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To: Washington County Board of Commissioners
Re: Amendments to Ordinance 733

May 11, 2010

I wish to add the following citations and observations to the remarks I submitted in writing at the first Board Hearing. In particular, I am addressing the mapping changes proposed by staff to specifically designate sections of rural roads as Urban Reserve or Undesignated where they border Rural Reserves.

During the process leading up to the Intergovernmental Agreement with Metro on Urban and Rural Reserves, we often heard from Washington County that roads provide good borders or buffers to protect against further urban encroachment on Foundation Farmland. Yet now staff recommends designating such boundaries/buffers as Urban Reserves or changing them from Rural to undesignated. In effect, the first row of crops beyond the commuter cut-through traffic would become the Rural Reserve buffer. Nonsense!

In contrast to Washington County's efforts, the applicable statute and rule clearly state that the purpose of rural reserves is *not* merely to protect those areas from potential UGB expansions. Rather, rural reserves are to be both selected and protected to maintain large blocks of farm and forest land in long-term production. As the Legislative Assembly found, the purpose of reserves is to:

“[O]ffer greater certainty for * * * [t]he agricultural and forest industries, by offering long-term protection of large blocks of land with the characteristics necessary to maintain their viability.” ORS 195.139(1)

The statute goes on to describe those “characteristics” of viability for selecting rural reserves, including whether the land is capable of sustaining long-term agricultural operations, taking into account existing land use patterns, adjacent uses, the location of the land relative to other farm uses, and the sufficiency of agricultural infrastructure in the area. ORS 195.141(3)

Thus, the designation of rural reserves must offer that “long-term protection” of these characteristics.

The current reserve rule accurately provides that rural reserves shall not be re-designated as urban reserves or added to a UGB during the planning period. (660-027-0040(4),(5)) But the rule does more than that, consistent with the statute. It states that rural reserves cannot be re-

designated to another use during the period. (660-027-0040(5)) The rule provides that no uses not allowed at the time of rural reserves designation, or smaller lots or parcels, shall be allowed. (660-027-0070.)

And, the rule provides that *in addition to* designating land as rural reserves on their maps, counties and Metro “shall adopt policies to implement” the rural reserves. (660-027-0040(7)) This is an affirmative obligation going beyond merely protecting the rural reserves from UGB expansions, consistent with the statute. Legislative history also supports this. (March 4, 2010 DLCD staff report, p. 6) Mr. Whitman’s April 19 recommendation to the Land Conservation and Development Commission also states this (p. 10):

“[T]he urban and rural reserves concept is intended not only to protect rural reserves from urbanization, it is also intended to provide a greater degree of protection of resource uses in rural reserves relative to other resource lands in order to encourage long-term investment in farm and forest uses and conservation of important natural resources.”

Washington County proposes to put into Urban Reserves or make Undesignated (subject to future designation as Urban Reserves) various roads that are scheduled for protection as Rural Reserves in the Intergovernmental Agreement signed with Metro. (They appropriately appear in red on the maps contained in the current Staff Report.)

Changing designations would expand the types of alterations that can be made to those roads, including allowing them to be “upgraded” to urban standards. Some of these roads barely touch an urban reserve and are miles from urban levels of development. Increasing the potential to locate and expand existing roads to urban standards in rural areas does not protect agriculture and is contrary to the reserve rule.

I would draw the Board's attention to proposed changes 3, 8, 12, 13, 16-17, 31 and 31, 43, 44, 45, 49-51, 53-54, 55, 56-57, 59, 68, and 122.

There has been no showing of a need for these UR expansions. There certainly is no agricultural need to do so.

If the rationale is to “square up” boundaries of URs, or not split lots, then move the boundary to the inside of the road, so that the road, and area, stays rural. The solution should NOT be to increase the urban area.

It would also be useful to reconsider the following citation in relation to the proposals advanced by staff:

“366.578 Farm-to-market roads. (1) The Department of Transportation and local governments shall consider the importance of farm-to-market roads when making highway funding decisions.

“(2) As used in this section, “farm-to-market road” means a rural or urban road, street or highway that is used to move agricultural or logging products to market. [Formerly 366.777] “

Applying to Farm-to-Market roads designations (including "Undesignated") that encourage their development for urban-level commuter and industrial freight traffic is inconsistent with state law--and utterly out of touch with the will of the citizens of Washington County, who overwhelmingly wish to protect rural resources for future generations.