

Save Helvetia

From: Cherry Amabisca
13260 NW Bishop Road
Hillsboro, OR 97124

Date: June 13, 2010

To: Chair Brian and Washington County Board of Commissioners

RE: Objections to Area 8B designated at Urban Reserve
Exhibit A to A-Engrossed Ordinance No. 733
Findings of Fact dated June 15, 2010

This objection refers to a group of properties described in Exhibit A of the A-Engrossed Ordinance No. 733 as "Area 8B". These properties are located at the northwest quadrant along NW Helvetia Road and NW Groveland Road near the intersection of Highway 26 and NW Helvetia Road. The tax lots are as follows:

Tax Lot 900	29.57 acres	1N2 15	Referred to as the "Standring" property
Tax Lot 901	39.37 acres	1N 215	Referred to as the "Standring" property
Tax Lot 100	2.39 acres	1N2 21AA	
Tax Lot 1100	.42 acres	1N2 21AA	
Tax Lot 1200	.45 acres	1N2 21AA	
Tax Lot 1300	.53 acres	1N2 21AA	
Tax Lot 1400	<u>.40 acres</u>	1N2 21AA	
TOTAL	73.13 acres		

Washington County states that Area 8B meets the factors for Rural Reserves. It is Foundation Agriculture Land with high crop productivity. Yet, it chose to designate Area 8B as Urban Reserves. The findings state that the reason that Area 8B was designated urban reserves is to serve for interchange improvements as well as other infrastructure needs for developing urban lands to the east.

Ordinance No. 733 fails to satisfy ORS 197.298 - Priority of land to be included within urban growth boundary.

Area 8B is high-value farmland and designating Area 8B urban reserves is contrary to the priority scheme described in ORS 197.298 because once this land is designated as urban reserves, it will be the first for inclusion.

Ordinance No. 733 fails to satisfy Goal 2: evaluation of alternative courses of action (OAR 660-015-0000(2)) because it does not show in the findings what other courses of action were considered.

Ordinance No. 733 fails to satisfy OAR 660-027-0040(2). There are no findings which suggest that the intersection improvement is needed to accommodate the estimated urban population and employment growth. There are no findings which suggest that operation of an urban-scale interchange is inconsistent with rural reserves. For example, the overpass at Jackson School Road over Highway 26, the next interchange to the west of Helvetia Road Interchange, operates with minimum impact to the surrounding farm uses currently zoned for Exclusive Farm Use. Nothing in the urban/rural reserve factors provide that areas planned for roadway expansions must be zoned for urban use. Such land can be any designation. ORS 215.213(2)(q) expressly authorizes the expansion of travel lanes and roadways in areas zoned for exclusive farm use which is presumably the designation that would remain on these lands if they were designated rural reserves.

Ordinance No. 733 fails to satisfy OAR 660-027-0040(11) because the findings and statement of reason does not explain why this Foundation Agricultural Land was chosen for designation as urban reserves rather than other land considered under this division.

Ordinance No. 733 fails to satisfy Goal 2, adequate factual base, as most of the urban reserve factors 1 through 8 are not satisfied in regards to Area 8B. An interchange opportunity is not a relevant urban reserve factor. There are no findings which justify the 78.5/88 acres (the findings use two different acreages - see Note below about inconsistencies in findings) for the intersection improvement. How is it that the county knows what acreages are needed? Is there any evidence on the record of exactly how many acres are needed for the interchange improvement? By taking more Foundation Agriculture Land than is necessary, Ordinance No. 733 fails to satisfy Goal 3: Agricultural Lands (OAR 660-015-000(3)) - To preserve and maintain agricultural lands.

Ordinance No. 733 fails to satisfy Urban Reserve Factor OAR 660-027-0050(1) - Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments.

Area 8B has no existing infrastructure. There are no funded future public or private infrastructure investments. According to the reason why this area was designated urban reserves in the findings, Area 8B is to provide some land for interchange improvements and provide infrastructure needs for developing urban lands to the east. These reasons do not mention developing Area 8B at *any* density. When Metro approved bringing in the industrial area on the east side of NW Helvetia Road, it must have required that sewer and stormwater management for that area was provided for before approval. Why is it only now that the county says Area 8B is needed to provide infrastructure for the land *inside* the UGB?

Ordinance No. 733 fails to satisfy Urban Reserve Factor OAR 660-027-0050(2) - Land includes sufficient development capacity to support a healthy economy.

The findings state that “there are approximately 60 acres of buildable land in Area 8B that could be developed at urban densities.” Because of the inconsistencies in the findings, it is not known what forms the basis of the 60 acres: Does it include the 20 acres of 100-year floodplains, and Waibel Creek that will need to be buffered? Has land for roads and other infrastructure been accounted for? Are these acres *net* buildable acres? If not, then the acres for housing is more likely in the 40 acre range. Forty acres cannot support a healthy economy.

Ordinance No. 733 fails to satisfy Urban Reserve Factor OAR 660-027-0050(4) - Land can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers.

Accessing amenities from Area 8B via public transit requires auto travel. Area 8B is not near any of the amenities needed by residents of a housing development: the closest grocery stores are 5 to 7 miles away, as are gas stations, restaurants, apparel. The closest Tri-Met bus service is 4.52 miles away (Evergreen/Shute). The closest Max station is 7.2 miles away. Metro’s recently approved HCT (High Capacity Transit) plan has the closest stop/station at Cornelius Pass and West Union Roads - almost 2 miles away and not within the recommended one-half mile walking distance to HCT. Placing a 40-acre housing development in a rural area creates an urban island that will cause an increased carbon imprint, increased emissions as residents use cars to get to amenities, increased traffic on rural roads.

Ordinance No. 733 fails to satisfy Urban Reserves Factor OAR 660-027-0050(5) - Land can be designed to preserve and enhance natural ecological systems.

Area 8B contains about 20 acres of natural resources. Area 8B serves an essential part of the habitat for the herds of Roosevelt Elk that inhabit the area north of Highway 26. Save Helvetia, in previous testimony, has documented sightings of the Roosevelt elk herds throughout Area 8B. They range from Forest Park, along the ridge of the Tualatin Mountains and south to within one-quarter mile of Highway 26, foraging on the grasslands along NW Helvetia Road. Elk do not thrive where there are roads, traffic, people and houses, as would happen with the housing development proposed for Area 8B in the findings. Metro’s Habitat Protection web page shows the following resources on the site: Class 1 Riparian (highest value habitat), Class 2 Riparian (medium value habitat), Class 3 Riparian (lower value habitat), Class B Wildlife (medium value habitat), and Class C Wildlife (lower value habitat).

In addition, Area 8B contains an expansive oak woodland of over 200 Oregon white oak trees, ranging in age up to 250 years old. Oregon Department of Fish and Wildlife (ODFW) has identified Oregon white oak woodlands as “Strategy Habitats” and Metro has identified Oregon white oak woodlands as “Habitats of Concern”. Oregon white oak trees serve as habitat for several species that are vulnerable and sensitive at the state level and the Acorn Woodpecker is

listed as a Species of Concern by the U.S. Fish and Wildlife Service. Save Helvetia, in previous testimony, has documented the inventory of Oregon white oak trees throughout Area 8B. Unlike other cities in Washington County (Forest Grove, for example), the City of Hillsboro provides no protection to vulnerable trees. Local arborists have testified as to the loopholes used by developers in the City of Hillsboro code enabling them to cut down these trees after initial inspection. A nearby historical site, Five Oaks, was surrounded by cement curbing and landscaped lawn with irrigation. Oregon white oak trees do not do well with landscaping because they do not need additional water other than that provided by rain. The additional water from irrigation of grass and ornamentals causes the branches to overgrow, and then split or break due to the excess stress. Eventually the tree dies.

Furthermore, Area 8B is across Helvetia Road from an area inside the UGB zoned for Distribution Business. Distribution Business is warehouses, storage facilities, moving companies. Trucks and traffic from these businesses will cause increased air pollution, further jeopardizing the health of these trees.

There are less than 1% of historic Willamette Valley native oak habitats left. There is no evidence in the record that Washington County or the City of Hillsboro has been successful in preserving and enhancing these strategic trees within an urban setting.

Ordinance No. 733 fails to satisfy Goal 5, wildlife areas and habitats. There is no evidence in the findings that the existing regulatory framework in Washington County and the City of Hillsboro will protect and manage Area 8's wildlife and habitat in accordance with the Oregon Wildlife Commission's fish and wildlife management plans.

Ordinance No. 733 fails to satisfy Urban Reserves Factor OAR 660-027-0050(7) - Can be developed in a way that preserves important natural landscape features

Waibel Creek (sometimes called Waibel Gulch) is a tributary of McKay Creek. Area 8B is within a 100-year Floodplain (see photos of flooding as recently as June, 2010). Waibel Creek has been known to flood 200 to 250 feet over its banks in a range of ten to twenty acres. We contend that it is reckless to place people and homes within a known floodplain. The findings say "...this site ...could be developed in a way that preserves applicable natural landscape features." The word "applicable" leaves open the possibility that the county may deem all or parts of Area 8's natural landscape features *not* applicable and therefore *not* worthy of preservation.

Ordinance No. 733 fails to satisfy Urban Reserves Factor OAR 660-027-0050(8) - Can be designed to avoid or minimize adverse effects on farm and forest practices and adverse effects

on important natural landscape features, on nearby land including land designed as rural reserves.

There is no design of Area 8B that can avoid or minimize adverse affects on nearby farms - adding approximately 600 homes to 40 to 60 acres where there are currently none will by definition negatively impact adjacent farm activities. Ordinance No. 733 will cause development to occur in Area 8B: development creates houses, people, traffic. There is no edge or buffer between Area 8B and the adjacent Foundation Agriculture Lands which are being actively farmed. With no buffer, farming activities on adjacent farmland will be impacted. Cars from urban areas bring in microscopic noxious weed seeds, contaminating the purity of the grass seed crops on adjoining farmlands. People in housing developments will object to the dust and noise from disking, plowing and tilling (especially during nighttime harvesting) and will object to spraying, limiting the activities of the adjacent farms. Commuter traffic will increase on NW Helvetia Road, NW Groveland Road and NW West Union Road with the addition of 600 homes in Area 8. Additional traffic, traveling at high speeds on rural roads, are a hazard to the slow-moving farm equipment.

NOTE

Findings, General Description - Inconsistencies and Confusion

There appears to be some confusion in the Washington County Findings about the total acreage of Area 8B: On page 23, the county refers to Area 8B as totaling 78.5 acres. On page 52, the county refers to Area 8B as totaling 88 acres. Adding up the acreage by tax lots arrives at 73.13 acres. It would be desirable to have one consistent, accurate amount of acres to reference from Washington County staff.

There also appears to be some confusion about the name of the road on the south side of Highway 26. The referenced road on the north side of Highway 26 is "NW Helvetia Road". This road changes names when it crosses over the freeway. On the south side of the road, its name is "NW Brookwood Parkway". Washington County changed the name on the south side several years ago from "Shute Road" to "NW Brookwood Parkway". It would be desirable for county staff to use the name they chose which is reflected on area signage. On Page 52 of the Findings of Fact, the county refers to Area 8B as the "Shute Road Interchange" and in the General Description as being located at the northwest quadrant of the intersection of Sunset Highway and NW *Shute* Road. *Shute* Road was never the name of this road on the north side of Highway 26. While a small point, it is important to have accurate nomenclature.

The county states in its findings that, "The existing UGB and the corporate limits of Hillsboro run along the eastern border of the site, while the southern boundary runs along Sunset Highway and is contiguous to Urban Reserve Area 8A." NW Helvetia Road separates the UGB from the agricultural lands of Area 8B, acting as a buffer and edge for the farmland on the west side of NW Helvetia Road. The southern boundary of Area 8B is NOT contiguous to Urban Reserve Area 8A: it is separated by Highway 26, which acts as a major buffer and urban edge for the farmland in Area 8A.

Respectfully,

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Attachments: Tax lot map
Photos of flooding, 1996
Photos of flooding, 2010