

MINUTES OF THE METRO COUNCIL MEETING

December 3, 1998

Council Chamber

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

Councilors Absent:

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

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

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

Councilor Washington asked if it would cost them anything.

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

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

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

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

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

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

Presiding Officer Kvistad said that would be fine.

3. EXECUTIVE OFFICER COMMUNICATIONS

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

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

Councilor Morissette said and you too Mike.

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

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

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

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

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

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

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

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

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

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

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

6. CONSENT AGENDA

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

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

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

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

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

- 7.1 **Ordinance No. 98-779B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Areas 43 and 47 of Washington County.
- 7.2 **Ordinance No. 98-788A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in Urban Reserve Area 55 of Washington County.
- 7.3 **Ordinance No. 98-786B**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Sunnyside Area of Clackamas County.
- 7.4 **Ordinance No. 98-781A**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Pleasant Valley Area of Clackamas County.
- 7.5 **Ordinance No. 98-782**, For the Purpose of Amending Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance 95-625A in the Stafford Area of Clackamas County.
- 7.6 **Resolution No. 98-2726A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 62, 63 and 65 in Washington County.
- 7.7 **Resolution No. 98-2728A**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 53, 54 and 55 to the Hillsboro Regional Center Area.
- 7.8 **Resolution No. 98-2729B**, For the Purpose of Expressing Council Intent to Amend the Urban Growth Boundary to Add Urban Reserve Areas 39, 41, 42, 62 and 63 in the West Metro Subregion.

Presiding Officer Kvistad opened a public hearing on the urban growth boundary ordinances and resolutions.

Mayor Gordon Faber, City of Hillsboro, urged the Metro Council to support Resolution No. 98-2728A and to follow their code by bringing into the UGB only those sites which satisfied code requirements. He said Hillsboro would be out of buildable residential land by 2003. He reported that they added 6,500 residents (2,600 living units) to their city in the last year and by 2017 they would need to accommodate 58,000 new jobs according to the functional plan which would create a huge jobs/housing imbalance if the resolution was adopted. He said the city had provided Council with documentation demonstrating how the south Hillsboro UGB expansion complied with Goals 2 and 14 of the 2040 growth concept and assured that their plan fully satisfied all the Metro Code considerations and requirements.

Councilor Morissette said this process would hinge a lot on an area where they were not ready for growth and on an area where there had been billions of dollars worth of infrastructures spent

on jobs. He said he had been working very hard to see that Washington County had some amount of housing with the jobs they would be creating and had been creating in the past. He said if someone came to Portland having no knowledge of the urban growth boundary and wanted to find the logical place for housing, especially in an unbalanced situation, they would rather quickly figure out where the jobs were being created and put housing near those jobs. He said when there was congestion, people would want to live close to the jobs. He hoped the Council would remember the City of Hillsboro's statement that it made more sense to put growth near jobs in Washington County than in Damascus where they would have to commute all the way across town to get to the jobs.

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

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

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

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

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

Presiding Officer Kvistad said people were generically speaking of 55.

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

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

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

Mayor Faber concurred.

Mayor Jill Thorn, City of West Linn, 22825 Willamette Dr., West Linn, OR 97068, said her city was opposed to the inclusion of the Stafford basin, areas #31, 32, 33, and 34, as part of the expansion of the UGB. She said West Linn believed in the principles drawn by the regional partners in regard to how growth would occur in the metropolitan area and planning was the key to its success. She said planning had not occurred in these areas and the local governments had not resolved the many issues of governance, infrastructure funding and environmental affects on the area. She said according to Metro's own rules, these areas should not be included. She respectfully requested these areas be left out of the UGB based on the Metro Code.

Oregon State Senator Ken Baker, 10121 SE Sunnyside Rd., #325, Clackamas, OR 97015, addressed an amendment to area #15 which was originally 54 acres south of the designated area 15 recommended by Clackamas County in regard to a litigation settlement. He said neither he nor his neighbors had notice of the settlement or that it would be included. He said the original amendment would have violated Monner Creek and Monner Road and he appreciated the work that had been done there to bring it south of Monner Road. He added that a 200' buffer on

Monner Creek was insufficient. He felt they should move the area in light blue on the map because they were coming too close to the creek. He said moving the buffer to 500' would form a natural buffer and the crest of the hill would provide a good access point and would keep the community viable.

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

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

Mr. Grillo felt that was a fair statement.

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

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

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

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

John Russell, Oregon Transportation Commission, 2000 SW Market St., Suite 678, Portland, OR 97201, said it was important to say that funding for the transportation network required for any UGB expansion was not in place and was not likely to be in place. Metro transportation staff believed, for example, that the cost of the transportation network would equate to a 20¢ per gallon gasoline tax increase plus an additional 1¢ every year for 20 years. He said contemplating an increase of that magnitude was ludicrous in the light of the recent history of state legislatures and local voters. He said allowing the UGB to expand knowing transportation funds were not likely to be available was deceptive to the public and while he realized there was a state mandate to add to the UGB, he wanted to suggest that the system of analyzing different factors for each potential tract of land under-weighted transportation costs. He said all of the five factors were arbitrarily equally weighted and transportation was only part of one of the five factors. He said the methodology used to evaluate transportation costs underestimated the total costs because the methodology did not include expansions to the downstream regional collector systems. He said the methodology used to analyze public facility costs under-weighted transportation because it

mixed transportation costs with other public facilities such as sewer and water. He said the sewer and water costs, however, not only had their own funding source but were repaid to some extent by the users. So, while there may be a gross cost for water and sewer there may not be a net cost, while for transportation systems the gross and the net costs were the same. He felt the most important recommendation they could make was that the actual development of lands to be added to the UGB be conditioned on the presence of funding for the transportation costs. He said the presence of the cost could either be because of an increase in federal, state, or regional funding or county and municipal funding. He felt regardless of the source, allowing development to occur without the availability of funding for transportation dug us even deeper into the hole created from living off road infrastructures built during the '60s and '70s. He said they were failing to invest in accommodation of growth now and in the future. He said they hoped Council would recognize that fact when they permitted development within the new UGB.

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

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

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

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

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

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

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

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

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

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

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

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

Tom McConnell, 9600 SW Oak St., Suite 230, Portland, OR 97223, representing Jim Standing in support of including areas #62 and #63 into the UGB and noted that they had submitted additional materials into the record today in that regard including a 6 page letter he had written and a concept transportation plan prepared by DKS Associates and a national resource evaluation and protection plan prepared by Envirosiences, Inc., in response to a staff request for additional

information demonstrating compliance with Metro Code 3.01.012. (These materials can be found in the permanent record of this meeting.) He said they had been informed that their submittal had met all code requirements at this time. He appreciated staff cooperation and help.

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

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

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

Bill Dickis, Kell, Alterman & Runstein, 1001 SW 5th Ave., Suite 1800, Portland, OR 97204, representing Stewart Linquist, noted he had submitted a letter of testimony. (A copy of this letter can be found with the permanent record of this meeting.) He said his client wanted to be able to use his property in site #32 on Burgis Road some day but he knew he never would be able to do so until the UGB came out and there was a realistic plan for the property.

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

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

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

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

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

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

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

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

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

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

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

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

Lee Leighton, Shapiro and Associates, 1650 NW Front Ave., Suite 302, Portland, OR 97219, said they were proud to deliver the concept plan and other paperwork for the Rosemont Village property. He said they had been working very hard on the plan which now allocated 60 acres to schools and had detailed refinement of the transportation system as to phasing costs and roadway designations. He said they had demonstrated that the Rosemont Village neighborhood had a jobs/housing balance with the region's needs. He suggested that the responsible thing to do in this

part of the subregion was to move into the planning necessary at the local level as well as the regional level to begin to respond to the pressures in that area. He urged inclusion of the Rosemont Village into the UGB.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Presiding Officer Kvistad said the work that had been ongoing for as long as 4-6 years for some of the councilors and as long as 7-8 years for others, would now begin the process of the first major adjustment in bulk of the urban growth boundary in several decades. He said they would take the need assessment of 32,000 units and do what the state mandated, take at minimum 50%

of that need into the urban growth boundary. He said the process began in 1993 with the development of the 2040 growth plan and growth concept plan. Since that time they had put together the future vision, the functional plan and the framework plan. He reported they had reduced the urban reserve need down from 120,000 acres to 18,300 acres of land for the next 40 years, which was a terrific achievement. He said it was not just the members of this council and the executive officer but members of the community as well that had allowed that to be done. He said the urban edge, however, was a controversial thing to deal with and they had met a very tight schedule with very tight timelines on these decisions. He said it had been very difficult to get through and it had been nothing less than lightly controversial. Regardless of what they did today it would be no less so. He said no jurisdiction in the United States had ever been successful in doing what this region had already accomplished, let alone going to where we were going in the future if we followed the master plans this community had decided on. He thought this was a terrific opportunity. The councilors had different views and philosophies as to how it should work and he was going to try in his capacity at Presiding Officer and one of the 7 to move through quickly to the decisions today. He complimented and thanked staff and the executive, and the other 6 members of the council for all the hard work and the years it took to get to this point. He said regardless of what happened now it was a terrific achievement and everyone could be very proud of what had been accomplished. He gave special kudos to the legal staff, to the analytical staff, and to John Fregonese who worked in the development of 2040 to get to the point where there was a plan and a concept. He thought the plan they had was an excellent one. He continued that they had neither the option nor the inclination to do "nothing" and a decision would be made today. He said they would do their best to make decisions in a very short timely order. He called for general comments and Councilor McLain's technical amendments.

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

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

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

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

Councilor McCaig asked why it hadn't been included.

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor McLain said yes, just to those sites.

Discussion: None.

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

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

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

d) Urban development consistent with Title 3 of the urban growth management functional plan on flooding is feasible with the condition that the urban reserve plan and the subsequent urban zoning provided for stormwater management to assure that a quality of stormwater runoff leaving each site after urban development is no greater than before urban development.

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

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

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

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

Mr. Cooper said that was basically correct.

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

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

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

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

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

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

Discussion: None.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor McLain said this sites #51 and #52 were not included in this resolution. She said she had an ordinance that included them and she wanted to explain this amendment. She said the site

#51 acreage was 93.6, the dwelling units were 323 and the jobs accommodated were 108. Site #52 was 98.8 acres, 421 dwelling units and 140 jobs. She said these sites could not wait because they were exception lands and needed to be included in this ordinance to make it appropriate for findings, state law and the Metro Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The other issues was that there were still appeals on EFU land. She believed the resolution was appropriate.

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

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

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

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

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

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

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

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

Councilor McCaig asked why they were combined in this manner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councilor McCaig said and that was a good thing.

Councilor McLain responded that the reason she had struggled with the site was for a different reason. They had tried very hard to take the EFU land out of Site 65. They were fairly successful on that but there were still some portion of EFU land. They had the same issues there as in St. Mary's. That had to be settled in the court. It was a special needs issue. Where Councilor McLain

had some problems was the fact that even though she thought the developer was an extraordinarily creative and had great product she still thought that there was some issues in the commitment from Beaverton and Washington County that had not been addressed. In her mind as she was making choices between what was approved this year and trying to encourage people to do the best or the most they can do to meet those standards, she thought there was still more to be done. She had to make an analysis of the staff reports and in her mind there was still some issues on off-site mitigation, transportation plan issues that were part of the Metro Code. She was having those difficulties with this site. She may not have those difficulties with it next year. It was again an analysis, not that they didn't meet the basic standard, she thought you could say they met the basic standard but she did not think they were over the hurdle. There was also the issue of annexation and the fact that this was originally seen as being an orphan site even though a city had come forward and indicated interest.

Presiding Officer Kvistad called for further questions.

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

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

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

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

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

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

Motion to

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

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

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

Mr. Cooper responded that the Code required that land be brought into the Urban Growth Boundary either have a urban reserve plan that the Council approved of or be first tier land for which there was a local government commitment to complete the plan. The portion that was not

part of the plan include a large part of land that was not either Tier 1 nor subject an urban reserve plan. To include all of the area that was currently in the ordinance would be inconsistent with the Code.

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

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

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

Councilor McLain said that there were several reasons why she could not vote for this particular ordinance this year. She explained why it was important not to bring this parcel in this year: the Metro Code spoke of governance, plans towards annexation, making sure that the 122 agreements had been met, and that those people who had completed the 122 agreements would at least keep those 122 agreements in their work and their planning. This had not been done in this area of Stafford. This was another area where, she thought, six months to a year would allow local jurisdictions and partners who need to be on board for this to happen to get their work done. Metro had had conversations from the MPAC members and Lake Oswego Council which indicated that they understood that there was going to be growth there some day. They had indicated their interest in making sure that they do that planning correctly. They wanted to have an opportunity to do that. We had tried to move them along. There was also a boundary commission change that started on January 1, 1999 where they would have an opportunity, she believed in the next six months, to see this as a challenge but also a reality because there would be a portion of that document that would indicate that local jurisdictions had to at least act on annexation requests that were before them. It was important for the Council not to try put the cart before the horse. Metro needed to let the local jurisdiction partners that would have to do this planning get that work done before it was moved. Metro said they would do that in the Metro Code. MPAC asked the Council unanimously to not move the boundary without meeting their own Metro Code. She thought that was were they fell down with this amendment and with this entire ordinance. She pointed out that, just as Councilor McCaig had brought up, some of her votes would be different on the 17th. This was because she was not going to vote in 27,000 dwelling units this year. She had made a commitment to herself and to their MPAC partners to readdress that 200 foot buffer, the endangered species act and the steelhead issues. There were a number of those need factors that they agreed to revisit in a more holistic way in 1999. MPAC had agreed to help them with it. Those were many reasons why a vote in support of this ordinance would unravel this process. All of the hard work that the staff, local jurisdictions, MPAC and this Council had done would not be able to accomplish what they had hoped to accomplish here tonight. She in no way shape or form believed that West Linn, Tualatin, or Lake Oswego should not have some of the same responsibilities for growth that anyone else did and she did not think any of those 24 cities and three counties would opt out. They had agreed to the Functional Plan and the 2040 Growth Concept but they could not take it all in at one time. They couldn't use it all at one time and the Metro Code was not met with this ordinance tonight.

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

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

Presiding Officer Kvistad said that he had been a supporter of the entire parcel since the beginning and he had taken a lot of heat for it. He and Commissioner Hammerstad had had their discussion on this site. He felt strongly that this should come in and would support it doing so. As for the process, he was very proud of the process and what they had been able to do. They had been working on some of these parcels for six years. He understood the frustration of Councilor McCaig but he believed that should the Council vote this ordinance forward, which was an excellent compromise, he would support that compromise.

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

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

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

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

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

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

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

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

He then announced that the Council had completed the planned areas and would move on to those areas that had commitments which included Ordinance No. 98-779C, 98-786C, and 98-781B. They would move first to complete the Washington County section. First under consideration was areas 43 and 47.

Motion: **Councilor Morissette** moved Ordinance No. 98-779C be amended to include conditions, recommended in the staff report of findings prepared by the Office of General Counsel for this ordinance. The version of the ordinance 98-779C shall be forwarded to the Council agenda on December 17th for final adoption. The ordinance incorporates urban reserve sites 43 and 47 in Washington County. They are first tier sites encompassing about 100 acres. These sites can accommodate approximately 400 dwelling units and 135 jobs based on Metro's productivity analysis. Sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had opportunity to provide testimony on these sites at several public hearings. In fact Metro Public Hearings on December 10th and 19th specifically focused on these sites. Based on these hearings, the Council approved an amendment to correct the flood plain on the southern boundary of site 47 adding about 7.5 acres to the site. The staff reports for urban reserve sites 43 and 47 were available in a timely manner and indicated generally high marks across the board for factors related to required state goal analysis. The commitment to complete an urban reserve plan had been submitted from the

City of Tualatin for Site 43 and in the case of Site 47, a commitment had been received from King City. The Council had received little or no testimony against inclusion of Site 43 being included in the urban growth boundary. The almost 10 acres of Site 43 under single ownership would be combined with an adjacent 12 acre parcel inside the UGB to create a single development. In addition to land for housing the site contained steeply sloped and wetland areas that could be designated as open spaces. Site 47 which currently included a mobile home park could be an important sources of affordable housing in the area. It was a first tier site with no EFU land and had been carefully drawn to exclude important riparian areas. The map was included with this ordinance.

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

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

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

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

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

Motion: **Councilor Morissette** moved Ordinance No. 98-786C be amended to include conditions recommended in the staff report and findings prepared the Office of General Counsel for this ordinance. The new ordinance No. 98-786C shall be forwarded to the Council agenda on December 17, 1998 for final adoption. This ordinance incorporates urban reserve sites 14 and 15 in the Sunnyside Road/Happy Valley area. They are first tier sites which encompass 661 acres. These sites could accommodate approximately 3300 dwelling units and 950 jobs according to Metro's productivity analysis. The sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had opportunity to provide testimony as to these sites at several public hearings and in fact the Metro Public Hearing on November 26, 1998 specifically focused on sites 14 and 15. Based on these hearings, the Council amended Ordinance No. 98-786A to add to urban reserve area 15 and the UGB approximately 39 acres of exception lands south of Monner Creek adjoining both sites 14 and 15. The City of Happy Valley and Clackamas County provided testimony on this amendment. Staff reports for urban reserve sites 14 and 15 were available in a timely manner and indicated generally high marks across the board for factors related to required state goal analysis. In addition, letters committed to completing urban reserve plans have been received from Clackamas County and indicated coordination with the City of Happy Valley. Citizens testimony with regard to traffic amounts on Monner Road and possible impacts to Monner Road were addressed by modifying those 54 acres to 39 acres. All of this land is south of Monner Creek, not adjacent to Monner Road. The maps were included in this version.

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

Councilor Morissette said that they had heard testimony from Senator Baker on this ordinance. This area had the support of Clackamas County and a plan that John Fregonese was working on. Due to the commitments on the amount of buffer that Senator Baker brought forward, Councilor Morissette declared that he was not prepared to make a motion to enlarge the buffer. He thought

meeting the requirements under Title 3, advanced buffering to stream corridors was a positive thing and he reminded the Council about what Mr. Houck said about more protection inside the UGB as opposed to outside the UGB. The area had a master plan in process and there was also support from Happy Valley.

Councilor Monroe asked for total acreage and housing units?

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

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

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

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

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

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

Councilor Morissette responded that it was 4485 acres.

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

Motion to

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

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

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

Mr. Cooper clarified that Councilor McFarland referred to the area south of the Clackamas County line. He wanted to confirm what her intentions were because there had been a 27 acre amendment adding the mobile home park which was also south of the Clackamas County line but away from the area that the witness identified as Area C from previous testimony. He pointed this

out on the map. As Mr. Cooper understood it the motion to delete did not include the mobile home park area.

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

Vote to

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

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

Motion as

Amended: **Councilor McLain** said this was Pleasant Valley which included portions of Site 4 and 5 as amended. These were first tier sites which encompasses 1532 acres less the 265 acres that Councilor McFarland took out. These sites could accommodate approximately 6500 and 3000 jobs according to the Metro productivity analysis. The sites in this ordinance were properly noticed in compliance with Metro Code and State Statute. The public had had opportunity to provide testimony as to these sites at several public hearings, in fact, the Metro Public Hearing on November 26, 1998 specifically focused on this site. Based on these hearings, the Council approved one amendment to this ordinance to add an additional 27 acres to urban reserve site 5 and the urban growth boundary amendment here which was that site that could be seen below the Clackamas County line that was a DEQ requested inclusion of a trailer court. This addition was involving areas around and including Happy Valley Mobile Home Park that she had just mentioned. There were many environmental reasons related to inadequate sewage treatment capacity. Staff reports for urban reserve site 4 and 5 were available in a timely manner and indicated generally high marks across the board for factors relating to the required state goal analysis. In addition letters committing to completing urban reserve plans had been received for these sites. Portland will take the lead with regard to site 4 and the mobile home park. Gresham would take the lead with regard to site 5 with the cooperation of Clackamas County and Metro. Some testimony was offered reflecting concerns about the watersheds in these areas. These concerns would be addressed in part through the application of the Metro Title 3, further refinement of the urban reserve plans and local considerations enacted in the city and county comprehensive plan changes.

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

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

into ultimately voting for a larger expansion than she thought was necessary and that meets the minimum requirements of state law. She would be voting against this ordinance.

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

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

Councilor McLain responded that all the pieces that have the best opportunity to complete the package will be there for her to vote on on December 17th. She was leaving this with the hard task, that the Council had already completed once, but would now have to complete again and choosing where she picked her 16,000 dwelling units.

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

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

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

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

Councilor McLain said the amendment should include the maps.

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

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

Councilor McCaig asked for the total acreage.

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

8. RESOLUTIONS

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

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

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

Craig Prosser, Metro Financial Planning Manager, said the purpose of the resolution was to finance two projects that were included in the 1998- 2003 Capital Improvement Plan (CIP). One project was for consolidation services that served our network, and the other was for upgrades to our InfoLink hardware and database. These were approved projects in the CIP. The financing was included in the 1998-99 budget. This was simply the financing mechanism through Bank of America. The anticipated interest rate was about 4.5% over a three-year period.

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

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

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

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

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

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

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

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

Mr. Cooper said Washington County adopted an ordinance adopting minimum densities, in part, throughout areas in Washington County. The Functional Plan, adopted in 1996, required all jurisdictions to do that. Someone had filed a notice of intent to appeal, but the reason would remain unclear until a brief was filed with LUBA. He said if the challenge brought raises issues

that directly related to the regional issues involved with minimum densities, then the Council might need to be involved. The Executive Officer independently asked that notice be given. In light of that, this issue might be moot. Nonetheless, an executive session would be granted if the Council disagreed with his intentions on using resources to be involved, the Council would likely be granted deference to remain uninvolved. It was hard to tell at this point because the issues involved won't be known until after the notice to intervene was filed.

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

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

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

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

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

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

9. COUNCILOR COMMUNICATION

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

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

10. ADJOURN

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

Prepared by,

Metro Council Meeting
December 3, 1998
Page 33
Chris Billington
Clerk of the Council