

MINUTES OF THE METRO COUNCIL MEETING

June 17, 1999

Council Chamber

Councilors Present: Rod Monroe (Presiding Officer), Susan McLain, Ed Washington, Rod Park, Bill Atherton, David Bragdon, Jon Kvistad

Councilors Absent: None

Presiding Officer Monroe convened the Regular Council Meeting at 2:10 p.m.

1. INTRODUCTIONS

None.

2. CITIZEN COMMUNICATION

None.

3. EXECUTIVE OFFICER COMMUNICATIONS

None.

4. AUDITOR COMMUNICATIONS

None.

5. MPAC COMMUNICATION

Councilor McLain said they did not have an MPAC meeting this week.

Councilor Atherton asked about the next MPAC agenda.

Councilor McLain said the next MPAC meeting would concentrate on the Regional Transportation Plan, the Metro Code, and the Affordable Housing Technical Advisory Committee (H-TAC).

6. METRO LEGISLATIVE UPDATE

Mr. Dan Cooper, General Counsel, said Senate Bill (SB) 1187, which Metro had opposed, continued to sit in the House committee with no further action. On the Federal front, there had been a development on possible federal legislation for commerce clause authority for local governments to regulate the flow of solid waste, or Federal Flow Control Regulation. He said in the past, the Council favored this legislation. Staff submitted testimony on Metro's previous position for a committee hearing on Friday; he said he did not expect the committee to take action soon.

Mr. Cooper added that there had been some discussion of what might happen on the transportation tax. The last news was the possibility of the introduction onto the Senate floor of a

five cent increase linked to dropping the weight mile tax and substituting the diesel fuel tax. He said the current form of the proposal was opposed by the American Automobile Association (AAA) of Oregon, which had threatened to seek a referral to the voters.

Mr. Cooper said there were some indications that something may be happening on the Day Road prison siting, and a hearing may be held soon that would result in a bill moving to the House floor, that would authorize substituting the Day Road site for the Dammasch site.

Presiding Officer Monroe asked about the fuel tax/highway fund issue. He said it struck him strategically that, even if the Senate passed it in a form unacceptable to AAA and the voters, it might be a step forward to getting the bill in a conference committee that could ultimately create a package acceptable to the whole legislature and the Governor.

Mr. Cooper agreed. Procedurally, if the Senate passed anything different than what the House approved, the House must either concur with the Senate's amendments, or create a conference committee to look for a compromise.

7. CONSENT AGENDA

7.1 Consideration meeting minutes of the June 10, 1999 Regular Council Meeting.

Motion: **Councilor McLain** moved to adopt the meeting minutes of June 10, 1999 Regular Council Meeting.

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

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

8. ORDINANCES - SECOND READING

8.1 **Ordinance No. 99-793A**, For the Purpose of Adopting the Annual Budget for Fiscal Year 1999-00, Making Appropriations, and Levying Ad Valorem Taxes, and Declaring an Emergency.

Motion: **Councilor McLain** moved Ordinance No. 99-793A.

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

Motion to

Amend: **Councilor McLain** moved to amend Ordinance No. 99-793A to add an Exhibit C to cover the following issues: 1) incorporate substantive and technical changes that were outlined in a separate memo, dated June 11, 1999, 2) reinstate the Assistant to the Presiding Officer position previously deleted from the budget as a Council Analyst position to be funded by a transfer of appropriations from the Council Public Outreach Office materials and services to Council Personal Services, and 3) transfer four positions from various departments to the Council Office to create one Council Analyst position and three Council Assistant positions.

Second the

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

Presiding Officer Monroe said the Council went over the technical amendments and substantive amendments last week. He said the Council staffing amendments were per the negotiations that took place between Jeff Stone, Council Chief of Staff, and Bruce Warner, Chief Operating Officer, at the request of both the Executive Officer and the Council at its retreat.

Councilor Kvistad asked if the items were being taken as a package.

Presiding Officer Monroe said the motion was to adopt all of the amendments, unless a Councilor would prefer to separate the issues.

Chair McLain noted that the issues were in the June 11, 1999, memo. A copy of the memo is included in the meeting record.

Vote to

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

Presiding Officer Monroe opened a public hearing. No one came forward to speak with regard to Ordinance No. 99-793B. Presiding Officer Monroe closed the public hearing. He noted that the Council would vote on the main motion at its next meeting on June 24, 1999.

8.2 **Ordinance No. 99-806**, For the Purpose of Granting a New Composting Facility License to the Relocated City of Portland Leaf Composting Facility.

Motion: **Councilor Washington** moved to adopt Ordinance No. 99-806.

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

Councilor Washington said Ordinance No. 99-806 would relocate a leaf composting facility owned by the City of Portland. He noted that the facility collected leaves from street cleaners and general maintenance, not the general public.

Presiding Officer Monroe opened a public hearing. No one came forward to speak with regard to Ordinance No. 99-806. Presiding Officer Monroe closed the public hearing.

Councilor Bragdon asked if the leaf composting facility was located in an industrial area.

Councilor Washington said no, it was located near the jail, in close proximity to Riverside Country Club, the National Guard Armory, and horse stables.

Councilor Bragdon asked if the relocation would impact residents.

Councilor Washington said there were three or four houses and a couple of urban farms in the area, but it was not a high residential area. He urged the Council's aye vote.

Vote: The vote was 7 aye/ 0 nay/ 0 abstain. The motion passed with Councilor Park absent from the vote. He voted later in the session.

8.3 **Ordinance No. 99-809**, For the Purpose of Amending Ordinance No. 98-788C which Amends the Metro Urban Growth Boundary and the 2040 Growth Concept Map in Ordinance No. 95-625A in Urban Reserve 55 of Washington County.

Motion: **Councilor McLain** moved to adopt Ordinance No. 99-809.

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

Councilor McLain reviewed that Ordinance No. 99-809 was passed in December 1998, and covered the exception land inside Metro's jurisdictional boundary, south of the Tualatin Valley (TV) Highway. She said this particular ordinance covered 350 acres of exception land and 48 acres of exclusive farm use (EFU) land, which was inadvertently left in the original ordinance. She said four parties appealed the original ordinance, and Ordinance No. 99-809 would address three of the four appeals. She said it was important for the Council to adopt Ordinance No. 99-809 because the City of Hillsboro demonstrated that it looked at Metro's conditions when Metro said Hillsboro had to have a stand-alone plan for this piece of exception land. She said she delivered a reaffirmation of that to the office in a plan that was before the Hillsboro Planning Commission that looked at Metro's conditions and issues, and demonstrated that Hillsboro had a stand-alone plan for that area. She said removal of the 48 EFU acres would allow Metro to move forward and address some of the issues of the fourth appeal, which mainly concerned transportation issues. She said the fourth appellant, Steve Larrance, had completed a lot of work, and it would allow his work to be utilized by the City of Hillsboro and Washington County, that had also done additional transportation planning. She said she understood Washington County would not complete its plan for three more weeks, but its work would be much more detailed than the conceptual plan required by Metro. She said Ordinance No. 99-809 was a good legal and practical process for Metro to settle three appeals by removing the 48 acres of EFU land.

Councilor Atherton asked Councilor McLain what evidence she had that the City of Hillsboro had a stand-alone plan.

Councilor McLain said when the Council passed the ordinance in December 1998, it had explained extensively to the City of Hillsboro that there must be a stand-alone plan. Through the work, review and analysis at that time, Chair McLain felt Hillsboro made that effort. She said during the appeal process, she saw specific evidence of a stand-alone plan.

Councilor Atherton said the term "stand-alone plan" inferred that the information was available for Metro to evaluate the big-picture issues and the impacts on air, land, water, and transportation resources.

Councilor McLain said she believed that information was available when the ordinance was passed in December 1998. She said since that time, the City of Hillsboro and Washington County went further and demonstrated through their work that they had stayed true to Metro's demand.

Councilor Atherton asked about the element of jobs/housing balance in the concept plan.

Councilor McLain asked if Councilor Atherton was referring to the urban reserve concept plan or the comprehensive plan currently under work.

Councilor Atherton said he was referring to the concept plan, which was part of the big picture the Metro evaluated.

Councilor McLain said as far as the jobs/housing balance in the concept plan, the concept plan indicated that Hillsboro needed more homes for the jobs that would be created in the industrial sanctuary, as indicated on the 2040 Growth Concept Map. She noted that when the Council looked at the jobs/housing balance, it was not looking at new subdivisions that, within that

subdivision, would have to have their own jobs; the Council was looking at sub-regional areas, which were transportation analysis zones, so those homes would be working toward meeting the imbalance with the industrial areas to the north.

Councilor Atherton asked if Hillsboro did not already have a jobs/housing imbalance.

Councilor McLain said that was the reason the City of Hillsboro specifically requested that Ordinance No. 99-809 be passed forward: Hillsboro was looking for some homes to house those workers.

Councilor Atherton pointed to the area in question on a map, and asked why the Council should build on good farm land when it could convert some of the industrial land to residential.

Councilor McLain said the land in Ordinance No. 99-809 was exception land, and the Council was considering a motion to remove the only 48 acres of EFU land in there. She said the Council was not using good farm land, at least in the zoning definition. She said the purpose of Ordinance No. 99-809 was to remove the 48 acres of EFU land which was inadvertently left in the ordinance in December 1998. As far as transferring industrial land to residential land, Councilor McLain said that when the committee and Council begin considering the Urban Growth Report, there will be evidence that there is a need for industrial and commercial land in certain subareas of the region. The City of Hillsboro already indicated that it was not interested in transferring industrial land to residential land because it felt it lacked industrial land.

Presiding Officer Monroe opened a public hearing.

Steve Larrance, Citizens Against Irresponsible Growth (CAIG), 20660 Southwest Kinnaman Road, Aloha, testified on behalf of CAIG. He requested that the Council delay its decision on Ordinance No. 99-809 until the results from the independent traffic analysis being performed by DKS, which was hired by Washington County, were in. Those results should be available in about three weeks. If the Council was truly interested in making this decision based on facts and justifiable modeling assumptions, it would wait. Metro's staff report on this site stated repeatedly that staff were relying on the Kittelson Report assumptions and conclusions, which were not substantiated.

Mr. Larrance said that rather than take action tonight, the Council could file a motion with the Land Use Board of Appeals (LUBA) asking for an extension. He was sure LUBA would rather that Metro deal with the transportation issues now. Metro failed to meet with him and CAIG during the 90-day self-remand period on those issues and now if the Council moved ahead and approved this Ordinance quickly to avoid the DKS study outcome the Council would leave CAIG no choice but to appeal again. LUBA would most likely remand that back to the Council to deal with the issues CAIG raised. So why not do it now? He assured the Council CAIG's issues and appeals would not go away, and it was in fact gaining momentum and support.

Mr. Larrance said for regional comprehensive land use and transportation oversight to succeed and, dare he say survive, it needed to make decisions based on the facts and principles of those disciplines, not political expediency. He realized it would be awkward to revisit the decisions of former Councils concerning what drives the urban form the region takes as it continues to expand. But this path decided several years ago, which did not even consider Metro's own decisions regarding where transportation infrastructure would someday be build, was a dead end path. One which may well lead to the end of both land use planning and regional government. And could the Council fault the electorate if it chose to end regional government if that body could not even

follow the basic principle that growth, especially high density growth, followed transportation corridors.

Mr. Larrance said this decision, the first domino in the South Hillsboro urbanization line, would ultimately locate over 200,000 new residents very far from jobs it was purported to be supporting with no funding for the roads between. The Council's ordinance finding that Hillsboro would be required to simply list the necessary off-site road improvements in its comprehensive plan meant absolutely nothing. Many of these improvements were not even in the city and its Transportation System Plan listed over \$500 million in existing needed road construction created in the last few years by allowing development without a road funding strategy. Wise expansion must aid in addressing existing needs.

Mr. Larrance asked the Council to please realize that the only affordable option to create housing with a transportation link to the North Hillsboro jobs was in the Highway 26 corridor. This area also contained exception and EFU lands with less productive soils than the South Hillsboro sites.

Rick Clements, 4185 Southwest 205th, Aloha, said he lived about a block from the area under consideration and worked in the high-tech industry, and probably represented the type of people being looked at. He said he averaged about four years at a company, whereas the industry average was about 2 1/2 to 3 years. He moved into the area because it was near Beaverton, where he was working, and he has since worked in Wilsonville and Tigard. Therefore, to say that the area's residents would magically live in this area and work in the industrial area in Hillsboro was not accurate. He said the TV Highway was essentially at capacity now, so he and a number of people take the Westside Bypass, which has not been built yet. During peak hours, TV Highway was already at capacity. In his opinion, the independent study and the growth study, which would be produced soon, should be considered before the Council moved forward.

Rick VanBeveren, CAIG, 2858 Northeast Jackson School Road, Hillsboro, said he was a member of the South Urban Reserve Task Force for the City of Hillsboro to look at the concept plans and the urban growth expansion that was envisioned for South Hillsboro. He said he also served on the board of CAIG, because as Mr. Larrance said, he had grave concerns about the adequacy of transportation infrastructure to serve the 20,000 people who could potentially live in the South Hillsboro urban reserves. He said he was a business owner along TV Highway, and a property owner as well, and his task in the Task Force was to represent the interests of property owners and businesses along TV Highway. Tom Kloster, Transportation Department, presented some of the modeling Metro did to a small group of the task force, and TV Highway was forecast as a limited access expressway that would have dire consequences for existing small businesses and property owners along TV Highway. He was not convinced that modeling had been done to even accommodate the current growth in the area, without the addition of Urban Reserve West 55, the St. Mary's property, and the other properties on the south. He urged the Council to look at the adequacy of transportation, look at the severe impact it would have on a group of small businesses and property owners, and understand that there would be grass roots political opposition and money flowing into the opposition movement because of the impact on property owners and small business owners.

Councilor Atherton asked Mr. VanBeveren for comments or observations about the industrial reserve area in Hillsboro.

Mr. VanBeveren said it was difficult for him to speak in opposition because he worked so closely with the City of Hillsboro in the planning and success of that area, and was formerly the

President of the Chamber of Commerce in Hillsboro. He said it made more sense to him to place the proposed residential density levels in the industrial reserve area, which was closer to a committed transportation corridor. He noted that TV Highway was remote from functioning freeway systems, and he did not see an opportunity to build a freeway in that area. Perhaps if the Westside Bypass had been built, it would be logical to put the proposed density in that area, but the bypass was not likely to happen in his lifetime.

Councilor Atherton paraphrased Mr. VanBeveren as saying, put more housing in the industrial sanctuary. He asked if Mr. VanBeveren felt the industrial sanctuary was too large, and that the city's eyes were bigger than its budget.

Mr. VanBeveren said he thought the City of Hillsboro was starting to understand the costs of providing the transportation infrastructure. His own assessment was that Hillsboro grossly underestimated the costs of serving the residents and businesses in that area. Costs would be much less if the city rezoned some of the industrial sanctuary to residential.

Councilor Atherton asked if Mr. VanBeveren believed that the proposed development in Urban Reserve (UR) 55, even without taking out the EFU land, would exceed the capacity of the infrastructure along TV Highway, which were regional facilities.

Mr. VanBeveren said he thought Metro would be looking at the potential for a functional reclassification into some other form of highway, even to serve West 55 urban reserve, due to the pressures from infill of businesses and residential areas. He noted that TV Highway was already at capacity, yet infill and redevelopment continued along the highway. He said development of West 55 would pose serious challenges for TV Highway.

Councilor Atherton noted that Mr. VanBeveren was part of the Task Force to look at the urban reserves, which had a traffic study from Kittelson and Company. He said as he understood it, there was a provision in the Kittelson study that 30 percent of the trips at peak hour from the industrial area would be by transit.

Mr. VanBeveren agreed, and said he called it the magic of multi-modal mitigation. He said it did not meet the laugh test of the people who lived and did business in that area. He said perhaps that was a projection of 50 years from now, but currently, that area was not well served by transit, nor was it in the corridor served by light rail. He said he did not know how transit trips could reach the level of 30 percent.

Robin Kuehnast, 4140 Southwest 209th, Hillsboro, granted her time to Mr. Derr.

Larry Derr, CAIG, 53 Southwest Yamhill, Portland, represented Citizens Against Irresponsible Growth, Walter Hellman, Rick VanBeveren and Steve Larrance. The purpose of his testimony was to identify for the Council issues it should address before acting on the proposed ordinance. Because the Council had chosen to consider the ordinance for the first time on the last day available for action pursuant to the LUBA withdrawal, and because the Council was apparently unwilling to request an extension of that time from LUBA, he recognized that these issues would most likely have to be addressed during the continuation of his appeal of the proposed urban growth boundary (UGB) expansion. Because the Council was unwilling to accept written testimony at this hearing and it would take more than three minutes to state these issues, he asked Ms. Kuehnast to speak immediately following his testimony and complete the identification of issues.

Mr. Derr said proposed Ordinance No. 99-809 failed to comply with MC §3.01.12, 3.01.015, 3.01.020, 3.01.040, 3.01.050, 3.01.610 and following sections constituting Title 6, 3.01.640B, 3.01.110 and following sections constituting Title 11, State statutes, Land Conservation and Development Commission (LCDC) administrative rules and statewide goals.

He said specifically, but without limitation, the ordinance violated Metro Code and other applicable law as follows:

- Metro's designation of urban reserve areas did not properly consider all relevant alternative locations to meet the purported need identified in this ordinance. To the extent the ordinance did not rely on the prior urban reserve designations it failed to evaluate alternative locations.
- The conclusion that there was a need for additional urban land was not supported by the most recent and accurate analysis conducted by Metro.
- The ordinance purported to approve an urban reserve plan and in the alternative to approve a UGB amendment subject to creation and approval of an urban reserve plan. The direction to Hillsboro to adopt the approved urban reserve plan was inconsistent with a direction to create and submit an urban reserve plan for Metro approval. Metro Code did not permit a UGB expansion without an approved urban reserve plan.
- Any conclusion that this land must be included in the UGB without an approved urban reserve plan was not factually supported.
- The Growth Management Committee hearing preceded the introduction and first reading of the ordinance.
- The Growth Management Committee unlawfully restricted the subject matter of testimony at its hearing.
- The Council unlawfully prohibited written and evidentiary testimony during this hearing.
- The ordinance condition requiring Hillsboro to adopt reduced level of service (LOS) standards was ambiguous as to whether it included only roads within the UGB expansion area or also included roads serving the area, and if so, which ones.
- Metro did not have the authority to dictate to Hillsboro reduced LOS standards in light of Title 6 provisions, and had not made findings required to justify the change.
- To the extent an ordinance condition purported to dictate to Hillsboro reduced LOS standards for the TV Highway corridor, the condition could not be effective when much of the TV Highway corridor was not in Hillsboro and all of it was under ODOT jurisdiction. To the extent the ordinance condition was limited to roads within the expansion area, the ordinance condition could not support the assumptions and conclusions concerning transportation issues.
- The UGB expansion did not satisfy LCDC Goal 12, Transportation, the Transportation Planning Rule or LCDC Goal 11, Public Facilities and Services.
- The urban reserve plan failed to meet the requirements of the Transportation Planning Rule.
- The urban reserve plan was not consistent with the Regional Transportation Plan (RTP). Findings of consistency were not supported in the record. The findings did not address the only applicable Regional Transportation Plan, which was the 1992 update of the 1989 revision of the RTP.
- The findings and supporting information relied on inconsistent planning proposals for transportation facilities, inconsistent designations of existing facilities and inconsistent conclusions concerning the functioning, both present and future, of needed transportation facilities. The transportation findings and conclusions were not supported by the evidence in the record.

- The urban reserve plan did not provide for sufficient commercial and industrial development to meet the needs of the area to be developed.
- The estimates of the cost of public transportation facilities in the urban reserve plan were not supported by the evidence.
- The urban reserve plan provided for the destruction of the elementary school serving the area to accommodate road realignment but did not provide for a replacement school facility.
- The urban reserve plan had not been coordinated with Hillsboro or Washington County. Hillsboro had not considered the urban reserve plan for approval. There was no factual basis for Metro to assume the content of an urban reserve plan that Hillsboro may eventually submit for approval.
- The impacts of surrounding lands from the development approved by the ordinance would be significantly more adverse than the impacts if the development were located on other lands requiring a UGB amendment, including lands to the north between Sunset Highway and the existing UGB.
- The proposed uses were not compatible with other adjacent uses and would not be rendered compatible by the proposed conditions. The proposed residential densities were not similar to those in the urban areas to the north.
- The proposed location for the UGB expansion did not provide a clear transition between urban and rural lands, and in fact would support improper attempts to add rural EFU lands to the UGB.
- The UGB amendment areas was not capable of development as proposed without reliance on future urban development of rural EFU land to the east. Street connectivity on adjacent urban land could not be improved without reliance on those EFU lands.
- The ordinance did not attach the approved urban reserve plan and map as a condition of approval. The ordinance did not adequately identify the portions of the urban reserve plan it purported to require Hillsboro to adopt into its comprehensive plan. Provisions asserted to be part of the urban reserve plan and identified as conditions of approval were not part of the plan.

Councilor Atherton asked Mr. Larrance whether he was not allowed to submit his letter as written testimony.

Mr. Derr said the notice of the meeting said that no written testimony would be allowed, only oral.

Councilor McLain said the Council has been receiving testimony on this issue for over two months. She noted that it was announced at the last meeting that additional written testimony would be allowed until Thursday, June 10. She pointed out that she did not put the Hillsboro issues into the official testimony; the City of Hillsboro sent it to her in good faith, to show that it was keeping its commitments made in December 1998.

Mary Kyle McCurdy, 1000 Friends of Oregon, said 1000 Friends of Oregon appealed the ordinance adopted in December 1998, for two major reasons, which were addressed in the revised ordinance before the Council. First, the original ordinance included farmland, and second, the urban reserve concept plan was not a stand-alone plan just for the exception areas on the west side of UR 55. Those concerns were addressed in the revised ordinance and the findings. She said 1000 Friends of Oregon worked extensively with Metro's legal counsel and the state agencies to address those issues, and was satisfied with the ordinance before the Council.

Meg Fernekees, Oregon Department of Land Conservation and Development (DLCD), urged the adoption of Ordinance No. 99-809. She said working with Metro's legal counsel had been a positive experience for all the parties at the table. She said passage of Ordinance No. 99-809 would not be inconsistent with Statewide Planning Goal 2, Land Use Planning; Goal 3, Protection of Agricultural Lands; Goal 10, Housing; and Goal 14, Urbanization. She said DLCD appreciated the regional leadership shown by Metro to eliminate exclusive farm use zones from an expanded Metro urban growth area boundary in the Hillsboro and South Hillsboro areas. She said it also appeared the City of Hillsboro was exhibiting leadership by taking steps, as early as tonight, to approve the stand-alone plan, while at the same time wanting more detailed information regarding methods and feasibility of financing public infrastructure and transportation system improvements. She said she received a packet of information from Hillsboro which included a schedule for approval of the concept plan, with City Council action anticipated in July 1999.

Councilor Bragdon said while the City of Hillsboro may or may not have submitted testimony in the record for today, it did submit a letter to the committee record indicating it would make the concept plan a stand-alone plan. He asked Ms. Fernekees to confirm that the City of Hillsboro followed through on the letter it submitted to the Growth Management Committee.

Ms. Fernekees said yes. She added that she had a memorandum from the City of Hillsboro planning staff to the Planning Commission as well as a memorandum from the Planning Consultant to the City of Hillsboro, indicating how the plan was progressing, how it differed from the former plan, and the jobs and number of units in the stand-alone plan.

Councilor Bragdon said Ms. Fernekees testimony confirmed the committee's record in terms of the City of Hillsboro's participation.

Councilor Atherton asked about the industrial sanctuary in Hillsboro. He asked if that industrial sanctuary were built out, given the level of uncertainty possible in terms of the density of employment in industrial areas, would the amended plan for UR 55 provide enough housing to create a jobs/housing balance in Hillsboro.

Ms. Fernekees said unfortunately, she had not reviewed the plans for the industrial sanctuary. However, the stand-alone plan would indicate about 700 jobs to be part of the 370 acres. Certainly that would go a long way to helping the jobs/housing imbalance, but it was part of a bigger, complex picture.

Councilor Atherton said he knew this was a complex issue but the Council was trying to break it down into manageable units. One of the roles of Metro, with regard to jobs/housing balance, was to look at whether a community had more grandiose plans for jobs than for housing. He said he was trying to determine whether that was the case in Hillsboro, because people have asserted that. He said at this point, he had not seen information to refute that assertion.

Ms. McCurdy responded that while 1000 Friends of Oregon has disagreed with Metro concerning the level or significance of the jobs/housing imbalance in western Washington County, Washington County was relatively higher in jobs and housing than the east side of the region. She said she personally questioned whether that could be addressed by just adding land for housing, because people change jobs and two people living in one house commute all over the region. She said 1000 Friends of Oregon had argued in the past that things like the existence of a light rail line were part of how the region move people between jobs and housing. It was not merely a matter of putting a house next to an employment site, it was a much more sophisticated

analysis. She said Metro's Urban Growth Report demonstrated a regional need for additional land, and this meets that need. Whether it could successfully address the jobs/housing balance was highly questionable, in her opinion.

Councilor Park asked Ms. Fernekees's about guaranteeing access to the farmland which the Council was considering removing from UR 55. The committee heard testimony from some of the property owners who were concerned about their ability to get large equipment and farm products to and from sites. He asked if there was anything within the changes she had seen, potentially within that plan or potentially within the Hillsboro jurisdiction, that would recognize that the ability needs to exist.

Ms. Fernekees said unfortunately, she had not. It was not in the prior, larger concept plan, and she had not yet seen the text of the new 120-page stand-alone plan.

Councilor Park asked whether there was anything in terms of LCDC guidelines that addressed that issue.

Ms. Fernekees said when DLCD reviewed the plan submitted by the City of Hillsboro, it could address this concern by asking Hillsboro to address it in the transportation system plan that it would submit for the subsequent comprehensive plan amendments after the area was added to the UGB.

Councilor Kvistad said he agreed with DLCD and 1000 Friends of Oregon on this issue. He asked Ms. Fernekees if she felt comfortable answering questions about the other part of UR 55, the St. Mary's property, or if she preferred to treat the land under consideration as a stand-alone parcel. He said he wondered if current DLCD policy saw a difference between the 48 acres of EFU land Metro was trying to exclude from the UGB, and the lands that were already included on the other side of these parcels.

Ms. Fernekees said she would rather deal with the parcel before the Council because the St. Mary's property was under separate litigation.

Presiding Officer Monroe closed the public hearing.

Councilor McLain directed Councilor Park's attention to page 9, paragraph G, of Ordinance No. 99-809, which said the City of Hillsboro and Washington County shall coordinate transportation facilities to provide appropriate farm vehicle access to farm land outside, but adjacent to, the new urban growth boundary established by this ordinance.

Councilor Atherton asked **Larry Shaw, Senior Assistant Counsel**, about the appeals and timing. He asked what would happen if Ordinance No. 99-809 did not go forward today.

Mr. Shaw said the alternative would be a motion filed with LUBA asking for an extension to the 90-day period, which Metro had by right, to reconsider Ordinance No. 98-788C. As a practical matter, for the extension request to be approved, all the parties in the case, which right now included four parties and the City of Hillsboro as an intervener, would have to agree to the extension before LUBA would grant it.

Councilor Atherton said he was disturbed by the adequacy of the information that may have been presented to the previous Council about this as an urban reserve area and an expansion of the UGB. In particular, he cited the lack of a full analysis of the industrial sanctuary, its

relationship to the jobs/housing balance and transportation, and the Kittelson Report, which showed 30 percent of trips generated by transit. He noted that Mr. VanBeveren, who participated in the planning process, called the transit assumption laughable. He said it was time for the Council to rethink its plans, even if it meant returning to square one. He said it was not clear why the jobs/housing balance was never worked out when the industrial sanctuary was designated, as Hillsboro currently has an excess of jobs. He wondered why Hillsboro would want to exacerbate its imbalanced condition. He said Ordinance No. 99-809 was premature and did not fit in the big picture, and he urged the Council to vote no to allow time to rethink the growth issues in the Hillsboro area, and find a balance of transportation, jobs and housing.

Councilor Bragdon said he would support Ordinance No. 99-809 in the interest of moving ahead and moving 48 acres of EFU land out of contention, and then moving ahead with the non-farm use areas in UR 55. He said Metro was responsible for the jobs/housing balance on a regional and subregional basis, but it was not Metro's responsibility to do comprehensive planning for the City of Hillsboro. He said questions about the industrial sanctuary should be directed to the City of Hillsboro, not Metro. With regard to the transportation issues, Councilor Bragdon pointed out that the entire region was transportation deficient. He said the deficiency in transportation infrastructure should not be pretext for doing nothing, it should be pretext for redoubling the region's efforts to improve the transportation system.

Councilor Kvistad asked Councilor McLain if all of the property owners within the area supportive of the move.

Councilor McLain said all four owners were personally invited to the public hearing at the Growth Management Committee. She said one owner completely favored the motion, and the other three owners had questions about what they could do with their land, and did not like being in limbo. She said all four property owners were not happy that their properties were being removed; they wanted to make sure they had an opportunity to do something with their land. She said at the committee meeting, she indicated to the property owners that as long as they were attached to Ordinance No. 98-788C, their properties would continue to be on appeal, but there were other opportunities available to them, including locational adjustments.

Councilor Kvistad said this had been a concern to him since it first came up. He said it had been extremely difficult to create a consistent edge in this area of the region, and it was very difficult for him to remove any of the lands without the property owners' agreement. He said he would try to act in the best interest of Metro as a whole, despite it going against the grain personally. He said he could not say whether it would make a better urban edge, but it would probably cure some of the appeal situations, and the City of Hillsboro supported the action. He said he would therefore support the motion. He added, however, that he expected the property owners would return to Metro and claim they were not properly notified, request to be added back into the UGB, file for locational adjustments. He said this was not the end of something, it was just the beginning. Under the circumstances, and because the City of Hillsboro supported it, he would support Ordinance No. 99-809, but he cautioned against it becoming a trend.

Councilor Atherton said he agreed with Councilor Bragdon that Metro should not be involved in the City of Hillsboro's city planning. However, he said, the whole system had to make sense. He compared it was like plumbing: if the whole idea did not hold together, the system would not hold water. What Metro was setting up in the region, quite clearly, was industrial sanctuaries on the periphery, and when that was done, the key to providing the jobs/housing imbalance was through transportation. He noted that the region made an incredible investment in transportation through the light rail system that went close to the industrial sanctuary in Hillsboro, and Highway

26, which went through the industrial sanctuary and had adequate right of way for improvement at a relatively low cost. To him, the argument of having jobs/housing imbalance did not hold water in this case, because the region was creating industrial sanctuaries on its periphery, which was okay as long as there was adequate transportation to it, and a plan to make sure it was funded. He said the primary regional role for Metro in this case was to see that other regional transportation facilities were not being overtaxed, and that Metro was the conduit for reviewing state law and making sure that Metro was trying to protect farmlands. He said his primary objection to Ordinance No. 99-809 was that the planning was not at a level to demonstrate that it would protect regional resources. He said the DKS study would come out in three weeks and would provide more detailed analysis of the transportation impacts so that Metro could look at how to protect TV Highway. He urged the Council to wait until it could review the DKS study, and not depend on the information that was presented earlier.

Presiding Officer Monroe thanked the Department of Land Conservation and Development, 1000 Friends of Oregon, the City of Hillsboro, Metro's legal counsel, and Councilor McLain for their hard, lengthy, and dedicated work to work out the compromise before the Council.

Councilor McLain said she wanted to clarify a couple of issues for the public record. First, on the issue of notification, she assured Councilor Kvistad that the committee personally notified all the property owners, including the fourth owner, who lived in Nevada, and attended some of the meetings.

Councilor Kvistad asked for a point of personal privilege. He said he appreciated Councilor McLain's response to his concerns, but by responding during her closing statements, it did not allow him an opportunity to respond.

Councilor McLain clarified for the general public that the Growth Management Committee notified all four of the property owners and actually found the fourth one in Nevada, and he did attend the meeting. She said she had spoken many times with Mr. Larrance and Mr. Derr, as had staff, and would have the opportunity to speak with them further now with three less outstanding appeals. As far as transportation, even the people who testified today said they did not believe the Tualatin Valley Highway could handle the transportation. She noted that the Council was removing 48 acres of property in the ordinance, not adding it. She said it was an important clarification because Metro did want to address transportation issues in that area. She reminded the Council and the public that in three different places in the ordinance, it gave conditions for what Hillsboro and Washington County must do before they can begin urbanization in that area. She noted that page 9, paragraph 6F(8), states the transportation element of the comprehensive plan shall be amended to require completion of a corridor study of the Tualatin Valley Highway prior to urban development approvals for land added to the urban growth boundary by this ordinance to provide additional means of maintaining the through traffic capacity while providing acceptable access to and across this highway. She concluded that it was important for Metro to leave local planning to local jurisdictions, and that zoning issues belong at the comprehensive plan level. She urged the Council to vote in favor of Ordinance No. 99-809.

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

9. RESOLUTIONS

9.1 **Resolution No. 99-2783**, For the Purpose of Authorizing and Entering into a Cooperative Agreement with the Oregon Parks Foundation to Acquire and Manage Funds for the construction and operation of the Diack Nature Center at Oxbow Regional Park.

Motion: **Councilor Atherton** moved to adopt Resolution No. 99-2783.

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

Councilor Atherton introduced Resolution No. 99-2783. A staff report to the resolution includes information presented by Councilor Atherton and is included in the meeting record. During committee discussion of Resolution No. 99-2783, the committee discussed the plans for the Diack Nature Center, and the committee's preference that the resolution also state that the area should have the least adverse impact possible on the natural area because Oxbow Regional Park was a natural area park, and that the construction and operation of the center should demonstrate or test innovative methods. He said he prepared an amendment to Resolution No. 99-2783 to accomplish those goals. A written copy of the amendment is included in the meeting record.

Councilor Kvistad requested a point of personal privilege. He said the resolution, if it was to be amended, would need to be amended by a vote after the resolution was on the table.

Presiding Officer Monroe clarified that the resolution was moved and seconded as is.

Motion to Amend: **Councilor Atherton** moved to amend Resolution No. 99-2783 under "Be it Resolved," by adding a second section to state:

2.) That the contracts and agreements for construction or operation of the Nature Center clearly reflect that Oxbow Regional Park is a natural area park, and the footprint and impacts of the developed facilities should be as small as reasonably necessary. Construction and operation of the Diack Nature Center should also demonstrate or test innovative methods that reduce impacts of human activity on the natural area, such as the use of composting toilets, and methods to reduce impervious surface areas.

Seconded to Amend: **Councilor Park** seconded the amendment for discussion purposes.

Michael Morrissey, Senior Council Analyst, said he drafted the Atherton amendment to Resolution No. 99-2783 at that request of Councilor Atherton. He said the amendment would add a second item under "Be it Resolved," and it was slightly different in the way it was written than what was discussed at committee. He said the amendment did not come up at committee as a motion to amend, but the items were discussed, and reflect Councilor Atherton's desire to give direction at this stage to department staff, relative to the impact on Oxbow Regional Park. He said there was a fair amount of discussion at committee about the use of composting toilets, for example, and impervious surfaces. He said the Atherton amendment was less directive in the absolute use of items such as composting toilets, and instead suggests an example such as the use of composting toilets, and methods to reduce impervious surface areas.

Presiding Officer Monroe asked **Charles Ciecko, Director of Regional Parks and Greenspaces**, for comment.

Mr. Ciecko said he read the amendment, and generally speaking, the department was closely aligned with Councilor Atherton philosophically on this issue. He said his main concern at this time was to clarify his understanding of Councilor Atherton's amendment. His understanding was that Councilor Atherton's amendment required consideration of innovate methods, but did not specifically require any particular method. If that was the intent and interpretation of the amendment, then the department was comfortable with the amendment.

Councilor Atherton said in committee they discussed composting toilets and the difficulties they can have in a public use setting. He suggested a friendly amendment to omit the phrase "the use of composting toilets, and" so that the final sentence would read, "Construction and operation of the Diack Nature Center should also demonstrate or test innovative methods that reduce impacts of human activity on the natural area, such as methods to reduce impervious surface areas."

Mr. Ciecko said that would help the department feel more comfortable. He pointed out that when they discuss "footprint," they were within a scenic waterway and there are height limitations. The most obvious way to reduce the footprint would be with a two-story building, but it was unlikely that would be allowed. He added that under a provision of Multnomah County code, all parking lots must be paved. He said Metro would seek an exception to the provision in Oxbow Regional Park. He said he brought up those examples because Metro operated and must design and build facilities within the context of existing codes, rules, and regulations. He said he wanted the clarification so that there was not an expectation from any member of the Council that any one of the examples listed in the amendment would be implemented. He said the department would look at every opportunity to be innovate and reduce the impact of any facility on the natural resources.

**Motion to Amend by
Friendly Amendment:** **Councilor Atherton** moved, seconded by **Councilor Park**, to omit the phrase "the use of composting toilets, and" from his amendment to Resolution No. 99-2783.

Councilor Washington requested that Resolution No. 99-2783 be referred back the Metro Operations Committee. He said this was committee discussion, and he would prefer to have it back in committee for the discussion. He said he thought this issue was resolved in committee, and he had not expected an amendment at Council level.

Presiding Officer Monroe said the Council could defeat the amendment and adopt Resolution No. 99-2783 as forwarded from committee, or send it back to committee if there was no pressing time restraint.

Councilor Washington said the Council could choose to discuss the amendment in Council, but he would vote no on the resolution today because he felt it was inappropriate to do committee work in Council.

Presiding Officer Monroe asked if there would be any problem in delaying passage of Resolution No. 99-2783 by sending it back to committee.

Mr. Ciecko said there would be no problem in sending it back to committee.

Presiding Officer Monroe re-referred Resolution No. 99-2783 to the Metro Operations Committee, without objection.

9.2 **Resolution No. 99-2792**, For the Purpose of Authorizing Release of RFB #99B-15-REM for the Replacement of a Solid Waste Compaction System at the Metro Central Station.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2792.

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

Councilor McLain introduced Resolution No. 99-2792. A staff report to the resolution includes information presented by Councilor McLain and is included in the meeting record.

Councilor Kvistad asked if the solid waste compaction system at Metro Central Station was replaced two years ago.

Councilor McLain said no, but the solid waste compaction system at Metro South Station was recently replaced.

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

9.3 **Resolution No. 99-2798**, For the Purpose of Extending the Effective Date of Resolutions No. 98-2726B, 98-2728B, and 98-2729C Relating to Statements of Intent to Amend the Urban Growth Boundary.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2798.

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

Councilor McLain said in December 1998, when the Metro Council passed ordinances to add land to the UGB that was inside Metro's jurisdictional boundary, it also passed resolutions of intent for land outside Metro's jurisdictional boundary. At the time the resolutions were passed, the Boundary Commission was dissolved as a use for those types of annexations. At the same time, the state legislature put the issue in front of the Metro Council, and the Council had been working with MPAC to revise and replace positions for the Boundary Commission. In addition, Metro had been to the state legislature to try to simplify the process to annex to the Metro boundary. During this transition period, people who wanted to annex to the Metro jurisdictional boundary had appear before the Multnomah County Commissioners, as per state rule. Because of that, there were resolutions that were only given six months to find their way through the process to annex to the Metro jurisdictional boundary. Resolution No. 99-2798 would give an extension to all of those resolutions, not on the merit of the resolution itself, but on the flaw in the process that did not allow enough time for people to go through the process.

Presiding Officer Monroe said there would open a public hearing on Resolution No. 99-2798.

Councilor Bragdon thanked Councilor McLain for her explanation. He said he understood the resolution was not about the merits of the resolutions themselves. He said he was not on the Council in December 1998, but had he been, he would have voted no on some of the resolutions. When the Council gets to the point of the amendments of the UGB themselves, he will vote no on some, and possibly will vote yes on others, after hearing parties on either side discuss the merit of those cases. He said this was not what he was voting on today, and he reserved his right in the future to vote on the amendments themselves in any way he saw fit after a clear, public airing. To withhold an extension at this point would be more an abuse of the process, a use of technicalities in an inappropriate fashion, and would short-circuit the public process. He said it

changed the decision factors from who had the best merit to who had the best lobbyist or lawyer, and was able to get to the courthouse at the right time. He said he intended to vote for Resolution No. 99-2798, but his vote did not mean he approved of the contents of the resolutions themselves. He said he would study that content very carefully and vote accordingly at the right time.

Councilor Park said he understood Councilor Bragdon's concerns about process and potential abuse of process. He said he was concerned about the way it had been constructed, because it forced him to vote for something in a package, when he philosophically did not believe in part of the package. He said he believed part of the package violated the state laws that distinguished which areas were to be urbanized and not urbanized, and the hierarchy involved. He said he was being forced to choose between voting no and abstaining, when he agreed with at least two-thirds of Resolution No. 99-2798. He requested a separation of Resolution No. 99-2798 with an amendment which would allow him to at least have the discussion in a more constructive fashion.

Motion to

Amend:

Councilor Park moved to amend Resolution No. 99-2798 to exclude time extensions for urban reserve areas 53, 54 and the EFU portion of 55 outside the Metro boundary, as referenced in Resolution No. 98-2728C.

A copy of Councilor Park's amendment is included in the meeting record. He added that if the amendment was accepted, he intended to place the urban reserve areas in a separate resolution for the purpose of extending the time line for annexation to the Metro boundary.

Seconded:

Councilor Bragdon seconded the amendment for discussion purposes.

Councilor Park said it was a procedural matter at this time, and would not change anything. Passage of his amendment would result in two resolutions for Council consideration. He asked for the courtesy at this time to vote on something he primarily favored.

Councilor McLain noted that Councilor Park's amendment was discussed at committee. She said she could not vote for the amendment because if the resolutions were divided, it would become an issue of merit. She said it was important for the Council to keep it an issue of process, fairness, and equality. She said Resolution No. 99-2798 should be adopted because the amount of time the Council allowed, six months, was not enough time for that work to take place.

Councilor Atherton asked Mr. Cooper what would happen if the Council let the time limit lapse.

Mr. Cooper said if time extensions were not granted for some, or all, of the resolutions in question, those areas would still be available for Council consideration for inclusion in the UGB, when the time came. Procedurally, though, failure to extend the deadline would create greater uncertainty for the property owners, because they were told by the Council to actively seek petitions for annexation to Metro. He concluded that remaining in the resolution would give property owners greater certainty, but the uncertainty of their future was still in the fate of the Council in both cases.

Councilor Atherton said if the problem was that Metro had a process that did not provide enough time, then the process should be modified. He said time limitations were usually put in place for a reason, and if new information was coming up, he believed it would be preferable for the public and for the Council to understand what was happening. He recommended that the Council drop the resolutions because they did not meet the time schedule, and take them up and

review them when the Council had the new information, and review each one as a new package with the new information. If this was confusing to him, or to other Councilors, then he could see how it could be confusing to the public. He said he would prefer to change the ordinance dealing with the time limits rather than to create a confusing process.

Councilor Bragdon said Councilor Park did a good job at identifying some of the areas that he was likely to vote against when they came up at the appropriate time. He said he supported Councilor Park's amendments strictly out of respect and because Councilor Park requested it for his own ease of being able to vote on this package. He repeated, however, that creating distinctions among these extensions at this point was not logical or reasonable. This particular distinction was based on the fact there was EFU land, and other distinctions could be made on the basis of transportation impacts or natural resource values. He said the Council should not yet begin making those distinctions.

Councilor Washington said this had been a very long, arduous process, and to him to felt like the Council now wanted to pick out some parts and do this or that with them, and he believed that created a fair amount of confusion. He said Resolution No. 99-2798 itself created some confusion for him, because he had to recap the events from the past few months. He said he would not support Councilor Park's amendment, and he would support Resolution No. 99-2798. He said Councilor Bragdon stated it clearly: the right to do what you want to do later on. He said there should be certainty, and the Council attempted to give certainty as it moved through the process, and obviously in these situations, it was impossible to give certainty to everyone. Given what the Council had to work with, he thought the Council did the best it could under the circumstances. He said dividing the resolution was not a good process.

Presiding Officer Monroe said what troubled him about the amendment was that it appeared, and would be perceived, as a decision making point, and the Council was not at the decision making point as to which properties should be brought in or not brought in. He said he voted for some of the parcels last year, and voted against others. He said this was not the appropriate time. A lot of circumstances had changed that caused it to be reasonable to grant an extension. He would prefer that the Council set them forward with the extension and make the decisions later on which properties come in and which do not, when the Council had the additional information it needed to make that decision. Presiding Officer Monroe asked Councilor Park to close.

Councilor Park said he did not want to get into the merits of this. He asked Mr. Cooper to briefly explain the annexation process, in terms of the four steps and the grounds for denial or approval.

Mr. Cooper said the process for annexation had changed considerably from a year ago, because the Boundary Commission was abolished. As a result of the legislature abolishing the Boundary Commission, this Council in December adopted an ordinance that established criteria for all annexations of land to any local government within the Metro boundary. The Council set forth three general criteria that applied to any annexation to a city or special district within Metro's boundary, and added a fourth criteria that applied only to annexations to the Metro boundary. The way the statements were made in setting up those criteria were look to urban service agreements between cities and special districts under what was called the SB 122 process, which was adopted years ago by the legislature, look to specifically applicable provisions of the Metro 2040 Growth Concept or Regional Urban Growth Goals and Objectives (RUGGO), or Functional Plan requirements, of which there were none currently, and then look at who was better to provide urban services that were related to the annexation process. The fourth criteria said the primary criterion for adding land to the Metro boundary was, whether the Metro Council had

passed a resolution of intent to move the UGB, and that was a cross-reference back to the Council's then Code provisions which set forth a two-stage process for adding land to the Metro UGB, where it was outside the Metro jurisdictional boundary. He said that was the current status of things in terms of annexations to Metro, and under current law, until the moment when the Governor signs SB 1031, which was on his desk, that all hung together because Multnomah County continued to retain the jurisdiction to make that annexation decision, and the Council retained the sole authority to make the ultimate decision to move the urban growth boundary.

Mr. Cooper said interestingly enough, there was nothing in the Metro Code that contemplated adding land to the Metro jurisdictional boundary without there being an immediately subsequent vote on whether or not to add it to the UGB. He said there did not appear to be a door by which someone could request inclusion in the Metro boundary, but not the UGB. He said if and when the Governor signed SB 1031, the Multnomah County step would go away, and the Metro Council would be required to be the body to take action if and when it ever received a petition to annex to Metro. Under general special district law in the State of Oregon governing annexations, and the current Metro Code provisions that were applicable to annexations, the Council would literally be in the position of asking itself if someone requested inclusion in the Metro boundary, the primary criteria the Council would apply would be whether it had already passed a resolution of intent to add it to the UGB. He said that would not make much sense in that context since the Council could take both actions simultaneously if it received such a petition. If the Governor signed SB 1031, the Council may have the opportunity to address that in further Code amendments, and the Council would have a variety of options it could take when it got to that choice point.

Councilor Park asked Mr. Cooper under what criteria would be for denial of annexation to the Metro boundary.

Councilor Kvistad called for a point of order. He said during the close on an item was not the time for general discussion or questions and answers; it was the time to state the item before the Council. He said if the Council was moving to a close, the person closing needed to state prior to closing that it was a point of discussion and the close was reserved. He said he believed this was inappropriate for a close.

Presiding Officer Monroe said Councilor Kvistad was correct, but perhaps Councilor Park was not allowed enough of an opportunity to ask Mr. Cooper questions before closing. He retracted the closing, and directed Councilor Park to continue with his questions. He said other Councilors would have the opportunity to make comments after Councilor Park concluded his questioning.

Councilor Park thanked Councilor Kvistad and Presiding Officer Monroe. He asked Mr. Cooper about the grounds for approval or denial based on the current criteria.

Mr. Cooper said if the Council was willing to state that it was no longer its intention to move the UGB in that area, it would have a sound basis for denying the annexation request.

Councilor Atherton asked Councilor McLain if there were any plans to extend this time period to make it a one-year period rather than six months. He asked if this was a special consideration. He said if there was a time period after which consideration lapsed, that time period was there for reason.

Councilor McLain responded that Metro was currently in a transition period, as was pointed out by several speakers. She acknowledged that the Council could always amend its Code, and it

could always be in transition, but this time there were a number of transitions that made the situation extraordinary. She said there was the abolishment of the Boundary Commission and the legislative issue.

Councilor Kvistad called for a point of order. He said this was not germane to the amendment before the Council.

Presiding Officer Monroe agreed. He said there would be an additional opportunity to debate the main motion after the Council voted on the amendment.

Councilor Park closed by saying his concern was if applicants were to come forward and request that they be brought into the jurisdictional boundary, the Council would be forced to accept the request, under the current situation.

Vote to

Amend: The vote was 3 aye/ 4 nay/ 0 abstain. The motion failed with Councilor Kvistad, Washington, McLain and Monroe voting no.

Presiding Officer Monroe opened a public hearing.

Ms. McCurdy said 1000 Friends of Oregon continued to oppose bringing the farmland in Washington County inside the UGB. As it considered the only reason to bring it into the jurisdictional boundary was a step toward bringing it into the UGB, 1000 Friends of Oregon continued to oppose it. These areas were currently the subject of an appeal before the Court of Appeals, and a decision was expected in the next few months. If these resolutions were not extended, they could always be revived if the areas survived the appeal. She said either way, 1000 Friends of Oregon would be back before the Council when and however the issue came before the Council again.

Councilor Bragdon asked if the granting of the time extensions would prejudice the Court of Appeals in any way.

Mr. Cooper said no, it would not.

Presiding Officer Monroe closed the public hearing.

Councilor Park said he wanted to clarify an issue that arose in committee discussion. He said the Department of Agriculture wrote a letter giving clarification as to the area primacy regarding non-point source pollution from agricultural activities. He said the most relevant sentence of the letter stated that the Department of Agriculture's day-to-day working relationship with the United Sewage Agency was in its department area's plan and the associated administrative rule provided a voluntary and regulatory framework within which agriculture and non-point source pollution was addressed on all lands in agriculture use in the Tualatin Basin. He said this was significant in that there was some conversation that one reason to bring the land into the UGB was to protect it under Title 3. He pointed out that whether the land was zoned for industrial, commercial, or residential, if the activity on the land was agricultural, the Department of Agriculture had primacy in those areas, and SB 1010 rules applied. A copy of the letter is included in the meeting record.

Councilor Atherton said it was premature to make decisions on any of these urban growth boundary adjustments. He said a new Urban Growth Report would be finished soon, there were new impacts of Endangered Species Act (ESA) listings, and there were new studies on

transportation. He said there was nothing to be gained by making a statement of intent to move the UGB at this point. He said the Council could delay action until a number of issues were resolved. He urged a no vote.

Councilor Bragdon said it was absolutely correct that it would be premature to make any decisions about the UGB today, but that was not what the Council was doing. He said to deny an extension would prejudice an applicant's qualifications, and he looked forward to judging the qualifications and making those decisions, but that was not the action before the Council at this time.

Councilor Park said it may be preferable to not allow some applicants to go through the process if they did not meet the screening criteria. He added the Metro boundary was not moved unless there was the intention to bring the land in for urbanization. He said he believed that in the next six months, some of the applicants would request a jurisdictional move and there were obvious reasons for that.

Councilor Kvistad said his personal view was that this land would be inside the UGB if it had not been for the adjustment that had to be made because it was not in the Metro jurisdictional boundary. He felt that all of Metro's urban reserves should have been within the Metro jurisdictional boundary, thusly within the Metro jurisdiction to be categorized and either preserved or not, depending on the 2040 Growth Concept, the Functional Plan, and the Framework Plan. To deny an application for an extension in this particular case, regardless of the merits of the case, would be problematic. He said he was not judging the land or the parcels, but moving this particular item forward and allowing the applicants the opportunity to apply under the existing criteria, as well as having them apply directly to Metro over a certain prescribed period of time, was preferable. He said he supported Resolution No. 99-2798, and he applauded the Chair of the Growth Management Committee for bringing it forward.

Councilor Atherton followed up on Councilor Kvistad's comments and said he had to rethink his position on the resolution. He said Councilor Kvistad made a good point about bringing the land inside the urban reserve areas inside the Metro service boundary. He said that would give people an opportunity to vote and participate in the regional government, which made imminent good sense.

Presiding Officer Monroe said this was a decision without prejudice to grant a time extension. It was not a decision to bring in, or not to bring in, any of the pieces of property listed.

Councilor McLain closed by saying that, not only was it not a UGB amendment decision, it was also not a decision to bring anything inside the Metro jurisdictional boundary. She said Resolution No. 99-2798 was a simply six-month extension to allow applicants to get to the right body to make the case for their particular pieces of land. She thanked Councilor Park for the letter from the Department of Agriculture. She said the last paragraph did say "all lands in agricultural use in the Tualatin Basin," and much of this land was already in urban use.

Vote: The vote was 6 aye/ 0 nay/ 1 abstain. The motion passed with Councilor Park abstaining.

9.4 **Resolution No. 99-2799A**, For the Purpose of Amending the Metropolitan Transportation Improvement Program (MTIP) to Program the Portland Regional Job Access Plan.

Motion: **Councilor Washington** moved to adopt Resolution No. 99-2799A.

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

Councilor Washington clarified that Resolution No. 99-2799 went before the Joint Policy Advisory Committee on Transportation (JPACT) that morning, and was amended to an “A” version, and referred to Council.

Mr. Cooper clarified that Councilor Washington would move the JPACT recommendation, which was the “A” version, so it did not need to be amended in Council.

Councilor Washington presented Resolution No. 99-2799A. A staff report and committee report to Resolution No. 99-2799, and a staff report to Resolution No. 99-2799A include information presented by Councilor Washington and are included in the meeting record. He said the resolution was amended in JPACT to add the sentence “The Jobs Access Program should be examined by TPAC and JPACT after year one to consider the need for expanded job hubs at additional transit centers (especially MAX/bus centers) in areas not served by the initial job hubs.” A copy of Resolution No. 99-2799A is included in the meeting record. Councilor Washington said the resolution was procedural, and he urged an aye vote.

Councilor Bragdon said the resolution was procedural, but it was also very important and was an issue of social justice. He said it related to two items in the news this week, first that Washington County had an agreement with Intel for Intel to pay the county to create jobs, while there were people in the region still in need of jobs and access. He said that fit with the second item, which happened that morning at JPACT. The Portland City Council decided to proceed with the Interstate MAX line, partially because there were areas along the alignment that had been disadvantaged in the past in terms of public investments, and there had been enterprise zones to try to cultivate jobs and access to jobs for residents who deserved and needed jobs there. He said the Jobs Access Program helped to link that up, and he was supportive of it.

Councilor Washington thanked Councilor Bragdon for his comments. He urged the Council to vote aye.

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

9.5 **Resolution No. 99-2802**, For the Purpose of Granting Time Extensions to the Functional Plan Compliance Deadline - June 1999.

Motion: **Councilor McLain** moved to adopt Resolution No. 99-2802.

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

Councilor McLain presented Resolution No. 99-2802. A staff report to the resolution includes information presented by Councilor McLain and is included in the meeting record. Councilor McLain noted that the jurisdictions were not requesting exceptions to the Functional Plan, they merely needed more time to complete their work.

Councilor Bragdon asked staff if there were particular titles in the Functional Plan, such as Title 3, which seemed to be more difficult than others, in terms of achieving compliance.

Marian Hull, Senior Regional Planner, Growth Management Services Department, said there were particular items in the compliance work which fewer jurisdictions had yet completed,

but there was no title, or particular issue in a title, for which more than one or two jurisdictions in the region had any issue in completing.

Councilor Washington asked Ms. Hull if she had a sense for how the jurisdictions felt about compliance with the Functional Plan.

Ms. Hull said overall, the response had been fairly positive.

Councilor McLain noted, in response to Councilor Bragdon's question, that the compliance plans before the Council did not include Title 3, because Title 3 had a different compliance deadline. She said staff previously indicated to her that the issues with compliance were varied and unique to each community.

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

10. COUNCILOR COMMUNICATION

Councilor Kvistad said at JPACT this morning, the committee made decisions about the I-5 North, or I-MAX Corridor, of the potential light rail project. JPACT unanimously voted to 1) proceed with the project between the Rose Garden Arena and the Expo Center, 2) select the preliminary alignment for that project, and 3) put together the funding package to present to the federal government. Based on that funding presentation, the federal government would select a match, and the match would determine the project as a whole. He said the federal matching decision should be made by October or November 1999. He said there would be public hearings throughout the summer and fall about where to locate the light rail stops, the impact on local business and mitigation opportunities. He said the most difficult part was the funding package, and noted that the region had set aside \$55 million in a reserve fund for the South/North Corridor for rail. The region discussed that money intensely, and voted to continue to dedicate the \$55 million to the northern component of that rail project. To the south, JPACT made a commitment to Clackamas County to define and develop a bus and/or High Occupancy Vehicle (HOV) lane program to help Clackamas County address its substantial traffic congestion problems.

Councilor Kvistad said JPACT and the Metropolitan Planning Organization (MPO), an independent subcommittee of the Council, decided that rather than simply set aside money from projects, they would create a regional flexible fund, and would take dollars over the next five to ten years and start to create a fund of between \$20 to \$30 million for the region to use for priority projects, rather than simply waiting between authorization cycles, when the region had critical needs. As examples, he cited the HOV and/or bus projects to the south, and the Washington County commuter rail project. He thanked Washington County and Clackamas County for their work as regional partners. He also thanked Fred Hanson of Tri-Met, Charles Hales of the City of Portland, Roy Rogers of Washington County and Bill Kennemer of Clackamas County. Councilor Kvistad added that the Council would soon consider the Regional Transportation Plan (RTP).

Councilor Atherton said he appreciated the agreements of other jurisdictions outside of Clackamas County, that had received substantial funds over the years for transportation improvements, that Clackamas County would be next. He said the Council would need to focus on the source of those funds, which brought up the RTP. He asked at what point the Council would have an opportunity to give its input and made changes to the RTP.

Councilor Kvistad said the RTP would first go to the Transportation Planning Committee as an informational item. He said due to the complexity of the RTP, staff planned to individually brief each member of the Council. The RTP would then go to JPACT, and then be released to the general public. At that time, the Council would discuss which projects it preferred and the details of the projects. He said right now, it was compiling of what was already there, plus any changes made with the allocation of the additional \$70 million approved last week, and the rail package the Council would consider next week. He said Council could discuss the projects from July through September or October.

Councilor Atherton asked if the RTP was a policy document, and not just a project list.

Councilor Kvistad said the 2040 Growth Concept put into place specific criteria for RTP projects. He said the decision about projects was a balancing act of the needs of the entire region. He said the general policy discussion of whether or not to change the way all transportation was reviewed was also an important discussion. He said Chapter 1 items related to the interrelationship of land use and transportation, and he would try in committee to have a broader discussion of transportation.

Councilor Washington encouraged the Council to attend the public hearing of the Regional Environmental Management (REM) Committee next Wednesday, June 23, at 1:30 p.m. He said the committee was still taking public testimony regarding how to use the savings from REM.

11. ADJOURN

There being no further business to come before the Metro Council, Presiding Officer Monroe adjourned the meeting at 4:50 p.m.

Prepared by,

Chris Billington
Clerk of the Council

Document Number	Document Date	Document Title	TO/FROM	RES/ORD
061799c-01	June 10, 1999	Minutes of the Metro Council Meeting		
061799c-02	June 11, 1999	Technical Adjustments to the FY 1999-00 Approved Budget		
061799c-03	June 11, 1999	Substantive Adjustments to the FY 1999-00 Approved Budget		
061799c-04	no date	Exhibit C-FY 1999-00 Schedule of Appropriations		
061799c-05	June 14, 1999	Regional Environmental Management Committee Report		Ordinance No. 99-806
061799c-06	June 1, 1999	Growth Management Committee Report		Ordinance No. 99-809
061799c-07	June 17, 1999	Atherton Amendment		Resolution No. 99-2783
061799c-08	June 14, 1999	Regional Environmental Management Committee Report		Resolution No. 99-2792
061799c-09	June 8, 1999	Park Amendment		Resolution No. 99-2798
061799c-10	June 16, 1999	Memo RE: June 17th Agenda Item 9.3	Council/Keith Liden, AICP	Resolution No. 99-2798
061799c-11	no date	Resolution No. 99-2799A		
061799c-12	June 11, 1999	Growth Management Committee Report		Resolution No. 99-2802
061799c-13	June 14, 1999	Letter RE: water quality implementation in Tualatin Basin	Councilor Park/Michael J. Wolf	