had been adopted in the Metro Code, acknowledged as part of the land use planning rules by the state, and determine whether or not to approve the application.

The applicant had the burden of proof and persuasion to present evidence that met the Code criteria. Generally speaking, in a quasi-judicial matter if the applicant had done so and there was undisputed evidence that all of the criteria had been met, then the applicant was entitled to have his application approved. If the Council failed to do so it could be grounds for this matter to be returned to the Council for approval anyway. The Council did not have a lot of discretion if the facts showed, with undisputed evidence, that the Code criteria had been met. Likewise, if there was undisputed evidence in the record that the applicant had failed to meet any one of the required Code criteria then the Council needed to say no, no matter what else the Council might want to do because if the Council failed to do so, the application would be reversed if an appeal were filed. If there was evidence in conflict or if the Council found that the criteria left some discretion as to how much weight to give to particular factors and the Council was balancing those factors, then the Council may exercise that discretion and reach either a conclusion to approve or disapprove. In any of these circumstances, the Council would have to adopt findings and conclusions that explained what the Council's decision was and why.

In this case the hearings officer had conducted a hearing pursuant to Metro's Code, had the opportunity to receive any evidence that they wanted to produce and had made a recommendation to the Council that the Council should approve this application. He had also prepared his draft recommendations, findings and conclusions to support that recommendation. This being an ordinance for approval required a first reading and then the Council may vote at a subsequent meeting and actually approve this matter because the Council could not do so at this meeting. If the Council decided to agree with the hearings officer's recommendation, the Council would vote

to approve that recommendation at a subsequent meeting. If the Council reached the conclusion that they wanted to deny this application and they found reasons to do so, then, by motion the Council could direct that this matter be returned to the hearings officer for him to prepare findings or to do the denial or the Code allowed the Council to send it directly to Metro's General Counsel office to prepare findings to support a denial.

**Presiding Officer Kvistad** asked Mr. Cooper about the appropriateness of taking public testimony on this matter during this meeting.

**Mr. Cooper** indicated that testimony was allowed at this time, however, there was a formal process for those who wanted to object to the hearings officer's report and recommendation. They were required to file formal exceptions explaining where they objected to the report. The purpose of that process was to allow both parties in the matter to know what those objections were so they could be prepared to testify if there was testimony in support of the hearings officer's report and recommendations that was appropriate. If there was testimony in opposition to that report and recommendation, Metro had not received any exceptions at this time, then, it would not be appropriate for the Council to consider the arguments at this time with specific exceptions. If there were persons who wished to testify in opposition to the hearings officer's report and/or recommendation Mr. Cooper suggested that the Council might want to be very careful as to what the testifier would say and how much weight the Council would give to that testimony.

**Presiding Officer Kvistad** clarified, the testifier would have the ability to put their comments forward and speak to the Council but it would be different than an appeal.

**Mr. Cooper** responded that having not filed an exception, the testifier had not preserved their right to object to the Council's decision.

**Presiding Officer Kvistad** asked if the testifier could ask questions or speak to the Council about their concerns.

**Mr. Cooper** indicated they had that right in accordance with the constitution.

**Councilor McLain** said to Mr. Cooper that her understanding was that the Council had been given the basic bear bones of the hearings officer's report. If there was some information in the hearings officer's report, the Council had an opportunity to discuss that with him today, to asked questions?

**Mr. Cooper** responded, yes.

**Councilor McLain** continued her questions, if there was a person who wanted to testify about something that was in the report, they could not have an ability to object to the Council's decision but would have an opportunity to talk about those issues.

**Mr. Cooper** said yes they would have that opportunity.

**Mr. Ray Valone**, Growth Management Service Department, had been serving as the project manager for this case. He said this was a proposal for a locational adjustment, Valley View Mobile Home Court Inc. requested the addition of 15.27 acres to the UGB for the purpose of obtaining public sewer service. He noted the Council packet's contents included the proposed ordinance, the map attachments, the hearings officer's report and recommendation, the hearings officer's proposed findings, conclusion and final order as well as Mr. Valone's staff report. The

property was located north of Tualatin Valley Highway and east of the City of Cornelius boundary. The public hearing was held on June 29, 1998 in Cornelius City Hall and was conducted by Larry Epstein, who was acting as the hearings officer. He introduced Mr. Epstein.

**Mr. Larry Epstein**, Hearings Officer, said he had submitted to the Council eleven pages of findings and conclusions as well as a four page summary. The basic facts for the site were: 1) it was 15.25 acres in the southwest proposed to be added to the Urban Growth Boundary. 2) The site was situated north of the TV Hwy. and south of the Electric Railroad right-of-way, east of the City of Cornelius in unincorporated Washington County. He noted the map which showed the entire property outlined in white, the portion outlined in yellow was the portion proposed to be included in the UGB, not all of the property was proposed. A portion of the property was in the hundred year flood plain. The applicant had originally proposed to have this portion of the property included but later changed the application to exclude that land from the proposal. The land proposed to be included in the land contained the Valley View Mobile Home Court. He noted an aerial photograph that showed the mobile home park. The surrounding area to the west was a single family subdivision, to the south was vacant land zoned commercial, to the east were some rural residential uses in addition to single family homes and to the north was farm land. The property was zoned AF5 which was a county designation allowing five acre lots. It was not a farm zone. The portion of the property to be included in the Urban Growth Boundary was relatively flat, there were some areas with steeper slope along the hundred year flood plain and between the south edge of the property and TV Hwy. A drainage swale extended into the property as well on the west side. The existing land use of the property contained sixty three mobile homes, the mobile home park was currently served by an on-site septic system. That septic system had failed. The failure of the existing drain fields had created a public health hazard and the applicant had petitioned to include the property in the Urban Growth Boundary largely to resolve the existing septic problem by connecting to public sewer. At the time this application was heard, this was the only way by which the applicant could get that sewer.

The record included comments from relevant jurisdictions, the City of Cornelius and the Cornelius Police Department recommended denial. The city argued that the cost of extending services to the property would exceed any tax benefit to the city. The Washington County Board of Commissioners made no recommendation, they took a neutral position. The Washington County Sheriff's Department supported the petition, they said they could serve the property. The City of Hillsboro Water Department, Cornelius Fire Department, the Oregon Department of Transportation and TriMet all took neutral positions. They all currently provided services to the property and indicated they would continue to do so. The Hillsboro School District testified that they were unable to respond to the potential impact of the petition without additional information about the ultimate zoning on the site. The Unified Sewer Agency of Washington County said the property could be served by gravity flow sewers. A hearing was held on June 29th. At that hearing three witnesses testified including Mr. Valone, a representative for the applicant and a neighbor. No one appeared against the petition. The record closed at the end of the hearing. No one requested that the hearing be continued or that the record be held open. He filed his report with Metro one month later, as required by the rules.

He reviewed the rules or the approval criteria for a locational adjustment and after describing each criterion he said he would then explained the findings that he came to or adopted in resolving whether the application complied with the criteria. First, the rules provided that a locational adjustment to add land to the Urban Growth Boundary must comply with certain standards as put forth in Metro Code 3.0.035, section B, C and F. The first of the standards prohibited locational adjustments which all together totaled more than 100 acres in any given year. Since the Council had not approved any locational adjustments as of yet this year, the

application complied with this standard. It also prohibited a locational adjustment from exceeding 20 acres in size. Because this site was only 15.25 acres, it complied with that requirement. The second criterion required that the petition comply with additional standards, the first was that the property must be capable of being served in an orderly and economic manner with public services. Based on the statements from service providers, the petition complied with that standard. The petition must result in a net improvement in the efficiency of public facilities and services. Metro had not adopted any rules for analyzing whether a project complied with this standard. Each application was looked at on a case by case basis to determine whether including the property resulted in any efficiencies. In practice, the Council had, in the past, recognized some differences when dealing with raw property as opposed to developed property. The Council had held developed properties to a somewhat lower burden of proof than it had in dealing with vacant properties. That was, in part, because the Council reasoned that including a developed property had lesser impacts in general, it had already had the development occur. For the most part, properties that were already developed often times had services so the service impacts were less. When acting on other locational adjustments, the Council had held the locational adjustment to a different standard if it involved property that was developed such as the property in this case. Mr. Epstein concluded that this project did result in a marginally greater efficiency because it allowed sewer service to cross the property. By doing so, it allowed sewer service to the properties south of the site which were in the Urban Growth Boundary and which did not now have access to sewer services. This was principally the efficiency that this locational adjustment achieved. The project achieved a marginally greater efficiency because it allowed sewer service to cross the property and thereby serve properties to the south which did not now have access to sewer. Those properties were in the UGB and zoned commercial but they couldn't develop as efficiently without sewer service because generally they were of a small size.

The next criterion was that the locational adjustment must facilitate permitted development of adjacent land already in the UGB. For the same reason as the project resulted in some service efficiencies, it also achieved this criterion because it allowed development of adjacent commercially zoned properties south of the site which were now within the UGB by using a gravity flow sewer system that they could not have used without the locational adjustment.

The next series of approval criteria stated that the locational adjustment must have a positive impact on the regional transit corridor and must address any hazards for natural resources on the site. In this case there was no impact on a regional transit corridor. There were positive economic, social, energy and environmental consequences principally by preserving the historic use of the site for what was relatively low income housing and by facilitating the clean up and resolution of the health hazard on the site by providing public sewers to this property.

The next criteria required that the locational adjustment must result in the retention of farm land. Because this property was not zoned farm use, it was not farm land and not subject to that criterion. The additional locational adjustment may not be incompatible with farm uses on surrounding property. Although there was farm use on surrounding property, property to the north, granting the petition did not appear likely to result in any incompatibility primarily because of the historic use of the property in its existing form and the historic use of the properties to the north for farm use. There had been no conflicts, none were raised by the witness who testified, the farmer of that property. Mr. Epstein concluded, based on that history of no impact, that the conversion of this land to the UGB would not adversely effect farm land.

**Presiding Officer Kvistad** asked if the rail lines still existed to the north.

**Councilor McLain** asked for clarification from Mr. Epstein, referring to the person that testified on the night of the hearing and who was the farmer to the north, did the farmer understand that they were asking for sewer but that if they got the sewer that the zoning could change?

**Mr. Epstein** responded that the farmer's question was, where would the sewer be, where would it be routed. The farmer appeared satisfied with the response.

**Councilor McLain** said the process that they were talking about was sewers not about rezoning and upgrading or higher density on the piece of property under review.

**Mr. Epstein** said that was correct. The next criterion required that the proposed Urban Growth Boundary be superior to the existing Urban Growth Boundary based on all of the prior factors. In this case, he concluded that the Urban Growth Boundary was superior if this locational adjustment was granted because it remedied a health hazard by allowing the sewer extension, it recognized the historic developed use of the property and it allowed for sewer service to adjoining land already inside the Urban Growth Boundary.

Lastly, an application must include all similarly situated land. He concluded that this site differed from adjoining land largely because of its historic use as a mobile home park and because of its status of having a health hazard. For these reasons he continued to recommend that the Metro Council approve the locational adjustment based on the findings and conclusions in his report.

**Councilor McLain** said she had looked at the summary as well as the entire text. She had asked Mr. Valone for additional materials. One of the elements that she had noticed was that the major two points made in the hearings officer report was one, the health hazard, the main reason for this locational adjustment was to get sewer. Second, she noted that this report seemed incomplete. She asked Mr. Cooper about exparte knowledge.

**Mr. Cooper** responded that if Councilor McLain was aware of facts that were influencing her decision that were not contained in this record, she should disclose these facts now and we should determine whether or not the facts would possibly be dispositive. The applicant had an opportunity to place rebuttal in the record. It might be very appropriate to then send this back to the hearings officer to reopen the hearing to consider any new facts that Councilor McLain had.

**Councilor McLain** said that she received the Washington County agenda and minutes every week and was aware that on July 14, 1998 Washington County passed an extraterritorial extension to the sewer service for this very property and that at this point they could receive service. This seemed incomplete particularly with the fact that the City of Cornelius opposed the locational adjustment and Washington County and others stayed neutral. It seemed to her there were reasons why they didn't openly approve, there was a reason for staying neutral. She questioned the completeness of what she had read on that part of the report. It also made a big difference on how she reviewed the two elements, one, that the Council was considering this because the property needed sewer service but yet they could get sewer service now and two, the other reason was that the hearings officer had indicated that there would be better service to properties to the south. Those properties were inside the UGB but they were very narrow, right next to the Tualatin Valley Highway and below this narrow property was very active farming. The Council had gone through and looked at one of the other guidelines, which the hearings officer had just reiterated, did it have adverse effects for a different type of development on agricultural land? Councilor McLain indicated that right now there was a tractor dealership and a used car dealership, possibly not as much in need of a sewer as there was a need for the property which would be getting the sewer. If they couldn't get the sewer, they could still use gravity feed

to go down to the property below. She was not sure why she was still looking at the thesis of this case if the sewer was already allowed because it was a health hazard, giving it to the people below because they needed gravity feed when they now had the ability to have both.

**Presiding Officer Kvistad** asked Mr. Cooper about the appropriateness of Councilor McLain's question.

**Mr. Cooper** responded that the question was appropriate but was also one for the Council not just Councilor McLain. Councilor McLain could pursue this line of questioning and if the majority of the Council decided it wanted to go forward with the recommendation based on the evidence in the record, Mr. Epstein could do so.

**Presiding Officer Kvistad** clarified, since the Council was not making a decision at this evening's meeting, then general discussion and questions could occur.

**Mr. Cooper** concurred and said if at the conclusion of this discussion, the Council wished to consider any of these matters, he would recommend that the entire Council send it back to the hearings officer. If the majority of the Council did not find that this information was persuasive to them to change their minds from accepting the hearings officer recommendation, there was no need to send it back for the hearings officer to consider because the evidence in the record was sufficient to support his recommendation.

**Presiding Officer Kvistad** indicated to Councilor McLain that she could ask her questions.

**Councilor McLain** said that if she felt there was enough in the hearings officer report without that piece of information, that on its face, she believed there was a reason to deny without that extra information, was it appropriate to request this?

**Mr. Cooper** reiterated that if a majority of the Council believed that the facts in the record did not support approving this, then they could ask that findings be prepared to justify that decision. It would be appropriate for a Councilor to make a motion, stating the reasons in the motion why they believed the applicant should be denied, then Mr. Epstein or Mr. Cooper would prepare those findings.

**Councilor McLain** said that what was in the report that she read and a letter from the City of Cornelius indicated that they felt that there was not going to better urban services because it was a piece meal approach situation. Mr. Epstein indicated that he thought the Council, in previous times, had held developed land to a little lower standard or criteria than raw land. Her understanding was that Mr. Epstein thought he had followed the guidelines and what kind of standard he gave the low density developed land. If she were to indicate to Mr. Epstein that she believed that the implication that she read in the report looked like he needed a higher standard, how would Mr. Epstein defend the standard he used.

**Mr. Epstein** said he would not, it was not up to him to defend this. He was just trying to gather from his experience what it was that the Council wanted him to do. He was prepared to respond to the three issues that Councilor McLain raised. The first issue was the fact that the Board of Commissioners for Washington County passed an extraterritorial extension. That occurred on July 14, 1998, the record closed on June 29, 1998. So he could not consider it even if he knew it. He had to make his decision and his recommendation based on the record. The record did not include that information. He was aware that Washington County was considering that extraterritorial extension but he could not give that any merit or weight. Based on the record

before him, the report was correct. Based on the fact since the record was closed, his report was not correct which was a reason, perhaps, to remand if the Council believed that issue was important. The second issue had to do with the extension of sewer services to the properties in the south, the properties were now in the Urban Growth Boundary, providing them with sewer service did not trigger the agricultural lands compatibility standard for a locational adjustment. Because they were in the Urban Growth Boundary the Council made a decision that it wanted the properties to be used for urban purposes and if they were to be used for urban purposes then the most efficient way to do so was to give them sewer, to develop gravity flow sewers. Council had also held that gravity flow sewer was the most efficient way of providing for sanitary waste. In his opinion it would be improper for the Council to base a denial on concerns that urban development of land already in the UGB would somehow be incompatible with farm land across the Tualatin Valley Highway.

Mr. Epstein then responded to Councilor McLain question about the Council's past practices. He noted a graphic which illustrated examples of locational adjustments and some major amendments he had been responsible for reviewing as their hearings officer. The first four cases involved properties that were developed, the latter four cases included properties that were not developed. He tried to illustrate in the graphic the subtle differences the Council struck. He reviewed the first case listed, UGB 95-01 concerned existing roadways, retail businesses, and a commercial storage warehouse. The property was substantially developed. The surrounding land included commercial uses on three sides and farm land on the fourth side. There were concerns about agricultural impact. There were public services already provided to the property, sewer, water, roads. So, the public services that were provided were the efficiencies that resulted from including this property in the Urban Growth Boundary were practically nil. This was an example of developed property which was never-the-less approved as a locational adjustment by the fact that it had relatively few actual efficiency effects. It did not provide urban services to adjoining properties and it did not need urban services. The main reason why it was approved was so that the owners of those properties could get it rezoned to an urban zone and they wouldn't be treated as non-conforming uses. That was efficient in the sense that it allowed those existing urban uses to continue to operate. It would be inefficient to treat them as non-conforming uses because it was very hard to operate as a non-conforming use.

**Councilor McLain** said what would matter to her would be the year and the location of that piece of property.

**Mr. Epstein** responded that it was in 1995 on the Tualatin Valley Highway.

**Councilor McLain** said the reason that she had brought up the issue of the year and location was because it made a difference if the Council were looking at efficiency differently. Couldn't the Council change or fine tuning their look at efficiency?

**Mr. Epstein** said efficiency was inherently ambiguous.

**Councilor McLain** summarized, how the Council reviewed that efficiency for any given year or during a given case might change because the circumstances had changed around it, whether it be the Council's decision or thinking.

**Mr. Epstein** said yes he thought that was correct. He continued with the locational adjustment review, the next case was PCC Rock Creek, a major adjustment. Once again, there were practically no public efficiencies achieved except that that use was able to be maintained as a conforming use rather than something that was non-conforming and was allowed to continue to



grow as a result of that. The campus could rely on the fact that it would be treated like an urban use. It was more efficient to do so. Some individuals wanted to wipe that campus out.

The next site was Dammasch. Once again this was a site that had almost all the facilities that it needed. It really didn't provide any new efficiency but by approving a major adjustment that use was again allowed to stay there and now had evolved into something quite different.

**Councilor McLain** stated that there were difference between a locational adjustment and a major adjustment.

**Mr. Epstein** responded yes, there were differences in locational adjustments and major amendments. Major amendments had to go through the whole goal process and the locational adjustments did not have to go through the statewide planning goals. He said the rules Council had adopted were acknowledged by LCDC as essentially achieving the same thing for a small adjustment of the boundary.

**Presiding Officer Kvistad** asked what years they were.

**Mr. Epstein** said roughly 1991, but probably did not get to council until 1992. He then reviewed UGB 88-03 which had an existing church, school and parking lot. They had most of their public services but they didn't have public water so they needed that. The locational adjustment allowed them to get that water. That didn't help anybody else so there were no real efficiencies achieved for the general public. For those projects that dealt with fairly developed sites there was a relatively low burden of proof. If the Council looked at the raw land examples you see there was a much higher burden of proof. In the case of Knox Ridge there were very small efficiencies to road systems, storm drainage, sewer and water services. There were some efficiencies but they were not very much. The Council concluded that the surrounding land could be developed and have urban services and the locational adjustment was denied. The Council concluded that even though some efficiencies had been achieved it was not enough to warrant approval of the locational adjustment. The Starr and Richards application in 1994 involved a very small parcel, vacant and isolated by I-5 from other non-urban land. Council concluded that it was a sufficient efficiency because although they could have gotten sewer service with their own pump station, if it was included in the UGB, it could receive sewer service with gravity flow.

The Wagner site in Wilsonville was a very difficult case because there were not a lot of efficiencies achieved. When a very important road realignment occurred in that area and split that property it made sense to include both pieces in the UGB. That property was a good example of a close call.

The Mt. Tahoma case from 1988 involved 10 acres. At that time the property had no public services and including it in the UGB was inefficient because the sewer was 4,000' away and the surrounding properties could gain services without including the piece. He agreed with the Council decision that it was a clear case for denial.

Mr. Epstein said he had wanted to review this history of major and locational adjustments so that the Council could see what sort of fabric his recommendations were made from. He said there was some precedent but each case was unique and Council would need to base their decisions on the facts from each case. He said his recommendations were not binding to Council as they would be in court.

**Councilor McLain** said his review was a great help and asked Mr. Cooper for guidance.

**Mr. Cooper** said they did not need to give direction tonight and felt it would be more appropriate to discuss with the full Council.

**Mr. Epstein** said he would make a copy of his information available to all the councilors for review.

**Presiding Officer Kvistad** opened a public hearing.

**Ben Altman**, Planner, City of Cornelius, 10885 SW Merlin Ct., Wilsonville, OR, 97070, restated a concern from the early stages of the urban reserve evaluations regarding the whole area they were discussing. Their concern was tied to the locational adjustment criteria that limited the adjustment to 20 acres. Their second concern was regarding approval criteria of the similarly situated parcels. He explained the relationship between his issues was that the entire area was similarly situated as none of it had sewer. He said they had predicted 3-3½ years ago they would be before Council with this because there would be system failures and Cornelius would be the logical service provider for the area. He said they had anticipated the concern and had initially suggested they look at it as an urban reserve because it was already largely developed. He said their position was that it was underdeveloped, therefore had urban development capabilities in terms of redevelopment potentials. He said that pending problem was now reality and the first 20 acres was before Council for consideration. He said it was only a matter of time before the next 20 acres would be before them, and then the next and the next all the way down to Dairy Creek. He felt that over time when all the systems finally failed, they would be incrementally delivering sewer service to 20 acre chunks. He said they were not directly opposing this and were not opposed to the urban designation but they thought it should be as a chunk and not 20 acres at a time.

**Ralph Brown**, Mayor of Cornelius, 586 S. 12th, Cornelius, OR, 97113, agreed with Mr. Altman and added that their main concern was coming in piecemeal. He said they had taken a letter of support to the county regarding the sewer but it had been clear at the public hearings many years ago that the people in that area did not want to become part of the City of Cornelius. He said he believed Valley View needed the systems but felt the process needed to be looked at.

**Mr. Epstein** followed up by saying that the property was different from the surrounding property to the east. It had 63 mobile home units and was relatively dense for a non-urban area. To the east were single family homes on individual lots and he did not believe they were similarly situated as the mobile home park because of the difference in the nature of the use and the environmental, economic, and social consequences of not having them in the Urban Growth Boundary. He felt just because they were near the property and had septic tank service did not mean they were similarly situated when you looked at all the factors in the approval criteria. He felt it was important to keep relating back to the approval criteria and not let the process get beyond that.

**Councilor McLain** asked if he was thinking about status quo or status quo potential when he was thinking about similarly situated.

**Mr. Epstein** said status quo was existing conditions, not future ones.

**Councilor McLain** said then he was thinking that the 63 mobile homes would stay 63 mobile homes.

**Mr. Epstein** answered that they were thinking 63 mobile homes were now 63 mobile homes. He said he did not speculate about the future beyond what was on the record.

**Presiding Officer Kvistad** asked for other comments. There were none so he closed the public hearing and moved the item forward to the next meeting for second reading and possible action.

## **8. MCCI PRESENTATION**

**Kay Durtschi**, PO Box 19419, Portland, OR, 97280, Chair of the Metro Committee for Citizen Involvement, commented that she rode and enjoyed the new lightrail to the meeting tonight. She also commented that it was nice to see students in the audience and appreciated their interest in the proceedings.

Ms. Durtschi noted that MCCI was a chartered committee at Metro and was delegated to keep track of how Metro met the standards of citizen involvement in each of their departments as they carried Metro's message to the region. She reported that they were a committee of 25+ and came from each county and councilor district. She said there were 3 vacancies from this area and made an appeal for volunteers to round out the MCCI committee for a complete representation of the Metro region.

She reported that MCCI had put together some guidelines covering the criteria they used to check up on the departments. Number one was for the community to have an opportunity to be heard and the meeting tonight was a good example of opportunity for citizen input. She said they had also come up with guidelines for each Metro department to follow as they put together their citizen outreach programs. She introduced Karen Withrow, the Metro staff person involved full-time with MCCI and remarked that she was a great help. She said she and Ms. Withrow had been meeting regularly with Mr. Burton to share needs and keep up the communication between the agency and MCCI. She invited Presiding Officer Kvistad to take part in some of those communications with MCCI. She felt they could help the Metro outreach people communicate the real message of Metro. She said the committee had been taking some of the monthly Metro tours and felt they were very educational.

**Councilor McLain** thanked the MCCI members who helped with the Washington and Clackamas County fairs at the information booths and the MILT bus.

**Ms. Durtschi** said Bob Bothman was unable to make the meeting and related some of his comments regarding the parks, zoo and administrative subcommittee. She said they had decided to work on the natural area system planning process.

**Holly Isaak**, 18345 SW Salix Ridge, Beaverton, OR, 97006, liaison for the Transportation and REM subcommittees, reported they were going through work plans to decide which projects they would evaluate in the next year. She said there were several ongoing projects in Transportation that were interesting. She said they wanted to look at MILT for upgrading, and some of their other projects would be, for instance, the 217 corridor study and congestion pricing. She said the work with REM had been more difficult because they were not used to citizen involvement. She said they were working things out and she believed they would be working on upgrades to transfer stations with them.

**Terri Ewing**, 18640 NW Walker Rd., Beaverton, OR 97006, Growth Management subcommittee, thanked Metro for funding an educational day for her at an international convention she was attending in Phoenix as part of her job. Their funding would allow her to take

part in a workshop to learn how to evaluate citizen involvement. She hoped to bring information back to MCCI and to the auditor from that conference.

**Ms. Durtschi** reported that subcommittees met before the regular meetings so each committee member was putting in 2 hours plus their regular board meetings each month to study the issues. She said it was a great time commitment and was now paying off because the members were learning more about the different departments at Metro and how they operated. She said one of the major things Growth Management wanted to address was housing. They realized they had a lot of work to do on that and were now ready to get to work.

**Councilor Washington** said they were ready for MCCI to be involved also.

**Jerry Penk**, 22530 NW Gillihan Rd., Portland, OR 97231, MCCI Budget subcommittee, said their primary task was to familiarize themselves with Metro's budget. He felt it was the largest misconception the public had about Metro's operations, where the money came from and how it was spent. The least of their concerns was the Council since they had Councilor McLain as a liaison.

**Ms. Durtschi** thanked the Council and Mr. Burton for going that "extra mile" in helping MCCI get on the right track and do some good work with better direction than they had had before.

**Bill Merchant**, Clackamas County citizen representative to Metro CCI thanked the council for the evening meeting so he could attend.

**Presiding Officer Kvistad** said the Council had tried over the past couple of years to get the meetings out to the citizens and not just have the public hearings in the "office". He said there were more Council meetings and public hearings upcoming that would be out in the community even though it was difficult to do it.

**Councilor Washington** thanked the committee for their good hard work and said to keep it up.

**Councilor McLain** said it sometimes seemed like the same people did the work all of the time in committees but she thought there had been many more from the group actually helping and being involved over the last year. She thought they were on the right track and bringing about a really good process for everyone

## 9. COUNCILOR COMMUNICATION

None.

## 10. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 8:32 p.m.

Prepared by,

Chris Billington

| Document Number | Document Date | Document Title  | TO/FROM  | RES/ORD                 |
|-----------------|---------------|---|--|-------------------------|
| 092498c-01      | 9/24/98       | Metro Code 3.01.035<br>Locational Adjustment<br>Criteria  | TO: Metro<br>Council FROM:<br>Larry Epstein<br>Hearings Officer        | Ordinance No.<br>98-774 |
| 092498c-02      | 9/24/98       | Examples of UGB<br>Amendment Cases<br>Where the Council has<br>applied different<br>burdens of proof to<br>developed and<br>undeveloped sites | TO: Metro<br>Council FROM:<br>Larry Epstein,<br>Hearings Officer       | Ordinance No.<br>98-774 |
| 092498c-03      | 9/18/98       | Contested Case 98-5<br>(Valley View UGB<br>Amendment)   | TO: Presiding<br>Officer Kvistad<br>FROM: Dan<br>Cooper                | Ordinance No.<br>98-774 |
| 092498c-04      | 9/24/98       | MCCI Subcommittee<br>Project List   | TO: Metro<br>Council FROM:<br>Karen Withrow<br>MCCI                    |                         |
| 092498c-05      | 9/23/98       | MCCI Parks, Zoo,<br>Administration<br>Subcommittee Status<br>Report   | TO: Metro<br>Council FROM:<br>Bob Bothman,<br>Chair of<br>Subcommittee |                         |