

MINUTES OF THE COUNCIL OF THE  
METROPOLITAN SERVICE DISTRICT

June 12, 1986

**Councilors Present:** Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

**Councilors Absent:** Councilor Myers

**Also Present:** Executive Officer Rick Gustafson

**Staff Present:** Don Carlson, Eleanore Baxendale, Randy Boose, Jill Hinckley, Ray Barker, Phillip Fell, Gene Leo, Kay Rich, Randi Wexler, Dan Durig and Doug Drennen

Presiding Officer Waker called the meeting to order at 5:35 p.m.

1. INTRODUCTIONS

None.

2. COUNCILOR COMMUNICATIONS

2.1 Declaration of a Vacancy of the District 9 Council Position to be Effective June 30, 1986, and Consideration of Procedure and Schedule for Filling that Position

Presiding Officer Waker noted he had received a letter from Councilor Myers explaining his business required him to relocate to Washington, D.C., and therefore, he would resign from the District 9 Council position effective June 30, 1986. Ray Barker, Council Assistant, then reviewed the options by which the vacant position could be filled. After discussion, the Council agreed to advertise the vacant position and to appoint a person at the July 10, 1986, meeting. It was the Council's general consensus that the six month's time between June 30 and January 1 (the date when a Councilor elected in November would begin to serve a term) was too long for District 9 to be without representation.

**Motion:** Councilor Gardner moved to declare the District 9 Council position vacant effective June 30, 1986, and Councilor Kelley seconded the motion.

**Vote:** A vote on the motion resulted in:

**Ayes:** Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

**Absent:** Councilor Myers

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The motion carried.

Motion: Councilor Gardner moved to fill the vacant District 9 Council position in the manner recommended by staff in the staff (appointing the position) and Councilor Kelley seconded the motion.

Councilor Oleson suggested the Council wait to fill the position until after the August deadline for petitions for those wishing to fill the position by General election in November. Councilor DeJardin agreed no urgency existed to immediately fill the position.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick and Waker

Nays: Councilors Oleson and Van Bergen

Absent: Councilor Myers

The motion carried.

Motion: Councilor Van Bergen moved to authorize the Presiding Officer to appoint a citizen committee to assist in evaluating candidates for the vacant District 9 Council position and Councilor Kelley seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Myers

The motion carried.

### 3. EXECUTIVE OFFICER'S COMMUNICATIONS

Annual National Association of Regional Government Councils (NARC) Conference. Executive Officer Gustafson reported on highlights of the annual conference held in New Orleans. He said excellent discussions were conducted on the convention facility in Denver and on the New Hampshire hazardous waste pickup program. The Presiding Officer requested the Public Affairs Director distribute a summary of the conference to Councilors.

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City of Wilsonville. The City appealed before the Land Use Board of Appeals Metro's recent decision not to adjust the Urban Growth Boundary as petitioned by the City. The Executive Officer said he would keep the Council apprised of further developments regarding the case.

Zoo Attendance. The Executive Officer reported the summer concert series had started successfully and it was hoped attendance for the fiscal year would be the highest in 23 years. Councilor Van Bergen asked if Metro had adequate liability insurance to cover concert nights. The Executive Officer said insurance coverage was adequate.

4. WRITTEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

5. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

None.

6. RESOLUTIONS

6.1 Consideration of Resolution No. 86-653, for the Purpose of Confirming the Appointment of Lyndon A. S. "Tuck" Wilson to the Position of Convention, Trade and Spectator Facilities Director

Randy Boose, Personnel Officer, first reported the Council had adopted a resolution on May 15 establishing the position of Convention, Trade and Spectator Facilities (CTS) Director. He then reviewed the process for recruiting and evaluating candidates. Staff had contracted Roger Pringle, a personnel consultant, to assist with the selection process, he said.

Executive Officer Gustafson reviewed how the new CTS Director and other CTS staff would be incorporated into Metro's overall organizational structure and how staff would work with the various committees affiliated with the project. Metro staff would continue to assist the CTS Committee, he said, and would offer assistance in the areas of legal counsel, public affairs, land acquisition, financing and design and construction of the facility.

The Executive Officer then discussed the qualifications of Tuck Wilson, the candidate recommended for the CTS Director position. He explained Mr. Wilson's experience in administering the construction of Portland's Justice Center, after which the CTS project was modeled, made him well qualified for the position. Mr. Wilson was also very familiar with the Portland area, he explained.

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Finally, Executive Officer Gustafson discussed the need to commence work on the project as quickly as possible given the general obligation bond election in November. He also expressed his intent for a Metro Councilor replace him on the CTS Committee.

Councilor Frewing asked when the Council could review the FY 1986-87 CTS project budget. Mr. Wilson said a preliminary work plan and supplemental budget would be presented to the Council on June 26. In Response to the Councilor's question, Mr. Wilson said his employment would terminate if the voters rejected the general obligation bond measure in November.

Councilor Kafoury explained she supported Mr. Wilson's appointment but was disturbed about the recruiting process for the position. She thought the process should have been more public and a special effort made to recruit minorities and women. She also noted the absence of women on CTS related committees and called for the appointment of women to those committees, explaining that at least 50 percent of the women in the metropolitan area would be asked to pay for the convention center facility.

Motion: Councilor Kafoury moved a business woman be represented on the CTS Design and Construction Advisory Committee and a business woman be represented on the Executive Committee of the CTS bond measure campaign. Councilor Kirkpatrick seconded the motion.

Executive Officer Gustafson said he was sensitive to Councilor Kafoury's urgings and gave his assurance woman and minorities would be represented on the committees. He thought the motion inappropriate, however, because the committees were not under the Council's direction.

Withdrawal of Motion: Councilor Kafoury withdrew her motion on the basis of the Executive Officer's argument.

The Councilor again stressed her concern about the lack of representation of women on the CTS issue and the inappropriateness of that situation. Presiding Officer Waker said he had discussed the matter with the Executive Officer and had recommended a specific female to be appointed to the Design and Construction Committee. He said he would consider the matter a priority.

Referring to the CTS Director selection process, Councilor Kirkpatrick said she and a number of Councilors were concerned about the process even though she was supportive of the candidate selected. She then noted Metro's Personnel Rules had not been reviewed since 1981, were ambiguous about recruiting and other procedures,

and because a new Personnel Officer had been hired, staff should consider the review of those Rules a propriety project.

Motion: Councilor DeJardin moved to adopt Resolution No. 86-653 and Councilor Prewing seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Prewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Myers

The motion carried and the Resolution was adopted.

Mr. Wilson thanked the Council for their vote of confidence and explained he would be presenting preliminary work and financial plans to the Council on June 26. Councilor Van Bergen said he looked forward to Mr. Wilson's report at the June 26 Council meeting which he hoped would address affirmative action to include women on the Design and Construction Committee.

6.2 Consideration of Resolution No. 86-652, for the Purpose of Amending the Pay Plan to Change the Salary Level of the Position of Government Relations Manager, and Confirming the Appointment of Phillip Fell as Legislative Liaison

6.5 Consideration of Resolution No. 86-649, for the Purpose of Amending Joint Metro Resolution No. 86-603 and IRC Resolution No. 85-11-01 to Expand the Membership of the Bi-State Policy Advisory Committee

6.6 Consideration of Resolution No. 86-655, for the Purpose of Accepting the 1986 Oregon Primary Election Abstract of Votes of the Metropolitan Service District

Motion: Councilor Hansen moved to place Agenda Item Nos. 6.2, 6.5 and 6.6 (noted above) on the Consent Agenda and to adopt the three Resolutions. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Prewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilor Myers

The motion carried and Resolution Nos. 86-652, 86-649 and 86-655 were adopted.

6.3 Consideration of Resolution No. 86-650, for the Purpose of Accepting the Hearings Officer's Report in Contested Case No. 85-7 (Kaiser), Furthering Annexation of the Affected Property to Metro and Expressing Council Intent to Amend the Urban Growth Boundary

Consideration of Exception to the Hearings Officer's Report filed by BenjFran. Jill Hinckley, Land Use Coordinator, said an exception had been filed by BenjFran regarding the hearings officer's report for the BenjFran, Kaiser and Riviera cases by the the Petitioners for the BenjFran. She said staff would present its report on this matter, make its recommendation, and then the petitioners would be given an opportunity to address the Council. She requested to Council determine how it wanted to handle the expectations before it proceeded to the merits of the case.

Ms. Hinckly explained the Hearings Officer, Adrienne Brockman, had consolidated alternative site and transportation issues which related to the BenjFran, Kaiser and Riviera petitions. Those issues were heard jointly for a joint record. At the time of that joint hearing, BenjFran did not object to any material entered as evidence by Kaiser or Riviera. Subsequently, at the end of April, the Hearings Officer's report was released which recommended the Kaiser and Riviera petitions be approved and the BenjFran petition be denied. Ms. Hinckley said staff had originally scheduled all three cases to be heard by the Council on June 12. May 22 was initially set as the deadline by which exceptions to the Hearings Officer's report could be filed. She then discussed the problem with Metro's Code regarding deadlines for exceptions. The Council, not the Executive Officer, was authorized to set deadline for exceptions. Therefore, when deadlines were set by staff, staff had no authority to deny those exceptions would be heard by the Council.

Ms. Hinckley further explained that after the May 22 deadline was established, the three petitioners appeared before the Council on May 15, all represented by Susan Quick, requesting the BenjFran petition be separated out from the other two and be considered on June 26. The reasons for the delay were to give BenjFran more time to prepare their exceptions and to not overload the Council by having the three issues considered on one evening. When that request was presented to the Council on May 15, staff advised the Council that an extension of Council consideration would also mean the deadline for filing exceptions would be extended two weeks. Ms. Hinckly noted the Council's action to extend the date of consideration represented the recognition of staff extending the

exceptions deadline. Staff also advised the Council that all parties had been consulted about the possibility of a new Council consideration date and that Bob Stacey, representing the 1000 Friends of Oregon, would be out of town throughout the month of July. Therefore, delay in Council consideration beyond June 26 would mean the item would have to be set forward to August for all parties to participate.

Ms. Hinckley reported that BenjFran filed non-specific exceptions to the Hearings Officers report on all three cases after staff's established deadline. She said BenjFran's representative was appearing at this meeting with a more specific supplement to the exceptions previously noted which went into more detail regarding the problems previously filed. Ms. Hinckley said she received those supplements to the exceptions after 6:00 p.m. at this meeting (June 12).

Ms. Hinckley noted the two choices before the Council regarding the exceptions received by BenjFran were: 1) to refuse to accept the additional material submitted by BenjFran at this meeting and not hear oral argument on the exception received last week on that grounds no specific issues had been identified in the exception; or 2) to set the Kaiser and Riviera matters over to June 26 to be considered with the BenjFran matter. The second option would allow all parties to be considered at the same time and all parties would have an opportunity to review and respond to the materials submitted by BenjFran. Staff recommended the Council take the course outlined in option 1) above because BenjFran had ample opportunity to submit exceptions in a timely manner and to delay the consideration of the Kaiser and Riviera matters would be inconsiderate to those petitioners.

Presiding Officer Waker declared that although he worked for BenjFran from time to time, he had no involvement with the BenjFran property in question, had no direct interests in that property and could make an unbiased decision on the matter.

The Presiding Officer invited other parties to comment on BenjFran's request for the Council to accept further exceptions to the Hearings Officer's report.

Greg Hathaway, 421 S.W. Sixth Avenue, Portland, an attorney representing BenjFran Development, agreed the exceptions filed on June 5 were general in nature. He explained, however, that Metro's rules did not indicate the exceptions had to be specific in nature. BenjFran's exception was stated in general terms in order to provide notice that his client had concerns with the Hearings Officer's findings on the three petitions. He said he intended to file a more specific exceptions at this evening's meeting that he could use as a

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basis for oral argument. Mr. Hathaway asked the Council to honor his request stating it was important BenjFran's specific concerns be part of the record. Finally, he emphasized his interested was to have the proceedings progress as smoothly as possible.

Susan Quick, an attorney representing Kaiser Development Company, 101 S.W. Main Street, Portland, stated Kaiser agreed with staff's recommendation that the Council disallow the exceptions filed by BenjFran. She explained the Kaiser application had received support from the Portland Chamber of Commerce, the LCDC, the State Office of Economic Development, the Governor's Office, Portland Development Commission, Port of Portland, Sunset Corridor Association, 1000 Friends of Oregon and others, and noted her disappointment that BenjFran, a fellow developer, was not also supportive and had submitted exceptions for Council consideration at the eleventh hour. She appealed to the Council to employ it's rules of reasonable and fundamental fairness and deny admission of BenjFran's new evidence. Ms. Quick then cited examples of how BenjFran had not complied with the established administrative process. Finally, she questioned whether BenjFran could be considered a party under Metro's rules, noting only parties could file exceptions. BenjFran, she said, had not participated in Kaiser's hearing, did not take a position on the merits and did not testify. She proposed BenjFran be given the opportunity to present their arguments when their case was heard before the Council on June 26. There was no benefit in the Council hearing the same argument as part of Kaiser's case, she said. In closing, Ms. Quick submitted a motion to deny BenjFran's exceptions.

Councilor Oleson asked staff to explain why the BenjFran's case was related to the Kaiser and Riviera Motors cases. Ms. Hinckley said it was the position of BenjFran that the Hearings Officer applied a different evidentiary standard - the way in which evidence was accepted - to their case than was applied to the Kaiser and Riviera cases.

DeMar Batchelor, representing Riviera Motors, supported staff's recommendation that the Council not receive exceptions filed by BenjFran relating to the Kaiser and Riviera Motors petitions. He said Metro Code Section 2.05 set the standard for opportunity for filing exceptions. Mr. Batchelor said staff May 2 notification to all parties had defined the process for filing the exceptions, the function of the exceptions and that the purpose of the deadline was to give an opportunity to the staff and Council to respond to the exceptions. That notice, he acknowledged, was later amended as was requested by the petitioners and a June 5 filing date was established to accommodate the later hearing date for BenjFran. Mr. Batchelor said BenjFran had not, until this evening, given notice that the



established deadlines were unfair, too short or in any way prejudicial to them. In conclusion, Mr. Batchelor acknowledged that BenjFran was an experienced developer and therefore, it was difficult to conceive they did not understand the process for filing petitions to the Urban Growth Boundary. He urged the Council to deny BenjFran's request.

In response to the Presiding Officer's question, Mr. Betchelor said he had no legal concerns about the matter beyond those relating to the Council proceedings.

Councilor Frewing asked if it were clear that each petitioner was not a party in the other two cases and that the joint hearings were held merely for convenience of the hearings officer and the separate parties. Mr. Batchelor said there were consolidated issues upon which a consolidated record was developed. Each petitioner was a party to that consolidated proceeding, he said. Mr. Batchelor agreed with the Councilor's assessment that BenjFran could be a party to the hearing without being a party to the final decision process because they did not participate in a way that would demonstrate adverse interest in Kaiser's petition.

Eleanore Baxendale said staff's interpretation of Section 2.05 of the Code was similar to that explained by Mr. Batchelor. The issue, however, would not be whether the petitioner demonstrated an adverse interest at the hearing. The exception would depend on whether the issues were raised at those consolidated hearings. Ms. Hinckley said she had not yet read BenjFran's exceptions submitted June 12 so she could not speak to that issue.

Mr. Batchelor said it was clear that at the hearing BenjFran did not suggest any opposition to the positions of Kaiser Development and Riviera Motors.

Mr. Hathaway, again addressing the Council, explained BenjFran had standing as a party because they participated in the consolidated hearings. The exceptions submitted were related to those hearings, he said. He explained he was advised by staff that BenjFran could file exceptions by June 5 and once the exceptions were filed, they would be given the opportunity to establish a relationship between the exceptions and the Kaiser and Riviera petitions. Mr. Hathaway said he was concerned that if it were not established how the Hearings Officer applied burden of proof in the other two cases, BenjFran could, from a legal standpoint, waive its right to raise that argument at their own hearing. He noted it was certainly not his intent the Council deny the other two applications based on BenjFran's exceptions filed at this meeting.

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Ms. Baxendale explained the purpose of the consolidated hearings was to make sure the Council not be put in a position of making inconsistent decisions on the three cases. She said she had advised Mr. Hathaway that he could file exceptions. To the extent the exceptions in his own case raised issues which were also issues of fact in the other two cases, they would be considered in the other two cases. This, she said, would aid the Council in making a consistent decision. She explained, however, the exceptions that were actually filed were of a very general nature and did not conform to the standard explained previously to Mr. Hathaway.

In response to Councilor Oleson's question, Ms. Baxendale said based on the general nature of the exceptions filed to date by BenjFran, it did not appear BenjFran would lose any advantage by waiting to raise their issues on the date their case was heard before the Council.

At the Presiding Officer's request, Ms. Hinckly again summarized the Council's options: 1) to refuse to accept the additional material submitted by BenjFran at this meeting and not hear oral argument on the exception received last week on the grounds no specific issues had been identified in the exception; or 2) to hear the exceptions and to set the Kaiser and Riviera matters over to June 26 to be considered with the BenjFran matter. The second option would allow all parties to be considered at the same time and all parties would have an opportunity to review and respond to the materials submitted by BenjFran. She also recommended the Council establish a deadline for receiving further exceptions and information related to the petitions. Staff recommended the Council take the course outlined in option 1) above because BenjFran had ample opportunity to submit exceptions in a timely manner and to delay the consideration of the Kaiser and Riviera matters would be inconsiderate to those petitioners.

Motion: Councilor Kafoury moved the Council decline to accept supplemental exception materials submitted the evening of June 12, 1986, and to hear oral argument on the exceptions submitted June 5, 1986, related to the Kaiser petition. Councilor Oleson seconded the motion.

Councilor Van Bergen questioned why the three petitions were heard together. Ms. Hinckley explained the petitions were consolidated at the Council's request to allow them to be examined according to common criteria, she said.

Vote: A vote on the motion resulted in:

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Ayes: Councilors Cooper, DeJardin, Frewing, Gardner,  
Hansen, Kafoury, Kelley, Kirkpatrick, Oleson,  
Van Bergen and Waker

Absent: Councilor Myers

The motion carried.

Ms. Hinckley asked the Council to determine when the BenjFran matter would be heard before the Council. Due to scheduling conflicts and deadlines for submitting written materials for the Council agenda, staff recommended the matter be set over to August 28, 1986.

Mr. Hathaway explained BenjFran would prefer the case be heard in July.

Bob Stacey, representing 1000 Friends of Oregon and a party to the BenjFran case, requested the matter be heard June 26. He noted BenjFran had been granted extensions and now they were reluctant to accommodate the schedules of others.

Ms. Hinckley said it would be impossible to schedule the case on June 26 due to the time needed to prepare written exceptions, to allow other parties to respond and to have those reports printed in the meeting agenda packet.

The Councilors discussed the merits of holding the proceedings on the various dates under consideration.

Motion: Councilor Kelley moved to postpone consideration of the BenjFran matter to August 28, 1986, and Councilor DeJardin seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, DeJardin, Frewing, Gardner,  
Hansen, Kafoury, Kelley, Kirkpatrick, Oleson,  
Van Bergen and Waker

Absent: Councilor Myers

The motion carried.

At 7:20 p.m., Presiding Officer Waker called a ten minute recess. The Council reconvened at 7:30 p.m.

Consideration of Resolution No. 86-650. Ms. Hinckley introduced Adrienne Brockman, Hearings Officer for the Kaiser Development

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Company's petition for a locational adjustment to the Urban Growth Boundary (UGB). Ms. Brockman explained after comparing all the important arguments, it became apparent two arguments should be consolidated for the Kaiser, Riviera Motors and BenjFran cases. Transportation issues were consolidated because many of the same roads were proposed to be used by all petitioners and she was concerned about whether the system would accommodate planned traffic. Because the petitioners are all proposed the same alternate site, that question was also considered at the consolidated hearing. Other matters, such as need and compatibility, were heard individually. At the close of the hearing, Ms. Brockman said she asked each petitioner to prepare a set of findings. Those findings were compared with the Hearings Officer's detailed notes and tape recordings of the proceedings and the final findings were then prepared.

Ms. Brockman then addressed the need argument for both the Kaiser and Riviera petitions. She explained she had posed the question, "was there a regional need?" The applicants presented facts to support a case for providing a variety of land parcels in the Sunset Corridor. The Hobson Report, she said, indicated high tech businesses tended to locate near one another and located near large labor forces and large educational institutions. The report also indicated large quantities of land would be needed to attract future high tech businesses in the Sunset Corridor. If the Kaiser petition were approved, two 60-acre and eight 30-acre parcels would be added to the UGB and the opportunity would exist for Kaiser to put together larger parcels. The Riviera petition, if approved, was more flexible in parcel size. In summary, Ms. Brockman said in her judgment the petitioner met the locational criteria.

Regarding the transportation element, Ms. Brockman said staff reviewed the petitioner's application and found the planned transportation system could accommodate all three of the applications. She cited figures provided on projected traffic impact to support her findings.

At the Presiding Officer's request, Ms. Brockman related her previous work history which included extensive education and experience in urban planning and law.

Councilor Frewing questioned why the applications had not included plans for bus transportation. Ms. Brockman explained no bus use could be assumed because the level of service and implementation schedule could not be determined with any sense of certainty. She said to include bus use would cause an opportunity for argument over assumptions.

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Councilor Van Bergen asked Ms. Brockman to define the use of the word "high tech" as used in her findings. Ms. Brockman said the term was defined as part of the hearing process to mean a business that manufactured electronic parts. A more precise definition was contained in the findings. The Councilor was concerned other petitioners would want to apply the same standard and that a clear criteria be established in defining the term. Ms. Brockman explained that very clear criteria for the term existed under the provisions of Goal 14.

Councilor Kafoury said she was concerned about the lack of large lots available for development in the region. It had been demonstrated, she said, that large high tech businesses were looking to buy those type of lots. She did not think Kaiser and Riviera Motors had provided adequate assurance that large lot parcels would be preserved.

A discussion followed on the lot size issue. Councilor Kafoury said she needed more assurance on lot size before she could consider approving Kaiser's request. Presiding Officer Waker suggested drafting a separate policy statement which would be forward to the city of Hillsboro and Washington County instructing them of the Council's likelihood to entertain expanding the Boundary and under what general circumstances it would be amended. Councilor Frewing questioned whether the Council consider land use issues in these cases. Ms. Baxendale, responding the Councilor Frewing's question, explained certain needs were usually demonstrated as part of the petitioner's application. She said in the past, the Council had been very reluctant to enforce conditions on petitioners because those conditions were difficult to monitor and enforce. Councilor Van Bergen said he was interested in taking action that would increase regional employment but he was reluctant to take any action without clear criteria that would apply equally to all petitions.

Susan Quick explained the lot size issue was researched as part of Kaiser's permit process. Kaiser had planned for large lots as much as land constraints would allow, she said. The need study was based on 30 acres lots, she explained, because the city of Hillsboro had requested this increment be used. She said the combinations of two and three 30 acre parcels could certainly occur.

Ms. Hinckly advised the Council could address Councilor Kafoury's concern by amending the Hearings Officer's findings to include how the need for large lots would be met. She said a recently adopted LCDC rule relating to Goal 3 and needs based exceptions would provide for that type of condition. She said staff could study the record before recommending specific language and suggest language for an amendment at the June 26 Council meeting.

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Councilor Cooper thought that requiring large lots would put unreasonable strains on land owners.

Motion: Councilor Kelley moved to adopt Resolution No. 86-650 and Councilor Cooper seconded the motion.

Councilor Cooper said that although he was not anti-growth, he would not support the Resolution in protest of actions by Sunset Corridor parties against the West Transfer and Recycling Center.

Councilor Kafoury urged the Council not to support adoption of the Resolution unless the issue of large lots could be resolved.

Councilor Van Bergen said he would support the Resolution although he would like not to support the petition for the reason stated by Councilor Cooper.

In response to Councilor Frewing's question, Ms. Hinckley said if the motion failed, the Council could consider the Resolution another time.

Vote: A vote on the motion resulted in:

Ayes: Councilors Hansen, Kelley, Van Bergen and Waker

Nays: Councilors Cooper, Frewing, Gardner, Kafoury, Kirkpatrick and Oleson

Absent: Councilor DeJardin and Myers

The motion failed.

Motion: Councilor Kafoury moved to delay consideration of the Resolution to June 26 and to remand the matter back to the Hearings Officer to amend the report to guarantee large lots. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin and Myers

The motion carried.

6.4 Consideration of Resolution No. 86-651, for the Purpose of Accepting the Hearings Officer's Report in Contested Case No. 85-9 (Riviera), Furthering Annexation of the Affected Property to Metro and Expressing Council Intent to Amend the Urban Growth Boundary

Ms. Hinckley briefly introduced the item, explaining Ms. Brockman's report given earlier under Item 6.3 addressed the consolidated issues of need and transportation.

DeMar Batchelor, representing the petitioner, said he agreed with staff's recommendation.

Motion: Councilor Kafoury moved to adopt Resolution No. 86-651 and Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kafoury, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kelley and Myers

The motion carried and Resolution No. 86-651 was adopted.

7. OTHER BUSINESS

7.1 Consideration of Petition to Remove Conditions from Waldo View Acres Approval

There was no discussion on the item.

Motion: Councilor Hansen moved to accept the petition and to assign it to a hearings officer. Councilor Kirkpatrick seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Hansen, Kafoury, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Kelley and Myers

The motion carried.

7.2 Presentation of Tax Measure Options

Councilor Kirkpatrick reported on the results of the May 20, 1986, Primary election and the resulting defeat of Metro's Tax Base

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Measure. She recommended the Council establish a Zoo tax levy for the March 1987 Special election.

Motion: Councilor Hansen moved to direct staff to prepare an ordinance establishing a Zoo tax levy for the November 1986 General election. Councilor Van Bergen seconded the motion.

A discussion followed about whether a Zoo tax levy could be placed on the November 1986 ballot. Councilor Kirkpatrick said a November election could compete with the November convention center general obligation bond measure and the busy Zoo summer season. She explained the deadline for submitting a ballot title for the November election would be July 24. She stressed the importance to launching a campaign that could be won.

Vote: A vote on the motion resulted in:

Ayes: Councilors Hansen and Van Bergen

Nays: Councilors Cooper, Frewing, Gardner, Kafoury, Kelley, Kirkpatrick, Oleson and Waker

Absent: Councilors DeJardin and Myers

The motion failed.

Motion: Councilor Frewing moved to instruct the Presiding Officer to appoint a committee to prepare for a March 1987 Special Election on the Zoo tax measure. Councilor. Councilor Gardner seconded the motion.

Vote: A vote on the motion resulted in:

Ayes: Councilors Cooper, Frewing, Gardner, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker

Absent: Councilors DeJardin, Hansen and Myers

The motion carried.

#### EXECUTIVE SESSION

Presiding Officer Waker called the meeting into Executive Session at 9:00 p.m. under the authority of ORS 192.660(1)(h). Councilors present at the executive session included Cooper, Frewing, Gardner, Kafoury, Kelley, Kirkpatrick, Oleson, Van Bergen and Waker.



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The Presiding Officer called the meeting back into regular session at 10:10 p.m. There being no further business, the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script that reads "A. Marie Nelson".

A. Marie Nelson  
Clerk of the Council

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