

MINUTES OF THE METRO COUNCIL MEETING

December 7, 1995

Council Chamber

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

Councilors Absent: None

Presiding Officer McFarland called the meeting to order at 2:00 p.m.

1. INTRODUCTIONS

The Presiding Officer introduced the new council analyst, Michael Morrissey, who will start Monday.

2. CITIZEN COMMUNICATIONS

Art Leuwellen distributed three letters regarding alignment of the South/North Light Rail project, which were copied and distributed to councilors. Copies also are included in the permanent meeting record.

3. EXECUTIVE OFFICER COMMUNICATIONS

none

4. CONSENT AGENDA

4.1 Consideration of Minutes for the November 30, 1995 Metro Council Meeting.

The minutes were not available for approval.

Presiding Officer McFarland made an announcement about the procedures for today's meeting. She stated that no public testimony will be taken today on Ordinance No. 95-625 or Resolution No. 95-2244. The councilors will be reviewing all of the recommendations on the RUGGO and 2040 Concept Map documents. When their review is finished and staff has amended the documents, public testimony again will be taken on the new document as amended by the Council.

She also stated there will not be a Council meeting on December 28, 1995. The Council will attempt to finish their review by December 21.

5. INFORMATIONAL ITEMS

5.1 An Informational Briefing was presented relating to the new parking structure management contract and related revenue projections.

Councilor Morissette explained that Metro has entered into a new contract with Ashforth, previously Pacific Development Inc., to manage the adjacent parking garage owned by Metro. Two years ago Metro earned approximately \$370,000 in annual revenue from the garage. It cost about \$400,000 to operate, putting the agency close to breaking even. During the past two years, that revenue has plummeted to slightly more than \$200,000.

He stated that under the new contract, Ashforth estimates Metro will soon break even again. This is positive news, since it will require less of a subsidy from the agency's capital fund. In addition, the contract states Ashforth must earn \$250,000 a year before they receive any variable fee. This new contract will require Metro to use less taxpayer dollars to get the same amount of use out of the parking facility.

5.2 An Informational Briefing was presented relating to the Goal 5 amendment process.

Larry Shaw, Senior Assistant Counsel, addressed two letters, which are included in the permanent meeting record. The first letter, dated December 4 and addressed to the chair of the Land Conservation and Development Commission, urges the commissioners not to waiver in their department's recommendation to complete the work on Goal 5. The commission is slightly behind in its work, and Metro is urging it not to give up. The public hearing discussed in previous Council meeting briefings has been canceled and instead a 58-page report has been compiled and distributed. Various Metro staff is analyzing this report.

Mr. Shaw stated the recommendation the commission will be given tomorrow is to put forth a proposed rule by December 20, with consideration by LCDC at hearings on January 25 and 26. Ten further hearings to take amendments are recommended from January to April. Metro will need a position in early January on whatever the proposed rule has in it.

The second letter is a memo from Mr. Shaw dated December 5 addressed to the Metro Council and the Executive Officer. It provides a status report on Goal 5.

6. ORDINANCES -- FIRST READINGS

6.1 Ordinance No. 95-626, Amending the FY 1995-96 Budget and Appropriations Schedule by Transferring \$90,000 From the Spectator Facilities Fund Contingency to the Performing Arts Center Personal Services to Add Four New Positions to Meet Unforeseen Increased Work Loads; and Declaring an Emergency.

The clerk read the ordinance by title only.

(Editor's Note: the following record for Items 7 and 8 were prepared by temporary Metro Council staff person David Aeschilman.)

7. ORDINANCES -- SECOND READINGS

7.1 Ordinance No. 95-625, Amending the Regional Urban Growth Goals and Objectives, and Adopting Metro 2040 Growth Concept and Metro 2040 Growth Concept Map.

The clerk read the ordinance by title only.

Presiding Officer McFarland notified the Council, Metro staff, and members of the public that Ordinance No. 95-625 would be moved and discussed this evening, however, final action would not be taken until a subsequent meeting.

Motion: *Councilor McLain moved, seconded by Councilor Kvistad, for adoption of Ordinance No. 95-625A.*

Councilor McLain stated that she has followed up on the RUGGOs text amendments that have been proposed in public testimony as well as suggestions from other Metro Councilors. Proposed amendments to the ordinance are contained in a memorandum dated December 7, 1995 from Larry Shaw to Councilor McLain. A copy of the memorandum was distributed to all Councilors and is included as part of the meeting record.

Councilor McLain stated that the "A" version of the ordinance includes the addition of the Regional Trails Map to Exhibit B, as well as all six of the amendments included in Mr. Shaw's memorandum. Councilor McLain suggested to Presiding Officer Ruth McFarland that each amendment be considered separately.

Councilor McLain gave a brief overview of the proposed amendments.

1. The RUGGO ordinance would be amended to incorporate two pages of maps in Exhibit B to the ordinance. This would include Exhibit B, page 1, the general 2040 Growth Concept Map; and Exhibit B, page 2, a Regional Trails Map that was added to the 2040 Growth Concept Map in December 1994, but does not show up well on the small version of the 2040 Growth Concept Map.
2. The RUGGO ordinance would be amended by adding language to the "Ordains" section, subsection 2, which would state that study areas are shown on the 2040 Growth Concept Map for illustrative purposes only; and would refer to the draft resolution on that subject.

The remainder of the amendments were RUGGO text amendments.

3. The RUGGO document, line 466, would be amended by adding language referencing the Future Vision ordinance by number. This amendment is proposed in response to a citizen request.
4. The RUGGO document, lines 824 and 2029-2030, would be amended by adding language referring to telecommunications and energy transmission and distribution systems. The language was discussed at MPAC and was inadvertently left out of the document.

5. The RUGGO document, lines 1113-1114, would be amended by changing language to state that URSAs may be reviewed every five years, rather than "at any time."
6. The RUGGO document, lines 869 and 888, would be amended by deleting language requiring that every RTP project enhance freight movement and intermodal transfer points.
7. The RUGGO document, lines 1756-1761 and 1969-1971, would be amended by changing language to make employment areas text and glossary consistent.

Following Councilor McLain's review of the proposed amendments, Presiding Officer McFarland had the councilors vote on each amendment individually. The amendments were not considered in the same order they were presented by Councilor McLain; and differed somewhat from the order set forth in Mr. Shaw's memorandum as well.

Motion to Amend Main Motion: Councilor McLain moved, seconded by Councilor Washington to amend Ordinance No. 95-625A regarding the Regional Trails map (as described in item #1 above).

Vote on Motion to Amend Main Motion: Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Motion to Amend No. 2: Councilor McLain moved, seconded by Councilor Kvistad to amend Ordinance No. 95-625A regarding the Future Vision ordinance (as described in item #3 above).

Vote on Motion to Amend No. 2: Councilors McCaig, Morissette, Monroe, Washington, McLain, Kvistad, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Motion to Amend No. 3: Councilor McLain moved, seconded by Councilor Washington to amend Ordinance No. 95-625A regarding telecommunications (as described in item #4 above).

Vote on Motion to Amend No. 3: Councilors Morissette, Monroe, Washington, McLain, Kvistad, McCaig, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Motion to Amend No. 4: Councilor McLain moved, seconded by Councilor Washington to amend Ordinance No. 95-625A regarding URSA review (as described in item #5 above).

At this time, Councilor Kvistad discussed an amendment to Amendment No. 4. He said he his amendment, which he submitted about one month earlier, would clarify the Council role with regard to reviewing any portion of RUGGOs. He said it was important that everyone know that the authority to review any portion of RUGGOs is vested in the Metro Council.

Councilor Kvistad said his amendment would be to eliminate 22.3.5 (lines 1115-1123) from the RUGGO document. Following discussion it was decided to amend Amendment No. 4 as outlined by Councilor Kvistad.

Motion Amending the Motion to Amend No. 4: Councilor Kvistad moved, seconded by Councilor McCaig to amend the Motion to Amend No. 4 as described in the preceding paragraph.

Vote on Motion Amending the Motion to Amend No. 4: Councilors Kvistad, McLain, Washington, Monroe, Morissette, McCaig, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Motion to Amend No. 5: Councilor McLain moved, seconded by Kvistad to amend Ordinance No. 95-625A regarding freight movement (as described in item #6 above).

Vote on Motion to Amend No. 5: Councilors Monroe, Washington, McLain, Kvistad, McCaig, Morissette, and McFarland voted aye. The vote was 7/0 in favor and the motion passed unanimously.

Motion to Amend No. 6: Councilor McLain moved, seconded by Councilor Kvistad to amend Ordinance No. 95-625A regarding employment areas (as described in item #7 above).

Councilor McCaig asked who had participated in working out the compromise incorporated in Amendment No. 6. Councilor McLain replied that Gussie McRoberts, Mayor of Gresham; Bob LeFevre, Mr. Shaw, and Mary Kyle McCurdy. Councilor McCaig asked if this would result in putting off a controversial decision. Councilor McLain said the specificity of the initial RUGGOs language was more than the conversation could assimilate. She said it was also felt there needed to be some consistency in RUGGOs language. Councilor McCaig said she would vote against the amendment because she felt Council had already made the decision. She said she was happy with the original language.

Vote on Motion to Amend No. 6: Councilors Washington, McLain, Kvistad, Morissette, Monroe, and McFarland voted aye. Councilor McCaig voted nay. The vote was 6/1 in favor and the motion passed.

Councilor McLain stated that Metro Council will consider the RUGGOs document for adoption on December 14, 1995. At that time, public testimony will be accepted for action parcels.

8. RESOLUTIONS

8.1 Resolution No. 95-2244, For the Purpose of Amending Urban Reserve Study Areas.

The clerk read the resolution by title only.

Presiding Officer Ruth McFarland stated that since this resolution is prepared to clearly separate the URSAs, which are not a final decision, from the RUGGO ordinance and because this is a new resolution for Metro Council consideration today that is not intended to be referred to the Committee, she would need a motion to suspend the rules for considering this resolution by the full Metro Council at this time. Councilor McLain reminded the Council that this vote would decide whether or not to consider these issues as a complete and full Council and not in committee form. Councilor Susan McLain moved to suspend the rules. Councilor McCaig seconded the motion. The vote was 7/0 in favor of passage. The Presiding Officer declared the resolution to be adopted unanimously.

Metro Executive Officer Mike Burton addressed the Council: "My name is Mike Burton and I am the Executive Officer of Metro. I would like to begin by showing key growth management tools and what we are discussing today are URSAs. These are, as I am sure all of you know, those areas which may or may not become Urban Reserve Areas. It is then from those Urban Reserve Areas that you would select, if necessary, any land that would extended to be inside the UGB so there is a three-step process here that has to be gone through and actually and fourth step should actually show up there and that is that there has to be some sort of master planning that we are asking to be in place to assure the infrastructure and capital improvement programs are in place before any extension of those boundaries takes place. This is a lengthy process. Councilor Kvistad has tried to emphasize that these are study areas we are talking about today and I want to hammer down that point again.

"There has been a tremendous amount of work that has gone on both in the last several months here at Metro and prior to this time, getting what the previous Councils have done up to the adoption of the Growth Concept in December of 1994. This is the next step. I certainly want to commend all of you, particularly Councilor McLain for the tremendous amount of work that has gone into getting you to this point and I would like to personally thank my staff for the tremendous number of hours that they have put into this and will continue to put into this as you move through these very important decisions that you are going to be making regarding where we go with our growth management concepts in this region.

"My recommendation to the Council on the URSAs is based upon a combination of three factors: The technical analysis, which is available to you; second, the adherence to Oregon's successful and unique land use laws which have served this state and this region so well for the past twenty years; and third, my own personal commitments to the beliefs in how this region can enhance livability that we all cherish.

"The specifics of my recommendation are outlined in a memo to you. The key points of these recommendation are: One - there are no farm or forest resource lands included in any recommended study areas. Two - I am recommending cutting 9080 acres (down from 22,450 to 13,790 acres) for the proposed study area adopted by the Council last year. Three - I recommend deleting about half of the Damascus area from the study area due to information from both my staff and local government partners that some of the area would be inefficient and too expensive to serve with the necessary urban services. Four - I am recommending leaving the Stafford Basin out of the study in keeping with my belief that there is more than adequate land in the study area currently.

"My recommendations are based on the need to create livable urban communities and urban villages as outlined in the 2040 Concept. Here, I would emphasize that there has been an interesting spin with some media and others that has translated into sprawl if we do anything at all. I think all of us here are committed to the idea that if there is any necessary additions to the Urban Growth Boundary that those additions would be at urban densities that are in keeping with 2040 process and the concepts.

"This discourages the notion of traditional subdivisions and perpetual suburbs that we often see in other regions. Urban reserves and urban reserve study areas can and should be derived through Metro's partnership with local governments.

"Finally, I recommend the study area reflect a commitment to maintaining and enhancing this region's natural resources. The criteria for recommended study areas is before you. I think you are familiar with that and I won't go over those but they really have a lot to do with proximity, access, terrain, soil classifications and so on but also try to maintain a housing/jobs balance which is an important aspect of what we are looking at. We are not just simply talking here about land for people live on but also land for people to work on so we have to maintain that balance.

"There are areas which I have included in and ones that I have suggested excluding from the URSAs and just for your information again, there are some designated areas, areas 1 through 38 are the areas which were in the Growth Concept that was adopted in 1994. Areas 39 through 84 are areas that have been requested to be added to the URSAs and areas 101 through 116 are areas requested to be deleted from the URSAs. Those designated K1 through K10 are the requests made by Council Jon Kvistad.

"I am recombining that seven areas be added to the URSAs. Those are 40, 42, 46, 52, 74, 77 and 81. That is a total of 420 acres that would be added to the URSAs and those are outlined in the map books that you have in front of you.

"There are three areas within the areas 1 through 38 that received requests to be deleted and which I would recommend should remain within the URSAs and those are sites 105, 107, and 113.

"Areas that should be deleted from the URSAs are twelve in number: 101, 102, 103, 104, 106, 108, 109, 110, 111, 112, 114, and 115. That is a total of 9080 acres. Some of those, of course, are duplicate and overlapping in other areas but those are outlined in the papers in front of you.

"There are some areas that are borderline. There are two areas which received a borderline score which I chose not to recommend as within the URSAs. One area, number 48 in Cornelius contains some of the best farmland in the region and I feel this should be protected. The second area, number 78 in the Stafford Basin is one in which local governments have said they could not and would not be able to efficiently provide urban services. The recommendation on that one reflects my commitment to working with local governments and reaching a decision that is best for the entire region.

"The remaining areas I have not recommendations on. There are several areas within the current URSAs, Numbers 1 through 38, that contain farm and forest resource lands. It will be my strong recommendation that unless these lands are clearly exempted under state law, they should not be included in the URSAs which are scheduled to be put in place in the spring of 1996. I am making no recommendations on those areas that were proposed by Councilor Kvistad. I understand he has some change and will present those to you.

"A lot of study that has gone into this process and I would like to make a couple of other comments at this time about some of the other issues that will be coming up, particularly on the matter of natural resource lands. Clearly, I would argue that these lands should not be included for development or study. You will have, as I have, testimony coming to you from some who would say that a certain piece of farmland is not farmable because of its soil use or position relative to urbanized areas. I have already received a letter from a law firm which says that they were shocked and distressed by my recommendations. I am glad, at my age, that I can still shock and distress people. Their letter was regarding a particular site, arguing that it should be brought into the URSAs and that is a 61 acre site. Sixty of those acres are zoned EFU. If the County has made a mistake in that zoning, then I would suggest that we need to work very carefully with the counties to change that zoning if that is an error but remember that these zones that are already in place, the EFU zones, particularly outside the UGB, are zones that were designated by the County through a process that they had and if there were errors made or these properties are no longer farmable, I think we need to make certain that we work very closely with the counties to make some determination as to what their actual status is. I think that this is something that should be done very carefully.

"In that same vein, we have address the question of tax deferred farm used land inside the UGB. This is something we need to do later. I would remind you that there are 13,000 acres of land inside the current UGB which are zoned as residential or commercial properties but which have tax deferred status since they are used for farming. Under LCDC rules, Metro must count this land as buildable and available when, because of their tax status or present use, they actually may not be buildable or available.

"I would like to work with you to find a solution to this dilemma. I suggest that we explore possible legislation which would take these lands out of the UGB. This would remove the pressure for those for who inhabit this land if they want to continue to farm that land from being considered for possible development. At the same time, it would also bring pressure on those who are holding this land purely for speculation to make that land available for development because otherwise they would lose their development rights over that land. I think we need to explore possibilities and what we can do about that because right now we are in the conundrum and we have to consider that when we look at the amount of available for our growth in the future. That will be an issue to come up before us.

"One final note: There has been a great deal said about the Stafford, Damascus, and Cooper Mountain areas. I recommended these areas generally not being included for further study. However, there are those who would argue and with some conviction, that these areas should come into the UGB if for no other reason that to protect them from further decimation. What has occurred to the rural areas is essentially rural sprawl. Large acres developments that are neither urban nor truly rural but instead areas with well water,

septic tanks and inadequate access. The counties have permitted this type of development because they are allowed to by law. During the 1970s and 1980s, there was little growth in this region and counties would allow one or two homes to be built in these rural minimums. Those one or two houses suddenly became 30, 40 and 100 homes. These people are now living outside the UGB but they work and shops inside the UGB, driving on inadequate roads where no transit services are provided. The cost to provide even those minimum services is paid in part because people in these areas pay both county and city taxes by people living inside the UGB who receive no benefit from it.

"The Metro Charter, Section V, states that it is the responsibility of Metro to address the protection of lands outside the UGB for natural resources, future urban use, or other uses. So regardless of whether you decide to bring these lands in for study and ultimately into the UGB, I feel we have a responsibility, Metro has a responsibility, to keep rural sprawl from continuing. We have asked the counties to stop that type of development outside because it further deteriorates potential farm land that is further outside those exception lands and it is a real issue for us. I would suggest that we have that responsibility in what we are doing.

"I commend this recommendation to you. I wish you well. The staff will be willing to work with you on this and I am delighted to pass this off to you."

Presiding Officer McFarland thanked Executive Officer Mike Burton for his recommendations.

Councilor Susan McLain briefly summarized the progress of the 2040 process. Since December of 1994, the Metro Council Growth Management Committee has been refining the study areas. Information has been gathered from the public via the Metro 2040 Growth Hotline, from public testimony presented at community meetings, testimony before the Growth Management Committee and also the full Metro Council over the past two-and-one-half months. Nearly 24,000 contacts have been made over that year. In the last two-and-one-half months, over 1300 faxes and letters as well as over 600 telephone calls were received specifically on this proposal. The public still has an opportunity to give input to the Council in this process.

Metro Council now has in front of them public testimony, Metro staff work and the Executive Officer's address. Testimony was received through the last committee meeting. It is now time for the Growth Management Committee to work through this information with staff assistance with questions and comments. The Council must also have a conversation about the 2040 process. When the Council has finished working their way through the specific sites involved, a target sites for possible inclusion in the Urban Reserve Study Areas will have been created. This will then be offered to the public for reaction. At the present time, the Council is in preliminary deliberation with close to 12 months worth of work, refinement and public testimony.

Councilor McLain discussed the ranking system and offered the public the opportunity, to be accepted by Metro Council Office until December 12, 1995, to place into writing any corrections deemed necessary in the factual information portions of the technical rankings.

Councilor McLain recommended categorizing the parcels of land and suggested the following consent agenda for accomplishing this task prior to deliberation about each parcel.

1. The first category consists of uncontested sites that were adopted on December 8, 1994. Those sites include 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 17, 20, 21, 22, 27, 28, 30, 31, 32, 34, 35, 37, and 38.
2. The second category consists of new sites that were proposed for addition by citizens with concurrence in the Executive Officer's recommendations today. Those sites include 40, 42, 46, 52, 74, 77, and 81.
3. The third category were sites proposed for deletion by citizens with the Executive Officer's concurrence. Those sites include 101, 102, 103, 104, 106, 108, 109, 110, 111, 112, 114, and 115. Site 115 contains some overlap with Councilor Kvistad's proposal K-10.
4. The fourth category consists of sites with no recommendations for action by the Executive Officer. Those sites include parcels 39, 41, 43, 44, 45, 47, 48, 49, 50 (partial - K6), 51, 53, 54, 55, (partial - K3), 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69 (partial - K4), 70, 71, 72, 73 (partial - K6), 75, 76 (partial - K5), 78 (partial - K6), 79 (partial - K6), 80, 82, 83, 84 (partial - K5), 105, 107, 113, 116. As noted above, many of these parcels overlap Councilor Kvistad's proposals.
5. The fifth category consists of sites which are within Councilor Kvistad's proposals which are listed as K1, K2, K3, K4, K5, K6, K7, K8, K9, and K10.

The Consent Agenda. Councilor McLain suggested to the Council that they walk through the map parcel-by-parcel. Councilor Morissette suggested that staff produce a map that would show contested parcels simultaneously. Councilor McLain noted that this request has been met but not in the form in which Councilor Morissette requested. Mr. Fregonese agreed to supply these maps on December 14, 1995.

Councilor Kvistad handed out his revised "Kvistad Proposal" maps. Councilor Kvistad requested that his proposal be voted on as a package.

Uncontested parcels: Councilor Kvistad questioned staff as to why parcels 16, 18, 19, 23, 24, 25, 26 are excluded from the bundle of uncontested parcels. Mr. Fregonese explained that these parcels are one which were proposed for deletion and are represented now by other numbers. For example, parcel 24 might equal deletion 107. Presiding Officer McFarland questioned Mr. Fregonese as to why the numbers were changed in the first place. Mr. Fregonese explained that independent actions to delete specific parcels or portions of specific parcels came in after the original numbering had been applied; consequently, to keep matters clear, these parcels were given new numbers. If someone asked for a deletion, they also received a new number for the map area that was submitted.

Councilor McLain suggested that no one was going to vote at this time; and further than Mr. Fregonese and Mr. Turpel stay in the room so that they might point out on the appropriate map each one of the sites so that the Council might be able to ask questions as they make their way through the parcels of land.

Parcels 2, 3, 4, 5, 6, 8, 9, 10, 11, 12 all are in the Oregon City area. There seems to have been no controversy on any of those except for parcel 7 according to Mr. Fregonese. In the West Linn area are parcels 13, 14, 15. In the Wilsonville area are to be found parcel 17, 20, 21 (west of Tualatin), 22 (adjacent to Sherwood). Parcel 27 (west of Beaverton), 28 (west of Beaverton), 29 (south of TV Highway and Hillsboro), parcel 30 (south of Forest Grove), 31 (north of Forest Grove), 32 (north of Forest Grove), 34 (north of Hillsboro and adjacent to the airport), 35 (north of Hillsboro), 37 (adjacent to Multnomah County), 38 (adjacent to Bonny Slope).

Councilor McCaig requested information concerning parcel 33 - where does it show up? Mr. Fregonese stated that a cross-reference of existing parcels with other recommendations for inclusions, deletions and so forth. In the case of parcel 33, this corresponds with Parcels 108 and 110 which were two proposals for deletion. Mr. Fregonese agreed to supply a copy of this list to the Councilors.

Councilor Kvistad stated that parcels 13 - 15 are dealt with in his proposal under K6 and asked that these parcels be taken off the consent agenda of uncontested sites until the time of the Kvistad proposals discussion regarding the Stafford Basin area. Councilor Kvistad moved that parcels 13, 14, and 15 be removed from the consent agenda of the uncontested sites. Councilor Monroe seconded. The vote was 7/0 - pass. Presiding Officer Ruth McFarland declared the vote unanimous. These units (over 6000 acres) have now been placed into the Urban Reserve Study Area.

New sites proposed for addition either by citizens or by the Executive Officer: 40, 42, 46, 52, 74, 77, and 81: Site 40 (Wilsonville and NE Wilsonville), 42 (Stanley - Bull Mountain), 46 (Ballodis - Bull Mountain 9 acres), 52 (Oregon Glass - Wilsonville), 74 (Matrix Development - Tualatin), 77 (Graymore Development & Clackamas County - Sunnyside Road), 81 (Patton - Carver - North of Clackamas River). 420 Acres in total.

Councilor Kvistad stated that parcels 42 & 46 are in the K2 Proposal. He asked that these two parcels be pulled off the consent agenda. Councilor McLain suggested that there might be an element of confusion regarding parcel 52 and requested staff to bring clarification later. Councilor McLain moved that parcels 42, 46, and 52 be removed from the consent agenda of the uncontested sites and sites 40, 74, 77, and 81 be included in the Urban Reserve Study Areas. Councilor Monroe seconded. The vote was 7/0 - pass. Presiding Officer Ruth McFarland declared the vote unanimous. These units (approximately 400 acres) have now been placed into the Urban Reserve Study Area.

Sites proposed for deletion by citizens with the Executive Officer's concurrence: Sites 101 (requested for removal by Wilsonville), 102 (requested for removal by Wilsonville -), 103 (requested for removal by Wilsonville), 104 (requested for removal by Wilsonville), 106 (requested for removal by Old Germantown Neighborhood Association), 108 (requested for removal by Cornelius), 109 (requested for removal by Mr. Van Duyck and Cornelius and

called out by the Executive Officer as an exception), 110 (requested for removal by Mr. Wilkinson - farmland with an access problem), 111 (requested for removal by Springville Road Neighborhood Association - much farmland - property just northeast of PCC-Rock Creek Campus), 112 (requested for removal by Mr. Harum - Oregon City-Thayer Road - approximately 1/3 of this land was in EFU but mainly steep terrain and proximate to any urban centers), 114 (requested for removal by Mr. Reynolds - Sherwood - out of 191 acres, 53 acres were Class I and II soils and 132 acres were exception areas), 115 (partial - K10). Councilor Kvistad requested that parcel 115 be removed.

Councilor Kvistad asked Mr. Fregonese for details on the omission of parcel 107. Mr. Fregonese replied that this was a staff error. It was intended that this deletion of parcel 107 would not be acted upon. It ranked 65 and it is all exception land. Because it was contested, it was not placed in the uncontested list but rather it was put down under the "no action" category. The intention was to bring back this category (which contained errors) at the December 14, 1995 meeting for the Council to act upon.

Presiding Officer Ruth McFarland stated that parcels 101, 102, 103, 104, 106, 111, and 115 have been removed from the category of sites proposed for deletion by citizens with the Executive Officer's concurrence. Motion that parcels 108, 109, 110, 112, and 114 be removed from the Urban Reserve Study Areas by Councilor Kvistad. Second by Councilor Monroe. Vote was 7/0 in favor of passage. Presiding Officer Ruth McFarland declared the vote unanimous. These units (approximately 300 acres) have now been removed from the Urban Reserve Study Area.

Sites recommended for no action by the Executive Officer: Mr. Fregonese stated that in the case of parcels 39 - 84, if the Council takes no action, they will not be added to the Urban Reserve Study Area. In the case of parcels 105, 107, 113, and 116, these were requests for deletion from the Urban Reserve Study Area. If the Council takes no action in case, they will remain in the Urban Reserve Study Area.

Presiding Officer McFarland suggested that the Council deal first with the requests for deletion, parcels 105, 107, 113, and 116. Parcel 105 had a ranking of 60, one acre of Class-III farmland, 260 acres were exception land; therefore, there was one acre of farmland. It had a ranking of 60 so it passed muster to continue to be studied. The Executive Officer has recommended that parcel 105 not be deleted. It was decided by the Council to take no action on this parcel; hence, it will stay in the study area.

Parcel 107 had a ranking of 65; it has 250 acres of exception land; it is Class II soils, all exception land. The Executive Officer has recommended that parcel 106 not be deleted. It was decided by the Council to take no action on this parcel; hence, it will stay in the study area.

Parcel 113 is Cooper Mountain. It had a ranking of 60; 289 acres of exception land; no farm land. Councilor Monroe questioned as to whether this included the vineyard on Cooper Mountain. Mr. Fregonese replied in the affirmative but that the area is zoned as rural residential and not as EFU. The Executive Officer has recommended that parcel 113 not be deleted. It was decided by the Council to take no action on this parcel; hence, it will stay in the study area.

Parcel 116 is the Calderwood area which is essentially the western portion of Damascus (4283 acres). It is the entire western portion of Damascus. It has been in the Urban Reserve Study. It is fairly easy to serve. The northern part is actually the least expensive area to serve. There are 429 acres of farmland in this but they are completely surrounded by exception land. This is in the state criteria for Urban Reserve Category I.

Councilor McCaig stated that she had a certain level of discomfort with this fourth agenda parcel and the way it is organized. There is a break in the pattern existing in Agenda parcels one, two and three as compared with number four. Each of the first three categories contained a single agenda whereas the fourth category contained both parcels to be included or excluded by recommendation of the Executive Officer. Councilor McCaig proposed that the Council discuss each parcel in the fourth agenda parcel, sites recommended for no action by the Executive Officer, be discussed by the staff but no action taken until a later date by the Council. Presiding Officer McFarland assured Councilor McCaig that no vote on the finished document would be taken today.

Mr. Fregonese continued with parcel 116 which is the Western Valley and Damascus area, extending from the small village of Damascus all the way up to Pleasant Valley and Foster Road which is bisected by 172nd. It rated 70. It does have about 10% EFU but it is completely surrounded by exception land and would, within state law, be first priority for Urban Reserve status which is not the same as EFU. The Executive Officer has recommended that parcel 116 not be deleted. It was decided by the Council to take no action on this parcel; hence, it will stay in the study area.

Parcel 39 was requested by the City of Wilsonville. 34 acres. Ranking was 55. It was zoned EFU. The majority of it is exception land. It was not recommended because of the EFU. It is across the river from the Damasch property, and is owned by the State of Oregon. Motion by Councilor Kvistad to include Parcel 39 in the URSA. Second by Councilor Morissette. The vote was 2-yes; 3-nay; 2-abstentions with Councilor McCaig and Councilor Washington abstaining; Councilors Monroe, McLain and Presiding Officer McFarland voting nay.

Councilor Washington questioned Presiding Officer McFarland as follows, "I was under the impression that we were not taking any action but that this was to be for discussion and action would be taken later." Presiding Officer McFarland replied, "If one of our number moves something and another one seconds it, then we bring it up for some kind of decision. The decision here was we didn't take any action on it."

Parcel 41 west of Sherwood. Ranking is 45.. It is 24 acres and is all zoned EFU. It is Class III and Class II soil.

Parcel 43, just north of Evergreen Road north of Hillsboro. Ranking is 40. It is only three acres. Class II and III soil; all EFU.

Parcel 44, adjacent to Parcel 43, three acres, Class II and III soil. All EFU.

Parcel 45, 44 acres, ranking 20. Councilor Kvistad stated that this is part of one of his proposals and asked its removal.

Parcel 47, ranking of 20. 79 acres. North of Hillsboro. Class II soil.

Parcel 48, ranking 55; 64 acres; zoned EFU; predominantly Class III soil with some Class I. Councilor McLain asked that this be flagged since it is farm land and the farmer wishes to keep on farming.

Parcel 49; ranking 40; 239 acres of EFU land; 78 acres of flood plain; 7 acres of wetland.

Parcel 51; ranking 15; 47 acres; Class II and III soil.

Parcel 53; ranking 25; 17% slope; 150 acres of Class III farm land zoned for EFU. Flag for further consideration by Presiding Officer McFarland.

Parcel 54; ranking 45; 20 acres; Class IV and Class II soils; EFU. Taken out for now by Presiding Officer McFarland.

Parcel 55 also taken out due to K3 listing.

Parcel 56; ranking 15; 38 acres; all Class II and III; zoned for farm land, EFU; six acres flood plain. Councilors McCaig and McLain requested that this site be flagged.

Parcel 57; ranking 50; 605 acres; 134 acres are in flood plain; 64 acres in wetlands; 390 Class II farm land; 203 are exception. Councilor Kvistad requested that this one be flagged.

Parcel 58; ranking 45; 47 acres; Class II and Class I farm land zoned EFU. Councilor Kvistad flagged this one.

Parcel 59; ranking 35; 62 acres; Class II farmland.

Parcel 60; ranking 25; discontinuous; 23 acres of Class III and II soil; EFU.

Parcel 61; ranking 25; discontinuous; 16 acres of Class III and II soil; EFU.

Parcel 62; ranking 40; 172 acres; all Class II soil; several different parcels, 172 acres total.

Parcel 63; ranking 50; 10 acres; Class IV and II soils; EFU.

Parcel 64; ranking 50; 183 acres. Kvistad proposal, requested that it be flagged.

Parcel 65; ranking 50; Class II and I soils; 175 acres; EFU; 56 acres in exception land.

Parcel 66; ranking 25; 48 acres; all Class II and Class I; zoned EFU.

Parcel 67; portion of which is in the URSA; ranking 30; 75 acres of Class II and Class I farm land. Discussion from Councilor Kvistad regarding the portion of this parcel already in the URSA. Presiding Officer McFarland referred Councilor Kvistad to a letter already received on this parcel.

Parcel 68; ranking 50; 14 acres; exception land; did not rank high enough to be included. Councilor Kvistad flagged Parcel 68.

Parcel 69; included in K4.

Parcel 70; 35 acres; ranking 60; 7 acres of EFU land; Class II soil.

Parcel 71; ranking 40; 17 acres; all EFU; Class II soils. Councilor Kvistad noted that most of this had been taken into the existing URSA. Councilor Kvistad requested that this one be flagged.

Parcel 72; ranking 30; 244 acres; Councilor Washington requested that this one be flagged.

Parcel 73; included in K3.

Parcel 75; ranking 55; 42 acres; EFU zoning; Class VI and III soils; 16% slope. 16% slope is considered to be buildable.

Parcel 76; included in K5.

Parcel 78; included in K6.

Parcel 79; included in K6.

Parcel 80; ranking 65; 61 acres Class II and Class II soils; EFU.

Parcel 82; ranking 35; 58 acres; 12 acres flood land; 10 acres wet land and riparian; zoned EFU.

Parcel 83; ranking 45; 609 acres; 23 acres Class III and II soil; part of rural reserve that separates Canby and Oregon City; bad scoring because of proximity factors. Councilor Kvistad requested that this be flagged.

Councilor McLain requested that when flagged sites are considered next week, Mr. Fregonese and Mr. Turpel be prepared to offer their own comments regarding specific issues of these issues.

Mr. Fregonese stated that he would have prepared:

1. Maps for Councilor Morissette that show the recommended additions and deletions in the Executive Officer's recommendations separated out.

2. How many sites are noncontiguous with the UGB and Urban Reserves as well as their rankings.

3. An evaluation of areas that ranked high but were left out of the URSA secondary to farming issues.

Councilor Kvistad Proposals: Councilor Jon Kvistad discussed his proposals K1 - K10. Detailed maps were presented regarding the specifics of the proposal. Original proposal was 10,500 acres. The new proposal is under 8000 acres.

K1 Three parcels totaling 557 acres, down from 1080 acres. Parcels added due to compelling public testimony. Preliminary ranking before the creek bed, pond and steep slopes were dropped was 40. The entire parcel is next to the parcel Executive Officer Burton requested be retained. Councilor Kvistad requested it be moved forward.

Councilor McCaig requested information regarding rankings of the Kvistad proposals. Councilor Kvistad stated that final maps were just received and staff did not have time to do the final ranking. Councilor Kvistad stated, however, that none of his proposals ranked below 40 prior to the reduction in their size. All are 40 or above in ranking.

K2 Extends the Study Area 25 which had been moved forward for inclusion. Executive Officer has recommended two parcels within this area for direct inclusion. Original rating was 50.

K3 Parcel recommended by City of Sherwood. Developed on overlay maps of serviceable areas but not taking into account the criteria on the eastern half. They are directly tie in with the existing city boundary. Preliminary ranking was 45.

K4 Parcel the City of Wilsonville wants included. Preliminary ranking was 60.

K5 East side of City of Wilsonville. Preliminary ranking was 40. In response to a great amount of public testimony from citizens of the area. Uses Stafford Road as a guideline, directly adjacent to City of Wilsonville UGB.

K6 Preliminary ranking was 50. Stafford Basin. Deleted almost 1700 acres from initial proposal. Current acreage is approximately 1800. Includes Rosemont Property Owners Association on the north; entire Wanker's Corner area; parceled area along the Stafford Road Corridor.

K7 Preliminary ranking was 50. North of Oregon City, adjacent to an URSA which currently has been moved forward.

K8 Request from Oregon City and Clackamas County Business Association. Area south of existing URSA. Preliminary ranking was 60. 1900 acres of which 1800 are rated as exception lands.

K9 Dodge Park area. Total of 1049 acres. Councilor Kvistad and Presiding Officer McFarland agreed to closely evaluate proposal K9 and K6. Preliminary ranking was 60.

K10 East Basin. Approximately 5000 acres.

Councilor McLain requested a full Council meeting on Tuesday, December 12 at 1:30 PM. Approval was given by the Council and Presiding Officer McFarland.

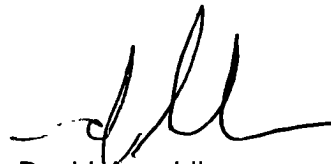
9. COUNCILOR COMMUNICATIONS

none

There being no further business before the Council, Presiding Officer McFarland adjourned the meeting at 5:25 p.m.

Prepared by,

Jodie Willson
Council Assistant



David Aeschliman
Council Clerk