

# MINUTES OF THE METRO COUNCIL MEETING

November 24, 1998

Council Chamber

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

Councilors Absent: Patricia McCaig

Presiding Officer Kvistad convened the Regular Council Meeting at 2:02 p.m.

## 1. INTRODUCTIONS

None.

## 2. CITIZEN COMMUNICATION

None.

## 3. EXECUTIVE OFFICER COMMUNICATIONS

None.

## 4. AUDITOR COMMUNICATIONS

None.

## 5. MPAC COMMUNICATION

**Councilor McLain** indicated MPAC would be meeting on November 30th and there would probably be comments from some of the members, either as a group or individually.

## 6. CONSENT AGENDA

6.1 Consideration meeting minutes of the November 10, 1998 and November 16, 1998 Regular Council Meetings.

**Motion:** **Councilor McFarland** moved to adopt the meeting minutes of November 10, 1998 and November 16, 1998 Regular Council Meetings.

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed unanimously of those present.

## 7. ORDINANCES - FIRST READING

7.1 **Ordinance No. 98-790**, Amending Metro Code 2.06 (Investment Policy) Regarding Authorized Qualified Institutions; and Declaring an Emergency.

**Presiding Officer Kvistad** assigned Ordinance No. 98-790 to the Financial Committee.

## **8. ORDINANCES - SECOND READING**

8.1 **Ordinance No. 98-789**, For the Purpose of Amending the Regional Framework Plan in Ordinance No. 97-715B for Consistency with Urban Growth Boundary Plan Procedures in Ordinance No. 98-772B and Declaring an Emergency.

**Motion:** **Councilor McLain** moved to adopt Ordinance No. 98-789.

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

**Councilor McLain** said they had discussed this at MPAC and Growth Management Committee meetings. She said it was a housekeeping issue that would keep the documents consistent in the way they were worded.

**Councilor Morissette** said there had been discussion about making this document match the framework plan and other documents. He reiterated his concern about densities being too high and growth happening in the wrong places. He did not believe his yes vote today would impact that.

**Councilor McLain** pointed out that her November 4 memo from Mr. Shaw contained the actual amendment language in it.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-789. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

8.2 **Ordinance No. 98-783A**, For the Purpose of Granting a Franchise to Waste Management of Oregon for the Purpose of Operating a Solid Waste Facility Authorized to Receive putrescible Wastes, Deliver Them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities and Declaring an Emergency.

**Motion:** **Councilor McFarland** moved to adopt Ordinance No. 98-783A.

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

**Councilor McFarland** called attention to a letter from Gary Penning and said there had been concerns expressed by citizens and council members. She recommended taking out the language granting the variance and consider the original ordinance that had come before the committee.

**Councilor McLain** wanted to make it clear that all of the provisions in 5.01-25, Variances, and 5.01-29, Direct Haul of Wet Waste in the updated Metro Code should be adhered to.

**Motion to**

**Substitute:** **Councilor McFarland** moved to substitute Ordinance No. 98-783A with Ordinance No. 98-783.

**Seconded**

**the motion**

**to substitute:** **Councilor Morissette** seconded the motion.

**Vote on the**

**motion to**

**substitute:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Councilor McFarland** urged an aye vote on the original ordinance.

**Councilor Washington** clarified with Councilor McFarland that this meant all refuse going up the gorge had to be in sealed containers.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-783.

**Mr. Garry Penning, District Manager, Waste Management of Oregon**, 5330 NE Sky Port Way, Portland, OR 97218 thanked the council for their efforts in the matter of the variance. He said he had not had the chance to report that his facility had all the required conditional land use permits and had been in operation for over a year with no complaints. He said now with this franchise, they were looking forward to doing business with Metro.

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

**Vote on the**

**Main Motion:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

8.3 **Ordinance No. 98-784A**, For the Purpose of Granting a Franchise to Willamette Resources, Inc. for the Purpose of Operating a Solid Waste Facility Authorized to Receive Putrescible Wastes, Deliver Them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities and Declaring an Emergency.

**Motion:** **Councilor Washington** moved to adopt Ordinance No. 98-784A.

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

**Councilor Washington** asked Mr. Warner to give a quick synopsis of the ordinance.

**Bruce Warner**, Director of REM, said the proposed action was similar to the last ordinance and would authorize WRI to begin accepting putrescible waste at their new facility and haul it directly to Columbia Ridge landfill under Metro's disposal contract. He noted there was a 50,000 ton limit. He thought what Councilor Washington wanted to stress was that this was being done because of the opportunity to save the rate payers some money. Approval of this ordinance could save approximately \$11 per ton on tons delivered to Columbia Ridge landfill directly as a result of transportation efficiencies. There would be 24 less trucks per day coming into the Metro South facility. He added that this and the next agenda item would allow additional opportunities for materials recovery and reduction of rates in the WRI service area. He said there would be a slight loss to the solid waste fund and an overall 4¢ - 9¢ impact on the tipping rate when they got into full operation.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-784A. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Discussion:** **Councilor Washington** thanked Mr. Warner and urged an aye vote.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

8.4 **Ordinance No. 98-785A**, For the Purpose of Granting a Franchise to Pride Recycling for the Purpose of Operating a Solid Waste Facility Authorized to Receive Putrescible Wastes, Deliver Them Directly to Metro's Contract Disposal Operator, and to Conduct Other Activities and Declaring an Emergency.

**Motion:** **Councilor Washington** moved to adopt Ordinance No. 98-785A.

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

**Mr. Warner** said this ordinance would give the same authority just granted to WRI to Pride Recycling.

**Councilor Washington** asked Mr. Warner to define putrescible waste.

**Bruce Warner** responded that it was waste that became putrid and smelled as it decomposed.

**Councilor McLain** said these ordinances showed that council was willing to have some competition but wanted to make sure the competitors met the standards set forth for the protection of the gorge as well as the actual transportation of this type of putrid waste. She thought it was important to have FTE to work through the inventory and the review of the impact to the system for the budget. She wanted to be sure these 3 ordinances were on the list to be reviewed.

**Mr. Warner** said it was a priority to make the Code as effective and efficient as possible.

**Presiding Officer Kvistad** opened a public hearing on Ordinance No. 98-785A. No one came forward. Presiding Officer Kvistad closed the public hearing.

**Councilor Washington** thanked the REM staff and Mr. Warner for their hard work.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

## 9. RESOLUTIONS

9.1 **Resolution No. 98-2727**, For the Purpose of Providing Recycling Business Development Grant Funds for United Recycling, Inc.

**Motion:** **Councilor Morissette** moved to adopt Resolution No. 98-2727.

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

**Discussion:** **Councilor Morissette** said the money was in the current budget for this grant and there was a recommendation from REM staff showing how the money would be used. He urged support of the item.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

9.2 **Resolution No. 98-2731**, For the Purpose of Making Citizen Appointments to the Transportation Policy Alternatives Committee.

**Motion:** **Councilor McLain** moved to adopt Resolution No. 98-2731.

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

**Discussion:** **Councilor McLain** reported that the purpose of the resolution was to appoint 6 citizen members to a transportation advisory committee. Three of the members, Lynn Peterson, John Putman and Bill Stewart, would start in November 1998. Their term would end in November 2000. In addition, Gary Capsian, Ted Spence and Rick Williams would begin a two year term in May 1999, ending in May 2001. She noted that the Transportation Committee had moved a do pass recommendation and MCCI had concerns about the technical background of some of the appointees. They were concerned that they were "insiders" and would narrow the scope of the committee. She said a motion to hold this up had failed but the MCCI committee had asked in the future that they look for a wider variety of citizens for the committee and not just technicians. She said she had agreed to bring their concerns to the council. She indicated she felt this was a good group of candidates and as Mr. Andy Cotugno had pointed out, even though a couple of them made their livelihood from transportation areas, they were also active citizens and this happened to be a special area of interest to them because of that background. She suggested an aye vote.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

9.3 **Resolution No. 98-2734**, For the Purpose of Requesting the Executive Officer to Prepare the Necessary Documents for the Issuance of Revenue Bonds to Fund Construction of a New Exhibit Hall at the Expo Center.

**Motion:** **Councilor McFarland** moved to adopt Resolution No. 98-2734.

**Seconded:** **Presiding Officer Kvistad** seconded the motion.

**Discussion:** **Councilor McFarland** said the second phase of the Expo Center refurbishment was important because of the age of the buildings. She noted the packet from John Houser that included a variety of ways to pay for it without having to go to the taxpayers for money and called attention to the page explaining how much difference their interest rate on the revenue bonds would make. She said she would move an amendment to the resolution that would take out the \$18.125 million figure. She hoped because of the market fluctuation they could get a better rate if they did it that way.

**Motion to**

**Amend:** **Councilor McFarland** moved to amend Resolution No. 98-2734 by removing the dollar amount named in the resolution.

**Seconded the**

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

**Vote to**

**Amend:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Councilor McFarland** asked John Houser, Senior Council Analyst, Mark Williams, MERC General Manager and Mike Burton, Executive Officer to come forward to review this resolution.

**John Houser, Senior Council Analyst**, said he had been charged to identify revenue sources that could be used to help finance the debt service that would be incurred from the issuance of bonds to finance this facility. He said the table Councilor McFarland referred to identified some of those revenue sources and was the first step in an attempt to identify potential revenue sources that could be dedicated to this project. He said by removing the dollar amount from the resolution the exact amount of the bonds was somewhat in flux based on interest rates and other potential changes that could affect the amount before the bonds were actually issued. He said there had been discussions with the MERC staff about them contributing additional money from their fund balance as part of the financing package, and there would also be a small amount of interest earned on the bond proceeds while construction was going on that could be dedicated to the project. He said the proceeds would be around \$19 million and the bulk of it would be used to finance the actual construction of the new building whose estimated cost was about \$15.8 million. An additional \$1.75 million would be dedicated to the pay-off of the current Intel loan that was used to partially finance the construction of Hall E. He said that amount could be slightly higher depending on the fiscal year in which the loan was actually paid off. In addition, they would need to set up a reserve which would be the equivalent of about one year's worth of debt service. That amount would vary due to interest rates and the term of the loan. There would also be bond issuance costs. He pointed out there was some likelihood that the permit issuers would require some type of environmental work associated with the project. The cost of that work could be up to \$200,000. He said it was his understanding council wanted to explore other sources of revenue to pay for that work rather than including it in the bonds that would be issued for this project. He said the Expo Center and the Convention Center had been budgeted to pay almost \$1 million in excise taxes that could be used for the project. The most current forecast of their actual bill was approximately \$86,000 more than what was in the budget. He said MERC officials had expressed interest in having this additional money dedicated to the payment of debt service on the project. They also were interested in getting a commitment from the council that any future excise tax collections in excess of that base amount would be dedicated to the payment of the debt service on the proposed project. He said if there was an increase in the parking fee the excise tax on the increase would also be contributed to the debt service. That would leave about \$92,000 in debt service payments that would have to come from non-MERC related general fund budget economies which meant they would be reducing general fund expenditures in other portions of the agency by that amount in order to dedicate the amount to the debt service.

**Presiding Officer Kvistad** asked Mr. Williams for a general overview of the project.

**Mark Williams, MERC General Manager**, said they would be replacing Hall D (otherwise referred to as "old south hall"). He said the Council approved building to house the Smithsonian exhibit when it came to town was the start of this renovation project and this proposal would take an existing liability and transform it into an asset. The old south hall was not class A exhibit space and was not usable in summer as it was not air conditioned increasingly not the kind of space that people wanted to see at a world class exhibition facility. This proposal would demolish Hall D, immediately next to the new building, and build a structure complimentary to the existing building. The new building would be 112,000 square feet and cost \$15.8 million. It would give the Expo Center two contiguous completely open spanned buildings for a total of 185,000 square feet of class A exhibit space which would enhance the type of business they attracted and create a clamor for the higher priced and better space. He said it would correct the significant under usage in the summer months which was due in part to its history of being a large unair-conditioned, hot facility that most people did not want to have a show or attend one in. Creating a critical mass of

air conditioned space, he believed, would significantly increase the amount of business done in their dark months. More importantly, getting into the 185,000 square feet size of class A exhibition space would provide an opportunity to move some existing business from OCC out to the Expo Center and free up the OCC buildings so they could do a better job of attracting room night generating business and other economic impact generating business into this community with respect to hotel room usage and other benefits those large conventions bring.

**Mike Burton, Executive Officer**, said the resolution before Council directed him to prepare a financing plan for the facility. He felt going through the staff analysis at this point was a bit premature and urged council to adopt the resolution as amended so they could come back with the opportunities in the finance plan. He pointed out that there were several questions and policy issues to be faced. He said their underwriters could take a look at it when and if they issued the bonds to analyze and outline the impact and the policy issues.

**Councilor Monroe** said whatever finance plan that was developed would have to be approved by TSCC.

**Presiding Officer Kvistad** said this was not the adopted financing plan, this was to put it on the table and move it forward. The financing plan would come up for review and final adoption before it went out for bonds. He thanked the people at Yost Grube Hall who had done so much work for Metro without cost.

**Councilor McLain** asked Mr. Burton about a timeline on the financial plan. She wondered if it was something that would be happening in the current budget cycle.

**Mr. Burton** responded that it could probably be pushed for adoption in the current fiscal year but the effect on the budget would be in the following. It will take some time to do a thorough analysis and there was all the legal stuff that must be done.

**Councilor McLain** said her interest was in getting more information in the financial plan packages because of some interesting opportunities to not impact other departments contained in the staff report.

**Presiding Officer Kvistad** opened a public hearing on Resolution No. 98-2734A.

**Phil Peach, Tri-County Lodging Assn.**, 12724 SE Stark St., Portland, OR 97233, supported this ordinance because it might relieve some space at OCC and allow more out of town meetings to come in that would generate hotel nights and substantial expenditures with a positive impact on the region. He said their priority was OCC and they were meeting to determine whether they could agree on alternative funding of some sort for OCC expansion. He said their support was conditioned on whether the measure would compromise their ability to explore all potential funding for OCC expansion.

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

**Vote on the**

**Main Motion:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**11. DISCUSSION ON ORDINANCES AND RESOLUTIONS CONCERNING THE URBAN GROWTH BOUNDARY.**

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

11.2 **Ordinance No. 98-788A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.

11.3 **Ordinance No. 98-786A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.

11.4 **Ordinance No. 98-781A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.

11.5 **Ordinance No. 98-782**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.

11.6 **Resolution No. 98-2726A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 62, 63 and 65 in Washington County.

11.7 **Resolution No. 98-2728A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 53, 54 and 55 to the Hillsboro Regional Center Area.

11.8 **Resolution No. 98-2729A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, and 42 in the Vicinity of Wilsonville.

**Presiding Officer Kvistad** asked Michael Morrissey, Senior Council Analyst to come forward.

**Michael Morrissey, Senior Council Analyst**, said this scheduled work session was for discussions prior to the decision making scheduled for December 3rd. He noted worksheets and staff reports that could help with the process. He said as the Presiding Officer called out the pertinent ordinance or resolution he would give some background as it came out of Growth Management to Council and Elaine Wilkerson from the Growth Management Department would review the staff analysis and possibly the staff reports. After that legal counsel would be available for questions and discussion of any amendments that council might propose.

**Presiding Officer Kvistad** said he would accept the amendments and put them on the table but since there was not a quorum of the full council present at this meeting they would not vote forward any changes to the resolutions or ordinances but have them on the list for action when they got to the decision making phase on December 3rd.

**Councilor McLain** said it was her understanding that doing that would delay the opportunity to vote on the final action. She hoped they could vote on any amendments on the table today so they would have the opportunity for writing the findings and having a final vote on December 3, 10 and/or 17. She said if the amendments were not voted forward at this time staff would not know what the findings needed to be or what the packaging would be. It seemed to her that the



amendments would not be final actions but would allow final actions to come in front of council for a vote at those 3 December meetings.

**Presiding Officer Kvistad** said he understood one of the amendments would create an action which would potentially be a final determination for a parcel. He wanted to be sure that was not the case.

**Mr. Dan Cooper, Legal Counsel**, said he was not aware of all the possible amendments but there were at least 2 of them which made minor corrections in the boundaries of the urban reserves that needed to be done soon or they would not be able to do the 20 day notice letter that could be required to additional property owners because of the expanded the envelope. He was thinking specifically of the correction to the flood plain line in site 47 and the correction of the 7 acre line in site 39, which was the school site south of Wilsonville.

**Presiding Officer Kvistad** considered those to be technical amendments to be voted forward at this time because they were changes in existing parcels already on the table. He was referring to changes in the packaging amendments that would be put off for a final vote.

**Councilor McLain** noted that sites 14 and 15 were identical to that, Monner Creek, the Title 3 buffer zone, and some information received at the Gresham hearing, that needed to be taken care of because there were property owners that needed notice. She knew of only one other, requesting that sites 62 and 63 be put into a different package. She wanted the opportunity to speak to the reasoning for that move. She knew it would not be a final vote and she would not want to take sites 62 and 63 out of the site 65 package, but wanted some opportunity to see which findings would be best and made the most sense for that findings package.

**Presiding Officer Kvistad** wanted to make sure the two amendments, the technical amendments on shape and size of the existing parcels and the repackaging motion, were separate. His request was that they be put on the table today for action before the council on December 3rd. He said the other 2 would actually be voted on at this meeting and the technical adjustments would be taken in sequence. He asked Mr. Shaw where they were in terms of findings for the ones in front of them now.

**Larry Shaw, Legal Counsel**, reported that findings for 2 of the 3 ordinances had been completed and commitment letters were in the record. He said those ordinances would be available by the end of the next day, more than one week before the December 3rd date.

**Mr. Cooper** said there were also some ordinances that did not have the findings done.

**Presiding Officer Kvistad** said they would move forward first with the technical amendments.

**Councilor Morissette** reiterated that there were a lot of wonderful parcels of property out there. He believed the packets he and Councilors McFarland and McLain had been working on were the most balanced. He acknowledged it could be argued they could have done more this year and there were more opportunities for wonderful projects. It was important to him to come up with balanced conclusions so they could work closely with the local partners and so as they developed a plan to grow in the future they would have the support of the local governments. He said that was an important category as was fairness and distribution throughout the region. He felt one of the controversial sites in the package would be the Sisters' parcel and he wanted to talk about that site for a moment.

**Presiding Officer Kvistad** said he preferred to move forward because if they got into general discussion on the parcels there would be many varying views on the packages and parcels. He said he would rather wait for that until after the amendments. He asked Councilor Morissette to wait to make his comments.

**Presiding Officer Kvistad** called for technical adjustments to Area 4 and 5. There were none so he called for technical adjustments to Areas 14 and 15.

**Councilor Morissette** explained that in committee they had unanimously supported an additional 54 acres to the site which created some controversy but another offer from the Hoffman's had made a compromise possible which reduced that 54 acres by about 10 acres.

**Motion:**           **Councilor Morissette** moved to amend site 15.

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

**Councilor McLain** read the amended language, "Urban Reserve Area, URSA 15, is hereby amended to designate approximately 39 acres north of the existing urban reserve area adjacent to 162nd Avenue as part of the urban reserve area 15. The record shows that this land is similarly situated, is exception land up to the Title 3 water quality area boundary of Monner Creek." She noted that this very specifically said they were following Title 3 along the creek.

**Councilor Morissette** said he would like counsel for the Hoffman's to come forward and state their position for the record.

**Presiding Officer Kvistad** opened a public hearing on this technical amendment.

**Jeff Klineman**, 1207 SW 6th, Portland, OR 97204, representing Mr. and Mrs. Hoffman and Mr. and Mrs. Eraker, said they had agreed to the deletion of the area north of Monner Creek to satisfy concerns raised at the Gresham hearing regarding access onto Monner Road, protection of the steep slopes leading down from the north side and to the drainage of Monner Creek, and the view impact of any development on this site.

**Councilor Monroe** commented that Senator Baker and several other individuals had been vociferously concerned about this piece of land. He asked if those individuals had been contacted and were satisfied by this amendment.

**Mr. Klineman** responded they had been contacted and the ones he had spoken to appeared to be satisfied. He could not swear that they were all totally 100% happy or satisfied. He noted that John Fregonese had spoken with the senator.

**Councilor Monroe** asked to hear from Mr. Fregonese about his conversation with Senator Baker.

**John Fregonese**, Fregonese/Calthorpe Associates, 421 SW 6th Avenue, Suite 1010, Portland, OR 97204, representing Albertson's in this case said they were only interested in seeing the dispute settled. He said he had spoken with Senator Baker who had been non-committal about a solution. He believed the senator's problems had been addressed by staying completely out of the Title 3 area on the south side of the creek. He could not say that the senator thought it was okay.

**Councilor Morissette** told Councilor Monroe he had received a letter from the senator stating emphatically that 147th needed to be fixed so some of the congestion they were worried about

would be solved. He did not think the senator realized it was being delayed because of Mr. Hoffman's appeal. He said this was a compromise Metro staff had put together and there was no effort to "do something in the night".

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Motion:** **Councilor Morissette** moved to amend site 39.

**Presiding Office Kvistad** explained that this already had been discussed with the representatives of the school district and tentatively agreed to because the mapping had showed the 10 acre parcel adjustment in the wrong place.

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

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Motion:** **Councilor Morissette** moved to modify site 47 to take the property to the 100 year flood plain.

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

**Councilor Morissette** felt this was important because it clearly fit the criteria for creating logical boundaries.

**Ms. Wilkerson** said it affected 7.5 acres.

**Councilor McLain** asked for technical details about the 100 year flood plain and asked if the map reflected that information.

**Ms. Wilkerson** said the reports on urban reserve #47 indicated that Mr. Whitney's request for 3.8 acres had been verified with the Corps of Engineers and the Washington County surveyor and they believed the request could be supported. The remaining land had not had the same level of verification but it was her understanding that Mr. Brown was going to submit some information in that regard any day now, at which time she could answer questions.

**Councilor Morissette** said he was not looking to move the boundary anywhere but to the 100 year flood plain.

**Councilor McLain** wanted to make sure the record reflected that she and Councilor Morissette understood that the map reflected the new information which explained exactly where the flood plain was to the best of their knowledge. She noted they had the 100 year flood plain and the 1996 flood of record information and wanted to make sure the map reflected those documents.

**Councilor Washington** asked for clarification of the 100 year flood plain vs. the 1996 flood plain.

**Ms. Wilkerson** said the 100 year flood indicated the probability of where a major storm that would occur once every 100 years on average over centuries and centuries would impact. She said they used to use that as where flood plains should be protected, but if there was a regional

storm of record that exceeded the 100 year flood plain, that information would be used as the flood plain area to protect and that was what was happening with this resolution.

**Vote:** The vote was 6 aye/ 0 nay/ 0 abstain. The motion passed.

**Councilor McLain** noted Resolution No. 98-2729B and said that the Growth Management committee had voted to move a couple of pieces from one section to another because of the controversial nature of the St. Mary's property and some EFU considerations. She said they had been moved into a site that had the same qualifications, and some of the councilors felt it was just as controversial as the previous site because of the level of lack of urban reserve planning that had been done this year. As a result she wanted to add sites #62 and #63 to Resolution 98-2729B as it was the only other sub-regional area which was west Metro. She said she would not put it in with ordinances that contained land inside jurisdictional boundaries where ordinances were one-step processes because this was a resolution and not an ordinance. She said that left only 2 opportunities for these properties to be properly put together for findings. She wanted both sites in so they could be voted on and would not be dis-served because of how they were packaged. She said it would offer a fair shot for the two sites to not be hampered by who they were partnered with and since they were single ownership parcels they had to be packaged with other items.

**Councilors Morissette and McFarland** agreed.

**Motion:** **Councilor McLain** moved Resolution No. 98-2729B be moved forward for consideration at the December 3, 1998 Council Meeting.

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

**Vote:** The vote was 5 aye/ 1 nay/ 0 abstain. The motion passed with Councilor Monroe voting no.

**Presiding Officer Kvistad** called for general discussion.

**Councilor Morissette** stated again that there were a lot of good sites and master planned communities that met the standards but he wanted to be sure there was fairness in this region. He said council had made a commitment to add half of the need this year and had wanted to see things other than just master planning as they moved forward. He believed that governance was important in the Stafford area. He said there were enough sites to meet the need without having to force growth down someone's throat. He believed that Lake Oswego was going to start working with the Stafford area to create a master plan in that community. He hoped that would happen so Lake Oswego and West Linn would do their fair share. He also believed that in picking one Washington County site over the other he picked the one he thought was the best site to put the most houses possible near the jobs there. He said it was difficult to make choices and the lack of support for some areas only meant he wanted to see other things besides master planning.

**Councilor McLain** commented about the notebook Ms. Wilkerson brought to this meeting summarizing staff report conclusions on particular sites and the chart listing the URSAs under consideration. She said she found the chart helpful but felt it was important to remember this was just one instrument to use in making the decisions. It dealt with the productivity study and the factual information staff had received to this date. More documentation could still come in. She said staff had done a good job of reminding them that they agreed the salmon and steelhead issue

and Title 3 and Goal 5 implications had to be taken into consideration as they reviewed the amendments.

**Presiding Officer Kvistad** said everything on the table at this time would not meet the need of 32,000 units, it was only about 25,000 - 27,000 units. He said he would like to start off with the hard ones right up front, not do the easy ones first. He thought there were very few public bodies that had the depth of knowledge about a land use issue before them as the council had on these parcels and he felt this was an opportunity to make good, solid and healthy decisions for both the short term and the long term. He asked council to take a look at all the items before them. He said he would make Councilor McCaig aware of the amendments that had happened at this meeting so she would be fully aware of all that was on the table.

He said they would begin with areas 4 and 5 at the next meeting and work clockwise around the areas, making motions to accept those items moving forward. He was certain there would be amendments and controversy where ordinances and resolutions overlapped. He asked for an overview of the notebooks.

**Mr. Morrissey** suggested that Ms. Wilkerson review the books and comment on maps that they would need to make decisions.

**Elaine Wilkerson** apologized that the notebooks were last minute for this meeting, explaining that they were still getting information in. She noted 3 reports still missing from the notebook, the south Hillsboro pieces and #55 inside the Metro boundary, a separate report on #51 through #55 which were not inside the boundary, and Wilsonville areas #39, #41, #42. She hoped the reports would be ready by the end of the day. She explained sections of the notebook and maps.

**Councilor McLain** said they had on the table before them both ordinances, which would actually move land inside the UGB, and resolutions, which would not be final land use actions, and it was very important for her to get a legal take on whether this was to be in the resolutions package or only the ordinance package. She also wanted to know if they would actually go ahead and give a 2040 design type to areas that still had timelines in place to finish their urban reserve planning that they were allowing them to get done.

**Larry Shaw, Legal Counsel**, answered that the 2040 growth concept and map were adopted by ordinance, therefore the way the ordinances and resolutions were constructed reflected that. He said the maps contained in the ordinances as Exhibit A would adopt the design types as step one prior to moving the urban growth boundary and that approach was required by code. He said the resolutions were set up as resolutions of intent, not final land use decisions. He explained a resolution of intent caused the land in question to go to a boundary commission to move the Metro jurisdictional boundary and then come back for the final land use decision ordinance. He said there was some flexibility and they could do separate ordinances to take those areas finally determined by resolution and separately adopt the design types while they were off getting the Metro jurisdictional boundary changed. He said that was a choice that the council had.

**Councilor McLain** thought there were reasons to suggest it was important to remember the differences between ordinances and resolutions. She said she would have some debate at the appropriate time on why they should not include those as exhibits in the resolutions vs. those that were ordinances.

**Presiding Officer Kvistad** said he wanted to move them as soon after the decision as possible, so if the decision making process was done on December 3rd they would actually have this to vote

on for December 10th. He said that would be the goal but sometime before the end of the year they would make final determinations and do add ins and adjustments.

**Elaine Wilkerson** clarified that the 2040 maps were very much related to the productivity analysis where all the local staff come in on a technical committee to help put together scenarios of what the land use would be. She said that information along with additional input from the MTAC meeting last week made for quite a bit of local input for the maps. She said it was a mapped version of the 2040 design types that reflected reserve plans when they were available, although it was not meant to be the same detail as the urban reserve plans. She noted that unlike other areas, this area had a 200' vegetated corridor along streams and included the 1996 areas of inundation from the floods and steep slopes and the kinds of areas that had environmental concerns. That would make these areas a step ahead in the local planning and the issue would be discussed at length at MPAC.

She pointed out the last column of the table from the notebook was the urban reserve plan. She said she would be talking about the plans and the code in the table reflected whether they were (R)ecommended, had a (C)ommitment to complete, or were (I)ncomplete as of last night at 11 PM. She said things would change.

She gave commentary on the maps of UGB areas shown on the screen and noted several grants had been applied for. She said there were a number of funds available to protect and enhance the resources and explained the higher the number in the chart rankings the better the area was for urbanization.

**Councilor McLain** it was important to clarify terms that were being used, for instance having an approval was different than having a transmittal. She said it was her understanding that if there was a commitment to have work done a transmittal of that work was perfectly legitimate, and in fact preferred, because on some level they needed to make sure the Metro decision would precede that. She thought Ms. Wilkerson was trying to make sure council knew the difference between the urban reserve plan and what could be an amendment to their own comprehensive plan.

**Ms. Wilkerson** said the urban reserve plan was a concept plan and there was a process requiring consideration, not adoption or approval, of that material by the local council prior to Metro council approving the plan. She said in this case the Tualatin council was scheduled to consider it on December 14 and would then forward it on to Metro council. Their concept plans and documents seemed to be there but since the process was incomplete it showed as a (C)ommitment on the table. She said it ranked 6th and did quite well on the Goal 2 and 14 analysis as well. She continued reviewing the sites on the map.

She detailed the Stafford area. Areas #31 - #34 had some first tier areas. They had a letter from Lake Oswego that committed to do urban reserve plans on the areas. The balance of the area was about 1,900 acres of which 830 acres were covered by the Rosemont Village concept plan. She said staff had looked very closely at the submissions for that. She reviewed the 13 points of the Metro Code and briefly told how staff concluded the sites fared in relation to the requirements. She said they were pretty close to 16,000 units without including this area so she could not find some justification that would be specific to suggest that provision #2 would be available to them as a way to proceed.

**Presiding Officer Kvistad** said Council had to take at minimum 50% to 100% so to meet the 20 year land supply the state required, there may be some difference on that item.

**Ms. Wilkerson** said there may be some difference but from her perspective if there was a state requirement that made them do something, it would be a justification and they could make that argument. She said the 16,000 units was the absolute minimum required. She said they had satisfied several of the other requirements. Number 8, the transportation plan, was a problem and a detailed review by the transportation department concluded that the review was not broad enough to determine whether the conceptual transportation plan was consistent with the RTP. Staff concluded that particular requirement was not satisfied based on what had been received to date. Number 9, the natural resource protection area, was also concluded to be insufficient based on the fact there was not enough evidence to adequately analyze the requirement. They had not been able to verify numbers 10, 11 or 13 were satisfied. Their conclusion was that the urban reserve plan requirements of the Metro Code had not been met by the submitted plan.

**Presiding Officer Kvistad** asked if she was going to be so specific on every single site around the region as he had some disagreements and differences with the reasons this was not satisfied.

**Ms. Wilkerson** said the same detail had been done on each of them but she was raising this one now because it was not satisfied. She said there was one other she would be so detailed with.

**Presiding Officer Kvistad** said he wanted to be sure each site was treated equally.

**Ms. Wilkerson** said each site had the same analysis and the same level of detail and conclusions. She was only highlighting a couple of them at this meeting because they did not satisfy the requirements. She felt it was only fair because there were only 10 days before the final hearing for people to bring additional information to satisfy those requirements. She wanted to highlight for the record today the areas of concern so people could have a chance to do that.

She said south Hillsboro, which was split into one area inside and one area outside the boundary, could proceed based on an urban reserve plan or a commitment. She said the material submitted was a very clear indication of Hillsboro's commitment. It ranked 7 in the Goals 2 and 14 analysis and there were 1,493 dwelling units in the productivity analysis. The remaining areas, #51 through #55, did not have completed reviews at this time. She highlighted 3 areas they had found lacking. The city was still working on their funding strategy which had a direct impact on the public facilities and service plan requirements and on the natural resource protection requirement. She anticipated the plan would be finished within the next week. Another insufficient area was affordable housing which needed more detail. The ranking in these areas for Goals 2 and 14 varied between 7 and 11.

She noted that council was already familiar with areas #41 and #42 from the prison question. She reported that the school site, #39, did not have an urban reserve plan but did have a letter of commitment from Wilsonville. Site #42, the Day Road prison site, had been ranked, scored and assessed based on its being a prison. She said it ranked 2 in the Goal 2 and 14 analysis. If it did not end up as a prison site, the analysis would be incomplete and would need to be reviewed. There were 3,734 jobs proposed in relation to this area, there were 250 acres approximately. Area #41, Dammasch, had two parts, the part that had a plan which was in Tier 1. The area had a very good plan and seemed complete, they were working on the transportation plan and hoped to have the report done today. The balance beyond the first tier land had no reserve plan and no investigation from Wilsonville, so it seemed incomplete though it ranked fairly well.

She detailed areas #62 and #63 because she was quite concerned that they did not have the same level of submission they had in other areas although they had tried diligently to talk to the representatives of this area. She said they had received a letter from Hillsboro after the report was

published which may have some impact on it. She said this report was based on information they had prior to last night at 11 p.m..

**Councilor McLain** asked if they had looked at all of site #62.

**Ms. Wilkerson** said only area north of the highway.

**Councilor McLain** asked if the sites had been looked at as a unit. She wondered how some of the factors impacted both sites.

**Ms. Wilkerson** said there was one report but the information was provided separately throughout that report. She said the dwelling unit count they had been using was 158 but she understood other numbers had been put forth for the productivity analysis. She did not have verification of those numbers or the services proponents had proposed which made it difficult to assess the reserve plan. She said Hillsboro had several conditions related to the governance issue which could be addressed in the previously mentioned letter. Other unsatisfied issues were affordable housing and transportation plans, natural areas' mapping and preservation, the public facilities plan, the map and the government coordination which staff felt was lacking 7 criteria. They did not feel this urban reserve plan was complete. She noted a memo from Mr. Morrissey identifying several issues which needed to be addressed in the Hillsboro and Stafford areas. She anticipated significant transportation impacts and said the size alone would justify a very detailed review which he had done.

**Councilor McLain** asked how Ms. Wilkerson had given transportation a number value when they were looking at different types of work. She said Council had not asked for comprehensive plan level detail, they had asked for urban reserve level detail.

**Ms. Wilkerson** said they did not score the individual criteria in the urban reserve plan. They only said "satisfied" or "not satisfied". When it was "not satisfied", they had tried to give reasons so people could submit additional information.

**Councilor McLain** asked about the numbers on the chart.

**Ms. Wilkerson** said it was confusing but the first report looked specifically at the factors and goal 14. That was staff analysis. The transportation plan reference was related to the urban reserve plan submitted. They did not have that plan when the initial analysis was done.

**Councilor McLain** clarified that the narrations that Ms. Wilkerson had read from the book were definitely on the urban reserve plan that had been turned in, but the numbers on the chart dealt with the productivity analysis.

**Ms. Wilkerson** said that was correct. The only column that dealt with the urban reserve plans was the last column.

**Councilor McLain** said there was not a complete plan for #65 but there were narrations as far as what possibly would have to be done to get out of that particular unit.

**Councilor Morissette** said what she was doing was doing a great job of giving a heads up so people can get their stuff together to do a proper review. He asked if she was going to rescore as additional information became available.



**Ms. Wilkerson** said they had decided to call this the final report and if they got additional information that justified significant change, they would issue a new report with a different date called the final report. If there was only a little stuff to change they would probably only do an addendum.

She reported that site #65 was an area Ryland Homes had done quite a bit of work on. She said they were pleased with the submissions from Ryland and concluded that the plan had sufficient information to satisfy the scale necessary for 114 acres and 704 dwelling units. She said those dwelling units necessitated an analysis of some of the areas in the balance of the urban reserve for things like transportation and Ryland had done that. She did not know yet if Beaverton had considered the plan. She said she would verify that information. The property was ranked 10-11, similar to sites #62 and #63 and fell into the same level of ranking in goals 2 and 14 for the same reasons.

**Councilor McLain** said Ms. Wilkerson had indicated the urban reserve planning level that was one where they looked at issues outside of the development. The other kind of transportation comment was one she heard from staff as it related to the overall RTP or to some of the west side studies done in that area. She asked if there was narration in the document dealing with how it affected the overall regional transportation plan and the particular issues they had always had in that area.

**Ms. Wilkerson** said it covered both areas and referred to page 44 in the urban reserve #65 report which talked about the Beaverton transportation system plan. She noted that they had not reproduced the color maps from the preliminary version of the notebook as they were in limited supply. She suggested pulling the maps from those notebooks and adding them to this one.

**Councilor McLain** said she preferred to add additional material to her own notebook and asked that any such material be placed in her box so she could put it in.

**Presiding Officer Kvistad** announced that December 3rd was the final public testimony and the record would close at 5 o'clock that day and no more information would be accepted for the record.

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

Members Present: Berit Stevenson, Alison Kean-Campbell, Charles Ciecko, Jim Desmond, Scott Weddle, Councilor-elect Rod Park, Dan Cooper and council staff.

10.1 **Resolution No. 98-2694**, For the Purpose of Authorizing the Executive Officer to Acquire Two Parcels (Broughton Beach and Portage Marine) from the Port of Portland which are located in the Columbia Shoreline Target Area.

**Motion:** **Councilor Washington** moved to adopt Resolution No. 98-2694.

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

**Councilor Washington** thought council had heard all of the details and urged an aye vote.

**Councilor McLain** commented that after she had heard the negotiations and about the deal they were here to vote on, she was not in favor. She thought it was a wonderful goal but did not think they were there yet.

**Councilor Morissette** said he too had concerns and thought it was important to say that his no vote on this had no reflection on the 3 years worth of work staff had done on this. His problem was the terms they were negotiating took responsibility for property he believed they should not be doing. He hoped that if the negotiations did not move forward at this point, the Port would make themselves responsible as any landowner should for property they own. He said the debate was whether to enlarge the access to the Columbia River.

**Councilor Washington** appreciated the comments and said he had confidence in the staff and did not think they would bring forth a bad package. He said he was comfortable that this was not a pig in a poke. He urged an aye vote.

**Vote:** The vote was 3 aye/ 3 nay/ 0 abstain. The motion failed with Councilors McLain and Morissette and Presiding Officer Kvistad voting nay. The item was sent back to staff.

## 12. COUNCILOR COMMUNICATION

None.

## 13. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Kvistad adjourned the meeting at 5:03 p.m.

Prepared by,

Chris Billington  
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
112498c-01		Ordinance No. 98-784A		
112498c-02		Ordinance No. 98-785A		
112498c-03	none listed	Solid Waste Facility Franchise	TO: Metro Council FROM: REM Dept	Ordinances No. 98-785A, 98-784A, 98-783
112498c-04	11/24/98	Letter concerning use of top load containers	TO: Metro Council FROM: Garry L Penning Waste Mngnt of Oregon Inc	Ordinance No. 98-783
112498c-05	11/24/98	Memo on financing proposal - Expo Hall D	TO: Metro Council FROM: Mike Burton	Resolution No. 98-2734

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11/16/98

Memo on financing of  
debt service for the  
proposed Expo center  
building

TO: Kvistad and  
McFarland  
FROM: John  
Houser Analyst

Resolution No.  
98-2734