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Land Use Change on Non-Federal Land in Western Oregon

1973-2000

May 2002



Coordinator:

GARY LETTMAN is the principal forest economist, Oregon Department of Forestry, 2600 State Street, Salem, OR 97310.

Authors:

(alphabetically)

DAVID L. AZUMA is a research forester, U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Forestry Sciences Laboratory, P.O. Box 3890, Portland, OR 97208-3890. KEVIN R. BIRCH is a planning coordinator and ANDREW A. HERSTROM is a GIS technical analyst, Oregon Department of Forestry, 2600 State Street, Salem, OR, 97310. JEFFREY D. KLINE is a research forester, U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Forestry Sciences Laboratory, 3200 SW Jefferson Way, Corvallis, OR 97331. GARY LETTMAN is the principal forest economist, Oregon Department of Forestry, 2600 State Street, Salem, OR 97310.

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LAND USE CHANGE ON NON-FEDERAL LAND IN WESTERN OREGON, 1973-2000



May 2002

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Coordinator, Gary J. Lettman

Authors (*alphabetically*):

David L. Azuma
Kevin R. Birch
Andrew A. Herstrom
Jeffrey D. Kline
Gary J. Lettman

Writing and Design Consultant, Sally Duncan

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SUMMARY: TRENDS, CHANGES AND POINTS TO PONDER

- As of 2000, 89 percent of the nonfederal land in western Oregon remained in forest and agricultural uses. However, between 1973 and 2000, there were significant shifts in dominant land uses toward more developed categories: low-density residential and urban dominant uses increased; forest and agricultural uses declined.
- More than 80 percent of the shifts in land use were from agriculture or wildland forests to low-density residential or urban areas; farm land continues to be converted to more developed uses at a higher rate than forest land.
- Annualized rates of change in conversion of forest and farm lands to residential and urban uses declined dramatically from the 1973-1982 period to the 1982-1994 period. Comprehensive land use planning in the latter period may have slowed the conversion. The slowdown in the second period coincided with implementation of land use plans and with declines in the *rates* at which population and personal income grew. However, from 1994-2000 rates of development remained relatively low in spite of rapidly increasing population and personal income.
- In the 1982-2000 period, a much larger percentage of lands zoned in comprehensive plans as *developable* then zoned as *resource* changed to urban and low-density residential uses. However, this pattern of development was already apparent for these same lands in the 1973-1982 period, before comprehensive land use plans were adopted.
- Both before and after land use planning, how fast forest or agricultural lands shifted to more developed uses was related to their proximity to more developed areas. The most significant shifts occurred on private land in or near the Willamette Valley, particularly in areas close to the Portland Metropolitan Area.
- Overall, in 2000, significant space seems to exist within areas zoned to accommodate additional development, such as Urban Growth Boundaries (UGBs), even though rural residential areas in some counties and individual UGBs may be substantially developed.
- During the 27-year study period, on land inside UGB's, urban dominant land uses increased from 49 to 67 percent, while agricultural lands declined from 22 to 10 percent. Forest and agricultural lands remaining within developable zones comprise just 2 percent of nonfederal wildland forest, 7 percent of intensive agricultural land, and 7 percent of mixed forest/agricultural land in western Oregon.
- A large majority (65 percent) of western Oregon's private land zoned for forest uses is still free of the effects that population or development might have on forest management. Increases in building density on land zoned for forest use declined after land use laws were adopted and remained at relatively low rates in the 1994-2000 period.
- Oregon's land use program appears successful in reducing the overall rate of conversion of forest and farm lands to more developed uses and has been successful at containing urban expansion within areas zoned for more developed uses. However, dwelling density continued to increase within forest, agriculture, and mixed forest/agriculture dominant uses.
- Low-density residential development appears to affect the potential of these areas for commercial forest management. Small but statistically significant relationships were found between increasing development and decreases in both forest stocking and the likelihood that private forest owners will precommercially thin stands or plant trees after harvest.
- Forest industry and State forests provide many of the ecological and economic benefits enjoyed by residents of western Oregon and visitors alike. Industrial owners produce the bulk of western Oregon's timber supply; State forests, which comprise five percent of western Oregon's forest land, are being managed to provide structural diversity for fish and wildlife species as well as timber.
- The amount and uses of western Oregon's non-Federal forest remained relatively stable in the 1982-2000 period, but the possibility remains that development pressures near forest industry and state forest lands could begin to reduce future economic and ecological benefits produced from these lands.

INTRODUCTION

Western Oregon's forests and agricultural lands are remarkable for their extent, diversity and contributions to the economies and lifestyles of the state; timber, agriculture, and tourism are three of the top four industries. For other industries, quality of life perceptions—partially based on the forest-farm image—provide competitive advantages for attracting the



Wildland forest provides quality of life advantages for Oregon's industries.

best employees. For those residing in our burgeoning metropolitan areas, as well as for visitors, land use policies in rural parts of the state will increasingly affect the ability of these areas to meet the growing demand for recreation, solitude, and other values not available in urban settings. Clearly, maintaining and enhancing the contributions of farm and forest lands is vital to the well-being of all Oregonians.

Future debates about land use issues require a clear, factual understanding of recent land use history. What, then, are the prevailing trends and changes in land use affecting western Oregon's farm and forest lands?

The purpose of this report is to provide the public and policy-makers with a summary of land use changes on western Oregon's non-Federal forests and farms since 1973. The report assesses land use change both

before and after comprehensive land use planning was activated, and refers to the "first period" (1973-1982, before land use planning), the "second period" (1982-1994) and the "third period" (1994-2000). For those interested in more in-depth statistics, the Appendix provides detailed western Oregon tabular information, which has been summarized for this analysis.

This report updates a 1998 publication, *Forests, Farms and People: Land Use Change on non-Federal Land in western Oregon 1983-1994*. The 1998 report on land use change showed that the annualized rates of change in conversion of forest and farm lands to residential and urban uses declined dramatically from 1973-1994. However, the slowdown between 1982-1994, coinciding with implementation of the Oregon land use laws, also coincided with declines in the rates at which population and personal income grew. Therefore, conclusions about the effectiveness of the land use laws in preserving farm and forest lands were uncertain and more analysis was needed.

The analysis in this report includes new information about land use change in western Oregon through the year 2000. The 1994-2000 period combined the elements of strong economic and population growth, and having Oregon land use laws in effect; thus the analysis offers a clearer picture of the efficacy of comprehensive land use planning.



Almost 90 percent of the non-Federal land in western Oregon remains in forest and agricultural uses.

CONTEMPORARY LAND USE POLICY IN WESTERN OREGON

An enduring policy concern has been the conversion of western Oregon's highly productive forests and farms to more developed uses. In response to these concerns, the Oregon Legislative Assembly passed the Land Conservation and Development Act in 1973 to limit the further loss of the most productive of these lands. The Act required all cities and counties to prepare comprehensive land use plans in accordance with statewide land use goals. Statewide goals, Goals 3 and 4, sought to preserve forest and farmlands while designating limited areas for urban expansion and low-density residential, commercial, and industrial uses.

With rapid economic and population growth over the last several decades, demands on forest and farm lands have greatly increased, particularly in western Oregon. However, in spite of the importance of land use issues to Oregonians, increasing demands



Will continued economic and population growth bring with it the conversion of forest and farm lands to more developed uses?



Land use goals seek to preserve farm and forest lands while designating limited areas for urban expansion.

By the early 1980s, most comprehensive plans were completed. Each plan identified lands that were already built on and committed to residential uses. These areas were zoned for continued development while residential expansion into other areas was prohibited, except where this development was consistent with farm and forest goals.

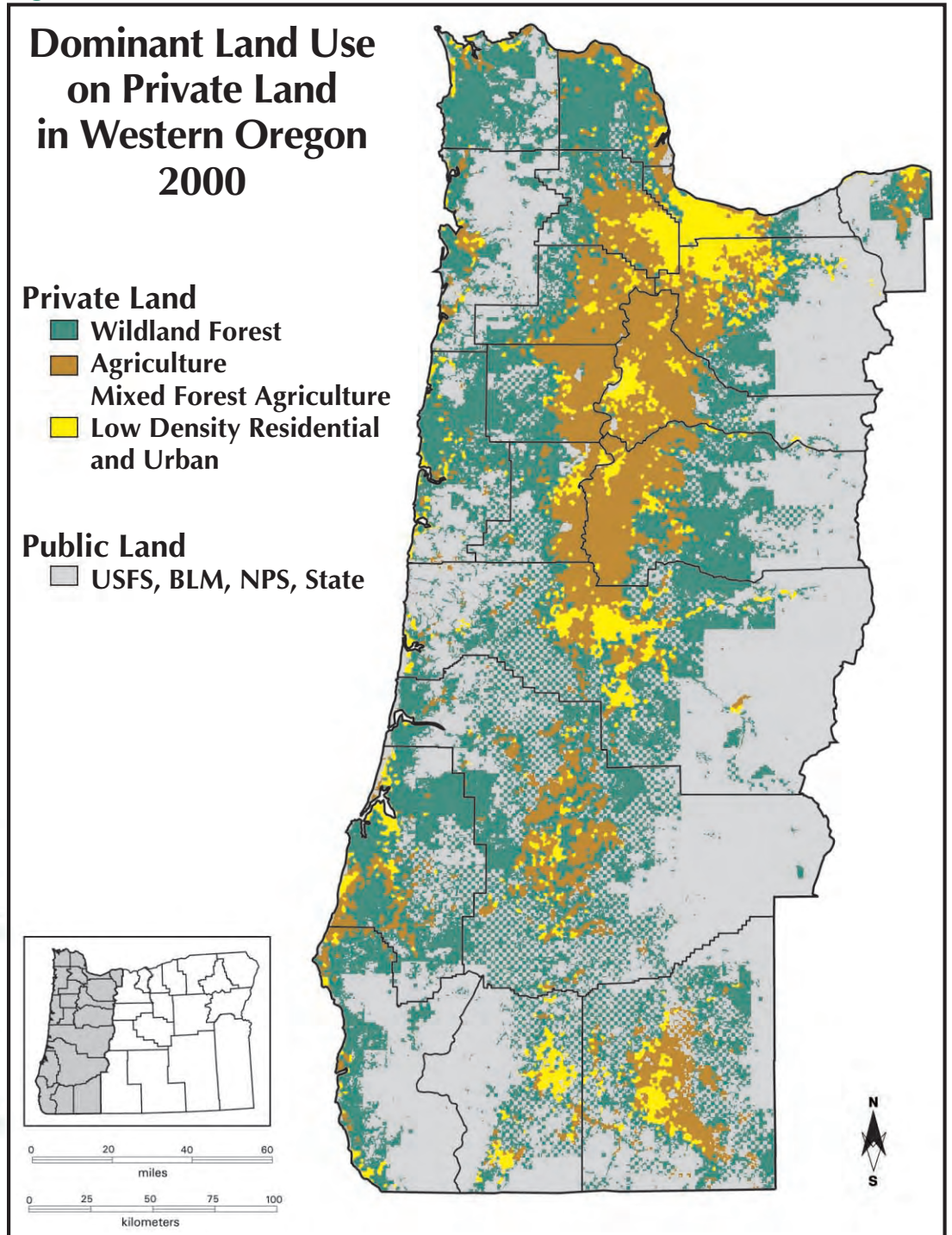
land use plans have been in effect until the 1998 *Forests, Farms and People* publication. This report updates the analysis through the year 2000, and proposes to: 1) look at actual change on the ground (dominant land use); and 2) look at zoning provided by comprehensive land use plans and whether that zoning is achieving its objectives.

APPROACH

This report addresses three key land use issues: 1) changes in the distribution of land across dominant land use classes over time; 2) development patterns occurring within dominant land uses and planned land use zones; and 3) effects that land use changes

are having on forest management practices. The report addresses only non-Federal lands within western Oregon. Land use zoning was obtained from maps of county comprehensive land use plans. Figure 1 shows private land when broken down into three generalized land

Figure 1



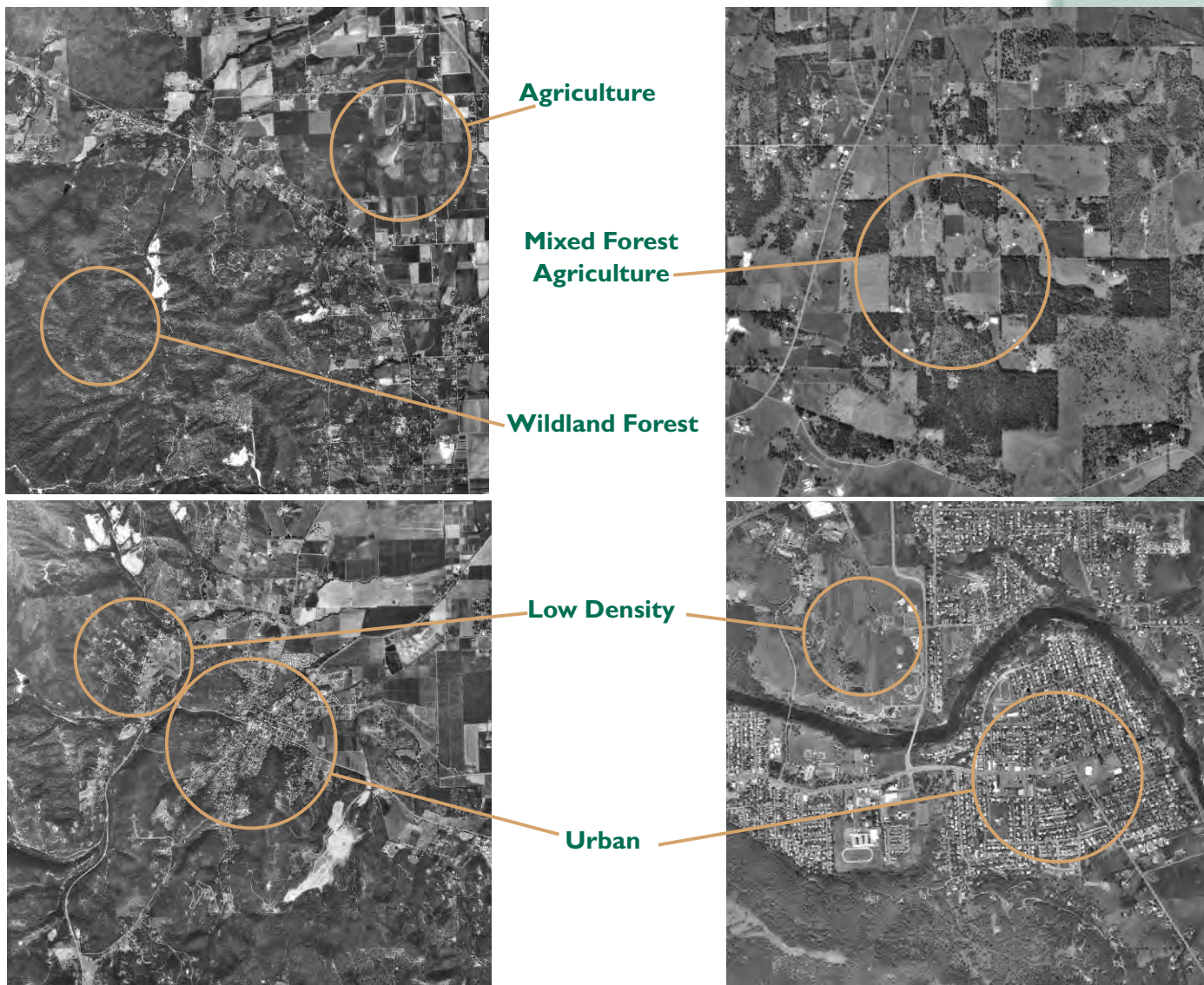
uses: wildland forest, agricultural and mixed forest/agricultural, and low-density residential and urban. Figure 2 illustrates the dominant land use classes used in this report.

Using aerial photographs taken in 1994, we interpreted about 24,000 plots on non-Federal

we repeated the process using the same plots on aerial photographs taken in 2000. By comparing this information at these points in time, we were able to analyze changes in development patterns and land uses.

Dominant land uses were determined by

Figure 2



Nearly 24,000 sample points were evaluated from four dates of aerial photography and assigned into one of five development zones. These zones, interpreted from the photography, were defined by general land use, size, and the degree of development.

land for dominant land use, number of structures, and nearest distance to other dominant uses for the 1998 report. We repeated this process using the same plots on aerial photographs taken in 1973 and 1982. For this report

assigning land uses to plots based on size of the area, number and type of developments, road patterns, and whether the area is forest, agriculture, or range. Dominant land uses categorized in this report include:

Wildland Forest: Large continuous tracts of forest land with fewer than five developments per square mile generally scattered across the area. This designation may include both timberland and other forest land. Timberland is forest land not withdrawn from timber utilization and capable of growing 20 cubic feet or more per acre per year of industrial wood. Forest land, which is of lower productivity or which is withdrawn from timber production, may also be wildland forest.

Intensive Agriculture: Large continuous tracts of agricultural land with fewer than nine developments per square mile generally scattered across the area.

Mixed Forest/Agriculture: Intermixed forest, range, and agricultural lands with fewer than nine developments per square mile scattered across the area.

Low-Density Residential: Forest, agriculture, range, or other non-urban land, or a mixture of these lands, with nine or more developments per square mile within the area.

Urban: Commercial and residential areas greater than 40 acres in size.

Development patterns were interpreted in non-urban areas by recording the density of structures and proximity to other land uses. For this report, density of development was

determined by counting the number of structures within 80- and 640-acre circles surrounding each plot.

Proximity to other land uses was interpreted by recording the nearest distance from each plot to the boundaries of different dominant land uses.

Ownership classification for the approximately 24,000 plots used in this study was derived from information developed for a 1997 inventory of non-Federal forest land in western Oregon. Ownership information specific to 1973, 1982, and 2000 was not determined.

Based on demographic, ecological, and economic characteristics, we partitioned western Oregon into four geographic areas for this analysis (Figure 3): North Willamette



Wildland forest and intensive agriculture lands still have large contiguous tracts with little or no development.

Valley, South Willamette Valley, North Coast, and Southwest Oregon. Areas were delineated by county boundaries to facilitate comparisons with county land use planning efforts.

To show how actual land uses and land use changes related to county comprehensive plans, we divided non-Federal lands into two broad categories, *developable*, such as areas zoned rural residential or urban, and nondevelopable or *resource* areas, such as areas zoned for forest or farm use, based upon the zoning in county comprehensive plans. We then compared areas of dominant land use (i.e., wildland forest, intensive agriculture, etc.) and changes in dominant land use with the generalized zones defined in county comprehensive plans (i.e., farm, forest, rural residential, etc.).



CHANGES IN DOMINANT LAND USES: TYPE, TIMING, AND MAGNITUDE

Eighty-nine percent of non-Federal land in western Oregon remains in forest and agricultural dominant uses. However, there was a shift toward more developed uses between 1973 and 2000 (Tables 1 and 2). More than 80 percent of land use changes in this period were shifts from agriculture or forest to low-density residential or urban uses, with the largest percentage declines occurring in agriculture-related uses. The highest rates of change

occurred on private land in or near the Willamette Valley and in areas close to the Portland Metropolitan Area. Figure 4 shows the distribution of dominant land uses across private land in western Oregon and changes in dominant uses between 1973 and 2000. Figure 5 illustrates the distribution of changes in dominant land uses in western Oregon for the 1973-1982, 1982-1994, and 1994-2000 periods.

Figure 4

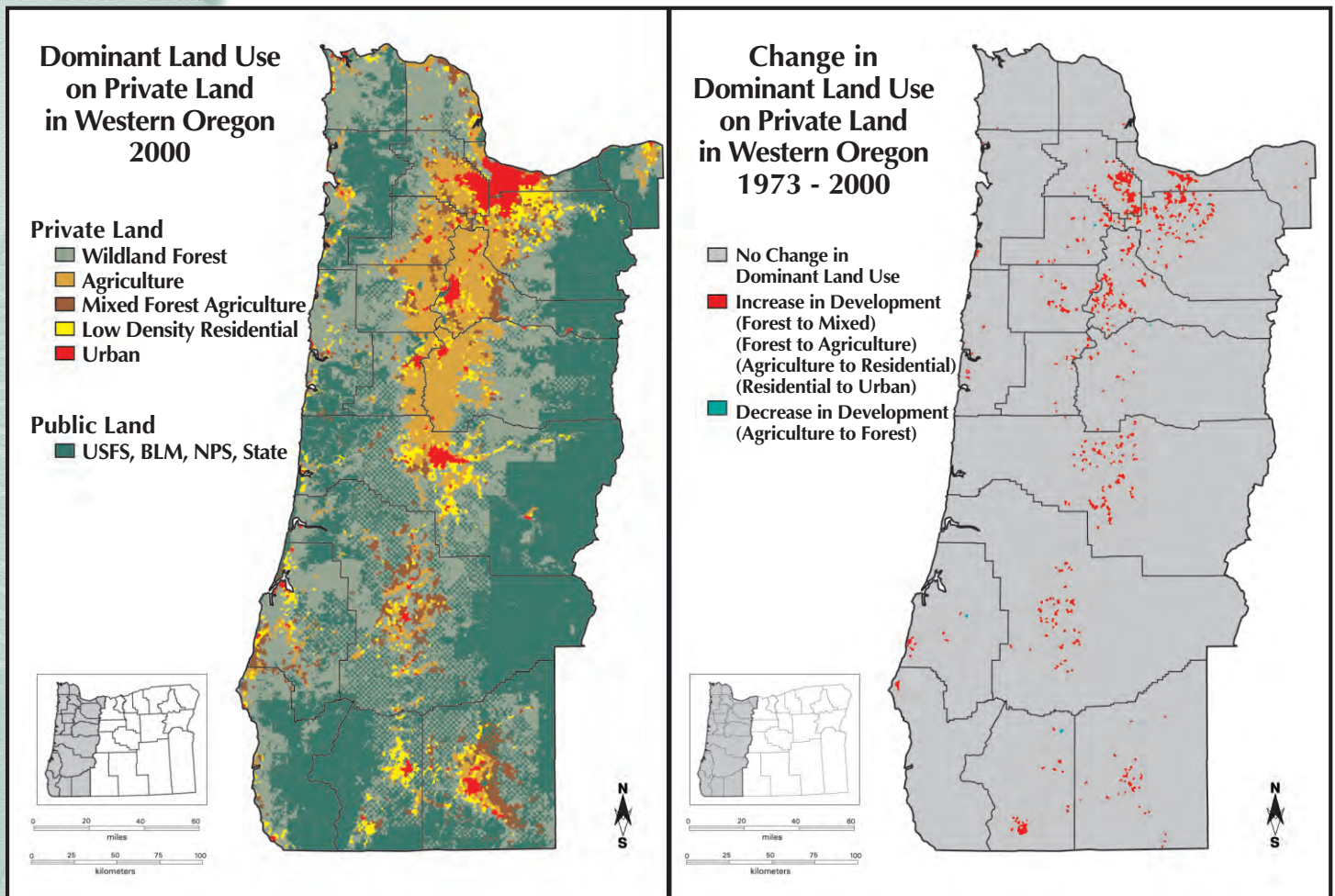


Figure 5

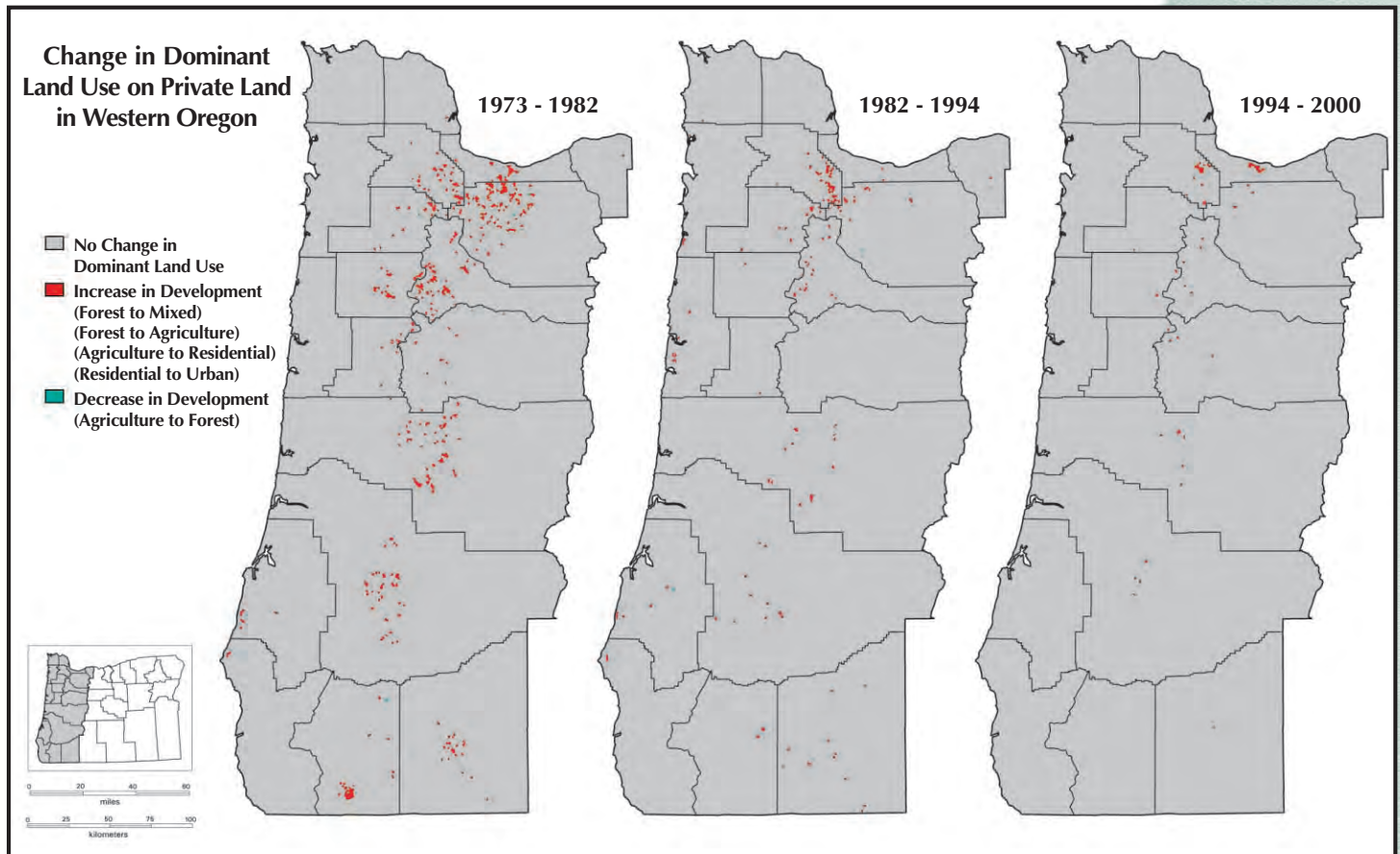


Table 1 – Percentage of Area in Dominant Land Uses, 1973, 1982, 1994, and 2000

Dominant Land Use	1973	1982	1994	2000
Wildland Forest	66.2%	65.3%	65.0%	65.0%
Intensive Agriculture	18.7%	17.8%	17.5%	17.3%
Mixed Forest/Agriculture	7.5%	7.1%	7.0%	7.0%
Low-Density Residential	4.7%	6.4%	6.8%	6.8%
Urban	2.9%	3.4%	3.7%	3.9%
	100.0%	100.0%	100.0%	100.0%

Annual rates of change in dominant land uses declined from the 1973-1982 period compared to the 1982-1994 period, as shown in Table 2. Change from intensive agriculture to more developed uses slowed, and the shift from wildland forest to other uses became negligible in the 1982-1994 period. Figure 6 also illustrates the decline in growth of urban and low-

density residential uses between the 1973-1982 and 1982-1994 periods, which coincided with declines in population and personal income growth rates. However, despite increased rates of population and personal income growth during the 1994-2000 period, rates of development of forest and agricultural lands remained well below levels seen prior to 1982.

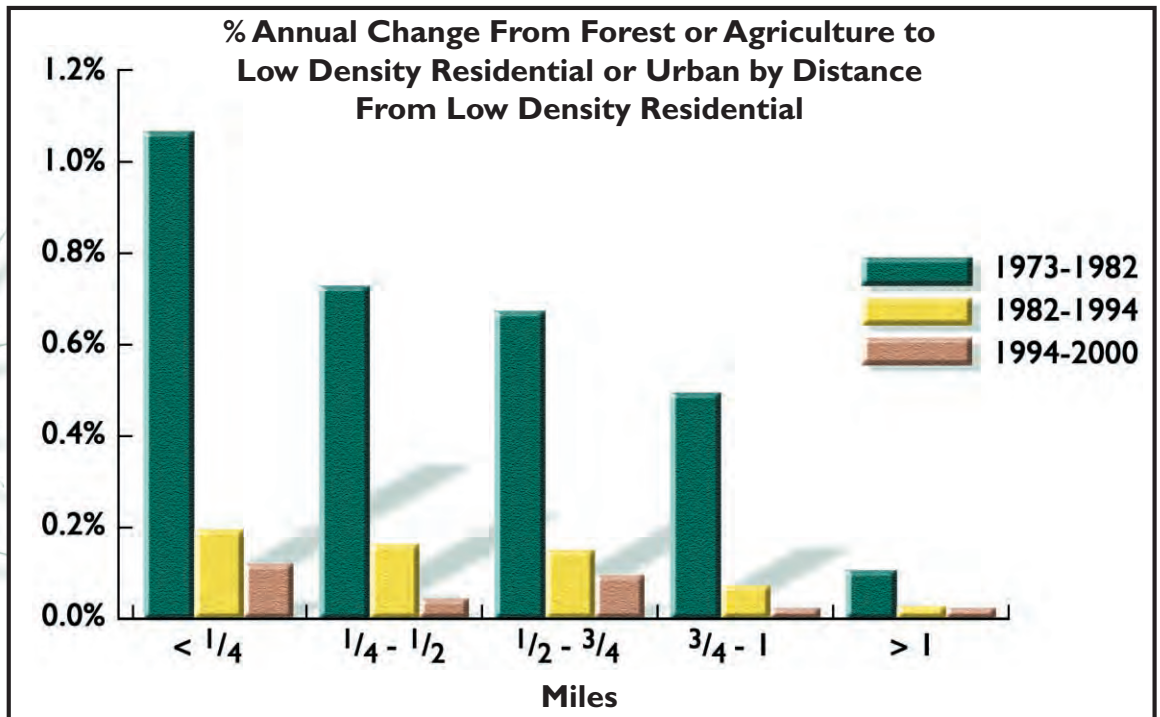
Table 2 – Area and Changes in Dominant Land Use, 1973-2000

Dominant Land Use	Thousand Acres				% Annual Change			Total % Change
	1973	1982	1994	2000	1973-1982	1982-1994	1994-2000	1973-2000
Wildland Forest	7,335	7,238	7,200	7,197	-0.1%	0.0%	0.0%	-2%
Intensive Agriculture	2,076	1,967	1,943	1,924	-0.6%	-0.1%	-0.2%	-7%
Mixed Forest/ Agriculture	832	791	775	774	-0.5%	-0.2%	0.0%	-7%
Low-Density Residential	518	704	751	753	3.5%	0.5%	0.0%	45%
Urban	317	378	407	430	2.1%	0.6%	0.1%	36%
Totals	11,078	11,078	11,078	11,078				

How fast forest or agriculture lands shifted to more developed uses was related to the proximity of the lands to urban or low-density residential areas. Low-density residential uses often surround urban core areas and, as shown in Table 2, expanded by 45 percent between 1973 and 2000. However, expansion of low density residential uses has slowed since 1982.

The closer forest and agricultural land is to urban or low-density residential areas, the more likely it is to be developed. For example, as distance from low-density residential areas increases, rates of development drop, as shown in Figure 6. Forest and agricultural areas less than one-quarter mile from low-density residential areas were five to ten times more

Figure 6

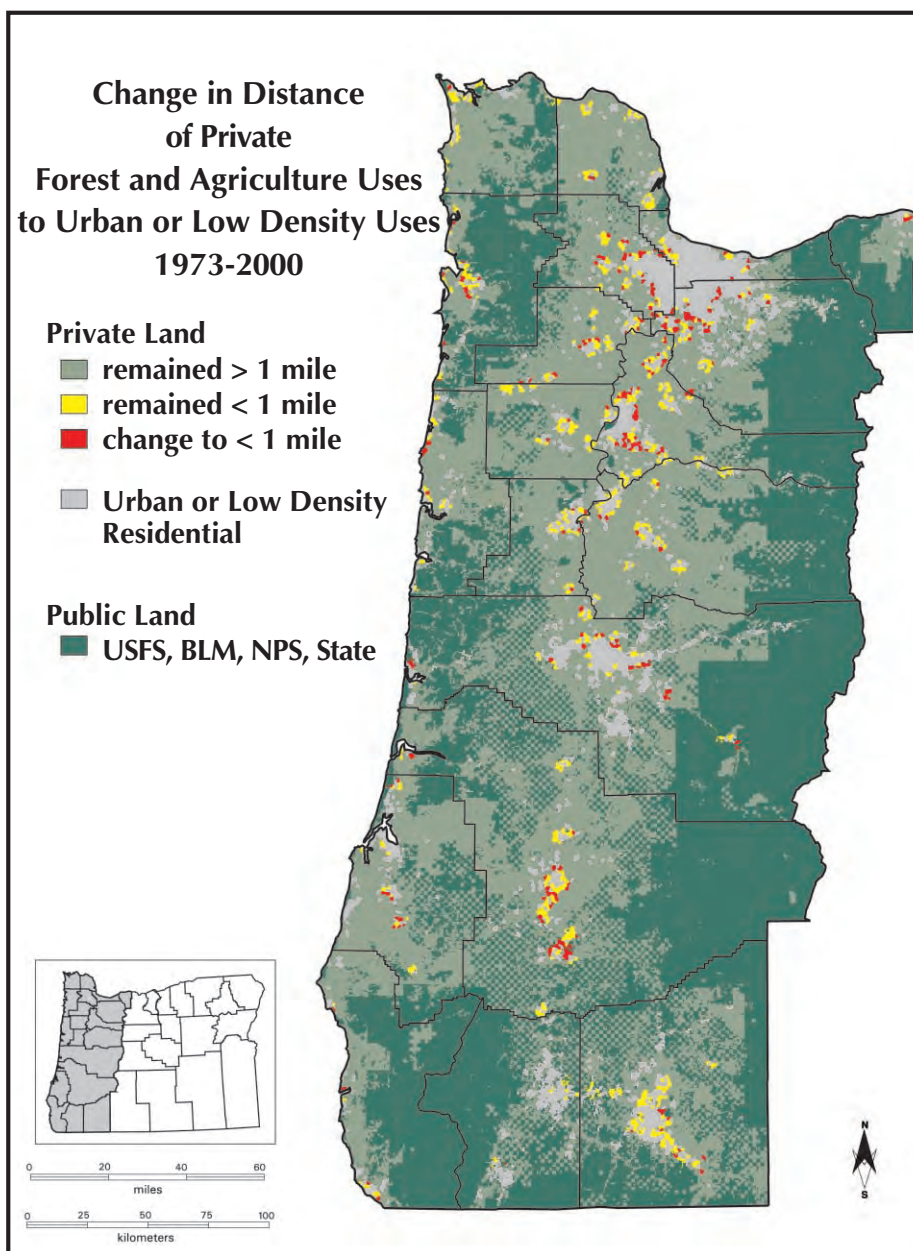


likely to be developed than areas further than one mile from low-density residential areas.

Relatively more farm than forest land continues to be converted to urban and rural residential uses. There is more development pressure on these lands since farmland is generally closer to urban and low-density residential areas. It is thus more likely to be within urban growth boundaries or other areas targeted for development.

Figure 7 shows areas of private forest and agricultural land that shifted from more to less than one mile from urban or low-density residential uses between 1973 and 2000. By 2000, 1,821,000 acres of wildland forest, 1,108,000 acres of intensive agricultural land, and 382,000 acres of mixed forest/agricultural land were within one mile of the low-density residential or urban areas.

Figure 7



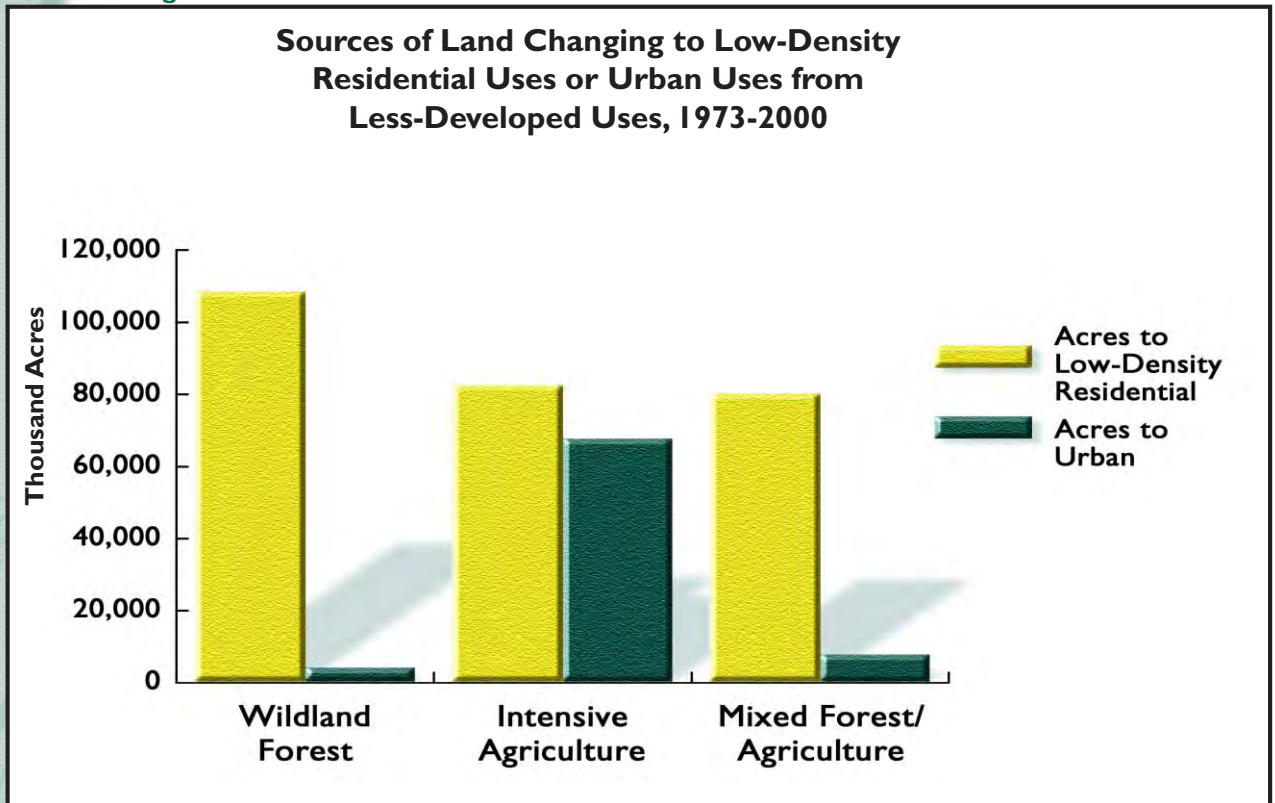
CHANGES IN DOMINANT LAND USES: SOURCES OF CHANGE

In the 1973-1982, 1982-1994, and 1994-2000 periods, almost all changes in dominant use went from less developed to more developed uses (Figures 4 and 5). Figure 8 shows the growth of urban and low-density residential dominant uses by source: wildland forest, intensive agriculture, and mixed forest/agriculture. Other notable changes in land use over the 27-year period are a 25,000 acre change from wildland forest to mixed

forest/agriculture dominant use and a 42,000-acre change from low-density residential to urban dominant use.

Table 3 shows annual acreages shifting from forest and farm dominant uses over the 1973-1982, 1982-1994, and 1994-2000 periods and the uses to which these areas shifted. As previously shown, rates of change slowed from the earlier to the later periods. The slowdown was particularly abrupt in

Figure 8



shifts from the intensive agriculture dominant use from 1973 through 1994, and from forestry-related uses since 1982.

Also revealed in Table 3 is a change in end uses resulting from conversion of forest- and agriculture-related land uses. In the 1982-1994 period, more forest and agricultural land shifted to urban uses and less to low-density residential, compared with the earlier period. The trend of proportionally more land use changes to urban uses and

less to low-density residential uses continued through 2000.

Along with continued urbanization of some low-density residential areas, this supports our assumptions that Oregon's land use program would encourage intensified development in areas that already have some urban influences, while limiting development of the more rural primary forest and agricultural areas.

Table 3 – Changes in Dominant Land Use from Wildland Forest, Agriculture, and Mixed Forest/ Agriculture to Other Dominant Uses, 1973-1982, 1982-1994, and 1994-2000

	1973-1982	1982-1994	1994-2000
Wildland Forest			
Annual Acreage Change/Year	11,000 Acres	3,000 Acres	<1,000 Acres
% of Change to:			
Intensive Agriculture	4%	6%	<1%
Mixed Forest/Agriculture	16%	22%	14%
Low-Density Residential	80%	69%	57%
Urban	<1%	2%	29%
Intensive Agriculture			
Annual Acreage Change/Year	12,000 Acres	2,000 Acres	3,000 Acres
% of Change to:			
Wildland Forest	2%	2%	<1%
Mixed Forest/Agriculture	7%	5%	1%
Low-Density Residential	63%	47%	14%
Urban	28%	46%	86%
Mixed Forest/Agriculture			
Annual Acreage Change/Year	7,000 Acres	2,000 Acres	<1,000 Acres
% of Change to:			
Wildland Forest	1%	5%	<1%
Intensive Agriculture	<1%	4%	<1%
Low-Density Residential	95%	71%	100%
Urban	4%	20%	<1%

CHANGES IN DOMINANT LAND USES: A REGIONAL PERSPECTIVE

The highest rates of change in dominant land use over the entire study period occurred in the north Willamette area and the lowest rates of change occurred in the north coast area (Table 4). In both the north Willamette and southwest regions, the area of low-density residential uses increased by more than 50 percent. In the north Willamette, urban areas increased by 45 percent, and in southwest Oregon and the south Willamette Valley by 25 percent. The two largest declines in area of dominant uses were both in the north Willamette area, with intensive agriculture declining by 9 percent and mixed forest/agriculture declining by 15 percent over the 27-year period.

Most of the increases in low-density and urban areas in the north Willamette and southwest Oregon areas occurred in the 1973-1982 period. Development of forest and agricultural lands continued in the 1982-1994 and 1994-2000 periods, but at a much slower rate.

Counties with the highest rates of loss of forest and agricultural land uses in the first period experienced rapid declines in rates of conversion to more developed uses in the second period. Rates of development declined even further in the third period. As shown in Figures 9 and 10, this was true across a wide geographic dispersion of counties and for both forest and agricultural uses.

Table 4 – Percent Change in Dominant Land Uses, 1973-2000

ANALYSIS AREA	Wildland Forest	Intensive Agriculture	Mixed Forest/ Agriculture	Low-Density Residential	Urban
North Willamette	-2%	-9%	-15%	54%	45%
South Willamette	-2%	-6%	4%	35%	25%
North Coast	0%	-1%	-7%	13%	10%
Southwest	-3%	-4%	-3%	56%	25%
All Western Oregon	-2%	-7%	-7%	45%	36%

Figure 9

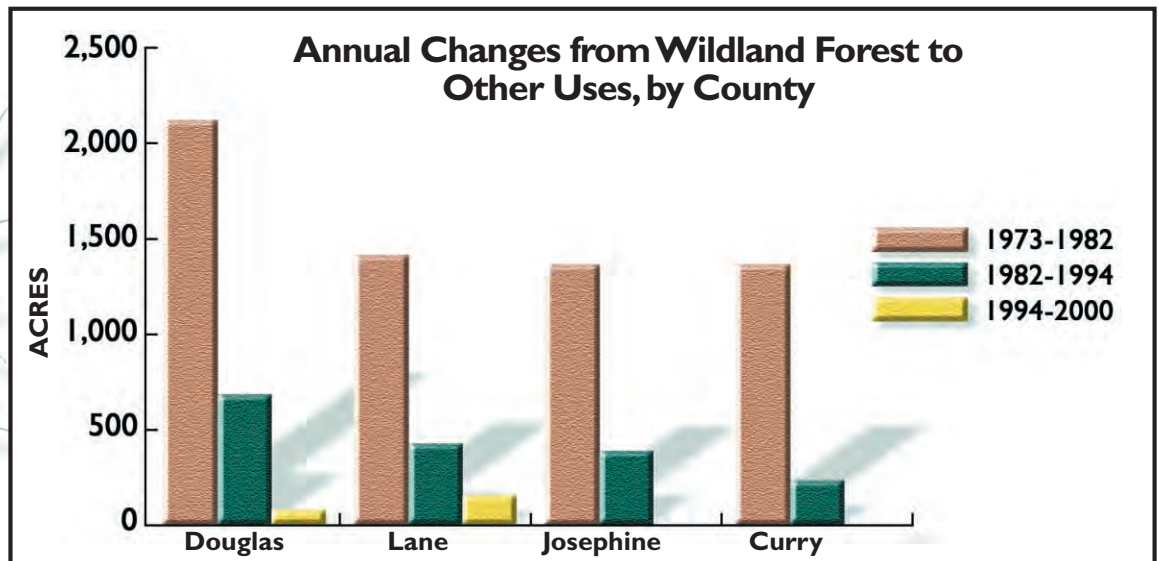
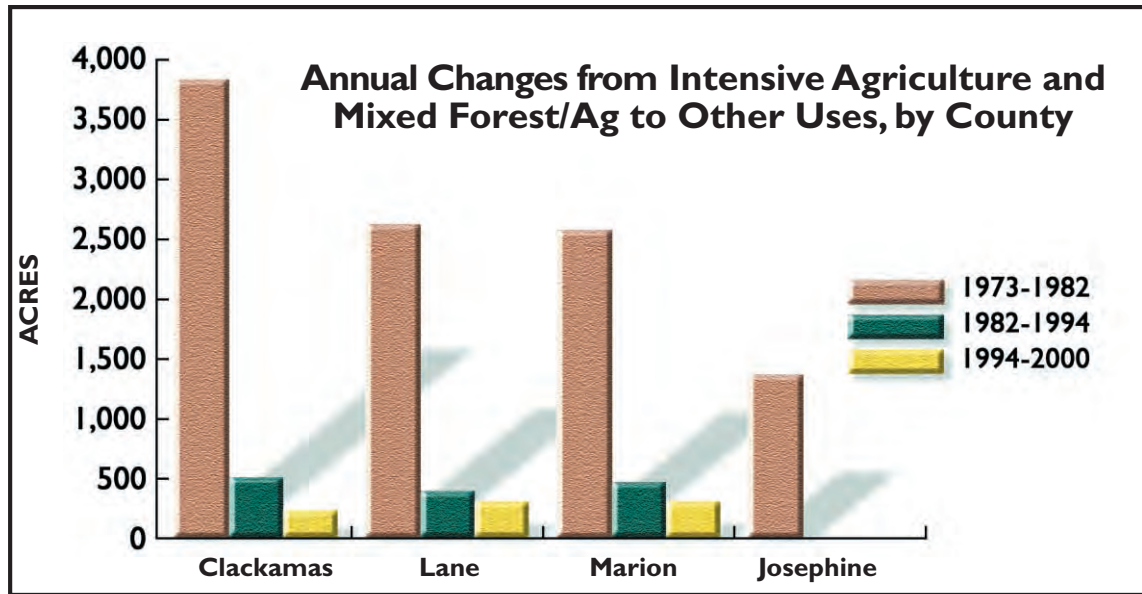


Figure 10



Development of agricultural lands in the Portland Metropolitan counties (Multnomah and Washington) continues at a high rate. In the six-year period between 1994 and 2000, 21 percent of intensive agricultural land in Multnomah County and 5 percent of intensive agricultural land in Washington County was developed into urban uses. All of this land was in areas zoned for development in County Comprehensive Plans.

Relatively small areas of non-Federal wild-land forest—about 2 percent—still remain in areas classified as developable in land use plans

in western Oregon. This percentage varies by geographic region, from 1.3 percent in the south Willamette area to 2.7 percent in the north Willamette area. The percent of developable mixed forest agricultural land also remained constant at about 2 percent. Consistent with historical development patterns and comprehensive land use plans, the area of intensive agricultural land classified as developable in land use plans declined from approximately 8 percent to about 7 percent between 1994 and 2000.



The most significant shifts from forest or farm uses to more developed uses regionally occurred on private land in or near the Willamette Valley.

MORE PEOPLE IN FORESTS AND ON FARMS

It is clear that continued economic and population growth can bring with them the conversion of forest and agricultural lands to more developed uses, although the rate of development in western Oregon has been slowing. They also bring increased development within resource lands. And population has been increasing in western Oregon's non-Federal forests.

Although areas may remain in forest or farm dominant uses, it is possible for average levels of development and population to increase within these dominant uses. To facilitate analysis of changing development within dominant uses, we recorded the density of structures for non-urban dominant uses within 80- and 640-acre circles surrounding the plots used in this analysis. We were then able to track changes in structure counts for lands remaining in a constant dominant land use during the 1973-2000 study period.

Using the structure counts in the 80-acre circles we found that the average number of

structures increased for all non-urban dominant uses over the study period. Similar to changes in dominant land use, increases in structure count continued through both the 1973-1982 period and the 1982-1994 period, but at a much lower rate in the second period. As shown in Table 5, the largest percentage change in structure counts was the almost doubling of structures in wildland forest during the 1973-1982 period. Percentage increases in structure counts declined in the second period for all uses, with rates of development in mixed forest/agriculture uses declining the least.

Structure counts continued to increase for all non-urban dominant uses in the 1994-2000 period, with the rate of change remaining low compared to the 1973-1982 period.

How the increasing population in non-urban areas relates to land use planning efforts and forest resource use is examined in the latter part of this report.

Table 5—Structure Counts per 80 Acres by Dominant Land Use, 1973-2000

Dominant Land Use	Structure Counts per 80 Acres				% Annual Change			% Change
	1973	1982	1994	2000	1973-1982	1982-1994	1994-2000	1973-2000
Wildland Forest	0.23	0.38	0.47	0.53	5.6%	1.7%	1.9%	127%
Intensive Agriculture	1.97	2.55	3.02	3.33	2.9%	1.4%	1.6%	69%
Mixed Forest/Agriculture	1.25	1.71	2.19	2.49	3.4%	2.1%	2.1%	98%
Low-Density Residential	9.31	12.45	14.92	16.57	3.3%	1.5%	1.7%	78%
<i>Note: Includes structure counts for land remaining in the same dominant land use between 1973 and 2000.</i>								

COMPREHENSIVE LAND USE PLANNING AND DOMINANT LAND USES

One explanation for the slowdown in loss of farm and forest land shown in this report is that, in general, the land use program has slowed the conversion of farm and forest land to residential and urban uses.

Comprehensive planning normally took into account existing dominant land uses and sought to encourage and direct development to designated “developable” areas, while slowing development in areas outside identified urban growth and exception area boundaries. Land was zoned as *developable*, which included Urban Growth Boundaries (UGBs), rural residential, commercial, and industrial

uses; or as *resource* (non-developable), which included commercial farm, forest, and mixed agriculture/forest uses. Twenty-seven percent more intensive agricultural land than wildland forest was zoned as developable, while wildland forest accounted for four times more resource land than did agricultural land.

On lands zoned for resource use, wildland forest or agriculture was the dominant land use on 90 percent of the non-Federal land in western Oregon in both 1994 and 2000. Mixed forest/

agricultural uses accounted for an additional 7 percent of the total area. Only 3 percent of the land zoned for resource uses was occupied by low-density residential and urban uses.

Table 6 shows the areas in 1994 and 2000 of



Resource lands under comprehensive planning included commercial farm, forest, and mixed forest/agriculture uses.

non-Federal land by dominant land use and whether the land is zoned in comprehensive plans as developable or as resource land (i.e., zoned for commercial farm or forest use). In areas zoned for development, 333,000 acres—30 percent of the land—was still used for agriculture or forestry in 2000. More than 2 percent of the developable land went from forest or agriculture to more developed uses over the 6-year period. Urban uses in developable zones increased by more than 5 percent, mostly from agriculture.

Table 6 – Area of Dominant Land Use in Developable and Resource Zones, 1994 and 2000, Thousand Acres

Dominant Land Use	Developable Zones		Resource Zones	
	1994	2000	1994	2000
Wildland Forest	145	143	6,931	6,929
Intensive Agriculture	153	135	1,715	1,714
Mixed Forest/Agriculture	57	55	715	715
Low-Density Residential	381	382	322	323
Urban	388	409	8	10
Total	1,124	1,124	9,691	9,691
<i>Note: Does not include Hood River County nor small parts of eastern Clackamas, Linn, Lane, Douglas and Jackson Counties.</i>				

Notably, urban and low-density residential development, both before and after comprehensive land use planning was instituted, occurred predominantly within lands that became zoned as developable. Table 7 shows the annual rates of change in dominant uses for lands which became zoned in comprehensive plans as developable or as resource lands in the early 1980s.

from forest or agricultural uses to low-density residential or urban uses in resource zones declined to below 1 percent annually. As shown in Table 7, during the 1994-2000 period, most land conversion to more developed uses occurred on agricultural land zoned for development in comprehensive plans.

A recurring question about Oregon's land use planning system is whether designating an urban

Table 7 – Percent Annual Change in Dominant Land Uses Within Developable and Resource Zones, 1973-1982, 1982-1994, and 1994-2000

Dominant Land Use	1973-1982		1982-1994		1994-2000	
	Developable	Resource	Developable	Resource	Developable	Resource
Wildland Forest	-2%	0%	-1%	0%	0%	0%
Intensive Agriculture	-4%	0%	-1%	0%	-2%	0%
Mixed Forest/Agriculture	-4%	0%	-2%	0%	0%	0%
Low-Density Residential	3%	5%	0%	1%	0%	0%
Urban	2%	1%	1%	0%	1%	3%

Notes: Does not include Hood River County nor small parts of eastern Clackamas, Linn, Lane, Douglas, and Jackson Counties. There is very little land in urban dominant uses in resource land: the 3% increase in urban dominant land use in resource land between 1994 and 2000 is a change of 22,150 acres.

During the 1973-1982 period, the area of low-density residential use in what later became resource lands increased by about 5 percent per year, from a total of 181,000 to 290,000 acres. During the 1982-1994 and 1994-2000 periods, after the land use plans had taken effect, the shift

growth boundary (UGB), in essence a “donut” for urban expansion around cities, is an effective method to retain investment in the urban core, or whether the approach merely leads to “urban sprawl within the donut.” Our analysis to date shows reductions in the rate of development for both developable and resource lands after comprehensive plans were prepared.

One possible explanation for the reductions in overall development is that land use plans may have achieved the goal of reducing “sprawl” and confining additional building to areas already used for some type of development. However, it is not known how land use planning may have changed patterns of development that otherwise would have occurred. Before sound conclusions can be reached, additional statistical work needs to be done using variables



Developable lands under comprehensive planning included Urban Growth Boundaries, designated to prevent “sprawl” from encroaching on forest and farm lands.

Table 8 – Acreage of Dominant Land Uses Within Developable Zones, 1973, 1982, 1994 and 2000, Thousand Acres

Dominant Land Use	1973 (Prior to Comprehensive Plans)	1982	1994	2000
Wildland Forest	189	154	145	143
Intensive Agriculture	240	172	153	135
Mixed Forest/Agriculture	99	70	57	55
Low-Density Residential	296	369	381	382
Urban	301	359	388	409
Total	1,124	1,124	1,124	1,124

Note: Does not include Hood River County nor small parts of eastern Clackamas, Linn, Lane, Douglas, and Jackson Counties.

such as population, personal income, and the supply and demand of land for different uses.

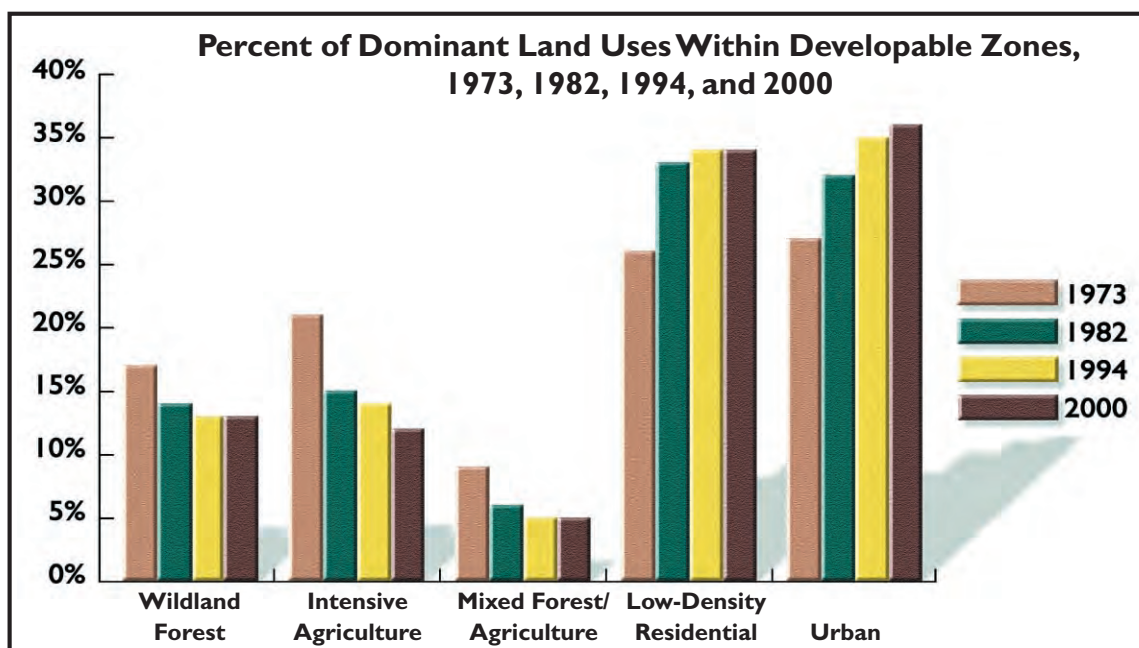
Predictably, lands allocated for development showed a drop in acreages of forest and agricultural lands and an increase in low-density residential and urban uses (see Table 8). As of 2000, of the total 1,124,000 acres in developable zones, 791,000 acres were within low-density residential and urban uses. Thus 333,000 acres remained in forest or agricultural uses.

Between 1973 and 2000, the area of low-density residential and urban dominant uses increased from 53 percent of the developable

land to 68 percent. The remaining developable land is evenly divided between forest and agricultural uses. The rural residential areas in some counties and areas within individual urban growth boundaries may be substantially developed, but taken as a whole, in 2000 there seemed to be significant additional room for expansion and development within areas that were zoned specifically as developable.

Figure 11 shows the changing percentages of dominant uses within areas zoned as developable for the years 1973, 1982, 1994, and 2000.

Figure 11





State forests, which comprise 5 percent of western Oregon's forest land, are being managed to provide structural diversity for fish and wildlife species as well as timber.

Table 9 shows areas of wildland forest, intensive agriculture, and mixed forest/agriculture in the five analysis areas and in all western Oregon, zoned either for resource use or available for development in comprehensive plans. Relatively more of western Oregon intensive agricultural and mixed forest/agricultural land—8 and 7 percent respectively—is in areas zoned for development than is the 2 percent of wildland forest zoned for development. The north Willamette Valley has the largest

area in agricultural dominant uses: 946,000 acres, of which 81,000 is developable. Thus 9 percent of the agricultural land is within developable zones, compared with 7 percent across the whole of western Oregon. The 81,000 acres also represent 60 percent of developable intensive agricultural land in western Oregon. The area of developable agricultural land in the Willamette Valley declined by 13 percent in the 6-year period between 1994 and 2000.

Table 9 – Areas of Wildland Forest, Intensive Agriculture, and Mixed Forest/Agriculture Zoned as Developable and Resource Areas in Comprehensive Plans, Thousand Acres, 2000

Analysis Area	Land Use Classification	Wildland Forest	Intensive Agriculture	Mixed Forest/Agriculture
North Willamette	Resource	1,247	865	233
	Developable	34	81	23
South Willamette	Resource	1,496	595	48
	Developable	19	33	7
North Coast	Resource	1,336	46	36
	Developable	32	6	4
Southwest	Resource	2,851	207	399
	Developable	57	16	21
All Western Oregon	Resource	6,929	1,714	715
	Developable	144	135	55

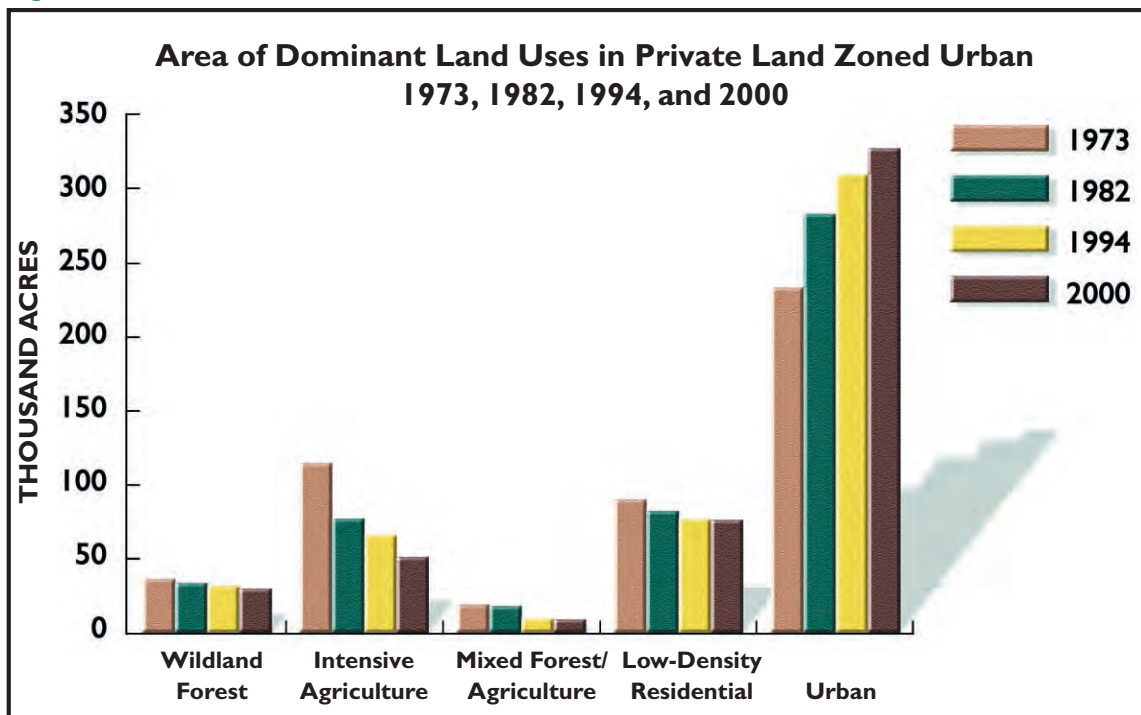
Note: Does not include Hood River County nor small parts of eastern Clackamas, Linn, Lane, Douglas, and Jackson Counties.

DIRECTING GROWTH: URBAN AND RURAL RESIDENTIAL EXPANSION

The two largest areas of land zoned as developable are lands zoned for urban and rural residential uses. On the 584,000 acres of non-Federal lands within the UGBs of western Oregon, we found the urban dominant land use increasing rapidly between 1973 and 2000, from 49 to 67 percent of the urban zoned area. Other dominant land uses in UGBs were declining. Intensive agricultural lands, for example, declined from 22 to 10 percent of the area.

pattern of development for private lands zoned urban is similar to that when non-Federal public lands are included, with urban uses increasing from 47 percent to 66 percent of the area within UGBs. In 2000, of the 493,000 acres of privately owned lands zoned as urban, 76,000 acres of low-density residential uses, 51,000 acres of intensive agriculture, 30,000 acres of wildland forest, and 9,000 acres of mixed forest/agriculture remained in non-urban dominant uses.

Figure 12



Areas of low-density residential use occupied 15 percent of the area inside UGBs in 2000, with 86,000 acres, and have overtaken intensive agricultural lands, with 57,000 acres, as the second largest use in urban zones. Forty thousand acres of wildland forest and 12,000 acres of mixed forest/agriculture also remain in areas zoned as urban.

Approximately 84 percent of the non-Federal area zoned as urban in the comprehensive plans is privately owned. As shown in Figure 12, the

Of the 453,000 acres of non-Federal lands zoned as rural residential, low-density residential and urban dominant uses have increased dramatically, by 61 and 80 percent respectively. Other dominant uses have declined. Even so, in 2000, urban dominant uses in these lands still accounted for only 2 percent of lands zoned as rural residential. In contrast, low-density residential dominant uses accounted for 60 percent of the rural residential landbase.

Often on the fringes of urban areas, lands later zoned as rural residential saw a particularly rapid increase in low-density residential dominant uses between 1973 and 1982, absorbing land from both forest and agricultural uses. Wildland forest, intensive agriculture, and mixed forest/agriculture dominant uses all declined

in this period and again through 1994. In 1994 they accounted for a combined 173,000 acres in rural residential zones, 38 percent of the total area. The rate of change in dominant land use began to slow in the 1982-1994 period. This slowdown in land use changes continued through the 1994-2000 period.

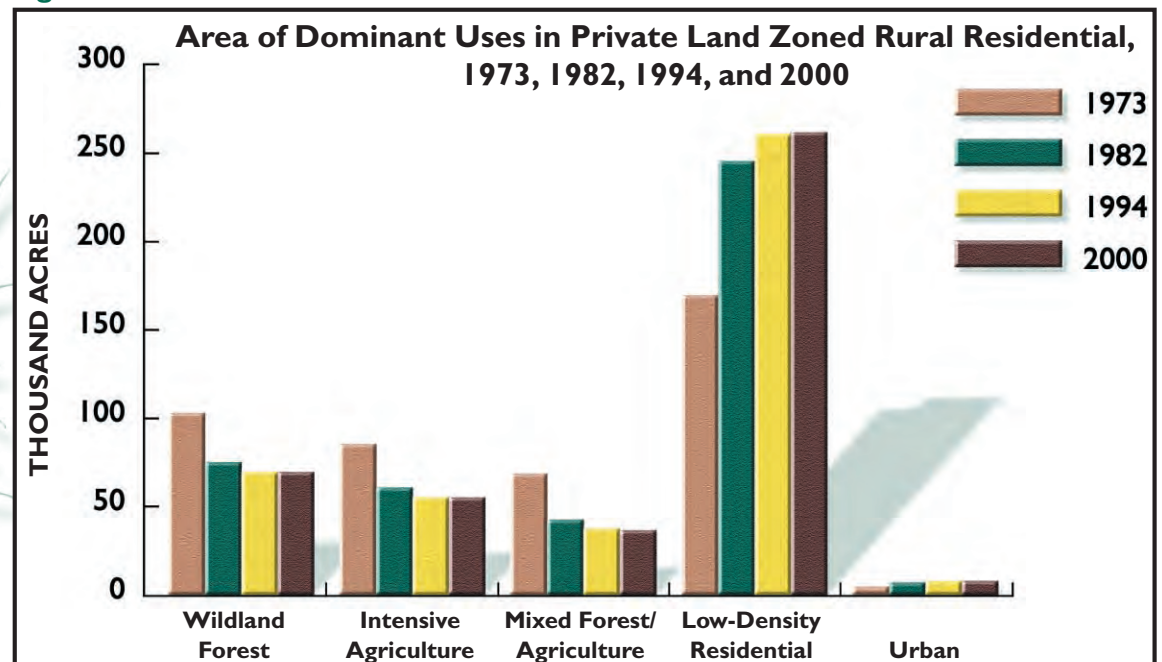
Approximately 95 percent of non-Federal rural residential lands are privately owned. As shown in Figure 13, the pattern of development was similar to that when non-Federal public lands were included. Urban dominant uses



Both before and after land use planning, forest or agricultural lands distant from urban or residential areas were less likely to be developed.

increased from 1 percent to 2 percent of the total area zoned rural residential, and the area in low-density residential uses increased from 39 percent to 61 percent over the 27-year study period. In 2000, of the 431,000 acres of privately owned lands zoned as rural residential, 70,000 acres of wildland forest, 55,000 acres of intensive agriculture, and 37,000 acres of mixed forest/agriculture remained. Two-hundred and sixty-two thousand acres of low-density residential commercial uses and 8,000 acres of urban dominant uses made up the remainder of areas zoned as rural residential.

Figure 13





Farm land continues to be converted to more developed uses at a high rate only in areas designated for development.

Notably, if all forest and agriculture lands within developable zones are converted to non-resource uses, only 2 percent of total non-Federal wildland forest, 7 percent of total agricultural land, and 7 percent of total mixed forest/agricultural land in western Oregon would be developed. The proportion of wildland forest located in the developable zones is small and relatively constant, but 63 percent of it is in private ownership and is most likely to be converted to nonforest uses. The percentage of the various dominant land uses that occur in developable areas (i.e., areas inside UGBs or zoned as rural residential, industrial, or commercial) is shown in Table 10.

Table 10 – Percentage of Total Areas of Dominant Land Uses That Are in Developable Zones, 1973, 1982, 1994, and 2000

	1973	1982	1994	2000
Wildland Forest	3%	2%	2%	2%
Intensive Agriculture	12%	9%	8%	7%
Mixed Forest/Agriculture	12%	9%	7%	7%
Low-Density Residential	57%	52%	51%	51%
Urban	95%	95%	95%	95%

OWNER CLASS AND CHANGES IN FOREST LAND USE

Oregonians are increasingly dependent on non-Federal forest landowners to provide most of the commodity resources produced from Oregon's forests. In this report we focus primarily on changes in dominant land use (i.e., wildland forest), but it is also important to track changes in forest use and ownership patterns based on the productivity of the land to produce desired forest commodities. We can better understand changes in the productivity of forest land by following changes in timber-

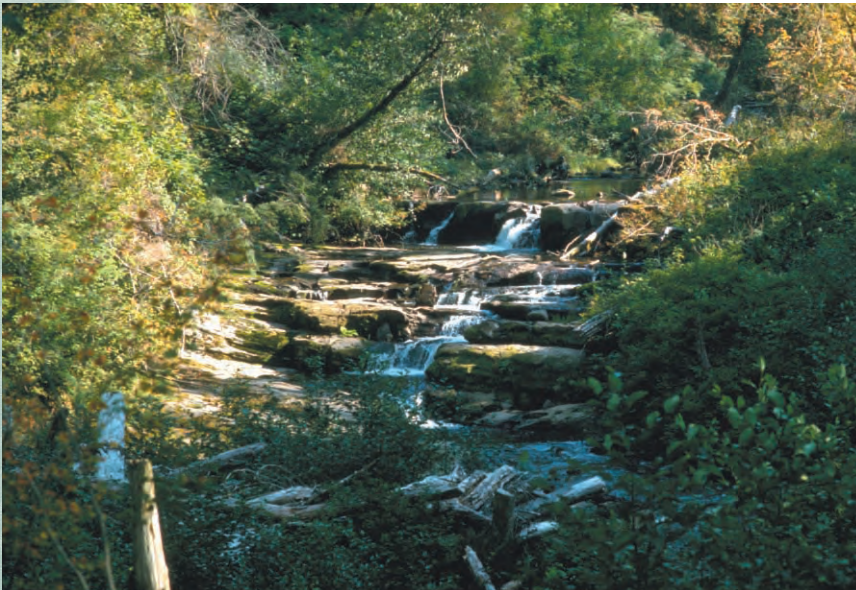
land area. Timberland excludes the least productive forest land, commonly called noncommercial forest land, so it gives us another measure of changes in forest productivity caused by forest land development. Also, we are better able to track changes in ownership for timberland than for dominant uses.

Most of western Oregon's non-Federal forests are owned and managed by industrial forest owners, as shown in Table 11. Nonindustrial owners manage approximately

Table 11 – Percentage of Non-Federal Timberland and Wildland Forest by Owner Class

	Forest Industry	Nonindustrial Private	Other Public
Timberland, 1997	61%	27%	12%
Wildland Forest, 2000	61%	24%	15%
Changes in Wildland Forest, 1973-2000	0%	-6%	-1%
Changes in Timberland, 1973-1997	11%	-23%	-1%

Note: While highly correlated, timberland and wildland forest acreages are different. Timberland is forest land capable of growing 20 cubic feet or more per acre per year of industrial wood and not withdrawn from timber utilization. Wildland forest is based on dominant use of the land and does not depend on productivity or availability for growing and harvesting timber. Forest land which is of lower productivity or which is withdrawn from timber production may also be wildland forest.



Forest industry and State forests provide many of the ecological and economic benefits enjoyed by residents of western Oregon and visitors alike.

one-quarter of western Oregon's non-Federal timberland, with an additional 12 percent being managed by non-Federal public owners.

Forest industry and State forests provide many of the forest-related benefits enjoyed by residents of western Oregon and visitors alike. Industrial owners produce far more of Oregon's timber supply than do nonindustrial private owners in western Oregon. For example, in 2000 the forest industry provided 74 percent of western Oregon's timber harvest from less than 50 percent of the total federal and nonfederal timberland; nonindustrial private

owners produced 11 percent of the timber harvest. State forests, comprising most of the non-Federal public timberland in western Oregon, are currently being managed to provide structural diversity for fish and wildlife species as well as timber. Although comprising only 5 percent of western Oregon's total Federal and non-Federal forest land, state forests will continue to provide benefits not available from other non-Federal lands. Development or conversion of western Oregon's forest industry and state forests could seriously reduce future economic and ecological benefits produced from these lands.

Industrial, non-industrial, and non-Federal public timberland areas are compared over the study period in Table 11. This table shows the large shift from nonindustrial to industrial ownership of timberland in western Oregon from 1973-1997. We were unable to detect a similar change in wildland forest ownership over time because wildland forest ownership was available for only one year, 1997.

Highly correlated with timberland, wildland forest area (see Table 11 Note, page 26) showed relatively small declines in total area occurring over the study period, mostly prior to 1982. Approximately 300 acres per year of industrial land and about 100 acres per year of other public land shifted from wildland forest to other uses in the 1982-2000 period. Most of the declines in forest occurred on the nonindustrial private ownership in the 1973-82 period, but even on the nonindustrial private ownership, annual losses of wildland forest dropped from 9,400 acres per year during the 1973-1982 period, to less than 400 acres per year during the 1994-2000 period.

Unlike for forest lands, data available for this report did not have meaningful ownership class distinctions for agricultural lands. Therefore, we were unable to correlate ownership classes with changes in agricultural land use and production.



An enduring policy concern has been the conversion of western Oregon's highly productive forests and farms to more developed uses.

PEOPLE IN FORESTS: NEW PRESSURES ON MANAGERS

Forestry policymakers have several concerns about the impact of housing development on forestry in rural areas. One concern is that housing development will break up existing forestland into ever-greater numbers of smaller and smaller parcels. For example, Barlow (1998) found that several measures of a higher population led to a decrease in timber harvesting, including proximity to urban land uses, higher population densities, and proximity to urban centers.

Population has indeed been increasing in western Oregon's nonfederal forests. Figure 14

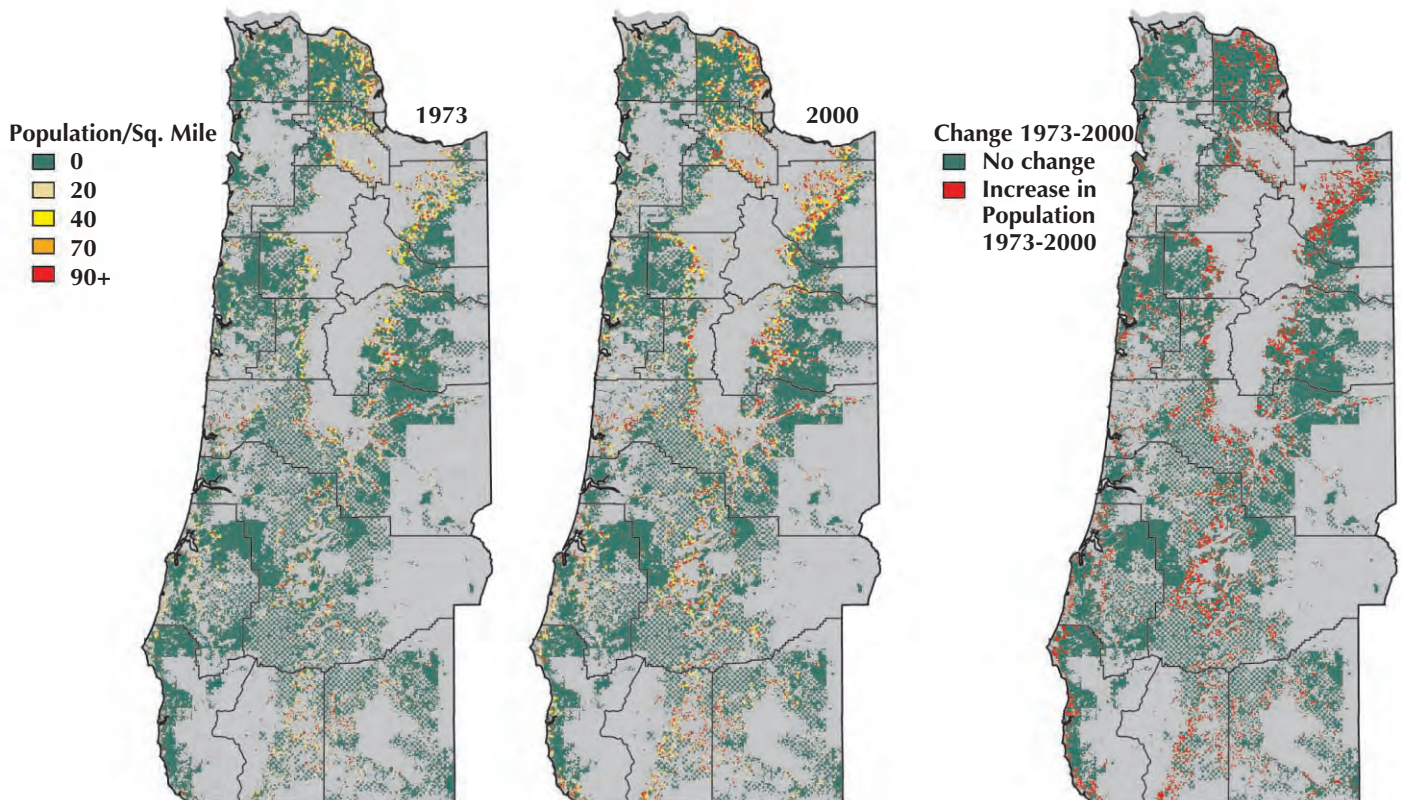


In 2000, forest industry provided 74 percent of western Oregon's timber harvest from less than 50 percent of the timberland.

shows population densities and changes in population densities from 1973 to 2000 on private forest land in western Oregon. The figure suggests that western Oregon is seeing

Figure 14

Population Density and Population Change on Private Forest Land



population increases which in other regions have tended to reduce the probability of active management.

Several studies have suggested that forest management practices change with the size of owners' forest holdings. For example, Row (1978) suggests that economies of scale in timber production mean greater per-acre profits for managing larger forest tracts. Also, Dennis (1989) suggests that nonindustrial private owners in particular are less likely to manage and harvest timber as tract size decreases, because on small parcels they tend to give greater weight to non-timber values such as aesthetics.

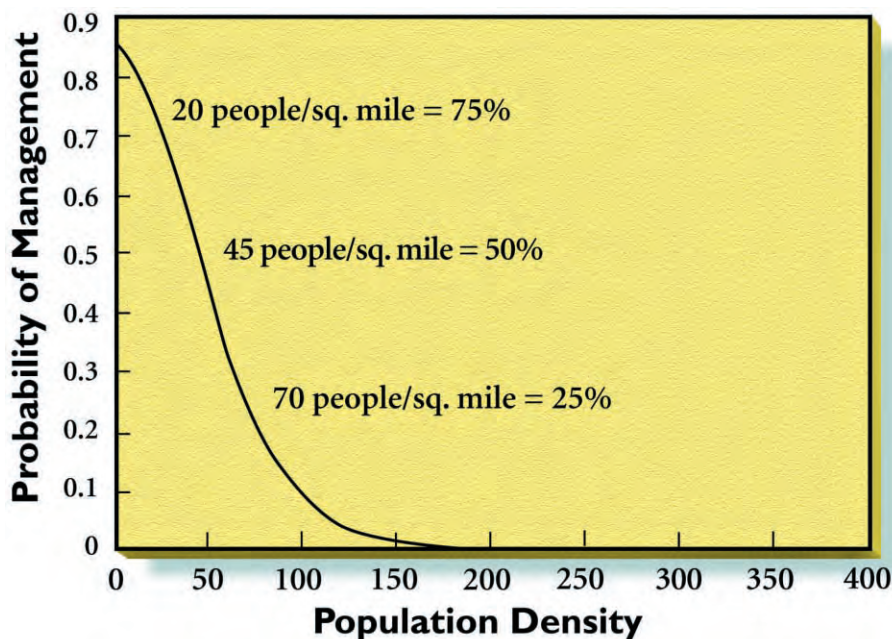
Both studies imply that forest owners will tend to expect lesser net returns from timber production as forest parcels become smaller, and that owners possessing larger tracts would be more likely to manage for commercial timber production. Several studies of actual forest management and harvest activities by nonindustrial forest owners tend to confirm this view (see, for example, Cleaves and Bennett 1995, and Thompson et al. 1981).

A related concern of forestry policymakers regarding the expansion of housing development in rural areas is potential changes in the characteristics of forest owners. As noted, nonindustrial

private owners are believed to base their forest management decisions at least as much on non-timber values, such as aesthetics and recreation, as on timber values, causing them to respond to economic forces in different ways than do other forest land owners. The results of several studies suggest this to be the case (a few examples include Dennis 1989, Kuuluvainen et al. 1996, and Kline et al. 2000, which is specific to Oregon and Washington). Thus the concern is that as housing development expands into rural areas, a greater proportion of remaining forestlands will end up being owned by nonindustrial private owners with smaller parcels and will no longer be managed as intensively for timber production.

Two recent studies have examined the impact of rural housing development on forestry. One study conducted in Alabama and Mississippi found that the proximity of urban development and higher population densities to forestland was correlated with reduced rates of timber harvest (Barlow et al. 1998). Another study, conducted in four counties in Virginia, found that increasing population density was correlated with a lower likelihood of surrounding forestlands being managed for commercial timber production (see Figure 15) (Wear et al. 1999).

Figure 15 - Relationship of Population Density to the Probability of Commercial Forest Management (Adapted from Wear 1999)



Wear found that, “...the probability of forest management approaches zero at about 150 people per square mile (psm). At 70 psm there is a 25 percent chance of commercial forestry. At about 45 psm the odds are 50:50 that commercial forestry will be practiced and at 20 psm there is a 75 percent chance (Figure 15). The implication is that a transition between rural and urban use

of forests occurs between 20 and 70 psm. The results of this study indicate that raw estimates of timberland—based on physical criteria alone—may substantially overstate the availability of timber”.

Wear conducted his analysis in the southeastern United States, and the conclusions may not be precisely applicable to Oregon. Kline and Azuma (2002) used the Wear Study as a basis to evaluate similar trends in Oregon and to answer the following questions: What is the



The rate of conversion of forest and farm lands to more developed uses has been slowing in western Oregon.

likelihood that private forest owners in western Oregon will conduct harvesting, pre-commercial thinning, and planting activities; and does that likelihood vary according to building density? Further, does forest stocking vary by building density? Table 12 shows the density and population classes used to explore how much of Oregon’s private forest land is potentially affected by increased populations in the ranges discussed in Wear’s paper.

Table 12 - Density Classes Based on Estimated Population Density

Density Class	Structure Count Per Square Mile	Estimated Average Population Per Square Mile
0	0	0
1	1 – 3	5
2	4 – 12	20
3	13 – 22	45
4	23 – 37	70
5	37+	90+

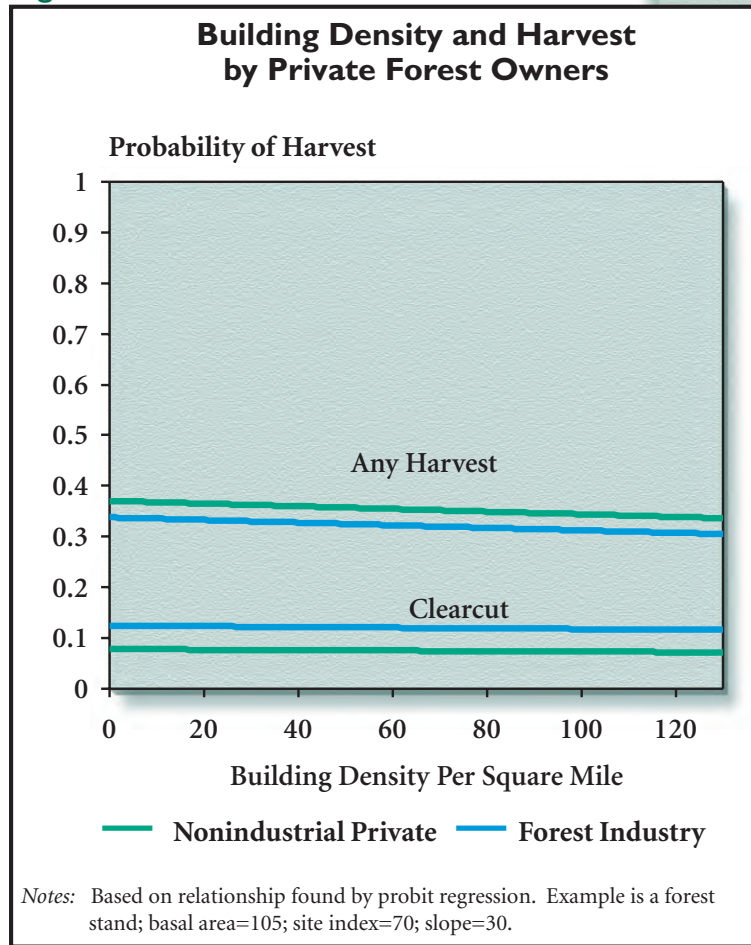
Likelihood of Timber Harvest: If housing development in rural areas has had a negative effect on timber harvesting in western Oregon, we could expect that harvest activities might be less common in more densely populated areas.

Kline and Azuma found the likelihood of any harvest to be influenced by the present value of the stand, slope, and the distance of the stand to existing roads. The likelihood of harvest was greater in the second period than the first, and ownership by nonindustrial private forest owners was not found to have a statistically significant effect on harvest. The study did not find building density to be a statistically significant factor affecting the likelihood that either clearcutting or partial harvest had occurred. Although Figure 16 shows a slight downward trend in the likelihood of harvest as building density increases, that downward trend is not statistically significant.

They also found the likelihood of just clearcutting to be influenced by stand value, site index (the collective influence of soil and climatic factors on the ability of a given site to grow trees), and the distance of the stand to existing roads. Similarly, the likelihood of clearcutting was greater during the second than the first period. In this case the likelihood of clearcutting is also less on forestlands owned by nonindustrial private forest owners (Figure 16).

Furthermore, as with the analysis of clearcutting and partial harvest together, building density was not a statistically significant factor affecting the likelihood of clearcutting as a sole harvest method (Figure 16). Both of these findings run counter to the findings of other studies from the eastern United States, cited above. As before, although Figure 16 shows a slight downward trend in the likelihood of clearcutting as building density increases, that downward trend is not statistically significant.

Figure 16



Forest Stocking: If housing development in rural areas has had a negative effect on timber harvest in western Oregon, we could expect that forest stocking might be lower in more densely populated areas.



Land use policies will increasingly affect the ability to meet the demand for recreation, solitude, and other values.

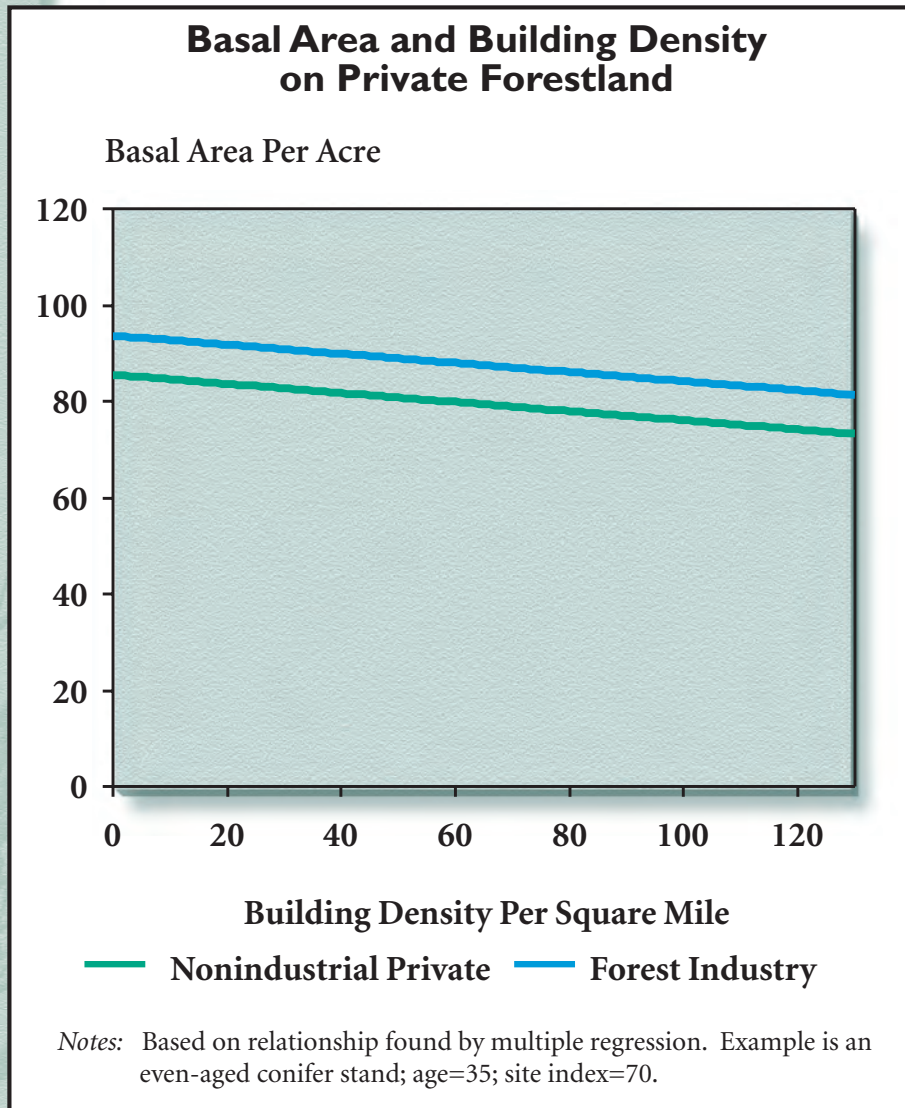
The forest stocking level was influenced by stand age, site index, whether the stand consisted of conifers or hardwoods, owner type, and building density. In particular, ownership by nonindustrial private owners also was found to contribute to lower overall timber volume (basal area) in stands, compared to stands owned by industrial private owners (Figure 17). The study found building density to have a statistically significant negative correlation with timber volume of forest stands (Figure 17). This result tends to support the notion that housing development in rural areas has had some negative effect on forest stocking in western Oregon.

Likelihood of Pre-Commercial Thinning: If housing development in rural areas has had a dampening effect on forest management activities in western Oregon, we could expect that active forest management, such as pre-commercial thinning, might be less common in more densely populated areas.

The likelihood of pre-commercial thinning appeared to be influenced by stand age, the present value of the stand, site index, the distance of the stand to existing roads, owner type, and building density. Pre-commercial thinning was less likely on stands owned by nonindustrial private forest owners, and building density had a statistically significant

negative correlation with the likelihood of pre-commercial thinning on forest stands (Figure 18). This result tends to support the notion that housing development in rural areas has had a negative effect on active forest management in western Oregon.

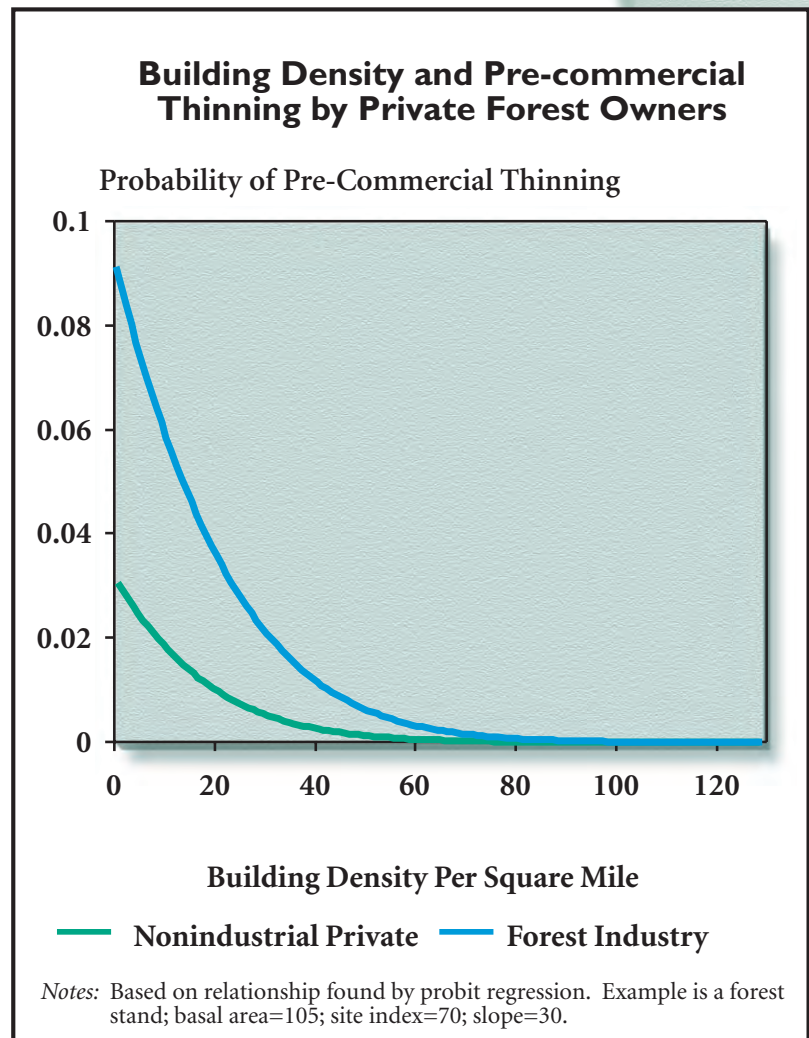
Figure 17



Likelihood of Planting after Harvest: If housing development in rural areas has affected timber management practices in western Oregon, we could expect that investment in forestry by planting trees following harvest might be less common in more densely populated areas.

Kline and Azuma found the likelihood of tree planting following harvest to be influenced by present stand value, site index, the distance of the stand to existing roads, owner type, and building density. Once again, tree planting following harvest was less likely on stands owned by nonindustrial private forest owners, and building density had a statistically significant negative correlation with the likelihood of planting following harvest (see Figure 19 on page 34). Like the findings for pre-commercial thinning and stocking, this result tends to support the notion that housing development in rural areas has had a small but noticeable negative effect on investment in forestry.

Figure 18



More than 80 percent of the shifts in land use in the 27-year study period were from agriculture or wildland forest to low-density residential or urban areas.

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Discussion: The statistical analyses of harvest, forest stocking, pre-commercial thinning, and planting activities on private forestlands in western Oregon indicate that population density does *not* appear to have had a negative impact on harvest activities. However, the analyses suggest that forest stocking, and the likelihood that private forest owners pre-commercially thin stands and plant trees following harvest, does tend to diminish as population density increases.

One potential reason for the weaker relationship between forest management activities and levels of development in western Oregon, when compared to studies by Wear et al. and Barlow et al. in Virginia and Alabama, has to do with the larger proportion of forestland owned by nonindustrial private forest owners near low density residential and urban areas in western

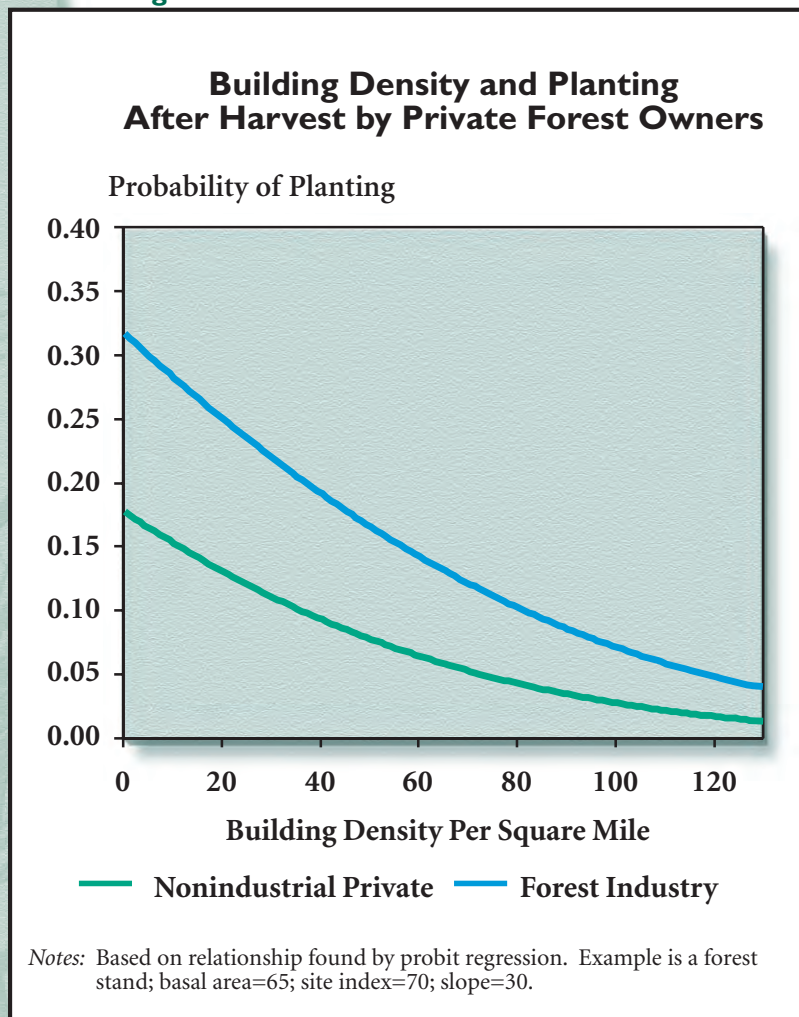
Oregon. Past research in western Oregon and elsewhere has shown that these forest owners tend to manage their forestlands less intensively than do industrial private forest owners. Forestland located near or in low density areas in western Oregon tends to be owned by nonindustrial private forest owners rather than industrial owners. The reason for lower management intensity found in this study on lands located near low density and urban areas could be due in part to their ownership by nonindustrial private owners, in addition to population influences.

Another potential reason for finding a relatively weaker relationship between forest management activities and levels of development in western Oregon is the relatively small number of observations available where forest activities can be observed in low density and

urban settings. It is important to remember that only a small proportion of all forestland in western Oregon is located where such housing development has taken place. Of the sample forested field plots evaluated in our analysis, just 12 percent of plots were located in areas having a building density over 10 buildings per square mile. Only 1 percent of plots were located in areas having a building density over 64 buildings per square mile.

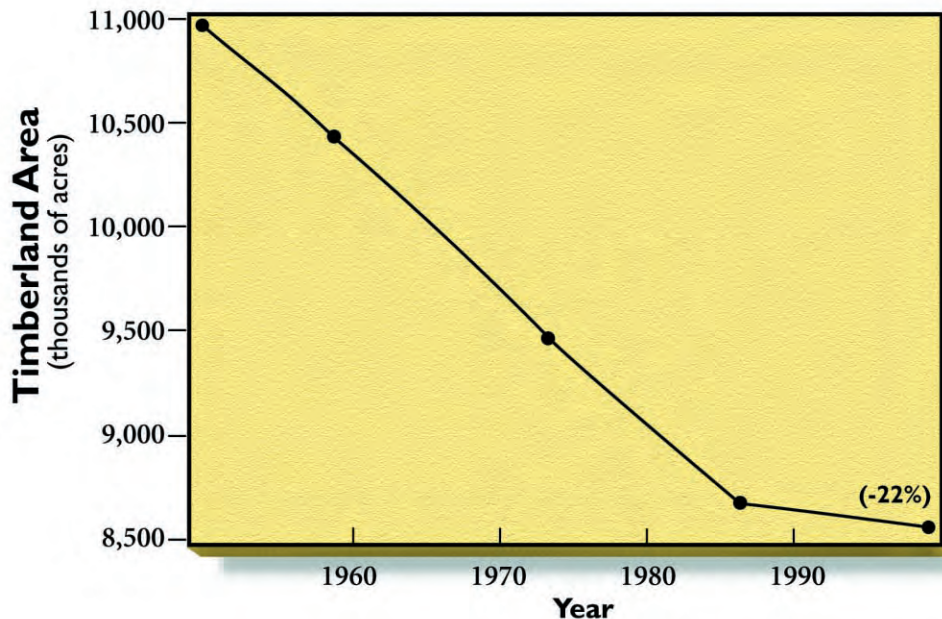
This is not to say that housing development in rural areas should not be a concern of forestry policymakers in the state. On the contrary, population growth rates projected for the future in western Oregon and the negative impact of population density on forest management suggest that forestry policymakers are justified in their concern.

Figure 19



LAND USE POLICY IMPLICATIONS

Figure 20 - Change in Private Timberland Area in Oregon, 1953-1997 (Adapted from Donnegan 2001)



Oregon's land use planning for forest lands (Goal 4 of the Land Conservation and Development Act, Senate Bill 100) is, "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices ...as the leading use on forest land..." Many different policies are either explicitly or implicitly embedded in the statutes and rules that implement the forest lands goal.

The question policy makers can now address with new data and analysis is; are the laws working to support the forest lands goal?

Policy To Conserve Forest Land: *ORS 527.630 (1) "... it is ... the public policy of the State of Oregon to encourage economically efficient forest practices that assure the continuous growing and harvesting of forest tree species and the maintenance of forest land for such purposes as the leading use on privately owned land ..."*

Oregon's comprehensive plans were implemented in the early 1980s, coincident with slowing development of forests and farms. One possible explanation for the slowing rates of conversion of farms and forests is that the land use plans successfully encouraged development to stay within areas specifically zoned for urban expansion or rural residential development. However, declines in population and personal income growth rates also coincided with the slowdown in development, leaving questions about the cause of the decrease in development rates.

In the period from 1994 to 2000 the conversion rate of resource land dropped from 6,000 acres per year to 4,000 acres per year. In this period population and personal income growth rates were again high but the rate of development continued to slow. This is a good indication that the land use program has slowed the rate of resource land conversion (Figure 20).

The land brought into an urban growth boundary or a rural residential area is carefully chosen to minimize commercial impacts on the

farm and forest land base. It is therefore important to analyze how much of the conversion that took place was contained within these designated growth areas. To answer this question we overlaid the photo points with maps showing the zoning designations from county plans produced in the early 1980s. We found that 93 percent of the urban density expansion between 1982 and 2000 went inside the 1980s Urban Growth Boundaries.

However, only 43 percent of the 60,000 acres changing to low density residential uses from farms or forests between 1982 and 2000 was

Policy To Protect the State's Forest

Economy: *ORS 526.460 (2) "... it is the policy of the State of Oregon to provide conditions favorable for long term forestry investments that lead to increased management of and harvest from these lands."*

The effects of scattered residential development on commercial forest productivity are another policy concern that is addressed through the land use planning program. The results of recently published studies suggested that Oregon's policy makers were justified in their concerns about the negative impacts of rural housing development on forestry.

Albeit with a relatively small sample size in areas with development, our statistical analyses of the field plots in Oregon do indicate that the commercial forestry-related investments, such as pre-commercial thinning and planting after harvest, decrease slightly as dwelling density increases.

A large majority (65 percent) of Oregon's private forest land zoned for forest uses remains free from the effects of any population or development. However, the amount of land in the higher density classes

(defined in Table 12) has been increasing over time (Table 13), and about 23 percent of the private lands in western Oregon zoned for commercial forestry have currently a population density approaching or above 20 people per square mile. This statistic is up from 18 percent in 1974, and may indicate a reduction in the amount of forest land that is available for commercial forest management.

within lands zoned for rural residential or urban uses. That means that more than half of additions, approximately 34,000 acres, to low density residential land use (ie. nine or more dwellings per square mile and parcels averaging less than 80 acres) between 1982 and 2000 went into lands that were zoned for forest or farm resource production. Almost all the growth in low-density residential dominant use occurred prior to 1994.



Sixty-five percent of western Oregon's private land zoned for forest uses is still free of the effects that population or development might have on forest management.

Table 13– Percentage of Land Zoned for Forest Uses by Density Class (Private Land Only)

Year	Density Class					
	0	1	2	3	4	5
1973	68.6%	13.8%	12.7%	2.7%	1.3%	0.9%
1982	66.4%	13.4%	12.7%	3.9%	2.0%	1.5%
1994	65.3%	12.6%	12.5%	5.0%	2.4%	2.2%
2000	64.8%	12.0%	12.9%	5.5%	2.4%	2.4%

Even though forest policy makers have been concerned with the negative impacts from rural forest dwellings, Oregon's land use program does not prohibit all forest dwellings or residential uses. Rather, it attempts to segregate the potential conflicts between commercial and residential uses and tries to control the growth of residential uses in a systematic way. Many counties have slight variations on the theme and call their zones by

different names, but in general there are five different types of non-urban land uses on forestland: commercial forest, small scale part-time forestry with a dwelling, mixed farm forest, rural residential, and non-resource. The different land uses are described through a combination of zoning options and rules that control new dwellings and land divisions (see Table 14).

Table 14– Generalized Zone Types and Dwelling Options on Forest Lands

Generalized Land Use Type	Commercial Forest	Small Scale Part-time Forestry with Dwelling	Mixed Farm Forest	Rural Residential	Non-Resource
Description	Large blocks of Commercial Forest	Smaller blocks of forest with a mix of commercial and residential uses	Smaller blocks of forest inter-mixed with agricultural uses	Residential Uses	Forestlands not suitable for commercial timber production
Dwelling Opportunities	Large Lot Dwellings (160-acre parcel or 200-acre ownership)	Large Lot, Template, and Lot of Record dwellings	Large Lot, Template, Lot of Record, Non-farm, and Farm dwellings	Dwellings allowed on all parcels	Dwellings allowed on all parcels
Land Divisions	80-Acre Minimum	80 acres or size that will protect current commercial activities	80 acres or size that will protect current commercial activities	Varies from about 2 to 10 acres	20- or 40-acre minimum
<p>Notes: "Lot of Record dwellings" are allowed on a parcel which was acquired by the present owner prior to January 1, 1985, if the parcel is composed of soil that is not capable of producing 5,000 cubic feet of wood per year of commercial tree species, and is located within 1,500 feet of a public road.</p> <p>"Template Dwellings" are allowed on parcels where all or part of 3 to 11 (depending on soil productivity) other lots or parcels that existed on January 1, 1993 are within a 160-acre square centered on the subject parcel, and at least three dwellings exist on the other lots or parcels.</p>					

Commercial Forest Zones: The majority of the forest in the commercial forest land use type designated in comprehensive land use plans is still dominated by commercial forest operations. These are generally areas with larger blocks of land and few if any dwellings. Land divisions are limited to an 80-acre minimum because it is the minimum parcel size judged by the Legislature to be large enough to protect commercial uses. Dwellings are allowed on ownerships that are large enough to generate a significant portion of a landowner's livelihood from commercial timber production. By rule, dwellings are allowed anywhere in the forest on 160-acre parcels or 200-acre ownerships. Dwellings are also allowed in areas with higher concentrations of existing development (i.e., "template

Small Scale Part-time Forestry with a Dwelling: Development in all commercial forest zones is managed through a set of rules. The pre-1993 rules controlling dwelling and land division approvals were subjective and difficult to implement. People purchased property without knowing if they could build on the land they were purchasing. This caused confusion, frustration, and litigation. The subjective rules also left some policy makers with nagging doubts about whether the rules, because of their subjective nature and uneven implementation, were adequate to protect commercial forest productivity. As a result, the 1993 Legislature created objective standards for new dwellings in all forest zones.

By creating these rules, the 1993 Legislature provided for part of the forest land base to be

Table 15 – Change in Area of Privately Owned Land Zoned Forest by Density Class, 1973-2000, Thousand Acres

Year	Density Class		
	0 and 1	2 and 3	4 and 5
1973-1982	-41	19	22
1982-1994	-31	13	18
1994-2000	-16	14	2

dwellings"), or for landowners that purchased smaller less productive parcels, in areas with county services, before the land use plans were completed (i.e., "lot of record dwellings").

Table 15 shows that areas with population densities above 20 psm, where reductions in forest management were found by Wear et. al. in Virginia, increased by almost 88,000 acres during the period between 1973 and 2000. About 42,000 acres zoned for commercial forestry were added to the highest density classes, 4 and 5, between 1973 and 2000. However, the rate at which these higher density classes were created slowed substantially in the period from 1994 to 2000. Since the economy was robust and demand for rural dwellings was high during that period, we attribute this result to the land use program.

used by small woodland owners who wanted to live on the property and practice part-time forestry. However, because this type of land use is associated with smaller parcel sizes (Row 1978) and increased population (Wear 1999), it produces less timber, and because residential uses can conflict with intensive commercial operations, the legislature limited growth of the small-scale part-time land use. Since smaller parcels are more desirable for residential uses, land divisions are limited to sizes that will protect the type of commercial forestry already existing in the area. The majority of new dwellings are limited to areas that already have substantial numbers of smaller parcels and dwellings.

We cannot precisely calculate the amount of forest land available for dwellings under the rules because we do not have information about individual land parcels. However, from the structure count information collected for this study, we can estimate that all of density classes 4 and 5 plus a substantial portion of density class 3 is available for landowners who want to practice part-time forestry and live in a dwelling on the property. In the forest zones of western Oregon, we estimate that there is between 75,000 to 110,000 acres in this land use.

The implicit policy contained in the law is to fill in areas that are already dominated by small, part-time uses, rather than putting new dwellings into areas without them. Table 16 shows that the majority of the new dwellings put in forest zones between 1994 and 2000

were located in areas that already contained higher dwelling densities. Fifty three percent of the new structures were located in density class 5, where the number of dwellings is highest, and only one percent of the new structures were located in areas with no existing dwellings.



On lands zoned for farm use, the type of crops and the economic value produced per acre may change with development; nursery crops are high value, hay is low value.

Table 16 – Location of New Forest Dwellings between 1994-2000 by 1994 Density Classes, Private Land Zoned for Forest Uses (Percentage)

Year	Density Class					
	0	1	2	3	4	5
1994-2000	1.0%	6.5%	16.0%	8.9%	14.3%	53.2%

Table 17– Percentage of Mixed Farm/Forest Zones by Density Class, 1973-2000, Private Land, Thousand Acres

Year	Density Class					
	0 and 1		2 and 3		4 and 5	
	Thousand Acres	Percent	Thousand Acres	Percent	Thousand Acres	Percent
1973	57	47%	56	46%	9	8%
1982	42	35%	66	54%	13	11%
1994	36	29%	67	55%	19	16%
2000	34	28%	67	55%	21	17%

Mixed Farm Forest Zones: In areas with a mixture of farm and forest uses, some counties have created zones in their land use plans that are acknowledged under both the farm and forest goals. There are about 121,000 acres in these zones. Farm dwellings are allowed on parcels predominantly used for farm purposes, and forest dwellings are allowed on forested parcels, if the applicant meets the respective farm or forest dwelling approval criteria.

Development has been rapid in the farm/forest zones (Table 17). In 1973 about 47 percent of the private land in farm/forest was in a density class with little or no likely impact on forest management, but by 2000 over 72 percent of the farm/forest zones were in or approaching density classes where a reduction in forest management intensity is likely. Population densities are much higher in mixed farm/forest zones than in zones designated as primarily forest.

Rural Residential Zones: In rural residential zones some of the land is still in commercial production, but the predominant use of the land is as residential property (Table 18). To create a rural residential area, local governments must take an exception from the Forest and Farm Lands Goals by showing that the land is already “built and committed” to a residential use or that there is a compelling reason that the land should be zoned residential rather than forest or farm. The land can be divided into small parcels (generally about 2 –

10 acres), and a dwelling can be built on each parcel. There are about 450,000 acres of rural residential areas in land use plans in western Oregon. About 60 percent of the area is occupied by urban or low-density residential uses, and 40 percent is still available for future development.

Table 18 – Dominant land uses within rural residential zones, 2000

Dominant Land Use in Rural Residential Zones	Thousand Acres	Percent
Forest	74	16%
Agriculture	59	13%
Mixed Forest Agriculture	39	9%
Low Density Residential	273	60%
Urban	8	2%
Total	453	100%

Non-resource Zones: Areas of the forest that will not support commercial timber crops, and are not needed to maintain soil, air, water, and fish and wildlife resources, can be zoned as non-resource lands. These areas can then be made available for very low-density residential uses. However, most of the rural land in western Oregon is capable of growing either commercial farm or forest crops. Therefore, few counties have pursued this zoning option. Less than one percent of the private forest land base in western Oregon is zoned as non-resource land.

CONCLUSIONS

The Oregon land use program appears to be slowing the rate of conversion of resource lands to more developed uses in recent years. Statewide, from the 1950s to the present, Oregon has converted more than 20 percent of its privately owned forest land to non-forest uses. But in the period between 1994 and 2000, only 3,000 acres of private wildland forest in western Oregon—less than .05 percent—were converted to more developed uses. The rate of farmland conversion has also slowed. From 1994 to 2000 about 20,000 acres, approximately 1 percent, of private agricultural land in western Oregon was converted to non-farm uses, compared with 114,000 acres, about 5 percent, converted between 1973 and 1982, before the land use plans were in place.

Not only has the land use program reduced the overall rate of conversion of forest and farm lands in western Oregon to more developed uses, but it appears to have been successful at containing urban expansion within areas where planners with local knowledge have judged it will have the lowest impact on farm, forestry, and other non-urban uses.

However, dwelling density continues to increase within forest, agriculture, and mixed forest/agriculture dominant uses.

With land use change numbers through the year 2000, we are now able to provide more of the information about land use in western Oregon that was previously missing. For example, we estimate that:

- There are over 450,000 acres of rural residential land in land use plans in western Oregon. The percentage will vary in each county, but in total about 40 percent of the land area zoned as rural residential has yet to be developed.



Rates of conversion of agricultural land drop as distance from low-density residential or urban areas increases.

- There are between 75,000 and 110,000 acres in lands zoned for forest use and between 40,000 and 60,000 acres in farm-forest zones that are available for use by landowners who want to have a mixture of small scale forestry and residential uses.

The full impact of such development on active forest management remains difficult to assess. Our analysis of forestry activities in western Oregon suggests a considerably weaker relationship between population density and forest management than that found by Wear et al. in four Virginia counties. This may be because Oregon's land use system provides greater stability and certainty for landowner investments in commercial forest crops. Even so, we have found small but statistically significant negative relationships between forest stocking rates and increased population density. We also found that the likelihood that private forest owners will invest in planting trees following harvest and in pre-commercially thinning their forest stands diminishes somewhat as population density increases.

However, no statistically significant relationship was found between population density and the likelihood that forest owners will harvest timber. Currently, Oregon's forestland owners seem to be willing to harvest their timber if it is commercially valuable.

Our results do point to the possibility that in the future the productivity of western Oregon's forests could be affected even by low-density residential development. If there are fewer investments in silvicultural stand improvements over time and forest stocking declines, the potential for commercial timber production will significantly decrease in areas with high levels of residential development.

The Oregon land use laws relating to forestland provide for a mix of land uses. The policy question has always been, "How much of each type of use should be provided and where should it be located?" In the past, the Oregon Legislature had limited information estimating the amount of land in different uses and projecting the changes that different policy options would make to the size of the land base and its productivity.

Many of the 1993 legislative discussions centered on how much of the forest land base would have residential or small-scale, part-time dwelling opportunities. We estimate that about 180,000 acres of rural residential land are still available for development in western Oregon and between 115,000 and 170,000 acres of forest land are available for people who want to

live on the land and practice small scale, part-time forestry. More detailed data from around urban areas could help more strongly confirm, or ultimately change, our findings.

Overall, there are many encouraging signs about land use on western Oregon's highly productive forests and farms.

- Land use change seems for the most part to be occurring where it has been anticipated and planned for.
- Eighty-nine percent of non-federal land in western Oregon remains in forest and agricultural uses.
- Despite increased population and income growth in the last six years, development in resource lands has remained at a very low level.
- Only 2 percent of the wildland forest, 2 percent of the mixed forest/agriculture, and 7 percent of the intensive agriculture is classed as developable based on comprehensive land use plans.
- A large majority (65%) of Western Oregon's private land zoned for forest uses is still free of the effects that population or development might have on forest management.

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- For additional copies of this report or for more information, please contact – Gary Lettman of the Oregon Department of Forestry, GLETTMAN@odf.state.or.us, or Dave Azuma of the Pacific Northwest Research Station, dazuma@fs.fed.us.*

APPENDIX—DETAILED INFORMATION

Table A1	Changes in the area of non-Federal lands in western Oregon, by dominant land use class and date of photography, 1973 to 1982, 1982 to 1994, and 1994 to 2000
Table A2	Total non-Federal land area in western Oregon by owner class and dominant land use classes, 1973, 1982, 1994, and 2000
Table A3	Average structures per square mile on non-Federal lands in western Oregon by dominant land use and ownership classes, 1973, 1982, 1994, and 2000, for land remaining in the same land use classification between 1973 and 2000
Table A4	Average structures per square mile on non-Federal lands in western Oregon, by dominant land use class, date of photography and analysis area, 1973, 1982, 1994, and 2000, for land remaining in the same dominant land use class between 1973 and 2000
Table A5	Total non-Federal land area in western Oregon by owner and structure count classes, 1973, 1982, 1994, and 2000

Table A1 – Changes in the area of non-Federal lands in western Oregon, by dominant land use class and date of photography, 1973 to 1982, 1982 to 1994, and 1994, to 2000^{ab}

	1973 Acres to 1982 Dominant Uses						1982 Acres to 1994 Dominant Uses					
Dominant Land Use Class	1973 Acres	Wildland Forest	Intensive Agriculture	Mixed Forest/ Agriculture	Low- Density Residential	Urban	1982 Acres	Wildland Forest	Intensive Agriculture	Mixed Forest/ Agriculture	Low- Density Residential	Urban
	<i>Thousand Acres</i>						<i>Thousand Acres</i>					
Wildland Forest	7,335	7,235	4	16	80	1	7,238	7,198	2	9	28	1
Intensive Agriculture	2,076	3	1,962	7	72	32	1,967	--	1,940	1	12	12
Mixed Forest/Agriculture	832	--	--	767	62	3	791	1	1	765	18	5
Low-Density Residential	518	--	--	--	491	26	704	--	--	--	692	12
Urban	316	--	--	--	--	316	378	--	--	--	--	378
Total Area	11,078	7,238	1,967	791	704	378	11,078	7,200	1,943	775	751	407

	1994 Acres to 2000 Dominant Uses						
Dominant Land Use Class	1994 Acres	Wildland Forest	Intensive Agriculture	Mixed Forest/ Agriculture	Low- Density Residential	Urban	2000 Acres
	<i>Thousand Acres</i>						<i>Thousand Acres</i>
Wildland Forest	7,200	7,197	--	--	2	1	7,197
Intensive Agriculture	1,943	--	1,924	--	3	17	1,924
Mixed Forest/Agriculture	775	--	--	774	1	--	774
Low-Density Residential	751	--	--	--	747	4	753
Urban	407	--	--	--	--	407	429
Total Area	11,078	7,197	1,924	774	753	429	11,078

-- = less than 500 acres or none found.

^a Totals may be off because of rounding.

^b Does not include land that shifted to or from non-Federal ownership between 1973 and 2000.

Table A2 –Total non-Federal land area in western Oregon by owner class and dominant land use classes, 1973, 1982, 1994 and 2000^{abc}

Dominant Land Use Class	Forest Industry				Nonindustrial Private				Other Public				All Owners			
	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000
<i>Thousand Acres</i>																
Wildland Forest	4,403	4,397	4,392	4,391	1,863	1,779	1,747	1,745	1,067	1,061	1,059	1,059	7,335	7,238	7,200	7,195
Intensive Agriculture	45	44	44	44	1,922	1,818	1,798	1,781	109	105	102	99	2,076	1,967	1,944	1,924
Mixed Forest/Agriculture	51	50	50	51	716	678	662	661	64	62	62	63	832	791	775	775
Low-Density Residential	12	21	25	25	467	638	677	677	38	45	49	49	518	704	751	751
Urban	4	5	5	5	257	313	342	361	55	60	61	64	316	378	407	430
Total Area	4,517	4,517	4,517	4,517	5,226	5,226	5,226	5,226	1,333	1,333	1,333	1,333	11,078	11,078	11,078	11,078

^a Totals may be off because of rounding.

^b Owner class is from a 1997 inventory of non-Federal forest land in western Oregon; owner class for 1973 and 1982 was not determined.

^c Does not include land that shifted to or from non-Federal ownership between 1973 and 2000.

Table A3 – Average structures per square mile on non-Federal lands in western Oregon by dominant land use and ownership classes, 1973, 1982, 1994, and 2000 for land remaining in the same land use classification between 1973 and 2000^{abcd}

Dominant Land Use Class	Forest Industry				Nonindustrial Private				Other Public				All Owners			
	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000
<i>Structures Per Square Mile</i>																
Wildland Forest	0.58	0.84	1.04	1.15	5.61	9.43	11.63	13.09	0.93	1.70	2.03	2.18	1.85	3.04	3.74	4.18
Intensive Agriculture	9.83	12.00	14.09	15.83	16.13	20.60	24.32	26.88	11.93	18.43	25.91	27.21	15.77	20.30	24.18	26.65
Mixed Forest/Agriculture	4.08	6.23	8.08	8.62	10.41	14.03	18.19	20.84	10.87	12.27	17.65	18.87	10.04	13.38	17.49	19.88
Low-Density Residential	42.46	52.00	58.77	64.31	75.49	98.68	120.83	133.58	73.13	100.82	121.95	143.28	74.48	97.67	119.36	132.58

^a Structure counts were not taken on points classified as urban.

^b Structure counts were determined by counting the number of structures within 80-acre circles surrounding each plot.

^c Does not include land that shifted to or from non-Federal ownership between 1973 and 2000.

^d Owner class is from a 1997 inventory of non-Federal forest land in western Oregon; owner class for 1973 and 1982 was not determined.

Table A4 – Average structures per square mile on non-Federal lands in western Oregon, by dominant land use class, date of photography and analysis area, 1973, 1982, 1994, and 2000, for land remaining in the same dominant land use class between 1973 and 2000^{abcd}

		Dominant Land Use Class			
Analysis Area	Date of Photography	Wildland Forest	Intensive Agriculture	Mixed Forest/Agriculture	Low-Density Residential
Structures Per Square Mile					
North Willamette Valley Counties	1973	3.19	18.75	13.16	80.29
	1982	4.55	23.92	18.39	113.12
	1994	5.32	28.53	22.36	136.78
	2000	6.17	31.66	26.75	161.00
South Willamette Valley Counties	1973	0.57	8.26	12.99	71.16
	1982	2.60	11.56	17.98	95.46
	1994	3.09	12.90	23.78	109.22
	2000	3.68	14.50	25.98	118.69
North Coast Counties	1973	1.87	19.17	15.61	82.90
	1982	2.67	26.23	19.18	106.44
	1994	3.19	28.54	23.33	122.90
	2000	3.40	30.13	24.10	131.35
Southwestern Counties	1973	1.87	21.93	7.25	68.70
	1982	2.76	26.48	9.21	80.61
	1994	3.63	34.03	13.20	109.44
	2000	3.92	36.30	14.56	116.24
Western Oregon	1973	1.85	15.77	10.04	74.48
	1982	3.05	20.30	13.38	97.67
	1994	3.76	24.18	17.49	119.36
	2000	4.20	26.65	19.88	132.58

^a Structure counts were not taken on points classified as urban.

^b Structure counts were determined by counting the number of structures within 80-acre circles surrounding each plot.

^c Does not include land that shifted to or from non-Federal ownership between 1973 and 2000.

^d Owner class is from a 1997 inventory of non-Federal forest land in western Oregon; owner class for 1973 and 1982 was not determined.

Table A5 – Total non-Federal land area in western Oregon by owner and structure count classes, 1973, 1982, 1994, and 2000^{abc}

Structure Count Class	Forest Industry				Nonindustrial Private				Other Public				All Owners			
	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000	1973	1982	1994	2000
<i>Counts Per Square Mile</i>	<i>Thousand Acres</i>															
0-4	4,300	4,248	4,211	4,192	2,362	2,082	1,921	1,857	1,097	1,082	1,069	1,065	7,760	7,414	7,203	7,114
5-8	118	130	139	148	822	752	741	717	68	60	60	59	1,008	942	940	925
9-16	39	51	59	59	515	512	482	480	30	34	36	34	585	597	576	573
17-32	34	50	59	61	541	610	616	608	31	38	34	33	607	698	709	703
33-64	14	23	30	35	392	500	540	560	24	24	30	31	430	547	601	626
65-96	3	3	6	7	138	198	239	257	11	15	17	17	152	216	262	281
96+	4	6	7	9	197	270	363	386	16	21	28	30	217	298	399	424

^a Structure counts were not taken on points classified as urban.

^b Structure counts were determined by counting the number of structures within 80-acre circles surrounding each plot.

^c Does not include land that shifted to or from non-Federal owner class between 1973 and 2000.



Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands

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by the
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Katy Coba, Director**



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Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands

As part of its *New Look at Regional Choices*, Metro, the regional government serving the Portland metropolitan region, asked the Oregon Department of Agriculture (ODA) to inventory and assess the region's agricultural lands and to provide suggestions relating to policy directions that may be considered in protecting the region's agriculture industry.

Metro describes the *New Look* as a "...collaborative effort to find new, creative ways to absorb the arrival of a million new residents in this region in the next 25 years, while preserving the values of our long-term vision." Metro's current vision relating to agriculture is set out in the following excerpt from the *Metro Regional Framework Plan*:

1.12 Protection of Agriculture and Forest Resource Lands

It is the policy of the Metro Council to:

1.12.1 Agricultural and forest resource lands outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Planning Goal 10 Housing and Goal 14 Urbanization, are of equal importance to Goal 3 Agricultural Lands and Goal 4 Forest Lands which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.

1.12.2 When the Metro Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Metro Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region.

1.12.3 Metro shall enter into agreements with neighboring cities and counties to carry out Council policy on protection of agricultural and forest resource policy through the designation of Rural Reserves and other measures.

1.12.4 Metro shall work with neighboring counties to provide a high degree of certainty for investment in agriculture and forestry and to reduce conflicts between urbanization and agricultural and forest practices.¹

ODA has supported and continues to support these policies. Recognizing the issues and tasks ahead of Metro and the implications to one of the state's most valuable agricultural regions, ODA agreed to conduct an inventory and assessment with a focus on analyzing the ability of regional agricultural lands to conduct long-term viable commercial agricultural operations.

¹ Metro Regional Framework Plan, Chapter 1 - Land Use

Before discussing the inventory and assessment, it is important to get grounded in the role agriculture plays in the region.

Metro Agriculture: General Character

Metro² agriculture is best described as richly diverse. Food, fuel, seed, fiber and flora crops can all be found in production within the region. Intensive and extensive agricultural practices are employed, as are dryland and irrigated crop production. Many of the attributes that are key to successful and sustainable agriculture can be found within the region. Excellent soils, moderate climate, water for irrigation, access to markets and an accessible transportation system are some of the examples of the key attributes.

The physical landscape includes stream floodplains and terraces, Willamette Valley prairies, rolling to steep hillsides, and river and creek canyons that bisect the varied agricultural surfaces. The vast majority of soils found in the region are considered high-value farmland soils; a good percentage of those are also designated as prime farmland. Twenty percent of the state's prime farmland and 12% of the state's high-value farmland are located in the Metro region.³

Metro Counties Agricultural Soils

Acres of prime farmland, nonirrigated	238,951
Acres of Class I-IV agricultural soils, nonirrigated	672,722
Acres of Class I-IV agricultural soils, irrigated	562,055

Below are numbers from the 2002 Census of Agriculture that reflect the character of region farms in terms of size and production. At first glance, the raw number of farms appears to indicate that the nature of the region's agriculture is small-scale. It is important to note that the character of the region's agriculture, in terms of its footprint on the land and production, is dominated by farms that produced and sold \$10,000 or more of agricultural products or normally would have been sold \$10,000 during the census year. While lifestyle and small-scale farms are common in the region, they do not reflect the nature of the region's commercial farms. Over 63% of the region's 380,222 acres of land in farms and 88% of the market value of agricultural products sold are attributed to farms that produced and sold \$10,000 or more of agricultural products or normally would have been sold \$10,000 during the census year.

² "Metro" refers to the area under the jurisdiction of the Metro Regional government and for the purposes of this report includes the entire land area found in Clackamas, Multnomah, and Washington Counties.

³ Soil Survey Geographic (SSURGO), <http://soildatamart.nrcs.usda.gov/>, USDA Natural Resource Conservation Service.

	Clackamas	Multnomah	Washington			
Farms, number	4,676	1,234	710	238	1,900	662
Land in farms, acres	215,210	119,932	34,329	21,503	130,683	98,542
Avg. size of farm, acres	46	97	48	90	69	149
Irrigated land, acres	26,927	23,322	7,780	7,536	25,182	23,822
Market value of ag products sold/farm	\$71,002	\$263,279	\$95,143	\$278,875	\$122,010	\$345,588
	All farms ⁴	10K Farms	All farms	10K farms	All farms	10K

Metro Agriculture: Economic Contribution⁵

In 2006, agriculture directly and indirectly contributed nearly \$12 billion to the state's economy. This equates to 10% of Oregon's gross state product and more than 9% of all employment in the state.

<p>Agriculture purchases over <u>\$3 billion</u> in goods and services.</p> <p>+ Farmers add land, capital and management to produce over <u>\$4.3 billion</u>.</p> <p>+ Processing adds another <u>\$1.5 - \$2 billion</u>.</p> <p>+ <u>\$2.3 billion</u> in wages and salaries are generated through the process.</p> <hr/> <p>= Nearly \$12 billion in direct and indirect impact on Oregon's economy</p>

⁴ The census definition of a farm is any place from which \$1,000 or more of agricultural products were produced and sold, or normally would have been sold, during the census year.

⁵ Sources for economic data discussed in this section include:

- USDA National Agricultural Statistics Service (NASS), Oregon Field Office
- Oregon Agricultural Information Network, OSU Extension Economic Information Office.
- Census of Agriculture, Oregon State and County Data, USDA NASS
- Oregon Employment Department

Agriculture is a key traded sector in Oregon, ranking 1st in the volume of exported products and 3rd in the value of exported products. Over 80% of this production left the state, with 40% leaving the country.

Metro (jurisdiction) counties play a significant role in the state's agricultural production. In 2005 the value of production in the three counties was \$714,547,000, nearly 17% of the state's total value of production. Clackamas County ranked 2nd and Washington County ranked 3rd in the state in overall farm and ranch sales. And it is easy to underestimate the value of Multnomah County. The smallest county in Oregon in terms of land area and the largest in terms of population, Multnomah County ranked 14th out of all 36 Oregon counties in farm sales.

County gross farm and ranch sales, 2005		
Rank	County	Dollars
1	Marion	\$539,629,000
2	Clackamas	\$361,918,000
3	Washington	\$274,885,000
4	Umatilla	\$274,763,000
5.	Yamhill	\$264,038,000
6.	Linn	\$248,812,000
7.	Morrow	\$233,396,000
8.	Malheur	\$206,426,000
9.	Klamath	\$200,749,000
10.	Polk	\$130,052,000

Other quick facts:

- All three counties rank in the top five in terms of greenhouse and nursery production, the states number one ranked commodity. Metro counties account for over 50% of state production value.
- All three rank in the top five in the production of caneberries.
- Metro counties account for over 40% of the acreage in the state planted in small fruits and berries.
- Metro counties account for nearly 38% of the state sales of Christmas trees. Clackamas County ranks 1st, Washington County 6th.
- 60% of the Port of Portland's total export tonnage is agricultural products.

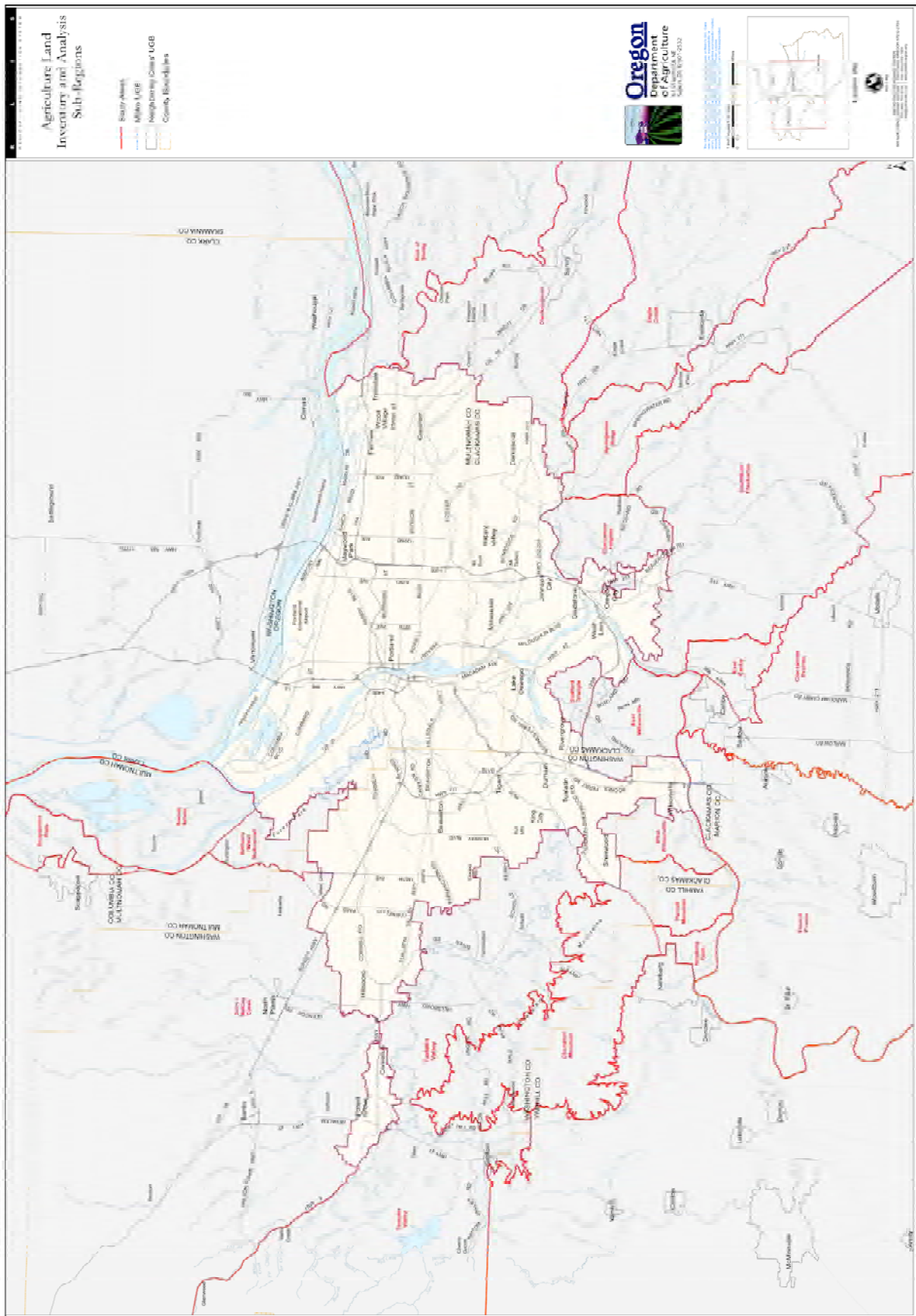
- Multnomah County leads Oregon in food processing with more than 22% of the payroll and 20% of the employees.
- Clackamas County ranks in the top five in the production of:
 - Greenhouse and nursery (1)
 - Christmas trees (1)
 - Caneberries (2)
 - Hazelnuts (4)
 - Blueberries (3)
 - Strawberries (3)
 - Eggs and poultry (2)
- Multnomah County ranks in the top five in the production of:
 - Greenhouse and nursery (5)
 - Caneberries (5)
 - Strawberries (5)
- Washington County ranks in the top five in the production of:
 - Greenhouse and nursery (3)
 - Caneberries (3)
 - Pears (5)
 - Wine grapes (3)
 - Hazelnuts (3)
 - Blueberries (2)
 - Strawberries (2)
 - Grass and legume seeds (5)

Process

Study area and subregions

The area analyzed for this report includes the three Metro counties and portions of adjacent counties that are increasingly influenced by land use in the Metro region. In many instances, agricultural lands found in the Metro region operate as part of larger blocks of agricultural lands. All together, the study area includes Clackamas, Columbia, Marion, Multnomah, Washington and Yamhill counties.

Recognizing the diversity of the region's physical and cultural landscape and the size of the area involved, the larger region was divided into agricultural subregions for this analysis. Topography, agricultural land use, connectivity, edges and barriers were key factors in establishing the subregions. The result was recognition of 20 separate subregions, listed below. A more detailed description of each subregion can be found in the analysis.



Agricultural Subregions of the Northern Willamette Valley

- | | |
|------------------------|----------------------------|
| 1. East of Sandy River | 11. East Wilsonville |
| 2. Clackanomah | 12. West Wilsonville |
| 3. Eagle Creek | 13. Parrett Mountain |
| 4. Springwater Ridge | 14. Newberg Flats |
| 5. Clackamas Heights | 15. Chehalem Mountain |
| 6. Southeast Clackamas | 16. Tualatin Valley |
| 7. East Canby | 17. Dairy/McKay Creeks |
| 8. Clackamas Prairies | 18. Bethany/West Multnomah |
| 9. French Prairie | 19. Sauvie Island |
| 10. Stafford Triangle | 20. Scappoose Flats |

Analysis of each of these subregions involved field investigation, consultation with local planning agencies, soil and water conservation districts and farmers, and review of technical data from Metro and ODA geographic information systems. Data fields included:

Soils

Topography (slope and aspect)

Zoning

Existing land use and vegetation inventory

Parcelization and ownership

Water rights, irrigation districts, ground water restricted areas

Existing land use (aerial photography)

Analysis factors

The assessment provided in this report is best described as an analysis of the site and the situation of a subject area. Analysis of site and situation is best understood as an examination of both the capability (ability of the land to produce an agricultural product) and the suitability (ability to conduct viable farm use) of any given tract of land to be utilized for farm use. The key factors employed to identify significant and intact agricultural lands are discussed below.

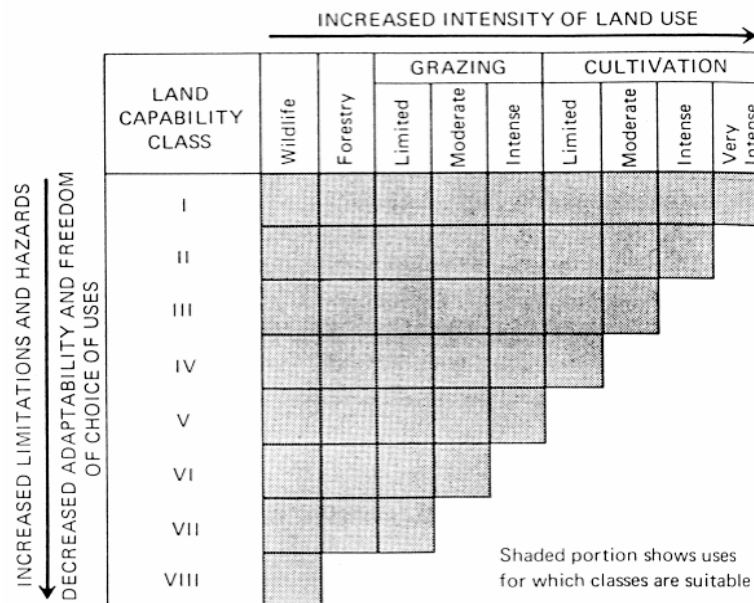
Capability factors

The physical ability of land to produce an agricultural product is a key and dominant factor in any assessment. Quantity and quality of soils and water play a significant role in the viability of agricultural production.

- ❑ Soils: USDA NRCS agricultural capability class and importance (prime, unique, important farmlands). Overall, soils are a major asset for Metro agriculture. Because soils play a key role in this analysis and Oregon land use issues, a more detailed discussion is provided below.

Soils surveys are based on all the characteristics of soils, including climate, that influence their use and management. Interpretations are provided within soil surveys for various land uses, including agriculture. Among these interpretations is the grouping of soils into agricultural capability classes. This classification system places soils in eight capability classes. The better the agricultural capability (decreasing from I-VIII), the less management (input) is required by the operator to produce a crop. Soil quality is also a key to the production options available to a grower.

The soils in the first four classes (I-IV), under typical/good management practices, are considered arable and are capable of producing adapted plants and common cultivated field crops and pasture plants. Some soils in classes V-VII are capable of producing specialized crops and even field and vegetable crops under special management.



Soils can also be designated as prime, unique, or high-value farmland:

Prime Farmland is land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber and oilseed crops. It must be available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not exclusively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Unique farmland is land other than prime farmland that is used for the production of specific high value food and fiber crops. It has the special combination of soil quality, location, growing season and moisture supply needed to produce economically sustained high quality and/or high yields of a specific crop when treated and managed according to acceptable farming methods. Some examples of crops are tree nuts, cranberries, wine grapes, and tree fruits.⁶

High Value Farmland is defined in ORS 215.710(1), (3) and (4) and OAR 660-033-0020(8)(a), (c), (d) and (e). “High Value Farmland” is land in a tract composed predominantly (50.1%) of certain specified soils commonly referred to as “High Value Farmland Soils.” These soils (alone or in combination) are the following:

1. Those soils classified by the Natural Resource Conservation Service (NRCS) as:
 - a. Prime, Unique, Capability Class 1 or Capability Class 2 not irrigated; or
 - b. Prime, Unique, Capability Class 1 or Capability Class 2 if irrigated; and
2. Certain specifically listed Capability Class 3 and 4 soils for the:
 - a. Willamette Valley; and
 - b. Oregon Coast west of the summit of the Coast Range if used in conjunction with a dairy operation on January 1, 1993; and

High-value farmland also includes other lands planted in specified perennials based on the 1993 Farm Service Agency air photos.

- ❑ Water: Availability of water for irrigation of agricultural crops and livestock watering. Water is key to the production of many high-value crops. However, many crops, including high-value crops, can be produced using dryland agricultural practices. Dryland production is most feasible where precipitation is adequate to allow economic return on a nonirrigated crop. New technologies in delivery and storage can compensate for limited availability.

Water availability is both an asset and a threat to regional agricultural. Current availability is overall good throughout the region. Expansion in some areas, especially where groundwater is the major source, is severely limited by ground water limitations. Such limitations do not impair the use of existing water rights. It is especially important to recognize existing agricultural irrigation in groundwater restricted areas because new irrigation rights currently are difficult to obtain. The development of valid Measure 37 claims may compromise the availability of ground water to existing water rights.

⁶ Soil Survey Manual, USDA Handbook No. 18, issued October 1993, USDA Soil Survey Division Staff.

Metro Region Water Restrictions

Chehalem Mountain Ground Water Limited Area:

Classified for exempt uses, irrigation and rural residential fire protection systems only. New permits may be issued for a period not exceeding five (5) years, for fire protection and for drip or equally efficient systems only if it is determined that the proposed use and amount would not pose a threat to the groundwater resource or existing permit holders. The amount of water permitted for irrigation is limited to one acre-foot (v. 2.5) per acre per year. Permits may be extended for additional five-year periods.

Parrett Mountain Ground Water Limited Area:

Ground water from the basalt aquifers in this area is classified for exempt users only.

Sherwood-Dammasch-Wilsonville Ground Water Limited Area:

Ground water from the basalt aquifers in this area is classified for exempt users only.

Damascus Ground Water Limited Area:

Ground water from the basalt aquifers in this area is classified for exempt users only.

Sandy-Boring Ground Water Limited Area:

Ground water from the shallow Troutdale aquifer and the specially designated portion of the deep Troutdale aquifer is classified for exempt uses only.

Cooper Mountain – Bull Mountain Critical Ground Water Area:

Limited to exempt uses only on parcels 10 acres or greater in size.

Ground water-surface water hydraulic connection:

Ground water within unconfined alluvium within 1/4 mile of the banks of a stream or surface water source is presumed to be in hydraulic connection within the surface water source and shall be classified the same as the surface source.⁷

Suitability factors

Most of the suitability factors can be related to the position of farming operations as part of a large block of agricultural land or other resource lands. Protecting and maintaining large blocks of agricultural land is key to maintaining the integrity of working lands. Integrity involves many issues including the ability to operate with limited conflicts,

⁷ The Oregon Department of Water Resources should be contacted for more detailed information about water restrictions.

curtail speculative land values and maintain a critical mass of land sufficient to leverage the infrastructure needs of the industry.

- ❑ Land use pattern: Adjacent and area land use pattern (nonfarm uses, exception areas). Includes analysis of edges that provide workable buffers between agricultural lands and nonfarm uses.
- ❑ Agricultural land use pattern within the subject agricultural area: The types of crops grown and the ability of farming operations/practices associated with the producing these crops to co-exist with other land uses in the area can be an important factor.
- ❑ Parcelization (number and size), tenure and ownership pattern: In analyzing suitability, parcelization is important, but not always as a stand-alone factor. All other factors being equal, smaller parcels under multiple ownerships are less favorable for long-term commercial farm use. The practice of renting or leasing smaller (and larger) parcels is very common in the region and needs to be taken into account. Long term, if the smaller parcels are protected for farm use, they frequently become available for rent, lease or acquisition for farm use, especially if they do not contain dwellings. See discussion of trends in agriculture below.
- ❑ Agriculture infrastructure: Elements such as transportation, irrigation delivery, labor availability, processing and other service needs, agricultural special districts, drainage facilities, etc., can be important factors in the long-term viability of an area. It is important to note that, unlike the infrastructure needs for new urban development, the agricultural infrastructure is in most cases already in place and has been and is being maintained and updated on an ongoing basis.
- ❑ Zoning, within subject agricultural area: Many lands currently employed in farm use within the Metro region are not zoned for exclusive farm use. The long-term suitability of such areas is impacted by the nonfarm uses that may be permitted and by the ability to further partition or subdivide the area.
- ❑ Location in relationship to adjacent lands zoned for nonresource development:
 - The number, size and length of edges with urban and other nonfarm development impact the efficiency and effectiveness of agricultural practices and can impact land values.
 - The scale, shape and size of protrusions of nonresource lands into agricultural lands also impact efficient and effective agricultural operations.
 - Certain nonfarm uses are more compatible with agricultural operations than others.
 - The ability to further partition or subdivide.
- ❑ Location/availability of edges and buffers that help insulate and protect agricultural operations from nearby nonfarm use.

Other factors

- ❑ Concentration/clusters of farms:
 - The dependence between farms: ability for sharing of labor, housing, equipment and other needed services can be critical to the bottom line.
 - The ability to leverage agriculture's infrastructure needs by maintaining economies of scale.
 - A cluster of farms can also have marketing value. Customers like to make one trip to obtain berries, fruits, vegetables and other products in one area. Agri-tourism can also benefit from clusters. Examples include winery tours, marketing by the Tri County Farm Fresh Food Guide, and the Hood River Valley "Fruit Loop."
- ❑ **Trends** in regional agriculture create different needs, opportunities and abilities for the industry. Consumer trends are increasingly dynamic and segmented, creating new markets; markets that are rapidly changing and demanding more specialty products. Specifically:
 - Global trade opportunities and concerns.
 - Demand for organic, sustainable, high quality foods both in the home and at restaurants.
 - Farmers markets, direct marketing opportunities, development of specialty and niche crops.
 - "Agri-tourism".
 - Increasing demand for biofuels/energy development. Agricultural practices associated with the production of commodities used in the production of biofuels tend to be more extensive in nature, usually do not require irrigation and tend to require the use of larger machinery.
 - Growing recognition of food security issues and demand for products from the local food shed.
 - Federal Farm Bill. New conservation incentives and other programs related to renewable energy and farmland protection could help region farms cope.
 - Measure 37: We have opted to not attempt to base much on analysis on the potential impacts from Measure 37 claims because there is so much uncertainty as to how much development will actually result from claims determined to be valid. Having said this, review of the data currently available from Portland State University does show a great deal of the Measure 37 claims in the region to be located within high-value, exclusive farm use-zoned agricultural lands.

Location within and near a major metropolitan region can be a major asset in light of the trends outlined above. Many of the intensive, high-value, niche and specialty crops in increasing demand can be produced under circumstances not otherwise conducive to more recognized agricultural production in the region.

Analysis and Conclusions

The department would emphasize that it found little land currently zoned for agricultural use that it considers to be miszoned. Local governments have done an excellent job identifying and providing protection for the region's agricultural lands.

The inventory and analysis did identify varying intensities, scale and suitability situations within the regions agricultural lands. That led to the development of an agricultural lands hierarchy that recognizes three levels of agricultural lands found in the region. These are:

Foundation Agricultural Lands are agricultural lands that provide the core support to the regions agricultural base. These lands anchor the region's larger agricultural base. They incubate and support the larger agricultural industry and are vital to its long-term viability. They have the attributes necessary to sustain current agricultural operations and to adapt to changing technologies and consumer demands.

Important Agricultural Lands are agricultural lands that are suited to agricultural production and contribute to or have the capacity to contribute to the commercial agricultural economy. These lands maintain the ability to remain viable over the long-term. They have the potential to be Foundation Agricultural Lands, but tend to be not utilized to their full potential. Trends in regional agricultural could lead to a greater development of the agricultural capacity of these areas.

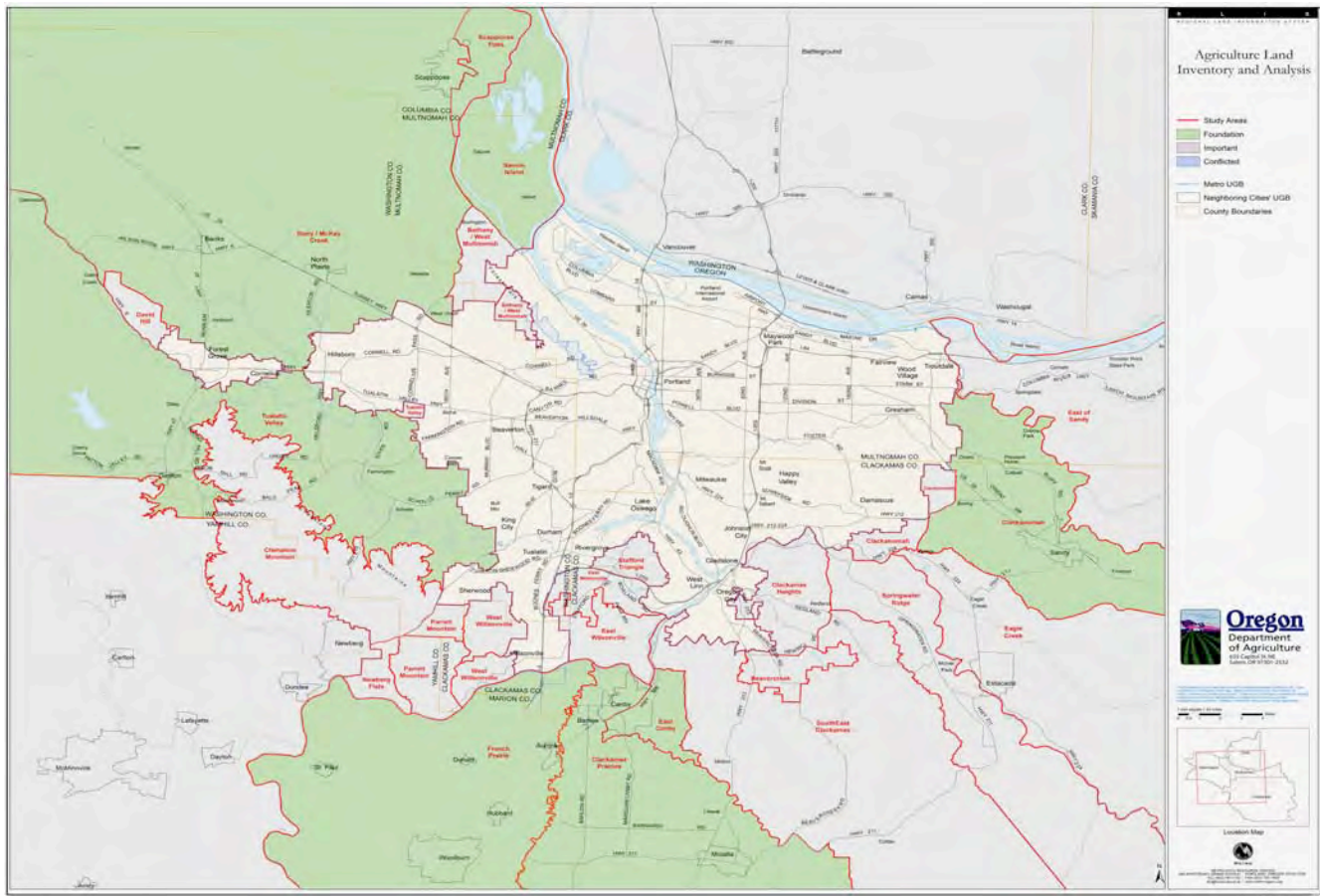
Conflicted Agricultural Lands are agricultural lands whose agricultural capability (soils/water) is more times than not considered excellent but whose suitability is questionable primarily due to questions of integrity and ability to operate. These questions lead to issues of long-term viability. These lands are influenced by factors that diminish long-term certainty, which in turn tends to limit investment in agricultural operations by area farmers. These lands could become Important Agricultural Lands with changes in circumstances and trends in the industry. There may be individual or multiple operations within these areas that are conducting efficient, effective and viable operations.

A list and map of subregions/areas within each category is found below. A detailed discussion and analysis of each subregion follows. It is important to review the detailed discussion for each subregion. Many times the discussion includes important conditions that need to be implemented or that affect the final conclusion at which level a subregion or area has been categorized.

Foundation Agricultural Lands

- ❑ Clackanomah*
- ❑ East Canby
- ❑ Clackamas Prairies
- ❑ French Prairie
- ❑ Tualatin Valley*
- ❑ Dairy/McKay Creeks*
- ❑ Sauvie Island
- ❑ Scappoose Flats

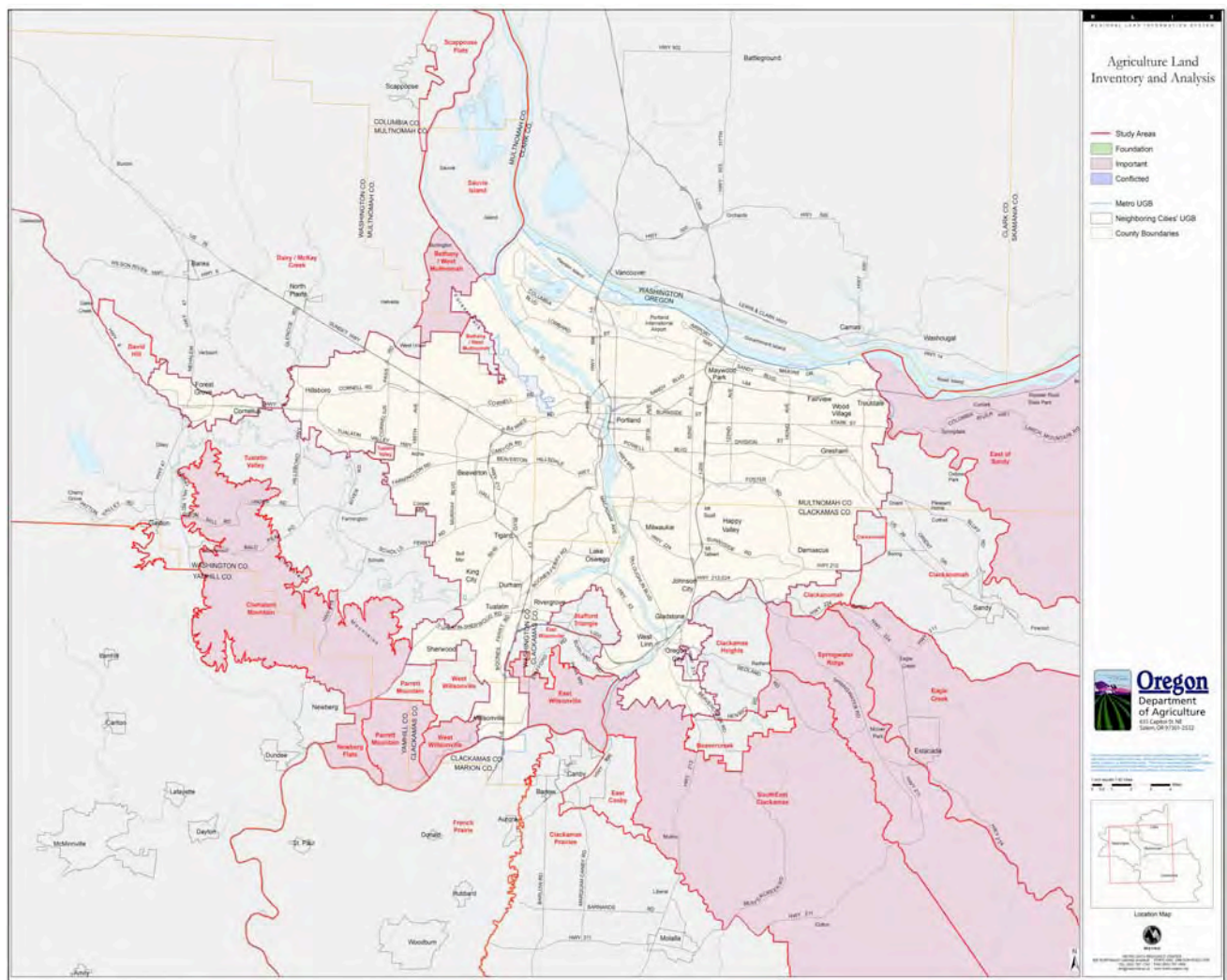
*Part of the subregion is considered Conflicted Agricultural Land; see detailed subregion analysis and map.



Important Agricultural Lands

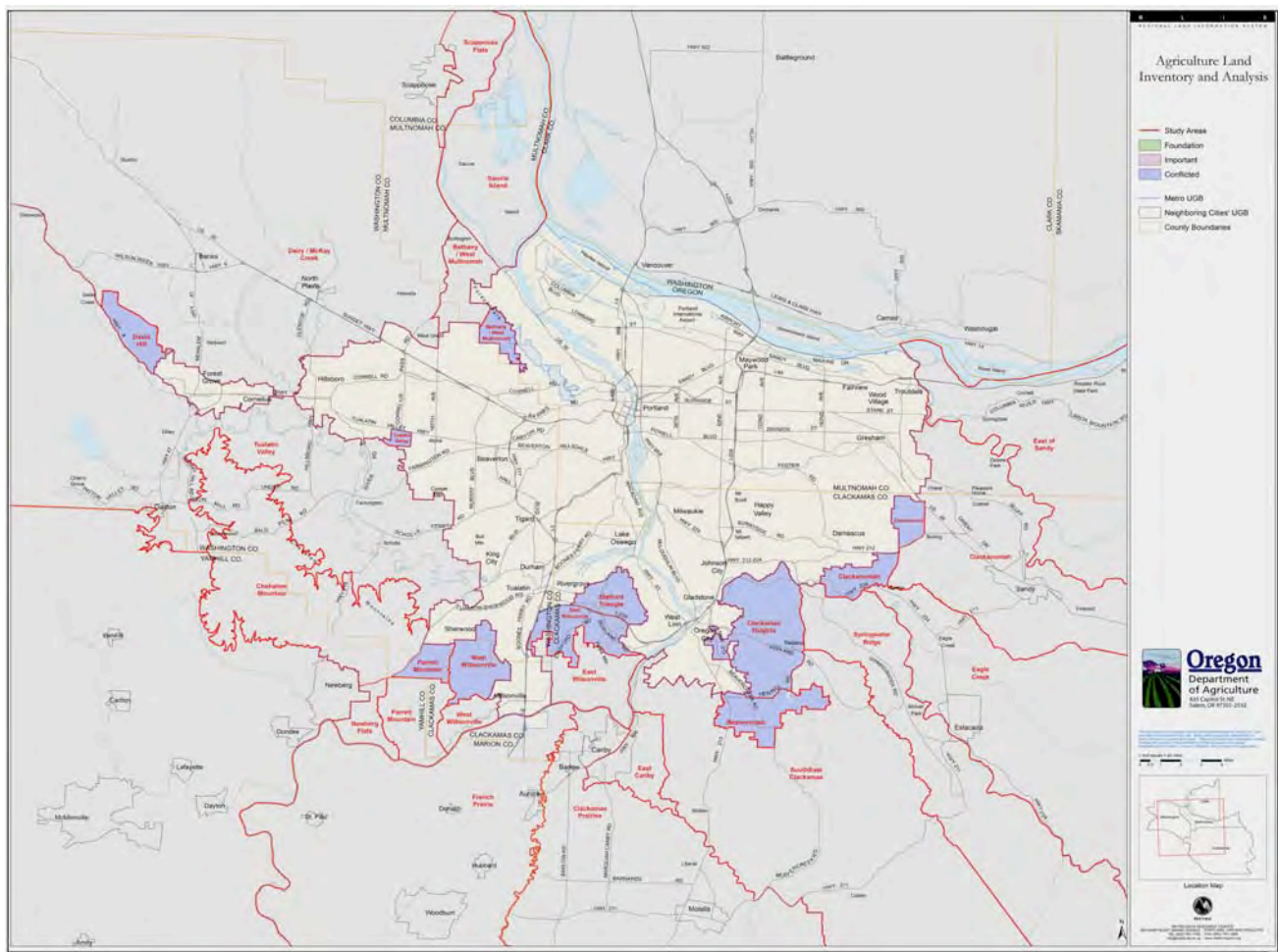
- ❑ East of Sandy River
- ❑ Eagle Creek
- ❑ Springwater Ridge
- ❑ Southeast Clackamas*
- ❑ East Wilsonville*
- ❑ West Wilsonville*
- ❑ Parrett Mountain*
- ❑ Newberg Flats
- ❑ Chehalem Mountain
- ❑ Bethany/West Multnomah*

*Part of the subregion is considered Conflicted Agricultural Land; see detailed subregion analysis and map.



Conflicted Agricultural Lands

- ❑ The area located between the Damascus UGB, the Clackamas River and Noyer Creek (located within the Clackanomah subregion)
- ❑ The area located north of Boring and Highway 212 and west of 282nd Avenue (located within the Clackanomah subregion)
- ❑ Clackamas Heights (entire subregion)
- ❑ Beaver Creek Area (located within the Southeast Clackamas subregion)
- ❑ Stafford Triangle (entire subregion)
- ❑ South I-205 Crescent (located within the East Wilsonville subregion)
- ❑ West Wilsonville north of Mill Creek (located within the West Wilsonville subregion)
- ❑ North Parrett Mountain
- ❑ South Hillsboro Notch (part of the Tualatin Valley subregion)
- ❑ David Hill (part of Dairy/McKay Creeks subregion)
- ❑ Bethany/West Multnomah south of the powerline (part of the Bethany/West Multnomah subregion)



East of Sandy River

This subregion is located north and east of the Sandy River extending out to the Columbia River to the north and to private and National Forest lands to the east and southeast. It is characterized by steeply rolling hills and gently sloping benches. Multiple steep creek canyons originating from springs bisect the area. There are diverse agricultural endeavors in the subregion including larger vegetable and berry fields, pasture and hay, Christmas trees, nursery stock, a few orchards and small horse and cattle farms. A few full-time agricultural operations exist in the area. Smaller part-time commercial and lifestyle farms are common.

Analysis

Capability

Excellent soils are located within this subregion. Agricultural capability is predominantly Class II and III, nonirrigated. Soils located on the bench land located west and south of Corbett are designated as prime farmland. These soils have the capability of supporting a good diversity of products. Issues related to erosion and wind present management concerns, particularly near the Columbia River. Erosion issues associated with area high winds can be effectively managed with traditional methods. Issues associated with wind damage and desiccation to vegetation can present limitations to crop and timber production. The only management for winter desiccation is vegetative windbreaks. Areas with high winds, especially edge areas, face limitations in the types of crops that can be grown due to damage/deformation of vegetation (flagging).

Irrigation in this area is dependent almost entirely on ground water. No restrictions are currently in place that would limit the development of new ground water sources. Some landowners have reported decreased ground water capacity in the last few years.

Suitability

This area shares an edge with the Metro UGB for a short distance along the Sandy River at Troutdale. The majority of this edge is located within the Columbia River Gorge National Scenic Area. A small portion of the urban area is located east of the Sandy River along Highway 30. This urban area is physically buffered from area agricultural lands by bluffs located along the river.

Parcel size was not determined to be a limiting factor in our review. Tract and field size is appropriate for the character of agriculture in the area. Existing land use regulations limit the ability to further divide area agricultural lands. Nonfarm uses exist in throughout the area and there is little documented history of conflicts with agricultural operations in the area.

Much of the area agricultural land blocks up with forest lands. The remaining exception lands are concentrated in and around the Corbett and Springdale communities and along Highway 30. Exception lands located away from these communities are zoned by Multnomah County as Multiple Use Agriculture 20 (MUA 20). It is important to note

that while these “exception lands” are not protected under Statewide Planning Goal 3, the MUA20 zone affords similar if not better protection than EFU zoning and much better protection to agriculture than traditional rural residential zones commonly found in exception lands. The Scenic Area Management Plans also affords protection within the National Scenic Area.

Other considerations

The location both near the Portland metro area and within a recreational area provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks and small farms producing high-value products for sale to the urban market are not uncommon and are increasing in the area. This lends it self to greater opportunities for smaller parcels and parcels located within exception areas to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products.

No major infrastructure issues are apparent.

Conclusion

Overall, this area is well suited for the continued production of agricultural and forest products. Some issues with wind nearer the Columbia River impact the types of crops and management required. Some crops may be limited in the future due to lack of ground water. Local conservation officials are encouraging drip and other water conservation practices. The area is well buffered and protected from urbanization.

Clackanomah

This agricultural subregion is located east of Portland, Gresham and Damascus straddling U.S. Highway 26. It is bounded on the east and north by the Sandy River, the south by Kitzmiller Road, the west by the metro urban growth boundary and southwest by Deep Creek. The area extends east out to the private and National Forest lands. This area is characterized by gently rolling hills bisected by moderate to steep stream originating from springs. Agriculture in this region includes large-scale nursery (container, in ground stock and greenhouses), berry and Christmas tree operations. Hay, pasture and orchards are not uncommon. A large number of small nurseries and horse and cattle farms are located throughout the region. This is especially evident in areas of suburban infill characterized by smaller parcels and nonresource zoning.

Analysis

Capability

Overall, soils within the region are well suited to production agriculture. Agricultural capability generally reflects a north-south distinction. Soils with higher clay content are located south of a line generally corresponding with Bluff Road, while soils north of said line tend to be a sandier loam. This distinction also reflects agricultural capability class. Soils to the north are Class II while soils to the south are Class III. It is important to note

that soils in both of these areas are also designated as prime farmland. In fact, with the exception of a lava dome area located immediately west of Highway 26 just northwest of the community of Boring, most soils located north of Tickle Creek and west of 352nd Avenue are designated as prime farmland.

Irrigation is an important element in the operational character of agriculture in this subregion. This area is extensively irrigated. Irrigation sources are almost entirely dependent on ground water. This area includes the Damascus and Sandy/Boring Ground Water Limited area. This ground water limited area is located in the Clackamas County portion of the area; it does not extend into Multnomah County. New wells for agricultural irrigation are precluded by the restrictions associated with this designation. Because the designation does not implicate existing water rights, lands with irrigation rights are especially valuable to the continued production of high-value crops in the area. Conservation managers recommend feasibility studies and construction of purple water systems when considering new water sources for use on agricultural lands in the future. Drip irrigation is highly advisable for both surface and ground water conservation.

Suitability

This area shares an edge with the urban growth boundary running from Troutdale in the north to the Clackamas River, southwest of Damascus. The City of Sandy and its associated urban area are located in the eastern portion of the subregion. Lands designated as agricultural land block up into larger resource land units when evaluated with the adjacent forest zoned lands. This subregion contains several large areas of exception lands. Areas of note include:

- Boring/Lava Dome area running parallel to the UGB generally north to south. This area is heavily parcelized and includes more intensive commercial center related uses in and around the Boring Rural Center. These exception lands do not protrude into agricultural lands located to the southeast. An isolated tract of land zoned exclusive farm use is located north of Highway 212 just outside the UGB. It is surrounded on all sides by rural residential development and like-zoned land.
- A finger intrusion of exception lands extends east from Highway 26 and Boring. It is located north of and adjacent to Highway 212/Compton Road. This area is zoned for rural residential use. This area is heavily divided into parcels predominantly ranging from two to ten acres in size. Small-scale agriculture is common. While some larger commercial nursery operations are located in this exception area associated with operations located to the north and south, most operations are small.
- A finger intrusion of exceptions lands extends east from Gresham in the Orient area straddling Dodge Park Road. While this area is an exception area, Multnomah County has zoned it Multiple Use Agriculture 20 (MUA-20). The MUA zone affords much better protection than the rural residential zoning in place in Clackamas County and comparable protection to that provided by

EFU zoning. The MUA-20 zone limits land divisions to the creation of 20-acre or greater parcels and limits the scale of nonfarm uses, in several cases more restrictively than state law. This area located west of Orient Drive is more heavily parcelized with smaller parcels, similar to the Highway 212 finger. Few parcels receive farm value special assessment. The eastern part of this area (east of Orient Drive) contains many parcels that exceed 20 acres in size. Tracts of land in this area receive farm value assessment and are in farm use. Throughout the MUA area it is not uncommon to see multiple parcels being managed together for agricultural use, especially nursery production.

Agricultural lands within and near this area have also been afforded additional protection by an intergovernmental agreement (IGA) between the City of Gresham and Multnomah County. The IGA recognizes the need to protect adjacent agricultural lands by planning for a buffer which among other things plans the urban edge for industrial uses that are generally more compatible with agricultural than residential, commercial and some public uses.

- Adjacent to the City of Sandy rural residential exceptions areas ring the UGB to the south, northwest (straddling Highway 26) and to the east. With the exception of an area located north of Highway 26, these exception lands contain larger parcels with a mixture of small woodlands and small agri-forest operations.
- A strip of exception lands extends out from the UGB along Beaver Creek out to Barlow High School. This area is split zoned by Multnomah County. The western end along Beaver Creek is zoned Rural Residential. The eastern end is zoned MUA-20. Most of the parcels located in the MUA-20 portion receive farm value special assessment and are in farm use. Beaver Creek and its associated riparian corridor provide a good edge/buffer between urban land uses and agricultural operations located to the east.
- Between the UGB at Damascus and the Clackamas River a block of lands zoned rural residential abut the UGB. This area is part of a peninsula-like tract bounded by the UGB, the Clackamas River and the deeply incised Noyer Creek.

Parcel size within the lands zoned for exclusive farm use is not a limiting factor. Tract and field size is appropriate and conducive to the character of agriculture in the subregion. It is apparent that few if any nonfarm land divisions have occurred within the designated agricultural lands. It was also apparent that the high-value nature of agricultural production in the area has lead in many cases throughout the area to the management of several smaller parcels as a farm tract, regardless of ownership. Tenure includes fee ownership, lease and rent. Nonfarm uses outside the exception areas are not widespread.

Other considerations

This subregion is an important part of a larger nursery industry cluster located in the northern Willamette Valley. Operations associated with the production of nursery products, while intensive in nature, have co-existed relatively well with low-density rural residential development. The area is also well known for berry, vegetable and Christmas tree farms that increasingly take advantage of their location in the metro area by the direct marketing and promotion of their products. Easily accessible by major transportation routes, this area is ideally located to take advantage of the increasing demand to obtain food from the local food shed. This leads toward greater opportunities for smaller parcels and parcels located within exception areas to cater towards the increasing demand for local products.

Transportation is an important issue to the nursery industry also. While it is true that major transportation corridors are located within and near the region, it is increasingly more difficult to move nursery products to these corridors, especially Interstate 84, and then on to markets located outside the state. Restrictions placed on large tractor-trailer trucks relating to certain local streets and roads have created some concerns in the industry. While not a factor that severely limits the ability of nurseries to operate, it is an issue to monitor.

Conclusion

Overall, this subregion is significant agricultural land if for no other reason than it produces high-value products important both to the traded sector economy and the increasingly important local food shed. Physically, the area is well suited to agriculture. Excellent soils and existing water availability is key. In light of the limitations in the Clackamas County portion of this subregion on future ground water withdrawals, it is important to protect lands with existing irrigation from conversion to nonfarm uses. It will also be important to consider protecting water rights associated with agriculture from transfer to other lands and nonfarm uses.

The number, size and configuration of exception areas within this subregion at first glance appear to impact the ability of farms in the vicinity to operate efficiently and effectively. As discussed above, large parts of the exception areas protruding into agricultural lands are in farm use and/or are protected by zoning for farm use. These “exception” agricultural lands, exclusive farm use zoned lands and forest zoned lands in many cases block up into larger blocks of resource land which maintain the ability of farms within to viably operate.

This being said, there are some smaller areas within the subregion where long-term viability is at question. These areas include:

1. The area located between the Damascus UGB, the Clackamas River and Noyer Creek. This area includes two islands of land zoned exclusive farm use that are separated by rural residential exception lands. The larger island includes a large nursery operation. There is no substantial commercial scale agriculture occurring within the exception areas. The eastern part of the area

is located in a notch of the current urban growth boundary that contains multiple edges. While no final plan has been adopted as to the ultimate land use of the urban lands located adjacent to this notch, the current land use of the developed lands is higher density residential. There are no evident opportunities to buffer residential uses from adjacent agricultural lands. Primary access is from the urban area and is, in effect, a dead-end. Conversely, the Clackamas River and Noyer Creek provide good opportunities to buffer any future nonresource development from the larger blocks of agricultural lands located to the south and to the east. These buffers could also provide hard edges to the UGB, providing long-term protection and certainty to the large blocks of high-value agricultural land located south of the Clackamas River and south of Boring.

2. The area located north of Boring and Highway 212 and west of 282nd Avenue extending into the current UGB. Most of this area is zoned rural residential. Little if any commercial agriculture is occurring within these rural residential lands. Higher density residential development and parcelization preclude any significant, viable commercial farm use. A small island of land zoned exclusive farm use is located in a notch formed by the UGB and Highway 212. This isolated EFU tract is completely surrounded by exception lands. The community of Boring is located immediately to the southwest and the City of Damascus to the west. This small area is isolated from larger blocks of agricultural land in the vicinity. Little opportunity exists to provide adequate buffers and the size of the tract limits its ability to provide for long-term effective operations as a stand-alone block.

Noyer Creek, the North Fork Deep Creek and their associated “canyons” border the area to the east. The Clackamas River and associated steeper terrain is located south of the area. Recent open space acquisitions by Metro are also found along the Clackamas River. These physical features would provide excellent hard edges and buffers between urban development and the large blocks of agricultural lands located within the Clackanomah and Springwater Ridge subregions. The “development” of open space along this edge provides an excellent buffer and helps to reinforce the river as a hard edge.

Beaver Creek may also provide an opportunity to provide an edge between agricultural lands to the east and the cities of Gresham and Troutdale to the west.

Development of infrastructure such as drip irrigation discussed earlier in this section is expensive, requiring an investment that will pay off over time. Because of the time element, farmers are looking for a degree of certainty that their operation will be viable at a given location before they continue to invest in needed improvements and land.

The region should continue to support the urban-rural edge defined in the agreement between the City of Gresham and Multnomah County to protect area agricultural lands located outside the UGB.

Eagle Creek

This narrow agricultural subregion parallels the Clackamas River and straddles Highway 224. It reaches from the Damascus/Barton area on the northwest to private and federal timberlands to the east and southeast. It is bordered on the west by the Clackamas River and to the north by Hwy 212, 232nd Avenue, and Deep Creek. The area is characterized with variable soils – predominantly clay and cobbly influenced with silt loam inclusions– bisected by steep creek canyons and moderately sloping benches in the northeast to flat on the southwest. The area has numerous forestland inclusions located adjacent to or intermixed with agricultural lands. Christmas trees and cattle farms are the prevalent farm use. Small nurseries, berry, horse and cattle farms are common. A large nursery is also located within the subregion.

Analysis

Capability

Excellent soils on flats and benches dissected by steep, incised streams best describe the land base in this subregion. Agricultural capability is predominantly Class II, nonirrigated. Unlike most areas in the metro region, a good deal of the soils located on the bench east of Highway 224 become Class I when irrigated. The vast majority of agricultural soils located within the subregion are designated as prime farmland.

Irrigation is provided by a combination of surface and ground water sources. The northwest corner of the region is adjacent to the Damascus-Sandy Ground water Limited area.

Suitability

This area shares no edge with the current Metro UGB. The City of Estacada is in the southeastern one-half of the subregion in an area of mixed rural residential, farm and forest uses. The rural community of Eagle Creek is located in the northern one-half of the subregion along with substantial rural residential exception areas located east of and adjacent to Highway 224. Small-scale and lifestyle agriculture is not uncommon in many of the exception areas. The largest area of lands zoned for farm use is located west of Highway 224 between the community of Eagle Creek and Estacada. While this area share edges with rural residential exception areas, these edges are relatively short. These and most other agricultural lands within this subregion share edges and block up with lands zoned for forest use. These combined “resource lands” form good size blocks that afford for good overall operating integrity.

Parcel size was not determined to be a limiting factor in our review. Tract and field size is appropriate for the character of agriculture in the area. In fact, good parcel and tract size is strength in this area. Existing land use regulations limit the ability to further divide area agricultural lands into parcels too small to be managed as agricultural units.

Nonfarm uses exist in throughout the area, predominately within the exception areas. There is little documented history of conflicts with agricultural operations in the area.

Greater potential for conflict exists in the areas zoned for mixed farm and forest use located east of Estacada. Here the farm/forest zoned lands share numerous edges with rural residential exception areas.

Other Considerations

Farm stands, U-picks and small farms producing high-value products for sale to the urban market are not common in this area. Great soils combined with location near the Portland metro area provide excellent opportunities for the direct marketing and promotion of agricultural products. This lends to greater opportunities for smaller parcels and parcels located within exception areas to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the lands zoned for agriculture are conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels could help to meet the growing demand for biofuel/bioenergy products in the region.

No major infrastructure issues are apparent.

Conclusion

Overall, this area is suited for the production of agricultural and forest products. Prime farmland soils are predominant in the flat bench areas. Parcel size remains large and is conducive to intensive and extensive agricultural operations. Agricultural and forestlands combine into larger blocks of resource land to provide ability to operate with limited conflicts.

Springwater Ridge

This narrow agricultural subregion is bounded on the north and east by the Clackamas River, on the west by Clear Creek and by Fischers Mill and Hattan roads, and extends southeast into private and federal timberlands. The area has numerous forestland inclusions, especially along the Clackamas River. Large-scale Christmas tree operations are the predominant farm use. Smaller agricultural operations include nursery, Christmas trees, berries, and hay land.

Analysis

Capability

Soils in this subregion reflect the changing landscape of the area as it progresses west away from the Clackamas River and south into large blocks of forestland. Upper bench lands located north of Redland Road contain Class II, prime farmland soils. The lower bench between Foster Creek and the Clackamas River contains wetter soils. This is reflected in agricultural capability classification. This lower bench area contains predominately Class IV soils and is not designated prime farmland. The area located south of Redland Road reflects the transitory nature of the area. The smaller flat bench areas are Class II soils. Lands containing steeper slopes corresponding with the

woodland nature of operations in the area are Class III agricultural soils. While some soils are designated prime in this area, most are not.

Most of the agricultural land involves dryland operations. Irrigated land is almost entirely dependent on ground water. Use of surface water (snow water source is minimal) is limited. Wells require great depth for the most part.

Suitability

This area shares a short edge with the current Metro UGB along the Clackamas River. It also is bounded by the Clackamas Heights subregion to the west, which is characterized by a great deal of higher density rural residential development. The edge between these two subregions contains a good deal of land zoned for forest use. The City of Estacada is located across the Clackamas River in the southeastern one-half of the subregion in an area of mixed rural residential, farm and forest uses.

Parcel size was not determined to be a limiting factor in our review. Tract and field size are appropriate for the character of agriculture in the area. In fact, good parcel and tract size is strength in this subregion. Existing land use regulations limit the ability to further divide area agricultural lands into parcels too small to be managed as agricultural units. Nonfarm uses exist throughout the area, predominately within the exception areas near Estacada. The northern one-half of this subregion contains fewer, more isolated rural residential clusters that are also very small in area. There is little documented history of conflicts with agricultural operations in the area.

Other Considerations

Farm stands, U-picks and small farms producing high-value products for sale to the urban market are not common in this area. Excellent soils combined with location near the Portland metro area provide excellent opportunities for the direct marketing and promotion of agricultural products. This leads to greater opportunities for smaller parcels and parcels located within exception areas to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the lands zoned for agriculture are conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels could help meet the growing demand for biofuel/bioenergy products in the region.

No major infrastructure issues are apparent.

Conclusion

Overall, this area is suited for the production of agricultural and forest products. Prime farmland soils predominant the flat bench areas. Parcel size remains large and is conducive to intensive and extensive agricultural operations. Agricultural and forestlands combine into larger blocks of resource land to provide ability to operate with limited conflicts.

Clackamas Heights

This small subregion is located south of the Clackamas River, west of Hatton and Henrici roads, east of the Oregon City UGB and north of Henrici Road. This subregion has few flat areas found within steep rolling hills dominated by timber inclusions bisected by numerous creek canyons. This area has numerous rural residential and rural residential/non-farm inclusions. There are very few industrial forestland parcels in this area. There are some large parcel, production agriculture operations generally corresponding with lands zoned Exclusive Farm Use by Clackamas County. The main agricultural commodities are row crops, hay land, Christmas trees and nursery (in ground, greenhouse and container). The area includes a large number of horse and cattle farms.

Analysis

Capability

Soils in this subregion are Class II along the Clackamas River within the floodplain and on flat plateau-like areas located along Henrici, Redland and Forsythe roads. These soils are also designated as prime farmland. Lands containing steeper slopes, the hilly areas and ravines characterized by woodland, contain Class IV and VI soils.

Irrigated agricultural is found along the Clackamas River and on the upper bench farmlands. These lands correspond with those zoned Exclusive Farm Use by the county. This subregion is almost entirely dependent on ground water for irrigation. The area is not within any designated ground water limited area.

Suitability

The agricultural integrity of this area is seriously impacted by urbanization along its western edge with Oregon City and the predominant rural residential development pattern located within the subregion. An island of over 640 acres of active, large-scale farm use blocks up with forestlands in the northern part of the area. This island is isolated from other metro area large-scale farming operations by large blocks of rural residential exception areas. Access to this island is via steep, narrow and winding roads that carry good to heavy volumes of residential traffic. Smaller blocks of Farm/Forest zoned land are located in the southern part of the subregion.

While many of the rural residential areas include some larger size parcels and small-scale and lifestyle agricultural activities, heavy parcelization and associated nonfarm development combined with rural residential zoning (potential for additional nonfarm development) provide few long-term opportunities to develop a block of viable farming operations. The larger parcels located outside the EFU zoned lands that are found throughout the area are located within and next to concentrations of smaller parcels.

Other Considerations

Small farms producing high-value products for sale to the urban market are becoming more common in this area. Excellent soils combined with location near the Portland

metro provide excellent opportunities for the direct marketing and promotion of agricultural products. This lends to greater opportunities for smaller parcels and parcels located within exception areas to produce crops that cater to the ever growing demand for locally produced food and other agricultural products.

The transportation in this subregion is a combination of bad and poor routes. There are some good major routes, but these are bottlenecked by urban connector streets to region highways. Narrow, winding roads characterize some of the roads with no or very little shoulders.

Conclusion

Overall, this area has limited ability to sustain long-term, viable commercial agricultural operations due to parcelization, nonfarm development and zoning that recognizes both the parcelization and nonfarm use. Few opportunities exist to buffer the few blocks of agricultural land from adjacent lands zoned for residential development and urbanization. Opportunities exist for small-scale agriculture that focuses on the demand for local agricultural products.

Southeast Clackamas

This broad agricultural subregion is generally bounded by Oregon City and Henrici Road to the north, Clear Creek to the east, and by the Molalla River and Mulino, Central Point and New Era roads to the west. The subregion extends southeast into private and federal timberlands. The topography is characterized by moderately to steep rolling hills dominated by timber inclusions bisected by numerous creek canyons. Forestland inclusions become smaller and less dominant from the east to the west.

Agricultural operations in this subregion reflect a transition from forestland to prairie lands. A corridor of agricultural land exists along Redland Road, eventually transcending into a solid block of forestland from the northwest to the southeast. Similar to the Springwater Ridge region, agriculture is characterized by a mixture of large and small-scale operations producing Christmas trees, berries, nurseries, hay and pastureland and cattle and horse operations. Small woodlot management is also common, especially as one travels further south out Redland Road.

To the southeast of the Beavercreek area agricultural and forest operations extend out along Beavercreek Road and Upper Highland Road. Christmas trees, pasture and small woodland management characterize the Highland Road area. To the south along Beavercreek Road, Christmas trees and larger woodlot and timber management are prevalent. Cattle operations are also common. Closer in to the community of Beavercreek the character of agriculture includes high-value livestock production, berries, flowers and some Christmas trees. It is not uncommon to see smaller operations producing crops for sale at area farmers markets.

To the south of Oregon City and west of and along Highway 213, the agricultural landscape begins to diversify. Christmas trees are still common as are livestock operations. Reflecting the transition of topography, nurseries, dairies and field crops become more common.

Analysis

Capability

Soils in this subregion are overall well suited for agricultural production. The majority of the area is comprised of Class II agricultural soils. Away from the terraces and floodplain of the Molalla River, a ridge of Class III and IV soils runs from the northwest around Union Hill to the southeast along Milk Creek. Similar soils are also found along the southern edge of the Oregon City UGB and south of Beaver Lake along Abernethy Creek.

Irrigation in this subregion has a combination of both surface and ground water sources. Most irrigated land is found along the Molalla River and in the New Era area south of Oregon City. No part of this subregion is located within a ground water-limited area.

Suitability

With the exception of the area within and around the community of Beavercreek, the agricultural character of this subregion can perhaps be best described as an agricultural block in the western one-third, and a forest block with agriculture occurring where the topography flattens out in the eastern two-thirds. The Beavercreek area is better characterized as rural residential with small-scale farm/forest and lifestyle operations. Each area is discussed in greater detail below.

The western one-third of the subregion has few suitability limitations. Rural residential exception lands are either located at the edges or are relatively small in area with few opportunities for further land division. The northern edge corresponds with the Oregon City UGB. It is well buffered by topography and forestlands, which are zoned for forest use under state law. The western and southern edges abut large blocks of agricultural lands zoned for exclusive farm use and the eastern edge borders with a large block of forest zoned land. Parcel size is not a limitation.

Within the eastern two thirds, agricultural lands at first glance appear to be more isolated in nature. However, when analyzed together with adjacent forest zoned lands, these smaller blocks of agricultural zone form much larger blocks of resource lands that work together to provide the integrity needed to ensure long-term ability to conduct farm and forest operations effectively. Parcel size within lands zoned for exclusive farm use is well suited for commercial farm use. Within the lands zoned Farm-Forest along Upper and Lower Highland roads, parcel size is similar to that of some rural residential areas. However this area is buffered from larger-scale farm and forest operations by a block of forestland made up of large sized parcels, most 80 acres or more in size. This forest-zoned land extends to the north to block up with EFU zoned lands located along Redlands Road.

The broader Beaver Creek area is the most compromised area within this subregion. It would not be a stretch to describe this area as an extension of the urban area. This area shares an edge with the Oregon City UGB and the Clackamas Heights subregion and includes the area around Beaver Lake. While there are several larger tracts in farm use and while small scale and lifestyle agriculture is not uncommon within the exception lands, this area is dominated by higher density rural residential development and other nonfarm uses. The recent addition of a golf course in the area and its associated residential development add to the pressure and demand for further division of the remaining larger tracts located within the exception lands. Zoning in place would not preclude the further division of the larger rural residential parcels. South of and adjacent to Henrici Road a block of EFU zoned lands is located in a notch of exception lands that nearly surround and cut them off from the larger block of agricultural lands located to the southeast

Other Considerations

Small-scale intensive agriculture with a focus on the urban market, combined with good soils, provides a greater incentive to put smaller tracts in otherwise conflicted areas into farm use.

Conclusion

Outside the greater Beaver Creek area, this area is suited for the production of agricultural and forest products. Prime farmland soils predominate the flat bench and shallower sloped areas. The size of parcels remains large and is conducive to intensive and extensive agricultural operations. Agricultural and forestlands combine into larger blocks of resource land to provide ability to operate with limited conflicts. In the Beaver Creek area, residential and other nonfarm use, parcelization and potential for future development place severe limitations on the long-term viability of this area for commercial agricultural production.

East Canby

This agricultural subregion is bounded on the west by the City of Canby and the Willamette River, on the north by New Era Road, on the east by Central Point Road and the south by the Molalla River. It is characterized by rolling foothills and bisected by moderately sloping creek drainage. The agricultural sector becomes much more diversified and includes row crops, annual grasses, grass seed, nursery, berry crops, hay and pasturelands, Christmas trees and horse farms.

Analysis

Capability

Soils within this subregion with few exceptions are high-value Class I and II agricultural capability and are designated as prime farmland. A belt of Class I soils ring the City of Canby. This is one of the few areas of undeveloped Class I soils in the Metro region.

This subregion begins an area of intensive irrigation that extends into the heart of the Willamette Valley. Abundant water is available from both ground and surface water sources.

Suitability

This area shares an edge with the City of Canby. There are no major protrusions of urban land extending into agricultural lands. The only exception area lands within the subregion are located north and adjacent to Canby along the Willamette River. These exception lands are more an extension of the city and do not protrude out into the core agricultural block. All other edges are shared with commercial agricultural lands. There are no islands of exception lands located within the subregion.

Parcel size overall is large and well suited to the diversity of agricultural crops produced in the area. There is also evidence of management across larger tracts comprised of several parcels. Few nonfarm uses are located within the subregion. The agricultural block is zoned EFU. Because the soils in this area are high-value, few if any nonfarm dwellings or land divisions are allowed by the current zoning.

Other Considerations

Only the Molalla River separates this subregion from the heart of Willamette Valley agriculture. It is well connected to the service infrastructure found within the prairies and, in terms of agricultural function, should be considered a part of this larger block of significant agricultural land. Irrigation, drainage and transportation infrastructure are well established.

Conclusion

This subregion contains some of the best soils within the entire region and operates as a part of the larger prairie block of agricultural land that dominates the Willamette Valley south of the metro area. There are little if any issues related to the ability of farms to conduct farming operations. Long-term, a potential threat could relate to the character of any future expansion of the Canby UGB. Because Canby is not part of the Metro planning region, planning decisions are not required to be coordinated with other jurisdictions located in the region.

Clackamas Prairies

This agricultural subregion is located south of the Molalla River and east of the Pudding River extending southeast to the public and private timberlands of the Cascade foothills. Farm uses are diverse in scale and crop type and include the production of annual and perennial grass seeds, Christmas trees, berries, nurseries (in-ground and container), some greenhouses and irrigated annual row crops. There are also cattle, sheep, dairy and poultry operations.

Analysis

Capability

A variety of deep silt loams, many with drainage management issues, are located within this subregion. A large block of Class I agricultural soils are located immediately south of the Molalla River straddling Lone Elder Road. The vast majority of the remaining soils are Class II. Outside of narrow bands associated with the small streams, which drain the subregion, the soils are all designated as prime farmland.

This subregion is extensively irrigated by both surface and ground water sources. Few opportunities for additional surface water withdrawals currently exist. There are large numbers of ground water withdrawals. Static ground water levels are known to drop significantly in the late summer, particularly in the more southern portions of the subregion. This subregion includes the Glad Tidings, Kingston, and Mt. Angel ground water limited areas.

Suitability

The northern part of this subregion shares an edge with the City of Canby on its west side. The Molalla River provides a good buffer and edge along a portion of the urban area. The City of Molalla and the community of Marquam are located within the southeastern part of the subregion. There are no major protrusions of urban land that extend out into agricultural lands. The only exception area lands within the subregion are located adjacent to the cities of Canby, Molalla and Barlow. In most cases, these exception areas are more an extension of the subject city and do not protrude out into the core agricultural block. All other edges are shared with commercial agricultural and forestlands. There are no islands of exception lands located within the subregion.

Parcel size within the lands zoned EFU is overall large and well suited to the diversity of agricultural crops produced in the area. There are groupings of smaller sized parcels located in the northern one-half of the region. There is also evidence of management across larger tracts comprised of several parcels. Few nonfarm uses are located within the subregion.

The subregion agricultural block is zoned EFU. Because the soils in this area are high-value, few if any new nonfarm dwellings or land divisions are allowed by the current zoning.

Other Considerations

Only the Molalla River separates this subregion from the heart of Willamette Valley agriculture. It is well connected to the service infrastructure found within the prairies and in terms of agricultural function, should be considered a part of this larger block of significant agricultural land. Irrigation, drainage and transportation infrastructure is well established. Major agricultural service centers in the region include Woodburn, Hubbard, Donald and Canby. There are numerous smaller service sites that cater to specific needs of the industry such as Marquam and Monitor. Irrigation and drainage infrastructure is well developed throughout the subregion. Transportation routes are well

developed providing excellent access to area agricultural operations. There are some issues with moving farm machinery on the heavier traveled main routes. This generally is not a major limitation.

Conclusion

This subregion contains some of the best soils within the entire region and operates as a part of the larger prairie block of agricultural land that dominates the Willamette Valley south of the metro area. The overall integrity of the subregion is excellent with no major issues impacting the ability of farms to operate efficiently and effectively. Current infrastructure needs are well met.

Long-term a potential threat could relate to the character of any future expansion of the Canby UGB. Because Canby is not part of the Metro planning region, planning decisions are not required to be coordinated with other jurisdictions located in the region.

French Prairie

This agricultural subregion is located west of the Pudding River and south and east of the Willamette River extending south to the Woodburn and St. Paul areas. The subregion is characterized by large flat terraces and plains bisected by moderately sloped creek canyons. It is also bisected by Interstate 5 and Highway 99E. The agricultural sector includes large amounts of grass seed, annual grasses, grass sod productions, nurseries (in ground, container and greenhouses), orchards (filberts and tree fruits), row crops, berry crops, and Christmas trees. There are also a significant number of dairy and livestock operations, poultry and egg farms.

Analysis

Capability

The soils within this subregion can generally be described as deep silt loams with mucky soils in creek and rivers bottoms. Drainage can be a problem in these soils if not managed and maintained properly. This is especially true for areas tiled in the 1940s and 1950s and in need of repair or replacement. Agricultural capability is predominantly Class II. Wetter soils are Class III and IV. The vast majority of the soils within the subregion are designated as prime farmland.

The subregion is blessed with abundant water from both surface and ground water. The majority of lands located within this subregion maintain the right to be irrigated. The major surface sources are the Willamette and Pudding rivers. There are large numbers of ground water withdrawals. No ground water limitations are in place within the area. Limitations on new withdrawals from the surface streams in the area do not implicate existing irrigators.

Suitability

This subregion maintains excellent integrity for large-scale, intensive industrial agricultural operations. It is, in effect, a large block of agricultural land containing large parcels and larger farms with several inclusions of urban development. It is not uncommon for farms to operate on several parcels located within and, in many cases, outside the subregion. While some localized conflicts with nonfarm uses exist, they are not, overall, beyond what is considered common.

The subregion shares an edge with the Wilsonville/Metro UGB, including the Charbonneau area that is located south of the Willamette River. The Willamette River provides an effective buffer for most of the edge. Residential and commercial development at Charbonneau has remained contained and isolated from surrounding agricultural lands. Location near I-5 and the fact that access to this development is, in effect, a dead-end has helped to limit impacts to area agricultural operations.

Just south of Charbonneau are located two large nonfarm use areas. The first is a golf course. Zoned EFU, this facility was approved only after Clackamas County determined that it would not significantly increase the cost of accepted farm and forest practices on surrounding lands devoted to farm and forest use and that its development and operation would not force a significant change in accepted farm and forest practices on surrounding lands [see ORS 215.296(1)]. EFU zoning also insures that any development associated with a golf course is also compatible with area farms. Many of the management practices conducted on-site are similar to agronomic practices conducted by area farms. The golf course in effect provides a buffer between the commercial and residential uses located at the Charbonneau interchange.

Approximately one-half mile south of the golf course is located the Aurora State Airport and associated commercial uses. With a few exceptions, agricultural and airport operations are considered compatible. Development at the airport is related to airport operations and future development is limited to uses that are dependent on air services and operations.

Several cities and their urban growth areas are located within this large agricultural block. These include Woodburn, Hubbard, Aurora, Donald and St. Paul. For the most part the associated UGB of each of these cities has remained compact and has maintained well-defined edges with few major protrusions into farmland. The Fargo interchange and the Aurora State Airport are two exception areas that contain substantial development. Few rural residential exceptions areas exist within the subregion and those that do are small in area.

The subregion agricultural block is zoned EFU. Because the soils in this area are high-value few, if any, new nonfarm dwellings or land divisions are allowed by the current zoning. The EFU zone also precludes several nonfarm uses, such as private parks, schools, golf courses and destination resorts on high-value farmland.

Other Considerations

The OSU North Willamette Research and Extension Center is located just south of Charbonneau. This facility provides many key services to Oregon's largest agricultural industry, nursery and greenhouse production, and to the small fruit industry. Irrigation, drainage and transportation infrastructure are well established. Major agricultural service centers in the region include Woodburn, Hubbard, Donald, St. Paul and Canby. There are numerous smaller service sites that cater to specific industry needs. Irrigation and drainage infrastructure is well developed and maintained throughout the subregion. Transportation routes are well-developed providing excellent access to area agricultural operations and outside markets. There are some issues with moving farm machinery on the heavier traveled main routes. This generally is not a major limitation.

The area is well known for berry, vegetable, flower and Christmas tree farms that increasingly take advantage of their location in the metro area and other valley urban centers by the direct marketing and promotion of their products. Easily accessible by major transportation routes and good local access routes, this area is ideally located to take advantage of the increasing demand to obtain food from the local food shed.

Conclusion

Excellent soils, available water, well established infrastructure and large parcels that block up and dominate the land use pattern. This subregion has all the elements for maintaining and expanding viable, commercial agricultural. This subregion, combined with the Clackamas Prairies and East Canby subregions, is one of the most significant agricultural areas in the state.

The Willamette River currently provides an excellent buffer and edge between urban land uses and the intensive commercial agriculture that predominates south of the river. A long-term potential threat to agriculture in this subregion relates to urbanization and expansion of the Metro UGB south of the river. This has been highlighted of late due to speculative discussions about development in, around and between the I-5 interchange at Charbonneau, the golf course and the airport. Strong consideration needs to be given to providing more certainty and long-term protection to agricultural production in this area. We believe that development of a permanent or "hard" edge at the Willamette River and coordination between Metro and north valley cities on future growth and urbanization are key considerations.

Stafford Triangle

This small subregion is best defined as the area bounded by Interstate 205 on the south, the Tualatin, Rivergrove and Lake Oswego UGBs on the northwest and the Lake Oswego and West Linn UGBs on the northeast. It is, in effect, located within a triangular notch of the urban growth boundary that is cut off from rural lands located to the south by Interstate 205. Subregion lands are moderate to steeply sloped, bisected by numerous creek canyons. The Tualatin River runs through the southeastern one-third of the area from the west to the east.

Rural residential development and small-scale, lifestyle farms and woodlots dominate the area. Numerous other institutional and commercial nonresource uses are also located within the area. The agricultural sector includes a large number of small parcels of hay and pastureland, woodlots and horse farms. In past years this area included several Christmas tree plantations. Some Christmas tree operations still exist but the acreage is greatly reduced or is reverting to small woodlands. A few nursery and vineyard operations are also located in the area. An estate winery has been developed in the Rosemont area. A community supported agricultural operation (CSA) operates on land leased from the City of Lake Oswego. The CSA is part of a larger recreational facility located straddling the Lake Oswego UGB.

Analysis

Capability

Soils in this subregion are predominately well drained, silt loam with inclusions of poorly drained loams. Soils located north of the Tualatin River, west of Stafford Road and north of Rosemont Road and in the hillier lands located south of Rosemont Road are Class II and IV agricultural lands. Flatter lands located along the Tualatin River, I-205 and Sweetbrier and Grapevine roads are Class II soils. With the exception of the Sweetbrier/Grapevine roads corridor, these Class II soils are also designated as prime farmland. Some areas along the Tualatin River have both seasonal flood and drainage issues.

The vast majority of lands with agricultural irrigation rights are located between the Tualatin River and I-205. This area is located within the Sherwood-Damascus-Wilsonville Ground Water Limited Area. A few isolated agricultural water rights exist along Johnson and Rosemont roads.

Suitability

The integrity of the agricultural lands located within this subregion is seriously compromised. The few existing commercial operations located in the area are compromised by surrounding area development, parcelization and the potential for future residential development within the exception areas located in the subregion and at the edges along the UGB. Land values reflect the current nonresource zoning and/or the speculative land market that exists in the area due to its location. The core agricultural block is relatively small, providing little opportunity for the island to stand-alone.

South of the Tualatin River the few remaining agricultural operations are located on lands zoned for rural residential use, in an area containing several nonfarm uses that are generally not considered to be compatible with commercial agricultural practices. Such uses include churches, schools and retail commercial. High-density residential development also exists along the river. This area also shares an edge with the City of Tualatin. Along this edge, inside the UGB, exists high-density single-family and multi-family residential development. Finally, the entire area south of the river is a recognized exception area that provides no protection for farm use.

North of the Tualatin River, a block of land zoned Exclusive Farm Use runs north to south through the middle of the larger area. Exception lands zoned and developed for rural residential use and the West Linn and Lake Oswego UGBs surround these EFU lands. Some small-scale lifestyle agriculture is found within these exception lands. Inside the UGB along the northern and eastern edges the land use pattern is higher density residential development. Inside and along the western edge of the UGB are located lower density residential, institutional uses and a municipal golf course. This short edge of extensive land uses combined with lands owned by the City of Lake Oswego form a short edge/buffer. The long-range integrity of the buffer is questionable depending on the scale of recreational use that ultimately is developed.

Other Considerations

Location near the metro area does provide opportunities for the direct marketing and promotion of agricultural products. Only a few small farms producing high-value products for sale to the urban market are located in this area.

The transportation in this subregion is a combination of bad and poor routes from the prospective of moving agricultural machinery. Stafford, Borland and Rosemont roads dissect the area and are key routes between communities and/or major transportation routes. Heavy, congested, cut-through traffic is common.

A note here about impacts from Measure 37 claims. We have opted to not try to base much on analysis of the potential impacts from Measure 37 claims because there is so much uncertainty about how much development will actually result from claims determined to be valid. However, in a situation like the Stafford Triangle where a small block of agricultural land is already surrounded by urban and exception lands and that includes several approved Measure 37 claims for subdivisions, we offer the following remarks. Should the subdivisions authorized on EFU lands by Measure 37 ultimately be developed, we believe the limited integrity that this exists in this subregion for commercial agriculture currently will be lost.

Conclusion

A small, isolated core land base with poor integrity and infrastructure concerns combines to severely restrict the long-term viability of this area to survive as commercial agricultural land. This leads to a conclusion that this subregion is not does not contain significant commercial agricultural lands. Taking advantage of some trends in agriculture, some high-value, direct-marketed production may thrive.

East Wilsonville

This agricultural subregion is located south of I-205 and the City of West Linn UGB, west and north of the Willamette River, and east of the City of Wilsonville UGB and I-5 north of Wilsonville. The topography is flat to gently rolling with two major steep creek canyons bisecting the area. There are fairly large parcels that lend themselves to large production agriculture. The agricultural sector includes hay and pastureland, livestock,

annual grasses, grass seed, nursery stocks, vineyard, Christmas trees and large numbers of small horse farms. The east edge of the area is predominately small parcel timber and horse farms found on Pete's Mountain. Intensive nursery operations are found in the Peach Cove area. Annual row crop production associated with a direct marketing farm operation is located north of Wilsonville.

Analysis

Capability

Soils found in this subregion include a variety of excellent silt loams with very few inclusions. The vast majority of the soils located west of Mountain and Stafford Roads and within the Peach Cove peninsula are Class II agricultural soils. Prime farmland soils are predominant in the area located south of Homesteader Road and west of Pete's Mountain Road. They are also found in the Peach Cove peninsula and terrace land running along the southern edge of the Tualatin River.

Irrigation is not uncommon, especially in areas zoned EFU. Surface and ground water sources are utilized. The area is also located within the Sherwood-Dammasch-Wilsonville Ground water Limited Area, which precludes the development of additional ground water sources for irrigation. This subregion has begun to see a rebound in the static ground water level since the City of Wilsonville changed from wells to the Willamette River for their water supply.

Suitability

This subregion can perhaps be best described as containing two distinct areas, one resource related, the other rural residential with lifestyle farm and forest uses. This land use distinction corresponds with each area's suitability as commercial agricultural land.

A block of rural residential exception areas extends across the northern part of the subregion along I-205 and I-5. This area is heavily parcelized into parcels predominately ranging from 5 to 10 acres in size. Based on current zoning, few large parcels capable of further division exist in the area. The vast majority of parcels within the exception areas are developed with a single-family dwelling. Several nonfarm uses, primarily churches, have also located in the exception lands located along I-205 and I-5. The exception lands also isolate a smaller island of EFU lands located near the northern end of 65th Street where it crosses I-205.

The remaining large block of agricultural land, including two fingers extending north between I-5 and 65th Street and between Newland and Mountain roads and the Peach Cove peninsula, maintains good integrity.

Pete's Mountain and the forest zone uses and recreational uses occurring on the mountain buffer agricultural lands located to the southwest from the West Linn urban area and the heavily parcelized and well-developed rural residential development to the northeast. The edge this area shares with the City of Wilsonville contains no protrusions of urban land out into the agricultural block and no deep, multi-sided notches that surround

resource land. The two fingers and peninsula of agricultural land either block up directly or in combination with Forest zoned lands to the larger agricultural lands block. Few nonfarm uses exist within the larger agricultural land block. EFU zoning and associated provisions protecting high-value farmland limit future nonfarm development.

Parcel size within the EFU lands is generally large and conducive to intensive and extensive commercial agricultural operations. Many larger parcels 40-acres in size or greater exist within in the EFU area. There is also evidence of agricultural operations within the area utilizing several parcels to form one working unit.

A quick note about the Peach Cove area: It is characterized by intensive agricultural operations producing high-value nursery products. A small inclusion of several rural residential dwellings are concentrated within the EFU zoned lands. This agricultural block is bordered by the Willamette River on two sides and forest zoned lands that include lands acquired by Metro to the north. It shares but one edge with an isolated rural residential subdivision.

Other Considerations

The location both near the Portland metro area and near major transportation routes provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks and farms producing high-value products for sale to the urban market are not uncommon in the area. The site and situation of this subregion lends itself to greater opportunities for smaller to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the lands zoned for agriculture are conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels located within the EFU zoned lands could help to meet the growing demand for biofuel/bioenergy products in the region.

Conclusion

With the exception of a small island of EFU zoned land located near the intersection of 65th Street and I-205, the large block of land within this subregion zoned EFU remains a viable block of agricultural land. Excellent soils, existing water rights with improving ground water conditions, large parcels and no out-of-the-ordinary edge compatibility issues all lead to this conclusion. Future land use decisions affecting the northern exception lands could have integrity implications for the two fingers of EFU land that protrude northward. However, current zoning of these heavily parcelized exception lands would not indicate much more impact from development than currently exists. These exception lands and the small island of EFU lands they surround near I-205 are not considered well suited for commercial agriculture.

West Wilsonville

This agricultural subregion is located west of Wilsonville, south of Sherwood, north of the Willamette River and east of Ladd Hill Road (Parrett Mountain). It is characterized

by moderate to steeply sloping terrain that is bisected by multiple steep creek canyons originating from springs and other surface waters. The agricultural sector includes hay land, limited nursery production, wine grapes, orchards, unmanaged pastures, Christmas trees, and large numbers of small horse farms. Some vegetable and fruit production associated with the local food market can be found within the Tualatin urban area and south of Sherwood.

Analysis

Capability

The agricultural capability as it relates to soils in this subregion is more complicated and diverse than most other subregions discussed in this analysis. South of Grahmans Ferry Road and east of Wilsonville Road, the soils are classified as Class I. Overall, Class II soils ring Parrett Mountain along the Willamette River; between the mountain and the Wilsonville and south and adjacent to the Sherwood UGB are Class II agricultural soils. Class III and IV soils are found on the steeper slopes found along the eastern edge of the area. Between the Tualatin and Sherwood UGBs along Tonquin Road, the majority of the soils have no agricultural capability rating or are classified as Class III and IV. Much of this area is wet and/or quite gravelly, mucky or rocky.

The flatter lands along the Willamette River, the southwest Wilsonville UGB and southwest of the Sherwood UGB are designated as prime farmland.

The entire subregion is located within either the Parrett Mountain or Sherwood-Dammasch-Wilsonville Ground Water Limited Areas. Large tracts with existing irrigation rights are located along the Willamette River. Smaller tracts are found south of Sherwood and to a limited extent along Ladd Hill Road. Some of the larger tracts with irrigation rights contain perennials, which require less water after initial plant development. The lack of widespread, existing irrigation rights is considered a limiting factor in this subregion, especially away from the Willamette River. Lack of irrigation precludes the development of high-value nursery and food crops, which otherwise could be produced on the smaller tracts located in the northern half of the subregion.

Suitability

South of Mill Creek, a block of agricultural land extends from the Wilsonville UGB along the Willamette River. This area shares a well-buffered edge with the Wilsonville UGB. The buffer is provided first by a deeply incised canyon associated with the lower reach of Mill Creek. Second and perhaps more significant, recent open space acquisitions by Metro are located along this edge. Rural Residential development located along the eastern edge is lower density and, topographically, is located on different terrain. Corral Creek and its associated gallery forest also buffers the agricultural lands located down slope. Lands located to the north across Mill Creek are smaller sized parcels zoned EFU. The Willamette River forms most of the southern edge. A narrow band of rural residential development is located between the river and Wilsonville Road at the southwestern corner of the area. Parcel sizes within this area are conducive to large-scale commercial agriculture. It is also evident that some agricultural operations in

the area are utilizing multiple parcels as single farm/field units. Few nonfarm uses are found in this area. This high-value farmland is zoned EFU which limits additional land divisions and nonfarm development. Agricultural operations in this area are connected and have more in common with farming operations on the French Prairie and the Newberg area.

North of Mill Creek commercial agricultural operations are more fractured and do not form a good size block. Rural residential exception areas border and squeeze the EFU zoned lands from the north, west and the east. A small area of EFU zoned lands is located in a notch of the Wilsonville UGB and is nearly surrounded by a rural residential exception area and the UGB. Numerous small rural-residential-like parcels are located within the EFU zoned lands located south of Tooze Road. Little intensive or irrigated agriculture is found in this area. North of Tooze Road, parcel sizes are larger and conducive to more commercial scale production. Some irrigated agriculture is found here.

Other Considerations

The northern and eastern parts of this subregion lack major transportation routes. For the most part, roads in these parts of the subregion are narrow and winding with no or very little shoulders. It is not well connected to other agricultural areas in the region. The southern area along the Willamette River is better connected to farm service centers located on French Prairie and in the Newberg area.

Conclusion

Excellent soils, existing water rights, good integrity and connection with adjacent agricultural lands lead to a conclusion that the block of EFU lands located south of Mill Creek are suited to commercial scale farm use.

North of Tooze Road, a combination of conditions leads to a different conclusion. Overall, this area has limited suitability to sustain long-term, viable commercial agricultural operations. Much of the area is squeezed or nearly surrounded by rural residential exception area and adjacent urban areas. Poor soils along the eastern edge and lack of existing irrigation rights further limit the amount of land capable of supporting commercial operations. South of Tooze Road parcelization into small units not conducive to commercial scale dry land agriculture reduces the block size of the larger parcels located to the north and, in effect, helps to isolate the northern area. Poor transportation routes reinforce this isolation.

One note about the agricultural lands located north of Tooze Road along Baker and McDonnell roads. The parcels found in this area are large size and there are some existing water rights for irrigation. Few opportunities exist to buffer this smaller block of agricultural land from adjacent lands zoned for residential development and urbanization. Potential for future irrigation is a limiting factor. However, opportunities exist for some agriculture production that focuses on the demand for local agricultural products.

Parrett Mountain

This subregion is located west of Ladd Hill Road, south of the City of Sherwood and Highway 99W, north of the Willamette River and east of a line formed by the Newberg-Wilsonville Road and Corral Creek Road. This subregion is generally characterized by steeply sloping terrain with some small benches along the summit of the ridges. Steep sloping creek canyons that originate from springs and surface waters bisect the area. Common agricultural activities found in this subregion include hay land, wine grapes, orchards, unmanaged pastures, Christmas trees, and large numbers of small horse farms. It is important to note that a number of parcels listed as unmanaged pasture and orchards on the Willamette Land Use/Land Type Map have been converted to wine grapes.⁸ This illustrates a change in land use from lower income, marginally productive land to high-value, highly productive agricultural land. This observation can be used for all the gently to moderately sloping unmanaged lands in the north valley, especially west of the Willamette River. This subregion also contains large tracts (by Willamette Valley standards) of timberlands. The Magness Memorial Tree Farm is a part of this region.

Analysis

Capability

Soils found within this subregion can generally be described as a variety of well-drained silt loams with clay and clay loam inclusions. The slope of lands found within this subregion ranges from 15% to 40%. Slope is a key factor in the agricultural capability classification of area soils. The vast majority of soils on the sloped lands located below higher benches and terraces are Class III, IV, VI or poorer. The flatter benches and terraces are Class II and are designated as prime farmland. Many of the Class III and IV soils located in this area that do not exceed 20% slope are considered high-value farmland as defined in state statute. These include the Jory clay loam, Yamhill silt loam, Woodburn silt loam and Laurelwood silt loam.

There are not many agricultural wells or surface rights listed in the area. This subregion is part of the Parrett Mountain Ground Water Limited Areas and has been an area of concern in relation to ground water levels. New ground water withdrawals are severely restricted. Snow is not a water factor in this area. Other surface water sources are limited. Many rural homeowners have had to deepen wells and develop rainwater harvesting to procure enough water. Creative irrigation methods are being employed, especially in relation to the development of perennial crops that require a good deal of irrigation up front to establish a plant and little irrigation thereafter. Examples exist in this area of farms that utilize roof rainwater storage and drip irrigation and the trucking of water during early plant development.

⁸ *Willamette Valley Land Use/Land Cover*, Oregon Department of Fish and Wildlife, Clair Klock, Principal Researcher, February 1998.

Metadata: http://nwhi.org/inc/data/GISdata/docs/willamette/wvveg24k_meta.htm

Accuracy Assessment: <http://nwhi.org/inc/data/GISdata/docs/willamette/wvveg24kaccass.pdf>

Suitability

The majority of the subregion located south of Sherwood within Washington County is rural residential exception areas. A few large tracts comprising two small blocks zoned for farm/forest use are located in this immediate area. These resource lands are either nearly or completely surrounded by rural residential development on 5-10 acre lots or higher density urban residential development.

Lands in the Clackamas portion of the subregion contain a large block of forestland containing several larger tracts. While bordered by rural residential development from several sides, most of the edges are with low density, relatively small rural residential blocks of commercial agricultural lands along the southern and western edges.

The area is further characterized by a combination of small, moderate and large parcels.

The Yamhill County part of this subregion overall is characterized by larger parcels and tracts that remain in farm and/or forest use. The northeast corner of this area is zoned for mixed farm/forest use. It is parcelized into a pattern of parcels predominately ranging in size from ten to 20 acres. A rural residential exception area borders this area to the south

Other Considerations

This area lacks major transportation routes. Roads within the subregion are characterized as narrow and winding with no or very little shoulders. Trends in the development of wine grapes and wineries in the larger region are reflected in the subregion. This subregion is located at the edge of the larger Yamhill wine region and near Highway 99E.

Conclusion

Overall, this area has few edge issues. Conflicts that affect the ability to conduct farming operations occur from within the area from rural residential development. This is especially the case in the Washington County portion of the subregion. Rural residential exception lands and development heavily influence this area. Parcelization, poor agricultural soils within the lands zoned for farm/forest use and little chance to develop future irrigation shows little promise for long-term, viable agriculture.

Topography and land use reflect the transitional nature of the Clackamas County portion of this subregion. Some good size forest parcels exist alongside of larger parcel, low-density rural residential development. This area also shares edges with large blocks of agricultural lands to the southwest and the west. Parcel size and soils are conducive to the production of wine grapes. Lack of irrigation water is a concern, however, wine grapes require little irrigation once established.

The Yamhill County part of this subregion has fewer issues. Suitability is good overall, with few edge issues and little inclusion of nonresource development. Soils in the area are valued in other parts of the region for the production of wine grapes. Lack of irrigation water is a concern; however, wine grapes require little irrigation once established. This area acts as an excellent buffer between the rural residential and urban development located to the north and west and the prime farmland located on the Newberg Flat.

Newberg Flats

This agricultural subregion is located east of the City of Newberg, east of the Wilsonville-Newberg and Corral Creek Roads, south of Highway 99E and north of the Willamette River. Characterized by flat to gently sloping terrain, this subregion is bisected by moderate to steep sloping creek canyons that originate from springs and other surface waters. Coming down off of Parrett Mountain at the point where the slope flattens, erosion potential is less and agricultural uses/practices change. The agricultural sector includes hay land, wine grapes, orchards, unmanaged pastures, limited nursery production (in-ground and container), Christmas trees, and large numbers of small horse farms.

Analysis

Capability

Soils are a variety of well-drained silt loams. With the exception of a wet inclusion near the Willamette River bridge crossing and area stream corridors, soils are high-value, Class II agricultural capability. Most of the soils, including the wet inclusion if drained, are designated as prime farmland. This subregion shares its eastern border with, but is not included in, the Parrett Mountain Ground water Limited Area. Lands with existing irrigation rights for agriculture are located throughout this subregion

Suitability

This area shares an edge with the City of Newberg. With the exception of one residential subdivision, urban uses along this edge are industrial and extensive commercial, uses that tend to be more compatible with agricultural operations. Rural residential exception areas are located adjacent to the Newberg UGB and are more a part of the urban area.

Parcel size is conducive to commercial agriculture. Few nonfarm uses are found in the area. Outside the three exception areas located against the UGB, the vast majority of the area is zoned EFU. On high-value farmland, the EFU zone precludes further nonfarm dwellings and land divisions and affords greater protection against the location of several nonfarm uses that may otherwise be located on EFU lands.

Other Considerations

The Willamette River separates this subregion from the French Prairie located to the south. Highway 219 crosses the river south of Newberg connecting these two subregions. Although Highway 219 is no bargain in terms of traffic volume, it provides excellent access to service centers located to south. It also gives farmers in the area the ability to avoid the major traffic problems associated with Highway 99W.

Conclusion

This subregion in form and function operates as a part of the prairie block of agricultural land located south of the metro region. Excellent soils, existing water and good integrity all support the conclusion that this area is significant agricultural land. Long-term, a

potential threat could relate to the character of any future expansion of the Newberg UGB. Because Newberg is not part of the Metro planning region, planning decisions are not required to be coordinated with other jurisdictions located in the region.

Chehalem Mountain

The Chehalem Mountain agricultural subregion runs in a northwest/southeast direction. It is generally bordered by the Chehalem Valley, the City of Newberg and Parrett Mountain on the south and Sherwood and Tualatin Valley on the north. More specifically, it was decided to distinguish this area as the area encircled by the 300-foot contour (elevation). At that point the slope dramatically increases, erosion potential becomes a major concern and agricultural uses/practices change. This area generally is characterized by steeply sloping terrain with benches found along the main ridge and spurs. Steep sloping creek canyons originating from springs and other surface waters bisect the subregion.

The agricultural sector includes wine grapes, orchards (some abandoned), unmanaged pastures, limited nursery production, Christmas trees, some hay land, livestock and large numbers of small horse farms. Forestland and small woodlots are also found throughout the subregion. Vineyards are found more often on lower, south facing slopes where the mountain transcends into the valley floors. The southeast end of the subregion, located along Highway 99E between Sherwood and Newberg, involves more intensive and concentrated operations, including wine grapes, hazelnut orchards and annual crops. It is important to note that a number of parcels listed as unmanaged pasture and orchards on the Willamette Land Use/Land Type Map have been converted to wine grapes. This illustrates a change in land use from lower income marginally productive land to high-value, highly productive agricultural land.

Analysis

Capability

Class II agricultural soils are found where the subregion transitions into the Tualatin Valley north of Bald Peak and Dixon Mill roads, and along the northern and eastern flanks. The flatter benches and terraces are also Class II. Reflecting slope, soils within the remainder of subregion are predominantly Class III and IV agricultural capability. Many of the Class III and IV soils located in this area that do not exceed 20% slope are considered high-value farmland as defined in state statute. Examples include the Jory clay loam, Chehalem silty clay loam, Cornelius and Kinton silt loams, Melbourne silty clay loam and Laurelwood silt loam. Very limited fingers of prime farmland exist in the subregion. What does exist is found along the Sherwood UGB the flatter bench lands and with the lower elevations of the small valleys that incise the subregion.

Lands with existing water rights for irrigation are scattered throughout the subregion. The largest concentrations are found in the McFee creek area and in the north end of the subregion in the Unger Road area. The entire area is within the Chehalem Mountain

Ground Water Limited Area. Unlike other metro region ground water limitations which preclude all new irrigation, restrictions for this area allow that permits may be issued for a period not exceeding five (5) years, for fire protection and for drip or equally efficient systems, only if it is determined that the proposed use and amount would not pose a threat to the ground water resource or existing permit holders. The amount of water permitted for irrigation is limited to one acre-foot (v. 2.5) per acre per year. Permits may be extended for additional five-year periods. This allows for the startup of new perennials such as wine grapes and orchards.

Suitability

The subregion itself is an island located within larger agricultural areas located in the Tualatin and Chehalem Valleys. Numerous exception areas are located throughout the subregion, especially in Washington County south and east of Bald Peak Road. Land use within these exception areas can best be characterized as rural residential, with small-scale, lifestyle farms. These exception lands are also heavily parcelized.

Good size blocks of agricultural and forest land also exist in the subregion. Most of the Yamhill County portions of the subregion located west and northeast of Newberg maintain good integrity. Parcel size is conducive to agriculture and there are few nonfarm use issues. High-value crops are not uncommon. In Washington County, lands located south of Chapman Road and north of Highway 99W block up with lands in Yamhill County. North of Bald Peak Road, several large forest parcels exceeding 80 acres in size block up with farm unit size parcels.

Lands located outside the exception areas are zoned for exclusive farm use.

Other considerations

Narrow, winding, roads with no or very little shoulders characterize this area. Soils and parcel size provide opportunities to develop high-end boutique vineyards and wineries.

Conclusion

This subregion is most impacted by the “shotgun” scattering of rural residential exception areas throughout the area. These exception areas tend to be somewhat contained by topography and located within, not at the edges of, the subregion.

The most significant agricultural areas within this subregion are located in transition areas located near the edges of the subregion. These include the upper slopes of the Chehalem valley west of Newberg, lands between Newberg and Sherwood and a good size block of land located north of Bald Peak and Dixon Mill Roads in Washington County. Isolated between the rural residential islands are blocks of land that are well suited to agri-forestry and, in many cases, wine grape production.

Tualatin Valley

The main body of this agricultural subregion is bounded on the north and east by the metro area UGB, including the cities of Sherwood, Tualatin, King City, Tigard, Beaverton, Hillsboro, Cornelius and Forest Grove and Gales Creek. It is bordered on the south by Chehalem Mountain. The subregion extends west into private and state timberlands in the Coast Range. This subregion also wraps around the north end of the Chehalem Mountain south to the end of the Wapato Lake bed. This area is characterized as flat to very gently rolling floodplain and river terrace with the Tualatin River and a number of creeks bisecting the region.

The agricultural sector is diversified and includes hay land, annual grasses, grass seed, nursery land, orchards – hazelnuts, tree fruits, berries, row crops of all types, livestock and poultry, nursery stocks and large numbers of small horse farms. Wine grapes and Christmas trees are also produced in the Bull Mountain and Cooper Mountain areas.

Analysis

Capability

Soils in the subregion include a variety of silt loams with very few inclusions. These soils are excellent agricultural soils. They are predominantly Class II capability and are designated as prime farmland. Drainage can be a management issue in some of these soils. This is especially true for areas tilled in the 1940s and 1950s and in need of repair or replacement. Some large tracts of river bottom soils also require late crops and erosion protection due to winter flooding. Flooding also places limitations on the production of perennial crops in some floodplain areas. A block of Class I, prime farmland soils are located around the west end of Tongue Lane.

Class III and IV soils are found on lands with slope located in the Bull Mountain and Cooper Mountain areas. These soils are suited for the production of wine grapes and Christmas trees. The old Lake Wapato Lake bed contains Class III soils. This area has well-established drainage and the soils have been designated as unique farmland.

The area is fortunate to have abundant water available for irrigation. There are significant numbers and quantities of both surface and ground water withdrawals in this subregion. The majority of lands located within this subregion contains water rights for irrigation of agricultural products and are located within the boundaries of the Tualatin Valley Irrigation District. The east end of the subregion located just east of Butter Creek is located within the Cooper Mountain/Bull Mountain Critical Ground water Area. Edges of the subregion shared with the Chehalem Mountain subregion are located within the Chehalem Mountain Ground water Limited Area. These ground water limitations do not affect existing water rights or the delivery of water via the infrastructure provided by the irrigation district.

Suitability

Overall, this large block of commercial agricultural land is well suited to agriculture. Parcel size lends itself to the full range and scales of agriculture found in the region. The vast majority of parcels are of a size conducive to intensive agricultural operations or extensive, large machine-dominated operations. Few confirmed uses with any history of conflict are located within the subregion. These generally are related to edges between agriculture and urban scale residential uses. The several golf courses located within the subregion are generally compatible with farming operations. The vast majority of agricultural land in the subregion is zoned exclusive farm use under state law. Because most of the subregion is considered high-value farmland, it is afforded greater protection, including provisions that limit nonfarm uses, dwellings and land divisions.

Few inclusions of exceptions lands are found throughout the subregion and many of those that do exist are located at the edges of the area. These include several along Highway 47 along the western edge of the valley farmland, near the east end of Unger Road adjacent to Chehalem Mountain, and in the Cooper Mountain area along the edge of the Beaverton UGB. The City of Gaston is located at the edge of the region adjacent to Wapato Lake. It maintains a compact UGB, is more rural in character and acts as a service center for area farms.

The subregion shares an edge with the metro urban area involving eight cities. The area along this edge is where suitability issues are most likely to exist. Overall, the integrity of the agricultural lands is well established along the entire length of the subregion.

From Sherwood north and west to Scholls Ferry Road agricultural lands tend to be well buffered from the adjacent urban area. From Sherwood to King City, the combination of lands owned and managed by the U.S. Fish and Wildlife Service and open space acquisitions by Metro provide an excellent buffer along the UGB. From King City to Scholls Ferry Road, the transition from Bull Mountain to the Tualatin River floodplain provides a physical edge. This edge is generally marked by the 200 foot contour from King City to Roy Rogers Road, by the 250 foot contour north to Beef Bend Road and by the 300 foot contour north to Scholls Ferry Road. Urban development is located on the upper slopes away from the agricultural operations.

From Scholls Ferry Road north to the Baker Rock quarry located adjacent to Farmington Road is a section of the urban area centered on Cooper Mountain. This notch in the UGB includes two edges. A rural residential exception area that exceeds 400 acres in size is located along the eastern edge. Most of this exception area is located near the ridgeline summit or on the side away from agricultural lands located to the north. The majority of lands located along the northern edge of the notch (east to west) have been acquired by the Metro Open Space program. The largest remaining tract is being utilized as a rock quarry that is considered to be compatible with agricultural operations in this situation. These open space lands and a compatible land use combined with the break in topography represent a good edge and buffer between agricultural operations and the urban area.

Two small fingers protrude out from the UGB as it stretches north from Farmington road to Butter Creek. These small fingers, one along Rosedale Road and the other along Hagg Lane, are more the exception than the rule as surrounding agricultural operations represent the predominant land use. Low density residential and industrial use along the western side of 209th Street also provide a good transition into the higher density residential development located to the west.

North of Butter Creek the UGB forms a deep notch that nearly surrounds a tract of land that is close to a section (640 acres) in size. The area is bordered on the east by 209th Street, the north by a railroad and the TV Highway, the south by Butter Creek and the west by 229th Street. A grouping of nonfarm dwellings located northeast of the Reserve Golf Course nearly encloses and cuts off the tract from the larger agricultural block located to the south and southwest. This tract is, in effect, surrounded and cut off from area agricultural lands located to the south. Access to this isolated tract can only be through urban or urbanizing lands. If a higher percentage of the perimeter of this tract bordered agricultural, forest or other compatible land uses, then the size of the tract would provide greater ability to stand by itself and remain a viable agricultural tract into the future. It is important to note that the demand for local food and high-value products combined with the size of the tract and the quality of soils found in this notch could lend this area to continued agricultural production.

One last point about this area needs to be discussed. It is important to consider how the ultimate development of an area would impact surrounding agricultural operations. In this case, adjacent land uses and physical features provide a good buffer or edge between the notch and the greater Tualatin valley subregion. A golf course is located west and southwest of this area. This land is zoned EFU. The golf course was approved only after the county found that it was compatible with area agricultural operations. The golf course provides a good buffer between the urban area and resource lands located south of the urban area. Extending east from the golf course is Butter Creek. This stream provides a good opportunity to develop a hard edge and buffer from any future urban development that may occur. Without the establishment of a buffer/edge in this location, development would be problematic to future agricultural operations in the area.

The City of Hillsboro UGB extends in a generally western direction from 229th Street to the TV Highway. It includes two fingers that protrude from the urban area into EFU lands and two notches where EFU lands are confronted with two or more edges of the UGB. The first finger extends south between the Tualatin River and River Road. It is a small protrusion that is isolated from area resource lands by the Tualatin River and area golf courses. The primary land use is sewage treatment facilities. The second protrusion extends along Highway 219 to include lands owned and managed by Clean water Services (CWS) including the Jackson Bottom wetlands. This finger in effect creates the two notches located in this segment of the UGB. The lands located within the notches and the protrusion are also owned by CWS. An examination of this length of the UGB shows that a good part of the entire length involves land uses and ownership that provide a compatible edge with area farming operations. The CWS lands and operations located both inside and outside of the UGB along Dairy Creek form a good buffer along this

segment of the UGB. The Tualatin River, Dairy Creek and two golf courses also work to buffer agricultural uses from urban area land use.

The last length of the UGB stretches from Dairy Creek west along the cities of Cornelius and Forest Grove. As with the south Hillsboro UGB, much of this length is compatible with subregion agricultural lands. The only protrusion out from the UGB along Fern Hill Road involves public opens space and water sewage facilities. These lands are located on both sides of the UGB. Gales Creek, Metro open space lands, and the Tualatin River and its associated floodplain are also located along the UGB. There are no protrusions or multi-sided notches along the remaining edge.

Other Considerations

The delivery infrastructure associated with the Tualatin Valley Irrigation District is well developed. Drainage infrastructure is also well developed through out the subregion and is routinely being maintained and updated by area farmers. These are key elements in the viability of Tualatin Valley agricultural operations.

This subregion works with the Dairy/McKay Creek subregion to form a base of agricultural operations that rival any in the state. Major transportation arterials allow for access to both local and regional service centers. While there are problems with movement of farm machinery between fields due to heavy cut-through commuter and urban traffic, this currently is not a fatal flaw to area agricultural operations. This is, however, an issue to watch and give serious consideration in future planning decisions. The department is concerned about the impacts of urban commuter traffic on roads cutting through metro core agricultural areas. Many times it is difficult at best to move farm machinery between fields or to move agricultural products from the farm to the market.

The location within the Portland metro area provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks, wineries and small farms producing high-value products for sale to the urban market are not uncommon and are increasing in the area. This can provide greater opportunities for both larger farm operations and the smaller parcels to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the lands zoned for agriculture are also conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels could also help to meet the growing demand for biofuel/bioenergy products in the region.

Conclusion

A key and important element to the long-term viability is the ability of the industry to adapt and diversify. This subregion has all the elements supporting such adaptability and diversity, including excellent soils, available water for irrigation, parcel size, local market and overall ability to conduct farming practices. The excellent integrity of area agricultural lands is due in no small part to the existence of good edges, compatible land uses within the UGB (buffers) and the opportunities that exist to better develop good edges. With the exception of the lands in the Butter Creek area (see below), the

department considers agricultural lands located within this subregion to be significant and recommends strong consideration for designation as an agricultural preserve.

Additionally, this subregion and the Dairy/McKay Creeks subregion combine to act as the “anchor-tenant” for all of metro west and southwest side agriculture. These two subregions incubate and support other rural interface areas such that these less significant areas can help to meet the growing demand for smaller scale operations, local food and other niche market, high-value products.

This being said, the department’s analysis leads us to question the long-term viability of the lands located north of Butter Creek in a notch of the Hillsboro UGB. Our primary issue with this tract is its integrity (see earlier discussion). Perhaps even more important, any long-term conversion of this tract to urban development should occur with limited impact to agricultural operations located to the south. The department suggests that lands located north of Butter Creek should only be allowed to urbanize if a hard edge is established that would preclude incremental conversion and subsequent development to the south and southwest.

An ongoing threat to agriculture in this subregion is uncertainty related to long-term expansions of the Metro UGB. This uncertainty leads to speculative lands prices based on urban, not rural or agricultural uses. It also leads to short term planning and investment by the agricultural industry. Development of new and the maintenance of existing infrastructure is curtailed and production decisions tend to preclude perennial high-value crops. Changes to policy and law that lend to such uncertainty need to be explored.

Finally, impacts associated with the implementation of Measure 37 need to be monitored. A valid claim may not lead to the ultimate development of any given tract at the scale approved. Large blocks of agricultural land such as the Tualatin Valley subregion should have the ability to work around much of the proposed development. Even if this is so, the conversion and loss of farmland under developed claims and to lands impacted by the shadow cast by nonfarm development could ultimately lead to a loss of critical mass needed to support elements of the industry.

Dairy/McKay Creeks

This agricultural subregion is bound on the south by the metro area UGB, including the cities of Beaverton, Hillsboro, Cornelius and Forest Grove, and Highway 8. It is bordered on the east by 185th Street and Cornelius Pass Road. The subregion extends west and north into private and state timberlands in the Coast Range and Columbia County.

This area is characterized as flat to very gently rolling farmland bisected by Dairy and McKay creeks and their smaller tributaries. Finger valleys extend out Highways 26 (Sunset) and 6 (Wilson River), and up Dairy and McKay creeks into the forestland that

edge the subregion. Lower foothills are found between these valleys and along the edge of the lower valley terraces and alluvial fans.

Like the Tualatin Valley subregion, the agricultural sector is diversified and includes hay land, annual grasses, grass and legume seed, nursery land, orchards (hazelnuts and tree fruits), berries, wine grapes, row crops of all types, livestock and poultry, and nursery stocks. Christmas trees are a key crop found in the foothills and higher terraces found in the finger valleys. Compared to the Tualatin Valley subregion, fewer lifestyle farms are found and field and seed crops are more common.

Analysis

Capability

The soils found within this subregion include a variety of silt loams with very few inclusions. They are excellent agricultural soils. The majority, found on the flats, terraces and finger valley bottoms, are Class II agricultural capability and are designated as prime farmland. There are enclaves of Class I, prime soils located north and south of North Plains and east of Jackson School Road. Class III soils are found in narrow bands along stream corridors. A good deal of these soils are designated as prime farmland also. Class III and IV soils are found on sloped lands in the foothills. Class IV and VI soils dominate David Hill located northeast and adjacent to Forest Grove.

As with the Tualatin Valley subregion, drainage can be an issue in these soils. This is especially true for areas tiled in the 1940s and 1950s and in need of repair or replacement. Area farmers have developed substantial drainage infrastructure and other management tools. The bottoms of the creek valley have soils that need special consideration related to wet conditions during the early part of the growing season.

There are significant numbers and quantity of both surface and ground water withdrawals found throughout this subregion. The core of this subregion, the lands located east of McKay Creek between Highway 26 and the metro UGB are also located within the Tualatin Valley Irrigation District. The District also includes a block of land located north and west of North Plains. Substantial irrigation is also available and utilized within the finger valleys, on lands located east of North Plains and along Holcomb Creek. No ground water limitations have been placed on lands located within the subregion.

Suitability

This subregion has maintained excellent agricultural integrity and is well suited for all types of intensive and extensive agricultural operations. Parcel size lends itself to the full range and scale of operations found in the region and provides good opportunities for adaptation to changing trends in agriculture that involve both small and large scale operational characteristics. There is good evidence of “tract” use in agricultural operations. This involves field configuration and agricultural practices being conducted across parcel and lot lines. It is also quite common for single parcels to be leased/rented for use as part of larger farming operations.

Other Considerations

This subregion works with the Tualatin Valley subregion to form a base of agricultural operations that rival any in the state. As with the Tualatin Valley subregion, the delivery infrastructure associated with the Tualatin Valley Irrigation District is well established. Drainage infrastructure is also well developed and maintained. There are fewer issues with larger scale sheet flooding like that, which occurs along the Tualatin River. This allows farmers the option of various perennial crops not available where large scale flooding is common. This is an important factor where irrigation is questionable. Seed and legume crops can be produced in such situations and are commonly found in the subregion. Recent production numbers have seen the value of grass seed production outpace many irrigated crops.

Located within this subregion are numerous businesses that provide services required by high-value crop producers. Examples include seed cleaning facilities, processing and storage facilities. Many of these services are located on-farm and are available to farmers in the area.

Major transportation arterials allow for access to both local and regional service centers. While there are problems with movement of farm machinery between fields due to heavy cut-through commuter and urban traffic, this currently is not a fatal flaw to area agricultural operations. This is however an issue to watch and give serious consideration to in future planning decisions. The department is concerned about the impacts of urban commuter traffic on roads cutting through metro core agricultural areas. Many times it is difficult at best to move farm machinery between fields or to move agricultural products from the farm to the market.

The location within the Portland metro area provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks, wineries and small farms producing high-value products for sale to the urban market are not uncommon and are increasing in the area. This can lead to greater opportunities for both larger farm operations and the smaller parcels to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the lands zoned for agriculture are also conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels could also help to meet the growing demand for biofuel/bioenergy products in the region.

Conclusion

A key and important element to the long-term viability is the ability of the industry to adapt and diversify. This subregion has all the elements, including excellent soils, available water for irrigation, parcel size, local market and overall ability to conduct farming practices. The excellent integrity of area agricultural lands is due in no small part to the existence of good edges, compatible land uses within the UGB (buffers) and the opportunities that exist to better develop good edges. With the exception of the David Hill area, the department considers agricultural lands located within this subregion to be significant and recommends strong consideration for designation as an agricultural preserve.

This subregion and the Tualatin Valley subregion combine to also act as the “anchor-tenant” for all of metro west and southwest side agriculture. These two subregions incubate and support other rural interface areas such that these less significant areas can help to meet the growing demand for smaller scale operations, local food and other niche, high-value products.

An ongoing threat to agriculture in this subregion is the uncertainty related to long-term expansions of the Metro UGB and the satellite cities of Banks, Gaston and North Plains. This uncertainty leads to speculative lands prices based on urban, not rural or agricultural uses. It also leads to short term, rather than long-term, planning and investment by the agricultural industry. Development of new and the maintenance of existing infrastructure is curtailed and production decisions tend to preclude perennial high-value crops. Changes to policy and law that add to this uncertainty need to be explored.

It is the department’s opinion that the critical mass needed to support the agricultural service industry in Washington County is currently present but under threat. While we understand that trends in regional agriculture include a growing focus on local food and other products, it is important to remember that the production value of the region’s agricultural industry is heavily focused and dependent upon on the export market. This traded sector economy brings “new” income into the region. Blocks of agricultural land containing larger parcels are key to maintaining this sector of the local economy.

Finally, impacts associated with the implementation of Measure 37 need to be monitored. A valid claim may not lead to the ultimate development of any given tract at the scale approved. Large blocks of agricultural land such as the Dairy/McKay Creeks subregion should have the ability to work around much of the proposed development.

Bethany/West Multnomah

This agricultural subregion is bound on the west by Cornelius Pass Road and 185th Avenue, the north by US Highway 30, the east by the City of Portland UGB (and Forest Park) and the south by the Portland and City of Beaverton UGBs. The subregion can perhaps be best characterized as predominantly forestland located north and east of Skyline Road associated with the Tualatin Mountains and rolling small woodland and agricultural lands on moderate to steeply rolling hills to the southwest of Skyline Road. Numerous steep creek canyons bisect the subregion.

The agricultural sector includes haylands, annual grasses, Christmas trees, nursery land, orchard – hazelnuts, tree fruits, berries, livestock and poultry nursery stocks and large numbers of small horse farms. Agricultural operations reflect some of the common trends occurring in the region. Nursery operations, community supported agriculture operations, natural beef, grapes and organic vegetables are found in the area.

Analysis

Capability

Soils in the subregion include a number of silt and clay loams with inclusions of rock and clay. North of the urban growth boundary and Skyline Road and in the area located southeast of Bannister Creek, the soils are predominantly forestland soils with an agricultural capability of Class VI or poorer. The remainder of the subregion can best be described as possessing a mottled pattern of Class III and IV soils. A major influence on the soil capability is slope. Many of these Class III and IV soils are considered as high-value farmland soil and provide “unique” qualities for the growing of higher value crops like wine grapes and Christmas trees. Prime farmland is found along the UGB in the area along Germantown Road and Kaiser Roads, in the notch of the UGB along Springvale Road and between the UGB and 185th Avenue.

Water supply is questionable in this subregion as it is located in the upper end of small drainage that does not produce large quantities of water. The availability of ground water in any abundance is unknown. Irrigated agriculture does exist in the northwestern portion of the subregion north of and along Abbey Creek. There are no restrictions on the development of ground water in this subregion.

Suitability

Outside of the forestland areas, this subregion is best described as two areas divided by a power line corridor that angles from the northeast to the southwest through Section 9, Township 1 North, Range 1 West, WM. South of the power line, the subregion is characterized as a deep notch into the urban area. This area is nearly surrounded by the urban area and includes multiple edges including two “stair step” notches.

Approximately ninety percent of the perimeter of this area is UGB. A large rural residential exception area combines with the UGB to cut off the area from the larger block of resource lands located to the northwest of the power line. Several smaller clusters of low-density rural residential housing are also located throughout the area. These exception areas further break up the area into isolated small blocks of land zoned for farm use. What agriculture that does exist is characterized as pasture, livestock and small woodlots.

Northwest of the power line corridor, the subregion opens up to an area that is bounded only to the south by the UGB. This edge is relatively short and contains no protrusion and a short, open notch. This area contains fewer and smaller exception areas (including one zoned Multiple Use Agriculture by Multnomah County) within the core agricultural land base. Agricultural lands block up with adjacent forest zoned lands and agricultural lands located within the Dairy/McKay Creek subregion. Parcel size is conducive to small and large-scale agricultural operations. Few nonfarm uses are evident in the area. Zoning is predominantly Exclusive Farm Use or Forest, precluding major land division and development of nonfarm uses.

Land use within the UGB adjacent to agricultural lands includes Portland Community College and lands that remain in agricultural use after recently being placed within the

UGB. Perhaps more important to long-term stability, an opportunity exists to provide a good edge and buffer along this UGB edge. Abbey and Rock creeks flow from the east to the west along most of the UGB.

Other Considerations

This area lacks major arterials that are utilized by agricultural transportation. Roads in the subregion can be characterized by narrow, winding, roads with no or very little shoulders. There are problems with movement of farm equipment between fields due to both area and cut- through urban traffic. The western portion of the subregion has better access due to its location adjacent to the Dairy McKay Creek subregion.

The location within the Portland metro area provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks, wineries and small farms producing high-value products for sale to the urban market are not uncommon in the area. This provides greater opportunities for both larger farm operations and the smaller parcels to produce crops that cater to the ever-growing demand for locally produced food and other agricultural products. The larger parcels located within the western part of this subregion are also conducive to more extensive, larger scale agriculture operations involving field crops. These larger parcels could help to meet the growing demand for biofuel/bioenergy products in the region.

Conclusion

Lands located west of the power line corridor maintain good integrity. They block up with other resource lands and maintain a compatible edge with the adjacent urban area. This combined with prime farmland soils and trending agricultural operations that cater more and more to the urban population result in the ultimate conclusion that this area is suited to commercial-scale agriculture.

South of the power line, conditions change. Agricultural lands in this region are most impacted by the configuration of the urban growth boundary. This area is almost completely surrounded by the urban growth boundary and rural residential exception lands. When the exception area lands are include, adjacent land use to lands zoned for farm use is primarily residential. Soils are generally poorer in this area and those that are not are located immediately adjacent to the UGB within a notch.

Sauvie Island

This agricultural subregion is an oblong island running roughly north and south and bounded by the Multnomah Channel and the Willamette and Columbia rivers. It is flat, deep river bottomland bisected by various riverine features such as oxbow and cutoff meanders, sloughs and meander scars. The northern part of the island is dominated by Sturgeon Lake and associated lands contained within and maintained as a state wildlife reserve. Recreational use of the many island areas is common and popular.

The dominant agricultural use is irrigated row crops. Minor agricultural commodities include includes hay land, annual grass, nursery land (in-ground and container), orchards, berries, livestock, and nursery stocks. Small horse farms and other lifestyle operations are not common on Sauvie Island as in some other agricultural regions in the north Willamette Valley.

Analysis

Capability

Soils found in this subregion are characterized by a variety of silt loams with very few inclusions. They are excellent agricultural soils. With few small exceptions, due to wetness, the soils are designated as prime farmland and contain Class II and III soils. The Class III soils tend to be wetter than the Class II soils, but are highly productive when managed for excessive water. Drainage can be an issue. This is especially true for areas tiled in the 1940s and 1950s and in need of repair or replacement. Special consideration related to wet conditions needs to be given to agricultural practices on wetter soils during the early part of the growing season. Area farmers have developed substantial drainage infrastructure and other management tools. Most of the agricultural land found on the island is well drained.

This subregion has abundant water supply. Most arable land located on the Island has water rights for irrigation. There are significant numbers and quantity of both surface and ground water withdrawals. No restrictions on the use of water exist in the area.

Suitability

This subregion is set apart from the rest of the region with the best all-around buffering found in any metro agricultural subregion. Besides the river channels, zoning on the lands located between the Multnomah Channel and US Highway 30 is Multiple Use Agriculture (see discussion below). Urban influences on island agricultural operations relate to traffic on exterior access roads and recreational users. All exception areas located within the island and outside the wildlife area are zoned Multiple Use Agriculture 20 (MUA-20) by Multnomah County. The MUA zone affords much better protection than the rural residential zoning in place in other regional exception areas and comparable protection to what is provided by EFU zoning. The MUA-20 zone limits land divisions to the creation of 20-acre or greater parcels, and limits the scale of nonfarm uses, in several cases more restrictively than state law. The vast majority of the island's agricultural land is zoned exclusive farm use. Because the soils on the island are considered high-value farmland, fewer nonfarm uses may be allowed under state law.

Parcel size is not a limiting factor. It is appropriate for all scales and intensive of production agricultural practices. In fact, parcel size is considered to be a key strength in this subregion.

Nonfarm use is limited and focused on the island. An aggregate mining operation is located on the southern tip of the island. Several smaller isolated clusters of rural residential development exist around the edges of the island. Recreational use and its

associated traffic can pose problems to agricultural operations but it is not considered a fatal limiting factor. In fact, many of the farms located on the island take advantage of the recreation use to direct market island products.

Other Considerations

Agricultural transportation off the island, the movement of crops and machinery, is presently restricted by bridge weight limit. This is currently being corrected by construction of a new bridge. Access off the island is direct to US Highway 30, which provides good access to area services.

The location both near the Portland metro area and within a recreational area provides excellent opportunities for the direct marketing and promotion of agricultural products. Farm stands, U-picks and farms producing high-value products for sale to the urban market are common and well known. Agri-tourism activities conducted on the island are well known through out the region.

The importance of drainage to agriculture in the area is highlighted by the existence of a drainage district on the island. This special district is vital in maintaining drainage systems and flood protection structures that are key to area agricultural operations.

Conclusion

Excellent soils, good water availability, location near an urban area, and excellent operational integrity combine to make this area a significant agricultural subregion within the greater metro region.

Scappoose Flats

This agricultural subregion is an oblong region running north and south. It is bounded by the Scappoose UGB and US Highway 30 to the west, the Multnomah Channel to the east and Scappoose Bay to the north. Physically, it has much of the same characteristics as Sauvie Island. It is best characterized as flat river bottomland bisected by various riverine features such as oxbow and cutoff meanders, sloughs and meander scars.

Agricultural use in this subregion includes irrigated row crops, hay and pasture land, livestock and nursery stocks.

Analysis

Capability

Soils found in this subregion are characterized by a variety of silt loams with very few inclusions. They are excellent agricultural soils. With very few small exceptions the soils are designated as prime farmland and contain Class II and III soils. The Class III soils tend to be wetter than the Class II soils, but are highly productive when managed for excessive water. Drainage can be an issue. This is especially true for areas tiled in the 1940s and 1950s and in need of repair or replacement. Special consideration related to

wet conditions needs to be given to agricultural practices on wetter soils during the early part of the growing season. Most of the agricultural land found on the island is well drained. Columbia River bottomland shallow swales and sloughs combined with constructed drainage ditch assist in drainage the area. These swales have a tendency to remain wet later in the spring and present some problem to agricultural efforts. Area farmers have also developed substantial drainage infrastructure and other management tools.

There are a significant number and quantity of both surface and ground water withdrawals in this subregion. The area is fortunate to have abundant water at this time. This is probably due to the fact that the subregion is hydrologically connected to the Columbia River.

Suitability

Agricultural lands within this subregion are squeezed between the Scappoose urban area and the Multnomah Channel. Much of this area is located on floodplain lands located below the terrace where urban development exists. This transition provides a buffering effect. The Scappoose Airport also provides an edge and buffer between the city and area farming operations. Exception areas are located on the edges of the subregion and in most cases act as a part of the urban area or the airport. One large exception area does protrude out from the Scappoose urban area to the northeast. It contains an airport and an aggregate mining and processing operation. These uses are generally compatible with farm use.

Parcel size is considered to be a key strength in this subregion, and is not a limiting factor. It is appropriate for all scales and intensities of production agricultural practices.

Nonfarm uses within the subregion are few in number but involve considerable area. Three large aggregate mining and processing facilities are roughly spaced at even intervals running south to north. While they represent a considerable footprint and conversion of quality agricultural land, the operational characteristics overall are compatible with the type of agricultural operations found in the subregion. Agricultural lands in the subregion are zoned exclusive farm use. Because the soils are considered high-value farmland, fewer nonfarm uses may be allowed under state law.

Other Considerations

The importance of drainage to agriculture is highlighted by the existence of drainage districts in the area. These local improvement special districts are vital in maintaining drainage systems and flood protection structures that are key to area agricultural operations.

This area is somewhat isolated from other regional agricultural operations. Urbanization and expansion of aggregate operations could impact the critical mass of operations needed to support and maintain the needed infrastructure in the area, especially in relation to drainage. Local drainage district officials have been able to establish cooperative

agreements with the cities, the port district and aggregate operators that recognize their impacts to area drainage and their contribution towards maintaining the system.

Conclusion

Excellent soils, good water availability, and good operational integrity combine to make this area suited for continued agricultural use.

Policy Considerations

This final section responds to Metro’s request that ODA suggest policy directions that may be considered in protecting the region’s agriculture industry including the ability of working farms to operate efficiently and effectively. ODA offers the following comments and suggestions.

Issue: Balance between protecting agriculture and other land uses.

It is not uncommon to hear a statement the goes something like this: “When it comes to existing policy and law relating to the expansion of urban growth boundaries, protection of agricultural lands trumps all other land uses. There is no balance given to the needs of other land uses.”

Is this an accurate assumption? Based on our experience and analysis of existing policy and law, the answer is no. If anything, it appears that if an imbalance does exist, the system appears to be weighted more towards the ultimate conversion of agricultural lands to urban uses than to their protection as agricultural lands. Consider the following provisions in state law that can lead to the conversion of agricultural lands to urban land uses:

1. ORS 197.296(2): This provision in state law requires a local government to demonstrate that its plan provides sufficient buildable lands within its urban growth boundary to accommodate estimated housing needs for twenty years.
2. OAR 660-009-0025(2): This provision requires local land use plans to provide a twenty-year land supply of “employment lands” (commercial and industrial).
3. ORS 197.298(3): Allows “lower priority” lands (better agricultural lands) to be included in an urban growth boundary if it is determined by the local government that nonresource and poorer quality resource lands are inadequate to accommodate the amount of land needed to meet the determined twenty-year land supplies. The law further provides three specific reasons that may justify conversion of higher quality resource lands:
 - a. Specific types of identified land cannot be reasonably accommodated on nonresource and poorer quality resource lands;
 - b. Future urban services could not reasonably be provided due to topographical or other physical constraints; or

- c. Maximum efficiency of land uses within a proposed UGB requires the inclusion of higher quality resource lands in order to include or provide services to other lands with high priority for inclusion.
4. Statewide Planning Goal 14: Requires that UGBs shall be consistent with 20-year population needs. Needs include housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space or any combination of these categories. Allows local governments, when determining “need”, to specify the characteristics necessary for land to be suitable for an identified need.
5. OAR 660-024-0040: Implements Goal 14 provision discussed previously.
6. Regional Problem Solving ORS 197.652: Allows for expansion onto agricultural lands regardless of soils hierarchy if deemed to not be part of the region’s commercial agricultural or forestland base. Does not define “commercial agricultural land base.

The above provisions provide a path to urbanize agricultural lands regardless of soil type, quality, value or rank. None of these provisions provide any bottom line or ultimate protection for any category of agricultural land. These provisions have been utilized in actual practice. Recent examples include expansion of the Woodburn (775 acres), McMinnville (794 acres) and Metro (industrial lands, 402 acres) urban growth boundaries.⁹

These policies and laws have led some in the agriculture industry to coin the term “the rolling urban growth boundary. This focuses on the potential for different cities UGBs to ultimately coalesce. Unlike other land uses, there are no policies or provisions addressing the long-term protection of agricultural lands from urbanization.

Issue: Should the region identify agricultural lands that should remain off limits to urbanization? Should permanent UGB boundaries or “hard edges” be established?

The establishment of agricultural preserves and hard edges in some locations should certainly be given strong consideration. Many areas that are considered by region planners as best suited for urban growth involve areas that are well suited to long-term agricultural operations and in most cases involve prime farmland. While most urban uses are land dependent, they are not dependent on the quality of the soil.

The use of preserves to protect significant agricultural lands could go a long way in providing some stability and certainty to some agricultural areas, if not to the larger region. Analysis similar to that provided in this report could be used to make allocation

⁹ According to data available from the Oregon Department of Land Conservation and Development, from 1987 to 2005, 14,840 acres of agricultural zoned land were moved into urban growth boundaries by way of urban growth boundary expansions. This constituted 33% of all the land brought into urban growth boundaries during said time period.

decisions as to which lands merit preserve status. Obvious candidates in the region include the McKay/Dairy Creek, Tualatin Valley, Clackamas Prairies and French Prairie subregions. The department supports and recommends the establishment of agricultural preserves. Agricultural preserves would help to balance existing urban growth policy that provides long-term certainty for residential and employment lands, but not for agricultural lands.

In the analysis section of this report a good deal of discussion focuses on edges and buffers between agricultural lands and urban lands. Where good edges currently exist, strong consideration needs to be given to making them permanent. Existing physical features that should be given strong consideration for hard edges include: Willamette River between Newberg and Oregon City, Clackamas River/Noyer Creek/North Fork Deep Creek and Council Creek/McKay Creek. Consideration should also be given to developing hard edges that do not correspond with a physical feature through land use regulation and conservation easements. This is particularly relevant along the northern segment of the Hillsboro UGB. A good example of a “designated” edge is found in east Multnomah County. This edge was established in an agreement between the county and the City of Gresham.

Good agricultural buffers provide situations that protect or moderate adverse impacts between agriculture and other land uses not considered to be generally compatible with agricultural operations and practices. Buffers can be created using different tools. Establishing compatible land uses between land uses and requiring mitigation such as setbacks and physical barriers/features are examples. Once established, buffers should be protected from urbanization (conversion) and should not be leap-frogged by urban expansion.

Examples within the Metro area of intervening land use buffers include the Metro open space acquisitions in the Cooper/Bull Mountain area, and the zoning (and development) of lands along various segments of the UGB for industrial use. Other examples are identified in the analysis section of this report. There is no apparent evidence to suggest that compatibility with or protection of agricultural lands was taken into account when these “buffers” were created. This appears to be an area that could be better developed. Decisions involving future acquisitions of “open space” lands and easements and the allocation of land use designations along UGB edges should consider long-term protection agricultural lands and compatibility with agricultural operations and practices.

We are not aware of any provisions within the region that require any mitigation such as establishment of setbacks or barriers.

Issue: Should farmland protection priorities be based on soil qualities or other factors?

This question brings focus on the state law that establishes a priority list of lands for inclusion into an urban growth boundary:

197.298 Priority of land to be included within urban growth boundary. (1) In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities:

- (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan.
 - (b) If land under paragraph (a) of this subsection is inadequate to accommodate the amount of land needed, second priority is land adjacent to an urban growth boundary that is identified in an acknowledged comprehensive plan as an exception area or nonresource land. Second priority may include resource land that is completely surrounded by exception areas unless such resource land is high-value farmland as described in ORS 215.710.
 - (c) If land under paragraphs (a) and (b) of this subsection is inadequate to accommodate the amount of land needed, third priority is land designated as marginal land pursuant to ORS 197.247 (1991 Edition).
 - (d) If land under paragraphs (a) to (c) of this subsection is inadequate to accommodate the amount of land needed, fourth priority is land designated in an acknowledged comprehensive plan for agriculture or forestry, or both.
- (2) *Higher priority shall be given to land of lower capability as measured by the capability classification system or by cubic foot site class, whichever is appropriate for the current use.*

(emphasis supplied)

This law establishes a priority for inclusion of agricultural lands based on land use designation (nonresource before resource) first, and then on soil quality (poorer soils before best soils).

The inventory and analysis in this report utilizes several factors in assessing agricultural lands. Soils capability is and remains the single most important factor in this assessment. Without quality farmland soils, all the other factors, including water availability, are irrelevant. It would not be good policy, in our opinion, to replace the soils hierarchy as the primary consideration used in determining which lands are included within an UGB. This being said, there are circumstances where the implementation of the priority system may warrant additional considerations, including the justification of exceptions to the established priority.

The first circumstance involves the lack of consideration of important farmlands in the priority ranking. Currently agricultural capability is measured by the I-VIII capability system. It does not include consideration of prime, unique or high-value farmland soils designations. This can become an issue in situations where 1) two tracts contain soils with the same capability class soil but one is prime farmland, the other is not, and 2) one tract contains a lower capability class than another yet it is considered prime farmland while the higher capability tract is not.

What happens when all lands being considered for an UGB expansion are equal in terms of the agricultural capability of the soils? This is a situation in which many of the factors utilized in this report could be employed. Under current law, there is no requirement to

protect the prime, Class II farmland over the Class II farmland that is not prime farmland. There is no requirement to protect the irrigated Class II land over the nonirrigated, or the conflicted agricultural land over the foundation agricultural land. These situations occurred during Metro's most recent UGB expansion for industrial lands. Metro Regional Framework Policy 1.12.2 recognizes this situation and provides the ability to consider other factors important to agricultural production.

When the Metro Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Metro Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region.

In regard to land use designation priority, it became evident in this analysis that a situation can occur in which an area of high-value agricultural production is zoned nonresource (exception lands), not exclusive farm use. Because of the land use designation (nonresource), these lands are high priority for inclusion in the UGB. This is not a common situation but one that, nonetheless, merits discussion of an exception to the rule due to the agricultural value of the area. Because this is and should be a rare situation, we suggest that consideration be given to an exception-like process, rather than an overhaul of the entire policy.

Issue: Consideration of the impact of UGB expansions on surrounding agricultural lands.

One of the factors that Goal 14 and the implementing rules call for when considering changes to an UGB is the compatibility of the proposed urban uses with nearby agricultural (and forest) activities occurring on farm and forest land **located outside the UGB**. The Goal is one of four factors to be "balanced" in the process. This balancing has tended to obscure or ignore the compatibility factor.

While a good deal of analysis is given to the conversion of agricultural lands to urban lands, more weight needs to be given to this compatibility factor. Expansion of UGBs need to better take into account the impact of the planned development, including the configuration (footprint) of the expansion, on area agriculture. For example, UGB expansions should not create protrusions or fingers of urban land into agricultural lands. Expansions should not create situations where urban lands have multiple edges multiple edges with agricultural lands. Urban expansion should not "commit" agricultural lands to nonresource use.

It is important to note that adverse impacts need not always lead to a "yes or no" answer to a proposed expansion. Greater consideration should be given the mitigation, when found to be appropriate, of impacts to agricultural lands. Conditions of approval such as requiring buffers and setbacks, establishment of agricultural easements and protection of compatible urban uses from conversion can mitigate impacts to agricultural operations located outside the UGB. A mitigation fund/bank could be established where funds could be deposited as mitigation for the conversion of high-value farmland. The funds could

then be used to acquire agricultural conservation easements to establish better edges and to protect key blocks of agricultural land.

Issue: How do trends in consumer demands and agricultural production affect the need to protect productive agricultural land in the region?

Examples of current trends include:

- Increasing uncertainty about long-term energy supplies.
- Increasing demand for biofuels/energy development.
- The growing demand for organic, sustainable, high quality foods both in the home and at restaurants.
- Increasing demand for food products from a local food shed.
- New conservation incentives and other programs related to renewable energy and farmland protection including the ability of working farms to operate.

These trends suggest that lands not always considered to be important to the region's agricultural base may now merit greater or equal consideration. Areas considered impacted due to parcelization, parcel size and nonfarm development may be suited to more intensive operations on a smaller parcel. Lands underutilized in the past but maintained as larger parcels may be well suited to the production of biofuel crops.

The department recognizes these and other trends and supports the development of these sectors. The region may value and wish to protect areas that are characterized by operations responding to these trends. Discussion should occur about the importance of such lands.

We do not believe that the development (and protection) of these sectors should be at the expense of the greater agricultural industry, for two reasons. First, the nature of the region's and Oregon agriculture is focused on production for the export market. Eighty percent of the production leaves the state. Forty percent of the production leaves the country. This production provides the base and critical mass needed to support the infrastructure needed and used by all types of Oregon agriculture. And this export production is an important part of the state's economic bottom line.

Second, lands that provide the needs for the production of commodities such as nursery products, grass seed, production berries and vegetables, Christmas trees and tree fruits and nuts could easily be converted to the scale and production associated with the trends discussed above. On the other hand, areas that are "conflicted" by parcelization and nonfarm land uses could not be easily converted to meet the needs of the export oriented agricultural products that drive the industry.

Issue: Coordination of regional growth with neighboring cities.

Several cities located within the greater region are not within Metro's planning jurisdiction. These include the cities of Banks, Gaston, North Plains, Newberg, Canby, Estacada and Sandy. Much of the growth occurring within these cities can be associated

with regional patterns and issues, yet decisions to urbanize lands adjacent to these cities do not require any coordination with or consideration of decisions made by Metro jurisdictions. Decisions by the Metro jurisdictions to protect or urbanize any given agricultural land may work contrary to decisions by neighboring cities to protect or urbanize agricultural lands.

Long-term urban growth decisions within the greater region should be made only after coordinated population forecasts and regional economic need analyses are developed and utilized. Such forecasts and analyses should include Metro jurisdictions and neighboring cities.



August 13, 2010

Larry French
Periodic Review Coordinator
Department of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, OR 97301

Re: Response to Objections to Urban and Rural Reserves

Dear Mr. French,

The enclosed matrix addresses objections by persons located within or about specific sites in Washington County as well as objections raised by people specific to the reserves planning process in Washington County. Neither the matrix nor this letter provides arguments related to the individual objections; rather, they note the pages within the record that address the objectors' concerns. A general description of the Washington County reserves planning process provided below explains the framework for developing the county's recommendations.

Washington County Reserves Planning Process

The county's approach to the reserves planning effort featured two primary objectives:

- 1) Perform a technical analysis of areas under consideration applying the factors for urban and rural reserves designation, as listed in OAR 660-027 (*Washington County record page 32*), and
- 2) "Achieve a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and the protection of the important natural landscape features that define the region" (OAR 660-027-0005, *Washington County record page 32*)

The Reserves OAR required that certain factors be applied when identifying and selecting lands for either urban or rural reserves (OAR 660-027-0050 and -0060, *Washington County record pages 36 - 38*). These factors were applied with increasing specificity in successive process refinements or iterations of analysis. First, the regional Reserves Steering Committee (RSC) approved the Reserves Study Area for the three counties, which consisted of approximately 404,000 acres (see *Metro record*), with 171,000 acres in Washington County (*Washington County record page 2996*). Then, using GIS analysis, staff applied the various OAR factors for both urban and rural reserves broadly across all areas within the study area. The suitability analysis and weighting system are described in detail in the September 23, 2009 staff report (*Washington County record pages 2954 - 2960*). The technical analysis methodology used by county staff also is discussed in the September 2009 staff report (*Washington County record pages 2960 - 2988*). Suitability analysis maps were produced for both urban reserves (*Washington County record page 2997*) and rural reserves (*Washington County record page 3001*).

Following the application of the initial screens (the coarsest of the successive filters), staff worked in conjunction with representatives from the cities within the county to develop Candidate Urban Reserve Areas (*Washington County record pages 2960 - 2970*) and performed additional technical analysis to apply the rural reserve factors to develop Candidate Rural Reserve Areas (*Washington County record pages 2970 - 2988*).

Initially, 107,000 acres were deemed *potentially suitable* for designation as Candidate Urban Reserves (*Washington County record page 3005*). A subsequent screen refined and reduced this number to 47,000 acres (*Washington County record page 3011*) based on areas of interest identified by cities within the county. Following the application of that screen, a land needs analysis (*Washington County record page 3586*) performed by city and county staff supported a decision to include between 27,722 and 66,934 acres of land within urban reserves (*Washington County record page 3597*).

Once these Candidate Urban Reserves were drafted, an additional screen was applied to address the second objective of the Reserves planning process - achieving a balance between planning for urbanization and protection of resource lands and natural landscape features. This balancing process took several months, and involved reducing the acreage of Urban Reserves and increasing Rural Reserves. In September 2009, the Washington County Reserves Coordinating Committee's final recommendation to the regional Reserves Steering Committee called for 34,300 acres of Urban Reserves and 109,750 acres of Rural Reserves (*Washington County record pages 2988, 3033 and 3034*).

Additional balancing of Urban and Rural Reserves was performed by the Core 4 between September 2009 and February 2010 (*see Metro record for information regarding these proceedings*). Several proposals were reviewed and ultimately the recommendations made by Metro Council President David Bragdon and Councilor Carl Hosticka provided the framework for the Core 4's decision to designate 13,567 acres as Urban Reserves, with 151,666 acres designated as Rural Reserves within Washington County (*Washington County record page 8004*).

Following the adoption of the Intergovernmental Agreement (IGA) between Washington County and Metro, Washington County began a land use ordinance process that included several public hearings. Minor adjustments were made to reserve areas during that process, resulting in a modified IGA and land use ordinance designating rural reserves and adopting urban reserves. These agreements were adopted in June 2010 (*Washington County record page 9296*).

Attached to this letter, staff has provided a matrix to assist Department of Land Conservation and Development staff in responding to objections raised with regard to Urban and Rural Reserves in Washington County. Each objector is listed, along with their contested areas and a description of the key issues identified in their objection letters. The column on the right side of the matrix provides specific record citations to respond to the identified objections. Also included are two maps identifying 1) the objectors' locations within the county, and 2) contested areas by each objector's name. These maps are included to assist DLCD staff in locating the specific areas of concern.

Thank you for the opportunity to provide the attached record citations to address objections filed regarding Urban and Rural Reserves in Washington County.

Sincerely,



Brent Curtis
Planning Manager

CC: Chairman Brian
Commissioner Duyck
Commissioner Rogers
Commissioner Schouten
Commissioner Strader
Robert Davis, County Administrator
Andrew Singelakis, Director

Reserves Objections
Washington County
Issues, Record References and Responses

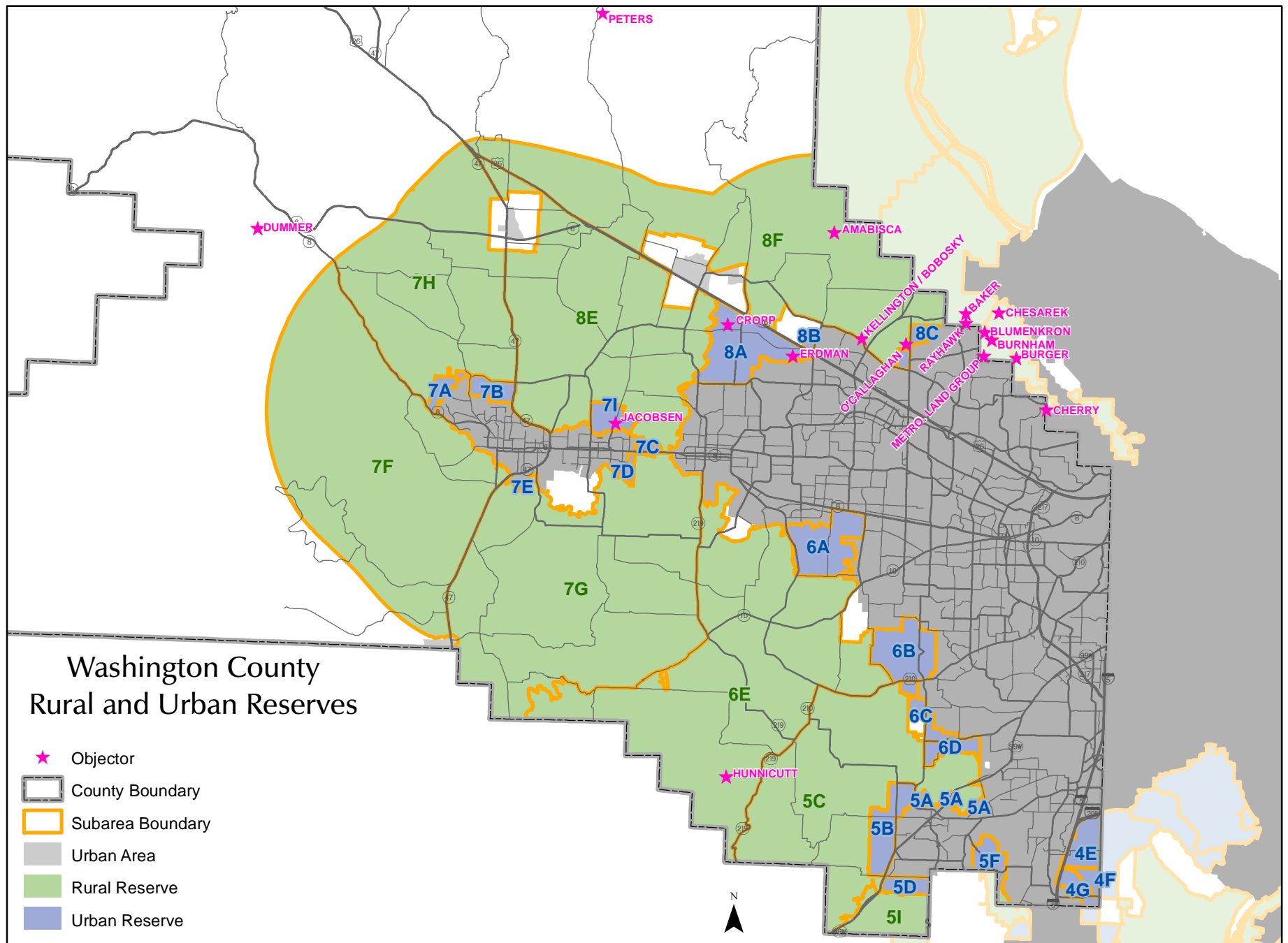
	B	G	H	I	R	S	U
	Ref Number	First Name	Last Name	c/o Representative or Organization	Area Contested	Key Issues Raised	Washington County Record References Supporting Decision:
2							
5	3	Brian	Wegener	Tualatin Riverkeepers	Washington County / Area 6B (Cooper Mtn.)	a) 660-027-0050(5) area cannot be "...designed to preserve and enhance natural ecological systems b) Cooper Mountain meets all Rural Reserve Factors for Natural Landscape Features - OAR 660-027-0060(3).	Pg. 2270 - Recommended Rural and Urban Reserves map; Pgs 2279 - 2293 - Reserves Suitability Analysis in Washington County; Pgs 2286 - 2292 - Pre Qualifying Concept Plans: (see City of Beaverton PQCP: pgs 2363 - 2383); Planning Commission Recommendation: pg. 8402; Map: pg. 9284; Urban Reserve area reductions / Core-4 adjustments: pg. 8451; Final IGA adjustments: pgs. 9276, 9277 & 9284 (map). Findings on OAR 660-027 'Factors': 9659 - 9660. See also 'Special Concept Plan Area A': pg. 8847.
6	4	Coalition for a	Prosperous Region	Black Helterline LLP Attorneys	Washington County / Region - Urban Reserves	a) Not enough Urban Reserves; Designated U.R's in wrong location; UGB Capacity Overestimated; Need to address needs by Geographic Subareas	See Metro Record relating to land needs and "balance" - pages 14 - 19
7	4a	Stark	Ackerman	Black Helterline LLP Attorneys	" " "	" " "	" " "
8	5	Carol	Chesarek	Self	Washington County / Peterkort site	a) Misapplies Urban Reserve Factors; Violates Goal 2 - Adequate Factual Base / Not supported by substantial evidence in the Whole Record; b) Fails to satisfy OAR 660-027-0040(1) by applying both Urban and Rural Reserve Factors "concurrently and in coordination with one another."; c) Fails to satisfy Goal 2: "Evaluation of alternative courses of action"; d) Fails to satisfy Goal 3: Urban Growth should be separated from agricultural lands by buffer or transitional areas of open space; e) Violates Goal 5 to protect Natural Resources and Conserve Scenic and Historic areas and Open Spaces; f) Fails to satisfy OAR 660-027-0005(2): long-term protection of agricultural land and Natural Landscape Features;	a) BCC deliberation - pgs. 8543 - 8545; Issue paper - pgs. 8586 - 8591 (Peterkort);Urban Reserves Suitability Analysis and City Areas of Interest: Pgs. 2319 - 2326; b) Demonstration of concurrent and coordinated application of Urban and Rural Reserve Factors: Pgs. 2327 - 2347 / Recommended Rural and Urban Reserves map pg. 2270 - see also Pgs 2279 - 2293 - Reserves Suitability Analysis in Washington County; Stakeholder input & preliminary findings: 9335 - 9338; d/e) Wash. Co. Findings on Compliance with Goals 3 and 5: pg. 9693; Peterkort family testimony: pg. 8400; Planning Commission Recommendation: pg. 8402; Site map: pg. 8405; Goal Compliance Findings: pg.9693; Overview of needs for Peterkort Site: pg. 9644; f) Application of OAR 660-027 Factors: pgs. 9645 - 9647.
9	5a	Cherry	Amabisca	Self	" " "	" " "	" " "
14	9	Dave J	Hunnicutt	Self	Washington County / Exception Areas	a) Site is within Exception Area and therefore does not qualify as a Rural Reserve; b) ORS 195.141(3) - sets forth purpose of Rural Reserve subject site does not meet this purpose - land is rural residential; c) ORS 195.141(3)(d)(A) adjacent land-use is rural residential. Wash. Co. Record 2976-2980; d) OAR 660-027-0060(3) - Natural Landscape Features - subject area does not meet criteria under this rule.	d) Subject site is included in "Area 15" on the 'revised' Natural Landscape Features Inventory map - WC record pg. 3000. Subject site is designated as "Important Agricultural Land" - WC record pg. 2998.
15	10	Dave J	Hunnicutt	Oregonians in Action	Washington County / Region - Exception Areas	a) Wash. Co. R&O 10-62 - Reserves Findings; b) Exception Area lands; c) Goal 2; ORS 197.732; d) OAR 660-027-0040(5) - "prohibits county from allowing exception lands in areas designated Rural Reserves; e) Important Natural Landscape Features (660-027-0060(3)) - "hopelessly overbroad".	a) Goal Compliance addressed in Findings Document - WC Record pgs. 9692-9695 c) Consistency with Goal 2 is addressed in the Washington County Record at pg. 9692 d) OAR 660-027-0040(5) states: "Metro shall not re-designate rural reserves as urban reserves, and a county shall not redesignate land in rural reserves to another use, during the period described in section (2) or (3) of this rule, whichever is applicable." - this was not a determining factor in the designation of Rural Reserves in Washington County. e) Re: properties at elevations exceeding 350' / OAR 660-027-0060(3) see WC record pgs 2986 - 2988 & Natural Landscape Features Inventory map - WC record pg 3000
24	18	Jim	Johnson	Board of Agriculture	Washington County / Region	Objection I: The decision is not consistent with the purpose and objective of OAR 660, Division 27: a) Lack of balance as required by rule. Objection II: General Analysis Issues; the analysis and designation of key Washington County agricultural lands as urban reserves and failure to designate qualified agricultural lands as rural reserves is flawed. a) 'Subject to urbanization' too expansive in area. b) Foundation designation in itself addresses long-term requirements of rule. c) Emphasis on water availability as a criterion. d) Large blocks vs. large parcels. e) Sufficiency of Agricultural infrastructure not addressed. Objection III: Designation of agricultural land north of Council Creek (Urban Reserve Area 7I) as an urban reserve is inconsistent with the Reserves Statute and Rules. a) Meets rural reserve factors.	Obj I: a) Balance achieved 'regionally' (see Metro record pgs 14 - 19; Balance achieved through iterative process - see Regional technical analysis maps and tables. See also Washington County technical analysis maps - Wash. Co. Record pgs 2996 - 3034 and pgs. 2947-3818 (WC Recommendations) & 8557 - 8603 (Issue Papers 1-4, Ordinance 733) & 9619-9695 (A-Engrossed Ordinance 733 - Findings of Fact). Obj II a) Wash. Co. record pgs: 2971-2972 (WC Recommendations) & 3013-3014 (Appendix 1, (WC Recommendations); b) WC Record pgs: 3800-3801 (Issue Paper #7); 3804-3809 (Issue Paper 9a); 3814- 3816 (Issue Paper #10); 2904-2906(Naiop letter to RSC, 9/4/09); 2957 - 2971 (Wa.Co. RCC Urban and Rural Reserves Recommendations); 7994-7997 (Great Communities Executive Summary), WC record pgs: 2026-2031 (Letter from WaCo Planning Directors Regarding Land Needs Estimates); Port of Portland letter to Bragdon Oct 15, 09-Metro Record Page 1398-1399; c) Cite to record pages; 2973-2974; 2976. Obj III: a)See record pages 2960-2970 (WC recommendations);
25	" "	" "	" " "	" " "	" " "	Objection IV: Designation of agricultural land north of Waibel Creek and Meek Road (Urban Reserve Area 8A) as an Urban Reserve is inconsistent with the reserves statute and Rules. a) Meets rural reserve factors. Objection V: the "Undesignated" lands located south of North Plains and west of and adjacent to Helvetia Road should be designated as Rural Reserve. a) Area meets rural reserve factors and should be designated as such.	(pp 3066-3084 (Cornelius PQCP).Obj IV: a) see rec pages 2960-2970 (WC recommendations); 3110-3453, Hillsboro PQCP). Obj V: a) record page 2989 (WC Recommendations); 3796-3797 (Issue Paper 5).

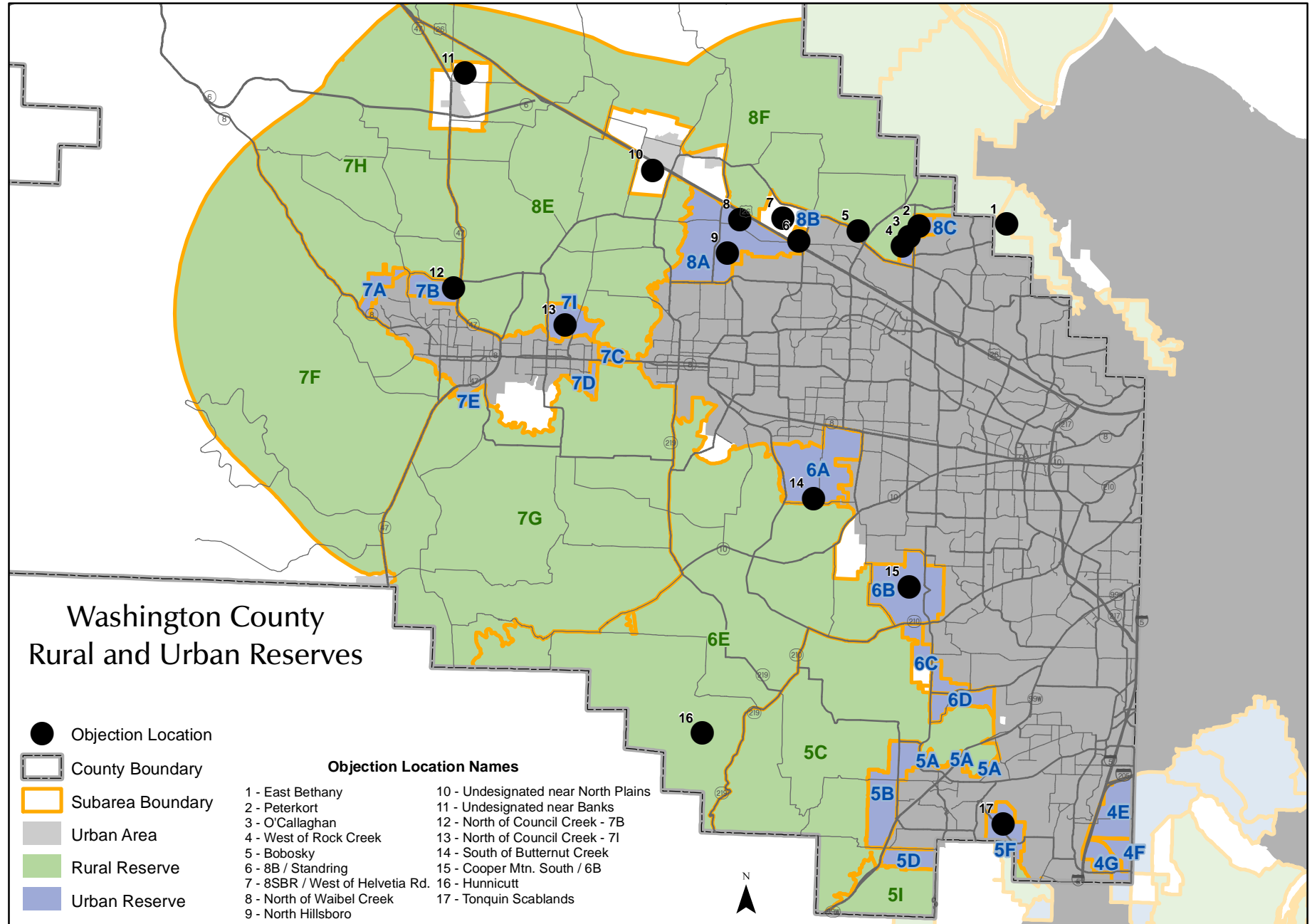
Reserves Objections
Washington County
Issues, Record References and Responses

	B	G	H	I	R	S	U
	Ref Number	First Name	Last Name	c/o Representative or Organization	Area Contested	Key Issues Raised	Washington County Record References Supporting Decision:
2							
	19	Jim	Labbe	Audubon Society of Portland	Washington County / Region	a) Failure to achieve 'balance' 660-027-0005(2); b) inadequate consideration of OAR factors; c) Excess Urban Reserves in Wash. Co.; d) Rock Cr. Corridor N. of Hwy. 26 should be Rural Reserve; e) Tonquin Geologic area should be Rural Reserve; f) UR 6A (Cooper Mtn.) should be Rural Reserve; g) UR 7I (N. of Council Cr.) should be Rural Reserve.	a) Balance achieved 'regionally' (see Metro record pgs 14 - 19); b) see Washington County Findings - WC Record pgs. 9619 - 9695; c) Excess UR in Washington County see objection submitted by 'Coalition for a Prosperous Region'; d) Rock Creek Corridor area 8C: Special Concept Plan Area C includes special design considerations addressing objections: WC Record pgs. 8845 & 8847; Rock Creek Corridor also addressed in Pre-Qualified Concept Plan developed by City of Beaverton - Record pgs. 3045 - 3064; e) Tonquin Geologic Area addressed in PQCP developed by city of Tualatin - Record pgs. 3495 - 3563; f) Cooper Mountain (UR 6A) see Issue Paper #4 attached to May 11, 2010 BCC Staff Report on Ordinance 733 - WC Record pgs. 8607 - 8609 -- see also Exhibit 'B' to Metro / Washington County IGA - "Principles for Concept Planning of Urban Reserves" - Special Concept Plan Area A - WC Record pg. 8845. g) see Pre-Qualifying Concept Plan developed by the City of Cornelius - WC Record pgs.3067 - 3083
26							
	23	Joseph C	Rayhawk	Peterkort - Wa. Co.	Washington County / Peterkort site	Assumes Peterkort property should stand alone and independently qualify as an Urban Reserve - cites reasons it is unable to qualify under many of the applicable UR factors; cites reasons the property does qualify for designation under most RR factors.	The following Record pages explain and support the inclusion of the Peterkort site within designated Urban Reserves in Washington County: BCC deliberation - pgs. 8543 - 8545; Issue paper - pgs. 8586 - 8591 (Peterkort);Urban Reserves Suitability Analysis and City Areas of Interest: Pgs. 2319 - 2326; Demonstration of concurrent and coordinated application of Urban and Rural Reserve Factors: Pgs. 2327 - 2347; Stakeholder input & preliminary findings: 9335 - 9338; Wash. Co. Findings on Compliance with Goals 3 and 5: pg. 9693; Peterkort family testimony: pg. 8400; Planning Commission Recommendation: pg. 8402; Site map: pg. 8405; Goal Compliance Findings: pg.9693; Overview of needs for Peterkort Site: pg. 9644; Application of OAR 660-027 Factors: pgs. 9645 - 9647.
30							
	25	Linda	Peters	Self	Washington County /	a) County failed to comply with Goal 1 and OAR 660-027-0030(2); b) decision violates OAR 660-027-0040(7) in designating 212 acres of public road ROW within Urban Reserves;	a) Broadest possible representation of stakeholders and general public was served by elected representatives from each jurisdiction in Washington County / Composition of WCRCC - ref. record pages 1410 - 1412, 1436 - 1438, 4026 - 4029; Public Involvement Plans: Coordinated Regional + Washington County: pages 1439 - 1462; DRAFT Communications Plan Addendum to Coordinated Public Involvement Plan: pages 4046 - 4048; Washington County CCI reviewed and concurred with both Regional and County public involvement plans - Issue Paper - Meeting Public Involvement Responsibilities of Goal 1: pgs. 3782 - 3784; Website implementation: page 4056; Washington County Outreach Activities; pages 4057 - 4058; All Washington County Reserves Coordinating Committee meetings were open to the public and opportunities for public input were provided at every meeting: ref. record pgs. 1388 - 3819; All project recommendations developed by staff were publicly reviewed at WCRCC meetings and made available to anyone not able to attend those meetings by posting on County and Metro Web pages: ref. Record pgs: 3625, 3783; Summary Public Input Phase 2: pages 4092 - 4141; Summary Public Input Phase 3: pages 4224 - 4382; Summary Public Input Phase 4: pages 4383 - 4541; Comparison Coordinated Public Involvement Plan and Implemented Public Involvement Efforts: pages 4542 - 455. b) Public road facilities - Ordinance 733 - Issue Paper No. 2 pgs. 8559 - 8560; Also see discussion of Issues raised by Peters in Findings document: pgs. 9641 - 9643.
32							
	25	" "	" " "	" " "	" " "	" " "	
33							
	26	Mary Kyle	McCurdy	1000 Friends	Washington County / Regional : UR-8A / large lot industrial need; lands N. of Council Creek;	Objection I: The amount of acres proposed for urban reserves exceeds the statutory 50-year limit on urban reserves, ORS 195.145(4). Objection II: The amount, quality, and location of Foundation farm land designated as urban reserves violates ORS 195.137-.145 and OAR 660, Division 27: a) Too much foundation farmland is designated urban reserves.b) Natural landscape features, which include fish and wildlife habitat, steep slopes, and floodplain, should be located as buffers or define limits to urbanization. c) High percentage of urban reserves in high subject to urbanization areas. Objection III: The alleged need for 3000 acres for large lot industrial use is without substantial evidence. . . by improperly using large blocks of Foundation farm land. Objection IV: Washington County's Reserves analysis, on which Metro relies, is legally flawed: a) Rural designations appear not to be under the threat of urbanization. b) Reliance on water availability in making rural reserve determinations; c) County parcelization size cut-off and analysis determinations; d) Consideration of agricultural infrastructure	Obj I: Appropriate number of acres in Urban Reserves: Metro Record page 23 • Obj. II: a) 3800-3801 (Issue Paper #7); 3804-3809 (Issue Paper 9a); 3814- 3816 (Issue Paper #10); 2904-2906(Naiop letter to RSC, 9/4/09); 2957 - 2971 (WC Recommendations); 7994-7997 (Great Communities Executive Summary); 2026-2031(Letter from WaCo Planning Directors re: Land Needs Estimates); Port of Portland letter to Metro Council President David Bragdon - Metro Record pgs: 1398 - 1400; b) See record pages: 2987 (WC Recommendations); pg. 3000 (WC Recommendations); 3035-3585(Appendix 2, WC Recommendations); c) See record pages: 2971-2972 (WC Recommendations); pg. 3013 - Appendix 3, pgs. 3798-99 (Issue Paper #6); Obj III: Metro record page 23; Obj IV: a) See record pgs: 2971-2972 & 3013-3014 (Appendix 1 - WC Recommendations); b) see record pgs: 2973-2974; 2976 (WC Recommendations); c) see record pages: 3806 (Issue Paper #9a); pg. 3815 (Issue Paper #10); pg.3021 Appendix 1, Map 24);d) see record pgs: 3815 (Issue Paper #10
34							
	26	" "	" " "	" " "	" " "	Objection V: Designation of the farm land north of Council Creek, generally north of the cities of Cornelius and Forest Grove, as urban reserves violates the reserves statute and rule (urban reserve area 7I and a portion of 7B): a) Both areas meet rural reserve factors and should be designated as such. b) North of Council Creek not near future (hc) transit and would not facilitate compact development. c) Cornelius has existing vacant land that can be used for development. c) Specific urban and rural reserve factors not addressed. Objection VI: Designation of the Hillsboro North Area (8A, Evergreen) as an urban reserve violates the reserves statute and rule. a) Meets all rural reserve factors and should be designated as such. b) Specific urban reserve factors not addressed. Objection VII: Most of the "undesignated" lands around North Plains and Banks should be rural reserves: a) Too much land is allocated to undesignated status.	Obj V: a-c): See record pages 2960-2970 (WC recommendations); pp 3066-3084 (Cornelius PQCP); 3084-3110 (Forest Grove PQCP). Obj VI: a-b) See record pages 2960-2970 (WC recommendations); 3110-3453 (Hillsboro PQCP). Obj VII: a) record pages 2989 (WC Recomendations); 3796-3797 (Issue Paper 5).
35							
	27	Maxine	Erdman	Gary Genteman Representative	Washington County / Area 8A	Urban / Rural Reserves criteria was appropriately applied - property owner supports Urban Reserve designation of Area 8A	*Supports decision
36							
	28	Melissa J	Jacobsen	Self	Washington County / Cornelius Area	a) Does not "avoid or minimize adverse effects"; won't "preserve or enhance the natural ecological systems"; b) won't be walk / bike friendly; Council Creek provides a natural "barrier ...separating the urban and rural..."	a/b) See Washington County Findings in support of Ordinance 733A - pgs. 9619 - 9695; Cornelius North - Area 7I: pg. 9668
37							
	30	Michael	Cropp	Self	Washington County / North Hillsboro	Supports adopted Urban Reserve designation for the North Hillsboro area.	*Supports decision
39							

Reserves Objections
Washington County
Issues, Record References and Responses

	B	G	H	I	R	S	U
	Ref Number	First Name	Last Name	c/o Representative or Organization	Area Contested	Key Issues Raised	Washington County Record References Supporting Decision:
2							
	35	Ron	Carley	Coalition for a Livable Future	Washington County		Standards for creating Urban Reserves are directly addressed in Washington County's Findings - Record pgs. 9619 - 9695; Also see Metro Record documenting UGB capacity and long-term land needs (pgs 22 - 24); Compare Objections filed by Coalition for a Prosperous Region noting in objection 1: "The Reserves Decision fails to designate sufficient urban reserves to achieve the balance of urban and rural reserves required by OAR 660-027-0005(2)" and in objection 3: "The Reserves Decision overestimates the development capacity within the existing UGB and relies on faulty assumptions to dramatically increase projected development efficiency and density..."
45						Too much land designated for Urban Reserves in Wash. Co.;	
46	35a	Jill	Fuglister	Coalition for a Livable Future	" " "	" " "	" " "
	37	Save	Helvetia Community	Garvey Schubert Barer	Areas 8-B & 8-SBR (Urban Reserve & Undesignated	Objection I: The Metro decisions contain factual misstatements that violate Goal 2, adequate factual base, and are not supported by substantial evidence in the whole record: a) Discrepancy in acreage and description of location; Objection II: Designating Area 8B urban reserves misapplies the urban reserve factors of OAR 660-027-0050, violates Goal 2, adequate factual base, and is not supported by substantial evidence in the whole record: a) Doesn't meet OAR urban reserve factors nor do factors "contemplate potential demands for urban freeway interchange expansion." Objection III: The findings applying the urban reserve factors are inconsistent with OAR 660-027-0040(2), OAR 660-027-0040(11), violates Goal 2, adequate factual base, and are not supported by substantial evidence in the whole record. a) Existing natural resources won't be protected in an urban setting. Objection IV: The Metro decisions fail to satisfy OAR 660-027-005 (sic) "to provide long-term protection for agriculture" and OAR 660-02-0040, violates Goal 2 adequate factual base and rational basis, and Goal 3, and are not supported by substantial evidence	Obj I: a) Record pages 8860 (Exhibit 2, Adopted Ordinance A-733); p 9276. Obj II Record pgs: 2491-2496 and 2501-2522 (Hillsboro PQCP); Obj III a) pgs: 2491-2496; 2501-2522 (Hillsboro PQCP); - Obj IV: a) record pgs: 2987 & 3000; b) record pg. 2989 & "WCRCC Issue Paper 05 (Undesignated Lands): pgs. 3796 - 3797;
48							
	37a	Carrie	Richter	Attorney - Garvey Schubert Barer	" " "	a) Lack of adequate buffers on either side of the undesignated area (n of 26);) b) Undesignated status fails to meet Goal 3 by not preserving agricultural lands; Objection V: The Metro decisions fail to apply the rural reserve factors of OAR 660-027-0060(2)(a) to areas 8B and 8-SBR (note: undesig n. of 26), violates Goal 2, adequate factual base and are not supported by substantial evidence in the whole record. a) No evidence that urban and rural reserve consideration was conducted "concurrently and in coordination with one another" as required by 660-027-0040(10) b) Area 8B and the undesignated area north of Sunset Highway cannot meet urban factors; Objection VI: The urban and rural reserve decisions fail to satisfy ORS 197.298, violates Goal 14, Goal 2 adequate factual base and the Metro Regional Framework Plan Policy 1.12.2, and are not supported by substantial evidence in the whole record. a) Non-resource lands should go in first per the statute and - if the statute does not apply, then preservation of foundation lands first is necessary	Obj V: a) Wash. Co. Technical Analysis maps - record pgs: 2996 - 3034; Technical analysis, balancing was developed in an iterative process over time with each iteration resulting in reductions to Urban Reserves and increases in Rural Reserves - see record pgs: 9635 - 9637, also see record pgs. 2953 - 2958; 2969 and 2988-2989; b) record pgs: 3110-3453 (Hillsboro PQCP) for 8b; 2491-2496 & 2501-2522 . Obj VI a) see Metro record pages 14 - 19
49							
	38	Steve & Kelly	Bobosky	Self	Washington County / Bendemeer / Area 8F	Rural Reserve designation of subject property violates OAR 660-027-0060 and ORS 195.139(1)(a) & ORS 195.141(2) and (3); Improperly lumps all lands as "Agricultural land" - whether subject to an acknowledged Goal 3 exception; decision fails to separately evaluate Exception Area lands and Goal 3 Agricultural lands therefore lacks "adequate factual basis". Decision unlawfully undermines Goal 3 and the agricultural land use policy of ORS 215.243 because it repeals protection for agriculture. Decision is an "...unlawful collateral attack on the County land use decision taking an exception to Goal 3 on the subject property based upon the fact that it is physically developed and committed to nonfarm uses. Decision inconsistently applies Rural Reserve Factors in an irrational and improper manner;	See Issue Paper 4 attached to Washington County Staff Report to Board of County Commissioners on May 11, 2010 - Record pgs. 8601 - 8619. Also see Washington County Findings document (record pgs. 9619 - 9695); Bobosky property discussed on pg. 9640.
50							
51	38a	Wendie L	Kellington	Attorney for Bobsky	" " "	" " "	" " "
	40	Thomas J	VanderZanden	Hillsboro Area Walter J VanderZanden Farms, Inc	Washington County - North Hillsboro		
53						Supports Urban Reserve designation for North Hillsboro areas.	*Supports decision
	42	Tim	O'Callaghan		Washington County - O'Callaghan property	"Substantial evidence in record supports designation of the property as Urban Reserve; Violates Goal 2 by relying on unacknowledged extraneous report to formulate 50-year land needs; Violates Goal 12 by not including TPR findings; Enforcement of OAR 660-027-0060(4) violates ORS 195.141(3) & (4).	Iterative Process: Record pgs. 9635 - 9637; 50 year land needs - see Metro Record pgs. 22 - 24; For specific findings relating to Stakeholder Requests see Record pgs. 9637 - 9643; For the O'Callaghan property, see Washington County Record pgs: 8403 (map), also see pgs. 9639 and 8586 - 8590 (Issue Paper).
55							
56	42a	Michael C	Robinson	Perkins Coie-Attorney for Tim O'Callaghan	" " "	" " "	" " "
	46	Wilsonville	Tim Knapp - Mayor	City of Wilsonville	Clackamas County / Washington County - Wilsonville vicinity	a) Excessive amount of land designated within Urban Reserves - Underestimated UGB Capacity; b) Land within the 'Tonquin Geologic Area' innappropriately included in Urban Reserves - area is mapped as "Significant Natural Landscape Feature"; c) Metro did not adequately address OAR 660-027-0050; Excessive amount of land within the Stafford area included within Urban Reserves with no reasonable expectation of receiving urban services.	a) see Metro Record relating to Growth Forecast and related land needs, pages 22 - 24; b) Area 5F is included in the Pre-Qualified Concept Plan developed by the City of Tualatin - Record pgs. 3495 - 3519; b) Area 5F is addressed in Wash. Co. Findings: Record pgs. 9656 - 9657 c) see Metro Record re: OAR 660-027-0050 - pgs. 24, 26 and 33 - 36; d) see Clackamas County findings re: Stafford Basin.
61							
62							







Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



September 28, 2010

Carlotta Collette, Acting Council President
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Lynn Peterson, Chair
Clackamas County Board of Commissioners
2051 Kaen Road
Oregon City, OR 97045

Jeff Cogen, Chair
Multnomah County Board of Commissioners
501 SE Hawthorne Blvd.
Portland, OR 97214

Tom Brian, Chair
Washington County Board of Commissioners
155 North First Avenue MS-21
Hillsboro, OR 97124

**RE: LAND CONSERVATION AND DEVELOPMENT COMMISSION
CONSIDERATION OF METRO URBAN AND RURAL RESERVES**

Dear Council President and Commission Chairs:

Enclosed is the department's report and recommendation concerning the consolidated submittal of urban and rural reserves by Clackamas, Multnomah, and Washington counties and Metro. This matter is scheduled to be heard by the Land Conservation and Development Commission (LCDC) beginning on October 19, 2010 in the Council Chambers at the Metro Regional Center, 600 NE Grand Avenue, Portland, Oregon. The estimated start time for the hearing is 2:30 p.m. on the 19th, and the hearing is expected to continue through October 22, 2010 at the same location.

Commission rules allows the local governments that submitted the decisions and persons who filed objections to those decisions to file written exceptions to the enclosed report. The exceptions must be filed with DLCD within 10 days from the date this report is mailed. This means that written exceptions to the report must be *received* by DLCD at its Salem office by 5:00 p.m. on **October 8, 2010** (see OAR 660-025-0160(4)).

LCDC will make a final decision on the submittals based on the written record (unless the commission requests new evidence or information). Oral argument will be allowed at the hearing, but it will be limited to the counties, Metro, and those who filed valid objections (see OAR 660-025-0085 and OAR 660-025-0160).

In order to complete the hearing in the available time, the time for argument will be limited. The hearing will be conducted according to the schedule described below. Specific amounts of times for argument on each objection will be set in order to stay within this schedule. To complete the argument and make its decisions, the commission may alter these times.

Tuesday (2:30 p.m. estimated start time)

1. Presentation of Staff Report (2:30 to 2:45)
2. Argument on the Validity of Certain Objections (see chapter IX of the staff report) (2:45 to 3:45)
3. Opening Statements (3:45 to 5:00) – opening statements are *optional*; they are *not* for parties to argue about objections; they are for the local governments to provide a brief overview of their decisions, and for the objectors to provide a brief description of their interest(s) in the decisions. New evidence that is not already in the record will be allowed *only* if the commission requests it. Times will be limited to fit within the schedule. Metro will have a maximum of 15 minutes, and the counties each will have a maximum of ten minutes to provide an overview of their decisions. The remainder of the time will be split between those who request making an opening statement.

Wednesday (8:00 a.m. to 5:00 p.m.)

Argument: For each issue, argument will start with the objector(s), followed by Metro (for urban reserve issues) and/or the applicable county(ies) (for issues 4.E through 4.G, and 5.A through 5.C., below). Only one representative for each party will be allowed to argue, and objectors are limited to arguing only those issues raised in their own objections. The Commission will reserve approximately ten minutes at the end of each issue area for questions.

4. Argument on General Objections (see chapters VI and VII of the staff report)
 - A. General Goal, Statute, and Rule Issues (8-10 a.m.)
 - B. Amount of Urban Reserve Land (10-12 a.m.)
 - C. Employment Land/Goal 9 (1-2:15 p.m.)
 - D. Population and Employment Forecasts (2:15-3 p.m.)
 - E. Foundation Farmland as Urban Reserves (3-5 p.m.)

Thursday (8:00 a.m. to 5:00 p.m.)

4. Argument on General Objections (*continued*) (see chapters VI and VII of the staff report)
 - F. Clackamas County Rural Reserves – Generally (8-8:30 p.m.)
 - G. Washington County Rural Reserves – Generally (8:30-9:30 p.m.)

5. Argument on Area-Specific Objections (see chapter VIII of the staff report)
 - A. Clackamas County (9:45-11:00)
 - B. Multnomah County (11:00-11:45)
 - C. Washington County (12:30-5:00)

Friday (8:30 a.m. to 3:00 p.m.)

9. Commission Deliberation and Decisions

Note: The commission may elect to ask further questions of the parties as it deliberates to a decision on Friday.

- cc. John VanLandingham, LCDC Chair (by email)
Objectors (by email and mail)
Local government contacts (by email and mail)



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD

September 28, 2010



TO: Land Conservation and Development Commission
Portland Metro Area Urban and Rural Reserve Objectors

FROM: Richard Whitman, Director
Rob Hallyburton, Planning Services Division Manager
Jennifer Donnelly, Metro Area Regional Representative

SUBJECT: **Agenda Item 7, October 20-22, 2010, LCDC Meeting**

DEPARTMENT'S REPORT ON THE OBJECTIONS TO PORTLAND METRO AREA URBAN AND RURAL RESERVE DESIGNATIONS

I. AGENDA ITEM SUMMARY

A. Type of Action and Commission Role

The matter before the Land Conservation and Development Commission (LCDC or "the Commission") includes amendments to the Clackamas, Multnomah, and Washington county comprehensive plans and the Metro Regional Framework Plan and Urban Growth Management Functional Plan to designate urban and rural reserves in the tri-county metropolitan area using the process authorized by the Oregon legislature in 2007 (SB 1011). These urban and rural reserves are reviewed by LCDC "in the manner provided for periodic review." This item is before the Commission as a referral from the Director of the Department of Land Conservation and Development (DLCD, or "the Department"). This is a review on the record submitted by Metro and the three counties. The purpose of the hearing is to review the objections, the Department's report responding to those objections, hear argument from the parties, and decide what action to take in response to the objections.

The Commission may do one or more of the following:

- (a) Approve the submittal;
- (b) Remand the submittal, or a portion of the submittal to the local governments, including a date for re-submittal; or
- (c) Require specific plan or land use regulation revisions to be completed by a specific date.

B. Staff Contact Information

If you have questions about this agenda item, please contact Jennifer Donnelly, DLCD Regional Representative, at (971) 673-0963, or jennifer.donnelly@state.or.us.

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II. SUMMARY OF RECOMMENDED ACTION

For the reasons described in its report, below, the Department recommends that the Commission deny the objections and approve the submittal. While these urban and rural reserves guide where the Portland region may grow (and where it will not) over the next fifty years, it is important to understand that these decisions do *not* commit particular lands to urban development. That will occur only if and when Metro is able to justify an urban growth boundary expansion under other applicable law.

It is also important to understand that the process and criteria set by the Oregon legislature for designating urban and rural reserves is unlike any other large-scale planning exercise previously carried out in Oregon. With two exceptions, the Department believes that the statutes and rules that guide this effort replaced the familiar standards-based planning process with one based fundamentally on political checks and balances, together with factors that local governments are required to consider in making their decisions. The two exceptions, where the legislature and the Commission have set general standards for reserves are in terms of the overall amount of urban reserves, which must be based on forecasted population and employment growth (ORS 195.145(4)) and the commission's articulation of the purpose of reserves: "a balance in * * * urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the regions for its residents." OAR 660-027-0005(2).

The result is that, in the Department's opinion, the region has substantial discretion in determining the *location* of urban and rural reserves – the framework that will guide *where* the region will grow over the next fifty years *if* the region shows that its needs for housing and employment require additional lands beyond the current urban growth boundary.

Rural reserves in the Portland metro region will provide the long-term certainty about stability of uses that our agricultural and forest industries need to make significant capital investments. They also will help shape the region and protect the landscapes and natural features that define it.

Urban reserves will enable communities in the regional and their partners in the private sector and government to plan for efficient improvements to our roads, other transportation systems, sewer and water systems, creating the foundation for great communities that can sustain long-term job creation and provide needed housing.

The Department carefully reviewed each of the objections from each of the 46 parties who filed in response to the Metro and county submittals. There are several areas where the parties made persuasive policy arguments, and there are a few areas where there may be close legal questions concerning the decisions under review. Nevertheless, in the Department's opinion, Metro and the counties have considered what they were required to consider, and have adequately explained their decisions. Their decisions are based on

substantial evidence in the record as a whole. As a result, and for the reasons set out in detail below, the Department recommends that the Commission approve the designations of urban and rural reserves in the Portland metro area as submitted by Metro and the three counties.

III. BACKGROUND

A. Purpose of Urban and Rural Reserves

The purpose section of the Oregon Administrative Rule (OAR) regarding urban and rural reserves in the Portland Metro area (OAR 660-027-0005(2)) states:

Urban reserves designated under this division are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to public and private service providers, about the locations of future expansion of the Metro Urban Growth Boundary. Rural reserves under this division are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Under ORS 195.143, the designation of urban and rural reserves in the Portland metro region is a cooperative process, where Metro designates urban reserves and the counties designate rural reserves. The authority provided by statute for designating reserves in this way is dependent on Metro and the counties agreeing on both the urban and rural reserve designations. Metro explains its purpose for the urban reserves as follows:

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas. Metro R. at 8

The counties define their intent for rural reserves as follows:

Rural Reserve areas are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. CC Rec. at iv.

Rural reserves are intended to provide long-term protection of agricultural and forest land and landscape features that enhance the unique sense of place of the region. (Multnomah Co. Ordinance 1161, Policy 6-A)

Rural reserves are areas outside the Regional Urban Growth Boundary (UGB) that provide for the long-term protection of agriculture, forestry and/or important natural landscape features. (WC Rec. at 9549)

B. Local Actions

Metro's final decision to designate urban reserves in the three-county region was made on June 3, 2010. Multnomah, Clackamas and Washington counties made their final decisions to designate rural reserves in their counties, respectively, on May 13, 27 and June 15, 2010.

The four governments submitted their decisions to the Department on June 23, 2010. Together, these decisions establish a system of urban and rural reserves in the three-county region to guide long-term planning to the year 2060. The decisions designate 28,615 acres of urban reserves to accommodate urban growth to 2060, and 266,954 acres of rural reserves to protect agricultural land, forest land and important natural landscape features from urbanization for 50 years. The decisions include changes to the comprehensive plans (of the counties) and the regional framework plan (of Metro), including the adoption of plan maps that depict the urban and rural reserves.

C. Major Legal and Policy Issues

The decisions by the three counties and Metro involve issues related to the amount and location of the reserve areas, leading to four general issues:

1. Amount of urban reserve land
2. Location of urban reserves
3. Amount of rural reserve land
4. Location of rural reserves

An additional issue stems from requirements regarding planning and zoning within reserve areas. The criteria from statute and administrative rule relating to each of these issues are listed in the following section of this report.

IV. REVIEW CRITERIA, PROCESS & RECORD

A. Decision-making Criteria

ORS 195.137–195.145 provides the statutory authorization for rural reserve designation and authorization for a process to designate urban reserves that is unique to this region. These statutes also provide criteria regarding:

1. Amount of urban reserve land¹
2. Location of urban reserves²
3. Location of rural reserves³

¹ ORS 195.145(4): “Urban reserves designated by a metropolitan service district and a county pursuant to subsection (1)(b) of this section must be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after the 20-year period for which the district has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296.”

² ORS 195.145(5): “A district and a county shall base the designation of urban reserves under subsection (1)(b) of this section upon consideration of factors including, but not limited to, whether land proposed for designation as urban reserves, alone or in conjunction with land inside the urban growth boundary:

- “(a) Can be developed at urban densities in a way that makes efficient use of existing and future public infrastructure investments;
- “(b) Includes sufficient development capacity to support a healthy urban economy;
- “(c) Can be served by public schools and other urban-level public facilities and services efficiently and cost-effectively by appropriate and financially capable service providers;
- “(d) Can be designed to be walkable and served by a well-connected system of streets by appropriate service providers;
- “(e) Can be designed to preserve and enhance natural ecological systems; and
- “(f) Includes sufficient land suitable for a range of housing types.”

³ ORS 195.141: “(2) Land designated as a rural reserve:

- “(a) Must be outside an urban growth boundary.
- “(b) May not be designated as an urban reserve during the urban reserve planning period described in ORS 195.145 (4). [“at least 20 years, and not more than 30 years, after the 20-year period for which the district has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296.”]

“(c) May not be included within an urban growth boundary during the period of time described in paragraph (b) of this subsection.

“(3) When designating a rural reserve under this section to provide long-term protection to the agricultural industry, a county and a metropolitan service district shall base the designation on consideration of factors including, but not limited to, whether land proposed for designation as a rural reserve:

- “(a) Is situated in an area that is otherwise potentially subject to urbanization during the period described in subsection (2)(b) of this section, as indicated by proximity to the urban growth boundary and to properties with fair market values that significantly exceed agricultural values;
- “(b) Is capable of sustaining long-term agricultural operations;
- “(c) Has suitable soils and available water where needed to sustain long-term agricultural operations; and
- “(d) Is suitable to sustain long-term agricultural operations, taking into account:
- “(A) The existence of a large block of agricultural or other resource land with a concentration or cluster of farms;

4. Use within an urban reserve⁴

In addition to statutory provisions governing the designation of reserves, the legislature directed the Commission to adopt rules implementing the statutes. ORS 195.141(4). Shortly after the effective date of SB 1011, LCDC adopted OAR chapter 660, division 27, which includes additional considerations for the counties and Metro to employ in their reserve determinations. The relevant rules in this division include provisions regarding:

1. Amount of urban reserve land⁵
2. Location of urban reserves⁶

“(B) The adjacent land use pattern, including its location in relation to adjacent nonfarm uses and the existence of buffers between agricultural operations and nonfarm uses;

“(C) The agricultural land use pattern, including parcelization, tenure and ownership patterns; and

“(D) The sufficiency of agricultural infrastructure in the area.”

⁴ ORS 195.145: “(3) In carrying out subsections (1) and (2) of this section:

“(a) Within an urban reserve, neither the Commission nor any local government shall prohibit the siting on a legal parcel of a single family dwelling that would otherwise have been allowed under law existing prior to designation as an urban reserve. * * *”

⁵ OAR 660-027-0040: “(2) Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year supply of land specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030.

“(3) If Metro designates urban reserves under this division prior to December 31, 2009, it shall plan the reserves to accommodate population and employment growth for at least 20 years, and not more than 30 years, beyond 2029. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land.”

⁶ OAR 6660-027-0050: Urban Reserve Factors: “When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

“(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

“(2) Includes sufficient development capacity to support a healthy economy;

“(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

“(4) 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;

“(5) Can be designed to preserve and enhance natural ecological systems;

“(6) Includes sufficient land suitable for a range of needed housing types;

“(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

3. Location of rural reserves⁷

4. Planning for areas inside urban and rural reserves⁸

“(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 designated as rural reserves.”

⁷ OAR 660-027-0060: “(1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

“(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:

“(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

“(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

“(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

“(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

“(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

“(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

“(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

“(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

“(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro’s February 2007 “Natural Landscape Features Inventory” and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

“(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

“(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

“(c) Are important fish, plant or wildlife habitat;

“(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

“(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

“(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses

“(g) Provide for separation between cities; and

“(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

“(4) Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10).”

These statutory and rule provisions provide the basis for the Department’s review in chapters V–VIII of this report. The provisions of the statute are generally repeated in a corresponding LCDC rule, so when a relevant standard is cited in this report, normally only the rule will be identified unless there is some particular reason for specific reference to the statute.

In addition to these statutes and rules, ORS 197.010 provides legislative land use policy, including these overarching principals:

1. Provide a healthy environment;
2. Sustain a prosperous economy;
3. Ensure a desirable quality of life; and
4. Equitably allocate the benefits and burdens of land use planning. (ORS 197.010(2))

The statute goes on to provide that the overarching principles provide “guidance” to a public body when the public body adopts or interprets goals, comprehensive plans and

⁸ OAR 660-027-0070: “(1) Urban reserves are the highest priority for inclusion in the urban growth boundary when Metro expands the UGB, as specified in Goal 14, OAR chapter 660, division 24, and in ORS 197.298.

“(2) In order to maintain opportunities for orderly and efficient development of urban uses and provision of urban services when urban reserves are added to the UGB, counties shall not amend comprehensive plan provisions or land use regulations for urban reserves designated under this division to allow uses that were not allowed, or smaller lots or parcels than were allowed, at the time of designation as urban reserves until the reserves are added to the UGB.

“(3) Counties that designate rural reserves under this division shall not amend comprehensive plan provisions or land use regulations to allow uses that were not allowed, or smaller lots or parcels than were allowed, at the time of designation as rural reserves unless and until the reserves are re-designated, consistent with this division, as land other than rural reserves.

“(4) Notwithstanding the prohibitions in sections (2) and (3) of these rules, counties may adopt or amend comprehensive plan provisions or land use regulations as they apply to lands in urban reserves, rural reserves or both, unless an exception to Goals 3, 4, 11 or 14 is required, in order to allow:

“(a) Uses that the county inventories as significant Goal 5 resources, including programs to protect inventoried resources as provided under OAR chapter 660, division 23, or inventoried cultural resources as provided under OAR chapter 660, division 16;

“(b) Public park uses, subject to the adoption or amendment of a park master plan as provided in OAR chapter 660, division 34;

“(c) Roads, highways and other transportation and public facilities and improvements, as provided in ORS 215.213 and 215.283, OAR 660-012-0065, and 660-033-0130 (agricultural land) or OAR chapter 660, division 6 (forest lands);

“(d) Uses and land divisions that are allowed by state statute or administrative rule at the time of the designation of urban and rural reserves.

“(5) Counties, cities and Metro may adopt and amend conceptual plans for the eventual urbanization of urban reserves designated under this division, including plans for eventual provision of public facilities and services, roads, highways and other transportation facilities, and may enter into urban service agreements among cities, counties and special districts serving or projected to serve the designated urban reserve area.

“(6) Metro shall ensure that lands designated as urban reserves, considered alone or in conjunction with lands already inside the UGB, are ultimately planned to be developed in a manner that is consistent with the factors in OAR 660-027-0050.”

land use regulations implementing the plans, or administrative rules implementing a provision of statute; or interprets a law governing land use.

B. Procedural Requirements and Validity of Objections

Pursuant to OAR 660-027-0080, adopted urban and rural reserves are reviewed “in the manner provided for periodic review under ORS 197.628 to 197.650.” OAR 660-025-0160(5) provides that the Commission will hear referrals (such as this case) based on the record unless the Commission requests new evidence or information.

OAR 660-025-0085(5)(c) states that oral argument is allowed from the local governments and those who filed objections. The local governments may provide general information on the task submittal and address those issues raised in the Department review and objections. Persons who submitted objections may address only those issues raised in their objections. The Commission may take official notice of certain laws, as specified in OAR 660-025-0085(5)(e).

OAR 660-025-0160(6) states that, in response to a referral, the Commission must issue an order that does *one or more* of the following:

- (a) Approves the [submittal];
- (b) Remands the [submittal] to the local government, including a date for re-submittal; [or]
- (c) Requires specific plan or land use regulation revisions to be completed by a specific date[.]

OAR 660-025-0140(2) states that in order for an objection to be valid, it must:

- (a) Be in writing and filed no later than 21 days from the date the notice was mailed by the local government;
- (b) Clearly identify an alleged deficiency in the work task;
- (c) Suggest specific revisions that would resolve the objection; and
- (d) Demonstrate that the objecting party participated at the local level orally or in writing during the local process.

The Department received 46 letters of objection to the adopted urban and rural reserves (the objection letters are available at:

http://www.oregon.gov/LCD/state_review_of_metro_reserves.shtml#Objections_for_State_Review). The Department has analyzed the validity of each objection; an explanation of the results of this analysis is included in chapters VI–VIII of this report.

C. The Written Record For This Proceeding

1. This DLCD staff report including responses to objections.
2. Correspondence identifying material in the record responsive to objections:

- a. Metro, August 13, 2010
- b. Multnomah County, August 13, 2010
- c. Washington County, August 13, 2010
- d. Clackamas County, August 18, 2010

3. Urban and Rural Reserves submittals

- a. Metro Ordinance No.10-1238A, and the following exhibits thereto (Attachment B):
 - Exhibit A – Map
 - Exhibit B – Regional Framework Plan Policy 1.7 Urban and Rural Reserves
 - Exhibit C – Title 5 of the Urban Growth Management Functional Plan is repealed
 - Exhibit D – Title 11: Planning for New Urban Areas
 - Exhibit E – [Consolidated Findings for Urban and Rural Reserve Designations] Reasons for Designation of Urban and Rural Reserves
- b. Clackamas County Ordinance No.ZDO-223 (Attachment C), and the following exhibits thereto:
 - Exhibit A – Chapter 4 Clackamas County Comprehensive Plan amendment, including map
 - Exhibit B – Urban Rural Reserves findings of fact
- c. Multnomah County Ordinance No.1161 and Ordinance No.1165 (Attachment C) and the following exhibits thereto:
 - Exhibit 2 – Findings of Fact
 - Exhibit 3 – Record Index
- d. Washington County Ordinance No.733 (Attachment C) and the following exhibits thereto:
 - Exhibit 1 amending the proposed Policy 29, relating to Rural and Urban Reserves designations, of the Rural/Natural Resource Plan;
 - Exhibit 2 amending the Rural/Natural Resource Plan by the creation of a new map entitled “Rural and Urban Reserves” in Policy 29;
 - Exhibit 3 amending the Rural/Natural Resource Plan by the creation of a new map entitled “Special Concept Plan Areas” in Policy 29;
 - Exhibit 4 amending Policy 3, Intergovernmental Coordination, of the Rural/Natural Resource Plan;
 - Exhibit 5 amending Policy 23, Transportation Plan, of the Rural/Natural Resource Plan;
 - Exhibit 6 amending Policy 27, Urbanization, of the Rural/Natural Resource Plan;
 - Exhibit 7 amending Policy 3, Intergovernmental Coordination, of the Comprehensive Framework Plan for the Urban Area;
 - Exhibit 8 amending Policy 32, Transportation, of the Comprehensive Framework Plan for the Urban Area; and
 - Exhibit 9 amending Policy 40, Regional Planning Implementation, of the Comprehensive Framework Plan for the Urban Area.

4. Objections. The following list shows the name of the individual or organization who submitted a letter in response to the Metro and county urban and rural reserve submittals. The reference number associated with the letter corresponds to the order of the letters in the following list and is used throughout this report. The reference number has no importance beyond identification. The preponderance of the letters included objections to one or more aspects of the reserves decisions. The validity of the objections is addressed in section IV.B and those found invalid are identified in chapter IX.

<u>Ref.</u>	<u>Name</u>
1.	Ann Culter
2.	Arthur Dummer
3.	Tualatin Riverkeepers
4.	Coalition for a Prosperous Region
5.	Carol Chesarek
6.	Chris & Tom Maletis
7.	Dale Burger
8.	Forest Park Neighborhood Association <i>et al.</i>
9.	David Hunnicutt
10.	Oregonians in Action
11.	David A. Smith
12.	Donald and Dawn Bowerman, <i>et al.</i>
13.	Dorothy Partlow
14.	Elizabeth Graser-Lindsey
15.	Hank Skade
16.	Jim Calcagno
17.	Jim Irvine
18.	Oregon Department of Agriculture
19.	Audubon Society
20.	John Burnham
21.	John and Judy Cherry
22.	Joseph C. Rayhawk
23.	Joseph C. Rayhawk
24.	Kathy Blumenkron
25.	Linda Peters
26.	1000 Friends of Oregon
27.	Gary Gentemann
28.	Melissa Jacobsen
29.	Michael Wagner
30.	Michael Cropp
31.	Metropolitan Land Group
32.	City of Portland
33.	Robert Burnham
34.	Robert Zahler
35.	Coalition for a Livable Future
36.	Sandra J. Baker

- 37. Save Helvetia Community
- 38. Steve and Kelly Bobosky
- 39. Susan McKenna
- 40. Thomas J. VanderZanden
- 41. Thomas J. VanderZanden
- 42. Tim O’Callaghan
- 43. Tom Szambelan
- 44. Cities of Tualatin and West Linn
- 45. William E. Kaer
- 46. City of Wilsonville

5. Any valid exceptions to the Department’s report and response from the Department.

Please contact Jennifer Donnelly at (971) 673-0963 or jennifer.donnelly@state.or.us to view or obtain copies of these materials.

V. DEPARTMENT ANALYSIS

This chapter contains the Department's review of the urban and rural reserves decisions by Metro and Clackamas, Multnomah and Washington counties. This chapter addresses the Department's own review of the urban and rural reserve designations, while chapters VI–VIII provide the Department's response to objections received from individuals and organizations.

The Department's review is of the written record, and is limited to whether the decisions are: (a) unlawful in substance or procedure (however, error in procedure is not cause for reversal or remand unless the substantial rights of a person who filed a valid objection were prejudiced); (b) unconstitutional; or (c) not supported by substantial evidence in the whole record. SB 1010, section 9.

A. Amount of Urban Reserve Land

The statutory and administrative rule requirements regarding the amount of land that Metro may designate as an urban reserves are provided in footnotes 1 and 5. Generally, the urban reserve is to include a sufficient quantity of land to accommodate urban growth for 20 to 30 years beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis under ORS 197.296. OAR 660-027-0040(2). Metro must first inventory the buildable land supply inside the UGB, then determine the capacity of those lands (the lands already inside the UGB) to meet the region's long-term needs, and then analyze what portion of those long-term needs may require additional lands beyond the current UGB. In carrying out these steps, Metro must specify the number of years for which the urban reserves are intended to provide a supply of land. OAR 660-027-0040(2).

Metro's compliance with the rule provision regarding determination of land supply was identified by a number of objectors as a potential issue. OAR 660-027-0040(2) says:

Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, *beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296*. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year supply of land specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030. (emphasis added)

To designate the appropriate amount of reserves, Metro must know for which years and for how many years it is planning. The rule involves two different planning periods: the

first is the “20-year planning period for which Metro has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296” (hereafter, the “UGB-planning period”), while the second planning period is the 20 to 30-year period for which the urban reserves satisfy additional need (the “UR-planning period”).

Because under OAR 660-027-0040(2) the UR-planning period begins after the UGB-planning period ends, in order to designate the correct amount of urban reserves it is necessary to know *which* 20-year UGB-planning period the UR-planning period follows. According to Ordinance No. 10-1238A, Exhibit E (hereafter the “Consolidated Findings”), “Metro developed a 50-year ‘range’ forecast for population and employment that was coordinated with the 20-year forecast done for Metro’s UGB capacity analysis completed in December, 2009.” Metro Rec. at 22. The Consolidated Findings also state that “[t]he urban reserve estimate begins with Metro’s UGB estimate of need for the next 20 years in its Urban Growth Report 2009-2030, January, 2010 (adopted December 17, 2009).” *Id.* In other words, Metro based the UR-planning period on the 2010-2030 UGB-planning period in the Urban Growth Report. Metro designated 30 years of urban reserves to provide for future urban expansion and development from 2030 until 2060 – thirty years beyond the UGB-planning period.

OAR 660-027-0040(2) states that the place where Metro will have demonstrated a buildable land supply is “*in* the most recent inventory, determination and analysis performed under ORS 197.296.” (emphasis added) By completing the inventory, determination and analysis Metro demonstrates the buildable land supply. Nothing more is required.

Metro is required by OAR 660-027-0040(2) to *inventory* the supply of buildable lands within the current UGB. ORS 197.296(3)(a). Metro must then *determine* the housing capacity of that buildable land. *Id.* After doing those two things, ORS 197.296(3)(b) requires Metro to conduct an *analysis* of housing need by type and density range to determine the number of units and amount of land needed for each needed housing type for the next 20 years. Metro has completed these three steps, not only for its future housing needs, but also for its projected needs for employment lands. Metro Rec. at 609. By complying with the requirements of ORS 197.296(3), Metro has satisfied the requirement for a UGB-planning period to be one onto which a UR-planning period can tack because, by completing the inventory, determination and analysis, and particularly the inventory, it has demonstrated what the buildable land supply is for that UGB-planning period.

Metro has designated urban reserves for a planning period that is authorized under the urban reserve statutes and rules. Metro completed its inventory, determination and analysis under ORS 197.296 for the 2009-2030 UGB-planning period, and compiled the results into the 2009-2030 Urban Growth Report (“UGR”).⁹ Metro Council adopted the 2009-2030 UGR by resolution on December 17, 2009. Metro Rec. at 22. Accordingly,

⁹ The full title of the Urban Growth Report is “Urban Growth Report, 2009-2030, Employment and Residential, January 2010.”

Metro has demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296, and the 2009-2030 UGB-planning period is one onto which the UR-planning period may tack under OAR 660-027-0040(2) and ORS 195.145(4).

Several objections also relate to Metro’s population and employment forecasts, which are the starting point for its determination of the region’s long-term land needs. See, section VI.D, below. Some objectors allege that Metro’s use of the forecasts as the basis for its land needs projections does not comply with state requirements because the forecasts are not acknowledged. These objectors point to prior case law, involving Metro’s designation of urban reserves in 1997, when Metro relied upon a *draft* forecast that had not been adopted by the Metro Council instead of Metro’s acknowledged planning documents (it’s Functional Plan). *D.S. Parklane v. Metro*, 165 Or App 1, 21-23, 994 P2d 1205 (2000) (“*Parklane*”) (Metro’s adopted planning documents “must be the basis for all decisions and actions relating to the use of land.”)

The Department recommends that the Commission find that Metro’s use of the 20 and 50-year population and employment forecasts (Metro Rec. at 1916-1933) complies with state requirements. Unlike the decision challenged in *Parklane*, in this case the Metro Council adopted the 20 and 50-year population and employment forecast for the express purpose of determining the amount of land required for urban reserves, as Appendix 12 to the Urban Growth Report. Metro Rec. at 59-60, 1918-2011; Metro Resolution No. 09-4094. The 2009 Urban Growth Report is not a draft planning document, it is *the* means by which Metro begins its process for determining urban reserve land needs (and land needs for purposes of its urban growth boundary). For theses reasons, the Department recommends that the Commission deny the objections concerning Metro’s population and employment forecasts.

B. Location of Urban Reserves

The statute and administrative rules addressing where to locate urban reserves are provided in footnotes 2 and 6. The statute and rule provide “factors” that Metro must consider when deciding which lands to designate as urban reserves (the rule includes two factors in addition to those in the statute). The “urban reserve factors” that Metro must consider in review of candidate areas are whether the land in question:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;
- (2) Includes sufficient development capacity to support a healthy economy;
- (3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;
- (4) 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;
- (5) Can be designed to preserve and enhance natural ecological systems;
- (6) Includes sufficient land suitable for a range of needed housing types;

- (7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and
- (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 designated as rural reserves. OAR 660-027-0050.

Note these factors are *not criteria* in the sense that Metro has to show each area complies with each factor. Rather, these are each *considerations*, which Metro must take into account when deciding whether to designate an area as an urban reserve.

The findings included in the Metro Council's decision are found in the Consolidated Findings. Metro Rec. at 14. The findings explain how Metro employed the factors, by explaining the background, overall conclusions, the overall process and an analysis of public involvement. The factors were applied in different processes in each of the counties.¹⁰

1. Deciding Whether A Particular Area Should be Urban or Rural, or Undesignated, and the Role of Metro and the Role of LCDC. Any one area may be, and many areas likely could have been, designated either as an urban or a rural reserve. Many areas have characteristics such that Metro could have designated them as either urban or rural reserve after considering *both* sets of factors under OAR 660-027-0050 and OAR 660-027-0060. The question for the Department in this report (and that the Department recommends the Commission use in its review) is whether Metro considered the urban reserve factors in deciding to include particular areas, explained why the areas should be urban reserves using the factors listed in the statute and rules, and whether there is evidence in the record as a whole that a reasonable person would rely upon to decide as Metro did.

With one exception, the Department does not believe that the question is whether an area would be better as a rural reserve than as an urban reserve, or even whether Metro was right in its decisions. The questions are narrow: *whether Metro considered what it was supposed to consider, whether Metro's findings explain its reasoning, and whether there is some evidence in the record to support Metro's decision.*

The one exception is for lands that were identified by the Oregon Department of Agriculture as Foundation Agricultural Land. Under OAR 660-027-0040(11), if Metro

¹⁰ Reasons for Reserves in Clackamas County:

Urban Reserves Metro Rec. at 25

Rural Reserves Metro Rec. at 39

Reasons for Reserves in Multnomah County, Metro Rec. at 46:

Urban Reserves Metro Rec. at 48

Rural Reserves Metro Rec. at 49

Reasons for Reserves in Washington County, Metro Rec. at 58:

Urban Reserves Metro Rec. at 71

Rural Reserves Metro Rec. at 95

Consistency with Regional and State Policies, Metro Rec. at 110

designates such land as an urban reserve, it must “* * * explain, by reference to the factors in OAR 660-027-0050 and 660-027-0060(2) [the urban *and* rural factors], why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division.” For these lands, Metro must consider both sets of factors, and explain why it selected the lands in question instead of other lands.

In sum, objections that an area is better suited for one designation than the other do not provide a basis for remand, with the exception of Foundation Agricultural Lands. The administrative rules and the applicable statutes leave substantial discretion to Metro in deciding which lands to designate as urban reserves and, as long as Metro can demonstrate that it considered the factors, there is no requirement for Metro to show that the area is better suited as an urban reserve than as a rural reserve.

2. Scale of Review. A second general question is the appropriate scale of analysis for Metro to employ in deciding what lands to designate as urban reserves. OAR 660-027-0050, the factors for urban reserves, and OAR 660-027-0060 for rural reserves refer to identification and selection of “land,” and some of the individual factors in those rules mention characteristics of “the area.” None of the factors for selecting urban or rural reserves, or any other provision of the applicable statutes or rules, require a parcel-specific analysis for reserve-boundary location decisions.

Since the amount of urban reserve land is limited to the amount Metro demonstrates is needed, the region-wide supply of urban reserve is constrained, so locating urban reserve boundaries requires a higher level of precision than does locating rural reserve boundaries. The Department recommends that the Commission affirm the analysis areas Metro has used for evaluating lands as urban reserves. The Department does not believe that a parcel-by-parcel analysis is required by either the statutes or rules, particularly in light of the fact that the land in question normally will not be urbanized for decades. The Department recommends that the Commission affirm Metro’s use of areas, as set forth in the Consolidated Findings, as the appropriate scale for considering the application of the urban reserve factors.

The Department’s analysis has not revealed any other general issues related to Metro’s designation of urban reserves that are not covered in responses to objections in chapters VI–VIII of this report.

C. Amount of Rural Reserve Land

Neither the statute nor the rule include criteria, standards or factors for determining how much rural reserve land is appropriate for the counties to designate. The factors address the qualities of the land, and there is no state standard regarding how much rural reserve a county may designate. The purpose statement in the rule (OAR 660-027-0005(2)) includes the following provision:

The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and

vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Since this “balance” is not implemented through prescribed criteria, the counties and Metro have considerable discretion in deciding which lands warrant the protections provided by a rural reserve designation.

Issues raised by objectors related to the amount of rural reserve land designated by the counties are addressed in chapter VII of this report.

D. Location of Rural Reserves

Both the statutes and rules provide “factors” for consideration in locating rural reserves, but no criteria with which the counties are required to show compliance (the rule includes several factors related to designation of important natural landscape features not present in the statute). The “rural reserve factors” for agricultural and forest lands are whether the lands:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;
- (b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;
- (c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and
- (d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:
 - (A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;
 - (B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;
 - (C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and
 - (D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable. OAR 660-027-0060(2).

The rural reserve factors for designating lands to protect important natural landscape features are whether the lands:

- (a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

- (b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;
- (c) Are important fish, plant or wildlife habitat;
- (d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;
- (e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;
- (f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses
- (g) Provide for separation between cities; and
- (h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks. OAR 600-027-0060(3).

The rules include other provisions besides these factors; see footnotes 3 and 7 for the full statutes and rules. See subsection V.B.1 above for a discussion of consideration of areas that qualify for both urban and rural reserve designation and the appropriate size of study area for analyzing candidate reserve areas. This is important for the review of objections, as many of the objections relate to the designation of particular parcels. The Department's response to objections related to the location of rural reserves is located in chapter VII.

The findings regarding rural reserve decisions included in each county's and Metro's decisions can be found in Metro's submittal. Metro Rec. at 39 for Clackamas County; at 49 for Multnomah County; and at 82 for Washington County. The findings describe each rural reserve area and explain the county's findings regarding the rural reserve factors in OAR 660-027-0060(2).

E. Plan and code provisions to implement reserves policy

The statute and administrative rule requirements relevant to planning and land use regulations within reserves are found in footnotes 4 and 8. The only statutory provision is a restriction on new regulations prohibiting the siting of a single family dwelling on a legal parcel where that use was formerly permitted. The counties and Metro have complied with this provision.

The rule includes restrictions on up-zoning and other intensification of uses in urban or rural reserves. The counties have adopted amendments to their comprehensive plan policies implementing these restrictions in order to influence future land use decisions. CC Rec. at pp. 12, Policy 10 (FCFC); MC Rec. at pp. 9663a; WC Rec. at 9044. The Department received no objections related to the counties' implementation of planning and zoning inside urban and rural reserves. The Department recommends the Commission find the reserves decisions comply with OAR 660-027-0070 and ORS 195.145(3)(a).

OAR 660-027-0070(6) requires that Metro ensure the lands designated as urban reserves be planned to develop in a manner consistent with the findings and conclusions that

resulted in the designation. To implement the use restrictions within urban reserves, Metro adopted an amendment to the Urban Growth Management Functional Plan to include policies requiring completion of concept plans developed by affected local governments, service districts, and Metro for areas before they are added to the UGB. Metro Rec. at 4, 8–13.

The Department received no objections related to Metro’s implementation of planning and zoning inside urban reserves. The Department recommends the Commission find the reserves decision is consistent with OAR 660-027-0070.

VI. RESPONSE TO OBJECTIONS – URBAN RESERVES DECISION

This chapter contains the Department’s analysis of objections to Metro’s urban reserves submittals, with recommendations on whether the Commission should sustain or deny the objection. In some cases, the objection is related to an issue addressed in the Department’s analysis in chapter V above, and in other cases new issues are raised.

This chapter addresses only valid objections. See section IV.B for a description of requirements for valid objections. Chapter IX lists objections that do not satisfy the criteria to be valid, and explains why the Department recommends that the Commission deny particular objections. The full text of all objections is available at http://www.oregon.gov/LCD/state_review_of_metro_reserves.shtml. The reference, or “Ref.,” number indicated for each objection in the analysis below directs readers to the appropriate letter. The number has no significance other than for ease of identification.

A. General Goal, Statute, and Rule Issues

1. Cities of Tualatin and West Linn (Ref. 44-1). These objectors submitted a letter containing six objections. This first objection regards a general issue related Metro’s authority to establish urban reserves, while objections 2 through 6 relate to designation of Areas 4A–D (the Stafford Area) as an urban reserve. This subsection addresses the first objection. The objector cities are represented by Miller Nash, LLP.

a. Objection. The cities assert that Metro has no authority to designate urban reserves pursuant to OAR chapter 660, division 27 and the designation of urban reserves is a violation of Goal 2. Tualatin, July 14, 2010 at 3.

The cities contend that Metro’s designation of urban reserves under the division 27 process is unlawful in substance because Metro Code Chapter 3.01, and specifically Sections 3.01.010(h) and 3.01.012, requires Metro and cities and counties within Metro’s jurisdiction to designate urban reserves pursuant to OAR chapter 660, division 21. Metro has not amended its code to add the authority provided through SB 1011. According to the cities, Metro therefore has no authority under its own code to adopt urban reserves pursuant to division 27, and the counties are similarly prohibited from doing so. *See* Metro Code Section 3.01.012. The reserves decision is void. The Commission therefore has no jurisdiction to review the reserves decision.

Anticipating that Metro would argue that its adoption of Ordinance 101238A should be considered a *de facto* amendment to Chapter 3.01, the cities argue that while the ordinance amended several other sections of the Metro Code, it did not amend Chapter 3.10, nor do the findings explain how the reserves decision is consistent with Chapter 3.10. According to the cities, the reserves decision therefore violates Goal 2, because Metro’s adopted planning documents “must be the basis for all decisions and actions relating to the use of land.” *D.S. Parklane v. Metro*, 165 Or App 1, 21-23, 994 P2d 1205 (2000) (“*Parklane*”).

The cities' proposed remedy is for the Commission to dismiss or remand the reserve decision.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection. The cities have not established as a legal matter that Metro lacks the authority to designate urban reserves under OAR chapter 660, division 27.

As a matter of fact relevant to this objection, Metro designated urban reserves under ORS 195.145(1)(b) and OAR chapter 660, division 27.

ORS 195.141(1) provides: "A county and a metropolitan service district established under ORS chapter 268 may enter into an intergovernmental agreement...to designate rural reserves pursuant to this section and urban reserves pursuant to ORS 195.145(1)(b)."

ORS 195.145(1)(b) provides: "Alternatively, a metropolitan service district established under ORS chapter 268 and a county may enter into a written agreement...to designate urban reserves."

OAR 660-027-0020(1) provides: "As an alternative to the authority to designate urban reserve areas granted by OAR chapter 660, division 21, Metro may designate urban reserves through intergovernmental agreements with counties and by amendment of the regional framework plan to implement such agreements in accordance with the requirements of this division."

As noted above, ORS 195.145(1)(b) and OAR chapter 660, division 27 establish an additional process for designation of urban reserves for metropolitan service districts and counties within such districts. *See* OAR 660-027-0020(1). Nothing in either the statute or the rule requires a metropolitan service district to designate urban reserves under either process. The statute and the rule therefore do not preempt any local choice to select one process over the other.

For Urban Reserve Areas, Metro Code 3.01.012(a) provides: "This section establishes the process and criteria for designation of urban reserve areas pursuant to ORS 195.145 and Oregon Administrative Rules Chapter 660, Division 021." Metro Code 3.01.010(h) defines "Urban reserve" to mean "an area designated as an urban reserve pursuant to Section 3.01.012 of this Code and applicable statutes and administrative rules."

The cities contend that those provisions limit Metro's authority to designate urban reserves to the process provided under OAR chapter 660, division 21. The Department agrees that if Metro elected to designate urban reserves under ORS 195.145 and division 21, it would need to do so following the process and criteria in Metro Code 3.01.012. However, that is not what Metro did. It elected to proceed directly under the authority provided by SB 1011 and OAR 660-027, and nothing in the Metro Code cited by

objectors limits Metro’s authority to act directly under the statute and rules. The statute and the rules are self-executing and nothing in state law or rule requires Metro to update its ordinance to reflect the more recent state legislation.

The Metro Code does not provide either a process or criteria for designation of urban reserve areas pursuant to ORS 195.145(1)(b) and OAR chapter 660, division 27. Objectors contend that the absence of provisions in the Metro Code means that Metro lacks authority to utilize the provisions of OAR chapter 660, division 27. However, objectors point to nothing in the Metro Code that precludes Metro from employing the alternative means of designating urban reserves under ORS 195.145(1)(b) and OAR chapter 660, division 27. Nor do objectors establish that the authorizations to designate urban reserves under ORS 195.145(1)(b) and OAR chapter 660, division 27 are contingent on Metro first adopting a process and criteria as it has done in Metro Code 3.01.012 for the other means of designating urban reserves.

The cities’ argument is premised on the assertion that Metro has made a local choice to select one process over the other. However, Metro adopted the provisions of Metro Code 3.01.012 prior to the enactment of Oregon Laws 2007, chapter 723. To construe Metro Code 3.01.012 as a “local choice” to preclude using a statutory alternative for designating urban reserves that did not yet exist is nonsensical, and contrary to the rules of statutory construction, as it would require inserting a restriction into that provision that does not exist. *See* ORS 174.010.

To the extent the Commission’s review of the submittal pursuant to OAR 660-027-0080(4) includes review of compliance with the Metro Code, the Department recommends that the Commission reject this objection.

2. Coalition for a Prosperous Region (Ref. 4-4). “CPR”: Columbia Pacific Building Trades Council, The Commercial Real Estate Association (NAIOP), Commercial Real Estate Economic Coalition, Home Builders Association of Metropolitan Portland, Metropolitan Association of Realtors®, Portland Business Alliance, and Westside Economic Alliance, represented by Stark Ackerman. This objector submitted a letter containing five objections.

a. Objection. The objection contains three parts:

- (1) Metro failed to allocate land needs by geographic subarea to meet long-term needs for population and employment, and as such failed to balance urban needs as required by OAR 660-027-0005(2).
- (2) By doing so, Metro failed to adequately consider the urban reserves factor requiring sufficient development capacity to support a healthy economy (OAR 660-027-0050(2)).
- (3) By doing so, Metro failed to adequately consider the urban reserves factor requiring that lands designated for urban reserves can be developed in a way that makes efficient use of existing and future infrastructure investments (OAR 660-027-0050(1)).

Metro is therefore alleged to have failed to comply with Statewide Planning Goals 9, 10 and 14. CPR, July 14, 2010 at 14–16.

The objection contends the three counties that comprise the Metro region are projected to grow at different rates, yet the reserves decision does not expressly allocate land needs by geographic area, or even allow sufficient flexibility to address such sub-regional growth rates. The Coalition’s primary concern is that insufficient urban reserves and undesignated lands have been provided to meet the region’s needs over the next 50 years, particularly in the western part of the region. This objection is therefore focused on the need to increase urban reserves in Washington County consistent with its sub-regional growth needs.

According to the Coalition, the failure to allocate growth among the counties means that the reserves decision failed to properly apply the urban reserves factor that lands designated for urban reserves can be developed in a way that makes efficient use of existing and future infrastructure investments. The failure to allocate growth among the counties also means that the reserves decision failed to properly apply the urban reserves factor that sufficient development capacity for a healthy economy and sufficient land suitable for a range of housing choices.

The Coalition proposed the following remedy:

- (1) Designate additional land in Washington County as urban reserves based on unmet need in a process that considers all relevant factors, including historic population growth, economic aspirations of the individual communities, and housing equity.
- (2) In the alternative, acknowledge the designated urban reserves for all three counties, but remand with direction to remove rural reserve designations in Washington County such that there is sufficient land available to accommodate possible increases to the urban reserves, or to retain these as undesignated until they may be needed for conversion to urban reserves at a later time.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Regarding part (1) of the objection, OAR 660-027-0005(2) requires findings supported by an adequate factual base that there is a balance between designated urban and rural reserves that, “*in its entirety, best achieves* livable communities, the viability and vitality of the agricultural and forest industries and protection of the most important landscape features that define the region for its residents.” OAR 660-027-0005(2). (emphasis added) The objection indicates that “balance” means or includes assigning land needs across the region by geographic area. The Department does not agree.

The Coalition’s arguments might have more force if the decision under review were Metro’s legislative amendment of its regional urban growth boundary. In that context, the

court's have found that Metro must consider regional balance. Here, however, Goal 14 and the related statutes concerning housing and employment do not apply. The statutory and rule criteria are much less prescriptive, and only direct Metro to assure that the amount of land “* * * be planned to accommodate estimated urban population and employment growth in the Metro area for at least [40 to 50 years] * * *, [and that the amount] consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro * * *.” OAR 660-027-0040(2).

The designation of urban reserves in the Metro region provides a large inventory of land that has the *potential* to become urbanizable in the future, to the extent that Metro is able to demonstrate a need for additional land. To the extent that one part of the Metro region grows faster than expected, either in terms of residents or jobs, Metro retains the ability to adjust its UGB to reflect differences in growth rates. Further, Metro, as recommended by the Department, has built in a twenty-year review of its urban reserves designations so that it can adjust what lands are *potentially* urbanizable as well. And, Metro and the counties have (collectively) left some undesignated lands around the entire region in order to allow for this type of correction.

In short, unlike a UGB amendment, an urban reserve designation provides an overall amount of land for potential urban needs for a 30-year year period beyond the 20-year UGB; it does not designate lands for urban use, let alone for specific future uses or sub-regional needs. (See response to City of Portland Objection #1 regarding use of specific industrial needs to determine urban reserve land supply, citing LCDC's remand of the City of Newberg urban reserves decision.)

The Coalition also incorrectly relies on the joint state agencies' October 14, 2009 letter to the Metro Regional Reserves Steering Committee and Core 4. Metro Rec. at 1370-1390. The Coalition mistakenly interprets the letter to mean that the urban reserves decision must designate specific lands or areas for specific future urban uses in specific parts of the region. But the state agencies were saying only that sub-regional needs were an important policy consideration that the agencies urged Metro to take into account as part of its deliberations. In fact, the findings show that county and local needs were presented and extensively considered in the process and analysis leading up to the final designation of urban and rural reserves. *See, e.g.,* Metro Rec. at 2021, 25-39, 48-49 and 71-95.

The Department recommends that the Commission find that failure to designate urban reserves by geographic area does not violate OAR 660-027-0005(2) or other relevant goals and rules.

In part (2) of the objection, the Coalition alleges that, by not designating urban reserves on a geographic basis, Metro didn't adequately consider the urban reserves factor requiring sufficient development capacity to support a healthy economy in OAR 660-0050(2). The objection relies on the fact that the Washington County Reserves Coordinating Committee recommended an urban reserves amount of 34,300 acres in Washington County to the Reserves Steering Committee and the Core 4, but Metro

ultimately designated about 13,000 acres in Washington County. Metro Rec. at 71-73. As the objection expressly states, its purpose is to increase the amount of urban reserves in Washington County in order to increase the total regional urban reserves land supply. The objector claims that a healthy regional economy requires Metro to adopt a much higher number for urban reserves land supply in Washington County, and the correct number is the one recommended by Washington County.

Metro is not required to adopt the recommendation of any party to the reserves process. In designating urban and rural reserves, Metro and three counties must apply, weigh and balance the urban and rural reserve designation factors in the administrative rule to lands in the study area, and make a decision based on findings that demonstrate that the decision meets the criteria for urban reserves and the overall objective in OAR 660-027-0005(2). The real issue, then, is whether there are adequate findings in the record showing that OAR 660-027-0050(2) was applied in Metro's analysis (whether the urban reserves "include sufficient development capacity to support a healthy economy"). The Department finds that there are. Metro Rec. at 16-17, 27, 29, 31-32, 34, 37-38, 48-49, 69, 71, and 73-94. In its findings, Metro specifically addresses this factor with regard to employment lands. Metro Rec. at 16-17, 23.

The Department recommends that the Commission find that Metro's failure to designate urban reserves on a geographic basis does not violate the cited goals and rules.

Regarding the third and final part of the objection, the Coalition claims that failure to allocate growth among the counties means that Metro didn't properly apply the urban reserves factor requiring that lands can be developed in a way that makes efficient use of existing and future infrastructure investments. The objector relies on the fact that "the City of Hillsboro has developed sophisticated infrastructure to support substantial industrial development"; however, the objection does not cite to facts in the record supporting that conclusory statement, and even if such facts were cited they don't require the conclusion that Metro did not properly apply the factors to study areas around the entire region, not just in Washington County.

The primary remaining issue is whether there are adequate findings in the record showing that OAR 660-027-0050(3) was applied in Metro's analysis (whether the land proposed for urban reserves "can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers.") The Department believes that there are. Metro Rec. at 27, 29, 31-32, 35, 38, 48, 69-71, and 73-94.

The Department recommends that the Commission find that Metro's failure to designate urban reserves on a geographical basis does not violate the cited goals and rules.

3. Elizabeth Graser-Lindsey (Ref. 14-1). This objector submitted a letter with two objections.

a. Objection. Ms. Graser-Lindsey asserts the decision designating the urban and rural reserves failed to "consider as a major determinant the carrying capacity of the air,

land and water resources” and failed to determine if “the land conservation and development actions provided for by such plans” would “exceed the carrying capacity of such resources.” Metro and the counties did not “develop alternative means that will achieve the goals” as required by Statewide Planning Goal 2 when the guidelines are not followed. The objector asserts the reserves decision violates Statewide Planning Goals 2, 3, 4, 5, 6, 8, 9, 10, 12, and 14. Graser-Lindsey, July 6, 2010 at 1.

The 1995 Metro Future Vision states: “We have chosen to approach carrying capacity as an issue requiring ongoing discussion and monitoring.” Metro’s Notice of Adoption of Urban and Rural Reserves (Metro Ordinance No. 10-1238A, Exhibit E) indicates that Statewide Planning Goals 1–15 apply to this decision, that “these decisions establish a system of urban and rural reserves in the three-county region to guide long-term planning to the year 2060,” and that “the decisions include changes to the comprehensive plans (counties) and regional framework plan (Metro) and maps.”

Ms. Graser-Lindsey’s proposed remedy is for the Commission to remand with instructions to evaluate the carrying capacity of the air, land and water resources of the planning area, evaluate its relevance as a major determinant on the urban and rural reserve planning, determine whether the land conservation and development actions provided for by the urban and rural reserve plans would exceed the carrying capacity of such resources, and, if they would exceed the carrying capacity of the resources, to modify the reserve plans.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

It is true, as the objector states, that all relevant goals apply to urban and rural reserves designations. This is because they are comprehensive plan amendments in the case of Clackamas, Multnomah, and Washington Counties, and Regional Framework Plan amendments in the case of Metro, and plan amendments must include findings regarding compliance with the relevant goals. Findings of compliance with applicable statewide planning goals are explicitly required for planning documents designating urban and rural reserves under OAR 660-027-0080(4).

The goals cited by Ms. Graser-Lindsey all include provisions that plan elements regarding carrying capacity. For example, the Goal 3 guidelines provide that plans “*should consider* as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans *should not exceed* the carrying capacity of such resources.” Goal 3 (emphasis added).

There are two reasons why the Department recommends that the Commission deny this objection. First, the decision to designate urban reserves, as described above, does *not* commit the lands to urban use. Rather, it makes the lands first priority for inclusion within the Metro UGB *if* Metro at some point in the future makes a policy decision to expand its urban growth boundary, and *if* Metro makes the showing required by state law (and Metro’s own authorities) that an expansion is justified. Even then, Metro will need

to decide among lands designated as urban reserves as to which reserves to include. As a result, the Department believes that the type of consideration of carrying capacity contemplated under the statewide land use planning goals is appropriately made at the time of an amendment of the urban growth boundary, rather than at the time of a decision on urban reserves.

The second reason why the Department recommends that the Commission deny this objection is that the provisions identified by the objector are located in the guidelines section of each goal. Goal 2 states:

Guidelines are *suggested directions* that would aid local governments in activating the mandated goals. They are *intended to be instructive, directional* and positive, *not limiting local government to a single course of action* when some other course would achieve the same result. Above all, guidelines are not intended to be a grant of power to the state to carry out zoning from the state level under the guise of guidelines. (emphasis added)

Metro's Regional Framework Plan and Regional Urban Growth Goals and Objectives (RUGGOs) already have been acknowledged by the Commission as complying with the statewide planning goals. The Framework Plan and RUGGOs include provisions directed at the overall carrying capacity of the lands making up the Metro region. As noted above, the urban reserves decision does not commit the lands to urbanization and, as a result, the Department believes that Metro's existing planning provisions remain adequate to address carrying capacity to the extent that such a consideration is required by the statewide goals. As a result, the Department recommends that the Commission deny this objection.

4. Maletis et. al. (Ref. 6-6). The objectors are Chris Maletis; Tom Maletis; Exit 282A Development Company, LLC; and LFGC, LLC, represented by Steven L. Pfeiffer. These objectors submitted a letter containing six objections.

a. Objection: The objectors assert the decision violates Goal 12 because it does not include findings regarding OAR chapter 660, division 12 (the "Transportation Planning Rule" or "TPR"). Maletis et. al., July 14, 2010 at 15. The objector's letter enumerates this objection under General Objections, section 4.

The objectors state that Metro has adopted amendments to the framework plan, and the counties have each adopted amendments to their respective acknowledged comprehensive plans. Although the TPR is applicable to each of these amendments, according to the objectors none of these agencies determined whether the proposed amendments would "significantly affect" any existing or proposed transportation facilities.

The objectors argue that neither Metro nor Clackamas County made any independent findings regarding Goal 12 or the TPR; moreover, while Multnomah and Washington

counties did adopt findings regarding Goal 12, they, too, did not address the TPR. As a result, objectors state that it is entirely unclear whether any of the adopted reserves policies or designations significantly affect any existing or planned transportation facilities. Metro and the counties are not permitted to avoid this analysis under the excuse that no development is currently proposed. Furthermore, Metro and the Counties cannot defer this analysis to a later stage of development.

The parties request that the Commission remand the decision to Clackamas County with instructions to remove the rural reserves designation from their property and re-designate the area as urban reserve (see also subsection VIII.A.8, objections 6-1 and 6-2). Additionally, the objectors ask that on remand, the county (and Metro) be instructed to address the other identified legal deficiencies. *Maletis et. al.*, July 14, 2010 at 15.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

The “significantly affect” language cited by the objector occurs in OAR chapter 660, division 12 (the “Transportation Planning Rule” or “TPR”). OAR 660-012-0060 requires that, where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation will “significantly affect” an existing or planned transportation facility, the government agency adopting the amendment must preserve the “identified function, capacity, and performance standards” of the facility. OAR 660-012-0060(1) and (2).

The rule also identifies the circumstances that would result in a significant affect.¹¹ None of the categories listed in OAR 660-012-0060(1) describe the amendments adopted by Metro and the counties. The TPR does not, by its own terms, apply to the reserves decision, and the statute and rules regarding reserves designations do not direct the decision-makers to address the TPR. Additionally, OAR 660-012-0060(1)(c) says the determination of whether an action will significantly affect a transportation facility is “...measured at the end of the planning period identified in the adopted transportation system plan...” Transportation system plans almost universally have a 20-year planning period, and the urban reserve addresses *potential* land uses, past that horizon.

¹¹ OAR 660-012-0060(1): * * *A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- (b) Change standards implementing a functional classification system; or
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
 - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

Finally, OAR 660-024-0020(1)(d) states:

The transportation planning rule requirements under OAR 660-012-0060 need not be applied to a UGB amendment if the land added to the UGB is zoned as urbanizable land, either by retaining the zoning that was assigned prior to inclusion in the boundary or by assigning interim zoning that does not allow development that would generate more vehicle trips than development allowed by the zoning assigned prior to inclusion in the boundary.

While this rule does not apply directly to urban and rural reserves designations, by implication a land use decision that does not commit lands to an urban use and that, in fact, maintains existing land uses, has no effect on any transportation system or facility. The same reasoning applies here: since the zoning of the property included in an urban reserve will not (and cannot) change by virtue of the reserve designation, no new vehicle trips will be generated by the land use action. The Department recommends the Commission find that Metro and the county are not required to address OAR 660-012-0060 in the reserves decision.

5. Tim O’Callaghan (Ref. 42-5). Mr. O’Callaghan submitted a letter containing two objections specific to the designation of his property and four objections generally question the reserves decision. This subsection addresses one of the general objections. The objector is represented by Michael C. Robinson.

a. Objection. Mr. O’Callaghan asserts the decision violates Goal 12 because it does not include findings regarding OAR chapter 660, division 12 (the “Transportation Planning Rule” or “TPR”). O’Callaghan, July 14, 2010 at 16. The objector’s letter enumerates this objection under General Objections, section 3.

The objector’s proposed remedy is for the Commission to remand the decision to Metro and the counties in order address Goal 12 and the TPR.

b. Department Analysis and Recommendation. This objection is the same in substance as the preceding objection (Maletis, *et al.*), and the Department recommends the Commission deny the objection for the same reasons addressed in subsection VI.A.4.

B. Amount of Urban Reserve Land

1. City of Portland (Ref. 32-1). The city submitted a letter containing two objections.

a. Objection. Metro’s decision includes an oversupply of urban reserves that represents more than a 30-year supply of land in violation of OAR 660-027-0040(2). Portland, July 14, 2010 at 2 (page unnumbered).

The city asserts that the oversupply error is the result of three faulty assumptions in the December 2009 Urban Growth Report, which result in an overestimate of the future urban land need:

- (1) The existing urban growth boundary requires a four percent vacancy rate to provide needed housing, even though urban reserves will be readily available to meet unanticipated needs.
- (2) The calculation on need for urban reserves requires a four percent vacancy rate, even though these lands are, by definition, completely vacant of urban housing.
- (3) There will be no up-zonings of existing urban land, even though the 2035 Regional Transportation Plan contains new High Capacity Transit (HCT) corridors, with assumptions of up-zoning and redevelopment at new transit stations.

The city's proposed remedy is for the Commission to remand with instructions to recalculate the capacity of existing urban land without the four percent vacancy rate, include the additional redevelopment capacity along HCT corridors, and recalculate the need for urban reserves without a four percent vacancy rate.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

OAR 660-027-0040(2) establishes how Metro is to determine the amount of land to include as urban reserves if it designates reserves under division 27. The amount is a quantity of land “based on the estimated land supply necessary for urban population and employment growth in the Metro area for [“at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296.”]

Metro established the time period that its urban reserves are intended to provide a supply of land for as 50 years -- starting January 1, 2010 and ending December 31, 2059. Metro Rec. at 14, 22. The starting date was based on the date that Metro completed its “inventory, determination and analysis performed under ORS 197.296.” The Metro Council adopted this report by resolution, for the express purpose of using it as a basis for its decision on urban reserves.

Nothing in OAR 660-027-0040(2) directs the specifics of how Metro is to estimate the land supply necessary for urban population and employment growth in the Metro area through the fifty-year period. The general methodology used in the Urban Growth Report is consistent with the methodology used to determine the capacity of the existing urban growth boundary. Communities determining their needs for employment and residential lands for purposes of UGB management use a vacancy factor -- as some level of vacancy is required for land markets to function. Portland does not provide any basis for determining that a four percent vacancy factor is too high. Portland appears to believe that having a long-term supply of land *outside* of the UGB designated as urban reserves

means that such land will be a functional equivalent of vacant land *within* the UGB. But that argument ignores that the process of bringing land into an urban growth boundary and then providing the urban services necessary for the land to develop is a multi-year process. If there is *no* vacant land within the UGB in the meantime, then the region would not be complying with its obligations under Goal 14 and Goal 9 to provide a long-term supply of land for housing and employment needs (and, under Goal 9, to provide a competitive short-term supply).

Portland also argues that Metro's assumption that there will be no up-zoning of land over the planning period is inconsistent with the 2035 Regional Transportation Plan, which contains new High Capacity Transit (HCT) corridors, with assumptions of up-zoning and redevelopment at new transit stations. The 2035 *RTSP* was adopted by Metro on June 10, 2010 – one week *after* Metro adopted its decision on urban reserves. Further, the 2035 *RTSP* is not yet acknowledged. More substantively, at least until the High Capacity Transit (HCT) corridors strategies contained in the 2035 *RTSP* are implemented through changes to Metro's other functional plans, the Department believes it was reasonable for Metro to assume no increase in planned or zoned densities. That assumption was balanced by other, less conservative, assumptions elsewhere in Metro's decision relating to the amount of urban reserve lands (some of which are addressed below).

2. 1000 Friends of Oregon (Ref. 26-1) and City of Wilsonville (Ref.46-0). These objectors both filed as their first objection a general challenge to the amount of urban reserve lands designated by Metro. The 1000 Friends letter is on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Dave Vanasche, Washington County Farm Bureau President.

a. Objection. The amount of land proposed for urban reserves exceeds the statutory 50-year limit on urban reserves in violation of ORS 195.145(4). 1000 Friends, July 12, 2010 at 2. City of Wilsonville, July 14, 2010, at 2-5.

The objectors assert that the amount of land proposed for urban reserves exceeds the statutory 50-year limit on urban reserves, in at least three ways:

- (1) Metro assumes that the existing urban zoning, adopted and acknowledged by each city and county, will not be realized within the 20-year time period of the urban growth boundary (UGB), at least absent a demonstration that public investments or policies are currently in place or underway to cause the zoned level of urban development to happen.
- (2) Metro assumes that cities will meet their current zoning only if certain investments are made - such as in infrastructure, urban renewal, various subsidies, or waivers - and Metro requires a level of certainty about those investments before relying on them to assume that higher densities are achieved in any city.
- (3) Metro's capacity estimate for the UGB assumes there will be no up-zoning over the 20-year or 50-year period over current zoning. This is inconsistent with the 2035 RTP.

The objectors' proposed remedy is for the Commission to remand the decision to Metro with direction to fully account for up-zoning, rezoning, and meeting zoned densities over the reserves time period; and decrease the amount of urban reserves accordingly.

b. Department Analysis and Recommendation. The state agencies reviewed Metro's estimate of its projected range of land needs for residential and employment uses in the combined state agency comments. The state agencies stated that Metro's projections were reasonable:

The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types. Metro Rec. at 1373.

Metro's analysis of the capacity of the existing UGB is based on a projection that development within the current UGB will occur at levels allowed by current zoning during the 50-year planning period. Metro projects that 100 percent of the maximum zoned capacity of the existing UGB will be used during the reserves planning period. Metro Rec. at 600. In addition, in calculating the amount of land needed for urban reserves, Metro assumed that: (1) future residential development in urban reserves would develop at higher densities than has been the experience in the UGB in the past, and (2) that employment lands over the next 50 years would be used with greater efficiencies than in the past. Metro Rec. at 23–24.

1000 Friends and Wilsonville argue that Metro's projections do not meet the requirements of ORS 197.296 and Goal 14. Those authorities do not set requirements for urban reserve designations, they set requirements for urban growth boundaries. Further, Metro's use of current zoned capacity is consistent with ORS 197.296, and the Commission's Goal 14 rules, which require communities to first use current zoned capacity in determining what proportion of future projected land needs can be met within the existing UGB (looking to upzoning as a possible efficiency measure once current capacity is determined). There is no legal inconsistency between Metro's projections and ORS 197.296 or Goal 14.

While some of Metro's planning projections may be characterized as somewhat conservative, others are best described as somewhat aggressive. On balance, the Department believes that the projection of residential land need over the 50-year period is reasonable and is supported by an adequate factual base. In contrast to the statutes and rules relating to land need projections for the amendment of urban growth boundaries, neither SB 1011 nor the Commission's rule proscribe any particular method for estimating housing and employment needs over a fifty-year period, and Metro has documented that there is a significant range in terms of likely outcomes over such a long planning period. *See generally*, Metro Rec. at 1922-1931. Instead of requiring a specific

method for estimating long-term need, SB 1011 and the Commission’s rules rely principally on the requirement for a broad regional consensus among decision-makers to achieve balance in the urban and rural reserve designations. For all of these reasons, the Department recommends that the Commission deny the first part of 1000 Friends’ objection 1.

The second part of this objection alleges that Metro projected that development during the first twenty years of the fifty year period will occur at zoned capacity only if certain investments are made. 1000 Friends argues that Metro should rely on full zoned capacity, with no projected underbuild, because the cities all have acknowledged public facilities plans. Metro’s findings explain that it did not project higher density because it has not yet adopted measures to increase the capacity of the current UGB. Metro Rec. at 23. Metro’s findings make it clear that it did project that even areas that have recently been added to the UGB (such as Damascus) will develop at full planned densities over a 50-year period. *Id.* As a result, the Department recommends that the Commission deny the second part of this objection.

The Department also recommends the Commission deny the third part of these objections regarding consistency with the 2035 RTP. This part of the objections is essentially the same as the City of Portland objection 32-1. See subsection VI.B.1 (immediately above) for an explanation of the Department’s analysis and recommendation on this sub-issue.

3. Coalition for a Prosperous Region (Ref. 4-1). “CPR”: Columbia Pacific Building Trades Council, The Commercial Real Estate Association (NAIOP), Commercial Real Estate Economic Coalition, Home Builders Association of Metropolitan Portland, Metropolitan Association of Realtors®, Portland Business Alliance, and Westside Economic Alliance, represented by Stark Ackerman. This objector submitted a letter containing five objections.

a. Objection. The objector asserts the decision fails to designate sufficient urban reserves to achieve the balance of urban and rural reserves required by OAR 660-027-0005(2). CPR, July 14, 2010 at 4–8.

The objection makes the following points:

- The section titled “Overall Conclusions” in the reserves findings is almost exclusively devoted to a discussion of the tradeoffs and considerations related to the designation of *rural* reserves. It does not describe the trade-offs or considerations of its designation of *urban* reserves. Metro Rec. at 14-19.
- The reserves decision does not describe how it “balanced” the designation of urban and rural reserves to “best achieve” the region’s urban and rural needs: the rule itself is cited only once; and the only two statements concerning balance are purely conclusory. Metro Rec. at 2, 18, 22.

- There is considerable testimony not even mentioned in the reserves findings, which argues that urban needs are not met and disproportionately suffer in comparison with rural needs. The reserve findings concerning tradeoffs for individual urban reserve areas are not enough. Without the findings discussed above, there is no demonstration that OAR 660-027-0005(2) has been met.
- The reserves findings mention OAR 660-027-0050(2) in only three places, and then only to state that the balance has been achieved. Metro Rec. at 2, 18, 22.

The objector recommends a remand with directions to determine whether the proposed reserves balance the urban and rural needs consistent with OAR 660-027-0005(2) and the factors set forth in OAR 660-027-0050 and 660-027-0060, specifically focusing on whether and how the decision “best achieves” urban needs.

b. Department Analysis and Recommendation. The Department recommends this objection be denied.

The relevant rule cited by the objector, OAR 660-027-0005(2), requires findings supported by an adequate factual base that there is a balance between designated urban and rural reserves that, “*in its entirety, best achieves* livable communities, the viability and vitality of the agricultural and forest industries and protection of the most important landscape features that define the region for its residents.” OAR 660-027-0005(2). (emphasis added) The objection suggests that “balance” means some kind of reckoning of the amount of urban reserve versus the amount of rural reserves. The Department does not agree. The balance described in OAR 660-027-0005(2) is a qualitative balance in terms of long-term trade-offs between the further geographic expansion of the Portland metro urban area and the conservation of farm, forest and natural areas that surround the metro area. This is not a balance in terms of the quantitative amount of urban and rural reserves, but a balance between encouraging further urban expansion versus land conservation.

The real issue is whether the findings in support of the reserves decisions demonstrate compliance with the overall objective in OAR 660-027-0005(2). Metro’s consolidated findings are in Exhibit E to Ordinance No. 10-1238A, Metro Rec. at 14-115. Although the combined findings contain few statements that explicitly address balance, the findings sections entitled “Background” and “Overall Conclusions,” *as a whole*, adequately explain why Metro and the counties determined that their designation of urban reserves and rural reserves best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the most important landscape features that define the region for its residents. Metro Rec. at 14-19 (findings). See also, Metro Rec. at 117-122 (Staff Report).

4. Coalition for a Prosperous Region (Ref. 4-3). “CPR”: Columbia Pacific Building Trades Council, The Commercial Real Estate Association (NAIOP), Commercial Real Estate Economic Coalition, Home Builders Association of Metropolitan Portland, Metropolitan Association of Realtors®, Portland Business Alliance, and Westside

Economic Alliance, represented by Stark Ackerman. This objector submitted a letter containing five objections.

a. Objection. CPR asserts the urban reserves decision overestimates the development capacity within the existing UGB and relies on faulty assumptions to dramatically increase projected development efficiency and density, the consequence of which is that the decision fails to designate enough urban reserves to balance urban and rural needs as required by OAR 660-027-0005(2). The decision fails to properly apply the urban reserves factors, particularly OAR 660-027-0050(2) and (6). The decision fails to satisfy the requirements of Goals 2, 9, 10, and 14 and is therefore not consistent with OAR 660-027-0080(4). CPR, July 14, 2010 at 9–14.

CPR also asserts that Metro’s 2009 Urban Growth Report, Reserves Residential Range Methodology, and Reserves Employment Range Methodology rely on overly optimistic and never-achieved refill rates, very aggressive floor-to-area ratios (FARs), availability of housing subsidies, and decreased underbuild rates, which result in an overestimation of the capacity within the existing UGB and an underestimation of reserves land needed to accommodate housing and employment demand through the 2060 planning horizon.

The objection also challenges the assumption that there will be a higher proportion of infill housing in the future, arguing that more infill negatively affects housing choice (both by unit type and location) and affordability and prevents achievement of “livable communities” as “attractive places to live and work.”

CPR’s proposed remedy is for the Commission to:

- (1) Remand to Metro with direction to revise the refill rates, underbuild rates, FARs, and limitations on housing types to reflect historical norms for residential and employment lands, and to designate additional urban reserves warranted by such revised calculations consistent with the requirements of the urban reserve rules, and Goals 9; 10, and 14.
- (2) Alternatively, acknowledge the designated urban reserves, and remand the rural reserves with direction to adjust the rural reserves to provide additional undesignated lands appropriate for development.
- (3) Require the adoption of a periodic adjustment schedule for designating additional urban reserve if the actual refill rates, underbuild rates, and FARs are significantly different from the assumptions Metro has made in making the reserves decision.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

In calculating the amount of land needed for urban reserves, Metro assumed that: (1) future residential development within the UGB would be at full or almost full zoned capacity over the 50-year period, (2) future residential development in urban reserves would develop at higher densities than has been the experience in the UGB in the past, and (3) employment lands over the next 50 years would be used with greater efficiencies

than in the past. Metro Rec. at 23–24. The objector claims that these assumptions were inappropriate and unsupported factually, and led to an inadequate amount of land for urban reserves in a manner that violated statewide planning goals and rules. The Department does not agree. Metro provided adequate findings supported by an adequate factual base in explaining the reasons for making the above-described assumptions. Metro Rec. at 23-24 (findings); 117-122 (staff report); and 597-610 (technical analyses for COO recommendations). Notably, objector’s arguments are essentially the reverse of the arguments made by objectors 1000 Friends and the cities of Wilsonville and Portland. Metro’s policy choice to project its 50-year land needs in the middle of its forecasted range does not conflict with any state statute, goal or rule, and is supported by an adequate factual base.

The Department also does not agree that projecting a higher proportion of infill housing in the urban reserves than has occurred in the UGB violates Goal 10 and the urban reserve designation factor¹² by negatively affecting housing choice and affordability. Nor does the Department agree that the higher proportion of infill housing prevents achievement of the overall objective of “livable communities” as “attractive places to live and work” under OAR 660-027-000(5)(2) and 660-027-0010(4). Goal 10 requires communities to provide land for *needed* housing.¹³ A household may have choices of housing types, but choice is meaningless if the choices are not the needed housing types affordable to those households. There is no evidence in the record that communities with infill housing are not “livable,” that infill housing prevents those communities from being “attractive places to live and work,” or that more infill will prevent flexibility of location in the region.

CPR also asserts that Metro did not include sufficient development capacity to support a healthy economy in violation of urban reserve designation factor OAR 660-0050(2). Again, Metro found that there is more than sufficient development capacity within its current UGB to meet projected employment needs over a 50-year period. Metro Rec. at 609. Nevertheless, Metro also determined that for one general type of employment land need (large lots, over 25 acres) there is not sufficient capacity in the existing UGB beyond 20 years. To address this general, long-term employment land need, Metro added 3,000 acres to its total estimate of land supply, equating to its estimate based on historic trends and future projections regarding the amount of land needed for this type of use. The Department recommends that the Commission find that Metro’s projections used to determine the amount of urban reserves land are reasonable and supported by an adequate factual base, and therefore do not violate the cited goals and rules.

5. Linda Peters Ref. (25-2). Ms. Peters submitted a letter containing two objections with multiple parts.

¹² OAR 660-027-0050(6): “Includes sufficient land suitable for a range of needed housing types.”

¹³ Goal 10: Housing: To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

a. Objection. This objection contains four parts:

- (1) Washington County’s amendments to the IGA with Metro converted 212 acres to urban reserves from the rural sides and rights-of-way of 22 rural roads, including land adjacent to rural reserves, without adopting policies to implement these reserves.
- (2) The findings are not adequate to support the need for this land as urban reserves.
- (3) The designation violates Goal 3 and OAR 660-027-0050(8) by failing to buffer urban from rural uses.
- (4) The exact amount of designated land has not yet been determined.

Ms. Peters asserts the deficiency violates OAR 660-027-0040(7), OAR 660-027-0050(8), Goal 2 and Goal 3. Peters, July 14, 2010 at 6 (page unnumbered).

Ms. Peters contends that Metro’s decision to include both sides of certain rights-of-way within its urban reserve designations will increase conflicts with nearby farm uses. Placing urban infrastructure, particularly roads built to urban standards, through or alongside rural reserves, fails to protect the resource uses to encourage long-term investment. “[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.”

The objection states that there has been no showing of need for these urban reserve expansions, citing Washington County’s only justification as “*Rural* reserve designations of public road rights-of-way (ROW) adjoining urban or future urban areas could result in management and/or maintenance issues.” (emphasis added)

According to Ms. Peters, the amended road designations fail to satisfy Goal 3: Agricultural Lands and OAR 660-027-0050(8). Placing “urban reserves” on the rural reserve side of the road provides no buffer or edge to the farming activities on the rural reserve side of the road, which fails to “avoid or minimize adverse effects on farm and forest practices...on nearby land including land designated as rural reserves.”

Ms. Peters’ proposed remedy is for the Commission to reverse Washington County’s assignment of urban reserve designations on rural sides and rights-of-way of the 22 subject rural roads. Alternatively, remand to Washington County for an adequate factual base and compliance with all other statutory and rule requirements for urban reserve designations.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection, as explained below.

OAR chapter 660, division 27 authorizes Metro to designate urban reserves and the three Metro-area counties to designate rural reserves. OAR 660-027-0020(1) and (2). Therefore, the urban reserves were designated by Metro, not Washington County, and if

there is an error in the designation of urban reserves, it is Metro's error, not Washington County's.

Regarding part (1) of the objection (failure to adopt policies to implement urban reserves), OAR 660-027-0040(7) applies to the designation of *rural* reserves. It is not applicable to the designation of urban reserves in the Metro area. The Department assumes that the objector meant to cite OAR 660-027-0040(6), which requires Metro to adopt policies to implement urban reserves and show them on its regional framework plan map.

The relevant documents in the record are Policies 1.7, 1.9, and 1.11 of Metro's Regional Framework Plan and a map, which were adopted with the urban reserve designations. Exhibits A and B to Ordinance No. 10-1238A, Metro Rec. at 3–6; also see Metro Rec. at 24.¹⁴ Metro's adoption ordinance describes the map as follows: "The areas shown as 'Rural Reserves' on Exhibit A are the Rural Reserves adopted by Clackamas, Multnomah and Washington Counties and are hereby made subject to the policies added to the Regional Framework Plan by Exhibit B of this ordinance." Metro Rec. at 2. Metro's findings state:

The region's urban and rural reserves are fully integrated into Metro's Regional Framework Plan and the Comprehensive Plans of Clackamas, Multnomah and Washington counties. Metro's plan includes a map that shows urban and rural reserves in all three counties. Each of the county plans includes a map that shows urban and rural reserves in the county. The reserves shown on each county map are identical to the reserves shown in that county on the Metro map. Metro Rec. at 15.

These passages could be clearer, but they adequately indicate that the reserves map is adopted as part of the Regional Framework Plan.

The objection appears to be that Metro's policies must specifically address rights-of-way and adjoining lands. OAR 660-027-0040(6) does not specify what Metro's urban reserve policies must contain other than that they must implement the reserves. Metro's amendments to its Regional Framework Plan, Metro Rec. at 4, and to Title 11 of its Urban Growth Management Functional Plan, implement its designations. Metro Rec. at 8-13. There is no requirement that Metro's policies address every detail of its designations and the Department recommends that the Commission deny the first part of this objection.

Regarding part (2) of the objection (inadequate findings to support the decision in violation of Goal 2), Washington County's data and findings for urban reserve designation of certain rural rights-of-way and adjacent lands are in the record. WC Rec.

¹⁴ "The Regional Framework Plan is hereby amended, as indicated in Exhibit 13, attached and incorporated into this ordinance, to adopt policies to implement Urban Reserves and Rural Reserves pursuant to the intergovernmental agreements between Metro and Clackamas, Multnomah and Washington Counties, respectively, and ORS 195.141 to 195.143." (Ordinance No. 10-1238A, Metro Rec. at p 2)

at 9643-9644; Metro Rec. at 63, 67. More directly, this is a legislative land use decision by Metro regarding whether to include certain areas within its designation of urban reserves. That decision does not require findings that explain the details of each segment of the boundary selected by Metro. Rather, OAR 550-027-0050 requires Metro to make its decisions by applying the listed factors to the lands it identifies [for study] and selects. Metro did so on the basis of areas that it defined for purposes of its analysis and decision-making process. The objector does not identify any reason why Metro erred by analyzing the application of the urban reserve factors at the geographic level of these areas, and the Department recommends that the Commission find that Metro's use of areas as its basis for analysis was reasonable given the legislative and regional nature of its decision. If Metro were required to apply the factors to every parcel or every part of the edge of urban reserve areas its analysis would quickly become impossible. For these reasons, the Department recommends that the Commission deny the second part of this objection.

Regarding part (3) of the objection, (failure to determine amount of land designated in violation of Goal 2), the findings for amount of land need for urban reserves in Washington County provide exact acreage figures, locations, and reasons why the urban reserve areas were designated as such (e.g., 4E, 4F, 4G, 5A, 5B). Metro Rec. at 58-95. The Department recommends that the Commission deny this part of the objection. The decision adequately describes the boundary of the designated urban reserves and the amount of land included.

Regarding part (4) of the objection (violation of Goal 3 and OAR 660-027-0050(8) because of adverse effects on nearby farm uses), the designation of urban and rural reserves, if anything, limits uses that might conflict with farm uses. OAR 660-027-0070. There is no conflict between Metro's decision and Goal 3.

OAR 660-027-0050(8) is one of the urban reserve designation factors. It does not require a finding that designation of the site will avoid or minimize adverse effects on nearby farm uses and rural reserves. It is a factor that is considered with all of the other urban reserve designation factors in OAR 660-027-0050, not a criterion that must on its own be satisfied. Metro adopted general findings addressing 0050(8) in connection with the Bethany West area. Metro Rec. at 92-95. The findings state that "concept and community level planning in conformance with established county plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area." The reasons the boundary was adjusted to include both sides of the rights-of-way in question are further explained in a staff memo. WC Rec. at 8559. That memo explains that if the reserves boundary was placed at the centerline of roadways it may mean that only half of the right-of-way could be improved if and when the land was added to the urban growth boundary. Objector does not explain why these findings and the record are inadequate, and the Department recommends that the Commission deny this part of the objection.

C. Employment Land/Goal 9

1. 1000 Friends of Oregon (Ref. 26-3). This objector filed a letter containing six objections on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Dave Vanasche, Washington County Farm Bureau President.

a. Objection. The alleged need for 3,000 or more acres for urban reserves for large-lot industrial use:

- (1) Is not supported by law and is without substantial evidence; and
- (2) The designation of lands to meet this alleged need violates the reserve rule and statute by improperly using large blocks of Foundation farmland.

1000 Friends et. al contend the deficiency violates ORS 215.243(2)¹⁵ and OAR 660-021-0030(1). 1000 Friends, July 12, 2010 at 8.

Regarding part (1) of the objection, 1000 Friends contends there is no legal basis for providing for any specific type of land use in the urban reserves. There is no legal basis to make any urban reserve decision based on “preferences” of some employers. There is no provision allowing for setting aside large blocks of land for industrial use. Regarding the second part, the point made is that the overwhelming majority of urban reserve land proposed for large-lot industrial uses is on Foundation farmland in Washington County.

1000 Friends’ proposed remedy is for the Commission to remand to Metro with direction to analyze urban reserve land need without a large-lot industrial users’ factor, and to remove the 3,000 acres of Foundation farmland designated for that purpose.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Regarding part (1) of the objection (the need for large-lot industrial land is not supported by law or substantial evidence), OAR 660-021-0030(1), cited by the objector, is the same as ORS 195.145(4) and OAR 660-027-0040(2) in establishing the time period for the urban reserves’ land supply.¹⁶ OAR 660-021-0030(1) is not applicable to this urban

¹⁵ ORS 215.243(2): “The preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state’s economic resources and the preservation of such land in large blocks is necessary in maintaining the agricultural economy of the state and for the assurance of adequate, healthful and nutritious food for the people of this state and nation.”

¹⁶ OAR 660-021-0030(1): “Urban reserves shall include an amount of land estimated to be at least a 10-year supply and no more than a 30-year supply of developable land beyond the 20-year time frame used to establish the urban growth boundary. Local governments designating urban reserves shall adopt findings specifying the particular number of years over which designated urban reserves are intended to provide a supply of land.”

ORS 195.145(4): “Urban reserves designated by a metropolitan service district and a county pursuant to subsection (1)(b) of this section must be planned to accommodate population and employment growth for at least 20 years, and not more than 30 years, after the 20-year period for which the district has

reserves decision because Metro may use OAR chapter 660, division 21 *or* division 27 to designate urban reserves, but it may not use both at the same time. OAR 660-027-0005(1) and OAR 660-021-0020(2). The Department's review assumes that the objector intended to cite OAR 660-027-0040(2) instead of 660-021-0030(1), since the substance of the two rules is the same.

In a previous case decided by the Commission, the City of Newberg calculated its land supply for urban reserves based (in part) on the projected long-term need for large-lot industrial sites with particular site characteristics in particular locations. The Commission remanded the city's decision. The order states: "The City's decision designating URAs is remanded to remove identification of specific industrial, commercial, institutional, and livability needs." (see LCDC Order 010-REMAND-001787, April 22, 2010, p. 9, Attachment D; also see Supplemental Staff Report on the city of Newberg's Proposed Urban Reserve Areas, July 7, 2009, pp.7-8, Attachment D.) The Commission's order on Newberg was based on the OAR chapter 660, division 21 rules for designating urban reserves. The following is the pertinent part of the Commission's order on Newberg's urban reserves:

The City of Newberg determined its long-term need for land (through 2040) by developing a population forecast coordinated with Yamhill County, and assessing its need for land in several categories along with the existing supply of land within the city's UGB. Based on this analysis, the City determined that its total long-term need for land (through 2040) was for 1,665 acres. Of this amount, however, a significant portion also was identified as being for uses with unique and specific site requirements - particularly for large tracts of land and in some cases for relatively flat lands.

The Department argued, based on the history of the urban reserve rule, that OAR 660-021-0030(1) does not authorize a city's long-term land need to be based on specific siting requirements for particular uses, and that (instead) the amount of land in a city's urban reserves must be based on generalized long-term population and employment forecasts. The City disagreed, but nevertheless agreed to a voluntary remand in order to revise its determination to remove reliance of projected land needs of future uses with specific site requirements.

demonstrated a buildable land supply in the most recent inventory, determination and analysis performed under ORS 197.296."

OAR 660-027-0040(2): "(2) Urban reserves designated under this division shall be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply inside the UGB in the most recent inventory, determination and analysis performed under ORS 197.296. Metro shall specify the particular number of years for which the urban reserves are intended to provide a supply of land, based on the estimated land supply necessary for urban population and employment growth in the Metro area for that number of years. The 20 to 30-year supply of land specified in this rule shall consist of the combined total supply provided by all lands designated for urban reserves in all counties that have executed an intergovernmental agreement with Metro in accordance with OAR 660-027-0030.

The Commission interprets OAR 660-021-0030(1) as requiring local governments to make an estimate of its need for developable land over a 10 to 30 year planning period beyond the 20-year time frame used to establish the UGB. This is to be an estimate, based on long-term forecasts of overall population and employment needs for the planning period. The Commission recognizes that the rule authorizes local governments to choose the length of the planning period (within the specified limits), and that the longer the planning period the greater the amount of land that is likely to be justified for inclusion in URAs. LCDC Remand Order 010-Remand- 001187 (Newberg), at 6-7.

Here, Metro found that there was no long-term need for additional land beyond the current UGB as a result of overall employment growth. However, Metro's analysis showed that there was a need, based on its buildable lands inventory, its determination of long-term employment growth and its analysis of the capacity of the existing UGB, for an additional 3,000 acres of land.

Based on this analysis, the UGB contains adequate capacity to accommodate *overall* employment growth in the reserves timeframe * * *. However, one key issue remains, regarding providing lots over 25 acres for larger users. This issue was analyzed in the draft urban growth report. It is likely, that single-tenant and multi-tenant employment users in this size range will need to be largely accommodated on vacant buildable lands because redevelopment and infill (refill) appears to be a more likely source of capacity for smaller lot needs. It is impossible to predict with any certainty the number of large lot users expected to come to this region 50 years from now, so this analysis proposes an extension of the analysis described in the UGR. The 20-year UGR analysis shows a rough match between supply and demand for large lots, so it is reasonable to assume that much of the region's large lot supply in the reserves timeframe would come from urban reserves. *A reasonable extension of historical demand informed by future growth estimates suggests that approximately 100 acres per year would be appropriate over the reserves timeframe, equating to 2,000 acres for the period 2030-2050 and an additional 1,000 acres for 2050 – 2060.* Metro Rec. at 609. *See also*, Metro Rec. at 118-119 (findings).

Unlike Newberg, where the city projected a need for land for specific industries with specific site needs that could only be met in specific locations, Metro is projecting that one aspect of its general land needs for employment over the next fifty years cannot be met within the existing UGB. Metro did not base its determination on a specific need, nor did it identify any particular location where this need will be met within its urban reserve areas. Instead, Metro has determined that in order to accommodate its estimated employment growth, it will need 3,000 acres of land in urban reserves in the 2030-2060 period. The Department recommends that the Commission find that Metro's projection complies with ORS 195.145 and OAR 660-027-0040(2).

Regarding part (2) of the objection (designation of large-lot industrial land on Foundation Agricultural Land violates the statute and rule), no specific urban reserve area is

designated for future large-lot industrial use. That determination would need to be made by Metro in conjunction with an amendment of its urban growth boundary, based on a determination that there is a specific identified land need within the next twenty years for particular land.

It is true that the consolidated findings contain the following statement: “Urban Reserve Area 8A was specifically selected for its key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites in this region. WC Rec. 3124-3128. This area’s pattern of relatively large parcels can help support the Metro recommendation for roughly 3,000 acres of large-parcel areas which provide capacity for emerging light industrial high-tech or biotech firms such as Solarworld and Genentech.” Metro Rec. at 90. *See also*, Metro Rec. at 118-119. However, nothing in Metro’s decision or the policies adopted by Metro or Washington County to implement the urban reserves commits it or Washington County that this area will be reserved particularly for this or any other future urban use. As a result, the Department recommends that the Commission deny this objection. To the extent that the objection more generally concerns Metro’s designation of Foundation Agricultural Lands as urban reserves, that issue is addressed below at subsection VI.E.1.

2. Maletis et. al. (Ref. 6-5). The objectors are Chris Maletis; Tom Maletis; Exit 282A Development Company, LLC; and LFGC, LLC, represented by Steven L. Pfeiffer. These objectors submitted a letter containing five objections.

a. Objection: The objectors assert that there is no substantial evidence or related findings to meaningfully assure that the decision, as it will be implemented by the counties, is in compliance with Goal 9. Maletis et. al., July 14, 2010 at 15. The objector’s letter enumerates this objection under General Objections, section 3.

The objectors contend that although the decision includes short findings offered by each of the counties that the designation of reserves complies with Goal 9, the decision and the record are devoid of facts to support these conclusions. Further, it does not appear that Metro has made any effort to acknowledge and coordinate the counties’ findings and substantive mapping decisions as to Goal 9 into its own analysis to ensure that regional goal objectives and obligations are met. Further, there are no independent findings by Metro that demonstrate, based upon substantial evidence in the whole record, that the decision complies with Goal 9 on a regional basis.

The parties request that the Commission remand the decision to Clackamas County with instructions to remove the rural reserves designation from the property and re-designate the area as urban reserve (see also subsection VIII.A.8, objections 6-1 and 6-2). Additionally, the objectors ask that on remand the county (and Metro) be instructed to address the other identified legal deficiencies.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Statewide Planning Goal 9, “Economic Development,” is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” The Goal 9 implementing rule provides that “[t]his division does not require or restrict planning for industrial or other employment uses outside of urban growth boundaries.” OAR 660-009-0010. Generally, Goal 9 does not establish planning requirements for local governments outside of urban growth boundaries. OAR 660-009-0020.

The applicable requirement for determining potential future land need for employment is contained in OAR 660-027-0050(2), not Goal 9. Metro analyzed the need for employment land for the planning period and accommodated it. Metro Rec. at 22. Metro also made findings relative to Goal 9 in the Urban Growth Report. Metro Rec. at 626.

The specific provisions of the goal generally apply inside UGBs, and “implementation” of the urban reserves decision will take place at the time the UGB is amended by Metro. Metro may, at that time, designate specific lands for employment use in order to be consistent with Goal 9. For all of these reasons, the Department recommends that the Commission deny this objection.

3. Coalition for a Prosperous Region (Ref. 4-5). “CPR”: Columbia Pacific Building Trades Council, The Commercial Real Estate Association (NAIOP), Commercial Real Estate Economic Coalition, Home Builders Association of Metropolitan Portland, Metropolitan Association of Realtors®, Portland Business Alliance, and Westside Economic Alliance, represented by Stark Ackerman. This objector submitted a letter containing five objections.

a. Objection. In their fifth objection, the objectors assert the decision fails to provide for a diversity of employment sites necessary for a healthy economy, and the 3,000-acre target for large lot industrial sites is not sufficient to meet employment land needs. CPR, July 14, 2010 at 16.

The urban reserve rule relating to employment lands, OAR 660-027-0050(2), requires that urban reserves: “Include sufficient development capacity to support a healthy economy.” Numerous parties presented evidence that to have a healthy economy – that is, be able to attract new employers and support the growth of existing employers – it is necessary to have enough diversity of sites to provide for varying needs (e.g., infrastructure; access to labor force; size; proximity to customers, suppliers, and like companies; market choice, etc.). According to the objectors, the reserves decision fails to account for the needed diversity of employment sites, instead assuming a shift from production to more research and development and administration/marketing, which have more employees per square foot and demand a higher proportion of office space.

The objectors’ assert that Metro’s reliance on new assumptions without an explanation of how existing sites provide the necessary diversity is inadequate to demonstrate that it correctly applied OAR 660-027-0050(2) to provide for a healthy economy, or OAR 660-

027-0005(2) to “best achieve” urban needs. For the same reasons, the objectors believe that the reserves decision does not comply with Goal 9.

The objectors proposes the Commission remand with direction to either: (1) designate additional urban reserves to meet the full range and diversity of employment needs, or (2) acknowledge the designated urban reserves, but remand the remainder to reduce the amount of rural reserves so that there are available lands on which to meet employment needs, should Metro’s assumptions prove to be incorrect.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection. As explained above, the Department believes that Goal 9 does not apply to Metro’s decision. Metro’s obligations to plan “* * * for at least an adequate supply of sites * * * for a variety of industrial and commercial uses * * *” applies at the time Metro amends its urban growth boundary. The applicable requirements are the general provisions of the reserves rules: OAR 660-027-0005(2) (a balance of urban and rural reserves that best achieves livable communities), and OAR 660-027-0050(2) (that the urban reserves alone or in conjunction with lands inside the current UGB include sufficient development capacity to support a healthy economy).

Metro’s analysis showed that the existing UGB has a substantial surplus in the overall amount of employment land that it projected will be needed over the fifty-year planning period (by a factor of 2:1). Metro Rec. at 609. Recognizing that a portion of the general need for employment lands is for larger sites, Metro also analyzed that component of its general employment land need, and determined that there is adequate capacity within the existing UGB for the next twenty years. Metro Rec. at 609-610. Finally, Metro analyzed the demand for this component of its employment land need and, based on an extrapolation of trend data, found that approximately 100 acres per year were needed for large-sites that could not be met within the existing UGB, for a total need of 3,000 acres.

The Department believes that Metro’s analysis is based on substantial evidence, and that its analysis and conclusion demonstrate that the amount of urban reserves designated “includes sufficient development capacity to support a healthy economy.” For these reasons, the Department recommends that the Commission deny this objection.

D. Population and Employment Forecasts

1. City of Portland (Ref. 32-2). The city submitted a letter containing two objections.

a. Objection: The city’s second objection asserts Metro failed to coordinate the 50-year range forecast for population and employment, based on the December 2009 Urban Growth Report, with the 2035 Regional Transportation System Plan (RTSP), which is based on population and job growth assumptions. The city alleges that this results in violation of Goal 2, ORS 197.015(5), and ORS 268.380(2). Portland, July 14, 2010 at 3 (page unnumbered).

The city states that Metro is required to adopt plans that are coordinated with each other. The most recent ORS 197.296 analysis, the December 2009 Urban Growth Report, contains population and job growth assumptions that are different from those underpinning the RTSP, because the RTSP contains up-zoning and redevelopment projections along High Capacity Transit (HCT) corridors that are different from those included in the latest ORS 197.296 analysis.

The city's proposed remedy is for the Commission to remand the urban and rural reserve decisions, with directions that they employ the same employment and jobs forecast and redevelopment projections as those in the RTSP. In particular, the city argues that Metro should be required to address the redevelopment opportunities along the HCT corridors identified in the RTSP when calculating the capacity of existing urban land and the need for urban reserves.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection for the reasons stated above at subsection VI.B.1. Further, the Department notes that the RTSP is not before the Commission, and was adopted *after* the reserves decision. If the city has an objection based on consistency of the reserves decision and the RTSP, its appropriate action would have been to have filed an objection to the RTSP.

2. Maletis et. al. (Ref. 6-3). The objectors are Chris Maletis; Tom Maletis; Exit 282A Development Company, LLC; and LFGC, LLC, represented by Steven L. Pfeiffer. These objectors submitted a letter containing five objections.

a. Objection: The objectors assert the decision violates Goal 2 and Goal 14 because Metro and the counties based projected population growth, employment growth, densities of development, and land needs on a new, unacknowledged report rather than on Metro's acknowledged functional plan and the acknowledged comprehensive plans of the counties. *Maletis et. al.*, July 14, 2010 at 12. The objectors' letter enumerates this objection under General Objections, section 1.

The parties request that the Commission remand the decision to Clackamas County with instructions to remove the rural reserves designation from the objectors' property and re-designate the area as an urban reserve (see also subsection VIII.A.8, objection 6-1 and 6-2). Additionally, the objectors ask that on remand, the county (and Metro) be instructed to address the other identified legal deficiencies.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

See section V.A for the Department's findings and conclusions regarding the status and effect of Metro's employment and population projections. Unlike the draft report at issue in the *Parklane* case, here Metro's projections were adopted by its Council for the purpose of the reserves decisions, and there is no conflict with Metro's Functional Plans or its Framework Plan. Metro Rec. 1937. The Department recommends the Commission

find that Metro properly considered and established the population growth, employment growth, densities of development, and land needs projections used as the basis for urban reserve designations.

3. Tim O’Callaghan (Ref. 42-3). Mr. O’Callaghan submitted a letter containing two objections specific to the designation of his property and four objections that generally question the reserves decision. This subsection addresses one of the general objections. The objector is represented by Michael C. Robinson.

a. Objection. Mr. O’Callaghan asserts the decision violates Goal 2 because Metro and the Counties based projected population growth, employment growth, densities of development, and land needs on an unacknowledged report to formulate 50-year land needs. O’Callaghan, July 14, 2010 at 14. The objector’s letter enumerates this objection under General Objections, section 1.

Mr. O’Callaghan’s proposed remedy is for the Commission to remand the decision to Washington County.

b. Department Analysis and Recommendation: This objection is the same in substance as the preceding objection (Maletis, *et al.*, objection addressed in subsection VI.D.2). The Department recommends that the Commission deny the objection for the same reasons, which are set forth in part V.A. of this report.

4. Coalition for a Prosperous Region (Ref. 4-2). “CPR”: Columbia Pacific Building Trades Council, The Commercial Real Estate Association (NAIOP), Commercial Real Estate Economic Coalition, Home Builders Association of Metropolitan Portland, Metropolitan Association of Realtors®, Portland Business Alliance, and Westside Economic Alliance, represented by Stark Ackerman. This objector submitted a letter containing five objections.

a. Objection. CPR asserts Metro’s adoption of the top end of the “middle third” of the population and employment forecasts is arbitrary and thus violates the Goal 2 requirement that decisions be supplied by an adequate factual base. Because these forecasts are the basis for the projected urban needs, the objector asserts that the reserves decision also fails to comply with OAR 660-027-0005(2), or demonstrate that the urban reserves factors in OAR 660-027-0050(2) and (6) were correctly applied. CPR, July 14, 2010 at 8.

CPR asserts the reserves findings do not describe how Metro arrived at its decision to use the “middle third” of its population and employment projections. The reserves findings simply state Metro’s estimated demand in ranges for new dwelling units and new jobs.

CPR’s proposed remedy is to:

- (1) Remand the decision with direction to use the full range of population forecasts in projecting housing and employment needs, and add to the acreage of urban

reserves. Alternatively, acknowledge the urban reserves designated in the Reserves Decision, but remand the remainder of the decision with direction to use the full range of population projections, and remove rural reserves designations so that there are sufficient lands in the urban reserves and undesignated categories to meet those projected needs, and

- (2) Require the adoption of a periodic adjustment schedule for designating additional urban reserves if the population or employment growth is significantly greater than the “middle third” adopted by Metro in this Reserves Decision, based on the analysis during the prior two urban growth boundary decisions.

b. Department Analysis and Recommendation. The Department recommends this objection be denied.

The Department advised Metro that it could use a range forecast for the initial phases of its analysis of the amount of land needed for long-term population and employment, but that at the end it must decide (based on an adequate factual base and appropriate policy determinations) on a specific projection of need. Metro decided to use the top end of the “middle third” of its population projection. Metro Rec. at 24, 118-119, 601-603, 607-610. Metro explains the range forecast and the policy questions involved in deciding where within the range to plan for in its 20 and 50-year Regional Population and Employment Forecasts. Metro Rec. at 1918-2007. Metro’s determination of the amount of employment land needed was based on its estimate of the portion of its long-term need that will be for large sites (as explained above), and not on its range forecast. Objector’s have not identified any reason why Metro’s decision to plan for the upper end of the middle third of its population projection for 2060 population conflicts with state requirements or is not supported by substantial evidence in the record. As a result, the Department recommends that the Commission deny this objection.

E. The Designation of Foundation Agricultural Land as Urban Reserves

1. 1000 Friends of Oregon (Ref. 26-2). This objector filed a letter containing six objections on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Dave Vanasche, Washington County Farm Bureau President.

a. Objection. The second objection of these objectors asserts that Metro designated too much Foundation Agricultural Land as urban reserves, violating ORS 195.137-.145 and OAR chapter 660, division 27. 1000 Friends, July 12, 2010 at 3.

1000 Friends argues that unlike land needed for urban uses, Foundation Agricultural Lands are limited in their quantity and in their locational attributes. They assert that this difference between such lands and lands for urban uses is recognized in the statutes and Commission rules, and that Metro fails to recognize the significant damage that its designations will do to the agricultural industry in this part of the state. The objector asserts that the amount of Foundation Agricultural Land designated as urban reserve is unbalanced and disproportionate region-wide and in Washington County. The letter

identifies alternative areas that Metro could have designated as urban reserves that are not Foundation Agriculture Land. Finally, the objectors argue that these failures have had the result that the decision lacks the overall balance required by the Commission’s rule at 660-027-0005(2).

To support their argument, 1000 Friends point out that of the 28,615 acres of urban reserves, 11,915 acres are Foundation Agricultural Lands, of which 9,730 acres are in Washington County. In contrast, very little Foundation Agricultural Land was designated as urban reserves in Multnomah or Clackamas counties. The objectors also note that much of the undesignated land in Washington County is Foundation Agricultural Land that is under the threat of urbanization. According to 1000 Friends, “[t]he result is that the land most threatened by urbanization in Washington County is now proposed as urban reserves, while many acres not under threat of urbanization in the planning period are designated as rural reserves, turning the law on its head.” 1000 Friends Objection, at 5. Finally, 1000 Friends point out that Metro could choose a time span less than the maximum 50 years, or an estimate of future growth that is not at the top of its population and employment growth forecast. If choosing the outer limit of the allowable time span and the upper end of the population and employment forecasts results in a designation of urban reserves that does not conform to the law, which 1000 Friends believes it does not, then they assert that Metro must choose a lesser time span and/or a lower point within the forecast.

1000 Friends’ proposed remedy is for the Commission to remand the urban and rural reserves decisions with instructions to Metro to reduce the amount of Foundation Agricultural Land designated as urban reserves consistent with state law. 1000 Friends asks that those lands be designated as rural reserves, because, by definition, they satisfy the rural reserves factors, including the threat of urbanization.

b. Department Analysis and Recommendation: The Department recommends the Commission deny this objection.

The Department does not agree with 1000 Friends that *only* agricultural and natural resource lands are placed-based under the reserves statutes and rules. Urban reserves also are to reflect place-based needs of the region in terms of future livability and efficiency of public facilities and services. These characteristics are reflected both in the Commission’s rules defining the terms “urban reserves” and “livable communities” and in the legislature’s establishment of the factors that Metro must consider for urban reserves, which include the “efficient use of *existing* infrastructure * * *,” lands that can be provided with cost-effective public facilities and services, lands that can be designed to be walkable and served by well-connected streets, and lands where development can be designed to preserve and enhance natural ecological systems. ORS 195.145(5). These are all factors that are dependent on natural and economic geography, just as the rural reserve factors are.

Identification of land by ODA as Foundation Agricultural Land is sufficient basis for the county to designate land rural reserve within three miles of a UGB without consideration of other factors. On the other hand, even if Foundation Agricultural Land is considered to rate favorably under the urban reserve factors, the Commission's rule require that if Metro designates such land as urban reserves, its findings and statement of reasons must explain, by reference to both the urban *and* rural reserve factors, why Metro chose those lands as urban reserves rather than other lands. OAR 660-027-0040(11). Metro's findings include analysis and conclusions explaining why it designated Foundation Agricultural Lands as urban reserves rather than using other lands. Metro Rec. at 14–18. Specifically, Metro explained its decision in the following terms:

Why did the region designate *any* Foundation Agricultural Land as urban reserve? The explanation lies in the geography and topography of the region, the growing cost of urban services and the declining sources of revenues to pay for them, and the fundamental relationships among geography, topography and the cost of services. The region aspires to build “great communities.” Great communities are those that offer residents a range of housing types and transportation modes from which to choose. Experience shows that compact, mixed-use communities with fully integrated street, pedestrian, bicycle and transit systems offer the best range of housing and transportation choices. *State of the Centers: Investing in Our Communities*, January, 2009. Metro Rec.181-288. The urban reserves factors in the reserves rules derive from work done by the region to identify the characteristics of great communities. Urban reserve factors (1), (3), (4),and(6)² especially aim at lands that can be developed in a compact, mixed-use, walkable and transit-supportive pattern, support by efficient and cost-effective services. Cost of services studies tell us that the best geography, both natural and political, for compact, mixed-use communities is relatively flat, undeveloped land. * * *

Converting existing low-density rural residential development into compact, mixed-use communities through infill and re-development is not only very expensive, it is politically difficult. There is no better support for these findings than the experience of the city of Damascus, trying since its addition to the UGB in 2002 to gain the acceptance of its citizens for a plan to urbanize a landscape characterized by a few flat areas interspersed among steeply sloping buttes and incised stream courses and natural resources. Staff Report, June 9, 2010, Metro Rec.289-300.

Mapping of slopes, parcel sizes, and Foundation Agricultural Land revealed that most flat land in large parcels without a rural settlement pattern at the perimeter of the UGB lies outside Hillsboro, Cornelius, Forest Grove, Beaverton, and Sherwood. These same lands provide the most readily available supply of large lots for industrial development. * * * Had the region been looking only for the best land to build great communities, nearly all the urban reserves would have been around these cities. * * *

Despite these geopolitical and cost-of-services realities, the reserves partners designated extensive urban reserves that are *not* Foundation Agricultural Lands in order to meet the farm and forest land objectives of reserves, knowing they will be more difficult and expensive to urbanize:

- Urban Reserve 1D east of Damascus and south of Gresham (2,716 acres);
- Urban Reserve 2A south of Damascus (1,239 acres);
- Urban Reserves 3B, C, D, F and G around Oregon City (2,232 acres);
- Urban reserves 4A, B and C in the Stafford area (4,699 acres);
- Urban reserves 4D, E, F, G and H southeast of Tualatin and east of Wilsonville (3,589 acres);
- Urban Reserve 5F between Tualatin and Sherwood (572 acres);
- Urban Reserve 5G west of Wilsonville (203 acres); and
- Urban Reserve 5D south of Sherwood (447 acres).

This totals approximately 15,697 acres, 55 percent of the lands designated urban reserve. Metro Rec. at 16-17 (citations omitted).

Metro also included some findings concerning why it chose the Foundation Agricultural Lands that it did, considering the rural reserve factors in the Commissions' rules. The Department believes that the Commission intended this aspect of its rules to require Metro to consider whether Foundation Agricultural Lands considered as urban reserves are best-suited as urban reserves or rural reserves, considering both the urban and rural factors. Metro's findings indicate that it believes that its designations satisfy this requirement. Specifically, Metro found that:

Urban reserves, if and when added to the UGB, will take some land from the farm and forest land base. But the partners understood from the beginning that some of the very same characteristics that make an area suitable for agriculture also make it suitable for industrial uses and compact, mixed-use, pedestrian and transit-supportive urban development. * * *

Some important numbers help explain why the partners came to agree that the adopted system, in its entirety, achieves this balance. Of the total 28,615 acres designated urban reserves, approximately 13,981 acres are Foundation or Important Agricultural Land. This represents only four percent of the Foundation and Important Agricultural Land studied for possible urban or rural reserve designation. If all of this land is added to the UGB over the next 50 years, the region will have lost five percent of the farmland base in the three-county area. Metro Rec. at 15 (citations omitted).

Metro's findings could be much more developed in terms of the rural reserve factors. Nevertheless, of the 194,350 acres of land identified as Foundation Agricultural Lands in the three-county area and designated as rural or urban reserves, 11,931 acres are urban reserves and 182,439 acres are rural reserves. Metro Rec. at 179. In Washington County, the numbers are 130,944 total Foundation Agricultural Lands as reserves, with 121,214

acres as rural reserves, and 9,730 as urban. *Id.* Given these facts, and the findings that Metro has adopted, the Department believes that the Commission could find that Metro's decision is adequately supported by the findings required by the Commission's rules.

1000 Friends also argues that the region should not have decided to plan for the maximum time frame allowed. The Department recommends that the Commission deny this aspect of the objection as well. Metro was authorized to designate reserves for up to a 50-year period, and 1000 Friends does not identify any basis why the region decision to plan for the upper end of that range is contrary to state requirements.

Metro and the counties have adopted findings based on the factors regarding the location of urban reserves throughout the region, including on Foundation Agriculture Land. Objector 1000 Friends *et. al* has made arguments based on these same criteria that are reasonable. The Department believes that the statutory and rule provisions directing designation of urban and rural reserves provide the region with considerable discretion in making the reserves decisions, and this objection has not raised factual or legal issues that compel the Commission to remand those decisions. For these reasons, the Department recommends that the Commission deny this objection.

VII. RESPONSE TO OBJECTIONS – RURAL RESERVES DECISION

This chapter contains the Department’s analysis of objections to the counties’ rural reserves submittals, with recommendations on whether the Commission should sustain or deny the objection. In some cases, the objection is related to an issue addressed in the Department’s analysis in chapter V above, and in other cases new issues are raised.

This chapter addresses only valid objections. See section IV.B for a description of requirements for valid objections. Chapter IX lists objections that do not satisfy the criteria to be valid, and explains why the Department recommends that the Commission deny certain objections as invalid. The full text of all objections is available at http://www.oregon.gov/LCD/state_review_of_metro_reserves.shtml. The reference, or “Ref.,” number indicated for each objection in the analysis below directs readers to the appropriate objection letter. The number has no significance other than for ease of identification.

A. Clackamas County

1. Maletis et. al. (Ref. 6-4). The objectors are Chris Maletis; Tom Maletis; Exit 282A Development Company, LLC; and LFGC, LLC, represented by Steven L. Pfeiffer. These objectors submitted a letter containing several objections.

a. Objection: The objectors assert the decision does not comply with Goal 2 because there is no adequate factual base to support the conclusion that all lands within three miles of the UGB are necessarily “subject to urbanization” for purposes of OAR 660-027-0060(2)(a). Maletis et. al., July 14, 2010 at 14. The objector’s letter enumerates this objection under General Objections, section 2.

The objection maintains that a county must consider whether lands are “subject to urbanization” through 2060, the agreed horizon date for reserves planning prior to designating the land rural reserve. ORS 195.141(3)(a); OAR 660-027-0060(2)(a). Clackamas County determined that all lands located within three miles of the Portland Metropolitan UGB and within one-half mile of an outlying city UGB are necessarily “subject to urbanization.” According to the objectors, this is a bright-line, “one size fits all” conclusion, with no evidence in the record to support the selected distances or to explain why properties within three miles of a UGB were more or less subject to the varied factors that influence urbanization. In the absence of any evidence at all to support Clackamas County’s characterization of this factor, there is no adequate factual base for purposes of Goal 2 to support Clackamas County’s application of this factor in the rural reserves analysis.

The parties request that the Commission remand the decision to Clackamas County with instructions to remove the rural reserves designation from the property and re-designate the area as urban reserve (see also subsection VIII.A.8, objection 6-1 and 6-2).

Additionally, the objectors ask that on remand, the county (and Metro) be instructed to address the other identified legal deficiencies.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Threat of urbanization is one factor that a county must consider under OAR 660-027-0060(2)(a) and ORS 195.141(3) when making a decision on whether to designate land as a rural reserve. Like the other factors, the threat of urbanization is not a criterion or standard that the county must show has been satisfied. Neither the statute nor the Commission’s rule mandate that the county “conclude” the land is subject to urbanization in order to designate it as a rural reserve. Instead, the county must take that factor into consideration in making its decision.

The county’s submittal identifies material addressing the “three-mile urbanization” guideline used by the county Rural Reserves Policy Advisory Committee. CC Rec. at 365. The county’s findings indicate that it relied on OAR 660-027-0060(4) to determine that lands should be designated as rural reserves if they are identified as Foundation Agricultural Land, and are located within three miles of an urban growth boundary. See, e.g., CC Rec. at 4-5 (French Prairie area should be a rural reserve because it is Foundation Agricultural Land within three miles of a UGB, and because it contains prime agricultural soils and is one of the most important agricultural areas in the state).

The Department believes that the County has an adequate factual base for its decision. Additionally, while Clackamas County may have studied rural reserve candidate areas, and determined that land within three miles of the Metro UGB and one-half mile of other cities was subject to urbanization for purposes of addressing the rural reserve factors, it did not designate all land within these radii as rural reserves when the factors as a whole were evaluated and applied.

The Department recommends the Commission deny this objection for these reasons. The objectors’ contentions concerning the validity of OAR 660-027-0060 are addressed separately below, at subsection VIII.A.8.

2. Tim O’Callaghan (Ref. 42-4). Mr. O’Callaghan submitted a letter containing two objections specific to the designation of his property and four objections generally question the reserves decision. This subsection addresses one of the general objections. The objector is represented by Michael C. Robinson.

a. Objection. Mr. O’Callaghan asserts the decision violates Goal 2 because there is no adequate factual base to support the conclusion that all lands within three miles of the UGB are necessarily “subject to urbanization” for purposes of OAR 660-027-0060(2)(a). O’Callaghan, July 14, 2010 at 15. The objector’s letter enumerates this objection under General Objections, section 2.

The objector's proposed remedy is for the Commission to remand the rural reserves decision to Clackamas County with instructions to develop an adequate factual base for determining when lands are subject to urbanization.

b. Department Analysis and Recommendation. This objection is the same in substance as that of the Maletis, *et al.*, objection addressed in subsection VII.A.1, immediately above. The Department recommends that the Commission deny the objection for the same reasons set forth in that subsection.

3. Elizabeth Graser-Lindsey (Ref. 14-2). Ms. Graser-Lindsey submitted a letter with two objections.

b. Objection. The decision designating the urban and rural reserves is based on a misapplication of the rural reserve factors “to provide long-term protection to the agricultural industry or forest industry.” Graser-Lindsey, July 6, 2010 at 5 (page unnumbered).

Ms. Graser-Lindsey states that at least one county erroneously used the farmland categories from the January 2007 ODA report to Metro entitled “Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands” (i.e., Foundational, Important and Conflicted Agricultural Land) to define farmland instead of considering the rural reserve factors in OAR 660-027-0060. Ms. Graser-Lindsey contends that specific facts that provided evidence of quality agricultural or forest lands were ignored in areas designated as “Conflicted” in the ODA mapping units, resulting in OAR 660-027-0060 being misapplied.

Ms. Graser-Lindsey's proposed remedy is for the Commission to remand the urban reserves decision so that the OAR 660-027-0060(2) is applied to all lands designated as rural reserves, and so that the agricultural values of lands that have been ignored can be considered.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

The statement of objection in the letter alleges deficiencies in both urban and rural reserve designations, but the rules cited in the text of the letter address only rural reserve factors in OAR 660-027-0060. The Department treats this objection as specific to Clackamas County, as decisions from other counties are not cited in the objection.

See subsection V.B.2 regarding the scale of review. Generally, the Department believes that the applicable statutes and rules do not require the counties to make a parcel-by-parcel analysis of reserve areas. Additionally, the rural reserve factors in OAR 660-027-0060(2) are not criteria with which the counties and Metro must show compliance, but rather factors to be considered in the reserves decisions. Even if an area contains quality agricultural or forest land, nothing in the statute or rules compel a rural reserve designation. Clackamas County and Metro made findings regarding the rural reserve

factors in OAR 660-027-0060(2) for each designated area, and those findings demonstrate that the county considered the factors listed in statute and rule. Clackamas County was not compelled to make findings for areas that were not designated. Metro Rec. at 39.

For these reasons, the Department recommends that the Commission deny this objection.

4. Michael J. Wagner (Ref. 29). Mr. Wagner submitted a letter containing one objection.

a. **Objection.** Mr. Wagner asserts that Clackamas County did no analysis of “threat of urbanization” as required by OAR 660-027-0060(2)(a) and therefore underestimated the amount of rural reserve lands that should be designated.

Mr. Wagner states that the county did no analysis of lands “potentially subject to urbanization” and that it erred when it limited rural preservation to an “arbitrary” three miles based solely on the concept that traffic studies use the three-mile limit. The objector uses the U.S. Census definition of “urbanized area” to argue that many areas beyond the three-mile limit are potentially subject to urbanization. The objector further states that the county erred when it did not perform any analysis of fair market values, providing an example of comparative information on differing land values for EFU, forest and rural residential-zoned lands.

The objector’s proposed remedy is for the Commission to remand the rural reserves designations to Clackamas County to designate significant additional areas as rural reserve.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Clackamas County determined that all lands within a distance of three miles from the Metro UGB and one-half mile from a non-Metro UGB are subject to the threat of urbanization over a fifty-year period. The great majority of lands designated rural reserve in the county are within three miles of a UGB, with smaller areas extending beyond the three miles and some areas extending one mile or less from a non-Metro UGB.

The reserves rule sets forth four factors to be considered by counties when designating rural reserves. Among these is that lands be potentially subject to urbanization “as indicated by proximity to a UGB *or* proximity to properties with fair market values” that significantly exceed farm or forest land values. OAR 660-027-0060(2)(a). (emphasis added)

An October 14, 2009 joint state agency comment letter to Metro had these comments on the amount of land designated rural reserve:

In general, the approach used by Clackamas County is consistent with how the agencies believe rural reserve designations should be used (to “steer” urban

development away from or toward particular areas, rather than as a blanket treatment of everything that is not an urban reserve. Metro Rec. at 1375.

Clackamas County determined that lands within three miles of the metro UGB are threatened with urbanization over a fifty-year period. Part of the county's choice of three miles was not that traffic studies use the three-mile limit, but to account for the impact of transportation access on state highways. CC Rec. at 365. The county was not required to use the U.S. Census definition of urbanized area as an indicator of lands subject to urbanization. The former includes urban as well as urbanizing (low-density lands), while the latter often includes completely undeveloped farmland that is nevertheless under threat of development. Finally, potential for urbanization is just one factor of four to be considered and is not necessarily a determinative factor in and of itself. For all of these reasons, the Department recommends that the Commission deny this objection.

B. Washington County

1. Oregon Department of Agriculture (Ref. 18-1). The Oregon Department of Agriculture and Board of Agriculture (collectively, ODA) submitted a letter containing five objections.

a. Objection. ODA's first objection is that the decision is not consistent with the purpose and objective stated in OAR 660-027-00005(2). ODA, July 14, 2010 at 2. The purpose statement of division 27 includes the objective "a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents." OAR 660-027-0005(2).

ODA notes that "* * * 63.5 percent of the lands located adjacent to the UGB located in Washington County (includes Forest Grove and Cornelius) has been designated by Metro as urban reserve (55%) or left as "undesigned" lands (8.5%) with no protection from future designation as additional urban reserve land. If one removes the Forest Grove/Cornelius UGB, 67.1 percent of the lands has been designated by Metro as urban reserve (61%) or left as "undesigned" land (6.1%)." ODA, at 1.

ODA believes that the amount of rural reserves was inflated in Washington County in order to justify a larger amount of urban reserves in that part of the region. Specifically, ODA proposes that acreage not identified as Foundation Agricultural Land could be designated as urban reserve, instead of the Foundation lands that were. These lands are southwest of Borland Road, southeast of Oregon City, in the Clackamas Heights area, east and west of Wilsonville, and between Wilsonville and Sherwood. ODA, at 2.

The objector's proposed remedy is for the Commission to remand with instructions to designate rural reserves that satisfy the quality and threat factors established by the rule

and to adjust the amount of urban reserve lands to better achieve a balance that protects quality agricultural lands that truly require protection from urbanization.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Washington County completed an in-depth analysis of potential rural and urban reserves, first evaluating land based on a variety of quantitative assessments reflected in tables 1 and 2 and a series of maps. WC Rec. at 2281-2. The county then refined this analysis to provide a qualitative analysis, including five means of determining potential rural reserve areas: urbanization, productivity, parcelization, physical features and dwelling density. Various subareas of the county were then ranked by tier. WC Rec. at 2300. Tier 1 indicates which subareas are most suitable for rural reserves, followed by Tier 2, Tier 3 and Tier 4 areas. Extensive areas up to five miles from UGBs have been designated for rural reserves, although several outer subareas were assessed by the county as having “low” or “medium” potential for urbanization and were ranked Tier 4 – least suitable for rural reserves.

The objective of OAR chapter 660, division 27 to achieve a balance in the designation of urban and rural reserves applies to the entirety of the region and not to individual counties within it. Further, the designation of a large amount of rural reserve land in Washington County has not enabled the county to designate more urban reserve land than population projections and land use need analyses will support. Findings have been provided to support Washington County’s designation of rural reserves, including consideration of whether the lands are subject to urbanization. WC Rec. at 2294–2306. Whether land is subject to urbanization is a factor for consideration and not determinative as to whether land should be so designated.

The fact that 7.4 percent of the Foundation Agricultural Lands designated as reserves in Washington County are urban reserves, and 92.6 percent are rural reserves, suggests that most of the county’s key agricultural lands have been protected. On a regional basis, the percentages are even more weighted toward protection of agricultural lands, with 6.1 percent of the Foundation lands designated as reserves in the urban category, and 93.9 percent rural. In an Other Washington County characteristics must be considered as well, including: (1) the much greater extent of Foundation Agricultural Lands adjacent to the UGB relative to other counties in the region, (2) the very limited amount of “conflicted” agriculture land, (3) the higher population and land need projections, and (4) fewer topographic challenges for compact development than in Clackamas and Multnomah Counties. For these reasons, the Department recommends that the Commission find that this aspect of the ODA objection is not supported. ODA’s objections to particular urban reserve areas are considered separately, in the subsections that follow (see response to ODA objection 2, subsection VII.B.2, below).

The Department recommends that the Commission find that the “balance” called for in the purpose and objective statement in OAR 660-027-0005 is to be achieved for the region as a whole, and not on a county-by-county basis. The Department further

recommends the Commission find that Washington County has adequately explained its rural reserve designation decision with regards to consideration of the factors in OAR 660-027-0060(2) and (3) in designating lands more than three miles from the current UGB.

2. The Oregon Department of Agriculture (ODA) (Ref. 18-2). The Oregon Department of Agriculture and Board of Agriculture (collectively, ODA) submitted a letter containing five objections.

a. Objection. ODA's second objections is that the analysis and designation of key Washington County agricultural lands as urban reserves and failure to designate qualified agricultural lands as rural reserves is flawed. ODA, July 14, 2010 at 3.

ODA states that both in general and as applied to specific areas Washington County's analysis and application of the factors for rural reserves uses elements not included in applicable statutes or rules, and relies on a weighting analysis that is inconsistent with the applicable law and involves elements not in the law. More specifically, ODA argues that:

- (1) The county's analysis inappropriately uses the "subject to urbanization" factor to downgrade the importance of agricultural lands under the rural reserve factor in OAR 660-027-0060(2)(a). ODA's identification of Foundation Agricultural Land took into account the long-term viability of agricultural operations and the overall stability of agriculture. Washington County's analysis failed to do so.
- (2) The county's analysis gives too much weight to whether lands are located within the Tualatin Valley Irrigation District and inappropriately ranks lands within water-restricted areas lower (OAR 660-027-0060(2)(c)). The rule only requires consideration of available water "where needed," and many high-value crops are grown in the region without irrigation.
- (3) The analysis and conclusions confuse "large block of agricultural land" with "large parcels," and inappropriately considers residential density without determining whether dwellings were authorized in conjunction with farm use or as nonfarm dwellings when determining whether there is a "large block of agricultural land" (OAR 660-027-0060(2)(d)(A)).
- (4) The analysis does not adequately address the sufficiency of agricultural infrastructure in the area. The only information provided concerns the need to protect a critical mass of operations, and the county disregarded this information (OAR 660-027-(2)(d)(D)).
- (5) The analysis makes conclusory statements that urban reserve areas "can be designed to avoid or minimize adverse effects on farm and forest practices" without providing evidence or discussion as to how adequate protection is provided (OAR 660-027-0050(8)).

ODA's proposed remedy is for the Commission to remand the Washington County portion of the decision to address the deficiencies listed above.

b. Department Analysis and Recommendation. The Department recommends the Commission deny this objection for the reasons explained below.

The consolidated findings regarding application of the rural reserves factors in Washington County address each of the subsections in OAR 660-027-0060(2). Metro Rec. at 95-97 (generally describing how the county considered each of the factors in the rule). Washington County's analysis of how it considered the factors is provided in detail at WC Rec. at 2970-2988 in the recommendations from the county's coordinating committee.

With respect to ODA's arguments 1 through 5 noted above, the Department makes the following conclusions.

1. Threat of Urbanization: While Washington County initially used a weighting that ascribed little significance (maximum of 10 percent) to proximity to a UGB, that approach was later changed to ascribe greater weight to this factor. The county also considered land values. WC Rec. at 2971-2972. The record shows that the county considered what it is required to consider by statute and rule, and the Department recommends the Commission find the county adequately considered OAR 660-027-0060(2)(a) and deny this aspect of ODA's objection.

2. Too Much Weight to Availability of Water for Irrigation: Washington County gives its highest agricultural productivity rating only to lands with access to water, even where high-value crops are grown without irrigation and even for high-value farmland. The county notes in its findings that it anticipates water availability will become increasingly important in the future and uses this as a contributing factor under OAR 660-027-0060(2)(b) as well as (c). WC Rec. at 2972. ODA correctly notes that the consideration is for water "where needed" in subsection (c), but fails to recognize that this is not the primary way the county used this consideration. The county found that "water availability appears to be a significant factor in preservation of farmland over the long-term" in its consideration of subsection (b). WC Rec. at 2972. The statute and rule do not preclude the county from considering water availability when determining whether land is "suitable to sustain long-term agricultural operations." The Department recommends the Commission find that Washington County did not err in considering the availability of water when considering the rural reserve factors.

3 and 4. Large Blocks/Clusters of Farm Operations and Agricultural Infrastructure: OAR 660-027-0060(2)(d)(A) and (D) provide that two of the things that counties are to consider when deciding whether to designate land as a rural reserve are the existence of large blocks of resource land with a concentration of farms, and the sufficiency of agricultural infrastructure in the area. Washington County analyzed both parcelization and ownership patterns, but concluded that parcelization is a better long-term indicator of the sustainability of agricultural operations. WC Rec. at 2975; 2976; 2978; 3019-20 (maps of parcelization and ownership), 3815. Washington County has considered whether lands proposed as rural reserves are suitable to sustain long-term agricultural operations, taking into account both large blocks of agricultural operations and the

sufficiency of agricultural infrastructure in the area. The county also considered the ODA Agricultural Lands inventory, finding that almost all lands within five miles of existing urban areas is inventoried as Foundation or Important agricultural lands. WC Rec. at 2972. The county also considered specific comments from the Washington County Farm Bureau, WC Rec. at 2980-2983, that reflect ODA's objection. Although Washington County may not have considered large blocks of agricultural land, and agricultural infrastructure in the way that ODA may have wished, the fact is that the county did consider these factors. The statute and rule require nothing more. For these reasons, the Department recommends that the Commission deny this aspect of ODA's objection.

5. Ability to Design Urbanization of Urban Reserves to Avoid or Minimize Adverse Effects on Farm and Forest Practices. Regarding OAR 660-027-0050(8), whether an urban reserve area can "be designed to avoid or minimize adverse effects on farm and forest practices," Washington County addressed this factor through the "Pre-qualified Concept Plan" process. Each of these concept plans addressed the factor in section (8). WC Rec. at 3036–3141. Additionally, Metro requires concept planning for all new UGB expansions, and one of the considerations in this concept planning exercise is, "avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands." Metro Rec. at 9 and 24–25. For these reasons, the Department recommends that the Commission find that OAR 660-027-050(8) has been adequately addressed with regard to urban reserves in Washington County.

3. 1000 Friends of Oregon (Ref. 26-4). 1000 Friends filed a letter containing six objections on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Dave Vanasche, Washington County Farm Bureau President.

a. Objection. 1000 Friends asserts in its fourth objection that Washington County's reserves analysis, on which Metro relies, is legally flawed.

1000 Friends argues that Washington County's reserves analysis "brought in elements not in the law, and used various weighting schemes to measure these and other elements, resulting in an analysis that in some cases is actually contrary to the purpose and factors of the Reserve statute and rule." 1000 Friends Objection, at 10.

In this subsection the Department addresses 1000 Friends general contentions regarding Washington County's analysis. 1000 Friends objections relating to specific areas are addressed in connection with the objector's objections #5, 6 and 7 for areas 7I, a portion of 7B, 8A and North Plains/Banks, below.

1000 Friends argues that all of the lands the county designated as urban reserves are under a high threat of urbanizations, while almost all rural reserves are under "low" or "medium" threat of urbanization.

Regarding the requirement in OAR 660-027-0060(2)(b) and (d) that rural reserves be "capable of sustaining" and "suitable to sustain" long-term agricultural operations, 1000 Friends notes that much of the lands designated as urban reserves are the productive heart

of Washington County agriculture, and that the value of production from these lands has continued to grow. 1000 Friends argues that the lands should be designated as rural reserves to sustain this production, not as urban reserves.

Regarding OAR 660-027-0060(2)(c) (agricultural infrastructure), 1000 Friends states that the availability of water for irrigation is relevant only “where needed.” 1000 Friends argues that the county places inappropriate weight on this factor, and does not recognize that many high-value crops do not need irrigation. In addition, 1000 Friends objects that the county looks too narrowly at parcelization in addressing whether there is a “large block of agricultural land” in designating rural reserves under OAR 660-027-0060(2)(d)(A). Finally, the objector states that agricultural infrastructure is not adequately considered as required in OAR 660-027-0060(2)(d)(D).

The objection states for the proposed remedy, “Due to the multiple legal and factual flaws in the reserves analysis of Washington County, that portion of the reserves decision should be remanded to Metro.”

b. Department Analysis and Recommendation: The Department recommends that the Commission deny this objection for the same reasons set forth with regard to ODA’s second objection, addressed immediately above.

4. Oregonians in Action (OIA, Ref. 10-1). OIA has submitted a letter containing three objections.

a. Objection. In its first objection, OIA notes that Washington County applied the factors in OAR 660-027-0060 without regard to the zoning of the property, or to whether exceptions lands or non-resource lands are included. OIA, July 14, 2010 at 1. OIA argues that this is a legal error, and that the factors for rural reserves may only be applied to resource lands (and not to exception lands).

OIA states that the county’s findings do not distinguish between those properties in each of the study areas that are not agricultural land as defined by Goal 3 or forest land as defined by Goal 4, and those that are resource land. OIA argues that the county must study exception areas within proposed rural reserves individually, to determine if they qualify based on having important natural landscape features and, specifically, buffers between Goal 3 and Goal 4 parcels and urban areas.

OIA’s proposed remedy is for the Commission to remand Washington County’s decision and require it to conduct a more detailed analysis that addresses and distinguishes, those lands within each study area that are exception areas and non-resource areas, and those that are resource lands under Goals 3 and 4.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection for the following reasons.

Neither the applicable statutes nor rules require that exceptions areas or non-resource lands be distinguished from agricultural or forest lands when designating rural reserves, and the fact that Washington County has not done so is not a basis for the Commission to remand the decision. The statutory definitions of “rural reserve” and “urban reserve” and the statutory factors do not distinguish between resource land and exception land, and neither do the Commission’s rules. The factors apply to both resource and exception lands, and a county must consider both when determining whether to designate lands as rural reserves. Similarly, Metro must consider both exception and resource lands when evaluating lands for designation as urban reserves. Contrary to OIA’s suggestion, there is no inherent reason why exception lands may not sustain or contribute to sustaining, agricultural operations and (as OIA notes) exception lands may also be important in sustaining forest uses or in terms of natural resources, hazards, or the region’s sense of place. For these reasons, the Department recommends that the Commission deny this objection.

5. Oregonians in Action (OIA, Ref. 10-2). OIA has submitted a letter containing three objections.

a. Objection. The second of OIA’s objections asserts the rural reserve designations are inconsistent with Goal 2 and ORS 197.732. OIA, July 14, 2010 at 2.

The objector states that nothing in ORS 195.137-145 authorizes Washington County to adopt rural reserves in violation of the statewide planning goals and statute. Specifically, OIA argues that OAR 660-027-0040(5) prohibits a county from allowing exceptions in areas designated as rural reserve. According to OIA, this is inconsistent with the authorization that landowners have in statute (197.732) and rule to seek exceptions to the applicability of a statewide planning goal if certain factors are met. As a result, OIA argues that OAR 660-027-0040(5), which is the rule prohibiting the county from allowing exceptions, is invalid.

OIA’s proposed remedy is for the Commission to remand the rural reserve designations to Washington County for repeal. According to OIA the county cannot adopt rural reserves until OAR 660-027-0040(5) is repealed by the Commission.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

ORS 197.732 provides that a local government *may* adopt an exception to a statewide planning goal if it determines that certain criteria are met. ORS 197.732(2). There is no statutory requirement that a county approve an exception, and the Commission’s rule prohibiting plan amendments to allow new uses in areas designated as a rural reserve does not conflict with the statute. A county could consider the fact that exceptions would not be allowed within rural reserves in determining what lands to designate, as the factors in ORS 195.141 and OAR 660-027-0060 are not exclusive.

OAR 660-027-0040(5) states that “a county shall not re-designate land in rural reserves to another use” during the planning period described in rule. The objector is presumably concerned either that no new exceptions areas may be created within areas designated rural reserve within the planning period. Objector’s concerns are a legitimate policy concern that could be considered by a county, but they do not provide a legal basis for remanding the county’s rural reserve designations. For these reasons, the Department recommends that the Commission deny this objection.

6. Oregonians in Action (OIA, Ref 10-3). OIA has submitted a letter containing three objections.

a. Objection. OIA’s third objection is that Washington County applied the “important natural landscape features” considerations at OAR 660-027-0060(3) in a “hopelessly overbroad” way to features that are under low threat of urbanization and that contain no Goal 5 resources. OIA argues that ORS 197.137(1) limits rural reserves designated to protect important landscape features to lands that “limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes, and floodplains.” OIA, July 14, 2010 at 2.

OIA’s proposed remedy is for the Commission to remand Washington County’s decision with instructions to conduct a more detailed analysis within each study area of which lands contain “important” natural landscape features, and of those areas, which are needed to act as boundaries for urbanization, or as important fish and wildlife habitat, steep slopes or floodplains.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection for the following reasons.

Washington County created a three-tier prioritization of natural landscape features. The analysis gives heavy weight to land with an elevation above 350 feet, which results in a high-priority rating for a majority of the five-mile study area and particularly lands far from UGBs. WC Rec. at 2306. The county explained its decision to consider elevation as important to protect lands that provide a sense of place for the region, as well as providing headwater protection for streams. WC Rec. at 2987. The county did not consider Goal 5 resources, but the rule does not limit the county to only those resources in making its determinations.

Washington County’s application of the “subject to urbanization” factor at OAR 660-027-0060(3)(a) does appear to have been quite broad, but the Department does not believe it is unlawful in substance. The county found that:

* * * factor (3)(a) [OAR 660-027-0060(3)(a), the factor for rural reserves to protect natural resources] is worded differently than Factor (2)(a) [the factor for rural reserves to protect farm or forest lands]. Factor (2)(a) requires the consideration of proximity to a UGB or proximity to land with fair market values that significantly exceeds agricultural values for farmland or forest values for forest land. Factor (3) (a) simply states that reserve lands “are situated in an area that is otherwise potentially subject to

urbanization.” Thus, “subject to urbanization” can be defined differently than how staff defined it in Factor 2. Two approaches in defining “subject to urbanization” were therefore considered. One approach was to use the same definition as used in Factor 2 - land that is rated as high subject to urbanization (HU), medium subject to urbanization (MU), and low subject to urbanization (LU). A disadvantage to this option is that some natural feature areas may be strong candidates for inclusion in a rural reserve but be in an area of low urbanization potential. Weighting of values used to make a decision would be one way of addressing this issue. A second approach is to broadly define “subject to urbanization” as all of the 5 mile study area. This allows for all natural features to be considered equally relative to this factor. The Washington County Farm Bureau has advocated that some of the hillside areas should be in urban reserves rather than farmland on the valley floor. Given this perspective, all of the 5 mile study area may be subject to some degree of potential urbanization. WC Rec. at 2986.

Washington County is correct that the wording of OAR 660-027-0060(3)(a) differs from 0060(2)(a). The Department believes that the county’s application of these factors is not contrary to the applicable statutes or rules, and that its conclusions are supported by an adequate factual base. As a result, the Department recommends that the Commission deny this objection.

7. Bobosky (Ref. 38-2 and 3). The objectors are Steve and Kelly Bobosky, represented by Wendie L. Kellington. The objection letter contains six objections, two of which have been found to be invalid (see chapter IX). The letter contains objections specific to the designation of the objector’s property and vicinity as a rural reserve and other more general objections to the reserves decision. This subsection addresses the general objections.

a. Objections. The objectors assert that the reserves decision unlawfully fails to identify agricultural land subject to Goal 3. Rather, the decision improperly considers land “Agricultural land” whether it is subject to an acknowledged Goal 3 exception or subject to Goal 3, making it impossible to lawfully apply the urban and rural reserves “criteria.” The objector contends the decision violates Goal 3, ORS 195.141(3), OAR 660-0027-0050 and -0060. Bobosky Objection, July 7, 2010 at 15. (Ref 38-2)

The Bobosky’s also argue that, in designating acknowledged exception lands as “rural reserve,” the county assigned exception lands equal status with acknowledged EFU-protected agricultural lands, and that this unlawfully undermines Goal 3 and the agricultural land use policy in ORS 215.243 because it repeals regional protection for agriculture. The Bobosky’s also object to Metro’s repeal of Policy 1.12.¹⁷ Bobosky Objection, July 7, 2010 at 19. (Ref 38-3)

¹⁷ The repealed Policy 1.12 stated:

It is the policy of the Metro Council that:

1.12.1 Agricultural and forest resource lands outside the UGB shall be protected from urbanization, and accounted for in regional economic and development plans, consistent with this Plan. However, Metro recognizes that all the statewide goals, including Statewide Planning Goal 10 Housing and Goal 14 Urbanization, are of equal importance to Goal 3 Agricultural Lands

The objectors' proposed remedy is for the Commission to remand the decision to Washington County with instructions to:

- (1) Remove the rural reserve designation for the subject 9.76-acre exception lot and redesignate it either urban reserve or leave it undesignated;
- (2) Revisit all other the urban and rural reserves decisions and determinations that land should be left as undesignated, with reference to an analysis of which lands:
 - (a) are agricultural lands as defined in OAR 660-0033-0020(1), and which are forest lands;
 - (b) are subject to Goal 3 (or 4) exceptions;
 - (c) the nature and types of agricultural operations on Goal 3 lands including soils types and irrigation.

Then, apply rural reserves designations to support agriculture only on agricultural land as defined in OAR 660-0033-0020(1). A similar exercise is proposed for Goal 4.

The proposed remedy for the second objection is for the Commission to remand for Metro to restore Policy 1.12 protecting Agricultural Land, instruct Metro that it must prioritize exception lands for urban reserves, evaluate whether exception lands can accommodate land needs for urban reserves and make agricultural land urban reserves as a last resort. Further, LCDC should instruct Metro and the counties that exception lands may not be locked up as rural reserves without some compelling reason founded in protecting inventoried important natural resources.

b. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections for the following reasons.

The inquiry and evaluation of what lands to designate as rural reserves is not required to be property-specific, but rather area-wide. See subsection V.B.2. The county is not required, nor would it be possible, to address every parcel or even every group of parcels. The rural reserves factors are not approval criteria and are not determinative in that regard.

and Goal 4 Forest Lands which protect agriculture and forest resource lands. These goals represent competing and, some times, conflicting policy interests which need to be balanced.

1.12.2 When the Metro Council must choose among agricultural lands of the same soil classification for addition to the UGB, the Metro Council shall choose agricultural land deemed less important to the continuation of commercial agriculture in the region.

1.12.3 Metro shall enter into agreements with neighboring cities and counties to carry out Council policy on protection of agricultural and forest resource policy through the designation of Rural Reserves and other measures.

1.12.4 Metro shall work with neighboring counties to provide a high degree of certainty for investment in agriculture and forestry and to reduce conflicts between urbanization and agricultural and forest practices.

The objectors argue that by not considering whether lands are resource lands or exception lands, the county's decision "undermines Goal 3 and land use policy established in ORS 215.243." The legislature has found that rural reserves are intended "to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization." ORS 195.137(1). The intent of rural reserves is to afford greater long-term protection of rural lands from urbanization. The status of particular lands as exception lands or agricultural lands is not directly relevant to the counties' decisions. Rural reserves may be designated to protect the agricultural or forest industries (not lands), or to protect important natural features of the lands. These purposes are consistent with Goal 3 and the agricultural land use policies enunciated in ORS 215.243, and do not require a property-by-property consideration of whether lands are exception lands.

The Department disagrees with the objector's assertion that designating exception areas as rural reserve undermines this intent. Uses that take place in rural areas, even if not zoned EFU, affect farming operations and practices. While Washington County was not required to designate exception areas (or any other areas) as rural reserve, no rule prohibits it, either. The effect of the rural reserves designation is greater protection of agricultural *uses*. The Department recommends the Commission find that Washington County's designation of exception areas as rural reserves does not violate Goal 3, ORS 195.141(3), OAR 660-0027-0050 or 660-027-0060, or ORS 215.243.

VIII. RESPONSE TO OBJECTIONS – AREA-SPECIFIC

This chapter contains the Department’s analysis of objections to the designation (or lack of designation) of particular parcels or areas as urban or rural reserves, with the Department’s recommendations on whether the Commission should sustain or deny the objection. The responses to objections are ordered by county, and within each subsection for each county, the objections to urban reserves are addressed first, with subsequent subsections addressing objections to rural reserve designations. The final subsection includes several similar objections to areas in each county that have a common response. In some cases, the objection is related to an issue addressed in the Department’s analysis in chapter V above, and in other cases new issues are raised.

This chapter addresses only valid objections. See section IV.B for a description of requirements for valid objections. Chapter IX lists objections that the Department is recommending not be considered because they are invalid. The full text of all objections is available at http://www.oregon.gov/LCD/state_review_of_metro_reserves.shtml. The reference, or “Ref.,” number indicated for each objection in the analysis below directs readers to the appropriate objection letter. The number has no significance other than for ease of identification.

A. Clackamas County

1. Cities of Tualatin and West Linn (Ref. 44-2). These cities submitted a letter containing six objections. The first objection regards a general issue related Metro’s authority to establish urban reserves (see subsection V.A.1), while objections 2 through 6 relate to designation of Areas 4A–D (the Stafford Area) as an urban reserve. This subsection addresses the second objection. The cities are represented by Miller Nash, LLP.

a. Objection. The cities object to Clackamas County’s designation of areas 4A–D, also known as the Stafford Basin, as an urban reserve. The cities assert that the designation does not comply with OAR 660-027-0050(1) or (3), Goal 2 or Goal 12 (Transportation), or OAR chapter 660, division 12 (the “Transportation Planning Rule” or “TPR”). Tualatin and West Linn, July 14, 2010 at 4–8.

The cities point out that Metro’s findings show that urbanization of the Stafford Basin will require enormous transportation system improvements, and that Metro’s findings that traffic will be bad everywhere does not excuse the fact that this area cannot be efficiently and cost-effectively served by current or future transportation systems. The cities also point out that no appropriate governmental entity can afford to build the required transportation improvements. The cities argue that poor transportation capacity everywhere does not justify ignoring the factors, it indicates that Metro and the counties ought not designate *any* of those areas as urban reserves until there is sufficient evidence to indicate that the future transportation system will accommodate the development.

Similarly, avoidance of Foundation Farm Land does not address whether transportation facilities are available.

The cities also argue that Metro's decision implicates Goal 12 and the TPR. They state Metro's regional transportation plan indicates that there is neither the money nor the ability to construct transportation improvements necessary to serve an urbanized Stafford Basin to provide an adequate transportation system through 2035. Amending the regional planning documents to provide for significant additional urban development in an area served by a transportation system that will not be able to support it allegedly violates, or at the very least requires an analysis of, Goal 12 and the TPR. The cities note that Metro's findings do not address compliance with Goal 12 or the TPR at all.

The cities request that the Commission remand the reserves decision to address transportation issues.

b. Area Description. Urban Reserves 4A, 4B and 4C are named Stafford, Rosemont and Borland. These three areas comprise approximately 4,700 acres. Area 4A (Stafford) is located north of the Tualatin River, south of Lake Oswego, and west of West Linn. Area 4B (Rosemont) is a 162-acre area located adjacent to West Linn's recently urbanized Tanner Basin neighborhood. Area 4C (Borland) is located south of the Tualatin River, on both sides of I-205. Area 4C is adjacent to the cities of Tualatin and Lake Oswego on the west and West Linn on the east. The southern boundary generally is framed by the steeper terrain of Pete's Mountain. There are very few parcels greater than 20 acres. The terrain of this area is varied. Most of area 4B is gently rolling, while the rest of the area east of Wilson Creek has steeper terrain. The area south of Lake Oswego, along Stafford Rd and Johnson Rd., generally has more moderate slopes. The Borland area, south of the Tualatin River, also is characterized by moderate slopes.

Wilson Creek and the Tualatin River are important natural landscape features located in this area. This entire area is identified as Conflicted Agricultural Land, although approximately 1,100 acres near Rosemont Road are zoned Exclusive Farm Use. The Oregon Department of Forestry Development Zone Map does not identify any Mixed Forest/Agriculture or Wildland Forest located with this Urban Reserve.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

With regard to Goal 12 and the TPR, the findings state:

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural transportation facilities or improvements. The four governments assessed the feasibility of providing urban transportation facilities to lands under consideration for designation as urban reserve, with assistance from the Oregon Department of Transportation. This assessment guided the designations and increases the likelihood that urban reserves added to

the UGB can be provided with urban transportation facilities efficiently and cost-effectively. The designation of reserves is consistent with Goal 12. Metro Rec. at 114.

The cities have not shown that this finding is in error or that it is inadequate. Additionally, the Clackamas County record indicates that transportation considerations were weighed when the county and Metro compared candidate urban reserve areas, in accordance with OAR 660-027-0050(1) and (3). CC Rec. at 704–792, 800–01.

Regarding the TPR, staff recommends that the Commission find that the TPR does not apply to the urban and rural reserve designations. The TPR generally requires local governments to establish and maintain transportation system plans and the rule provides specificity on what those plans are to contain. One rule, OAR 660-012-0060, applies to decisions to amend comprehensive plans and functional plans, but only where uses authorized by the amendment would significantly affect an existing or planned transportation facility. Metro's urban reserve decisions do not authorize any new use or increased intensity of use. In fact, under OAR 660-027-0070 potential future uses are more limited than they would otherwise be. As a result, the Department recommends that the Commission find that Goal 12 and the TPR do not apply to Metro's decision.

The record supports the designation of Areas 4A–D as an urban reserve under the factors 1 and 3 with regards to transportation facilities, and the Department believes that Metro had an adequate factual base for its decision under Goal 2. CC Rec. at 704–792, 800–01. The cities state that this area will be expensive to serve, and that is true based on the record, but that does not mean that Metro was required to exclude the area. Rather, the cost of transportation is something that Metro was required to, and did, consider.

2. Cities of Tualatin and West Linn (Ref. 44-3). The cities' submitted a letter containing six objections. This subsection addresses the cities' third objection. The cities are represented by Miller Nash, LLP.

a. Objection. The cities contend that the reserves decision designating the Stafford Area as an urban reserve does not demonstrate compliance with ORS 197.145 (5)(a) and (c), Goal 2, or the OAR chapter 660, division 27 with regard to efficient and cost-effective provision of other public services (other than transportation facilities). Tualatin, July 14, 2010 at 8.

The cities note that they and the City of Lake Oswego have opposed the urbanization of the Stafford Area on the grounds the cities cannot cost-effectively provide public services such as transportation, water, and sewer. If the Stafford Area could be cost-effectively served or urbanized without risking significant negative impacts on existing services or the livability of their existing residents, the cities state that they would be in favor of urbanizing the Stafford Area. The cities argue that Metro and Clackamas County should have accorded great weight to the testimony of the cities. Finally, they argue that Metro's findings are not supported by substantial evidence in the record.

The objectors' proposed remedy is that the reserve decision should be remanded.

b. Area Description. See subsection VIII.A.1.b for a description of the urban reserve area.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Designation of Areas 4A–D as an urban reserve is based upon application of the factors set forth in OAR 660-027-0050. Clackamas County found that this urban reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. According to the county, this area is similar in its physical characteristics to lands already within the cities of West Linn and Lake Oswego, which are developing at urban densities. CC Rec. at xviii. The county found that this urban reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers. As with all of the region's urban reserves, additional infrastructure will need to be developed in order to provide for urbanization. CC Rec. at xix. Technical assessments rated this area as highly suitable for sewer and water. CC Rec. at 795-796.

The record shows that the county considered the topography, natural features and parcelization of the various candidate areas. CC Rec. at 1263-1266. The County found that:

While acknowledging that there are impediments to development in this area, much of the area also is suitable for urban-level development. There have been development concepts presented for various parts of this area. *See CC Rec. at 3312.* An early study of this area assessed its potential for development of a "great community" and specifically pointed to the Borland area as an area suitable for a major center. *See CC Rec. at 371.* Buildable land maps for this area provided by Metro also demonstrate the suitability for urban development of parts of this Urban Reserve. *See, Metro Urban Study Area Analysis, Map C.*

The record supports the designation of urban reserve for the Stafford Area under the relevant statutory and rule factors, and there is an adequate factual base for Metro's decision under Goal 2. For these reasons, the Department recommends that the Commission deny this objection.

3. Cities of Tualatin and West Linn (Ref. 44-4). The cities submitted a letter containing six objections. This subsection addresses the fourth objection. The cities are represented by Miller Nash, LLP.

a. Objection. The cities assert the reserves decision designating the Stafford Area as urban reserve does not comply with OAR 660-027-0050(2), (4), and (6) because existing parcelization and natural topographical constraints mean that the Stafford Area

cannot support a healthy economy, a compact and well integrated urban form, or a mix of needed housing types. Tualatin, July 14, 2010 at 10.

The cities' objection cites a variety of statistics regarding parcel sizes and ownership, and contends the maps and analysis show the areas are substantially parcelized and constrained by slopes and environmental features. The objection further states that, given the natural resource and physical constraints in the Stafford Area, development costs will be very high, so housing will not be provided in the price ranges for "needed housing." The cities disagree with the county's and Metro's findings that the area is physically similar to the cities of West Linn and Lake Oswego

The cities contend that in order to properly consider the factors, the Metro must determine what types of land and how much is needed to achieve the purposes cited in the factors (efficient urban densities, a healthy economy, walkable, etc.). According to the cities, Metro's failure to conduct such an analysis requires that the Commission remand the decision.

The cities' proposed remedy is for the Commission to remand the decision to Metro and Clackamas County for further explanation and analysis.

b. Area Description. See subsection VIII.A.1.b for a description of the urban reserve area.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

Metro and Clackamas County have provided findings relative to the factors, explaining why the Stafford area urban reserves were so designated. Metro Rec. at 19–23. While the cities disagree with the findings and decision, the factors are not criteria that Metro must show compliance with. Instead, they are aspects of the lands being evaluated that Metro must consider. The findings and conclusions adopted by Clackamas County and Metro show that they considered what they were required to, and adequately explain the decision. For these reasons, the Department recommends that the Commission deny the objection.

4. Cities of Tualatin and West Linn (Ref. 44-5). The cities submitted a letter containing six objections. This subsection addresses the fifth objection. The cities are represented by Miller Nash, LLP.

a. Objection. The cities assert the reserves decision designating the Stafford Area as urban reserve does not comply with OAR 660-027-0050(5), (7), and (8) because in order to protect the existing environmental features, local government would have to constrain development in the Stafford Area to the degree that it cannot meet the identified land needs for urbanization. Tualatin, July 14, 2010 at 14.

The cities note that evidence in the record indicates that as much as 70 percent of the Stafford Area is constrained by topographical (steep slopes) and environmental features (rivers, streams, and wildlife habitat), and that if this area is protected it cannot be urbanized efficiently. Conversely, according to the cities, if the area is developed at the stated intensity, many of these environmental features will be impaired or negatively impacted. The cities also maintain that Metro does not explain why it concludes the Stafford Area is reasonably developable, and local government can still preserve and protect important natural features, given the contrary evidence submitted by the cities.

The cities' proposed remedy is for the Commission to remand the decision with instructions to Metro and Clackamas County to demonstrate compliance with, or adequate consideration of, the urban reserve factors.

b. Area Description. See subsection VIII.A.1.b for a description of the urban reserve area.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

The entire area is comprised of Conflicted Agricultural Land. Metro Rec. at 33. There are important natural landscape features in this area (Tualatin River and Wilson Creek). *Id.* Metro and county findings indicate protection of these areas is a significant issue, but can be accomplished by application of regulatory programs of the cities that will govern when areas are added to the UGB. This and other urban reserve areas will be subject to concept planning prior to being brought into the UGB, and Metro's concept planning criteria include consideration of "protection of natural ecological systems and important natural landscape features." Metro Rec. at 9.

While the objectors disagree with the findings and decision made by Metro and Clackamas County, the factors are not criteria with which Metro must comply. They are, rather, considerations that Metro must weigh in making the reserves decision. The findings and conclusions adopted by Clackamas County and Metro adequately explain the decision. For these reasons, the Department recommends that the Commission deny this objection.

5. Cities of Tualatin and West Linn (Ref. 44-6). The cities submitted a letter containing six objections. This subsection addresses the sixth objection. The cities are represented by Miller Nash, LLP.

a. Objection. The reserves decision designating the Stafford Area as an urban reserve does not demonstrate that the factors as a whole support designation of the Stafford Area as an Urban Reserve. Tualatin, July 14, 2010 at 15.

This objection essentially brings together the cities' second through fifth objections (see subsections VIII.A.1–4). The cities contend that, for all the reasons explained in the previous objections, on balance, and based on the evidence, Metro should have made a

different decision regarding designation of the Stafford Area. The objection asserts (1) there is no support in the findings for the conclusion that not designating the Stafford Basin or Norwood necessarily requires designation of more Foundation Agricultural Land; (2) the conclusions do not address the fact that large portions of the Stafford Area are zoned for agricultural use and are home to many small-scale farming activities and (3) the rule is not solely about preservation of Foundation Agricultural Land.

The cities' proposed remedy is for the Commission to remand the reserve decision.

b. Area Description. See subsection VIII.A.1.b for a description of the urban reserve area.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

See the Department's recommendations for the cities' second through fifth objections in subsections VIII.A.1–4, above. Metro adequately considered the urban reserve factors in OAR 660-027-0050, and documented that consideration with sufficient evidence and findings. For these reasons, as set forth in more detail above, Metro could conclude that the Stafford Area was appropriate to designate as an urban reserve. The Department recommends that the Commission deny this objection.

6. City of Wilsonville (Ref. 46-2). The city submitted a letter containing one general and two area-specific objections. This subsection addresses the second specific objection.

a. Objection. The city asserts that an excessive amount of land within the Stafford area (Metro area 4D, northeast of Wilsonville) has been included within urban reserves, with no reasonable expectation of developing to urban densities or receiving urban services. Wilsonville, July 14, 2010 at 8.

OAR 660-027-0050(1) and (3) both emphasize efficiency in the provision of public infrastructure. According to the city, a large portion of the Stafford basin clearly cannot be provided with transportation improvements or other public infrastructure in an efficient manner.

The city's proposed remedy is for the Commission to remand Area 4D to Metro to delete its urban reserve designation.

b. Area Description. This Urban Reserve is comprised of lands north of Wilsonville and southeast of Tualatin (Norwood Area). The Norwood area is adjacent to an Urban Reserve in Washington County (I-5 East Washington County, Areas 4E, 4F and 4G). Area 4D comprises approximately 2,600 acres, and is adjacent to a slightly smaller Urban Reserve in Washington County. This area is parcelized, generally developed with a mix of single family homes and smaller farms, and has moderately rolling terrain. All of this area is identified as Conflicted Agricultural Land. See also subsection VIII.A.1.b (Ref. 44-2) regarding this area.

c. Department Analysis and Recommendation: The Department recommends the Commission deny this objection.

The reasons for the Department’s recommendation are detailed in subsections VIII.A.1–5 (Ref. 44-2–6) in connection with the objections of West Linn and Tualatin to the urban reserve designation for the Stafford area. Based on the location of existing infrastructure, the parcelization of the area, and the area being identified as Conflicted Agricultural Land, the Department recommends that the Commission find that Metro’s designation of Area 4D as urban reserve properly considered the factors in OAR 660-027-0050, and that the decision was based on an adequate factual base.

7. Bowerman et al. (Ref. 12). This objection was submitted by Donald and Dawn Bowerman, Leigh & Ceille Campbell, Gordon Root, Steven Prueitt and Colin and Mindy Giddings, represented by Donald Bowerman (collectively, the Bowermans).

a. Objection. The Bowermans object to Clackamas County’s decision designating the “Top of Pete’s Mountain Area” near West Linn (part of Area 4I) as a rural reserve.

The Bowermans argue that: (1) there is evidence that there is limited to no agricultural industry in the area, (2) the area is not capable of sustaining long term agricultural operations, (3) the soil and water is not suitable to sustain long-term agricultural operations, and (4) the area is not suitable to sustain long-term agricultural operations.

The Bowermans request that the Commission remand the decision to Clackamas County, and direct it to leave the area “Top of Pete’s Mountain” as “undesignated.”

b. Area Description. The “Top of Pete’s Mountain” area can be defined as property located in elevations greater than 150 feet and confined by Schaeffer Road to the north, Pete’s Mountain Road to the east, Hoffman Road to the south and Mountain Road to the west. The larger rural reserve area is bounded by the Willamette River on the east and south. On the north, Area 4I is adjacent to areas that were not designated as urban or rural reserve. There are two primary geographic features in this area. The upper hillsides of Pete’s Mountain comprise the eastern part of this area, while the western half and the Peach Cove area generally are characterized by flatter land. The Pete’s Mountain area contains a mix of rural residences, small farms and wooded hillsides. The flat areas contain larger farms and scattered rural residences. All of Area 4I is located within three miles of the UGB.

All of Area 4I is identified as Important Agricultural Land (the “east Wilsonville area”), except for a very small area located at the intersection of S. Shaffer Road and S. Mountain Rd. The Willamette Narrows, an important natural landscape feature identified in Metro’s February 2007 “Natural Landscape Features Inventory,” is located along the eastern edge of Area 4I.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

The rural reserves designation for Area 4I was made primarily using the “safe harbor” in OAR 660-027-0060(4) for Foundation or Important Agricultural Lands within three miles of the UGB. Under that rule, the county need not provide further explanation for making the rural reserves designation. A small area of “conflicted agricultural land” was included in the rural reserves designation adjacent to Schaeffer Road to make SW Schaeffer Rd the clear “hard” northern boundary for the area’s rural reserves. Even if the Bowermans are correct that the area is not suitable for agricultural uses in the long-term, there are two other bases for Clackamas County to elect to designate the area as a rural reserve: to protect the area for forest uses, and to protect important natural landscape features. As noted above, portions of the area have been inventoried by Metro as containing important landscape features. For all of these reasons, the Department recommends that the Commission deny this objection.

8. Maletis et. al. (Ref. 6-1 and 6-2). The objectors are Chris Maletis; Tom Maletis; Exit 282A Development Company, LLC; and LFGC, LLC, represented by Steven L. Pfeiffer (collectively, the Maletis Family). These objectors submitted a letter containing several objections. The Maletis Family’s general objections are addressed in an earlier subsection of this report. This subsection addresses their property-specific objections.

a. Objection: The Maletis Family argues that their property (located south of the Willamette River, east of I-5, and west of Airport Road in Clackamas County, in Study Area 4J) should be designated as an urban reserve and not as rural reserve. Maletis et. al., July 14, 2010 at 8–12. The objection includes several bases, including:

- (1) Substantial evidence in the record supports designating the property as an “urban reserve.”
- (2) Metro and the counties misconstrued applicable law and made a decision not supported by substantial evidence in designating the property as “rural reserve.”
- (3) As applied, the enforcement of the “safe harbor” provision of OAR 660-027-00060(4) by Metro and the Counties violates ORS 195.141(3) and (4).

The Maletis Family requests that the Commission remand the decision to Clackamas County and Metro, with instructions to remove the rural reserves designation from the property and to re-designate the area as an urban reserve. Additionally, the objectors ask that on remand, the county (and Metro) be instructed to address the other identified legal deficiencies (addressed in other sections of this report).

b. Area Description. Area 4J is generally flat and comprised of large farms. The Molalla and Pudding Rivers are located in the eastern part of this area. The Willamette, Molalla and Pudding Rivers and their floodplains are identified as important natural landscape features in Metro’s February 2007 Natural Landscape Features Inventory.” Metro Reserves Record Binder 1 Rec. at p. 40. All of this rural reserve is classified as

Foundation Agricultural Land (identified in the ODA Report as part of the Clackamas Prairies and French Prairie areas). Metro Rec. at 40.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

Since the entirety of the area is within three miles of the Metro UGB, and was identified by ODA to be Foundation Agricultural Land, designation of Area 4J as a rural reserve is consistent with OAR 660-027-0060(4).

After completing a comprehensive analysis of the property and its suitability for urban or rural purposes, Clackamas County found that the area rated “high” under all of the factors related to long-term protection for agriculture and forest industries. CC Rec. at 590-592. The county also rated the property as having “medium” or “high” suitability for an urban reserve designation on all factors, with the exception of three subfactors. CC Rec. at 590-592.

Pursuant to OAR 660-027-0060(4), no further explanation under OAR 660-027-0040(10) is required to justify designation of the area as a rural reserve. Clackamas County designated area 4J as a rural reserve under the rural reserves safe harbor for Foundation Agricultural Land within three miles of the UGB. CC Rec. at v.

In the alternative, even if the Commission determines that OAR 660-027-0060(4) is invalid as applied, the Department recommends that the Commission deny the objection for the following reasons.

The primary contention of the objectors is that substantial evidence in the record supports designating the property “urban reserve” and conversely does not support the current designation as “rural reserve.” If Metro and the county determine that an area could qualify as either a rural reserve or an urban reserve, based on their consideration of the statutory and rule factors, the decision concerning which designation to apply is highly discretionary. The applicable standard in this circumstance is OAR 660-027-0005(2), which provides that the purpose of the Metro reserves as a whole is “a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents. See subsection V.B.1, above, for additional discussion of the degree of local government discretion for areas that could be designated as either an urban or rural reserve. In summary, the administrative rule and the applicable statute leave the choice to Metro and the counties as to which designation to make when both sets of factors are satisfied.

The Maletis Family contends that, as applied, the use of OAR 660-027-0060(4) (the “safe harbor” provision) by Metro and the counties violates ORS 195.141 (3) and (4). ORS 195.141 (3) requires that Metro and each county base the designation of rural reserves on consideration of the factors in that section.

ORS 195.141 (4) authorizes LCDC to adopt rules establishing a process and criteria for designating reserves pursuant to ORS 195.141. LCDC adopted rules in 2008, and they are codified at OAR 660-027. These rules require consideration of factors, which mirror those set forth in ORS 195.141 (3), prior to designating a rural reserve to provide protection of agricultural land. However, LCDC also adopted another provision, OAR 660-027-0060(4):

Notwithstanding requirements for applying factors in OAR 660-027-0040(9) and section (2) of this rule, a county may deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation.

This section permits a county to assign a rural reserve designation to a property classified as a Foundation or Important Agricultural Land by the Oregon Department of Agriculture without making findings addressing the factors. The “safe harbor” provision in OAR 660-027-0060(4) does not *replace* the factors from statute and rule, but rather identifies a circumstance where, in the Commission’s judgment, the factors are already adequately considered based on prior analysis that the Oregon Department of Agriculture (ODA) carried out that evaluated lands in the region based on the same considerations. Counties are not required to utilize the safe harbor (and Washington County did not), but the Commission’s rule authorizes them to do so. There is no legal error in determining that a county may rely of a preexisting analysis that the Commission determines adequately considers the statutory factors for designating lands as a rural reserve under ORS 195.141(3).

The Department had reviewed the ODA analysis with regard to the French Prairie area. That analysis finds that:

This subregion maintains excellent integrity for large-scale, intensive industrial agricultural operations. It is, in effect, a large block of agricultural land containing large parcels and larger farms with several inclusions of urban development. It is not uncommon for farms to operate on several parcels located within and, in many cases, outside the subregion. While some localized conflicts with nonfarm uses exist, they are not, overall, beyond what is considered common.

* * *

Conclusion

Excellent soils, available water, well established infrastructure and large parcels that block up and dominate the land use pattern. This subregion has all the elements for maintaining and expanding viable, commercial agricultural. This subregion, combined with the Clackamas Prairies and East Canby subregions, is one of the most significant agricultural areas in the state. ODA, Identification and

Assessment of the Long-Term Commercial Viability of Metro Region
Agricultural Lands, *January 2007*, at 32-34

Based on the ODA report as well as the county’s analysis of this area, the Department recommends that the Commission deny this objection and find OAR 660-027-0060(4) is valid as applied.

9. City of Wilsonville (Ref. 46-1). The city submitted a letter containing one general and two area-specific objections. This subsection addresses the first specific objection.

a. Objection. The city argues that evidence in the record does not support the urban reserve designation of Area 5F (Tonquin). According to the city, Tonquin was inappropriately designated as an urban reserve, and should be designated rural reserve. Wilsonville, July 14, 2010 at 5.

The city contends that designation of the Tonquin Geologic Corridor (Area 5F) as an urban reserve is not been supported by substantial evidence in the record. According to the city, land within the Tonquin Geologic Corridor has been inappropriately included within the urban reserves, in spite of being mapped for its significance in Metro’s Natural Landscape Feature Inventory and therefore subject to OAR 660-027-0060(3). The city argues that Metro did not adequately address the required factors of OAR 660-027-0050 in designating Area 5F in the Tonquin Geologic Corridor as an urban reserve, and that there is no reasonable expectation that this area can be developed to urban standards.

The objection includes arguments specific to several of the urban reserve factors in OAR 660-027-0050:

- (1) The city argues there is no efficient way to provide a full range of urban infrastructure across a broad riparian zone and that there is no evidence that the area can be “developed at urban densities.”
- (3) The city objects to Metro’s conclusion that the area “can be efficiently and cost-effectively served by appropriate and financially capable service providers.”
- (5) The city argues that this area should be designated as a rural reserve, and questions how Metro could appropriately conclude that this area “can be designed to preserve and enhance natural ecological systems” while including it within the urban reserves.
- (7) Similarly to the objection related to subsection (5) of the rule, the city believes that Metro cannot realistically conclude that this area can be designated an urban reserve and that it “*can be developed in a way that preserves important natural landscape features included in urban reserves.*”

- (8) The city argues that the Tonquin Geologic Corridor cannot be urbanized and still “be designed to avoid or minimize adverse effects on important natural landscape features.”

The city’s proposed remedy is for the Commission to remand this designation to the county and to Metro to delete the Tonquin Geologic Corridor (Area 5-F) from the urban reserves and designate it a rural reserve.

b. Area Description. Urban Reserve Area 5F is approximately 565 acres and is part of the larger Tonquin Scablands area. Portions of this area are included on Metro’s 2007 Natural Landscape Features Inventory map. The area is comprised of the unincorporated land east of the city of Sherwood and includes portions of the Tualatin River National Wildlife Refuge, quarry operations, a gun club practice facility, and a training area for Tualatin Valley Fire and Rescue. Much of the area is included in the county’s Goal 5 inventory as a mineral and aggregate resource area. Rock Creek and Coffee Lake Creek are the principal drainages in the reserve area. Approximately 143 acres in this area are considered buildable lands. WC Rec. 9276-9295.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

A portion of urban reserve Area 5F is included in the Pre-Qualifying Concept Plans (PQCP) submitted by the City of Tualatin to meet its long-term industrial needs. The remainder of the area was shown as residential on the city of Sherwood’s PQCP for the area, WC Rec. 3495-3518. Tualatin included a 117-acre portion of this reserve in its PQCP and the area is of interest to that city primarily for transportation connectivity to extend SW 124th Avenue and to expand the city’s industrial land base. The area was rated high for suitability for sewer service, medium suitability for water service, and medium suitability for transportation.

Metro’s findings state the natural features in this area can be protected and enhanced under the existing regulatory framework in Washington County, Sherwood and Tualatin. Metro Rec. at 79. The 568 acres in Area 5F is located between the cities of Sherwood and Tualatin and is bordered on three sides by the existing UGB. The City of Tualatin has developed general service costs estimates, and has agreed to provide governance and public facilities and services to eastern portion of this area.

The record regarding the urban reserve designation of this area is substantial. Tonquin has been included in the study area since the beginning as an urban reserve. The record shows that the natural features of the area can be protected even with urban development. The record supports that there is capacity for urban development, while also protection of natural features of this area. The Department recommends that the Commission find that Metro has properly considered the factors in OAR 660-027-0050 for designation of Area 5F as an urban reserve, and that Metro’s decision is supported by an adequate factual base.

B. Washington County

1. David Hunnicutt (Ref. 9). Mr. Hunnicutt submitted a letter containing one objection.

a. Objection. Mr. Hunnicutt asserts that Washington County's designation of the property at 28577 SW Herd Lane and other land abutting Herd Lane and Neugebauer Road in study area 6E as rural reserve under OAR 660-027-0060 is unlawful because the property does not qualify based on the rural reserve factors.

Mr. Hunnicutt argues that the portion of the study area containing his residence at 28577 SW Herd Lane and other land abutting Herd Lane and/or Neugebauer Road does not qualify for a rural reserve designation because it does not satisfy the rural reserve factors in rule (OAR 660-027-0060(2)(a)–(d)) nor does it have important natural landscape features that would qualify it as a rural reserve designation under OAR 660-027-0060(3). Mr. Hunnicutt maintains that the land in question is not threatened by urbanization during the planning period, because it is located more than three miles from the nearest city within Metro and the closest boundaries of the current Metro UGB.

Mr. Hunnicutt's proposed remedy is for the Commission to remand the decision to Washington County with instructions to remove the rural reserve designation from the property and the other land abutting Herd Lane and Neugebauer Road.

b. Area Description. The 25,381-acre rural reserve Area 6E is split by the Tualatin River, a key natural feature in the reserve. The Chehalem Mountains are also a prominent natural feature. The north half of the reserve area is typified by farm parcels adjacent to and north of the river. South of the river and Highway 219, lots are smaller and uses are more varied, including residential use, nursery use, and farm and forest uses on small parcels.

c. Department Analysis and Recommendation: The Department recommends that the Commission deny this objection.

Although the subject property and the surrounding area adjacent to Herd Lane and Neugebauer Road in Rural Reserve Area 6E are located well over five miles from the Metro UGB, they are recognized by Washington County as part of an important natural landscape feature (the Chehalem Mountains) and are designated as Important Agricultural Land in the Oregon Department of Agriculture study. WC Rec. at 2998 and 3000. The county has adequately addressed the rural reserve factors in OAR 660-027-0060. Metro Rec. at 101. The record shows substantial evidence and an adequate factual base to support a decision to designate the area for rural reserves.

See subsection V.B.2 regarding the appropriate scale of analysis for studying reserve designations. The county is not required to perform a property-specific evaluation in the reserves selection process when evaluating areas for rural and urban reserve designation. For these reasons, the Department recommends that the Commission deny the objection.

2. Areas 7I and 7B. This subsection provides a consolidated response to objections from the Oregon Department of Agriculture (ODA, Ref. 18-3); Melissa Jacobsen (Ref. 28); and 1000 Friends of Oregon (26-5) on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Dave Vanasche, Washington County Farm Bureau President.

a. Objection. The three parties object to Washington County’s designation of area 7I in North Cornelius as an urban reserve under OAR 660-027-0050 and 027-0060, and 1000 Friends objects to that part of area 7B that lies north of Council Creek. ODA, July 14, 2010 at 6; 1000 Friends, July 12, 2010 at 13–16; Jacobsen, July 2, 2010 at 1.

1000 Friends contends that there is insufficient justification showing this land is needed as an urban reserve, noting that the City of Cornelius currently has 125 to 150 acres of vacant, buildable land inside the UGB as well as other urban reserves designated to the east and south of the city. 1000 Friends further argues that the proposed expansion of development across Council Creek and its floodplain is contrary to the urban reserve factors, as it would not facilitate compact growth and would frustrate planned transit facilities within Cornelius. Jacobsen argues that Northwest Susbauer Road and other area roads close nearly every year due to flooding in the Council Creek floodplain. 1000 Friends asserts that neither Washington County nor Metro addressed two urban reserve factors: OAR 660-027-0050(7) – can be developed in a way that preserves important natural landscape features and (8) – can be designed to avoid or minimize adverse effects on farm and forest practices and important natural landscape features, on nearby land, with regard to these lands.

Regarding the rural reserve factors, all three objectors state that the area qualifies as a rural reserve because it satisfies all rural reserve factors (OAR 660-027-0060(2)(a)–(d)). ODA states that the area is under “constant threat” of urbanization as evidenced by a long history of advocacy for inclusion within the Cornelius UGB. 1000 Friends states that this large intact block of farmland supports and sustains long-term agricultural operations and that this area is the heart of the Tualatin Valley agricultural industry, containing some of the most productive farmland in the state. 1000 Friends further states that the area is critical to the economic health of farm infrastructure and industry in the area and that several food processors and other farm infrastructure are present in area 7I. ODA states that the area would constitute a protrusion of urban land into the farm landscape, creating two additional urban edges for agricultural operations to deal with and creating long-term implications for surrounding agricultural lands. 1000 Friends asserts that rural reserve factor in OAR 660-027-0060(2)(d)(B) – the existence of buffers between agricultural or forest operations and non-farm or non-forest uses – was not addressed.

1000 Friends and Jacobsen further assert that area 7I qualifies as rural reserve because it is a mapped significant natural landscape feature under factor 3 that forms a natural boundary separating urban and rural uses.

The three objectors’ proposed remedy is for the Commission to remand the decision to Metro and Washington County and direct Metro to remove the urban reserve designation and Washington County to designate area 7I as a rural reserve. 1000 Friends additionally

requests that the Commission direct Metro and the county to remove the urban reserve designation from that portion of area 7B north of Council Creek and for the county to designate it as a rural reserve.

b. Area Description. Urban reserve Area 7I consists of approximately 624 acres of land, 470 acres of which 75 percent is considered buildable. This area, consisting of class I, II and III (High Value) agricultural soils, lies north of and adjacent to Council Creek and the Cornelius urban growth boundary and southwest of Dairy Creek. WC Rec. at 88-89. The area has been identified as Foundation Agricultural Land by ODA.

Area 7I is a portion of a larger Pre-Qualifying Concept Plan area analyzed by the City of Cornelius to satisfy long-term growth needs. The area was selected in part because of its suitability for large-parcel industrial use.

Urban Reserve Area 7B is located along the northern edge of Forest Grove and generally extends from the existing UGB north to Purdin Road between Highway 47 on the east and Thatcher Road on the west. This area is approximately 508 acres. Approximately 40 percent of Area 7B is north of Council Creek. WC Rec. 9288.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections if the Commission finds that the record clearly supports Metro's decision to designate these areas as an urban reserve. The reasons for the Department's recommendation are set forth below.

Metro and Washington County have addressed OAR 660-027-0050(1)–(8) (the urban reserve factors) in a general fashion, concluding that all factors have been met for these areas. Metro Rec. at 85-86 (7B), and 88-89 (7I); WC Rec. at 9668. These findings state that the areas could “reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments” (factor 1) and that buildable lands “provide sufficient development capacity to support a healthy economy” (factor 2).” The cities of Forest Grove and Cornelius prepared pre-qualifying concept plans for these two areas, indicating that the lands “can be designed to be walkable and appropriately served with a well-connected system of streets, bikeways, recreation trails and public transit” (factor 4) and “can be efficiently and cost-effectively served with schools and other urban facilities and services” (factor 3).

The consolidated findings further state that the “existing regulatory framework in Washington County and Cornelius will preserve and support enhancement of natural ecological systems” potentially impacted by future urbanization (factor 5). The area “can support a range of needed housing types” (factor 6) and can be designed to avoid or minimize potential adverse effects” on surrounding farms and natural landscape features (factor 8). Factor 7 – can be developed in a way that preserves important natural landscape features – is not directly addressed. Metro Rec. at 89.

In all, the Department believes that Metro's findings regarding the application of the urban reserve factors to Areas 7B and 7I are adequate, and are supported by an adequate

factual base. Normally, that would be the end of the matter, as the choice of whether to designate an area as an urban or rural reserve when the county and Metro agree that it could be either after considering the statutory and rule factors is up to Metro and the county, not the state. However, LCDC's rule at OAR 660-027-0040(11) provides that if lands were identified as Foundation Agricultural Lands (by ODA), then a more rigorous standard applies:

(11) Because the January 2007 Oregon Department of Agriculture report entitled "Identification and Assessment of the Long-Term Commercial viability of Metro Region Agricultural Lands" indicates that Foundation Agricultural Land is the most important land for the viability and vitality of the agricultural industry, if Metro designates such land as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 *and* 660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division. OAR 660-027-0040(11) (emphasis added).

Here, Metro's findings provide a *general* explanation of why it chose Foundation Agricultural Land rather than other lands as urban reserves. See, Metro Rec. at 119-120. These findings note that most of the lands surrounding existing urban areas in Washington County were identified as Foundation Agricultural Land, with the result that *any* significant urban reserve designations in Washington County would necessarily require using some Foundation lands, particularly if urban reserves were to be designated around the city of Cornelius (and, to a lesser extent, Forest Grove and Hillsboro). See WC Rec. at 2998 (map of ODA classifications in Washington County). The consolidated findings state that:

Throughout the technical analysis and review process leading to preliminary recommendations on urban and rural reserves, the consistent message from the Washington County Farm Bureau was that lands within the existing UGB should be used more efficiently and, with the exception of lands classified as "Conflicted" on the map developed by the Oregon Department of Agriculture, all lands in the study area within approximately one mile of a UGB should be designated as rural reserve. Farm Bureau members submitted a map and cover letter depicting their recommendations. WC Rec. 2098-2099; 3026; 3814-3816.

The needs determination by county and city staff determined that the one-mile recommendation noted above would not address the county's urban growth needs over the 50-year reserves timeframe. The WCRCC on September 8, 2009 voted 11 to 2 in support of urban reserve areas of approximately 34,200 acres and rural reserve areas of approximately 109,750 acres in Washington County. In consideration of the concerns raised by the Farm Bureau as well as likeminded stakeholders, interest groups and community members, the Core 4 recommended a reduction of approximately 40 percent (34,200 acres to 13,561 acres) to the WCRCC's urban reserve recommendation. These adjustments represented the Core 4's judgment in balancing the need for future urban lands with the values

placed on “Foundation” agricultural lands and lands that contain valuable natural landscape features to be preserved from urban encroachment.” Metro Rec. at 62.

In addition, the consolidated findings adopted by Metro state the following:

In the technical analysis to determine conformance with the factors for designation of lands as urban reserves or rural reserves (OAR 660-027-0050 and 660-027-0060) Washington County staff found that the property qualified for designation as either rural reserve or urban reserve. The detailed findings on these qualifications are incorporated in the September 23, 2009 recommendations report from the Washington County Urban and Rural Reserves Coordinating Committee to the Regional Core 4 and Reserves Steering Committee. Metro Rec. at 68.

The September 23, 2009 recommendations report from the Washington County Coordinating Committee appears in the record at WC Rec. at 2942-3034. The technical analysis contained in those recommendations addresses the rural reserve factors at OAR 660-027-0060(2)(a)–(d) for 41 subareas in the county. WC Rec. at 2976. The county also produced a chart that details how each factor was addressed in its review process. WC Rec. at 2943. As part of its consideration of the rural reserve factors, the county assigned “tiers” to lands in terms of their suitability for agriculture, with Tier 1 being the most important and Tier 4 being the least. The county assigned Tier 4 status to Area 7I and Tier 1 status to Area 7B. WC Rec. 3024. Finally, the analysis also relies on a series of “Issue Papers,” which are included with the Coordinating Committee recommendations as Appendix 5. WC Rec. at 3780-3819.

For Area 7I, the county noted that it has high urbanization potential, a higher productivity rating and physical features that help define the area, but that it also has a “high dwelling density,” and a high level of parcelization (WC Rec. at 3021), and relatively high land values. WC Rec. at 3014. WC Rec. at 3022. For Area 7B, the county’s technical analysis shows less parcelization, fewer homes, and lower land values.

As set out above, for areas identified by ODA as Foundation Agriculture Land, Metro must explain why it chose Foundation Agriculture Land over other lands when designating urban reserves, and this explanation must be by reference to both the urban *and* the rural reserve factors. OAR 660-027-0040(11). Metro’s consolidated findings provide this explanation in a general fashion, and reference more detailed technical analyses that address the rural factors in some detail with respect to particular areas. While the Department would prefer having more clearly-articulated findings, specific to each of the areas used by Metro and the county in their final decision-making, we do not believe the Commission’s rules require that level of detail, particularly in a circumstance where virtually *all* of the surrounding lands were identified by ODA as Foundation Agricultural Lands. The Department emphasizes for the Commission that it believes that this is a close call, and that the Commission should expressly address it when it applies its rule to review Metro’s decision. Alternatively, even in the Commission determines that the Metro findings are not adequate, the Commission may consider whether the evidence in the record “clearly supports” Metro’s decision with regard to this issue. The

Commission could find that the record clearly supports Metro’s decision because almost any urban reserve designations in this part of the region would have to be located in areas identified as Foundation Agricultural Lands.

Fundamentally, the issues raised by this objection come down to choices by Metro and Washington County about whether to allow communities that are largely surrounded by some of the best farmland in the state some opportunity for future expansion as part the metro region’s long-term growth. As noted in the consolidated findings quoted above, Metro and Washington County substantially curtailed the amount of urban reserve lands in this area of Washington County in order to conserve Foundation Agricultural Lands. The Department believes that Metro has provided an adequate explanation, supported by an adequate factual base, for its decision. For these reasons, the Department recommends that the Commission deny these objections.

3. Area 8A. This subsection provides a consolidated response to objections from the Oregon Department of Agriculture (ODA, Ref. 18-4) and 1000 Friends of Oregon on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Washington County Farm Bureau President Dave Vanasche, (Ref. 26-6).

a. Objection. The two parties object to Washington County’s designation of area 8A in North Hillsboro as an urban reserve under OAR 660-027-0050 and 027-0060. ODA, July 14, 2010 at 6; 1000 Friends, July 12, 2010 at 16.

Regarding the urban reserve factors, ODA states that no evidence has been provided that development north of Waibel Creek could be designed to avoid or minimize adverse impacts to surrounding farms as required by OAR 660-027-0050(8). 1000 Friends asserts that the county’s decision does not address OAR 660-027-0050(7) – “can be developed in a way that preserves important natural landscape features” – or (8), and that there is no evidence that these factors can be met.

Regarding the rural reserve factors, both objectors state that the area qualifies as a rural reserve because it meets all rural reserve factors (2(a) through (d)). 1000 Friends states that the area is “highly subject to urbanization,” while ODA asserts that it is “under serious threat of urbanization” as indicated by its designation by Metro as an urban reserve and the history and progression of UGB expansions in the vicinity of Highway 26. 1000 Friends states that this large intact block of farmland supports and sustains long-term agricultural operations and that the farm use and ownership patterns demonstrate long-term stability.

1000 Friends objects to the designation of Area 8A as a whole. ODA objects only to the inclusion of the land north of Waibel Creek, stating that Waibel Creek and Meek Road would provide “excellent edges.”

The two objectors’ proposed remedy is for the Commission to remand the decision to Metro and to Washington County and direct Metro to remove the urban reserve designation and Washington County to designate the area rural reserve.

b. Area Description. Urban reserve area 8A consists of approximately 2,712 acres of land, of which approximately 2,265 acres are buildable. Metro Rec. at 90. The area is bounded by Hillsboro to the south, McKay Creek to the west and Highway 26 to the north, with Waibel Creek running east-west through the middle of the area. The area has been identified as Foundation Agricultural Land by ODA, and is largely irrigated with groundwater. Both McKay Creek and Waibel Creek include floodplain, wetlands and riparian habitat that have been designated on Metro’s Natural Landscape Features Inventory. WC Rec. at 3000.

Area 8A is a portion of a larger Pre-Qualifying Concept Plan area analyzed by the city of Hillsboro to meet long-term, primarily industrial, growth needs. The area was selected for its “key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites” that are close to existing and future labor pools” and will provide opportunities to attract new industries to help diversify and balance the local and regional economy. Metro Rec. at 90.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections.

The Department’s recommendation is based, generally, on the reasons set forth above in connection with Area 7I. The objectors contend the decision does not address OAR 660-027-0050(7)-(8) (developed in a way that preserves important landscape features in urban reserves, and can be designed to minimize or avoid adverse effects on farm practices). However, the findings do address those factors generally, and the record contains more specific findings related to these factors (in the City of Hillsboro’s concept planning for the North Hillsboro area). WC Rec. at 3111 to 3141.

With regard to the rural reserve factors at 0060(2), Metro’s consolidated findings contain a general explanation of why Foundation Agricultural Lands were designated rather than other lands, as described above in connection with Area 7I. Area 8A falls within subareas 13 and 14 in Washington County’s analysis, and is identified as Tier 2 and Tier 3 Farm Land. WC Rec. at 3924. According to the county, subarea 14 is characterized by a high level of urbanization, lower productivity, smaller parcels, and a higher dwelling density. Subarea 13 has a high level of urbanization, a lower productivity rating, but has bigger parcels. WC Rec. at 2978-2929. Washington County’s analysis for this area shows a relatively large number of existing homes, and small parcels (particularly in the eastern portion of the area).

The Department believes that Metro’s findings for Area 8A are adequate, and are supported by an adequate factual base. As noted above, in connection with Area 7I, the Department would prefer that Metro had adopted more specific findings concerning OAR 660-027-0040(11). However, the Department believes that the findings are adequate for review given the unique factual circumstance (virtually all surrounding lands are Foundation lands). For these reasons, the Department recommends that the Commission deny the objections.

4. Save Helvetia (Ref. 37). This objection was submitted by Save Helvetia, a coalition of farmers, business owners, and residents including members who participated in the local proceedings, represented by Carrie A. Richter (collectively, “Save Helvetia”).

a. Objections. Save Helvetia objects to Washington County’s and Metro’s designation of Area 8B north of US Highway 26 (Shute Road Interchange) as an urban reserve and the lack of designation of Area “8-SBR.” Save Helvetia, July 12, 2010 at 1. The letter contains six objections pertaining to these areas, as follows:

- (1) Area 8B: The Metro decisions contain factual misstatements. Save Helvetia, July 12, 2010 at 2.
- (2) Area 8B: Designating Area 8B urban reserves misapplies the urban reserve factors of OAR 660-027-0050. Save Helvetia, July 12, 2010 at 4.
- (3) Area 8B: The findings applying the urban reserve factors are inconsistent with OAR 660-027-0040(2) and OAR 660-027-0040(11). Save Helvetia, July 12, 2010 at 6.
- (4) Area 8-SBR: The Metro decision fails to satisfy OAR 660-027-0050 “to provide long-term protection of agriculture” and OAR 660-027-0040. Save Helvetia, July 12, 2010 at 11.
- (5) Areas 8B and 8-SBR: The Metro decisions fail to apply the rural reserve factors of OAR 660-027-0060(2)(a). Save Helvetia, July 12, 2010 at 13.
- (6) The urban and rural reserve decisions fail to satisfy ORS 197.298 and violates Goal 14 and the Metro Regional Framework Plan Policy 1.12.2. Save Helvetia, July 12, 2010 at 17.

All of these assignments also state that the decisions violate Goal 2, in that the decision is not supported by adequate factual base (substantial evidence in the whole record).

Save Helvetia’s proposed remedy is for the Commission to remand the decision to Metro and Washington County with instructions to develop a proposal that is completely consistent with the relevant statutes, goals, administrative rules and Metro regulations. Save Helvetia objector states that application of these criteria would result in Areas 8B and 8-SBR being designated as rural reserves.

b. Area Description. Urban Reserve Area 8B is located at the northwest quadrant of the intersection of Sunset Highway and NW Shute Road. This site totals approximately 88 acres and includes land within the 100-year floodplain of Waibel Creek. The existing UGB and the corporate limits of the City of Hillsboro run along the eastern border of the area, while the southern boundary runs along Sunset Highway and is contiguous to urban reserve Area 8A. Lands to the north and west of the area are agricultural lands. Metro Rec. at 78.

“Area 8-SBR,” according to the objector, is part of study area 8 and is comprised entirely of Foundation Agricultural Land that totals 556.5 acres, north of Highway 26. It is

bordered by NW West Union Road on the north, NW Helvetia Road on the east, NW Groveland Drive and Highway 26 on the south, and a line of trees on the west.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny the objections for the following reasons.

Regarding the first objection, Save Helvetia identifies four ways in which it contends the county has misstated its description of Area 8B. Save Helvetia, July 12, 2010 at 3. These relate to the name of a bordering road, the size of Area 8B, whether Area 8B is adjacent to the existing UGB, and whether the area was identified as Foundational Agricultural Land by ODA.

Metro’s ordinance provides that “[t]he areas shown as “Urban Reserves” on Map Exhibit A, attached and incorporated into this ordinance, are hereby designated Urban Reserves under ORS 195. 141 and OAR 660 Division 27.” Metro Rec. at 2. Exhibit A to Metro’s ordinance shows Area 8B designated as an urban reserve. Three maps of the area in the county’s record provide confirmation and a more detailed description of the area’s boundaries. WC Rec. at 8860, 9294, 9298 (Exhibit A to the county’s resolution and order). Based on the information in the record, the location and size of Area 8B and its proximity to the existing urban area is described and mapped with sufficient clarity to provide for a reasoned evaluation of the proposal. Therefore the Department recommends that the Commission find that the urban reserve decision for Area 8B was based on an adequate factual base, and that this objection be denied.

In its second objection, Save Helvetia contends that the sole reason for designating Area 8B as a rural reserve was to accommodate a potential future interchange improvement. Save Helvetia argues that the area does not have to be designated as an urban reserve in order to accommodate infrastructure improvements and that none of the urban reserve factors contemplate potential demands for a freeway interchange expansion. Save Helvetia also argues that not all of Area 8B is required for potential future road and other public facilities.

The record indicates that the urban reserve factors have been considered by Metro with regard to Area 8B. Metro Rec. at 91-92. According to Metro, Area 8B is a small portion of a Pre-Qualifying Concept Plan area analyzed by the City of Hillsboro to meet long-term growth needs and includes findings demonstrating conformance with the “Factors for Designation of Lands as Urban Reserves.” WC Rec. at 3110–3137. The findings indicate that the area is suitable for a variety of urban uses, beyond the potential for an interchange improvement. As a result, Save Helvetia’s arguments do not provide a basis for remand. The fact that the area also was identified as Foundation Agricultural Land means that the rural reserve factors also are relevant to the decision. Metro’s findings, together with the analysis performed by Washington County, demonstrate that Metro’s decision considered the required factors and made a decision that is supported by an adequate factual base.

Regarding the third objection, the objector states that the decisions fail to satisfy any of the urban reserve factors of OAR 660-027-0050, and fails to address OAR 660-027-0040(11) which requires findings and statement of reasons that explain why Metro chose Foundation Agricultural Land for designation as urban reserves rather than other land. The record indicates that Metro has based its decision on consideration of the factors for designation of lands as urban reserves. The Metro and Washington County decisions contain findings and statements of reasons that address the factors in OAR 660-027-0050, and explain why Area 8B was designated an urban reserve. Metro Rec. at 78; WC Rec. at 3113–3137.

The findings also generally address Metro’s consideration of the factors in OAR 660-027-0060(2) related to rural reserves, as required by OAR 660-027-0040(11). While, as noted above in connection with Area 7I, Metro’s findings could be more detailed, the Department believes they adequately explain Metro’s and the county’s policy choices under the rules, and that the county’s record provides an adequate factual base for the decision. The county’s analysis shows this area as “Tier 3” farmland, with a moderate level of parcelization. WC Rec. at 3025, 3021 (parcel analysis).

The objection states, “There are no findings which suggest that Area 8B is needed to accommodate the estimated urban population and employment growth in this particular area” per OAR 660-027-0040(2). The Urban Growth Report 2009-2030 (Metro Rec. at 611–773) and the 20 and 50 Year Regional Population and Employment Range Forecasts (Metro Rec. at 1918) were approved by the Metro Council. As noted in the reports, the council’s intent with the reports was to guide its determinations of need and capacity for the 20-year UGB period and the 40- to 50-year urban reserve period. Metro Rec. at 1937. In addition, the partner governments devote a portion of the findings to explaining the determination of the amount of land designated urban reserve (Metro Rec. at 22–24). Neither the statute nor the Commission’s rule require findings that Area 8B, or any specific area, is needed to accommodate some particular component of the regional estimated long-term urban population and employment growth. Rather, Metro is required to make a general determination regarding estimated population and employment, and tie the overall amount of land planned as urban reserves to that determination. Metro has done so, and nothing more is required. For these reasons, the Department recommends that the Commission deny this objection.

In sum, regarding the first three objections, the Department recommends that the Commission find that Metro made its decision to designate Area 8B as an urban reserve based on its consideration of the factors in OAR 660-027-0050 and 0060(2), and that Metro’s decision has an adequate factual base. For these reasons, the Department recommends that the Commission deny these three objections.

Regarding the fourth objection, Save Helvetia states that leaving a large block of Foundation Agricultural Land undesignated (to the west and north of Area 8B) will have an adverse impact on adjacent farming activities, and that it is not necessary to compromise this land by reserving it as undesignated land without any analysis of why this land is not suitable for protection as rural reserve. The objector states that there is no reasonable basis to assume that Goal 3 does not require the same protections of

Foundation Lands that are imposed on other neighboring lands without any further explanation.

The Department recommends that the Commission deny this objection. Nothing in state statute or rule requires that a county designate a particular property or area as a rural reserve. The Commission's rules require that the county indicate which land was considered, which the county has done. This area was considered. The rule requires that the county consider the listed rural reserve factors, which the county has done. The rule (and the corresponding statutory provisions) do not require the county to designate any particular area as a rural reserve. The area in question continues to be planned and zoned for exclusive farm use, and Save Helvetia does not explain how that fails to comply with Goal 3.

In the fifth objection, related to both areas, Save Helvetia states that, "The Metro decisions fail to satisfy OAR 660-027-0040(10) in that both urban and rural reserve factors must be applied 'concurrently and in coordination with one another.' As such, it is improper to solely consider a case in favor of urbanization without simultaneously considering whether these same lands might be more suitable for rural land protections." The Department disagrees. "Simultaneous consideration" does not imply any particular outcome, but rather means that the county and Metro must consider urban and rural reserve designations *in the entire county and region* at the same time. OAR 660-027-0040(10) does not require both urban and rural reserve factors to be considered for each and every property, or for each and every area. Metro and the county complied with OAR 660-027-0040(10) with regard to the county and the region, and that is all that the rule requires. As a result, the Department recommends that the Commission deny this objection.

Save Helvetia states that both areas are under significant pressure to urbanize and are capable of sustaining long-term agricultural operations. The objection provides a detailed explanation of the agricultural and other resource values of the land in Areas 8B and 8-SBR, and Save Helvetia argues that the decision failed to address the sub-factor in OAR 660-027-0060(2)(a). The Department recommends the Commission find that the county did address this sub-factor. WC Rec. at 2970–2979.

In the sixth objection, Save Helvetia contends that the decision is inconsistent with the priority scheme set forth in ORS 197.298; that is, ORS 197.298(2) requires that when determining where to expand the urban growth boundary, higher priority must be given to those lands of lower productive capability. Save Helvetia argues that although ORS 197.298(1)(a) makes urban reserve lands first priority for inclusion in the UGB, that cannot be used to thwart the protection of agricultural land.

ORS 197.298 describes the priority of land to be included within an urban growth boundary. This proposal is for the designation of urban and rural reserves under OAR chapter 660, division 27. The objective of this division, described in OAR 660-027-0005(2) "... is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest

industries and protection of the important natural landscape features that define the region for its residents.” The Department recommends that the Commission find that ORS 197.298 and Goal 14 are not applicable to these decisions. In the alternative, to the extent that Goal 14 does apply to these decisions, the process and standards established under SB 1011 and OAR 660-027 are consistent with Goal 14, and by demonstrating compliance with those standards, Metro and the counties have made decisions that are consistent with Goal 14.

5. Chesarek and Amabisca. (Ref. 5). These objectors submitted a letter containing six objections related to the designation of one property as urban reserve. The objectors also purported to represent eight other individuals with standing who support the objection.

a. Objection. The parties object to the designation of Tax Lot 1 N1 18, Lot 100 (hereafter known as “the Peterkort property”), a part of urban reserve Area 8C, as an urban reserve. Chesarek, July 14, 2010 at 2.

The letter contains six objections, contending that the decision to designate the property urban reserve:

- (1) Misapplies urban reserve factors of OAR 660-027-0050. Chesarek, July 14, 2010 at 2;
- (2) Fails to satisfy OAR 660-027-0040(1) [sic] that both the urban and rural reserve factors must be applied “concurrently and in coordination with one another.” Chesarek, July 14, 2010 at 9;
- (3) Fails to satisfy Goal 2, evaluation of alternative courses of action related to wetland and public facility issues. Chesarek, July 14, 2010 at 20;
- (4) Fails to satisfy Goal 3, Agricultural Lands. Chesarek, July 14, 2010 at 21;
- (5) Violates Goal 5, to protect natural resources and conserve scenic and historic areas and open spaces. Chesarek, July 14, 2010 at 22;
- (6) Fails to satisfy OAR 660-027-0005(2), long term protection of large blocks of agricultural land and important natural landscape features. Chesarek, July 14, 2010 at 23.

Each objection also alleges the decision violates Goal 2 due to an inadequate factual base.

The objectors’ proposed remedy is for the Commission to remand the urban reserve designation of the subject property to Metro and Washington County, and direct the county to apply a rural reserve designation instead.

b. Area Description. The Peterkort property is approximately 129 acres and is part of Area 8C. This land is located near the intersection of NW Springville Rd. and NW 185th Avenue at the northern end of the PCC Rock Creek Campus. This area abuts the current UGB along its eastern and southern boundaries. One of the Metro conditions in the ordinance that brought North Bethany into the UGB called for the county to “recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves.” Metro Rec. at 92. Metro

found that additional urban land to the immediate west of the North Bethany Community Planning Area is necessary for the provision of sanitary sewer and storm drainage and to assist in the funding for a primary road link to SW 185th Avenue.

In order to address a number of concerns raised in relation to the wetlands and floodplains on the Peterkort property, as well as within the “West Union” portion of Area 8C, a Special Concept Plan Area overlay was added to Washington County Ordinance No. 733 (Special Concept Plan Area C). This special plan overlay requires application of the “Integrating Habitats” approach to planning and development of these lands. WC Rec. at 8533.

This urban reserve area is included as an element of the North Bethany Community Planning area. This section of Area 8C is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the City of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the “Factors for Designation of Lands as Urban Reserves” under OAR 660-027-0050. WC Rec. at 3062. The county and Metro made additional findings specific to this property addressing each of the objectors’ concerns and all the urban reserve factors in OAR 660-027-0050. Metro Rec. at 68.

c. Department Analysis and Recommendations. The Department recommends the Commission deny these objections.

When identifying and selecting lands for designation as urban reserves under OAR 660-027-0050, Metro must base its decision on consideration of whether land proposed for designation as urban reserve, alone or in conjunction with land inside the UGB, addresses eight different factors. The record indicates that these factors have been considered by Metro. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the “Factors for Designation of Lands as Urban Reserves”. WC Rec. at p. 3062.

Regarding the first objection, OAR 660-027-0050 does not require that Metro compare the cost of installing facilities for both urban and rural designations, or that Metro demonstrate how local governments will finance future road and infrastructure improvements. Nor do the rules require that Metro determine which designation is more compatible for wetland mitigation and which designation provides better protection of wildlife.

Regarding the second objection, the Department addresses OAR 660-027-0040(10) because it contains language quoted in the objection that is not contained in the cited rule (OAR 660-027-0040(1)). As explained above, OAR 660-027-0040(10) does not require both urban and rural reserve factors to be considered for each and every property or area. The rule states:

Metro and any county that enters into an agreement with Metro under this division shall apply the factors in OAR 660-027-0050 and 660-027-0060

concurrently and in coordination with one another. Metro and those counties that lie partially within Metro with which Metro enters into an agreement shall adopt a single, joint set of findings of fact, statements of reasons and conclusions explaining why areas were chosen as urban or rural reserves, how these designations achieve the objective stated in OAR 660-027-005(2), and the factual and policy basis for the estimated land supply determined under section (2) of this rule.

The factors for designation urban reserves in OAR 660-027-0050 and those for rural reserves in OAR 660-027-0060 state that, when identifying and selecting lands for a given designation, a county shall, "...indicate which land was considered..." There is no indication in the text or context of the rule that the Commission intended that both urban and rural reserve factors must be considered simultaneously for each individual property. Metro and Washington County have provided findings addressing the eight factors under OAR 660-027-0050. Metro Rec. at p. 56, WC Rec. at p. 3062. The objectors disagree with the jurisdictions' findings and conclusions, but all the requirements of OAR 660-027-0040(10) have been completed by Metro and Washington County with regards to the Peterkort property.

Regarding the third objection, as noted in the analysis of the first objection, OAR 660-027-0050 requires that Metro base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB, addressing eight factors. The record indicates that these factors have been considered by Metro. OAR 660-027-0050 does not require that Metro perform a comparative analysis of wetland mitigation sites, the location of roads, or sewer lines or determine that the site does not meet the rural reserve factors, in order to be designated an urban reserve.

The fourth and fifth objections allege the urban reserve designation violates Statewide Planning Goal 3, "Agricultural Lands," and Goal 5, "Natural Resources, Scenic and Historic Areas, and Open Spaces," respectively. The provisions of the goals referenced by the objectors are Guideline A.1 in Goal 3 and Guidelines B.1 and B.2 in Goal 5. The Guidelines are advisory, and not requirements. The objectors did not identify any requirements in Goal 3 or Goal 5 that the reserves decisions violate. The fifth objection also asserts there are inadequacies in Washington County's existing Goal 5 implementation program. Even if that were true, the objectors have not explained why that is relevant to the decisions on reserves.

Regarding the sixth objection (purpose of reserves and long term protection of large blocks of agricultural land and important natural landscape features), the purpose statement at OAR 660-027-0025(2) is not a criterion that the local governments must satisfy, but rather a region-wide consideration (see also section V.C of this report). The findings adopted by the four local governments explain why they believe their collective decisions satisfy the overall objective of urban and rural reserves. The Department believes that their findings are adequate to comply with the Commission's rule. The remainder of the objection cites no relevant urban reserve factor, and the objection relates

it to a single property. The reserve factors are to be applied to *areas*, not parcels (see also subsection V.B.2 of this report).

Finally, all the objections state the urban reserve decision violates Goal 2 due to an inadequate factual base (not supported by substantial evidence in the whole record). As noted earlier in this subsection, Washington County and Metro adopted specific findings related to all the issues raised in this objection and in consideration of the urban reserve factors in OAR 660-027-0050. Disagreement with the findings and conclusions does not make them inadequate. For all of these reasons, the Department recommends that the Commission deny these objections.

6. Joseph C. Rayhawk (Ref. 23). Mr. Rayhawk submitted two separate letters of objection. This subsection addresses one of those letters, which includes objections regarding one property.

a. Objection. Mr. Rayhawk objects to the late change of an area known as “the Peterkort property” in Washington County from rural reserve to urban reserves. Rayhawk/Peterkort, July 13, 2010 at 1.

Mr. Rayhawk argues that the decision does not meet the urban reserve factors, and explains factor-by-factor why he believes this to be so. Mr. Rayhawk’s proposed remedy is for the Commission to reject the urban reserve designation for the Peterkort property and remand it to Metro and Washington County to revise the designation to a rural reserve.

b. Area Description. See subsection VIII.B.5.b for a description of the subject property.

c. Department Analysis and Recommendation. The Department recommends the Commission deny this objection.

See also subsection VIII.B.5.c, Chesarek and Amabisca. (Ref. 5) for the Department’s analysis regarding this area. To summarize, the reserves rule has the county and Metro perform an analysis on an area-wide basis. Neither the rules, nor the corresponding provisions of the statutes, require a parcel-by-parcel analysis. The county and Metro performed considerable analysis of candidate areas and made specific findings regarding the Peterkort property regarding the urban reserve factors. The findings show that they considered the factors they are required to consider.

Mr. Rayhawk also argues that the urban reserve designation appears to be contrary to state land use goals for water quality and habitat protection and possibly the federal Clean Water Act and the federal Endangered Species Act. The Department notes that the decision by Metro to designate this property as an urban reserve does not authorize any activity or use of the land (in fact, it places some additional limitations on future uses). As a result, the decision has no effect in terms of compliance with these federal laws. Decisions concerning uses of the property will not be made unless the property is added

to the Metro UGB and the plan and zoning designations are amended to allow urban uses. For these reasons, the Department recommends that the objection be denied.

7. Bobosky (Ref. 38-1 and 6). The objectors are Steve and Kelly Bobosky, represented by Wendie L. Kellington (collectively, the “Boboskys”). The Bobosky’s letter contains six objections, two of which the Department recommends the Commission find are invalid (see chapter IX). The letter also contains objections specific to the designation of the objector’s property and vicinity, and others that more generally question the reserves decision. This subsection addresses the property-specific objections.

a. Objection. The Boboskys object to Washington County’s designation of their property and the Bendemeer community in Area 8F as a rural reserve under OAR 660-027-0060, because the property is a rural residential subdivision that meets the urban reserve factors, and because the property does not meet the rural reserve factors.

The Boboskys argue that Washington County and Metro erroneously designated the subject exception area as a rural reserve in violation of OAR 660-027-0060 and ORS 195139(1)(a), ORS 195.141(2) and (3), and that the property and the surrounding Bendemeer rural residential subdivision meet the urban reserve criteria. Bobosky, July 7, 2010 at 2. (Ref. 38-1)

The Boboskys also argue that, by designating the subject lot in a developed residential subdivision as a “rural reserve,” and leaving thousands of acres of high quality farmland subject to Goal 3 undesignated, the challenged decision violates ORS 197.298(2). The objectors state, “Locking up all the subject exception land having poorer agricultural soils, as well as all exception lands in Washington County, as rural reserves, but leaving high quality EFU land all over the region ‘undesignated’ leaves only high quality EFU zoned land for urbanization in violation of ORS 197.298(2).” Bobosky, July 7, 2010 at 23. (Ref. 38-6)

The Boboskys proposed remedy is for the Commission to remand the challenged decision to Metro and Washington County with instructions to remove the rural reserve designation for the subject property and the Bendemeer subdivision and make them undesignated or urban reserve. The letter also states: “...LCDC should order remand of the entire Washington County decision to designate rural reserves because...there is significant risk that the decision improperly locks up exception lands on the erroneous assumption it is Agricultural Land; leaving nowhere else to go for future urbanization needs but Goal 3 ‘Agricultural Lands’ more distant. Order the remaining counties to adopt any necessary adjustments to implement that order.”

b. Area Description. Rural reserve area 8F is bordered on the south by Highway 26 (Sunset Highway). The area is approximately 21,446 acres. The north and west boundaries are defined by the edge of the study area and the east boundary is formed by Rock Creek. The area is characterized by several tributaries flowing south from the Tualatin Mountains, including Waibel, Storey, and Holcomb Creeks. Sections of McKay Creek and the East Fork of Dairy Creek also flow through this reserve area. The

topography of the area is characterized by the foothills of the Tualatin Mountains. The community of Helvetia is located in this reserve. Metro Rec. at 108-109.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections.

Washington County and Metro determined that this area could be designated as either a rural or urban reserve. Metro Rec. at 65. Regarding the first objection (Ref. 38-1), the inquiry the county and Metro must complete to designate a rural or an urban reserve is not required to be property-specific, but rather area-wide. The factual base is not required to address every parcel or small group of parcels. See subsection V.B.2 of this report. Under OAR chapter 660, division 27, an argument that an area is better suited for one designation than another is not a basis for remand so long as the decision-maker considered the required factors and the overall region-wide decision meets the objective set forth at OAR 660-027-0005(2). See subsection V.B.1. Regarding the second objection (Ref 38-6), ORS 197.298(2) is not an approval criterion or standard for designation of rural reserves, rather it applies when an urban growth boundary is proposed to be amended.

8. Tim O’Callaghan (Ref. 42-1 and 2). Mr. O’Callaghan submitted a letter containing two objections specific to the designation of his property and four objections generally questioning the reserves decision. This subsection addresses the property-specific objections. The objector is represented by Michael C. Robinson.

a. Objection. Mr. O’Callaghan objects to Washington County’s designation of property located at 6955 and 7235 NW 185th Avenue (part of Area 8F) as rural reserves under OAR 660-027-0060, because the properties better meet the urban reserve factors and do not meet the rural reserve factors. O’Callaghan, July 14, 2010 at 1. The property is located within rural reserve Area 8F.

The objection includes two parts:

- (1) Substantial evidence in the record supports designating the property as an “urban reserve” and conversely does not support the current designation as “rural reserve.” Tim O’Callaghan, July 14, 2010 at 8. (Ref. 42-1)
- (2) Metro and the counties misconstrued applicable law and made a decision not supported by substantial evidence in designating the property as a “rural reserve.” Tim O’Callaghan, July 14, 2010 at 12. (Ref. 42-2)

Regarding the first objection, Mr. O’Callaghan provided reasons, based on each of the urban reserve factors in OAR 660-027-0050, that the subject property “satisfies” the factors for urban reserve designation. The letter goes on to draw a comparison with a nearby property that received an urban reserve designation by Metro, and asserts there is no reasonable basis to treat them differently.

The second objection asserts there is no substantial evidence supporting the decision to designate the property as a rural reserve, and that the decision was made too early for meaningful input and that preliminary decisions became *de facto* final decisions before the county's final action.

Mr. O'Callaghan's proposed remedy is for the Commission to remand the decision to Metro and Washington County with instructions to remove the rural reserves designation from the 58.34-acre O'Callaghan properties at 6955 and 7235 NW 185th Avenue and re-designate the area urban reserve. Additionally, the letter of objection states that on remand the county and Metro be asked to address the legal deficiencies identified in the objection letter (see subsection VI.A.5, VI.D.3 and VII.A.2 addressing the other objections by this party).

b. Area Description. The O'Callaghan properties are located along Rock Creek and adjacent to urban reserve Area 8C (Bethany West) and within rural reserve Area 8F. The two parcels total approximately 58.34 acres and are bordered on the east by the existing urban growth boundary and NW 185th Ave.

Rural reserve area 8F is bordered on the south by Highway 26 (Sunset Highway). The area is approximately 21,446 acres. The north and west boundaries are defined by the edge of the study area and the east boundary is formed by Rock Creek. The area is characterized by several tributaries flowing south from the Tualatin Mountains, including Waibel, Storey, and Holcomb Creeks. Sections of McKay Creek and the East Fork of Dairy Creek also flow through this reserve area. The topography of the area is characterized by the foothills of the Tualatin Mountains. The community of Helvetia is located in this reserve.

c. Department Analysis and Recommendation: The Department recommends that the Commission deny these objections.

The factors in OAR 660-027-0060 are not criteria with which the counties and Metro must show compliance, but are rather "factors" to be considered and weighed in making the decision. The jurisdictions must show that they took the factors into account in explaining their decisions. Washington County and Metro considered the factors and had substantial evidence to support the designation of Area 8F, including the O'Callaghan properties, as rural reserves. Metro Rec. at 63-64 and 108-109; WC Rec. at 8592. Mr. O'Callaghan does not contend that the property is inappropriate for rural reserve designation, only that the urban reserve designation would be better. Under OAR chapter 660, division 27, and the corresponding statutory provisions an argument that an area is better suited as another designation is not a basis for remand. See subsection V.B.1.

Washington County considered the factors, based on substantial evidence, related to both the rural reserve factors for both agriculture and natural landscape features to support the decision to designate Area 8F as rural reserves. WC Rec. at 9639. Simply because a decision-maker elects not to follow a recommendation, is not (by itself) a basis for determining that there is not an adequate factual base to support the ultimate decision.

Washington County followed the applicable law in making this decision. Mr. O’Callaghan contends Washington County was under pressure to maintain the reserves designations as they existed at the time they signed the intergovernmental agreement with Metro under OAR 660-027-0020. However, the record shows that the county made adjustments after the agreement with Metro. WC Rec. at 9643. Mr. O’Callaghan has not shown that the county erred in its decision to designate these properties as a rural reserve.

The Department recommends that the Commission find that the rural reserves designation was based on substantial evidence in the record and that the decision complies with applicable law, and for those reasons deny the objections.

9. Undesignated Areas in Washington County. This subsection provides a consolidated response to objections from the Oregon Department of Agriculture (ODA, Ref. 18-5) and 1000 Friends of Oregon on behalf of 1000 Friends of Oregon, the Washington County Farm Bureau, and Washington County Farm Bureau President Dave Vanasche (Ref. 26-7).

a. Objection. ODA objects to undesignated lands located south of North Plains and west of and adjacent to Helvetia Road. ODA, July 14, 2010 at 7. 1000 Friends objects to “most” of the undesignated lands around North Plains and Banks. 1000 Friends, July 12, 2010 at 17.

ODA states that the decision to not designate farmland located south of North Plains and Highway 26 and lands located north of Highway 26 and west of Helvetia Road fails to protect Foundation Agricultural Land that qualifies for protection as rural reserve. Both of these areas include large, commercially viable farming operations and are contiguous to and part of larger blocks of farmland that have been designated rural reserve. The objector asserts that both areas are under threat of urbanization.

1000 Friends argues generally against the undesignated status of lands around North Plains and Banks, and, in particular, the undesignated land south of Highway 26. The objector states that much of this land qualifies for rural reserve designation and that the impact of leaving undesignated lands must be evaluated, not only on those lands, but on the farm and forest lands around them, citing OAR 660-027-0060(2)(d)(B).

The objectors’ proposed remedy is for the Commission to remand the decision to Washington County and direct it to designate these lands as rural reserves.

b. Area Description. Washington County has not designated lands around both North Plains and Banks as either urban or rural reserves. In addition, the county left another sizable area of undesignated land adjacent and to the west of urban reserve area 8B and across Highway 26 from urban reserve area 8A.

c. Department Analysis and Recommendation. The Department recommends the Commission deny these objections.

Washington County has explained its decision not to designate lands around North Plains and Banks, based on three reasons: (1) the lands are outside of Metro’s jurisdiction to designate urban reserves, (2) analysis of these lands did not identify them as the highest priority for rural reserves, and (3) it was deemed appropriate to retain some undesignated lands to address the potential long-term population and employment needs of communities outside of Metro but inside of Washington County (given the county’s coordinating role). WC Rec. at 2308.

Even if the land is suitable for designation as rural reserve, nothing in the statute or rules compels Washington County to so designate any particular land. While ODA makes reasonable arguments why some of the land should not be left undesignated, its objections reflect a policy disagreement with Washington County. That disagreement may reflect legitimate, competing views, but it does not provide a basis for the Commission to overturn the county’s decision.

1000 Friends argues that the county must consider OAR 660-027-0060(2)(d)(B) (relating to adjacent land use patterns and buffers) in determining whether to designate these areas. Washington County did evaluate the area for possible rural reserve designation and decided to maintain the existing plan and zone designations. WC Rec. at 8239. Nothing in statute or the Commission’s rules requires the county to adopt findings concerning lands that it did *not* propose to designate as rural reserves. See, OAR 660-027-0060(2) (“* * * a county shall base its decision on consideration of whether *the lands proposed for designation*”).

Finally, the Department notes that Exhibit B to the intergovernmental agreement between Metro and Washington County provides that:

Special Concept Plan Area B:

Undesignated lands surrounding the City of Banks and the City of North Plains provide the opportunity in the future for Washington County and each respective city to undertake Urban Reserve planning under OAR 660-021. It is the County’s expectation that such planning will result in application of Urban Reserve and Rural Reserve designations in appropriate locations and quantities. WC Rec. at 8838.

In other words, Washington County anticipates that future decisions will lead to either urban or rural reserve designations for these undesignated areas. Nothing in ORS 195.137-145 or OAR 660-027 prohibits that approach and given the county’s responsibilities to coordinate land use planning under ORS 195.025, such an approach is certainly desirable with respect to cities that are not included within Metro’s boundary.

C. Multnomah County

1. Forest Park Neighborhood Association et al (Ref. 8). This objection was submitted by Daniel Kearns, representing the Forest Park Neighborhood Association (FPNA) and on behalf of Carol Chesarek, Jim Emerson, Milly Skach, Joseph C. Rayhawk, Greg Malinowski, Christopher H. Foster, Claudia Martin, Kevin O'Donnell, Mary Telford, and Jerry Grossnickle (collectively, "FPNA").

a. Objection. FPNA objects that Multnomah County's (and thus Metro's) decision violates the administrative rule by not explaining fully why and how Areas 9A–D and 9F qualify for rural reserve designation. The objection is submitted in support of Multnomah County's and Metro's decision, as supplemental findings and citations to evidence and arguments in the record that support Metro's decision. FPNA, July 14, 2010 at 1.

FPNA's proposed remedy is for the Commission to supplement the findings to address the rural reserve factors, including citations to evidence in the record.

b. Area Description. Area 9 lines south of Germantown Road and the power-line corridor where it rises from the toe of the west slope of the Tualatin Mountains up to the ridge at Skyline Blvd. MC Rec. at 3004-3015. The north edge of the area is the start of the Conflicted Agricultural Land section that extends south along the Multnomah/Washington county line to the area around Thompson Road and the Forest Heights subdivision in the city of Portland. The area is adjacent to unincorporated urban land in Washington County on the west, and abuts the city of Portland on the east. Most of the area is mapped as Important Landscape Features that begin adjacent to Forest Park and continue west down the slope to the county line. MC Rec. at 1767. The area is a mix of headwaters streams, upland forest and open field wildlife habitat.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny this objection.

Based on the evidence in the record, the Department finds that Metro and Multnomah County based their decision on consideration of the factors for designation of lands in rural reserves as required by OAR 660-027-0060 and have provided sufficient findings to support their recommendation. The Commission may consider incorporation of the objectors' proposed supplemental findings in its order, as the additional information cited by the objectors is available in the record.

2. Area 9B. This subsection addresses the objections of the following objectors to Multnomah County’s designation of certain property within Area 9B as rural reserve:

<u>Ref.</u>	<u>Objector’s name</u>
13	Dorothy Partlow
15	Hank Skade
17-1	Jim Irvine
20	John Burnham
24	Kathy Blumenkron
33	Robert Burnham
34	Robert Zahler
41	Thomas J. VanderZanden

a. Objections. The parties generally object to Multnomah County’s designation of an L-shaped portion of land in western rural reserve Area 9B as a rural reserve under OAR 660-027-0060 because they believe that the area better meets the urban reserve factors, and does not meet the rural reserve factors. Robert Burnham (Ref. 33) objected more broadly to the designation of Area 9B or rural reserve.

The common objection is that the area does not satisfy the factors in OAR 660-027-0060 for designation as rural reserve, but does satisfy the factors for designation as urban reserve under OAR 660-027-0050. Most of the objectors do not elaborate beyond that one common objection.

The objectors’ proposed remedy is for the Commission to remand the decision to Multnomah County with instructions to remove the rural reserve designation from the L-shaped portion of Area 9B and re-designate the area as urban reserve. Robert Burnham’s proposed remedy applies to the entirety of Area 9B.

b. Area Description. Area 9B is defined on the west by the Washington County line, a line that is approximately mid-way between the county line and Skyline Blvd. on the east, and areas adjacent to Forest Heights subdivision on the south, and a power line right-of-way on the north. MC Rec. at 3011, 3015. The area is a mix of headwaters streams, upland forest and open fields. The specific L-shaped portion of Area 9B referred to in most of the objections is located in the southwestern portion of the study area on the Washington/Multnomah county line, and is bisected by Lower Springville Road.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections.

The Department recommends the Commission find that Multnomah County considered the required factors, based on substantial evidence in the record, to support the designation of Area 9B, and the L-shaped southwest portion thereof, as rural reserve. MC Rec. at 9679. See section V.B regarding areas that qualify as both urban and rural reserve and the appropriate scale of review. Generally, the issue is whether the county considered the rural reserve factors in deciding to include a particular area, explained

why the areas should be rural reserve using the factors listed in the statute and rules, and whether there is evidence in the record that a reasonable person would rely upon to decide as the county did. Also, none of the factors for selecting rural reserves, or any other provision of the applicable statutes or rules, require a parcel-specific analysis for reserve-boundary location decisions.

Several of the objections stated that land was not good farmland and cited the ODA designated of “Conflicted.” Multnomah County, however, found the area eligible for rural reserve designation under the factors for significant landscape features in OAR 660-027-0060(3), not those for farm or forest lands under OAR 660-027-0060(2). See MC Rec. at 9680. For these reasons, the Department recommends that the Commission deny the objections.

3. Metropolitan Land Group (Ref. 31). (“MLG”) This letter contains six objections related to the rural reserve designation of Area 9B in Multnomah County, specifically or generally. MLG is represented by Steven L. Pfeiffer.

a. Objection. MLG objects to Multnomah County’s designation of its property in Area 9B as a rural reserve. MLG, July 14, 2010 at 1. The objection includes six specific allegations:

- (1) Substantial evidence in the record supports designating the Property as an “urban reserve” and conversely does not support the current designation as “rural reserve.” MLG, July 14, 2010 at 9.
- (2) Metro and the counties misconstrued applicable law and made a decision not supported by substantial evidence in designating the property as a “rural reserve.” MLG, July 14, 2010 at 14.
- (3) The decision violates Goal 2 because it relies upon an unacknowledged extraneous report to formulate 50-year land needs. MLG, July 14, 2010 at 16.
- (4) The decision further violates Goal 2 because there is no adequate factual base to support the conclusion that all lands within three miles of the UGB are necessarily “subject to urbanization” for purposes of OAR 660-027-0060(2)(a). MLG, July 14, 2010 at 18.
- (5) The decision violates Goal 12 because it does not include findings regarding the Oregon Transportation Planning Rule. MLG, July 14, 2010 at 18.
- (6) The enforcement of OAR 660-027-0060(4) by Metro and the counties violates ORS 195.141(3) and (4). MLG, July 14, 2010 at 19.

MLG’s proposed remedy is for the Commission to remand this matter with direction to Metro and the counties to remove the rural reserve designation from the objector’s property, designate the property as an urban reserve, and to otherwise address the identified legal deficiencies.

b. Area Description. For a description of Area 9B, see subsection 2, immediately above.

c. Department Analysis and Recommendation. The Department recommends that the Commission deny these objections.

All of these objections are addressed in other sections of this report, as follows:

- (1) Subsection VIII.C.2
- (2) Subsection VIII.C.2
- (3) Subsection VI.D.2
- (4) Subsection VII.A.1
- (5) Subsection VI.A.4
- (6) This objection is invalid. See chapter IX.

D. Various

1. Various Site-specific Objections to Reserve Designations. Several objections indicated the counties or Metro designated land incorrectly or inappropriately. This subsection addresses most of those objections.

a. Objections. The Department received objections to a variety of urban and rural reserve designations across the region. The list below depicts the objector, the subject reserve area number (see map in Attachment A), and the proposed remedy.

<u>Ref.</u>	<u>Name</u>	<u>Reserve Area</u>	<u>Proposed Remedy</u>
1	Culter	4A–G	Change from urban reserve to undesignated
3	Tualatin Riverkeepers	6B	Change from urban to rural reserve
11	D. Smith	4J	Change from rural to urban reserve
16	Calcagno	3E	Change from rural reserve to undesignated
17-2	Irvine	7C	Remand urban reserve designation
21	Cherry	9A	Change from rural to urban reserve
36	Baker ¹⁸	9D	Change from rural to urban reserve
39	McKenna	3E or 3H	Change from undesignated to rural reserve
43	Szambelan	4I	Change from rural reserve to undesignated

b. Department Analysis and Recommendation. The Department recommends the Commission deny these objections.

In each case, the objector asserted the relevant county or Metro, or both, made the wrong decision regarding designation (or non-designation) of a parcel or area. The allegations were that application of the factors in OAR chapter 660, division 27 supported a different conclusion, or that the final decision was not supported by the objector's understanding of the factors.

¹⁸ The third objection in the letter submitted by Susan J. Baker (Baker, July 12, 2010 at 8) has been determined to be invalid. See chapter IX.

See section V.B regarding lands that could be designated as either urban or rural reserve, and the geographic scale of local review required for reserve areas. Each of the counties and Metro has made findings based upon substantial evidence explaining how they considered the urban or rural factors with regard to the areas including these properties. Metro Rec. at 14–115. The issue is whether Metro and the counties considered the urban and rural reserve factors in deciding to designate particular areas, explained why the areas should be urban or rural reserves using the factors listed in the statute and rules, and whether there is evidence in the record as a whole that a reasonable person could rely upon to decide as Metro and the counties did. The Department recommends that the Commission find that the local governments appropriately considered the factors and documented the reasons they made the decisions for each of the areas subject to the objections listed above. For these reasons, the Department recommends that the Commission deny the objections.

IX. INVALID OBJECTIONS

The Department found that several objections did not satisfy the requirements of OAR 660-025-0140(2) to be valid. As a result, the Department recommends that these objections not be considered by the Commission. The following list displays objections the Department has determined to be invalid and comments received that do not object to any aspect of the reserves decisions.

Under the Commission’s rule, objections are valid if they:

- Were received within 21 days of the local government notice of the submittal to the Department (all objections were received in a timely manner);
- Demonstrate the objector participated at the local level (all objectors participated);
- Clearly identify an alleged deficiency in the submittal sufficiently to identify the relevant section of the final decision *and* identify the statute, goal, or administrative rule the submittal is alleged to have violated (indicated as “no citation” in the list below); and
- Suggest specific revisions that would resolve the objection (indicated as “no remedy” in the list below).

Objections that support the reserves decision, or otherwise do not object to the submittals, are indicated as “no objection” in the list below.

<u>Ref.</u>	<u>Name</u>	<u>Explanation</u>
2	Arthur Dummer	No citation
7	Dale Burger	No citation and no remedy
17-2	Jim Irvine	No citation
19	Audubon Society of Portland	No remedy
22	Joseph Rayhawk	No remedy
27	Gary Gentemann	No objection
30	Michael Cropp	No objection
31-6	Metropolitan Land Group	No remedy
35	Coalition for a Livable Future	No citation
38-4	Steve and Kelly Bobosky	No citation
38-5	Steve and Kelly Bobosky	No citation
40	Thomas J. VanderZanden	No objection
45	William Kaer	No objection
42-6	Tim O’Callaghan	No remedy

The Department recommends that the objections from these objectors be rejected by the Commission as invalid under OAR 660-025-0140(2). The Commission should allow argument from these parties, but only as to whether their objections are valid. And, only if the Commission does not agree with the Department should these parties be allowed to argue the merits of their submittals.

X. DEPARTMENT RECOMMENDATION AND DRAFT MOTIONS

A. Recommendation

The Department recommends that the Commission find that the adopted plans designating urban and rural reserves in the Portland metro area under ORS 195.137 to 195.145 and OAR 660-027 comply with OAR 660-027, the applicable statewide planning goals and other applicable rules of the Commission.

B. Proposed Motion

Recommended Motion: I move that the Commission accept the Department's recommendation, deny the valid objections, and approve the designations of urban and rural reserves for the Portland metro area and accompanying plan amendments submitted by Metro, Clackamas County, Multnomah County, and Washington County.

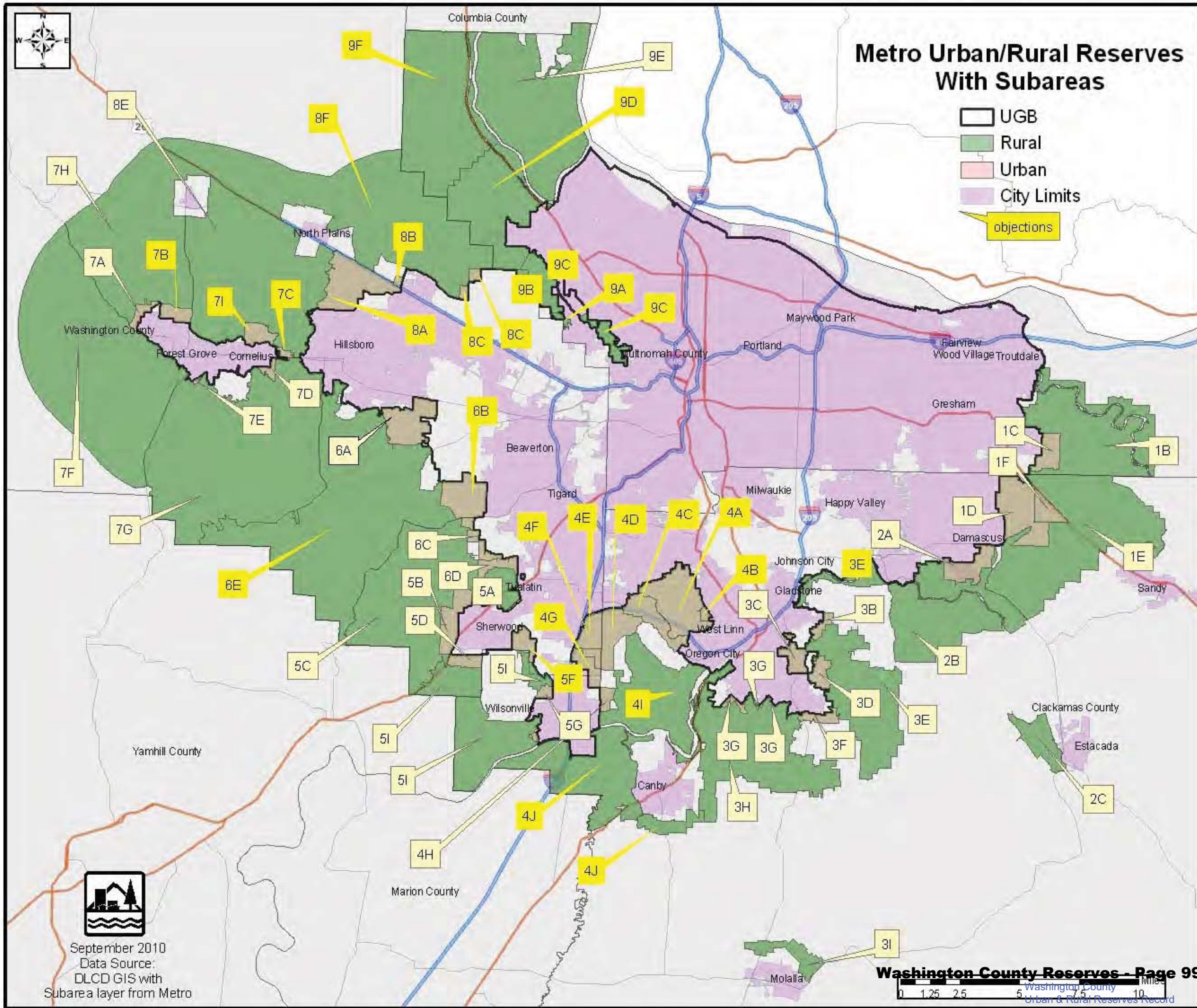
Alternative Motion 1: I move that the Commission remand the designations of urban and rural reserves for the Portland metro area and accompanying plan amendments to Metro and ___ counties for them to _____.

XI. ACRONYMS, ABBREVIATIONS AND TERMS

Commission	The Land Conservation and Development Commission
Department	The Department of Land Conservation and Development
Factors	For urban reserves, OAR 660-027-0050; for rural reserves, OAR 660-027-0060(2) and (3)
Metro	The Portland area metropolitan service district
OAR	Oregon Administrative Rule(s)
ORS	Oregon Revised Statutes
Rec. at	Citation to a page number in the record as it was submitted to the Department. "CC," "MC," and "WC" refer to county records and "Metro" refers to the record submitted by Metro.
TPR	Transportation Planning Rule. OAR chapter, division 12
UGB	Urban growth boundary. As used in this report, the UGB refers to the boundary established by Metro

XII. ATTACHMENTS

- A. Map of Urban and Rural Reserve Designations (with area-specific objections shown)
- B. Metro Ordinance No. 10-1238A and Exhibits (including Consolidated Findings)
- c. County ordinances adopting reserve
- D. Newberg urban reserve decision and supporting documents (excerpts)



September 2010
Data Source:
DLCD GIS with
Subarea layer from Metro

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF ADOPTING URBAN) Ordinance No. 10-1238A
RESERVES AND CONFORMING AMENDMENTS)
TO THE REGIONAL FRAMEWORK PLAN AND) Introduced by Chief Operating Officer
THE URBAN GROWTH MANAGEMENT) Michael Jordan with the Concurrence of
FUNCTIONAL PLAN) Council President David Bragdon

WHEREAS, Metro and Multnomah, Washington and Clackamas Counties (“the four governments”) have declared their mutual interest in long-term planning for three-county area for which they share land use planning authority in order to ensure the development of great communities within the urban growth boundary surrounded by prosperous farms, ranches, woodlots, forests, and natural resources and landscapes; and

WHEREAS, the 2007 Oregon Legislature enacted Senate Bill 1011, codified at ORS 195.137 to 195.145 (“the statute”), at the request of the four governments and many other local governments and organizations in the region and state agencies, to establish a new method to accomplish the goals of the four governments through long-term planning; and

WHEREAS, the statute authorizes the four local governments to designate Urban Reserves and Rural Reserves to accomplish the purposes of the statute, which are consistent with the goals of the four governments; and

WHEREAS, the Land Conservation and Development Commission (“LCDC”) adopted rules to implement the statute on January 25, 2008, as directed by the statute; and

WHEREAS, the statute and rules require the four governments to work together in their joint effort to designate reserves and to enter into formal agreements among them to designate reserves in a coordinated and concurrent process prior to adoption of ordinances adopting reserves; and

WHEREAS, the statute and the rules set forth certain factors to be considered in the designation of reserves, and elements to be included in ordinances adopting reserves; and

WHEREAS, the Metro Council has entered into an intergovernmental agreement with each of the Boards of Commissioners of Clackamas, Multnomah and Washington Counties to designate certain lands in each of the counties as Urban Reserves and other lands as Rural Reserves; and

WHEREAS, Metro conducted workshops and hearings across the region and sought the advice of the Metro Policy Advisory Committee (“MPAC”) prior to entering into intergovernmental agreements with the three counties; and

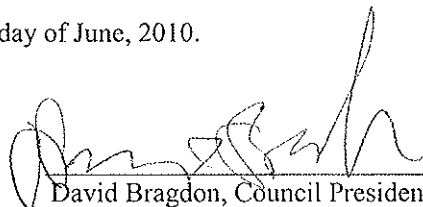
“WHEREAS, MPAC recommended adoption by the Metro Council of Regional Framework Plan policies and functional plan amendments to implement urban and rural reserves, but not the proposed map of reserves, at its meeting on May 12, 2010; and”

WHEREAS, Metro held a public hearing on the Urban Reserves and Rural Reserves recommended in the intergovernmental agreements on May 20, 2010; now, therefore,

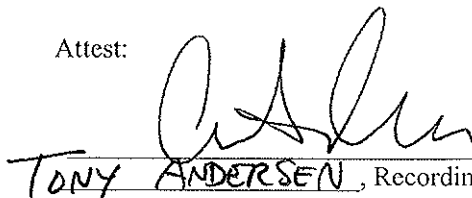
THE METRO COUNCIL ORDAINS AS FOLLOWS:

1. The areas shown as "Urban Reserves" on Map Exhibit A, attached and incorporated into this ordinance, are hereby designated Urban Reserves under ORS 195.141 and OAR 660 Division 27.
2. The areas shown as "Rural Reserves" on Exhibit A are the Rural Reserves adopted by Clackamas, Multnomah and Washington Counties and are hereby made subject to the policies added to the Regional Framework Plan by Exhibit B of this ordinance.
3. The Regional Framework Plan is hereby amended, as indicated in Exhibit B, attached and incorporated into this ordinance, to adopt policies to implement Urban Reserves and Rural Reserves pursuant to the intergovernmental agreements between Metro and Clackamas, Multnomah and Washington Counties, respectively, and ORS 195.141 to 195.143.
4. Title 5 (Neighbor Cities and Rural Reserves) of the Urban Growth Management Functional Plan (UGMFP) is hereby repealed as indicated in Exhibit C, attached to this ordinance.
5. Title 11 (Planning for New Urban Areas) of the UGMFP is hereby amended, as indicated in Exhibit D, attached and incorporated into this ordinance, to implement provisions of the intergovernmental agreements between Metro and Clackamas, Multnomah and Washington Counties and ORS 195.141 to 195.143.
6. The Findings of Fact and Conclusions of Law in Exhibit E, attached and incorporated into this ordinance, explain how the actions taken by the Council in this ordinance comply with the Regional Framework Plan and state law.

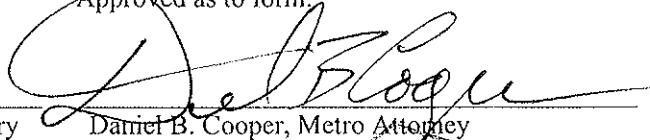
ADOPTED by the Metro Council this 3rd day of June, 2010.

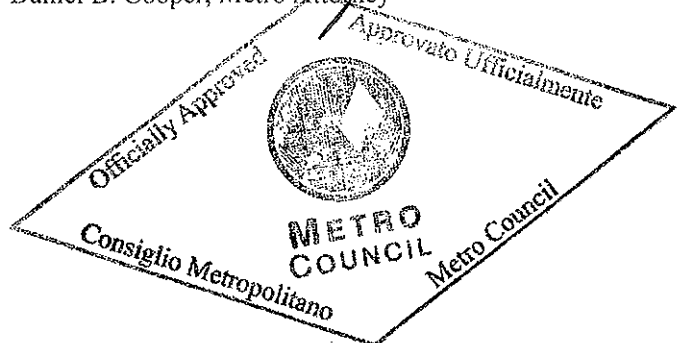

David Bragdon, Council President

Attest:


TONY ANDERSEN, Recording Secretary

Approved as to form:


Daniel B. Cooper, Metro Attorney



LEGEND

Clark County

- Farm and Forest Land
- Rural Residential
- Low Density Residential
- High Density Residential
- Commercial
- General Commercial / City Center
- Public Facility
- Light Industrial
- Heavy Industrial
- Parks and Open Space
- Vancouver City Center
- Medium Density Residential
- Activity Centers
- Town Centers

LEGEND

Metropolitan Region

- Central City
- Regional Centers
- Town Centers
- Inner Neighborhoods
- Outer Neighborhoods
- Employment Areas
- Industrial Areas
- Regionally Significant Industrial Areas
- Corridors
- Main Streets
- Station Community
- Station Community Core
- Potential Regional Throughways
- Planned & Existing Light Rail Lines
- Proposed Light Rail Alignments
- Potential HCT Facilities
- Light Rail Stations
- Potential Light Rail Stations
- International Airports
- Regional Airports
- Terminals
- Intermodal Rail Yards
- Rail Distribution Network
- Urban Reserves
- Rural Reserves
- Park
- Open space
- Urban Growth Boundary
- Neighboring Cities

0 0.5 1 2 3 4 Miles
1 inch = 1 mile

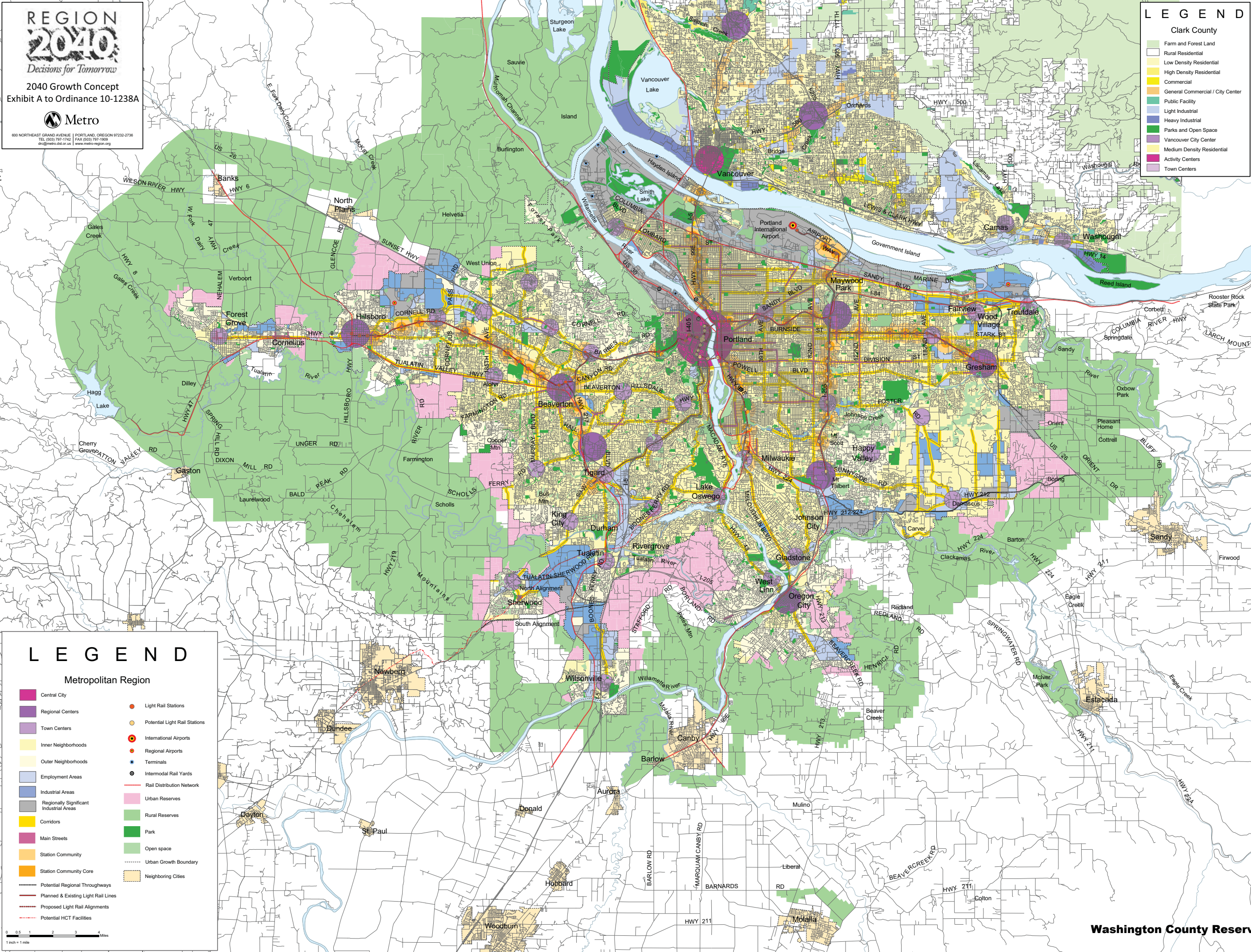


Exhibit B to Ordinance No. 10-1238A

REGIONAL FRAMEWORK PLAN

Policy 1.7 Urban and Rural Reserves

It is the policy of the Metro Council to:

- 1.7.1 Establish a system of urban reserves, sufficient to accommodate long-term growth, that identifies land outside the UGB suitable for urbanization in a manner consistent with this Regional Framework Plan.
- 1.7.2 Collaborate with Multnomah, Clackamas and Washington Counties and Neighbor Cities to establish a system of rural reserves to protect agricultural land, forest land and natural landscape features that help define appropriate natural boundaries to urbanization, and to keep a separation from Neighbor Cities to protect their identities and aspirations.
- 1.7.3 Designate as urban reserves, with a supply of land to accommodate population and employment growth to the year 2060, those lands identified as urban reserves on the Urban and Rural Reserves Map in Title 14 of the Urban Growth Management Functional Plan.
- 1.7.4 Protect those lands designated as rural reserves on the Urban and Rural Reserves Map in Title 14 of the Urban Growth Management Functional Plan from addition to the UGB and from re-designation as urban reserves at least until the year 2060.
- 1.7.5 In conjunction with the appropriate county, cities and service districts, develop concept plans for urban reserves prior to their addition to the UGB. Provide technical, financial and other support to the local governments in order to:
 - a. Help achieve livable communities.
 - b. Identify the city or cities that will likely annex the area after it is added to the UGB.
 - c. Identify the city or cities or the service districts that will likely provide services to the area after it is added to the UGB.
 - d. Determine the general urban land uses and prospective components of the regional system of parks, natural areas, open spaces, fish and wildlife habitats, trails and greenways.
- 1.7.6 Twenty years after the initial designation of the reserves, in conjunction with Clackamas, Multnomah and Washington Counties, review the designated urban and rural reserves for effectiveness, sufficiency and appropriateness.

Policy 1.9 Urban Growth Boundary

It is the policy of the Metro Council to:

- 1.9.1 Establish and maintain an urban growth boundary to limit urbanization of rural land and facilitate the development of a compact urban form.
- 1.9.2 Consider expansion of the UGB only after having taken all reasonable measures to use land within the UGB efficiently.
- 1.9.3 Expand the UGB, when necessary, from land designated Urban Reserves unless they cannot reasonably accommodate the demonstrated need to expand.
- 1.9.4 Not to expand the UGB onto lands designated Rural Reserves at least until the year 2060.
- 1.9.5 Consult appropriate Neighbor Cities prior to addition of land to the UGB in their vicinity.
- 1.9.6 Add land to the UGB only after concept planning for the land has been completed by the responsible local governments in collaboration with Metro unless participants cannot agree on the plan and addition of the land is necessary to comply with ORS 197.299.
- 1.9.7 Provide the following procedures for expansion of the UGB:
 - a. A process for minor revisions
 - b. A complete and comprehensive process associated with the analysis of the capacity of the UGB required periodically of Metro by state planning laws
 - c. A process available for expansion to accommodate non-residential needs between the state-required capacity analyses
 - d. An accelerated process for addition of land to accommodate an immediate need for industrial capacity.
- 1.9.8 Use natural or built features, whenever practical, to ensure a clear transition from rural to urban land use.
- 1.9.9 Ensure that expansion of the UGB enhances the roles of Centers, Corridors and Main Streets.
- 1.9.10 Determine whether the types, mix and wages of existing and potential jobs within subareas justifies an expansion in a particular area.
- 1.9.11 Conduct an inventory of significant fish and wildlife habitat that would be affected by addition of land, and consider the effects of urbanization of the land on the habitat and measures to reduce adverse effects, prior to a decision on the proposed addition.
- 1.9.12 Use the choice of land to include within the UGB as an opportunity to seek agreement with landowners to devote a portion of residential capacity to needed workforce housing as determined by the Urban Growth Report adopted as part of the UGB expansion process.
- 1.9.13 Prepare a report on the effect of the proposed amendment on existing residential neighborhoods prior to approving any amendment or amendments of the urban growth boundary in excess of 100 acres and send the report to all households within one mile of the proposed UGB amendment area and to all cities and counties within the district. The report shall address:

- a. Traffic patterns and any resulting increase in traffic congestion, commute times and air quality.
- b. Whether parks and open space protection in the area to be added will benefit existing residents of the district as well as future residents of the added territory.
- c. The cost impacts on existing residents of providing needed public services and public infrastructure to the area to be added.

Policy 1.11 Neighbor Cities

It is the policy of the Metro Council to:

- 1.11.1 Coordinate concept planning of Urban Reserves with Neighbor Cities Sandy, Canby, Estacada, Barlow, North Plains, Banks and Vancouver to minimize the generation of new automobile trips between Neighbor Cities and the Metro UGB by seeking appropriate ratios of dwelling units and jobs within the Metro UGB and in Neighbor Cities.
- 1.11.2 Pursue agreements with Neighbor Cities, Clackamas and Washington Counties and the Oregon Department of Transportation to establish “green corridors” along state highways that link Neighbor Cities with cities inside the Metro UGB in order to maintain a rural separation between cities, to protect the civic identities of Neighbor Cities, and to protect the capacity of those highways to move people and freight between the cities.
- 1.11.3 Coordinate with Vancouver, Clark County and the Southwest Washington Transportation Council through the Bi-State Coordinating Committee and other appropriate channels on population and employment forecasting; transportation; economic development; emergency management; park, trail and natural area planning; and other growth management issues.

Policy 1.12 Protection of Agriculture and Forest Resource Lands

[Repealed]

Exhibit C to Ordinance No. 10-1238A

Title 5 of the Urban Growth Management Functional Plan is repealed.

Exhibit D to Ordinance No. 10-1238A

TITLE 11: PLANNING FOR NEW URBAN AREAS

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

3.07.1110 Planning for Areas Designated Urban Reserve

A. The county responsible for land use planning for an urban reserve and any city likely to provide governance or an urban service for the area, shall, in conjunction with Metro and appropriate service districts, develop a concept plan for the urban reserve prior to its addition to the UGB pursuant to Metro Code 3.01.015 and 3.01.020. The date for completion of a concept plan and the area of urban reserves to be planned will be jointly determined by Metro and the county and city or cities.

B. A concept plan shall achieve, or contribute to the achievement of, the following outcomes:

1. If the plan proposes a mix of residential and employment uses:
 - a. A mix and intensity of uses that will make efficient use of the public systems and facilities described in subsection C;
 - b. A development pattern that supports pedestrian and bicycle travel to retail, professional and civic services;
 - c. Opportunities for a range of needed housing types;
 - d. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics,

- such as proximity to transportation facilities, needed by employers;
 - e. Well-connected systems of streets, bikeways, parks and other public open spaces, natural areas, recreation trails and public transit;
 - f. Protection of natural ecological systems and important natural landscape features;
 - g. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands; or
2. If the plan involves fewer than 100 acres or proposes to accommodate only residential or employment needs, depending on the need to be accommodated:
- a. Opportunities for a range of needed housing types;
 - b. Sufficient employment opportunities to support a healthy economy, including, for proposed employment areas, lands with characteristics, such as proximity to transportation facilities, needed by employers;
 - c. Well-connected systems of streets, bikeways, pedestrian ways, parks, natural areas, recreation trails;
 - d. Protection of natural ecological systems and important natural landscape features;
 - e. Avoidance or minimization of adverse effects on farm and forest practices and important natural landscape features on nearby rural lands.

C. A concept plan shall:

1. Show the general locations of any residential, commercial, industrial, institutional and public uses proposed for the area with sufficient detail to allow estimates of the cost of the public systems and facilities described in paragraph 2;
2. For proposed sewer, park and trail, water and storm-water systems and transportation facilities, provide the following:
 - a. The general locations of proposed sewer, park and trail, water and storm-water systems;
 - b. The mode, function and general location of any proposed state transportation facilities, arterial facilities,

regional transit and trail facilities and freight intermodal facilities;

- c. The proposed connections of these systems and facilities, if any, to existing systems;
- d. Preliminary estimates of the costs of the systems and facilities in sufficient detail to determine feasibility and allow cost comparisons with other areas;
- e. Proposed methods to finance the systems and facilities; and
- f. Consideration for protection of the capacity, function and safe operation of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

3.If the area subject to the concept plan calls for designation of land for industrial use, include an assessment of opportunities to create and protect parcels 50 acres or larger and to cluster uses that benefit from proximity to one another;

4. Show water quality resource areas, flood management areas and habitat conservation areas that will be subject to performance standards under Titles 3 and 13 of the Urban Growth Management Functional Plan;

5. Be coordinated with the comprehensive plans and land use regulations that apply to nearby lands already within the UGB;

6. Include an agreement between or among the county and the city or cities and service districts that preliminarily identifies which city, cities or districts will likely be the providers of urban services, as defined at ORS 195.065(4), when the area is urbanized;

7. Include an agreement between or among the county and the city or cities that preliminarily identifies the local government responsible for comprehensive planning of the area, and the city or cities that will have authority to annex the area, or portions of it, following addition to the UGB;

8. Provide that an area added to the UGB must be annexed to a city prior to, or simultaneously with, application of city land use regulations to the area intended to comply with subsection C of section 3.07.1120; and

9. Be coordinated with schools districts.

D. Concept plans shall guide, but not bind:

1. The designation of 2040 Growth Concept design types by the Metro Council;
2. Conditions in the Metro ordinance that adds the area to the UGB; or
3. Amendments to city or county comprehensive plans or land use regulations following addition of the area to the UGB.

E. If the local governments responsible for completion of a concept plan under this section are unable to reach agreement on a concept plan by the date set under subsection A, then the Metro Council may nonetheless add the area to the UGB if necessary to fulfill its responsibility under ORS 197.299 to ensure the UGB has sufficient capacity to accommodate forecasted growth.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by Metro Code 3.01.040(b)(4).

B. If the concept plan developed for the area pursuant to Section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to Metro Code 3.01.040(b)(2);

4. Provision for affordable housing consistent with Title 7 of the Urban Growth Management Functional Plan if the comprehensive plan authorizes housing in any part of the area;

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

8. Provision for the financing of local and state public facilities and services; and

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

D. The county or city responsible for comprehensive planning of an area shall submit a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, to Metro within 30 days after adoption of new land use regulations for the area.

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

- A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;
- B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;
- C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in Metro Code section 3.01.010, or for a new public school;
- D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:
 - 1. A commercial use that is not accessory to industrial uses in the area; and
 - 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.

3.07.1140 Applicability

Section 3.07.1110 becomes applicable on March 31, 2011.

Exhibit E to Ordinance No. 10-1238A

REASONS FOR DESIGNATION OF URBAN AND RURAL RESERVES

I. Background

The 2007 Oregon Legislature authorized Metro and Clackamas, Multnomah and Washington Counties (“partner governments”) to designate urban reserves and rural reserves following the process set forth in ORS 195.137 – 195.145 (Senate Bill 1011) and implementing rules adopted by the Land Conservation and Development Commission (LCDC) (OAR 660 Division 27). The Legislature enacted the new authority in response to a call by local governments in the region to improve the methods available to them for managing growth. After the experience of adding over 20,000 acres to the regional urban growth boundary (UGB) following the soil-capability-based priority of lands in ORS 197.298, cities and the partner governments wanted to place more emphasis on the suitability of lands for sustainable urban development, longer-term security for agriculture and forestry outside the UGB, and respect for the natural landscape features that define the region.

The new statute and rules make agreements among the partner governments a prerequisite for designation of urban and rural reserves. The remarkable cooperation among the local governments of the region that led to passage of Senate Bill 1011 and adoption of LCDC rules continued through the process of designation of urban reserves by Metro and rural reserves by Clackamas, Multnomah and Washington Counties. The partners’ four ordinances are based upon the formal intergovernmental agreements between Metro and each county that are part of our record, developed simultaneously following long study of potential reserves and thorough involvement by the public.

II. OVERALL CONCLUSIONS

Metro Ordinance No. 10-1238 designates 28,615 gross acres as urban reserves, including urban reserves in each county. These lands are now first priority for addition to the region’s UGB when the region needs housing or employment capacity. As indicated in new policy in Metro’s Regional Framework Plan in Exhibit A to the ordinance, the urban reserves are intended to accommodate population and employment growth for 50 years, to year 2060.

Clackamas County Ordinance No. ZDO-233 designates 68,713 acres as rural reserves in Clackamas County. Multnomah County Ordinance No. 2010-1161 designates 46,706 acres as rural reserves in Multnomah County. Washington County Ordinance No. 733 designates 151,536 acres as rural reserves in that county. As indicated in new policies in the Regional Framework Plan and the counties’ Comprehensive Plans, these rural reserves – 266,954 acres in total - are now protected from urbanization for 50 years. Staff Report, June 9, 2010, Metro Rec.118. The governments of the region have struggled with the urban-farm/forest interface, always searching for a “hard edge” to give farmers and foresters some certainty to encourage investment in their businesses. No road, stream or floodplain under the old way of expanding the UGB offers the long-term certainty of the edge of a rural reserves with at least a 50-year lifespan.

This certainty is among the reasons the four governments chose the longer, 50-year, reserves period.

The region's governments have also debated how best to protect important natural landscape features at the edges of the urban area. The partners' agreements and these ordinances now identify the features that will define the extent of outward urban expansion.

The region's urban and rural reserves are fully integrated into Metro's Regional Framework Plan and the Comprehensive Plans of Clackamas, Multnomah and Washington counties. Metro's plan includes a map that shows urban and rural reserves in all three counties. Each of the county plans includes a map that shows urban and rural reserves in the county. The reserves shown on each county map are identical to the reserves shown in that county on the Metro map. Each of the four plans contains new policies that ensure accomplishment of the goals for the reserves set by the four local governments and by state law. These new policies are consistent with, and carry out, the intergovernmental agreements between Metro and the three counties signed in February, 2010.

Together, these reserves signal the region's long-term limits of urbanization, its commitment to stewardship of farmland and forests, and its respect for the features of the natural landscape that give the people of the region their sense of place. Urban reserves, if and when added to the UGB, will take some land from the farm and forest land base. But the partners understood from the beginning that some of the very same characteristics that make an area suitable for agriculture also make it suitable for industrial uses and compact, mixed-use, pedestrian and transit-supportive urban development. The most difficult decisions made by the four governments involved Foundation Agricultural Land¹ near the existing UGB and the circumstances in which this land should be designated as urban reserve to accommodate growth in a compact form and provide opportunities for industrial development difficult or impossible on steep slopes.

Some important numbers help explain why the partners came to agree that the adopted system, in its entirety, achieves this balance. Of the total 28,615 acres designated urban reserves, approximately 13,981 acres are Foundation or Important Agricultural Land. This represents only four percent of the Foundation and Important Agricultural Land studied for possible urban or rural reserve designation. If all of this land is added to the UGB over the next 50 years, the region will have lost five percent of the farmland base in the three-county area. Staff Report, June 9, 2010, Metro Rec.119; 179-180.

There is a second vantage point from which to assess the significance for agriculture of the designation of urban reserves in the three-county region: the percentage of land zoned for exclusive farm use in the three counties that is designated urban reserve. Land zoned EFU has emerged over 35 years of planning as the principal land base for agriculture in the counties, and is protected for that purpose by county zoning. The inventory of Foundation and Important

¹ Those lands mapped as Foundation Agricultural Land in the January, 2007, Oregon Department of Agriculture report to Metro entitled "Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands.

Agricultural Lands includes land that is “exception land” no longer protected for agriculture for farming. Of the 28,615 acres designated urban reserves, some 10,767 acres are zoned EFU. Even including the 2,774 acres of these EFU lands that are classified by ODA as “conflicted”, these 10,767 acres represent four percent of all land zoned EFU in the three counties. If the “conflicted” acres are removed from consideration, the percentage drops to four percent. Staff Report, June 9, 2010, Metro Rec.179-180.

If the region’s effort to contain urban development within the existing UGB and these urban reserves for the next 50 years is successful, the UGB will have accommodated an estimated 74 percent increase in population on an 11-percent increase in the area within the UGB. No other region in the nation can demonstrate this growth management success. Most of the borders of urban reserves are defined by a 50-year “hard edge” of 266,954 acres designated rural reserves, nearly all of which lies within five miles of the existing UGB. Of these rural reserves, approximately 249,116 acres are Foundation or Important Agricultural Land. Staff Report, June 9, 2010, Metro Rec.119-120; 179-180.

Why did the region designate *any* Foundation Agricultural Land as urban reserve? The explanation lies in the geography and topography of the region, the growing cost of urban services and the declining sources of revenues to pay for them, and the fundamental relationships among geography, topography and the cost of services. The region aspires to build “great communities.” Great communities are those that offer residents a range of housing types and transportation modes from which to choose. Experience shows that compact, mixed-use communities with fully integrated street, pedestrian, bicycle and transit systems offer the best range of housing and transportation choices. *State of the Centers: Investing in Our Communities*, January, 2009. Metro Rec.181-288. The urban reserves factors in the reserves rules derive from work done by the region to identify the characteristics of great communities. Urban reserve factors (1), (3), (4),and(6)² especially aim at lands that can be developed in a compact, mixed-use, walkable and transit-supportive pattern, support by efficient and cost-effective services. Cost of services studies tell us that the best geography, both natural and political, for compact, mixed-use communities is relatively flat, undeveloped land. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481.

The region also aspires to provide family-wage jobs to its residents. Urban reserve factor (2) directs attention to capacity for a healthy economy.³ Certain industries the region wants to attract prefer large parcels of flat land. Staff Report, June 9, 2010, Metro Rec. 172-178. Water,

² (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

(3) Can be efficiently and cost-effectively service with public schools and other urban-level public facilities and services by appropriate and financially capable providers;

(4) Can be designed to be walkable and service with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate services providers;

(6) Includes sufficient land suitable for a range of needed housing types.

³ (2) Includes sufficient development capacity to support a healthy economy.

sewer and transportation costs rise as slope increases. *Core 4 Technical Team Preliminary Analysis Reports for Water, Sewer and Transportation*, Metro Rec. 1163-1187; *Regional Infrastructure Analysis*, Metro Rec. 440-481. Converting existing low-density rural residential development into compact, mixed-use communities through infill and re-development is not only very expensive, it is politically difficult. There is no better support for these findings than the experience of the city of Damascus, trying since its addition to the UGB in 2002 to gain the acceptance of its citizens for a plan to urbanize a landscape characterized by a few flat areas interspersed among steeply sloping buttes and incised stream courses and natural resources. Staff Report, June 9, 2010, Metro Rec.289-300.

Mapping of slopes, parcel sizes, and Foundation Agricultural Land revealed that most flat land in large parcels without a rural settlement pattern at the perimeter of the UGB lies outside Hillsboro, Cornelius, Forest Grove, Beaverton, and Sherwood. These same lands provide the most readily available supply of large lots for industrial development. *Business Coalition Constrained Land for Development and Employment Map*, Metro Rec. 301; 1105-1110. Almost all of it is Foundation Agricultural Land. Had the region been looking only for the best land to build great communities, nearly all the urban reserves would have been around these cities. It is no coincidence that these cities told the reserves partners that they want significant urban reserves available to them, while most other cities told the partners they want little or no urban reserves. *Washington County Cities' Pre-Qualified Concept Plans*, WashCo Rec. 3036-3578.

Despite these geopolitical and cost-of-services realities, the reserves partners designated extensive urban reserves that are *not* Foundation Agricultural Lands in order to meet the farm and forest land objectives of reserves, knowing they will be more difficult and expensive to urbanize:

Urban Reserve 1D east of Damascus and south of Gresham (2,716 acres);
Urban Reserve 2A south of Damascus (1,239 acres);
Urban Reserves 3B, C, D, F and G around Oregon City (2,232 acres);
Urban reserves 4A, B and C in the Stafford area (4,699 acres);
Urban reserves 4D, E, F, G and H southeast of Tualatin and east of Wilsonville (3,589 acres);
Urban Reserve 5F between Tualatin and Sherwood (572 acres);
Urban Reserve 5G west of Wilsonville (203 acres); and
Urban Reserve 5D south of Sherwood (447 acres).

This totals approximately 15,697 acres, 55 percent of the lands designated urban reserve.

Our reasons for not selecting more non-Foundation Agricultural Land as urban reserves from the 400,000 acres studied can be found in our analysis of these lands using the urban reserve factors. First, we began our analysis by examining lands within five miles of the UGB. Most of these lands initially studied are beyond the affordable reach of urban services. With one exception (Urban Reserve 1D), designated urban reserves lie within two miles of the UGB.

Second, much of the Important and some Conflicted Agricultural Lands are separated from the UGB by, or include, important natural landscape features:

- East of Sandy: the Sandy River Canyon and the county's scenic river overlay zone
- Eagle Creek and Springwater Ridge: the bluffs above the Clackamas River
- Clackamas Heights (portion closest to UGB): Abernethy Creek
- South of Oregon City: steep slopes drop to Beaver Creek
- West Wilsonville: Tonquin Scablands
- Bethany/West Multnomah: Forest Park and stream headwaters and courses.

Urban reserve factors (5), (7) and (8)⁴ seek to direct urban development away from important natural landscape features and other natural resources.

Third, much of the Important and Conflicted Agricultural Lands rate lower against the urban reserves factors in comparison to areas designated urban reserve, or remain undesignated for possible designation as urban reserve if the region's population forecast proves too low:⁵

- Clackamas Heights
- East Wilsonville
- West Wilsonville
- Southeast of Oregon City
- Southwest of Borland Road
- Between Wilsonville and Sherwood

Lastly, some of the Important and Conflicted Agricultural Lands lies adjacent to cities in the region that have their own UGBs and want their own opportunities to expand over time:

- Estacada
- Sandy

These reasons are more fully set forth in the explanations for specific urban and rural reserves in sections VI-VIII.

The record of this two and one-half-year effort shows that not every partner agreed with all urban reserves in each county. But each partner agrees that this adopted system of urban and rural reserves, in its entirety, achieves the region's long-range goals and a balance among the objectives of reserves: to accommodate growth in population and employment in sustainable and

⁴ (5) Can be designed to preserve and enhance natural ecological systems;

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves;

(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 designated as rural reserves.

⁵ "Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next 40 years, or (conversely) that are not subject to a threat of urbanization." Letter from nine state agencies to the Metro Regional Reserves Steering Committee, October 14, 2009, page 15.

prosperous communities and neighborhoods, to preserve the vitality of the farms and forests of the region, and to protect defining natural landscape features. The partners are confident that this system of reserves will allow the continuation of vibrant and mutually-reinforcing farm, forest and urban economies for the next 50 years. And the partners agree this system is the best system the region can adopt by mutual agreement.

III. OVERALL PROCESS OF ANALYSIS AND PUBLIC INVOLVEMENT

A. Analysis and Decision-Making

The three counties and Metro began reserves work as soon as LCDC adopted the new rules on reserves (OAR Division 27). The four governments formed committees and began public involvement to raise awareness about reserves and help people learn how to engage in the process. Each of the four governments selected one of its elected officials to serve on the “Core 4”, established to guide the designation process and formulate recommendations to the county boards and the Metro Council. The four governments also established a “Reserves Steering Committee” (RSC) to advise the Core 4 on reserves designation. The RSC represented interests across the region - from business, agriculture, social conservation advocacy, cities, service districts and state agencies (52 members and alternates).

The four governments established an overall Project Management Team (PMT) composed of planners and other professions from their planning departments. Each county established an advisory committee to provide guidance and advice to its county board, staffed by the county’s planning department.

As part of technical analysis, staff gathered providers of water, sewer, transportation, education and other urban services to consider viability of future service provision to lands within the study area. The parks and open space staff at Metro provided guidance on how best to consider natural features using data that had been deeply researched, broadly vetted and tested for social and political acceptance among Willamette Valley stakeholders (Oregon Wildlife Conservation Strategy, Pacific Northwest Research Consortium, Willamette Valley Futures, The Nature Conservancy’s Ecoregional Assessment). Business leaders, farm bureaus and other representative groups were consulted on an ongoing basis.

The first major task of the Core 4 was to recommend a reserves study area to the county boards and the Metro Council. With advice from the RSC, the county advisory committees and public comment gathered open houses across the region, the Core 4 recommended for further analysis some 400,000 acres around the existing urban area, extending generally five miles from the UGB. The four governments endorsed the study area in the fall of 2008. Then the task of applying the urban and rural reserve factors to specific areas began in earnest.

The county advisory committees reviewed information presented by the staff and advised the staff and county boards on how each “candidate area” rated under each reserves factor. The county staffs brought this work to the RSC for discussion. After a year’s worth of work at regular meetings, the RSC made its recommendations to the Core 4 in October, 2009.

Later in the fall, each elected body held hearings to hear directly from their constituents on proposed urban and rural reserves. Public involvement included six open houses, three Metro

Council hearings around the region and a virtual open house on the Metro web site, all providing the same maps, materials and survey questions.

Following this public involvement, the Core 4 submitted its final recommendations to the four governments on February 8, 2010. The recommendation included a map of proposed urban and rural reserves, showing reserves upon which there was full agreement (the large majority of proposed reserves) and reserves upon which disagreements were not resolved. The Core 4 proposed that these differences be settled principally in bilateral discussions between each county and Metro, the parties to the intergovernmental agreements (IGAs) required by ORS 195.141. Over the next two weeks, the Metro Council reached agreement on reserves with each county. By February 25, 2010, Metro had signed an IGA with Clackamas, Multnomah and Washington counties. Metro Rec.302; 312; 404.

The IGAs required each government to amend its plan to designate urban (Metro) or rural (counties) reserves and protect them for their intended purposes with plan policies. The IGAs also set times for final public hearings on the IGA recommendations and adoption of ordinances with these plan policies in May and June. The four governments understood that the IGAs and map of urban and rural reserves were not final decisions and, therefore, provided for final adjustments to the map to respond to public comment at the hearings. By June 15, 2010, the four governments had adopted their reserves ordinances, including minor revisions to the reserves map.

B. Public Involvement

From its inception, the reserves designation process was designed to provide stakeholders and the public with a variety of ways to help shape the process and the final outcome. Most significantly, the decision process required 22 elected officials representing two levels of government and 400,000 acres of territory to craft maps and agreements that a majority of them could support. These commissioners and councilors represent constituents who hold a broad range of philosophical perspectives and physical ties to the land. Thus, the structure of the reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.

In the last phase of the reserve process – adoption of ordinances that designate urban and rural reserves - each government followed its established procedure for adoption of ordinances: notice to citizens; public hearings before its planning commission (in Metro’s case, recommendations from the Metro Planning Advisory Committee) and public hearings before its governing body. But in the more-than-two years leading to this final phase, there were additional advisory bodies established.

The RSC began its work in early 2008. RSC members were expected to represent social and economic interests to the committee and officials and to serve as conduits of communication back to their respective communities. In addition, RSC meetings were open to the public and provided an additional avenue for citizens to voice their concerns—either by asking that a steering committee member represent their concern to the committee or by making use of the public testimony period at the beginning of each meeting.

Once the three county advisory committees got underway, they, like the RSC, invited citizens were to bring concerns to committee members or make statements at the beginning of each meeting.

Fulfilling the requirements of DLCD's administrative rules on reserves and the reserves work program, the three counties and Metro developed a Coordinated Public Involvement Plan in early 2008 that provided guidance on the types of public involvement activities, messages and communications methods that would be used for each phase of the reserves program. The plan incorporated the requirements of Oregon law and administrative rules governing citizen involvement and reflects comments and feedback received from the Metro Council, Core 4 members, each jurisdiction's citizen involvement committee, other county-level advisory committees and the RSC. The Citizen Involvement Advisory Committee of the Oregon Land Conservation and Development Commission (LCDC) reviewed and endorsed the Public Involvement Plan.

The four governments formed a public involvement team, composed of public involvement staff from each county and Metro, to implement the Public Involvement Plan. The team cooperated in all regional efforts: 20 open houses, two "virtual open houses" on the Metro web site, additional online surveys, presentations, printed materials and analysis and summaries of comments. The team members also undertook separate county and Metro-specific public engagement activities and shared methodologies, materials and results.

Elected officials made presentations to community planning organizations, hamlets, villages, city councils, advocacy organizations, civic groups, chambers of commerce, conferences, watershed councils, public affairs forums, art and architecture forums, and many other venues. Staff and elected officials appeared on television, on radio news broadcasts and talk shows, cable video broadcasts and was covered in countless news articles in metro outlets, gaining publicity that encouraged public engagement. Booths at farmers' markets and other public events, counter displays at retail outlets in rural areas, library displays and articles in organization newsletters further publicized the opportunities for comment. Materials were translated into Spanish and distributed throughout all three counties. Advocacy organizations rallied supporters to engage in letter email campaigns and to attend public meetings. Throughout the reserves planning process the web sites of each county and Metro provided information and avenues for feedback. While there have been formal public comment periods at key points in the decision process, the reserves project team invited the public to provide comment freely throughout the process.

In all, the four governments made extraordinary efforts to engage citizens of the region in the process of designating urban and rural reserves. The public involvement plan provided the public with more than 180 discrete opportunities to inform decision makers of their views urban and rural reserves. A fuller account of the public involvement process the activities associated with each stage may be found at Staff Report, June 9, 2010, Metro Rec.123-155.

IV. AMOUNT OF URBAN RESERVES

A. Forecast

Metro developed a 50-year “range” forecast for population and employment that was coordinated with the 20-year forecast done for Metro’s UGB capacity analysis, completed in December, 2009. The forecast is based on national economic and demographic information and is adjusted to account for regional growth factors. The partner governments used the upper and lower ends of the 50-year range forecast as one parameter for the amount of land needed to accommodate households and employment. Instead of aiming to accommodate a particular number of households or jobs within that range, the partners selected urban reserves from approximately 400,000 acres studied that best achieve the purposes established by the Land Conservation and Development Commission [set forth in OAR 660-027-0005(2)] and the objectives of the partner governments.

B. Demand and Capacity

Estimating land demand over the next 50 years is difficult as a practical matter and involves much uncertainty. The Land Conservation and Development Commission (LCDC) recognizes the challenge of estimating long-term need even for the 20-year UGB planning period. In the section of OAR Division 24 (Urban Growth Boundaries) on “Land Need”, the Commission says:

“The 20-year need determinations are estimates which, although based on the best available information and methodologies, should not be held to an unreasonably high level of precision.”

OAR 660-024-0040(1). The uncertainties loom much larger for a 40 to 50-year estimate. Nonetheless, Metro’s estimate of need for a supply of urban reserves sufficient to accommodate housing and employment to the year 2060 is soundly based in fact, experience and reasonable assumptions about long-range trends.

The urban reserves estimate begins with Metro’s UGB estimate of need for the next 20 years in its *Urban Growth Report 2009-2030*, January, 2010 (adopted December 17, 2009). Metro Rec. 646-648; 715. Metro relied upon the assumptions and trends underlying the 20-year estimate and modified them where appropriate for the longer-term reserves estimate, and reached the determinations described below.

The 50-year forecast makes the same assumption on the number of households and jobs needed to accommodate the population and employment coming to the UGB from the seven-county metropolitan statistical area (MSA) as in the *Urban Growth Report*: approximately 62 percent of the MSA residential growth and 70 percent of the MSA employment growth will come to the metro area UGB. *COO Recommendation, Urban Rural Reserves*, Appendix 3E-C, Metro Rec. 599; Appendix 3E-D, Metro Rec. 606-607.

Metro estimates the demand for new dwelling units within the UGB over the next 50 years to be between 485,000 and 532,000 units. *COO Recommendation, Urban Rural Reserves*, Appendix 3E-C, Metro Rec. 599. Metro estimates between 624,300 and 834,100 jobs will locate within the UGB by 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Table D-3*, Metro Rec. 607. Staff Report, June 9, 2010, Metro Rec.121-122.

The region will focus its public investments over the next 50 years in communities inside the existing UGB and, as a result, land within the UGB would develop close to the maximum levels allowed by existing local comprehensive plan and zone designations. This investment strategy is expected to accommodate 70 to 85 percent of growth forecasted over that period. No increase in zoned capacity within the UGB was assumed because, at the time of adoption of reserves ordinances by the four governments, the Metro Council will not have completed its decision-making about actions to increase the capacity of the existing UGB as part of Metro's 2009 capacity analysis. For those areas added to the UGB between 2002 and 2005 for which comprehensive planning and zoning is not yet complete, Metro assumed the areas would accommodate all the housing and employment anticipated in the ordinances that added the areas to the UGB over the reserves planning period. Fifty years of enhanced and focused investment to accommodate growth will influence the market to use zoned capacity more fully.

Consistent with residential capacity analysis in the *Urban Growth Report*, vacant land in the existing UGB can accommodate 166,600 dwelling units under current zoning over the next 50 years. Infill and re-development over this period, with enhanced levels of investment, will accommodate another 212,600 units. This would leave approximately 152,400 dwelling units to be accommodated on urban reserves through 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 5-6, Metro Rec. 602-603.*

Based upon the employment capacity analysis in the *Urban Growth Report*, the existing UGB has sufficient capacity – on vacant land and through re-development over the 50-year reserves period - for overall employment growth in the reserves period. However, this supply of land does not account for the preference of some industrial employers for larger parcels. To accommodate this preference, the analysis of the supply of larger parcels was extrapolated from the *Urban Growth Report*. This leads to the conclusion that urban reserves should include approximately 3,000 acres of net buildable land that is suitable for larger-parcel industrial users. *COO Recommendation, Urban Rural Reserves, Appendix 3E-D, Metro Rec. 609-610; Staff Report, June 9, 2010, Metro Rec.122.*

Metro assumed residential development in urban reserves, when they are added to the UGB over time, would develop at higher densities than has been the experience in the past, for several reasons. First, the region is committed to ensuring new development at the edges of the region contributes to the emergence of “great communities”, either new communities or as additions to existing communities inside the UGB. Second, because many urban reserves are “greenfields”, they can be developed more efficiently than re-developing areas already inside the UGB. Third, demographic trends, noted in the *Urban Growth Report* that is the starting point for Metro's 2010 capacity analysis, indicate increasing demand for smaller housing units. This reasoning leads to the assumption that residential development will occur in reserves, when added to the UGB, at 15 units per net buildable acre overall, recognizing that some areas (centers, for example) would settle at densities higher than 15 units/acre and others (with steep slopes, for example) would settle at densities lower than 15 units/acre. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C, pp. 6-7; Staff Report, June 9, 2010, Metro Rec.121-122.*

Metro also assumed greater efficiencies in use of employment lands over the next 50 years. The emerging shift of industrial activity from production to research and development will continue, meaning more industrial jobs will be accommodated in high- floor-to-area-ratio (FAR) offices rather than low-FAR general industrial space. This will reduce the need for general industrial and warehouse building types by 10 percent, and increase the need for office space. Office space, however, will be used more efficiently between 2030 and 2060, reducing that need by five percent. Finally, the analysis assumes a 20-percent increase in FARs for new development in centers and corridors, but no such increase in FARs in industrial areas. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 603-604; Staff Report, June 9, 2010, Metro Rec.121-122.

These assumptions lead to the conclusion that 28,615 acres of urban reserves are needed to accommodate 371,860 people and employment land targets over the 50-year reserves planning period to 2060. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 601-603; *Appendix 3E-D*, Metro Rec.607-610; Staff Report, June 9, 2010, Metro Rec.121-122. The nine state agencies that served on the Reserves Steering Committee said the following about the amount of urban land the region will need over the long-term:

“The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.” *Letter to Metro Regional Steering Committee, October 14, 2009*, Metro Rec. 1373.

Based upon the assumptions described above about efficient use of land, the four governments believe the region can accommodate 50 years’ worth of growth, not just 40 years’ of growth.

V. IMPLEMENTING URBAN RESERVES

To ensure that urban reserves ultimately urbanize in a manner consistent with the Regional Framework Plan, Ordinance No. 10-1238 amended Title 11 (Planning for New Urban Areas) (Exhibit D) of Metro’s Urban Growth Management Functional Plan to require planning of areas of urban reserve prior to inclusion into the UGB. Title 11 now requires a “concept plan” for an urban reserve area prior to UGB expansion. A concept plan must show how development would achieve specified outcomes. The outcomes derive from the urban reserve factors in OAR 660-027-0050, themselves based in part on the characteristics of “great communities” identified by local governments of the region as part of Metro’s “Making the Greatest Place” initiative. Title 11 sets forth the elements of a concept plan, including:

- the general locations of types of uses
- the general locations of the urban services (including transportation systems) needed to support the uses

- estimates of the cost of the services to determine the feasibility of urbanization and to allow comparisons of urban reserves
- the locations of natural resources that will be subject to Title 3 and 13 of the UGMFP
- agreement among local governments and other service providers on provision of services to the area
- agreement among the local governments on annexation of the area to a city or cities and responsibility for planning and zoning.

Title 11 continues to limit development in areas added to the UGB to protect the opportunity for efficient urbanization during the time needed to adopt new local government plan provisions and land use regulations. Title 11, together with the comprehensive plans of the receiving local governments and Metro's Regional Framework Plan (including the 2035 Regional Transportation Plan), will ensure land use and transportation policies and designations will allow mixed-use and pedestrian, bicycle and transit-supportive development once urban reserve areas are added to the UGB. Staff Report, June 9, 2010, Metro Rec.8-13.

VI. REASONS FOR URBAN AND RURAL RESERVES IN CLACKAMAS COUNTY

A. Clackamas County: Urban Reserves

Urban Reserves 1D and 1F: Boring

General Description: This Urban Reserve comprises approximately 4,200 acres, bordered by the cities of Gresham on the north and Damascus on the west. The eastern-most boundary of this Urban Reserve is located approximately two miles from the City of Sandy's Urban Reserve. The community of Boring, which is identified as a Rural Community in the County Comprehensive Plan, is located in the southern part of this area, and its boundary is the southern edge of this Urban Reserve. Highway 26 forms the northern boundary of this Urban Reserve.

Development in this area is focused in the community of Boring, which has several commercial and employment uses and a small residential community. There is also an area of non-conforming commercial uses located at the eastern edge of this Urban Reserve, along the north side of St. Hwy. 212. Rural residential homesites mixed with smaller farms characterize the area west of 282nd Avenue. The area east of 282nd Ave., north of Boring, has several larger, flat parcels that are being farmed.

There are two significant buttes located in the northwest part of this Urban Reserve. These buttes have been identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". These buttes are wooded. Existing rural homesites are scattered on the slopes. There is minimal development potential on these buttes.

The area west of SE 282nd Ave., outside Boring, is identified as Conflicted Agricultural Land. The area east of SE 282nd Ave. (Area1F) is identified as Foundation Agricultural Land. This is the only Foundation Agricultural Land in Clackamas County included in an Urban Reserve.

Conclusions and Analysis: Designation of the Boring Area as an Urban Reserve is consistent with OAR 660-027. The Boring Urban Reserve provides one of Clackamas County's few

identified employment land opportunities. The larger, flat parcels in Area 1F are suitable as employment land. This area is served by St. Hwy. 26 and St. Hwy 212, transportation facilities that have been identified by ODOT as having additional capacity. Development of this area for employment uses also would be a logical complement to the Springwater employment area in Gresham.

Portions of this Urban Reserve also satisfy some of the factors for designation as a Rural Reserve. Area 1F is comprised of Foundation Agricultural Land. Two buttes located in the northwest corner of this Urban Reserve are included in Metro's February 2007 "Natural Landscape Features Inventory". The City of Sandy has requested a Rural Reserve designation for Area 1F, to maintain separation between the Portland Metro Urban Growth Boundary and the City's urban area.

On balance, designation as an Urban Reserve is the appropriate choice. As explained below, designation as an Urban Reserve meets the factors for designation provided in OAR 660-027-0050. Area 1F is the only Urban Reserve in Clackamas County containing Foundation Agricultural Land. While this area does contain commercial farms, it also is impacted by a group of non-conforming commercial uses located near the intersection of the two state highways. The area west of SE 282nd is identified as Conflicted Agricultural Land. The two state highways and the rural community of Boring provide logical boundaries for this area.

The Boring Urban Reserve and the Urban Reserve that includes the Borland Area (Area 4C) are the only areas containing a significant amount of larger, flatter parcels suitable for employment uses. The Principles for concept planning recognize the need to provide jobs in this part of the region, and also recognize that the Boring Urban Reserve is identified principally to meet this need. There are no other areas with land of similar character in the eastern part of the region. Designation of Areas 1D and 1F as an Urban Reserve is necessary to provide the opportunity for development of employment capacity in this part of the region. These facts justify including this small area of Foundation Farmland in the Urban Reserve, in accord with OAR 660-027-0040(11).

The two buttes have little or no potential for development. While they could be designated as a Rural Reserve, such a designation would leave a small Rural Reserve located between the existing Urban Growth Boundary and the remainder of the Boring Urban Reserve. The buttes can be protected by the city which will govern this area when it is added to the Urban Growth Boundary. The Principles also recognize the need to account for these important natural landscape features during development of concept plans for this area.

The City of Sandy has objected to the designation of Area 1F as an Urban Reserve. ClackCo Rec.3286-3288. The City points to a 1998 Intergovernmental Agreement among Metro, Sandy, Clackamas County and, the Oregon Department of Transportation.⁶ Among other things this IGA states a purpose to "designate areas of rural land to separate and buffer Metro's Urban Growth Boundary and Urban Reserve areas from the City's Urban Growth Boundary and Urban

⁶ The agreement was never signed by the Oregon Department of Transportation.

Reserve areas. The IGA also recognizes the desire to protect a view corridor along Hwy 26. The parties are negotiating an update to this agreement.

The Principles require concept planning for the Boring Urban Reserve to “recognize the need to provide and protect a view corridor considering, among other things, landscaping, signage and building orientation....” The 2 miles between the Boring Urban Reserve and the City of Sandy’s Urban Reserve area is being designated as a Rural Reserve, assuring separation of these two urban areas.

Designation of the Boring Urban Reserve is consistent with the factors for designation provided in OAR 660-027-0050.

- 1) The Boring Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. Metro’s Urban Study Area Analysis (Map A) demonstrates the relatively large amount of land suitable for development in this urban Reserve, particularly in Area 1F and the eastern half of Area 1D. The existing community of Boring also provides a focal point for commercial and residential development in this Urban Reserve. The buttes in the northwestern corner of this area, adjacent to Damascus and Gresham, have very little potential for additional urban-level development, but most of the rest of this Urban Reserve, comprised of larger lots with moderate or flat terrain, can be developed at urban densities.
- 2) The Boring Urban Reserve includes sufficient development capacity to support a healthy economy. This is one of the few areas in Clackamas County, adjacent to the Urban Growth Boundary, with access to a state highway, and possessing larger parcels and flat terrain conducive to development of employment uses. The area also is proximate to the Springwater employment area in Gresham. The existing community of Boring provides the opportunity for redevelopment providing the commercial uses supportive of a complete community.
- 3) The Boring Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. While substantial investment will be necessary to provide facilities, compared to other areas in the region, the Boring Urban Reserve Area has a high or medium suitability rating (see Sewer Serviceability Ratings Map and Water Serviceability Map). ODOT has indicated that this area is “moderately suitable” for urbanization, which is one of the higher ratings received in the region. While the buttes and steeper terrain on the west will be difficult to develop with a road network, the rest of the Urban Reserve is relatively flat and unencumbered.
- 4) Most of the Boring Urban Reserve 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. The buttes and associated steep slopes would be difficult to develop. The rest of the Urban Reserve has few limitations to development of multi-modal, urban neighborhoods.

- 5) The Boring Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The buttes and associated steep terrain are the most significant features in this Urban Reserve. Parcelization and existing development, in addition to the physical characteristics of these areas make development potential extremely limited. The Principles note the need to recognize these important natural landscape features when a concept plans are developed.
- 6) The Boring Urban Reserve includes sufficient land suitable to provide for a range of housing types. This Urban Reserve has more land suitable for development than other Urban Reserves in Clackamas County. There is an existing community that will provide a focal point for the eventual urbanization of the Boring Urban Reserve.
- 7) Concept planning for the Boring Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The area along the western half of this Urban Reserve is identified as Conflicted Agricultural Land and is adjacent to the cities of Gresham and Damascus. The northern boundary is clearly delineated by Hwy 26. Most of the southern boundary is formed by the existing developed community of Boring. Hwy 212 provides a clear demarcation from the rest of the area south of this Urban Reserve. The size of this area also will allow planning to design the urban form to minimize effects on the agricultural areas to the north and east.

Urban Reserve 2A: Damascus South

General Description: The Damascus South Urban Reserve is approximately 1,240 acres. This Urban Reserve is adjacent to the southern boundary of the City of Damascus. Approximately 500 acres is located within the City of Damascus, although outside the Urban Growth Boundary. The southern and western boundaries of the Urban Reserve are clearly demarked by the steep terrain characterizing the Clackamas Bluffs, which are identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". The eastern boundary of the Urban Reserve is established by the Deep Creek Canyon, which also is identified as an important natural landscape feature.

This urban reserve is comprised of moderately rolling terrain, with a mix of farms and scattered rural residential uses on smaller parcels. There are several larger ownerships located east of SE 282nd Avenue. The entire area is identified as Conflicted Agricultural Land.

Analysis and Conclusions: Designation of the Damascus South Urban Reserve area is a logical extension of the City of Damascus, providing additional opportunity for housing and employment uses. Portions of this area are already located in the City of Damascus. Additional areas were identified as important developable urban land in the Damascus Concept Plan. The boundaries of the Damascus South Urban Reserve are formed by important natural landscape features.

This area was considered for designation as a Rural Reserve, but does not satisfy the factors stated in OAR 660-027-0060. The entire area is designated as Conflicted Agricultural Land.

Some of the land is located within the City of Damascus. The southern boundary of the Urban Reserve is established to exclude the Clackamas Bluffs, which are identified in Metro's February 2007 "Natural Landscape Features Inventory". The eastern boundary excludes the Noyer and Deep Creek canyons, which also were included in this inventory.

As explained in the following paragraphs, designation as an Urban Reserve is consistent with the factors for designation set forth in OAR 660-027-0050.

OAR 660-027-0050

- 1) The Damascus South Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. A large part of this area already is located within the City of Damascus. Parts of the Urban Reserve were planned for urban development in the Damascus Concept Plan. While there are several older subdivisions scattered throughout the area that may be difficult to redevelop, most of this area is comprised of larger parcels suitable for development at urban densities, with mixed use and employment uses. The terrain for most of the area is gently rolling, and there are no floodplains, steep slopes, or landslide topography that would limit development potential.
- 2) There is sufficient development capacity to assist in supporting a healthy economy. The eastern part of this area, in particular, is characterized by larger parcels, with few development limitations, that are suitable for development of employment uses.
- 3) The Damascus South Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers. There have been no comments from local school districts indicating any specific concerns regarding provision of schools to this area, although funding for schools is an issue throughout the region. Technical assessments rate this area as having "high suitability" for the provision of sewer. Addition of the eastern part of this Urban Reserve will facilitate the provision of sewer to the existing urban area within the City of Damascus. ClackCo Rec. 795. ClackCo Rec. 796. This area is rated as having "high and medium suitability" for the provision of water. The ability to provide transportation facilities is rated as "medium" for this area, which has few physical limitations. ClackCo Rec. 797-798.
- 4) The Damascus South Urban Reserve can be developed with a walkable, connected system of streets, bikeways, recreation trails and public transit, provided by appropriate service providers. As previously explained, the physical characteristics of this area will be able to support urban densities and intensities necessary to create a multi-modal transportation system. Previous planning efforts, including the Damascus Concept Plan, demonstrate this potential.
- 5) Development of the Damascus South Urban Reserve can preserve and enhance natural ecological systems. The boundaries of this Urban Reserve avoid the steeper terrain of the Clackamas Bluffs and the Deep Creek Canyon. The area is large enough to provide the

opportunity for flexibility in the regulatory measures that create the balance between protection of important natural systems and development.

- 6) The Damascus South Urban Reserve includes sufficient land suitable for a range of needed housing types. As previously explained, there are few physical impediments to development in this Urban Reserve. This area also is adjacent to the developing urban area of Damascus, which also will be providing housing for this area.
- 7) There are no important natural landscape features identified Metro's 2007 "Natural Landscape Features Inventory" located in the Damascus south Urban Reserve. The boundaries of this Urban Reserve are designed to exclude such features from the Urban Reserve.
- 8) Development of this Urban Reserve 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 designated as rural reserves. This area is identified as Conflicted Agricultural Land, primarily because it is physically isolated from other nearby agricultural land. The Deep Creek and Noyer Creek canyons provide a physical boundary from nearby agricultural areas to the east. Similarly, these areas, and the Clackamas Bluffs, are not identified as areas where significant forest operations are occurring.

Urban Reserves 3B, 3C, 3D, 3F and 3G: Holcomb, Holly Lane, Maple Lane, Henrici, Beaver Creek Bluffs in Oregon City Area

General Description: These five areas comprise approximately 2150 acres, located adjacent to the City of Oregon City. The Holcomb area is approximately 380 acres, along SE Holcomb Rd., adjacent to Oregon City on the east. Terrain is varied, with several flat parcels that could be developed in conjunction with the Park Place area, which was recently included in the Urban Growth Boundary. This area is developed with rural residences. The area is comprised of Conflicted Agricultural Land.

The Holly Lane area is approximately 700 acres, and includes the flatter parcels along SE Holly Lane, Hwy. 213, and the steep canyon bordering Newell Creek, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". There are landslide areas identified along the Newell Creek canyon (see Metro Urban and Rural Reserve Study Areas Landslide Hazard Map). Development in this area is sparse, except for rural residences developed along SE Holly Lane. This area is identified as Conflicted Agricultural Land.

The Maple Lane area is approximately 480 acres, located east of Oregon City. Terrain is characterized as gently rolling, with a few larger flat parcels located adjacent to Oregon City. The area is developed with rural residences, with a few small farms. The area is identified as Conflicted Agricultural Land.

The Henrici area is approximately 360 acres, located along both sides of Henrici Road., immediately south of Oregon City. Terrain for this area is moderate, and most of the area is developed with residences on smaller rural lots. There are a few larger parcels suitable for redevelopment. This area contains Conflicted Agricultural Land.

The 220 acre Beaver Creek Bluffs area is comprised of three separate benches located immediately adjacent to the City of Oregon City. The boundaries of this area generally are designed to include only tax lots on the plateau that drops down to Beaver Creek. Development in this area consists of rural residences and small farms. The area is identified as Important Agricultural Land.

Conclusions and Analysis: Designation of the Oregon City Urban Reserves is consistent with OAR 660-027. These five smaller areas have been identified in coordination with the City of Oregon City, and are designed to complete or augment urban development in the City. The areas designated take advantage of existing services inside the Urban Growth Boundary. In most cases, the boundaries of the reserves are formed by steep slopes (Henrici Road being the exception). While terrain poses some limitations on development, each area has sufficient developable land to make service delivery feasible.

None of the identified areas meet the factors of OAR 660-027-0060, for designation as Rural Reserves. With the exception of the Beaver Creek Bluffs, the Oregon City Urban reserve is Conflicted Farmland. The Beaver Creek Bluffs area, which is identified as having Important Agricultural Land, includes only those tax lots with land located on the plateau above the flatter area south of Oregon City. The important natural landscape features in the area (Newell Creek, Abernethy Creek and Beaver Creek) generally are excluded from the Urban Reserve.

The most significant issue for debate is whether or not to include the Newell Creek Canyon in the Urban Reserve. There is little or no development potential in this area, because of steep terrain and landslide hazard. The Principles recognize that concept planning for this area will have to recognize the environmental and topographic constraints posed by the Newell Creek Canyon. It also makes governance more sensible, allowing the City of Oregon City to regulate this area, instead of leaving an island subject to County authority.

Designation of the Oregon City Reserves is consistent with OAR 660-027-0050.

- 1) The Oregon City Urban Reserves can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. All of the Urban Reserve area is adjacent to the City of Oregon City. Oregon City has indicated both a willingness and capability to provide service to these areas. Each area is appropriate to complement or complete neighborhoods planned or existing within Oregon City. In the case of the Holly Lane area, much of the Urban Reserve has little potential for development. The area along SE Holly Lane, however, does have flatter topography where urban development can occur, and Holly Lane has been identified by the City as an important transportation facility.
- 2) The Oregon City Urban Reserves, when considered in conjunction with the existing urban area, includes sufficient development capacity to support a healthy economy. The Henrici area has some potential for additional employment uses. The remaining areas are

smaller additions to the existing urban form of the City of Oregon City and will complete existing neighborhoods.

- 3) The Oregon City Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. This Urban Reserve Area is considered to have a “high” suitability rating for sewer and water facilities. Oregon City has indicated an ability to provide these services, and the areas have been designed to include the most-easily served land that generally is an extension of existing development with the Urban Growth Boundary. Transportation is more difficult, as there is no additional capacity on I-205, and improvements would be costly. As previously noted, this is the case for most of the region. While topography may present some difficulty for developing a complete transportation network, this Urban Reserve area has been designed to take advantage of existing transportation facilities within Oregon City.
- 4) Most of the Oregon City Urban Reserve can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and transit. In most cases, development of this area will be an extension of urban development within the existing neighborhoods of Oregon City, which will allow completion of the described urban form. Newell Creek Canyon will remain largely undeveloped, so such facilities will not need to be provided in this area.
- 5) The Oregon City Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. Abernethy Creek and Beaver Creek and the steep slopes around these two creeks have been excluded from designation as an Urban Reserve. As previously explained, the Newell Creek Canyon has been included in the Urban Reserve. The Principles will assure that concept planning accounts for this important natural landscape feature, the area is recognized as having very limited development potential, and Oregon City is the logical governing authority to provide protective regulations.
- 6) Designation of these five areas as an Urban Reserve will assist Oregon City in providing a range of housing types. In most cases, development of this Urban Reserve will add additional housing.
- 7) Concept planning for the Oregon City Urban Reserve can be designed to avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features on nearby land. The Beaver Creek Bluffs area is separated from the farmland to the south by a steep hillside sloping down to Beaver Creek. The other areas are adjacent to Conflicted Agricultural land. There are scattered small woodlots to the east, identified as “mixed Agricultural/Forest Land on ODF’s Forestland Development Zone Map, but these are generally separated by distance and topography from the Holly Lane, Maple Lane, and Holcomb areas. Important landscape features and natural areas in the vicinity generally form boundaries for the Urban Reserves. Concept planning can assure that development within the Urban Growth Boundary protects these features.

Urban Reserves 4A, 4B and 4C: Stafford, Rosemont and Borland

General Description: These three areas comprise approximately 4,700 acres. Area 4A (Stafford) is located north of the Tualatin River, south of Lake Oswego, and west of West Linn. Area 4B (Rosemont) is a 162 acre area located adjacent to West Linn’s recently urbanized Tanner Basin neighborhood. Area 4C (Borland) is located south of the Tualatin River, on both sides of I-205. Area 4C is adjacent to the cities of Tualatin and Lake Oswego on the west and

West Linn on the east. The southern boundary generally is framed by the steeper terrain of Pete's Mountain. East of Stafford Road, the adjacent area is not designated as either an Urban or Rural Reserve. West of Stafford Road, the adjacent area is designated as an Urban Reserve (Area 4D, Norwood).

This area is generally developed with rural residences. The Borland area also includes several churches and schools. There are very few parcels greater than 20 acres. The terrain of this area is varied. Most of area 4B is gently rolling, while the rest of the area east of Wilson Creek has steeper terrain. The area south of Lake Oswego, along Stafford Rd and Johnson Rd., generally has more moderate slopes. The Borland area, south of the Tualatin River, also is characterized by moderate slopes.

Wilson Creek and the Tualatin River are important natural landscape features located in this area. These two features and their associated riparian areas and floodplains are included in Metro's February 2007 "Natural Landscape Features Inventory".

This entire area is identified as Conflicted Agricultural Land, even though approximately 1100 acres near Rosemont Road are zoned Exclusive Farm Use. Commercial agricultural activity in this area is limited and mixed; wineries, hay production, horse raising and boarding, and nurseries are among the farm uses found in the Stafford, Rosemont and Borland areas. The Oregon Department of Forestry Development Zone Map does not identify any Mixed Forest/Agriculture or Wildland Forest located with this Urban Reserve.

Conclusions and Analysis: The designation of these three areas as an Urban Reserve is consistent with OAR 660-027-0050. The specific factors for designation stated in OAR 660-027-0050 are addressed in following parts of this analysis.

No area in Clackamas County engendered as much public comment and diversity of opinion as this Urban Reserve. The Stafford and Rosemont areas were of particular concern to property owners, neighborhood groups, cities and the Stafford Hamlet citizens group. Interested parties provided arguments for designation of some or all of the area north of the Tualatin River as either an Urban or Rural Reserve, or requested that this area remain undesignated. The cities of West Linn, Tualatin and Lake Oswego consistently expressed opposition to designation of any of this area as an Urban Reserve. This Urban Reserve does have several limitations on development, including areas with steep slopes and floodplains. On balance, however, designation as an Urban Reserve is the most appropriate decision.

Designation of this 4,700 acre area as an Urban Reserve avoids designation of other areas containing Foundation or Important Agricultural Land. It would be difficult to justify designation of Foundation Agricultural Land in the region, if this area, which is comprised entirely of Conflicted Agricultural Land, were not designated as an Urban Reserve (see OAR 660-027-0040(11)).

While acknowledging that there are impediments to development in this area, much of the area also is suitable for urban-level development. There have been development concepts presented for various parts of this area. ClackCo Rec. 3312. An early study of this area assessed its potential for development of a "great community" and specifically pointed to the Borland area as

an area suitable for a major center. ClackCo Rec. 371. Buildable land maps for this area provided by Metro also demonstrate the suitability for urban development of parts of this Urban Reserve See, “Metro Urban Study Area Analysis, Map C”.

An important component of the decision to designate this area as an Urban Reserve are the “Principles for Concept Planning of Urban Reserves”, which are part of the Intergovernmental Agreement between Clackamas County and Metro that has been executed in satisfaction of OAR 660-027-0020 and 0030. Among other things, these “Principles” require participation of the three cities and citizen involvement entities—such as the Stafford Hamlet—in development of concept plans for this Urban Reserve. The Principles also require the concept plans to provide for governance of any area added to the Urban Growth Boundary to be provided by a city. The Principles recognize the need for concept plans to account for the environmental, topographic and habitat areas located within this Urban Reserve.

Designation of this area as a Rural Reserve has been advocated by interested parties, including the City of West Linn. Application of the factors for designation (OAR 660-0227-0060) leads to a conclusion that this area should not be designated as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land. There are important natural landscape features in this area (Tualatin River and Wilson Creek). Protection of these areas is a significant issue, but can be accomplished by application of regulatory programs of the cities that will govern when areas are added to the Urban Growth Boundary. The Principles specifically require recognition of the development limitations imposed by these natural features, in the required development of concept plans.

Designation of the Stafford, Rosemont and Borland areas as an Urban Reserve is based upon application of the factors stated in OAR 660-027-0050.

- 1) This Urban Reserve can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. Physically, this area is similar to the cities of West Linn and Lake Oswego, which are developing at urban densities. While the development potential of portions of this Urban Reserve is constrained by steep slopes and by the Tualatin River and Wilson Creek riparian areas, there are sufficient developable areas to create an urban community. The Borland Area has been identified as a suitable site for more intense urban development, including a town center. The Rosemont Area complements existing development in the Tanner Basin neighborhood in the City of West Linn. The Stafford Area has sufficient capacity to develop housing and other uses supportive of the more intense development in the Borland Area. As previously noted, potential development concepts have been submitted demonstrating the potential to develop this area at urban densities sufficient to make efficient use of infrastructure investments.
- 2) This Urban Reserve contains sufficient development capacity to support a healthy economy. The Borland Area has been identified as being suitable for a mixed- use, employment center. ClackCo Rec. 371. Additionally, there are a few larger parcels located on Johnson and Stafford Roads which may have potential for mixed use development.

- 3) This Urban Reserve can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers. As with all of the region's urban reserves, additional infrastructure will need to be developed in order to provide for urbanization. It is clear that development of this public infrastructure will not be "cheap" anywhere. Relative to other areas under consideration for designation, however, this Urban Reserve area is suitable. Technical assessments rated this area as highly suitable for sewer and water. ClackCo Rec. 795-796. The July 8, 2009, technical memo prepared by Clackamas County also demonstrates the suitability of this area for various public facilities. ClackCo Rec. 704. This area can be served by the cities of Tualatin, West Linn and Lake Oswego. These cities have objected to designation of this area as an Urban Reserve, but have not stated that they object because they would not be able to be an urban service provider for some part of the area.
- 4) Transportation infrastructure will be the most significant challenge. This is the case for most of the region. This Urban Reserve has physical characteristics—steep terrain, the need to provide stream crossings—that will increase the relative cost of transportation infrastructure. I-205 and I-5 in this area will need substantial improvements with consequent "huge" costs. ClackCo Rec. 850. As this April 9 letter points out, most of the region's state and federal facilities have limited additional capacity. The only significant exception is Highway 26, which is the site of the Clackanomah Urban Reserve. The Borland area has been identified as a "next phase" priority for high capacity transit See, "Regional High Capacity Transit System Map". The cost of providing transportation facilities is a problem for most of the region's potential urban reserves. When evaluated with all of the factors, designation of these three areas as an Urban Reserve is appropriate.
- 5) This Urban Reserve can be planned to be walkable, and served with a well-connected system of streets, bikeways, recreation trails and public transit. The Borland Area is suitable for intense, mixed-use development. Other areas suitable for development also can be developed as neighborhoods with the above-described infrastructure. There will be substantial parts of this Urban Reserve that will have little or no development and consequently will not need the afore-mentioned facilities.
- 6) This Urban Reserve can be planned to preserve and enhance natural ecological systems and preserve important natural landscape features. The significance of the Tualatin River and Wilson Creek systems has been recognized. The Principles specifically identify the need to plan for these features, and recognize that housing and employment capacity expectations will need to be reduced to protect important natural features. Urbanization will occur in a city, which is obligated by state and regional rules to protect upland habitat, floodplains, steep slopes and riparian areas.
- 7) This Urban Reserve in conjunction with the Urban Reserve to the south (Area 4D, Norwood), includes sufficient land to provide for a variety of housing types. In addition to the developable areas within the Stafford, Rosemont and Borland areas, this Urban

Reserve is situated adjacent to three cities, and will augment the potential for housing in these existing cities.

- 8) This Urban Reserve can be developed in a way that avoids or minimizes adverse effects on farm and forest practices and adverse effects on important natural landscape features, on nearby land. This Urban Reserve is situated adjacent to three cities, and along I-205. It is identified as Conflicted Agricultural Land, and is adjacent on the south to another Urban Reserve and an undesignated area that is comprised of Conflicted Agricultural Land. This separation from significant agricultural or forest areas minimizes any potential effect on farm or forest practices. The Urban Reserve also is separated from other important natural landscape features identified on Metro's February 2007 "Natural Landscape Features Inventory". The ability to plan for protection of the Tualatin River and Wilson Creek has been discussed.

Urban Reserves 5G, 5H, 4H and 4D: Grahams Ferry, SW Wilsonville, Advance and Norwood

General Description: This Urban Reserve is comprised of three smaller areas adjacent to the City of Wilsonville (Grahams Ferry, SW Wilsonville and Advance), and a larger area located along SW Stafford Rd., north of Wilsonville and southeast of Tualatin (Norwood Area). The Norwood area is adjacent to an Urban Reserve in Washington County (I-5 East Washington County, Areas 4E, 4F and 4G). Area 5G is approximately 120 acres, relatively flat, adjacent to services in Wilsonville, and defined by the Tonquin Geologic Feature, which forms a natural boundary for this area. It is identified as Conflicted Agricultural Land.

Area 5H is a small (63 acre) site that is adjacent to services provided by the City of Wilsonville. Corral Creek and its associated riparian area provide a natural boundary for this area. It is identified as Important Farmland. Area 4H comprises approximately 450 acres, and is located adjacent to the City of Wilsonville. This part of the Urban Reserve has moderate terrain, and a mix of larger parcels and rural residences. This area is identified as Important Agricultural Land.

Area 4D comprises approximately 2,600 acres, and is adjacent to a slightly smaller Urban Reserve in Washington County. This area is parcelized, generally developed with a mix of single family homes and smaller farms, and has moderately rolling terrain. All of this area is identified as Conflicted Agricultural Land.

Conclusions and Analysis: Designation of these four areas as Urban Reserve is consistent with OAR 660-027. The three smaller areas are adjacent to the City of Wilsonville, and have been identified by the City as appropriate areas for future urbanization. ClackCo Rec. 1174. The boundaries of these three areas generally are formed by natural features. No Foundation Agricultural Land is included in any of the four areas. While Area 4D has limitations that reduce its development potential, inclusion as an Urban Reserve is appropriate to avoid adding land that is identified as Foundation Agricultural Land.

Area 5G does not satisfy the factors for designation as a Rural Reserve. The boundary of this area reflects the boundary of Tonquin Geologic Area, which is an important natural landscape feature identified as a Rural Reserve. Area 5H does meet the factors for designation as a Rural

Reserve, but its proximity to existing services in Wilsonville and the natural boundary formed by Corral Creek, separating these 63 acres from the larger Rural Reserve to the west, support a choice to designate this area as an Urban Reserve.

Similarly, parts of Area 4H could meet the factors for designation as a Rural Reserve. Again, the area also is suitable for designation as an Urban Reserve, because of its proximity to Wilsonville, which has indicated this as an area appropriate for urbanization. The eastern limits of this area have been discussed in some detail, based on testimony received from property owners in the area. The northeastern boundary (the Anderson property) is based on a significant creek. South of Advance Rd., the decision is to leave four tax lots west of this creek undesignated (the Bruck property), as these lots comprise over 70 acres of land designated as Important Agricultural Land. The part of this Urban Reserve south of Advance Road contains smaller lots, generally developed with rural residences.

Area 4D does not meet the factors for designation as a Rural Reserve. The entire area is comprised of Conflicted Agricultural Land, and has no important natural landscape features identified in Metro's February 2007 "Natural Landscape Features Inventory."

This Urban Reserve does meet the factors for designation stated in OAR 660-027-0050.

- 1) The Wilsonville Urban Reserve (total of the Grahams Ferry, SW Wilsonville, Advance Rd. and Norwood Areas) can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments. The three smaller areas adjacent to the City of Wilsonville all will take advantage of existing infrastructure. The City of Wilsonville has demonstrated an ability to provide necessary services and govern these three areas. The information provided by the City and Metro's Urban Study Area Analysis (Map C1) show that these three areas have physical characteristics that will support urban density. These three areas also will complement existing development in the City of Wilsonville.
- 2) The larger Norwood area, which has rolling terrain, and a mixture of smaller residential parcels and farms, will be more difficult to urbanize. This area is adjacent to Urban Reserves on the west, north and south. The Borland Road area, adjacent on the north is expected to develop as a center, with potential for employment and mixed-use development. The Norwood area can be urbanized to provide residential and other uses supportive of development in the Borland and I-5 East Washington County Urban Reserve areas.
- 3) The Wilsonville Urban Reserve contains land that generally will provide development capacity supportive of the cities of Wilsonville and Tualatin, and the Borland and I-5 East Washington County Urban Reserve areas. Viewed individually, these four areas do not have physical size and characteristics to provide employment land. As has been explained, and as supported by comments from the City of Wilsonville, development of these areas will complement the urban form of the City of Wilsonville, which historically has had sufficient land for employment. The 2004 decision added to the Urban Growth

Boundary between the cities of Wilsonville and Tualatin, land which was contemplated to provide additional employment capacity. The Wilsonville Urban Reserve, and in particular the Norwood area, will provide land that can provide housing and other uses supportive of this employment area.

- 4) The Wilsonville Urban Reserve can be efficiently and cost-effectively provided with public facilities necessary to support urban development. The comments from the City of Wilsonville and the Sewer Serviceability and Water Serviceability Maps demonstrate the high suitability of the three smaller areas adjacent to Wilsonville. The Norwood area (Area 4D) is rated as having medium suitability. Transportation facilities will be relatively easy to provide to the three areas adjacent to the City of Wilsonville. The steeper terrain and location of the Norwood area will make development of a network of streets more difficult, and ODOT has identified the I-5 and I-205 network as having little or no additional capacity, with improvement costs rated as “huge”. The decision to include this area as an Urban Reserve is based, like the Stafford area, on the need to avoid adding additional Foundation Agricultural Land. There are other areas in the region that would be less expensive to serve with public facilities, especially the necessary transportation facilities, but these areas are comprised of Foundation Agricultural Land.
- 5) The Wilsonville Urban Reserve areas can be planned to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit. As has been discussed, the three smaller areas adjacent to the City of Wilsonville can be developed to complete or complement existing and planned urban development in Wilsonville. The Norwood area will be somewhat more difficult to develop, but the terrain and parcelization are not so limiting that the desired urban form could not be achieved. Like Stafford, this part of the Wilsonville Urban Reserve will be more difficult to develop with the desired urban form, but is being added to avoid adding additional foundation Agricultural Land.
- 6) The Wilsonville Urban Reserve can be planned so that natural ecological systems and important natural landscape features can be preserved and enhanced. The boundaries of the areas comprising the Wilsonville Urban Reserve have been designed with these features providing the edges. The three areas adjacent to the City of Wilsonville will take advantage of existing plans for protection of natural ecological systems.
- 7) The Wilsonville Urban Reserve, in conjunction with land within adjacent cities, includes sufficient land suitable to provide for a range of housing types. The SW Wilsonville and Advance Road areas are particularly suited to provide additional housing, as they are located adjacent to neighborhoods planned in Wilsonville. As has been previously discussed the Norwood area has physical limitations, but these should not restrict as substantially the potential for housing.
- 8) Concept planning for the Wilsonville Urban Reserve can avoid or minimize adverse effects on important farm and forest practices and on important natural landscape features

on nearby land. The boundaries of this Urban Reserve have been designed to use natural features to provide separation from adjoining Rural Reserves that contain resource uses.

The Sherwood School District requested an Urban Reserve designation be applied to an area just south of the County line and the City of Sherwood. ClackCo Rec. 2504. Clackamas County and Metro agree to leave this area undesignated. This decision leaves the possibility for addition of this land to the Urban Growth boundary if the School District has a need for school property in the future and is able to demonstrate compliance with the standards for adjustments to the Urban Growth boundary.

B. Clackamas County: Rural Reserves

Rural Reserve 5I: Ladd Hill

General Description: This Rural Reserve Area is located west and south of Wilsonville, and adjacent to the French Prairie Rural Reserve (Area 4J). There is also a small part of this Rural Reserve located north of Wilsonville, extending to the County line, recognizing the Tonquin Geologic Area. The northern boundary of Area 5J is located along the boundary between the delineations of Conflicted and Important Agricultural Land. All of this Rural Reserve is located within three miles of the Portland Metro Urban Growth Boundary.

The area west of Ladd Hill Road contains the steeper slopes of Parrett Mountain, which is identified as an important natural landscape feature in Metro's February 2007 "Natural Landscape Features Inventory". The remainder of the area has moderately sloping terrain. The entire area is traversed by several creeks (Mill Creek, Corral Creek, Tapman Creek), which flow into the Willamette River, which also is identified as an important natural landscape feature. FEMA floodplains are located along the Willamette River. Landslide hazards are identified along Corral Creek.

With the exception of the Tonquin Geologic Area, all of Rural Reserve Area 5I is comprised of Important or Foundation Agricultural Land. The part of this area lying south of the Willamette River contains the Foundation Agricultural Land. The area contains a mixture of hay, nursery, viticulture, orchards, horse farms, and small woodlots. The Oregon Department of Forestry Development Zone Map identifies scattered areas of mixed forest and agriculture, and wildland forest (particularly on the slopes of Parrett Mountain).

Conclusions and Analysis: Designation of the Ladd Hill area as a Rural Reserve is consistent with OAR 660, Division 27. Except for the Tonquin Geologic Area, all of Rural Reserve Area 5I contains Important or Foundation Agricultural Land, and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation as a Rural Reserve, with the exception of the Tonquin Geologic Area, which is identified as Conflicted Agricultural Land.

Designation of the Tonquin Geologic Area as a Rural Reserve is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3). This area has not been identified as an area suitable or necessary for designation as an Urban Reserve. The boundaries of the Rural Reserve have been established to recognize parcels that have physical characteristics of the Tonquin

Geologic Area, based on testimony received from various property owners in the area, and the City of Wilsonville. ClackCo Rec. 2608. For these stated reasons and those enunciated below, designation of this part of the Tonquin Geologic Area as a Rural Reserve is consistent with the factors provided in OAR 660-027-0060(3).

Rural Reserve 4J: French Prairie

General Description: This Rural Reserve Area is located south of the Willamette River and the City of Wilsonville, and west of the City of Canby. It is bordered on the west by I-5. This area is generally comprised of large farms. The area is generally flat. The Molalla and Pudding Rivers are located in the eastern part of this area. The Willamette, Molalla and Pudding Rivers and their floodplains are identified as important natural landscape features in Metro's February 2007 Natural Landscape Features Inventory."

All of this Rural Reserve is classified as Foundation Agricultural Land (identified in the ODA Report as part of the Clackamas Prairies and French Prairie areas). This area contains prime agricultural soils, and is characterized as one of the most important agricultural areas in the State.

Conclusions and Analysis: Designation of Area 4J as a Rural Reserve is consistent with OAR 660, Division 27. This entire area is comprised of Foundation Agricultural Land located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of this area as a Rural Reserve.

Rural Reserves 3E and 3H: Oregon City

General Description: This area lies east and south of the City of Oregon City. This area is bounded by the Willamette River on the west. The southern boundary generally is a line located three miles from the Portland Metro Area Urban Growth Boundary. A substantial part of Area 3H also is located within three miles of the City of Canby's Urban Growth Boundary.

Area 3E, located east of Oregon City, is characterized by a mix of rural residential homesites, small farms, and small woodlots. Most of the area has a moderately rolling terrain. The area includes portions of the Clear Creek Canyon, and Newell and Abernethy Creeks, all of which are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". Part of Area 3E also is identified by the Oregon Department of Forestry as a mixed forest/agricultural development zone. Most of Area 3E is identified as Conflicted Agricultural Land. There is an area identified as Important Agricultural Land, in the southeast corner of Area 3E.

Area 3H, located south of Oregon City, is characterized by larger rural residential homesites, particularly in the western part of this area, and farms. Beaver Creek and Parrot Creek traverse this area in an east-west direction. The Willamette Narrows and Canemah Bluff are identified as important natural landscape features in the Metro's February 2007 "Natural Landscape Features Inventory" and form the western boundary of Area 3H. The Oregon Department of Forestry designates the Willamette Narrows as wildland forest. All of this area is classified as Important Agricultural Land, except for the area immediately east of the City of Canby, which is designated as Foundation Agricultural Land.

Conclusions and Analysis: The designation of Areas 3E and 3H as a Rural Reserve is consistent with OAR 660-027, Division 27. All of Area 3H is Important or Foundation Farmland, located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify designation of Area 3H as a Rural Reserve.

The designation of Area 3E is appropriate to protect the Important Farm Land in the southeast corner of this area, and the area identified as mixed forest/agricultural land by ODF.

Designation as a Rural Reserve also is justified to protect Abernethy Creek, Newell Creek and Beaver Creek and their associated riparian features, which are identified as important natural landscape features. Designation as a Rural Reserve of the portions of Area 3E not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3), for the following reasons:

- 1) Abernethy Creek and Newell Creek and their associated riparian areas are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory". A portion of Beaver Creek also is located in this area; Beaver Creek was added to this inventory in a 2008 update.
- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located adjacent to and within three miles of the City of Oregon City.
- 3) Most of this area has gently rolling terrain, but there also are several steeply-sloped areas. There are several landslide hazard areas located within Rural Reserve Area 3E (see 1/25/09 Metro Landslide Hazard Map).
- 4) The designated Rural Reserve area comprises the drainage area for Abernethy and Newell Creeks which provide important fish and wildlife habitat for this area.

Rural Reserves 3H (parts) 4J, 2C and 3I: Canby, Estacada and Molalla

General Description: Rural Reserves have been designated adjacent to the cities of Canby (parts of Areas 3H and 4J) Estacada and Molalla. These Rural Reserves were designated after coordinating with all three cities, and the cities do not object to the current designations.

Rural Reserve Area 2C is located adjacent to the western boundary of the City of Estacada. This area includes the Clackamas River and McIver State Park. It is identified as Important Agricultural Land. Most of this Rural Reserve also is identified as wildland forest on the ODF Forestland Development Zone Map. All of this Rural Reserve is located within three miles of Estacada's Urban Growth Boundary.

Rural Reserves are located on the south, west and eastern boundaries of the City of Canby. All of this area is identified as Foundation Agricultural Land. The area north of the City, to the Willamette River, has been left undesignated, although this area also is identified as Foundation Agricultural Land. This area was left undesignated at the request of the City of Canby, in order to provide for possible future expansion of its Urban Growth Boundary. The Oregon Department of Agriculture preferred leaving the area north of the City undesignated, instead of

an area east of the City, which also was considered. All of the designated Rural Reserves are within three miles of the City of Canby.

Area 3I is located north and east of the City of Molalla. This area is located within 3 miles of Molalla's Urban Growth Boundary. All of the designated Rural Reserve is identified as Foundation Agricultural Land.

Conclusions and Analysis: Designation of the Rural Reserves around Canby and Estacada is consistent with OAR 660, Division 27. In the Case of Canby, the entire area is identified as Foundation Agricultural Land, and is located within three miles of Canby's Urban Growth Boundary. In the case of Estacada, the entire Rural Reserve area is identified as Important Agricultural Land, and is located within three miles of Estacada's Urban Growth Boundary. Rural Reserve 3I, near Molalla, is located within three miles of the urban growth boundary and also is identified as Foundation Agricultural Land. Pursuant to OAR 660-027-0060(4), no further explanation is necessary to justify the Rural Reserve designation of these areas.

Rural Reserve 4I: Pete's Mountain/Peach Cove, North of the Willamette River

General Description: This Rural Reserve is bounded by the Willamette River on the east and south. On the north, Area 4I is adjacent to areas that were not designated as an Urban or Rural Reserve. There are two primary geographic features in this area. The upper hillsides of Pete's Mountain comprise the eastern part of this area, while the western half and the Peach Cove area generally are characterized by flatter land. The Pete's Mountain area contains a mix of rural residences, small farms and wooded hillsides. The flat areas contain larger farms and scattered rural residences. All of Area 4I is located within three miles of the Portland Metro Urban Growth Boundary.

All of Rural Reserve 4I is identified as Important Agricultural Land (the "east Wilsonville area"), except for a very small area located at the intersection of S. Shaffer Road and S. Mountain Rd... The Willamette Narrows, an important natural landscape feature identified in Metro's February 2007 "Natural Landscape Features Inventory", is located along the eastern edge of Area 4I.

Conclusions and Analysis: Designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. With the exception of a small area at the intersection of S. Shaffer Rd. and S. Mountain Rd., all of this area is identified as Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-027-0060(4), the area identified as Important Agricultural Land requires no further explanation to justify designation as a Rural Reserve. The few parcels classified as Conflicted Agricultural Land are included to create a boundary along the existing public road.

East Clackamas County Rural Reserve (Area 1E and Area 2B)

General Description: This area lies south of the boundary separating Clackamas and Multnomah Counties. This area generally is comprised of a mix of farms, woodlots and scattered rural residential homesites. Several large nurseries are located in the area near Boring. The area south of the community of Boring and the City of Damascus contains a mix of nurseries, woodlots, Christmas tree farms, and a variety of other agricultural uses.

Most of the area is identified as Foundation or Important Agricultural Land. The only lands not identified as Foundation or Important Agricultural Land are the steeper bluffs south of the City of Damascus. Much of this steeper area is identified by the Oregon Department of Forestry as mixed farm and forest.

There are several rivers and streams located in this area. The Clackamas River, Deep Creek, Clear Creek and Noyer Creek, and the steeper areas adjacent to these streams, are identified as important natural landscape features in Metro's February 2007 "Natural Landscape Features Inventory".

All of this Rural Reserve is located within three miles of the Portland Metro Area Urban Growth Boundary, except for a small area in the eastern part of the Rural Reserve. This small area is located within three miles of the City of Sandy's Urban Growth Boundary.

Conclusions and Analysis: The designation of this area as a Rural Reserve is consistent with OAR 660-027, Division 27. Except for the steep bluffs located adjacent to the Clackamas River, all of this area is identified as Foundation or Important Agricultural Land and is located within three miles of an urban growth boundary. Pursuant to OAR 660-27-0060(4), no further explanation is necessary to justify designation as a Rural Reserve all of this area except for the aforementioned bluffs.

Designation as a Rural Reserve of the steep bluffs, not identified as Foundation or Important Agricultural Land, is consistent with the Rural Reserve Factors stated in OAR 660-027-0060(3).

- 1) This area is included in Metro's February 2007 "Natural Landscape Features Inventory".
- 2) This area is potentially subject to urbanization during the period described in OAR 660-027-0040(2), because it is located proximate or adjacent to the cities of Damascus, Happy Valley, and Oregon City, and the unincorporated urban area within Clackamas County.
- 3) Portions of this area are located within the 100 year floodplain of the Clackamas River. Most of the area has slopes exceeding 10%, with much of the area exceeding 20%. Portions of the area along Deep Creek are subject to landslides.
- 4) This hillside area drains directly into the Clackamas River, which is the source of potable water for several cities in the region. The Rural Reserve designation will assist protection of water quality.
- 5) These bluffs provide an important sense of place for Clackamas County, particularly for the nearby cities and unincorporated urban area. Development is sparse. Most of the hillside is forested.
- 6) This area serves as a natural boundary establishing the limits of urbanization for the aforementioned cities and unincorporated urban area and the Damascus Urban Reserve Area (Area 2A).

C. Clackamas County: Statewide Planning Goals

Goal 1- Citizen Involvement

In addition to participation in Metro's process, Clackamas County managed its own process to develop reserves recommendations:

Policy Advisory Committee

The county appointed a 21-member Policy Advisory Committee (PAC) made up of 7 CPO/Hamlet representatives, 7 city representatives, and 7 stakeholder representatives. The PAC held 22 meetings in 2008 and 2009. The PAC made a mid-process recommendation identifying reserve areas for further analysis, and ultimately recommended specific urban and rural reserve designations. The PAC itself received significant verbal and written input from the public.

Public Hearings

In addition to the meetings of the PAC, the county held a number of public hearings as it developed the ultimate decision on reserves:

2009

- Aug. 10: Planning Commission hearing on initial recommendations.
- Sept. 8: Board of County Commissioners ("BCC") hearing on initial recommendations
- Feb. 25: BCC Hearing on Intergovernmental Agreement

2010

- March 8, 2010: Planning Commission hearing on plan and map amendments.
- April 21, 2010: BCC hearing on plan and map amendments
- May 27, 2010: BCC reading and adoption of plan and map amendments, and approval of revised IGA.

Through the PAC, Planning Commission and BCC process, the county received and reviewed thousands of pages of public comment and testimony.

Goal 2 – Coordination

"Goal 2 requires, in part, that comprehensive plans be 'coordinated' with the plans of affected governmental units. Comprehensive plans are "coordinated" when the needs of all levels of government have been considered and accommodated as much as possible.' ORS 197.015(5); *Brown v. Coos County*, 31 Or LUBA 142, 145 (1996).

As noted in the findings related to Goal 1, Clackamas County undertook continuous and substantial outreach to state and local governments, including formation of the Technical Advisory Committee. For the most part, commenting state agencies and local governments were

supportive of the urban and rural reserve designations in Clackamas County. Where applicable, the specific concerns of other governments are addressed in the findings related to specific urban and rural reserves, below.

Goal 3 - Agricultural Lands

The reserves designations do not change the county's Plan policies or implementing regulations for agricultural lands. However, the designation of rural reserves constrains what types of planning and zoning amendments can occur in certain areas, and therefore provide greater certainty for farmers and long-term preservation of agricultural lands.

Goal 4 - Forest Lands

The text amendment does not propose to change the county's Plan policies or implementing regulations for forest lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing greater certainty for commercial foresters and long-term preservation of forestry lands.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources

The text amendment does not propose to change the county's Plan policies or implementing regulations for natural resource lands. However, the text does establish rural reserves, which constrain what types of planning and zoning amendments can occur in certain areas, for the purpose of providing for long-term preservation of certain of the region's most important, identified natural features. The county has determined that other natural features may be better protected through an urban reserve designation, and the eventual incorporation of those areas into cities. In certain areas, for example Newell Creek Canyon, the protection of Goal 5 resources is enhanced by the adoption of planning principles in an Intergovernmental Agreement between the County and Metro.

Goal 9 - Economy of the State

The proposed text amendment is consistent with Goal 9 because it, in itself, does not propose to alter the supply of land designated for commercial or industrial use. However, the text does establish urban reserves, which include lands suitable for both employment and housing. In Clackamas County, specific areas were identified as appropriate for a mixed use center including high intensity, mixed use housing (Borland area of Stafford) and for industrial employment (eastern portion of Clackanomah). These areas will be available to create new employment areas in the future if they are brought into the UGB.

Goal 10 - Housing

The proposed text amendment is consistent with Goal 10 because it, in itself, does not propose to alter the supply of land designated for housing. However, the text does establish urban reserves, which include lands suitable for both employment and housing. One of the urban reserve factors addressed providing sufficient land suitable for a range of housing types. In Clackamas County, there is an area identified as appropriate for a mixed use center including high intensity, mixed use housing (Borland area of Stafford) and many other areas suitable for other types of housing.

Goal 14 - Urbanization

The proposed text amendment is consistent with Goal 14. The program for identifying urban and rural reserves was designed to identify areas consistent with the requirements of OAR Chapter 660, Division 27. The text amendment does not propose to move the urban growth boundary or to change the county's Plan or implementing regulations regarding unincorporated communities. However, the amendment does adopt a map that shapes future urban growth boundary amendments by either Metro or the cities of Canby, Molalla, Estacada or Sandy.

VII. REASONS FOR URBAN AND RURAL RESERVES IN MULTNOMAH COUNTY

A. Introduction

Reserves designations proposed for Multnomah County were developed through analysis of the urban and rural reserves factors by the County's Citizen Advisory Committee (CAC), consideration of the analysis in briefings and hearings before the Multnomah County Planning Commission and Board of County Commissioners, discussion in regional forums including the Reserves Steering Committee, Core 4, and public and government input derived through the county Public Involvement Plan for Urban and Rural Reserves and the regional Coordinated Public Involvement Plan. MultCo Rec. 3865-3869.

The Multnomah County Board appointed a CAC to consider technical analysis of the statutory and administrative rule factors, to make recommendations to County decision makers, and to involve Multnomah County citizens and stakeholders in development of the proposed County reserves plan. The make-up of the 15 member committee was structured to include a balance of citizens with both rural and urban values. The rural members were nominated by County recognized neighborhood organizations from the four affected rural plan areas to the extent possible. The CAC developed a suitability assessment and reserves recommendations in sixteen meetings between May, 2008, and August, 2009.

The approach to developing the proposed reserves plan began with analysis of the study area by the CAC. The county study area was divided into areas corresponding to the four affected county Rural Area Plans, and further segmented using the Oregon Department of Agriculture (ODA) mapping and CAC discussion for a total of nine county subareas. MultCo Rec. 638-644. The phases of the CAC work included 1) setting the study area boundary; 2) identification of candidate urban and rural reserve areas; and 3) suitability recommendations based on how the subareas met the urban factors in OAR 660-027-0050 and the rural factors in -0060. The results of the suitability assessment are included in the report provided to the Planning Commission and Board of County Commissioners in August and September of 2009. MultCo Rec. 2932-3031.

The Multnomah County Planning Commission considered the CAC results and public testimony in a public hearing in August, 2009, and the Board of County Commissioners conducted a public hearing to forward recommendations to Core 4 for regional consideration in September, 2009. Additional Board hearings, public outreach, and regional discussion resulted in the Intergovernmental Agreement (IGA) between Multnomah County and Metro approved February

25, 2010. The IGA is a preliminary reserves decision that is the prerequisite to this proposed plan amendment as provided in the administrative rule. MultCo Rec. 9658-9663.

CAC Analysis, Candidate Areas and Suitability Rankings

The initial phase of analysis by the CAC considered the location of the regional study area boundary in Multnomah County. This, together with an overview of the various studies and the factors was the content of CAC meetings 1 through 3. MultCo Rec. 4525-4530. The first major phase of the analysis, identifying Candidate areas for urban and rural reserve focused on the first rural factor, the potential for urbanization to narrow the amount of land for further study as rural reserve. This occurred in CAC meetings 3 through 9, and resulted in agreement that all of the study area in Multnomah County should continue to be studied for rural reserve. Data sources studied included the Oregon Departments of Agriculture and Forestry (ODA) and (ODF) studies, Landscape Features study, aerial photos, existing land use, and information from committee members, and the public. MultCo Rec. 4530-4542.

The urban candidate areas assessment focused on urban factors (OAR 660-027-0050(1) and (3) to consider the relative efficiency of providing key urban services. This work relied on the technical memos and maps provided by the regional water, sewer, and transportation work groups comprised of technical staff from each of the participating jurisdictions. This information resulted in rankings on the efficiency of providing services to the study area. The CAC also considered information related to urban suitability including the Great Communities study, a report on industrial lands constraints, infrastructure rating criteria, and physical constraint (floodplain, slope, and distance from UGB) maps in their analysis. In addition, input from Multnomah County “edge” cities and other local governments, and testimony by property owners informed the assessment and recommendations. Rankings were low, medium, or high for suitability based on efficiency. Throughout this process effort was made to provide both urban and rural information at meetings to help balance the work. MultCo Rec. 4525-4542.

The suitability recommendations phase studied information relevant to ranking each of the urban and rural factors for all study areas of the county and took place in CAC meetings 10 through 16. MultCo Rec. 4543-4556. The approach entailed application of all of the urban and rural factors and suitability rankings of high, medium, or low for their suitability as urban or rural reserve based on those factors. Technical information included data from the prior phases and hazard and buildable lands maps, Metro 2040 design type maps, extent of the use of exception lands for farming, zoning and partitioning. During this period, the CAC continued to receive information from citizen participants at meetings, from local governments, and from CAC members. MultCo Rec. 890; 1055; 1059a; 1375; 1581; 1668; 1728. The group was further informed of information present in the Reserves Steering Committee forum, and of regional public outreach results. MultCo Rec. 4543-4546; 4551-4552. The product of the CAC suitability assessment is a report dated August 26, 2009, that contains rankings and rationale for urban and rural reserve for each area. MultCo Rec. 2932-3031.

B. Multnomah County: Urban Reserves

Urban Reserve 1C: East of Gresham

General Description: This 855-acre area lies east of and adjacent to the Springwater employment area that was added to the UGB in 2002 as a Regionally Significant Industrial Area (RSIA). MultCo Rec. 2983; 2985; 3226-3227. It is bounded by Lusted Rd on the north, SE 302nd Ave. and Bluff Rd. on the east, and properties on the north side of Johnson Creek along the south edge. The entire area is identified as Foundation Agricultural Land.

However, the urban reserve area contains three public schools within the Gresham Barlow School District that were built prior to adoption of the statewide planning goals. It also includes the unincorporated rural community of Orient. The area is the most suitable area proximate to Troutdale and Gresham to accommodate additional growth of the Springwater employment area and is the only area adjacent to the UGB on the northeast side of the region with characteristics that make it attractive for industrial use.

How Urban Reserve 1C Fares Under the Factors: The urban factors suitability analysis produced by the CAC and staff ranked this area as medium on most factors. The analysis notes that there are few topographic constraints for urban uses, including employment, that the existing rural road grid integrates with Gresham, and that it is near employment land within Springwater that has planned access to US Highway 26. Concern about minimizing adverse effects to farming was noted, although this factor was ranked medium also.

The rural reserve suitability assessment generally considers the larger Foundation Agricultural Land area between Gresham/Troutdale and the Sandy River Canyon as a whole. The analysis notes the existence of scattered groups of small parcels zoned as exception land in the southwest part of the area, including the Orient rural community. The lack of effective topographic buffering along the Gresham UGB, and the groups of small parcels in the rural community contributed to a “medium” ranking on the land use pattern/buffering factor (2)(d)(B). The CAC found the area as highly suitable for rural reserve, and indicated that the north half of the area was most suitable for urban reserve if needed.

Why This Area was Designated Urban Reserve: This area was ranked as the most suitable for urbanization in Multnomah County in the suitability assessment. Gresham indicated its ability and desire to provide services to this area primarily for employment. The area is also suitable for continued agricultural use. However, as noted above, the presence of the Orient community, areas of small parcels, and lack of topography that buffers the area from adjacent urban development make this the most appropriate area for urbanization.

Additional support for urban/industrial designation in this general area was received from several sources including Metro in the Chief Operating Officer’s report, the State of Oregon agency letter, and Port of Portland. MultCo Rec. 4662-4663; 4275; 2819-2820. Concern for protection of Johnson Creek was expressed by environmental stakeholders, and is addressed by holding the southern urban reserve edge to the north of the creek. MultCo Rec. 752. The position of the area

on the east edge of the region adds balance to the regional distribution of urban reserve, and employment land in particular. All of the rural land in this area is Foundation Agricultural Land, however, the proposed urban reserve is the best choice to address employment land needs in this part of the region.

C. Multnomah County: Rural Reserves

Rural Reserve 1B: West of Sandy River (Clackanomah in Multnomah County)

General Description: This map area includes the northeast portion of the regional study area. MultCo Rec. 216. Subareas studied by the CAC in the suitability assessment include Government, McGuire and Lemon Islands (Area 1), East of Sandy River (Area 2), Sandy River Canyon (Area 3), and West of Sandy River (Area 4). MultCo Rec. 2961-2986. The Troutdale/Gresham UGB forms the west edge, the Columbia River Gorge National Scenic Area is the north boundary, and the Study Area edge and county line are the east and south boundaries. With the exception of the Government Islands group, all of this area is either Foundation or Important Agricultural Land. In addition, all except the southeast quadrant is within 3 miles of the UGB. MultCo Rec. 4407.

How Rural Reserve 1B Fares Under the Factors: The Foundation and Important Agricultural Land areas between the Gresham/Troutdale UGB and the east edge of the Sandy River canyon qualify as rural reserve because they are within 3 miles of the UGB. The Sandy River Canyon is a high value landscape feature and is made up of either Foundation or Important Agricultural Land. The canyon and associated uplands are not suitable for urbanization due to steep slopes associated with the river and its tributaries. The canyon forms a landscape-scale edge between urban areas on the west and rural lands to the east and ranked high in the suitability analysis on additional key rural factors of: sense of place, wildlife habitat, and access to recreation. The Government Islands area is not classified as either Foundation, Important, or Conflicted Agricultural Land, but is classified as “mixed forest” in the Oregon Department of Forestry study. The area ranked low under the farm/forest factors, and high on the landscape features factors related to natural hazards, important habitat, and sense of place.

Why This Area was Designated Rural Reserve: Rural reserve is proposed from the eastside of the UGB eastward to the eastern edge of the Sandy River Canyon except for the urban reserve area 1C (see Section III above). The east rural reserve edge corresponds approximately to the county Wild and Scenic River overlay zone, and maintains continuity of the canyon feature by continuing the reserve designation further than 3 miles from the UGB to the county line. An area adjacent to the city of Troutdale in the northwest corner of the area is proposed to remain undesignated in order to provide potential expansion for future land needs identified by the city. The Government Islands group remains rural land since it already has long term protection from urbanization in the form of a long-term lease between the Port of Portland and Oregon Parks and Recreation, and the Jewell Lake mitigation site. MultCo Rec. 2961-2965; 2973-2985.

Rural Reserves 9A through 9F: West Multnomah County

This map area includes the north portion of the regional study area. Subareas studied by the CAC in the suitability assessment include NW Hills North (Area 5), West Hills South (Area 6), Powerline/Germantown Road-South (Area 7), Sauvie Island (Area 8), and Multnomah Channel (Area 9). MultCo Rec. 2986-3027.

Areas 9A – 9C Powerlines/Germantown Road-South

General Description: This area lies south of Germantown Road and the power line corridor where it rises from the toe of the west slope of the Tualatin Mountains up to the ridge at Skyline Blvd. MultCo Rec. 3004-3015. The north edge of the area is the start of the Conflicted Agricultural Land section that extends south along the Multnomah/Washington county line to the area around Thompson Road and the Forest Heights subdivision in the city of Portland. The area is adjacent to unincorporated urban land in Washington County on the west, and abuts the City of Portland on the east. Most of the area is mapped as Important Landscape Features that begin adjacent to Forest Park and continue west down the slope to the County line. MultCo Rec. 1767. The area is a mix of headwaters streams, upland forest and open field wildlife habitat.

How Rural Reserve 9A - 9C Fares Under the Factors: The CAC ranked the area “medium-high suitability” for rural reserve after considering important landscape features mapping, Metro’s designation as a target area for public acquisition through the parks and greenspaces bond program, the extensive County Goal 5 protected areas, Metro Title 13 habitat areas, proximity to Forest Park, and local observations of wildlife use of the area. MultCo Rec. 369-391; 357; 392; 392a. The CAC further ranked factors for sense of place, ability to buffer urban/rural interface, and access to recreation as high. While there was conflicting evidence regarding capability of the area for long-term forestry and agriculture, the CAC ranked the area as medium under this factor. MultCo Rec. 3004-3014. The county agrees that the west edge of area 9B defines a boundary between urbanizing Washington County and the landscape features to the east in Multnomah County. Elements that contribute to this edge or buffer include the power line right-of-way, Multnomah County wildlife habitat protection, planned Metro West Side Trail and Bond Measure Acquisition Areas, and the urban-rural policy choices represented by the county line. MultCo Rec. 751; 1125; 3901-3907.

The CAC ranked the area “low suitability” for urban reserve generally, with the exception of areas 9A and 9B. Areas 9A and 9B resulted in a split of the CAC between “low” and “medium” rankings. Most of the area 9A – 9C contains topography that limits efficient provision of urban services, and, should urban development occur, would result in unacceptable impacts to important landscape features. Limiting topographic features include slopes that range from 10% in the majority of area 9B to above 25% in portions of 9C, and stream corridors and ravines interspersed throughout the area. MultCo Rec. 652. Due to these features, the area was ranked low for an RTP level transportation “grid” system, for a walkable, transit oriented community, and for employment land. The CAC also recognized that should urban development occur, it would be difficult to avoid impacts to area streams and the visual quality of this part of Landscape Feature #22 Rock Creek Headwaters.

Why This Area was Designated Rural Reserve: Among the urban factors in the Reserves rules are efficient use of infrastructure and efficient and cost-effective provision of services. These are also among the most important factors in the Great Communities study. MultCo Rec. 123-124. Multnomah County does not provide urban services and has not since adoption of Resolution A in 1983. MultCo Rec. 853-856. The County no longer has urban plan or zone designations; it contracts with the cities in the county for these services. This means urban services to Areas 9A - 9C would have to come from a city in a position to plan and serve new urban communities. As was the case when Metro considered addition of lands in Multnomah County on the west slope of Tualatin to the UGB in 2002, there is not a city in a position to provide urban services to Areas 9A to C. Beaverton is over two miles to the south. Metro assigned urban planning to Beaverton when Metro added the North Bethany area to the UGB in 2002. Given the obstacles to annexation of the unincorporated territory over that two miles, Washington County took on responsibility for the planning instead of Beaverton. Unlike Multnomah County, Washington County continues to provide planning services and maintains urban plan and zoning designations for unincorporated urban areas.

The only other city that could provide services is Portland. Portland has said, however, it will not provide services to the area for the same reasons it would not provide services to nearby “Area 94” when it was considered for UGB expansion in 2002. (Metro added Area 94 to the UGB. The Oregon Court of Appeals remanded to LCDC and Metro because Metro had failed to explain why it included Area 94 despite its findings that the area was relatively unsuitable for urbanization. Metro subsequently removed the area from the UGB.) Portland points to the long-standing, unresolved issues of urban governance and urban planning services, noting the difficulties encountered in nearby Area 93. The City emphasizes lack of urban transportation services and the high cost of improvements to rural facilities and later maintenance of the facilities. The City further points to capital and maintenance cost for rural roads in Multnomah County that would have to carry trips coming from development on both sides of the county line and potential impacts to Forest Park. MultCo Rec. 3201-3204; 3897-3907; 3895.

For these reasons, areas 9A – 9C rate poorly against the urban reserve factors.

The proposed rural reserve designation for all of area 9A – 9C recognizes and preserves the landscape features values that are of great value to the county. MultCo Oversize Exhibit. The small scale agriculture and woodlots should be able to continue and provide local amenities for the area. Rural reserve for this area is supported not only by the weight of responses from the public, but by the Planning Commission and the regional deliberative body MPAC as well. MultCo Rec. 4002-4005; 1917a-j; Oversize Exhibit.

Rural Reserves 9D and 9F: West Hills North and South, Multnomah Channel

General Description: This area extends from the Powerlines/Germantown Rd. area northward to the county line, with Sauvie Island and the west county line as the east/west boundaries. All of the area is proposed as rural reserve. Agricultural designations are Important Agricultural Land in 9D, and Foundation Agricultural Land in area 9F. All of area 9D is within three miles of the

UGB, and the three mile line from Scappoose extends south to approximately Rocky Point Road in area 9F.

How Rural Reserve 9D and 9F Fare Under the Factors: All of the Multnomah Channel area is an important landscape feature, and the interior area from approximately Rocky Point Rd. south to Skyline Blvd. is a large contiguous block on the landscape features map. MultCo Rec. 1767. This interior area is steeply sloped and heavily forested, and is known for high value wildlife habitat and as a wildlife corridor between the coast range and Forest Park. It is also recognized as having high scenic value as viewed from both east Portland and Sauvie Island, and from the US Highway 26 corridor on the west. Landscape features mapping south of Skyline includes both Rock Creek and Abbey Creek headwaters areas that abut the city of Portland on the east and follow the county line on the west.

The potential for urbanization north of the Cornelius Pass Rd. and Skyline intersection in area 9D, and all of 9F, was ranked by the CAC as low. Limitations to development in the Tualatin Mountains include steep slope hazards, difficulty to provide urban transportation systems, and other key services of sewer and water. Areas along Multnomah Channel were generally ranked low due to physical constraints including the low lying land that is unprotected from flooding. Additional limitations are due to the narrow configuration of the land between US Highway 30 and the river coupled with extensive public ownership, and low efficiency for providing key urban services. MultCo Rec. 3022-3027. Subsequent information suggested some potential for urban development given the close proximity of US Highway 30 to the area.

Why This Area was Designated Rural Reserve: This area is proposed for rural reserve even though urbanization potential is low. Of greater importance is the high sense of place value of the area. The significant public response in favor of rural reserve affirms the CAC rankings on this factor. In addition, the high value wildlife habitat connections to Forest Park and along Multnomah Channel, the position of this part of the Tualatin Mountains as forming edges to the urban areas of both Scappoose and the Portland Metro region, further support the rural reserve designation.

Rural Reserve 9E: Sauvie Island

General Description: Sauvie Island is a large, low lying agricultural area at the confluence of the Willamette and Columbia Rivers. The interior of the island is protected by a perimeter dike that also serves as access to the extensive agricultural and recreational areas on the island. It is located adjacent to the City of Portland with access via Highway 30 along a narrow strip of land defined by the toe of the Tualatin Mountains and Multnomah Channel. This area was assessed as Area 8 by the County CAC. MultCo Rec. 3016-3020. The island is entirely Foundation Agricultural Land, and is mapped as an important landscape feature. Large areas at the north and south extents of the island are within 3 miles of the Scappoose and Portland UGBs.

How Rural Reserve 9E Fares Under the Factors: The island ranked high on the majority of the agricultural factors, indicating suitability for long-term agriculture. It ranked high on landscape features factors for sense of place, important wildlife habitat, and access to recreation. The low

lying land presents difficulties for efficient urbanization including the need for improved infrastructure to protect it from flooding, and additional costly river crossings that would be needed for urban development. The CAC ranked the island low on all urban factors indicating low suitability for urbanization.

Why This Area was Designated Rural Reserve: The island is a key landscape feature in the region, ranking high for sense of place, wildlife habitat, and recreation access. The island defines the northern extent of the Portland-Metropolitan region at a broad landscape scale. These characteristics justify a rural reserve designation of the entire Multnomah County portion of the island even though potential for urbanization is low.

D. Multnomah County: Statewide Planning Goals

MCC Chapter 11.05.180 Standards for Plan and Revisions requires legislative plan amendments comply with the applicable Statewide Planning goals pursuant to ORS 197.175(2)(a). These findings show that the reserves plan amendments are consistent with the goals, and they therefore comply with them.

Goal 1- Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The process of studying, identifying, and designating reserves began in January of 2008, with formation of the regional Reserves Steering Committee, adoption of a Coordinated Public Involvement Plan to coordinate the work flow, and formation of county committees to assess reserve areas and engage the public. MultCo Rec. 4557-4562.

Multnomah County incorporated the Coordinated Public Involvement Plan into the plan followed for the county process, and this plan was reviewed by the Multnomah County Office of Citizen Involvement Board. MultCo Rec. 172-177. In addition to providing opportunity for public involvement listed below, the county plan incorporated a number of tools including internet pages with current and prior meeting agendas and content, web surveys, mailed notices to property owners, email meeting notifications, news releases and meeting and hearing notices, neighborhood association meetings, and an internet comment link.

Key phases of the project in Multnomah County included:

- The Multnomah County Reserves Citizen Advisory Committee (CAC) developed their suitability assessments and recommendations in 16 public meetings between May 2008 and July 30, 2009. MultCo Rec. 4525-4542. The Planning Commission conducted a hearing on Aug 10, 2009, to consider the CAC suitability recommendations and recommendations for reserve designations in the county. MultCo Rec. 1820-1919. Consensus of the Planning Commission endorsed the CAC recommendations.

- The Board adopted Resolution No. 09-112 at their September 10, 2009 public hearing, forwarding to Core 4 and the Reserves Steering Committee, urban and rural reserves suitability recommendations developed by the Multnomah County (CAC). MultCo Rec. 2689-2690. The Board focused on suitability of areas for reserves rather than on designations of urban and rural reserves pending information about how much growth can occur within the existing UGB and how much new land will be sufficient to accommodate long term growth needs.
- The Board adopted Resolution No. 09-153 at their December 10, 2009, public hearing, forwarding to Core 4, recommendations for urban or rural reserve for use in the regional public outreach events in January, 2010. MultCo Rec. 2894-3031. These recommendations were developed considering public testimony and information from the Regional Steering Committee stakeholder comment, discussion with Multnomah County cities, and information and perspectives shared in Core 4 meetings. MultCo Rec. 3032-3249; 2894-2898; 3934-3954.
- The Board approved the IGA with Metro at a public hearing on February 25, 2010. MultCo Rec. 3865-3874. Additional public and agency input was considered in deliberations including results of the January public outreach, results of deliberations by the regional Metropolitan Planning Advisory Committee, and interested cities.

Public outreach included three region wide open house events and on-line surveys. The first was conducted in July of 2008 to gather input on the Reserves Study Area Map. MultCo Rec. 213-215. The second occurred in April of 2009, for public input on Urban and Rural Reserve Candidate Areas - lands that will continue to be studied for urban and rural reserves. MultCo Rec. 903-908. The third regional outreach effort to gather input on the regional reserves map prior to refinement of the final map for Intergovernmental Agreements occurred in January of 2010. MultCo Rec. 3956-4009..

The Multnomah County Board of Commissioners heard briefings on the reserves project on 2/14/08, 4/16/09, and 8/20/09, and conducted public hearings indicated above. The Planning Commission conducted a public hearing on 8/10/09 and received regular briefings during the reserves project. MultCo Rec. 1918-1919.

Public testimony has been an important element in the process and has been submitted to Multnomah County in addition to public hearings in several ways including open house events that took place in July of 2008, April of 2009, and January of 2010, and in testimony provided at CAC meetings. MultCo Rec. 161; 205; 238; 267; 338; 403; 464; 599; 715; 890; 1055; 1159a; 1375; 1581; 1668; 1728.

Goal 2- Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

The County's Plan policies and map amendments put in place the framework needed to carry out the objectives of the reserves plan by identifying areas where rural resources will be protected

from urbanization. The County rural plan has been coordinated with Metro's urban plan to identify where urbanization should occur during the 50 year plan. The County's policies and map ensure that rural reserve areas will remain rural and not be included within urban areas. The amendments further contain policies and strategies to support the on-going planning processes to facilitate availability of urban reserve areas for urban use as appropriate.

Coordination with Multnomah County Cities

Understanding the land needs and service potential of cities is of critical importance because the County would look to a city to provide urban governance and services should areas designated urban reserve come into the UGB in the future. Input from cities with an interest in reserves within Multnomah County during CAC development of the suitability assessments and these reserve designations is briefly summarized below.

- Beaverton – The City has indicated that it may be able to provide urban governance for areas on the west edge of the county, however whether that city would eventually provide these services is uncertain, and timing for resolution of all outstanding issues that would set the stage for extending Beaverton governance to this area is likely many years away.
- Gresham – The City indicated in their 2/25/09 letter that areas east of the city should continue to be studied for urban reserve, recognizing that the recommendation is made without a complete picture of urban land needs. MultCo Rec. 528-529. There should be some rural reserve east of the city, the region should minimize UGB expansions, and the City wants to focus on areas within the current UGB. The City provided a follow up letter dated 10/24/09 requesting urban reserve between SE 302nd and the Gresham UGB. MultCo Rec. 3226-3227. That area is shown as urban reserve on the proposed reserves plan map.
- Portland – City coordination efforts have occurred regarding potential reserve designations, particularly along the west edge of Multnomah County. Focus has been on the efficiency of providing urban services, and how governance services could be provided by the City. The City has indicated that the county line is an appropriate urban/rural edge, has identified service difficulties, the importance of landscape features in the area, and stated their interest in focusing limited resources on existing centers, and corridors and employment areas rather than along the west edge of the County. Therefore, Portland recommended rural reserve for this area.
- Troutdale – Troutdale requested approximately 775 acres of land for expansion, including the area north of Division and east out to 302nd Ave., indicating a need for housing land and ability to provide services to the area. MultCo Rec. 2082-2086. The proposed plan map leaves an approximately 187 acre area adjacent to the city without reserves designation. Proposed Policy 5 provides for a review of the reserves plan that can consider this and other areas in the region 20 years after the plan is adopted.

Additional agency coordination efforts related to Multnomah County reserves that occurred in addition to the regional process included Port of Portland, City of Scappoose, Sauvie Island

Drainage District, and East and West Multnomah Soil and Water Conservation Districts. MultCo Rec. 514-525; 1132-01133; 667-668; 342-343.

Goal 3- Agricultural Lands

Agricultural lands in the county are protected for farm use by existing zoning and plan policies, and these are unchanged by the proposed amendments. The proposed policies and map add a new element, rural reserve, that ensures protection from urbanization of farmland important to the long-term viability of agriculture in the County. This protection is consistent with the goal of maintaining agricultural lands for farm use.

Goal 4- Forest Lands

Forest lands in the county are protected for forest use by existing zoning and plan policies that are unchanged by the proposed amendments. The proposed policies and map add long-term protection from urbanization of Goal 4 resources consistent with this goal by designating these areas as rural reserve.

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces

The Goal 5 resources in the county are protected by existing zoning and plan policies that are unchanged by the proposed amendments. The reserves factors require consideration of the importance of resources of the type that are protected by Goal 5 plans though the Landscape Features factors. The factors also require consideration of how these resource areas could be protected when included within urban reserve and subsequently urbanized. Goal 5 protection will apply to land included within the UGB in the future. The reserves suitability assessment considered natural and scenic resources as it was developed, and existing county protections are maintained consistent with Goal 5. MultCo Rec. 860a-f.

Goal 6- Air, Water and Land Resources Quality

The proposed plan policies and map have no bearing on existing waste management plans and are therefore consistent with this goal.

Goal 7- Areas Subject to Natural Hazards

Existing zoning contains safeguards intended to protect rural development from identified hazards. The factors required consideration of areas of potential hazard including flood, landslide, and fire in forming reserves designations. MultCo Rec. 3007. Consideration of hazard areas in the reserves plan and continuation of existing protections is consistent with this goal.

Goal 8 – Recreational Needs

The factors that applied to consideration of rural reserve to protect landscape features from urbanization include access to recreation areas including trails and parks. MultCo Rec. 3008-3009. Urban factors consider how parks can be provided in urban reserve areas. Existing plan

and zoning provisions for parks are unchanged by the proposed reserves plan. The proposed reserves designations are consistent with Goal 8.

Goal 9 – Economic Development

The proposed urban reserve east of Gresham includes land that has potential to support additional economic development. MultCo Rec. 2983. This puts in place the potential for greater diversity of economic development in this area while minimizing loss of economically important farm land consistent with this goal.

Goal 10 – Housing

The proposed reserves plan increases potential for additional housing opportunity by designating additional land as urban reserve consistent with this goal. MultCo Rec. 3865-3869.

Goal 11 – Public Facilities and Services

The reserves factors analysis used in consideration of urban reserve included assessment of how efficiently the key public facilities could be provided to potential reserve areas. MultCo Rec. 2982-2985. Further, the 50 year urban reserve plan allows service planning to occur over a longer time frame. These elements support timely orderly and efficient provision of services consistent with this goal.

Goal 12 – Transportation

The proposed reserves plan policies and map do not cause any change to the county rural transportation system. Transportation planning to support urban uses within the proposed urban reserve east of Gresham will occur at the concept planning stage prior to including areas within the UGB. The relative efficiency of providing adequate transportation services in potential reserve areas was considered in the factors analysis. The proposed plan policies and map are consistent with Goal 12.

Goal 13 – Energy Conservation

The evaluation of the suitability of land for urban reserve took into account the potential for efficient transportation and other infrastructure, and sites that can support walkable, well-connected communities. These are energy conserving approaches to urban development, and the proposed urban reserve ranks moderately well on these factors and is consistent with this goal. MultCo Rec. 2982-2985.

Goal 14 – Urbanization

The reserves plan and policies implement an approach to the transition from rural to urban land that increases understanding of the future location of new urban areas and the time to plan for the transition. Urban reserves are expected to thereby improve this process consistent with this goal.

Goal 15 – Willamette River Greenway

Land planned under this goal in Multnomah County is located along Multnomah Channel and is zoned with the county Willamette River Greenway overlay zone. The reserves plan does not change that zoning. The proposed rural reserve along the channel protects the Greenway from urban development during the 50 year plan period, and this protection is consistent with the goal.

VIII. REASONS FOR URBAN AND RURAL RESERVES IN WASHINGTON COUNTY

A. Introduction

Washington County A-Engrossed Ordinance No. 733 designates rural reserves and adopts urban reserves designated by Metro within unincorporated areas of rural Washington County (areas outside of the Metro urban growth boundary). Lands designated as rural reserves are provided long-term protection from urbanization, while urban reserves are lands identified as the first priority to be added to the region's urban growth boundary (UGB) if and when it is determined by Metro that additional capacity to accommodate population or employment growth is needed.

A-Engrossed Ordinance 733 adds new policies to the Washington County Comprehensive Plan designed to carry out the purpose of state law in ORS 195.137 – 195.145 and OAR 660-027. These policies include a new Policy 29 of the Rural/Natural Resource Plan element, establishing standards applicable to lands now designated by Washington County as rural reserves. The ordinance also creates two new maps. One identifies the rural reserves designated by the county, as well as the urban reserves adopted by Metro; the second map identifies the location of "Special Concept Plan Areas" in the county.

The ordinance also makes minor modifications to Rural/Natural Resource Plan Policy 3, Intergovernmental Coordination; Policy 23, Transportation; and Policy 27, Urbanization, to require coordination of urban and rural reserves in planning processes. The ordinance also amends Comprehensive Framework Plan for the Urban Area Policy 3, Intergovernmental Coordination; Policy 32, Transportation; and Policy 40, Regional Planning Implementation to make similar minor conforming changes.

The amendments made as a result of the reserves planning process are shown in Exhibits 1 through 9 of A-Engrossed Ordinance No. 733 and are made part of the Washington County Comprehensive Plan through the adoption of this ordinance

Process Summary

In developing recommendations for urban and rural reserves in the Portland metro region, each of the four local governments directly collaborated and coordinated the primary tasks of the project (such as development of background information, primary technical analysis and regional scale public involvement. Beyond those core efforts however, each of the three counties (and Metro) utilized a different process to develop locally supported recommendations. The following outline summarizes the urban and rural reserves planning process in Washington County.

1) Project Management & Oversight:

i) Regional Partners:

In order to carry out the technical and policy work required to implement urban & rural reserves in the 3-county Metro region (the project), Metro and Clackamas, Multnomah and Washington Counties formed a partnership alliance. This partnership (the Regional Partners) agreed to jointly staff and fund the project.

ii) Core 4:

The Core 4 was comprised of one key elected official from each of the four implementing jurisdictions. This group provided policy level project oversight and management and was charged with assuring that the regional reserves designations represented a reasonable balance of the guiding factors of OAR 660-027. WashCo Rec. 5.

iii) Regional Project Management Team (PMT):

The PMT was comprised of primary staff (planning directors / managers) from each of the four jurisdictions. This team of planning experts directed and reviewed the technical analysis work and served as advisors to the Core 4. This Team was involved from the initial inception of the project in the implementation of the legislation creating the new concepts for urban and rural reserves in the Portland Metro region (Senate Bill 1011). WashCo Rec. 14.

2) Project Coordination

i) Project Consultants, Kerns & West (K&W):

In order to manage the policy level recommendations necessary to carry out this project, the Regional Partners solicited quotes and selected from respondents, the firm of Kerns & West to provide facilitation / mediation for the meetings and activities of the Core 4 and Regional Steering Committee. K&W provided these services throughout the process of developing final urban and rural reserves recommendations to Metro and the 3 counties.

ii) Project Coordination was also provided by the Core 4, PMT, Core 4 Technical Team and the Public Involvement Team.

3) Advisory Committees

i) Regional Project Steering Committee (RSC):

The RSC was made up of a variety of management level professionals representing a diverse array of interests. This Committee, co-led by the Core 4, was charged with overseeing the study of urban and rural reserves and to make recommendations relating to the final designation of reserve areas to the three counties and Metro.

ii) Washington County Reserves Coordinating Committee (WCRCC):

The WCRCC was formed to review the results of the project technical analyses and to develop policy and recommendations on urban and rural reserves in Washington County. Recommendations developed by the WCRCC were forwarded to the Regional Steering Committee and Core 4.

iii) Core 4 Technical Committee:

The Core 4 Technical Committee was comprised of planning staff from Metro and each of the three counties. These staff members carried out the technical analyses necessary to determine the relative qualifications of lands within the regional study area as urban reserves, rural reserves or neither. This committee was directly guided by the PMT and results of their work were submitted to local county advisory committees and, as appropriate, to the Regional Steering Committee.

4) Washington County Planning Directors

- i) The Washington County Planning Directors served as the technical advisory committee to the WCRCC and served to coordinate with their respective city councils and planning commissions in developing reserves recommendations. This committee met regularly throughout the reserves planning process to assure that the technical analysis process appropriately addressed local issues, concerns and needs, all jurisdictions in Washington County remained fully informed, and that all stakeholders and interested members of the general public were provided adequate opportunities for involvement in the reserves planning process.

5) Public Involvement

- i) Reserves Public Involvement Team
- ii) Public Involvement Plans WashCo. Rec.4013-4396
 - a. Regional WashCo. Rec.4013-4024
 - b. Washington County WashCo. Rec.4026-4031

iii) Public Involvement Activities

6) Iterative Process:

The Five phases of the Urban and Rural Reserves project were:

- i) Phase 1: Establish committees and public involvement process;

The objectives of Phase 1 were to:

- Establish the Reserves Steering Committee (RSC) WashCo. Rec.4053-4054

- Establish County Coordinating Committees (WCRCC) WashCo. Rec. 1401; 1388-1400
- Create a Coordinated Public Involvement Process WashCo. Rec.4013-4052
- Develop the Analytical Approach to identifying urban & rural reserves

ii) Phase 2: Develop Reserve Study Areas;

The objectives of Phase 2 were to:

- Identify broad Reserve Study Areas WashCo. Rec. 2996; 3868-3872
- During the summer and early fall of 2008, the Regional Partners approved a Regional Reserves Study Area within which urban and rural reserves were to be identified.
- Review initial 40-50 year Population and Employment Forecasts WashCo. Rec. 3800; Metro 2005-2060 Population and Employment Forecast – May 19, 2008
- Review data needs and begin to assemble data

iii) Phase 3: Analyze Reserve Study Areas;

The objectives of Phase 3 were to:

- Analyze how Reserve Study Areas meet applicable urban and rural Reserve Factors of OAR 660-027 WashCo. Rec. 2930-3819
- Refine the 40-50 year Population and Employment Forecasts and Allocations Metro 2005-2060 Population and Employment Range Forecast – April 2009 draft
- Develop preliminary urban and rural Reserve recommendations WashCo. Rec. 2930-3819.

iv) Phase 4: Recommend Reserve Designations;

The objectives of Phase 4 were to:

- Finalize Reserve Areas WashCo. Rec. 1379-1385
- Draft and adopt Intergovernmental Agreements (IGAs) WashCo. Rec. 1379-1385; 1379; 9296.

v) Phase 5: Adoption of Urban and Rural Reserves. The objectives of Phase 5 were to:

- Draft and adopt ordinances incorporating conforming amendments to local Plans and Codes. WashCo Rec. 8060-8063; 9039-9043.
- Draft and adopt joint decision findings
- Submit implementing Plan and Code amendments to LCDC for review and acknowledgement

7. The Washington County Planning Directors and respective city staff reviewed the factors of OAR 660-027 along with the concepts of building “Great Communities” (WashCo.

Rec. 2930-3819) in order to develop "pre-qualifying concept plans" for areas being recommended as urban reserves.

8. The Washington County Urban & Rural Reserves Coordinating Committee reviewed the technical analyses and recommendations prepared by the Planning Directors, held regular public meetings, provided policy direction throughout each phase of the project, and forwarded final recommendations from Washington County to the Regional Reserves Steering Committee and Core 4.

Stakeholder Requests and Responses

1) Reserves Planning Process

The public process section of this report discusses the county's extensive public outreach during the reserve planning process. However, two groups were consistent in voicing concern during the county's analysis, subsequent recommendations to the Core 4, and the Core 4 deliberation period. These two groups were the *Washington County Farm Bureau*, which was a voting member of the Washington County Reserves Coordinating Committee (WCRCC), and *Save Helvetia*, a group consisting primarily of residents interested in protecting rural lands generally located north of Sunset Highway and east of the city of North Plains.

Washington County Farm Bureau: Throughout the technical analysis and review process leading to preliminary recommendations on urban and rural reserves, the consistent message from the Washington County Farm Bureau was that lands within the existing UGB should be used more efficiently and, with the exception of lands classified as "Conflicted" on the map developed by the Oregon Department of Agriculture, all lands in the study area within approximately one mile of a UGB should be designated as rural reserve. Farm Bureau members submitted a map and cover letter depicting their recommendations. WashCo. Rec. 2098-2099; 3026; 3814-3816.

The needs determination by county and city staff determined that the one-mile recommendation noted above would not address the county's urban growth needs over the 50-year reserves timeframe. The WCRCC on September 8, 2009 voted 11 to 2 in support of urban reserve areas of approximately 34,200 acres and rural reserve areas of approximately 109,750 acres in Washington County. In consideration of the concerns raised by the Farm Bureau as well as like-minded stakeholders, interest groups and community members, the Core 4 recommended a reduction of approximately 40 percent (34,200 acres to 13,561 acres) to the WCRCC's urban reserve recommendation. These adjustments represented the Core 4's judgment in balancing the need for future urban lands with the values placed on "Foundation" agricultural lands and lands that contain valuable natural landscape features to be preserved from urban encroachment. Rural reserve acreage increased during Core 4 deliberations, from the WCRCC recommendation above to 151,666 acres. The intergovernmental agreement (IGA) signed with Metro and approved by the Washington County Board of Commissioners on February 23, 2010 acknowledged these totals for urban and rural reserves. Amendments to the agreements are allowed pursuant to section C.4 of the agreement. Changes to some reserve boundaries were requested during the county ordinance process beginning in April 2010 and are discussed below.

Save Helvetia: This citizen group was established during the early stages of the urban and rural reserves planning process. The group's initial and preeminent concern was that all rural land within the reserves study area located north of Sunset Highway be designated as rural reserve. WashCo. Rec. 2229-2239; 3618. The group's mission statement includes the desire *"To encourage cities to accommodate population growth by maximizing infill and efficiently using land already inside city borders."* The group also supported the Farm Bureau's position of recommending a rural reserve designation for all foundation farmland within one-mile of the UGB and called out the importance of preserving agricultural land for different farm sizes and uses.

Core 4 deliberations dramatically changed the reserve proposals recommended by the WCRCC for areas north of Highway 26. The original recommended urban reserve that extended north of Highway 26 to Phillips Road and east to the county border with Multnomah County was changed to a rural reserve designation with the exception of two small urban reserve areas (Urban Reserve Areas 8B and 8C) adjacent to the existing UGB and an undesignated area between Highway 26 and West Union Road. Other urban areas in the county were also reduced in size in order to minimize development impacts to valuable agricultural and natural resources. The Farm Bureau and Save Helvetia representatives in particular were present at open houses and presented public testimony at hearings. The Audubon Society of Portland, 1,000 Friends of Oregon, Coalition for a Livable Future and interested citizens also voiced concern at different points of the reserves process regarding future urban development north of Highway 26.

2) Ordinance No. 733 Hearings Process

Several reserves amendment requests came before the Washington County Planning Commission on April 21, 2010 and were forwarded to the Board for its consideration. The Board held its first public hearing on Ordinance No. 733 on April 27, 2010 and took additional testimony from individuals requesting amendments to the urban and rural reserves map. The Board requested staff to prepare issue papers for the specific requests and continued the hearing to May 11, 2010. On May 11, 2010, the Board directed staff to follow the map amendment process outlined in Section C.4. of the Metro-Washington County IGA for two of the requests (discussed in Section 3, below).

The two requests consisted of a proposal by staff to make "technical" changes that would place certain right-of-way areas into a single reserve designation (rather than designations split at the road's centerline), to correct for "parcel shifts" that occur when digital map layers are updated, to correct mapping errors, and to address the split reserves designation of a property in the vicinity of Roy Rogers Road. WashCo Rec. 8559-8582.

The second request was to add the 130-acre Peterkort property west of the North Bethany area to Urban Reserve Area 8C and remove it from Rural Reserve Area 8F. An issue paper regarding the Peterkort property was developed for the Board's review (reference record - issue paper 3). Further information about the Peterkort property is provided below. WashCo Rec. 8586-8590.

O'Callaghan: Located along the Rock Creek drainage southwest of the above referenced Peterkort site and along the northern edge of the western segment of Urban Reserve Area 8C (Bethany West) are two parcels owned by the O'Callaghan family. These parcels total

approximately 58 acres and are bordered on the east by the existing urban growth boundary and N.W. 185th Avenue. During the hearings process for Ordinance No. 733, a description and analysis of the request for an urban reserve designation for the property was included in Issue Paper 3 of the May 11 staff report to the Board. WashCo Rec. 8586-8590. The Board reviewed the issue paper and elected not to include this amendment request in the engrossed ordinance.

City of Cornelius: The city of Cornelius requested a number of adjustments to the urban reserve areas of interest to the city. These adjustments were generally referenced as “technical” changes intended to simplify future urbanization of those lands. There were two elements of the city’s request:

- 1) Add as urban reserves approximately 48 acres of land lying within the 100-year floodplain; (14.3 acres from undesignated lands and 34 acres from rural reserves);
- 2) In order to support the future expansion of city parks and open space, change approximately 87 acres of rural reserve lands to undesignated and change approximately 126 acres of undesignated land to rural reserves.

The city’s reasons listed for the requested changes were as follows:

- a) Using floodplain lines as a UGB requires difficult surveying and property line adjustment prior to annexation when floodplain does not match tax lot lines.
- b) Floodplain boundaries change over time, depending on stream flow, climate change and upstream activity; some floodplain designations are dated and inaccurate.
- c) The city does not allow development in the floodplain, except for certain bridges and pathways for pedestrians.

These requests were first presented to the Planning Commission on April 21, 2010 and to the Board on April 27, 2010 by city staff.

The Washington County Reserves Coordinating Committee recommendation of September 15, 2009 identified the subject properties as part of larger urban reserve areas on the north and south edge of Cornelius. Core 4 deliberations from October 2009 through February 2010 resulted in a change in designation from proposed urban reserve to proposed rural reserve for each of the above areas with the exception of the 126 acre undesignated area. The Core 4 actions did not alter the area's undesignated status.

At the May 25, 2010, public hearing on Ordinance No. 733, the Board of Commissioners decided to retain the Core 4 recommendations on these properties. WashCo. Rec. 8839-8841.

Bobosky / Bendemeer: The Bobosky property is a ten acre taxlot included within a small rural residential community known as Bendemeer, located north of West Union Road between NW Cornelius-Pass Road and NW Dick Road. On April 21, 2010, the Planning Commission heard testimony from Wendie Kellington and Wink Brooks on behalf of owners Steve and Kelli Bobosky to change the Bobosky property from rural reserve to urban reserve. The applicants asserted during the hearing that exception lands (AF-5 and AF-10 designations) do not serve to

promote continued agricultural use. The Planning Commission subsequently recommended that all properties within the Bendemeer subdivision be changed from rural to urban reserve.

The property in question ranked high for both urban and rural reserves in staff's analysis. The Oregon Department of Agriculture classified the properties as Foundation agricultural land. The city of Hillsboro developed a pre-qualifying concept plan that addressed how the area met the urban reserve factors. This area was originally designated as an urban reserve but was changed to a rural reserve designation during Core 4 deliberations. Ms. Kellington and the Boboskys provided testimony to the Board of Commissioners at their April 27, 2010 hearing.

A description and analysis of staff's recommendation for urban reserve was included in Issue Paper 4 of the May 11 staff report to the Board. The Board elected not to include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Black / Waibel Creek: Tom Black presented oral testimony to the Planning Commission during the April 21, 2010 hearing to request a change from urban reserve to rural reserve for a 1,580 acre area north of Waibel Creek, south of Highway 26, west of the eastern terminus of Meek Road and east of the McKay Creek floodplain. This area is the northern half of urban reserve area 8A. Mr. Black noted concerns regarding preservation of historic resources, such as the Joseph Meeks property, and preservation of agricultural land. The commission evenly split on the recommendation, with four commissioners voting for additional review and four voting to deny the request.

Mr. Black's presented his testimony before the Board on April 27. Issue paper number 4 of the May 11, 2010 Staff report to the Board described staff's analysis of the area. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Tualatin Riverkeepers: Brian Wegener of Tualatin Riverkeepers requested a change of designation for Area 6B (Cooper Mountain) from urban reserve to rural reserve. Mr. Wegener's testimony was presented to the Planning Commission on April 21, 2010 and subsequently to the Board on April 27th. The testimony asserted that Cooper Mountain contained many headwater streams and the area's steep slopes and shallow soils preclude efficient urban development. Mr. Wegener believes that the area could not be efficiently developed to urban densities without causing significant impacts to the environment.

This area was the subject of a pre-qualifying concept plan developed by the city of Beaverton, which provided evidence demonstrating compliance with the eight urban reserve factors. Exhibit B of the Metro/County reserves Intergovernmental Agreement (IGA) noted that concept planning for this area "should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area." These requirements have been included in new Plan Policy 29 enacted through Ordinance No. 733 as "Special Concept Plan Area A." A description and analysis of staff's recommendation for urban reserve was included in Issue Paper 4 of the May 11, 2010, staff report to the Board. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Amabisca: Cherry Amabisca presented testimony to the Board on May 11, 2010, for several properties north of Highway 26. Specifically, the requested change was for a change in designation from urban reserve to rural reserve for the Standing properties (1N2 15, Lots 900 and 901) and other properties (1N2 21AA, Lots 100 and 1N2 15, Lots 1100, 1200, 1300, and 1400) totaling 78.5 acres. These properties collectively comprise urban area 8B. An additional request was to change the currently undesignated lands west of Helvetia Road (totaling 556.5 acres) to rural reserve.

The properties included in Ms. Amabisca's request ranked favorably as both an urban or rural reserve. The properties in the urban reserve area were identified as the location of future interchange improvements. The undesignated area was initially recommended as an urban reserve but was removed during the Core 4 deliberations. A description and analysis of the urban reserve area and the undesignated area was included in Issue Paper 4 of the May 11 staff report to the Board. The Board elected to not include this amendment request in the engrossed ordinance. WashCo Rec. 8601-8619.

Peters: Linda Peters forwarded a request to the Board via e-mail dated April 27, 2010 to make the following changes to the Urban and Rural Reserves map: to change the urban reserve designation in Urban Reserve Areas 8A (Hillsboro North), 6B (Cooper Mountain Southwest), and the urban reserve areas north of Council Creek (Urban Reserve Areas 7I - Cornelius North and a portion of 7B - Forest Grove North) to rural reserve and remove all the undesignated area around the cities of North Plains and Banks. Ms. Peters also requested that the Board retain the rural reserves designation for approximately 40 acres of right-of-way on the north side of Highway 26 between Jackson School Road and Helvetia Road.

Urban Reserve Area 8A (Hillsboro North) did not rank as high for rural designation as other areas of the county in staff's analysis. There were no changes to the area during the Core 4 deliberations. Hillsboro underwent extensive pre-qualified concept planning for this area and noted that the area has the potential to develop into a complete community. Preliminary analysis conducted by Metro indicates that the area can be readily served by sewer and water and the transportation system can be designed for connectivity.

Urban Reserve Area 6B (Cooper Mountain Southwest) was initially part of a larger urban reserve but was reduced in size to its current 1,777 acres during Core 4 deliberations. Beaverton provided a pre-qualified concept plan for this area that designated most of the area for future residential use. Exhibit B of the Metro/County reserves Intergovernmental Agreement (IGA) noted that concept planning for this area *"should be undertaken as a whole in order to offer appropriate protection and enhancement to the public lands and natural features that are located throughout the area."* These requirements have been included in new Plan Policy 29 enacted through Ordinance No. 733 as "Special Concept Plan Area A."

Urban Reserve Area 7I (Cornelius North) was initially part of a larger urban reserve north of both Cornelius and Forest Grove but was reduced to its current size during Core 4 deliberations. Cornelius submitted a pre-qualified concept plan for the area that shows a mix of inner neighborhood and industrial uses in this area with linear parks along Council Creek and its tributaries. Future light-rail expansion from Hillsboro is projected for this area.

Urban Reserve Area 7B (Forest Grove North) was initially part of a larger urban reserve north of both Cornelius and Forest Grove but was reduced to its current size during Core 4 deliberations. The area ranked highly for both rural and urban reserves. Forest Grove has completed a pre-qualified concept plan for this area that shows residential use surrounding a "village center."

Banks and North Plains fall outside Metro's jurisdictional boundary. Undesignated land has been set aside around each city to allow for future growth over the 50-year reserves timeframe. It is the county's expectation that future planning will result in the application of urban and rural reserve designations in appropriate locations within these currently undesignated areas. These areas are noted as "Special Concept Plan Area B" in Exhibit B of the IGA and in Policy 29 of the Rural/Natural Resource Plan.

The county has proposed to change approximately 40 acres of the north side of Highway 26 between Jackson School Road and Helvetia Road from a rural reserve designation to an urban reserve designation. This change can be found on page 4 of Issue Paper 2, listed as map item #8 (WashCo Rec. 8559-8582). As with the above requested changes, the rationale for the change in designation is discussed in a broader policy context in Issue Paper 4 of the May 11 staff report to the Board. WashCo Rec. 8601-8619. The Board elected to not include any of the requested changes in the engrossed ordinance.

Pumpkin Ridge: The request to change the designation of Pumpkin Ridge Golf Course from rural reserve to undesignated was made by Gary Hellwege and attorney Greg Hathaway during their appearance at the Board hearing on April 27, 2010. Mr. Hellwege and Mr. Hathaway expressed concern that the flexibility to expand existing services at the golf course might be constrained by a rural reserve designation. The golf course is located immediately north of the city of North Plains.

The undesignated area around North Plains was reduced in size during Core 4 deliberations as it was determined that a reduction in acreage would still allow for adequate capacity for the city's future development. As part of this process, the Pumpkin Ridge property was removed from the undesignated area and made a rural reserve.

A description and analysis of the areas was included in Issue Paper 4 of the May 11, 2010, staff report to the Board. WashCo Rec. 8601-8619. The Board elected to not include this amendment request in the engrossed ordinance.

Proposed Adjustments to Ordinance No. 733

At its hearing on May 11, 2010, the Board authorized staff to follow the amendment process described in the Metro-Washington County Reserves IGA relating to two categories of changes to the county's urban and rural reserves map. These changes are described below:

Technical Amendments

A variety of minor map amendments were recommended by staff to resolve technical issues with the initial mapping of the Core 4 recommendations and to alleviate the potential need for future amendments to local comprehensive plans. These minor map amendments are generally characterized as:

- (1) Gaps between urban and rural reserves that were not intended to be undesignated.
- (2) Digital map layer adjustments resulting from base-map changes which caused parcel line-work to not appropriately match the boundaries for reserves designations.
- (3) Stem of flag lot designated rural reserve dividing an undesignated area – stem should remain undesignated for consistency with adjoining lands.
- (4) Rural reserve designations of public road Rights-of-Way (ROW) adjoining urban or future urban areas could result in management and/or maintenance issues. Staff recommended during the hearings process for Ordinance No. 733 that in instances where roadways are utilized as boundaries for either urban reserves or undesignated lands, the entire ROW be designated urban reserve or remain undesignated. The Board of County Commissioners agreed with this issue and directed county staff to have the changes reviewed through the process defined in the Intergovernmental Agreement with Metro. WashCo Rec. 8533-8554.

Peterkort

At the April 21, 2010 Planning Commission and April 27, 2010 Board of County Commissioners hearings, representatives from the Peterkort family requested that the county reconsider their property's (1N1 18, Lot 100) rural reserve designation and add the property to Urban Reserve Area 8C, Bethany West. The Peterkort family stated that several major infrastructure improvements had been identified to serve the North Bethany development, all located on or adjacent to the Peterkort family lands.

In the technical analysis to determine conformance with the factors for designation of lands as urban reserves or rural reserves (OAR 660-027-0050 and 660-027-0060) Washington County staff found that the property qualified for designation as either rural reserve or urban reserve. The detailed findings on these qualifications are incorporated in the September 23, 2009 recommendations report from the Washington County Urban and Rural Reserves Coordinating Committee to the Regional Core 4 and Reserves Steering Committee.

The Washington County Reserves Coordinating Committee recommendation of September 23, 2009 identified the Peterkort property as part of a significantly larger urban reserve area that extended from the existing urban growth boundary north and east to the Multnomah County border, and to Jackson School Road on the west. Core 4 deliberations in December 2009 resulted in the conversion of most of the urban reserve lands north of Highway 26 to rural reserve. This property was among those changed to a rural reserve designation.

The entire 129-acre Peterkort site is important to the successful implementation of the North Bethany Community Plan and to important elements of the funding process on key transportation and sewer line links. The following key points support inclusion of the Peterkort site within Urban Reserves:

1. **Transportation:** Provides urban land for public ROW and supports the development of a key transportation system link serving the future development of the North Bethany Community.
2. **Sewer system connectivity:** The optimal alignment for a primary gravity flow sewer trunk line to serve North Bethany crosses the Peterkort property. **NOTE: construction of a pump station-based option could delay construction of sanitary sewer services to the North Bethany area by at least three years.**
3. **Wetlands mitigation:** The sewer plan identifies roughly 46 acres of valuable opportunities on the Peterkort property which can be used to mitigate wetland impacts caused by public infrastructure development in North Bethany.
4. **Enhancement of Natural Areas Program Target Area:** Lands on the Peterkort site will support connections to important regional natural areas. WashCo Rec. 8533-8554.

The following findings address the factors for designation of this property as Urban Reserves:

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;

As noted above, the Peterkort site provides the only practicable location for siting a gravity flow sewer line for the provision of sanitary sewer services to a portion of the North Bethany planning area. This site also provides the only reasonable route for an alternative transportation system link between this community and surrounding areas. Future development of this site would not only utilize the public and private investments currently being made in North Bethany, but would ultimately aid in funding long-term infrastructure construction and maintenance.

It is expected that future development of the Peterkort site would be designed to complement the North Bethany Community at urban densities that optimize both private and public infrastructure investments. The developable portion of the Peterkort property would be designed to connect to the North Bethany community and the surrounding community via a future road connection (Road 'A') and could be served by the planned sewer line.

(2) Includes sufficient development capacity to support a healthy economy;

Together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy. The addition of the Peterkort property adds approximately 80 acres of developable land to Urban Reserve Area 8C. The area could likely be developed as the sixth neighborhood of North Bethany, featuring a walkable community centered around parks and mixed use areas.

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

This site has been included in facilities planning discussions during development of the North Bethany Plan. The Beaverton School District has made commitments for needed facilities in this

area and has included discussion and consideration of potential urban reserves based growth impacts in the recent development of the 2010 update of their Long Range Facilities Plan. The Rock Creek Campus of Portland Community College is immediately adjacent to the southern boundary of this site. Other well-established facilities and services being extended to the North Bethany Community would also be expected to serve this site.

(4) 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;

The Peterkort site will be served by a collector road (Road 'A') extending along the northern portion of the site to connect the North Bethany community to SW 185th Avenue to the west. The northeastern edge of this property directly abuts planned connections to both on and off-street pedestrian facilities linking to planned neighborhood parks in North Bethany. This site offers a major opportunity to link trails in the broader Bethany area along the Rock Creek corridor. Public transit service is currently available immediately south of the site with multiple lines providing connections to Westside Light Rail Transit.

(5) Can be designed to preserve and enhance natural ecological systems;

Limited opportunities for wetlands mitigation are available in this area of the county. Therefore, a key focus of adding the Peterkort site to the urban area is the opportunity to improve and enhance the currently degraded wetlands along Rock Creek. The entirety of Urban Reserve Area 8C would be subject to certain requirements identified in the county's Rural/Natural Resource Plan Policy 29. This area, called out as Special Concept Plan Area C, would require the implementation of Metro's "Integrating Habitats" program in the concept and community planning of the reserve area. The "Integrating Habitats" program utilizes design principles to improve water quality and provide wildlife habitat.

(6) Includes sufficient land suitable for a range of needed housing types;

The Peterkort site will provide added opportunities to meet local housing needs. The 80 acres of buildable land on the site can be developed with a variety of different housing types which would be expected to complement those already planned in the North Bethany area.

Considering that employment growth in Washington County has been historically very strong, and that the area remains attractive to new business and holds potential for significant growth, housing demand in this area will continue to grow.

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

As previously noted, this site is traversed by Rock Creek and its associated floodplain which is included on the Metro Regional Natural Landscape Features Map. Rock Creek and its associated wetlands are considered an important target area for long-term water quality improvements in the Tualatin River Basin and provide vital habitat linkage for sensitive species. Together with the other lands in Urban Reserve Area 8C, this site will be subject to a special planning overlay (Special Concept Plan Area C) designed to address the important values of this riparian corridor

by requiring appropriate protection and enhancement through the use of progressive and environmentally sensitive development practices.

(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 designated as rural reserves.

Concept and community level planning in conformance with established county plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area. As noted above, Urban Reserve Area 8C will include a planning overlay specifically targeting special protection for the identified natural landscape features in the area. It is important to note that even without this special plan policy, the existing regulatory framework in urban Washington County would require significant levels of protection and enhancement of the Rock Creek corridor at the time of development of surrounding lands.

B. Washington County: Urban Reserves

The following findings provide an overview of and important references to the detailed analysis performed by Washington County to determine the amount of land that will be needed in Washington County to facilitate long-term planning for urbanization.

OAR 660-027-0050(2) – Does the land have enough development capacity to support a healthy economy?

A variety of methods were used to determine whether Candidate Urban Reserves would contain enough development capacity to form complete communities and support a healthy economy. Washington County staff utilized population and employment forecast data from Metro to develop a Land Needs Analysis for urban reserves that is outlined below. The complete analysis and methodology is fully detailed in the September 23, 2009, report and recommendations from the Washington County Urban and Rural Reserves Coordinating Committee to the Regional Reserves Steering Committee. WashCo. Rec. 3586-3609. In addition, the findings for OAR 660-027-0050(2) were supplemented by data presented by the National Association of Industrial and Office Properties (NAIOP), a business group focused on needs of industrial and related uses, as well as a stakeholder in the Reserves process and member of the Regional Reserves Steering Committee. WashCo. Rec. 6674.

Land Needs Estimates

A significant component of the urban reserves planning process was consideration of the population and employment forecasts to determine the amount of land that should be included in urban reserves recommendations. Population and employment projections were important to identify the gap between how much growth can be accommodated inside the current UGB and what, if any, additional land needs should be considered.

OAR 660-027-0040 requires that “*Urban Reserves designated under this division be planned to accommodate estimated urban population and employment growth in the Metro area for at least 20 years, and not more than 30 years, beyond the 20-year period for which Metro has demonstrated a buildable land supply in the most recent inventory, determination and analysis*

performed under ORS 197.296.” Effectively, given that Metro is scheduled to make the next UGB expansion decision in 2010, the applicable planning period would run to between 2050 and 2060.

Metro provided initial 2005–2060 population and employment forecasts in May 2008. These forecasts covered the seven-county Portland-Beaverton-Vancouver Primary Metropolitan Statistical Area (PMSA) in its entirety. No county-specific allocations were provided to assist in determining potential county level needs. In spring of 2009, Metro provided updates of the 20 and 50 year Regional population and employment range forecasts again without specific county allocations.

Members of the WCRCC and the regional Reserves Steering Committee, along with staff, noted many times that a range of future land demand was relevant to the urban reserves discussions. Washington County staff determined that in order to appropriately address market trends and reasonable assumptions for future market demand, estimates of long-term sub-regional growth and related land needs was an important consideration in these discussions. Washington County therefore developed county-specific growth estimates which were in turn used in developing land needs estimates for consideration and refinement of candidate urban reserves. These allocations were based on Metro’s latest population and employment forecasts issued in April 2009. Metro 2005-2060 Population and Employment Range Forecast – April 2009 draft.

The county’s land needs analysis , combined with the detailed analysis of remaining growth capacity within Washington County’s 2007 UGB provided a clearer understanding of how much additional land might be needed to accommodate forecast long-term growth. Based on this information, in June 2009, the WCRCC recommended the candidate urban reserves in Washington County should be approximately 47,000 acres. WashCo Rec. 3011.

Beginning in June, 2009, the cities within Washington County began developing their Pre-qualified Concept Plans to assess how urban reserves, if brought into the UGB, could facilitate long-term growth needs and serve to complete each of their respective communities. This planning effort followed the general concepts of Region 2040 and provided opportunity for the cities to review their areas of interest and affirm if the identified areas were appropriate. These efforts further refined the candidate urban reserves recommendations to approximately 39,000 acres.

Following extensive review and consideration of all applicable issues and concerns raised by stakeholders in the county, on September 23, 2009, the WCRCC recommended approximately 34,300 acres as Washington County Urban Reserves. This recommendation was forwarded to the Regional Reserves Steering Committee and Core 4 on September 23, 2009. WashCo Rec. 2930-3818.

Released in September, 2009, and subsequently adopted in December, 2009, Metro’s most recent Urban Growth Report and related materials suggest a long-term land need for Urban Reserves to the year 2060 of between 15,700 and 29,100 acres. *COO Recommendation, Urban Rural Reserves, Appendix 3E-C*, Metro Rec. 601-603; *Appendix 3E-D*, Metro Rec.607-610. The Core 4 recommendations for urban reserves completed as of February 25, 2010 were generally based

upon these Metro estimates and resulted in the Core 4's recommendation for approximately 13,000 acres of urban reserves in Washington County.

Urban Reserves 4E, 4F and 4G: I-5 East - Washington County

General Description: These three coterminous areas are located east of Interstate 5 in the southeast corner of the county. The city of Tualatin forms the west boundary and Urban Reserve Area 4D in Clackamas County is immediately east. Interstate 205 forms the north boundary and the south boundary is generally Elligsen Road, with an area of approximately 78 acres extending south of this road to the county line. These three areas combined total approximately 1,565 acres, 919 acres of which are considered buildable. WashCo Rec. 9276-9295. Saum Creek in the northwest corner of the reserve is the primary drainage. Rolling terrain with incised drainages typify the area.

How the Above Urban Reserves Fare Under the Factors: Urban Reserve Area 4E was included in a Pre-Qualifying Concept Plan (PQCP) developed by the city of Tualatin. Urban Reserve Area 4F was not included in a PQCP and future governance of the area has yet to be determined. However, Urban Reserve Area 4G was subject to a PQCP developed by the city of Wilsonville. These PQCPs included a detailed review of the planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3495-3563; 3564-3574.

Urban Reserve Factors 1 through 4

The city of Tualatin prepared a pre-qualified concept plan for the area that extends from Interstate 205 south to Frobase Road (Urban Area 4E). Approximately 546 acres of the 841-acre concept plan area was calculated as net developable land after removal of constrained lands. This area is expected to support a population of approximately 4,000 new residents. Future arterials and collectors have been identified and cost estimates and locational analysis have been conducted for provision of water and sewer facilities. Technical staff supporting the Project Management Team (the Core 4 technical team) rated the area as high for sewer provision and medium for the provision of water. One neighborhood center is mapped in the concept plan that could support approximately 252-420 jobs on 6-10 acres. School assessments have been conducted that call for at least one elementary school. Current service level provision for Tualatin residents was extrapolated to the new area to determine future police, fire, and park needs. A trail system that will connect with the existing trail system in Tualatin has been designed around the stream network and in the buffer areas along I-5 and I-205. A preliminary system of arterials, collectors, and local roads has been identified to efficiently connect the new urban area.

The urban reserve area is larger than the area included in Tualatin's pre-qualified concept plan included in the September 23, 2009 staff report. South of Frobase Road, the land is gently rolling with the exception of two knolls approximately 500 feet in elevation.

The city of Wilsonville has committed to providing urban services to Urban Reserve Area 4G. This 454-acres area features approximately 223 buildable acres. The draft concept plan map

shows this area primarily as inner neighborhood with some employment designation due north of the city and adjacent to Interstate 5. Inner neighborhood assumes a residential mix of 50% SFR, 25% SFR attached, and 25% MFR at an average dwelling density of 10du/acre. The submitted concept plan notes that the area can facilitate "logical extensions of existing business parks, medical clinics, offices, and service centers along SW Parkway Avenue north of Elligsen Road and are a sufficient size to make efficient use of infrastructure investments." The city has indicated its ability to provide services, including parks, water, sewer, storm, and transit. Tualatin Valley Fire & Rescue (TVFR) can easily service the reserve area from an existing area station.

The plan notes that "the city conducts a thorough master planning process to ensure a safe and connected multi-modal system."

Urban Reserve Factors 5 through 8

Resource protection measures were discussed in the pre-qualified concept plan submitted by Tualatin and included in the appendix to the September 2009 staff report Environmentally constrained lands were removed from buildable land calculations, including riparian buffers of at least 50 feet as required by Clean Water Services. The city's existing regulatory framework will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization, including area designated as open space and natural areas where large stands of trees currently exist. The reserve area does not include any significant natural landscape features from Metro's 2007 Natural Landscape Features Inventory.

Sufficient buildable land is available for the range of housing types necessary in contributing to a complete community. The concept plan includes areas projected for medium to low density residential development. The surrounding area to the reserve (4E) is already currently developed or is a proposed urban reserve. Together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy.

For Area 4G, Wilsonville has stated that the city's existing resource program will "ensure that natural resource values are preserved and where possible enhanced to compliment and improve natural ecological systems. Important natural resources within the urban reserve area will be considered for protection under the city's Goal 5 inventory process.

Housing capacity is improved with addition of the reserve area inside the city limits. With an expected increase in the jobs to population ratio for the city, the need exists to provide more housing options to those who work in the Wilsonville area.

An undesignated area currently in agricultural use occurs east of the southern extension of urban reserve area 4G and northeast of Wilsonville. That city's pre-qualified concept plan notes that agricultural areas will be buffered by elevation differences and preservation of existing trees and vegetation, where applicable.

Why This Area was Designated Urban Reserve: This area will provide dwelling capacity to accommodate future growth in Tualatin over the 50 year reserves timeframe. The area is highly parcelized and has relatively dense rural residential development. The area was ranked low under

consideration of rural reserve factors in staff's reserves analysis given the highly parcelized nature of the tax lots and the existing residential development. Existing road capacity is adequate to allow for cost-efficient expansion of the transportation network. The city of Tualatin has agreed to provide governance and needed urban services to the area.

Wilsonville has indicated in the concept planning submittals that the urban reserve areas are envisioned to complement the existing city and provide for the city's 20-year housing need and the 20-50 year housing/employment need.

Urban Reserve 5A: Sherwood North

General Description: This area would extend the city boundary north to the edge of the slope that overlooks the Tualatin River National Wildlife Refuge. The 123-acre area is currently undeveloped.

How Urban Reserve 5A Fares Under the Factors: Urban Reserve Area 5A contains three small areas of land that are included in a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo. Rec. 3479.

Urban Reserve Factors 1 through 4: The city of Sherwood has submitted a PQCP that includes this 123-acre reserve area as well as Urban Reserve Areas 5B (Sherwood West) and 5D (Sherwood South) into its concept planning for newly developable lands adjacent to the city. Approximately 60 acres of this area were mapped as buildable. The northwest corner of the reserve area is mapped as employment areas on the concept plan map. The remainder of the area is not designated for a particular use on the concept plan map. Future uses would likely be either open space, designated parks, or limited residential due to land constraints. WashCo Rec. 3479-3481.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of this area. The elevation difference between the edge of the urban reserve area and the Tualatin River National Wildlife Refuge will provide a buffer from urban development. The area was planned for employment and industrial development in Sherwood's draft pre-qualified concept plan. WashCo Rec. 3481-3482.

Why This Area was Designated Urban Reserve: Sherwood has included this area as an urban reserve to add capacity for industrial and employment needs. The northeast section of this urban reserve adjacent to Highway 99W and existing light industrial uses is designated industrial in the draft concept plan. The northwest area of the reserve was originally noted as part of a larger employment area. Much of this employment area as shown on the concept plan was included in a rural reserve during Core 4 deliberations after September 2009.

Urban Reserve 5B: Sherwood West

General Description: Urban Reserve Area 5B is approximately 1,291 acres and is located on the west boundary of Sherwood. The area is bounded by Chapman Road to the south, Lebeau Road to the north, and generally extends approximately 3/4 mile west of the city. The area consists of parcels that are in residential or agricultural use, including small woodlots and orchards. Chicken Creek flows through the north section of the reserve. SW Chapman Road and SW Eddy Road are classified as collector streets in the county transportation plan. SW Elwert Road is classified as an arterial.

How Urban Reserve 5B Fares Under the Factors: Urban Reserve Area 5B is included in a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3479.

Urban Reserve Factors 1 through 4

The city of Sherwood submitted a PQCP that considers this reserve area along with Urban Reserve Areas 5A (Sherwood North), 5A (Sherwood North) and 5F (Tonquin) into its planning for developable lands adjacent to the city. WashCo Rec. 9276-9295. According to analysis done by county staff, this area contains approximately 204 acres of developable land. The flatter, northwest corner of Urban Reserve Area 5D is planned for a Station Center surrounded by commercial development. This area, centered along Highway 99W between this urban reserve and Urban Reserve Area 5B to the northwest, can be integrated efficiently with existing development. Residential density in the station center is projected at 20 units per acre and 25 jobs per acre are projected on employment lands. Residential use is proposed for the rest of the reserve area at 10 units per acre. Capacity will allow for a variety of housing design types.

The area is within the boundaries of the Sherwood School District. Urban services can be provided by the city, and in the case of fire protection, Tualatin Valley Fire and Rescue. According to the submitted concept plan, a combination of public and private investment would be needed to service the newly urbanized areas.

Topography varies widely across the study area but the city anticipates that existing street and trail patterns can be continued with the addition of Urban Reserve Area 5B. The city will continue to work with Metro and regional partners to achieve a regional and local system of well-connected trails, bikeways, and streets.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and the City of Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the south Sherwood area. Lands constrained from development include floodplain areas, slopes greater than 25 percent, vegetated corridor proxy areas, and Metro-

designated riparian and wildlife habitat. Clean Water Services standards are used to ensure protection and enhancement of riparian areas.

Vacant buildable lands, along with redevelopment and infill lands, will provide sufficient land to support a range of needed housing types and contribute to a healthy economy. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining Natural Landscape Features. The Chicken Creek riparian corridor functions as a buffer between rural agricultural uses and potential urbanization, minimizing potential urban impacts to nearby farm uses west of the reserve boundary. WashCo Rec. 3479-3482.

Why This Area was Designated Urban Reserve: Future development in Sherwood is constrained to the east by the city limits of Tualatin and the north border is constrained by the presence of the Tualatin River National Wildlife Refuge. Designation of this area as an urban reserve allows for the continued development of Sherwood over the 50-year reserves timeframe by adding needed housing and employment capacity. The floodplain of Chicken Creek forms an effective buffer between the adjacent agricultural use to the west and future urban development should the reserve be brought into the UGB. The city has provided a concept plan for the area that illustrates residential areas and neighborhood centers at the border of the urban reserve area and the existing city. The plan notes that this area (and Areas 5A and 5D) can be efficiently developed while protecting existing natural ecological systems. WashCo Rec. 3481.

Urban Reserve 5D: Sherwood South

General Description: This 439-acre area is located south of the city of Sherwood and Brookman Road and extends west to Highway 99 and east to Ladd Hill Road. The area is a mix of exception lands (AF-5 and AF-10) and resource lands (AF-20) applied to the 57 parcels that comprise the area. The area is a mix of residential and small farm use. The east side of the reserve contains Christmas tree operations and timbered parcels without dwellings. Cedar Creek and its associated floodplain are present as are several tributaries that enter Cedar Creek within the reserve area. The east area of Urban Reserve Area 5D has greater topographical relief than the west area.

How Urban Reserve Area 5D Fares Under the Factors: Urban Reserve Area 5D is included in a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Sherwood to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3479.

Urban Reserve Factors 1 through 4

The city of Sherwood submitted a PQCP that considers this reserve area along with Urban Reserve Areas 5B (Sherwood West), 5A (Sherwood North) and 5F (Tonquin) into its planning for developable lands adjacent to the city. WashCo Rec. 9276-9295. The flatter, northwest corner of Urban Reserve Area 5D is planned for a Station Center surrounded by commercial development. This area, centered along Highway 99W between this urban reserve and Urban Reserve Area 5B to the northwest, can be integrated efficiently with existing development.

Residential density in the station center is projected at 20 units per acre and 25 jobs per acre are projected on employment lands. Residential use is proposed for the rest of the reserve area at 10 units per acre. Capacity will allow for a variety of housing design types.

The area is within the boundaries of the Sherwood School District. Urban services can be provided by the city of Sherwood, and in the case of fire protection, Tualatin Valley Fire and Rescue. According to the submitted concept plan, a combination of public and private investment would be needed to service the newly urbanized areas.

The station community would provide for a walkable center in a key transportation hub. Sherwood staff noted that existing street patterns and trail systems could be extended if and when a reserve is brought into the UGB. WashCo Rec. 3480.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Sherwood will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the Sherwood south area. Lands constrained from development include floodplain areas, slopes greater than 25 percent, vegetated corridor proxy areas, and Metro-designated riparian and wildlife habitat. Clean Water Services standards are used to ensure protection and enhancement of riparian areas. Constrained lands constitute roughly a third of the area.

Although a portion of this area currently supports low-density single family development, the remaining vacant buildable lands, along with redevelopment and infill lands, will provide sufficient land to support a range of needed housing types and contribute to a healthy economy. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3481.

Why This Area was Designated Urban Reserve: The city's pre-qualified concept plan shows this urban reserve as a mix of constrained lands, residential areas, and a station center within a mixed-use neighborhood area shared between this urban area and urban reserve 5B. The 99-acre station area has a projected capacity of 2,475 jobs and 1,980 dwelling units. The area is within the Sherwood School District and can be served by existing service providers, including Tualatin Valley Fire and Rescue (TV F&R). Existing street and trails can be extended into this area. The station center encompasses several transportation corridor connections and can be designed to be a walkable center. WashCo Rec. 3482.

Urban Reserve 5F: Tonquin

General Description: Urban Reserve Area 5F is approximately 565 acres and is part of the larger Tonquin Scablands area. Portions of this area are included on Metro's 2007 Natural Landscape Features Inventory map. The area is comprised of the unincorporated land east of the city of Sherwood and includes portions of the Tualatin River National Wildlife Refuge, quarry operations, a gun club practice facility, and training area for Tualatin Valley Fire and Rescue. Much of the area is included in the county's Goal 5 inventory as a mineral and aggregate area. Rock Creek and Coffee Lake Creek are the principal drainages in the reserve area. Approximately 143 acres in this area are considered buildable lands. WashCo Rec. 9276-9295.

How Urban Reserve 5F Fares Under the Factors: A portion of Urban Reserve Area 5F is included in the Pre-Qualifying Concept Plans (PQCP) submitted by Tualatin to meet long-term industrial needs. The remainder of the area was shown as residential on the city of Sherwood's PQCP for the area. WashCo Rec. 3495-3518.

Urban Reserve Factors 1 through 4

The city of Tualatin included a 117-acre portion of this reserve in its PQCP included with the September 23, 2009, staff report. WashCo Rec. 3495-3518. Referred to in that document as "Knife River," the area occurs on the north and south sides of Tonquin Road and is of interest primarily for transportation connectivity to extend SW 124th Avenue and to expand the city's industrial land base. The core 4 technical team rated this area a high suitability for sewer service and medium suitability for provision of water service. For transportation, the area received a medium ranking indicating that this area is somewhat suitable for providing a transportation system capable of accommodating urban levels of development. The city has evaluated the area for walkability and notes that the Knife River area 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. Cost estimates have been completed for provision of urban services to the area and together with remaining buildable lands within the UGB and other urban reserve lands throughout the region there will be sufficient development capacity to support a healthy economy.

The remaining area features predominately Goal 5-designated resources. Urban development in this area would likely be non-residential. The area could also serve employment lands. Potential exists for pedestrian and bike trail development along Coffee Lake Creek and Rock Creek.

Urban Reserve Factors 5 through 8

Future development of the area will need to account for the presence of significant natural features in the area, including creeks, floodplains, and wetlands. Parts of the area are in the county's mineral and aggregate overlay district and the Tonquin Geologic Area is included in Metro's Natural Features Inventory. A well-connected system of trails throughout the area can be designed to avoid or minimize potential adverse effects on adjoining natural landscape features. (WashCo Rec. 3495-3518.) Tualatin's concept plan did not designate residential use for this area due in part to the existing non-residential uses noted above. Farm and forest uses do not abut the reserve boundary and impacts to either resource are not anticipated.

Why This Area was Designated Urban Reserve: The natural features in this area can be protected and enhanced under the existing regulatory framework in Washington County, Sherwood and Tualatin. The 568 acres in Area 5F is located between the cities of Sherwood and Tualatin and is bordered on three sides by the existing UGB. This area includes quarry activity, Tualatin Valley Fire and Rescue training facilities and the Tualatin Valley Sportsman's Club. Capacity exists to provide land to support future business/industrial growth and will support important transportation connections. The city of Tualatin has developed general service costs estimates

and has agreed to provide governance and public facilities and services to eastern portion of this area.

Urban Reserve 6A: Hillsboro South

General Description: Urban Reserve Area 6A abuts the southern edge of the City of Hillsboro and generally extends from the city limits south to Rosedale Road and from SW 209th Avenue on the east to SW River Road on the west. Area 6A covers approximately 2,007 acres. (WashCo Rec. 8845.) Urban Reserve Area 6A includes a variety of existing land uses including rural and suburban housing with connections to public water, a golf course (the Reserve Vineyards and Golf Club), landscape horticulture, greenhouse nurseries, orchards, field crops and small woodlands. Area 6A is divided north-south by Butternut Creek and its associated floodplain, the northwest corner of the area is traversed by Gordon Creek and the southeast corner of the area is traversed by Hazeldale Creek. This area is adjacent to the southeast corner of the city of Hillsboro.

How Urban Reserve 6A Fares Under the Factors: Urban Reserve Area 6A was included as part of a larger area in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of Hillsboro to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3110-3452.

Urban Reserve Factors 1 through 4

There are approximately 1,442 acres of gross buildable land on this site WashCo. Rec. 9075-9094 that can be efficiently and cost-effectively served by public facilities and services provided by the City of Hillsboro. Buildable lands within the UGB and Urban Reserve Area 8A can provide sufficient development capacity to support a healthy economy in Hillsboro and the region. The city has indicated that the lands in Area 6A can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. The city's PQCP utilized 2040 Design Types and developed a summary of potential development capacity of the area. This summary estimates a housing capacity of over 10,200 dwelling units and an employment capacity of over 1,400 jobs. WashCo Rec. 3110.

Urban Reserve Factors 5 through 8

The riparian corridors and associated floodplains of Butternut, Gordon and Hazeldale Creeks can be protected and enhanced under the existing regulatory framework in Washington County and the city of Hillsboro. Buildable lands within the UGB, along with other urban reserve lands throughout the region, will provide sufficient development capacity to support a healthy economy. Future concept and community level planning can assure a site design that will preserve and enhance ecological systems. The city of Hillsboro has indicated that up to 925 acres of the South Hillsboro urban reserve area and adjoining undeveloped lands to the east may be dedicated to open space and parks and that these areas can be designed to preserve applicable

natural landscape features. Concept and community level planning in conformance with established city plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area. WashCo Rec. 3110.

Why This Area was Designated Urban Reserve: A large segment of this urban reserve has been the focus of development projections and planning by the city of Hillsboro for over twenty years. In February 2008, the city of Hillsboro developed a Draft South Hillsboro Community Plan, which fully integrates a design for future development of Urban Reserve Area 6A into the surrounding area. This draft plan integrates a proposed new town center with a neighborhood centers, residential neighborhoods, a complex greenspace system (including the golf course, community and neighborhood parks, protected floodplains, wetlands and other open space) and a well-connected, multi-modal transportation system.

Urban Reserve 6B: Cooper Mountain Southwest

General Description: Urban Reserve Area 6B is located on the west-facing slopes of Cooper Mountain and is bordered by the existing UGB on the north and east, SW Scholls Ferry Road on the south and Tile Flat Road and Grabhorn Road on the west. Urban Reserve Area 6B includes approximately 1,777 acres. WashCo Rec. 8838. Urban Reserve Area 6B includes a variety of existing land uses including rural and suburban housing with connections to public water, landscape horticulture and plant nurseries, orchards, field crops, small woodlands and many areas of unmanaged vegetation. The area is characterized by a number of steep slopes and drainage ravines. This area adjoins the city of Beaverton on the east and the unincorporated Aloha area on the north.

How Urban Reserve 6B Fares Under the Factors: Urban Reserve Area 6B is a portion of a larger area included in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3056-3061.

Urban Reserve Factors 1 through 4

There are approximately 892 acres of gross buildable land in Urban Reserve Area 6B that could be developed at urban densities which is proposed to be served by the city of Beaverton. Buildable lands within the UGB and other urban reserve areas throughout the region will provide sufficient development capacity to support a healthy economy. As indicated by its pre-qualifying concept plan, the city of Beaverton has indicated that the lands in Urban Reserve Area 6B can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3056-3058.

Urban Reserve Factors 5 through 8

Headwaters to two tributaries to the Tualatin River originate in the reserve, which are identified as local and regional Goal 5 resources. Steep slopes and public open space that will likely

constrain future development of the area. These limitations are addressed in the “Principles for Concept Planning of Urban Reserves” attached as Exhibit B to the Intergovernmental Agreement between Metro and Washington County that provides for implementation of urban and rural reserves in the county. These concept planning principles were established specifically to address concerns related to environmental impacts that could occur as a result of urbanization of the sensitive lands in Urban Reserve Area 6B. WashCo Rec. 3058-3061. Existing development standards implemented by Washington County, Clean Water Services and the city of Beaverton will provide protection and potentially require enhancement of designated significant resources.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6B lies within a designated critical groundwater area and supports only limited commercial agricultural activities. Approximately thirty percent of the area is developed suburban home sites, is immediately adjacent to fully serviced urban development and provides opportunity to serve local market demand for housing. The city of Beaverton has agreed to provide governance and urban services to this area.

Urban Reserve 6C: Roy Rogers West

General Description: Urban Reserve Area 6C is located in the Bull Mountain area south of Scholls Ferry Road near the northwest corner of the city of Tigard. This reserve area is approximately 562 acres. Urban Reserve Area 6C includes a variety of existing land uses including rural housing, landscape horticulture, orchards, small woodlands and small scale agriculture. The southern portion of Urban Reserve Area 6C, east of Roy Rogers Road, is included in the preferred draft concept plan for the West Bull Mountain urban planning area. In order to provide appropriate transportation system links and to limit pumping of sewage and stormwater, the design relies upon expansion of the planning area to include this southern portion of Area 6C.

How Urban Reserve 6C Fares Under the Factors: Urban Reserve Area 6C included in Pre-Qualifying Concept Plans (PQCP) prepared by Washington County and the city of Tigard to address how the area would meet long-term growth. The area includes a portion of land that is part of the West Bull Mountain planning area. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3487-3490.

Urban Reserve Factors 1 through 4

There are approximately 340 acres of gross buildable land in Urban Reserve Area 6C that could be developed at urban densities and which could be efficiently and cost-effectively served by public facilities and services provided by the city of Tigard. Buildable lands within the UGB and other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. The city of Tigard has indicated that the lands in Urban Reserve Area 6C can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3487-3489.

Urban Reserve Factors 5 through 8

Urban Reserve Area 6C includes small scale drainage areas and forested upland wildlife habitat. This area can support a range of housing types which would be expected to develop at average densities ranging from 10 to 12 units per acre. WashCo Rec. 3489-3490. Although there are no designated significant landscape features within this urban reserve area, existing development standards implemented by Washington County, Clean Water Services and the city of Tigard will provide protection and potentially require enhancement of designated significant Goal 5 resources. The majority of Area 6C is naturally buffered from surrounding commercial agricultural activities by the broad floodplain of the Tualatin River and local tributaries or by established small woodlands.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6C lies within a designated critical groundwater area and has very limited access to water for commercial agricultural operations. This area adjoins the West Bull Mountain Community Planning area in unincorporated Washington County and approximately 248 acres of this urban reserve area has been included in that planning study in order to provide appropriate transportation system connectivity and support the creation of a more complete community. The city of Tigard has agreed to provide governance and urban services to this area.

Urban Reserve 6D: Beef Bend South

General Description: Urban Reserve Area 6D is located in the Bull Mountain area south of Beef Bend Road near the northwest corner of Tigard. This urban reserve is approximately 521 acres. Many of the taxlots within this urban reserve area are devoted to suburban housing with an average lot size of approximately 1.4 acres. The remainder of the area includes agricultural activities primarily focused on landscape horticulture, field crops and small woodlands.

How Urban Reserve 6D Fares Under the Factors: Urban Reserve Area 6D is included in a Pre-Qualifying Concept Plan (PQCP) analyzed by the city of King City to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3462-3464.

Urban Reserve Factors 1 through 4

There are approximately 253 acres of gross buildable land in Urban Reserve Area 6D that could be developed at urban densities and which could be efficiently and cost-effectively served by public facilities and services provided by the city of King City. Buildable lands within the UGB and other urban reserve lands throughout the region will be sufficient development capacity to support a healthy economy. The city of King City has indicated that the lands in Urban Reserve Area 6D can reasonably be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3462.

Urban Reserve Factors 5 through 8

This urban reserve includes a segment of the Tualatin River floodplain, which is included in Metro's Natural Landscape Features Inventory. The city has indicated that natural areas along the river would be protected. The Beef Bend South urban Reserve Area can support a range of housing types which would be expected to develop at average densities of approximately 10 units per acre. WashCo Rec. 3462-3463. The majority of Area 6D is buffered from surrounding commercial agricultural activities by the broad floodplain of the Tualatin River and local tributaries to the south and by Roy Rogers Road to the west. Lands to the north of Beef Bend Road are either developed or lie within Urban Reserve Area 6C.

Why This Area was Designated Urban Reserve: Urban Reserve Area 6D lies within a designated critical groundwater area and has very limited access to water for commercial agricultural operations. This area adjoins the western edge of the city of King City and will provide capacity to support projected housing and jobs growth in Washington County. WashCo Rec. 3602. King City has agreed to provide governance and urban services to this area.

Urban Reserve 7A: David Hill

General Description: Urban Reserve Area 7A is located at the northwest corner of Forest Grove and generally extends along the northwestern edge of the UGB northeast and southwest of David Hill Road. The northeast edge of this area extends to Thatcher Road while the southwest boundary extends to Gales Creek Road. This area is approximately 340 acres. Urban Reserve Area 7A is generally characterized by rolling hillside lands containing diverse rural land uses. These uses range from small woodlands to a variety of small to moderate scale agricultural activities primarily focused on landscape horticulture. This urban reserve area was added by the Core 4 during its deliberations.

How Urban Reserve 7A Fares Under the Factors:

Urban Reserve Factors 1 through 4

Due to location and general terrain, the David Hill site will be generally limited to residential use, park areas and open space. The city of Forest Grove has developed preliminary recommendations for the use of this area. There are approximately 134 buildable acres within this area. (WashCo Rec. 9276-9295.) The majority of areas with steeper slopes are recommended for clustered single family development, while areas of lesser slope are proposed as multi-family residential areas and a small area of neighborhood commercial. The David Hill area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments and includes sufficient development capacity to support a healthy economy. These lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be served with schools and other urban level facilities and services. WashCo Rec. 3089-3098.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the David Hill area. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and natural landscape features. WashCo Rec. 3089-3098.

Why This Area was Designated Urban Reserve: The city of Forest Grove has agreed to provide governance and urban services to lands within Urban Reserve area 7A – David Hill. The buildable land within this area will provide opportunities to meet long-term housing needs in the city of Forest Grove. WashCo Rec. 3089-3090.

Urban Reserve 7B: Forest Grove North

General Description: Urban Reserve Area 7B is located along the northern edge of Forest Grove and generally extends from the existing UGB north to Purdin Road between Highway 47 on the east and Thatcher Road on the west. This area is approximately 508 acres.

How Urban Reserve 7B Fares Under the Factors: Urban Reserve Area 7B is a small portion of a Pre-Qualified Concept Plan (PQCP) area analyzed by the city of Forest Grove to meet long-term growth needs. This PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3089-3098.

Urban Reserve Factors 1 through 4

Urban Reserve Area 7B contains approximately 508 acres. Roughly 374 acres are considered buildable with few constraints. (WashCo Rec. 9276-9295.) This area can reasonably be developed at urban densities that would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB and other urban reserve areas in the region include sufficient development capacity to support a healthy economy. The city of Forest Grove has recommended a variety of uses for this area, including Industrial, Office, Residential, Mixed-Use and Agricultural Services. The city has also indicated that these lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3089-3098.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the Forest Grove North area. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3089-3102.

Why This Area was Designated Urban Reserve: Urban Reserve Area 7B will add needed jobs and housing capacity to support the employment continuing growth in Washington County. This area was derived from a much larger proposed urban reserve within a PQCP developed by the city of Forest Grove. The larger PQCP area was over 3,100 acres and was designed to meet long-term growth needs for the city of Forest Grove through the year 2060. The city of Forest Grove has agreed to provide governance and needed urban services to this urban reserve area.

Urban Reserve 7C: Cornelius East

General Description: Urban Reserve Area 7C is located along the eastern edge of the city of Cornelius and generally extends north of Tualatin Valley Highway to the north and east to the floodplains of Council Creek and Dairy Creek. This area also includes a 6.5-acre parcel of land adjoining the eastern limits of the city of Cornelius south of Tualatin Valley Highway between the highway and Southern Pacific Railroad line. Urban Reserve Area 7C is approximately 137 acres. The area supports approximately 96 detached single family homes and a small number of commercial activities.

How Urban Reserve 7C Fares Under the Factors: Urban Reserve Area 7C is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

This urban reserve contains approximately 118 acres of buildable land together with a variety of infill and redevelopment opportunity sites. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB, along with other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has indicated that these lands can be designed to be walkable and appropriately served with a well-connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and the city of Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of Urban Reserve Area 7C. Although a significant portion of this area currently supports low-density single family development, the remaining vacant buildable lands, along with redevelopment and infill lands will provide sufficient land to support a range of needed housing types. This area can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. The broad floodplains of Council Creek and Dairy Creek provide effective buffers between urban and rural uses in the area. WashCo Rec. 3072-3075.

Why This Area was Designated Urban Reserve: Urban Reserve Area 7C will add needed housing capacity to support continuing employment growth in Washington County. The city has indicated a need to include approximately 40 acres of this urban reserve in a 2010 UGB expansion designed to meet short term growth needs. The established land use pattern in the area is suburban residential and the area is isolated from surrounding large block agricultural lands by the broad floodplains of Council Creek and Dairy Creek, which will buffer urban development from surrounding commercial agricultural operations. Lands south of Tualatin Valley Highway are separated from surrounding farm and forest lands by the Southern Pacific Railroad line approximately 600 ft. south of the highway. The city of Cornelius has agreed to provide governance and all needed urban services to this area.

Urban Reserve 7D: Cornelius South

General Description: Urban Reserve Area 7D is located at the southeastern corner of Cornelius between the existing city limits and the Tualatin River floodplain on the west and SW 345th Avenue on the east. The urban reserve is approximately 211 acres.

How Urban Reserve 7D Fares Under the Factors: Urban Reserve Area 7D is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

Urban Reserve Area 7D contains approximately 173 acres of buildable land with few development constraints. WashCo Rec. 9276-9295. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB along with other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has indicated through its PQCP for the area that these lands can be designed to be walkable and appropriately served with a well-connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the urban reserve. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3072-3075.

Why This Area was Designated Urban Reserve: This urban reserve area will add needed housing capacity to support continuing growth in Washington County. The relatively large parcels of undeveloped land will support the larger scale development projects that can make the most

efficient and cost effective use of public facilities and services. The city of Cornelius has agreed to provide governance and needed urban services to this area. This area includes a 41-acre parcel owned by the Hillsboro School District, which has indicated a need to develop a new high school on this site within the next three to five years.

Urban Reserve 7E: Forest Grove South

General Description: Urban Reserve Area 7E is located along the southeastern edge of the city of Forest Grove adjoining the southern edge of the UGB south of Highway 47 at the southern terminus of Elm Street. The northwest border of the urban reserve follows the existing Forest Grove city boundary while the remaining borders of the area are defined by the 100 year floodplain of the Tualatin River. This area includes portions of two tax lots covering approximately 38 acres of those lots lying outside of the 100 year floodplain. This area is generally characterized by relatively flat agricultural lands. The city of Forest Grove prepared a pre-qualifying concept plan for this area to address how it met the urban reserve factors.

How Urban Reserve 7E Fares Under the Factors: Urban Reserve Area 7E is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Forest Grove to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3089-3102.

Urban Reserve Factors 1 through 4

Forest Grove's PQCP indicated that this site will likely be committed to industrial use due to its limited size, relative isolation and existing industrial uses in the immediate area. The urban reserve could be developed at urban industrial densities which would efficiently utilize existing and future infrastructure investments. The site is within close proximity to the Pacific & Western rail line and has access to Highway 47.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Forest Grove will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of this urban reserve area. The developable lands in the area can be designed to avoid or minimize potential adverse effects on surrounding farms and natural landscape features.

Why This Area was Designated Urban Reserve: The city of Forest Grove has agreed to provide governance and urban services to lands within this urban reserve. There are approximately 36 acres of buildable land within this area that will provide opportunities to support jobs growth in the city of Forest Grove.

Urban Reserve 7I: Cornelius North

General Description: Urban Reserve Area 7I is located along the northern edge of the city of Cornelius and generally extends north of Council Creek, north and east to Long Road and the

floodplain of Dairy Creek. The western border is Cornelius-Schefflin Road. Area 7I includes approximately 624 acres.

How Urban Reserve 7I Fares Under the Factors: Urban Reserve Area 7I is a portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Cornelius to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3071-3075.

Urban Reserve Factors 1 through 4

The urban reserve contains approximately 470 acres of buildable land with limited development constraints. WashCo Rec. 9276-9295. This area could reasonably be developed at urban densities which would efficiently utilize existing and future infrastructure investments. Buildable lands within the UGB and other urban reserve lands within the region provide sufficient development capacity to support a healthy economy. The city of Cornelius has prepared a pre-qualifying concept plan, which indicated that these lands can be designed to be walkable and appropriately served with a well connected system of streets, bikeways, recreation trails and public transit and can be efficiently and cost-effectively served with schools and other urban level facilities and services. WashCo Rec. 3071-3072.

Urban Reserve Factors 5 through 8

The existing regulatory framework in Washington County and Cornelius will preserve and support enhancement of natural ecological systems potentially impacted by future urbanization of the urban reserve. The concept plan map shows a mix of inner neighborhood and industrial uses for the reserve area, consistent with the county's suitability analysis, with buffers along Council Creek and its tributaries and open space adjacent to Dairy Creek. The developable lands in this area can support a range of needed housing types and can be designed to avoid or minimize potential adverse effects on surrounding farms and adjoining natural landscape features. WashCo Rec. 3074.

Why This Area was Designated Urban Reserve: This urban reserve will add needed jobs and housing capacity to support the continuing growth in Washington County. Approximately 178 acres of this area (~28% of total land in Urban Reserve Area 7I) has been recommended by Cornelius for UGB expansion in 2010. This area can help support Metro recommendation for roughly 3,000 acres of land suitable for large-parcel industrial use, which provides capacity for specific industrial uses such as the existing high-tech industrial sector. WashCo Rec. 3067. Cornelius has indicated a need for approximately 150 acres of industrial land. The relatively large parcels of undeveloped land in this urban reserve can support the larger scale developments that facilitate efficient and cost-effective provision of public facilities and services. These parcels would accommodate the establishment of a large industrial site of approximately 100 acres. The city of Cornelius has agreed to provide governance and needed urban services to this area.

Urban Reserve 8A: Hillsboro North

General Description: Urban Reserve Area 8A is located along the northwest edge of the city of Hillsboro and generally extends from the city limits/UGB north to Sunset Highway and west from NW Shute Road to the eastern edge of the 100 year floodplain of McKay Creek. The urban reserve also contains Waibel Creek, which runs north-south, with the northern portion featuring Storey Creek, which runs east-west. This area is situated northwest of existing industrial and employment lands north of Hillsboro, is adjacent to the Hillsboro Airport and totals approximately 2,712 acres in size.

How Urban Reserve 8A Fares Under the Factors

Urban Reserve Area 8A is a portion of a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Hillsboro to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3113-3137.

Urban Reserve Factors 1 through 4

There are approximately 2,265 acres of buildable land on this site that could be developed at urban densities which could be efficiently and cost-effectively served by public facilities and services provided by the city of Hillsboro. WashCo Rec. 3117-3137. Buildable lands within the UGB and other urban reserve lands in the region will provide sufficient development capacity to support a healthy economy. Hillsboro prepared a pre-qualifying concept plan which identified how the industrial areas within this urban reserve can be designed to include pedestrian facilities along with an appropriate system of well-connected streets, bikeways, recreation trails and public transit service.

Urban Reserve Factors 5 through 8

The natural ecological systems within Waibel and Storey Creeks and their associated floodplains on this site will be protected and enhanced under the existing regulatory framework in Washington County and Hillsboro. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. This urban reserve area can be designed to preserve natural landscape features. Concept and community level planning in conformance with established city plan policies can establish a site design which will minimize adverse impacts on farm practices and natural landscape features in the area. WashCo Rec. 3133-3137.

Why This Area was Designated Urban Reserve: Urban Reserve Area 8A was specifically selected for its key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites in this region. WashCo Rec. 3124-3128. This area's pattern of relatively large parcels can help support the Metro recommendation for roughly 3,000 acres of large-parcel areas which provide capacity for emerging light industrial high-tech or biotech firms such as Solarworld and Genentech.

Transportation needs for this sector and other development in the reserve can be met by Highway 26, which provides a high-capacity transit link to other areas of the region. Additionally, industrial development in this area will be proximate to existing and future labor pools residing in Hillsboro and nearby cities. These lands will also provide opportunities to attract new industries which would help diversify and balance the local and regional economy.

Urban Reserve 8B: Shute Road Interchange

General Description: Urban Reserve Area 8B is located at the northwest quadrant of the intersection of Sunset Highway and NW Shute Road. This site totals approximately 88 acres and includes land within the 100 year floodplain of Waibel Creek. 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. Lands to the north and west of the site are agricultural lands.

How Urban Reserve 8B Fares Under the Factors: Urban Reserve Area 8B is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Hillsboro to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3113-3137.

Urban Reserve Factors 1 through 4

There are approximately 60 acres of buildable land within this urban reserve that could be developed at urban densities and served efficiently and cost-effectively by public facilities and services provided by the City of Hillsboro. Buildable lands within the UGB along with other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. In conjunction with existing urban lands to the east, this area could be designed to be walkable and to include pedestrian facilities along with a well-connected system of streets, bikeways, recreation trails and public transit service. WashCo Rec. 3132.

Urban Reserve Factors 5 through 8

The natural ecological systems within the tributary of Waibel Creek and its associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County and Hillsboro. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. Independent of other urban reserve lands in the region, this site is of adequate size to support a mix of housing types and, following a detailed community planning process, could be developed in a way that preserves applicable natural landscape features. Concept and community level planning in conformance with established city plan policies can establish a site design which will minimize adverse impacts on farm practices and natural landscape features in the area. Adjoining lands are not designated rural reserves.

Why This Area was Designated Urban Reserve: Urban Reserve Area 8B sits at the northwest corner of a major highway interchange which has recently received funding commitments for

significant improvements. This interchange is located at the northwestern edge of a very large technology-based industrial area. This site will provide flexibility in planning for needed interchange improvements as well as other infrastructure needs (e.g. sewer and stormwater management) for developing urban lands to the east.

Urban Reserve 8C - Bethany West

Note: Urban Reserve Area 8C is comprised of 2 separate collections of parcels which are further identified as: *Urban Reserve Area 8C- Bethany West / PCC Rock Creek*; and *Urban Reserve Area 8C- Bethany West / West Union* – separate findings and conclusions for these subareas are provided below.

Study Area 8C – Bethany West / PCC Rock Creek

General Description: Including the Peterkort site, the PCC Rock Creek portion of Study Area 8C is approximately 173 acres in size. This land is located near the intersection of NW Springville Rd. and NW 185th Avenue at the northern end of the PCC Rock Creek Campus. This area abuts the current UGB along its eastern and southern boundaries.

One of the Metro conditions for the ordinance that brought North Bethany into the UGB called for the county to “recommend appropriate long-range boundaries for consideration by the Council in future expansions of the UGB or designation of urban reserves.” Additional urban land to the immediate west of the North Bethany Community Planning Area is necessary for the provision of sanitary sewer and storm drainage and to assist in the funding for a primary road link to SW 185th Avenue.

Following the directives of the Board of County Commissioners at its May 25, 2010 public hearing on Ordinance No. 733, the Peterkort site was included within this Urban Reserve subarea. In order to address a number of concerns raised in relation to the wetlands and floodplains on the Peterkort site as well as within the "West Union" portion of Urban Reserve Area 8C, a Special Concept Plan Area overlay was added to Ordinance No. 733 (Special Concept Plan Area C). This special plan overlay requires application of the “Integrating Habitats” approach to planning and development of these lands. Independent findings for inclusion of the Peterkort site are provided above under **Section B** of these findings. Additional information relating to the Peterkort site is included in the record on pages 8533 to 8540.

How Urban Reserve 8C Fares Under the Factors: Note that this urban reserve area is included as an important element of the North Bethany Community Planning area. See associated findings related to the Peterkort site under **Section B** of these findings. This section of Urban Reserve Area 8C is a small portion of a Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3062.

Urban Reserve Factors 1 through 4

Together with the West Union portion of this area, approximately 141 acres of this reserve area is considered buildable land with few development constraints. Ref Record p.) The land is reasonably flat and contains a portion of Rock Creek and its associated floodplain. The established regulatory framework in Washington County will protect and potentially require buffers from and enhancement to this important landscape feature.

This area will support extension and/or expansion of public facilities (e.g. sewer and storm drainage) from adjoining urban areas, especially the new North Bethany community. Urban services are currently being provided to lands immediately east and south of this area. Although constrained by floodplain and related buffers, developable portions of this area can be connected to surrounding trails and roadways within the North Bethany community. Public transit currently serves adjacent lands to the south. The developable portions of this area \, together with other urban reserves and lands already inside the UGB, provide sufficient development capacity to support a healthy economy.

Urban Reserve Factors 5 through 8

The natural ecological systems within the segments of Rock Creek and associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County, as well as through the application of Special Concept Plan Area requirements. These requirements state that future concept and community planning of the area must take into account Metro's "Integrating Habitats" program to ensure that future development protects natural features. Lands on this site can provide stormwater management, wetlands mitigation and provide public facility links to support housing and related urban development in adjoining urban areas.

Concept and community planning of the developable portion of Urban Reserve Area 8C would be considered as part of the North Bethany development scheme. The area would be planned as one of a series of walkable neighborhoods oriented around parks and mixed use areas and would be designated to provide a variety of housing types. Incorporating the "Integrating Habitats" program as required by Special Concept Plan Area C language (WashCo Rec. 9044-9046) into the planning for this area will ensure the preservation of landscape features. As in the North Bethany planning process, impacts to farm uses in the adjoining rural area will be considered and mitigated.

Why This Area was Designated Urban Reserve: This urban reserve will support critical infrastructure links to the North Bethany Community planning area located immediately east of this site. These lands will also support required connections to primary transportation, sewer and stormwater facilities, as well as key opportunities for wetlands mitigation on currently degraded wetlands along Rock Creek. A final financing plan for North Bethany did not include funding projections from the lands within Urban Reserve Area C; however, a new neighborhood could provide the opportunity for additional funding to support the provision of infrastructure such as Road A.

Urban Reserve 8C: Bethany West / West Union:

General Description: The West Union segment of this urban reserve is located within the northwestern quadrant of the intersection between NW West Union Road and NW 185th Avenue. This site is approximately 132 acres and includes home sites and a small commercial site at the intersection of NW 185th Avenue and NW West Union Road. This site is bordered on the east and south by the UGB and to the north and west by Rock Creek. Approximately 28 % of this site lies within the 100 year floodplain of Rock Creek.

How Urban Reserve 8C Fares Under the Factors: This portion of Urban Reserve Area 8C is a small area included in a larger Pre-Qualifying Concept Plan (PQCP) area analyzed by the city of Beaverton to meet long-term growth needs. The PQCP analysis included a detailed review of the initial planning area and provided findings demonstrating conformance with the "Factors for Designation of Lands as Urban Reserves" under OAR 660-027-0050. WashCo Rec. 3062.

Urban Reserve Factors 1 through 4

Together with the PCC Rock Creek portion of this area, there are approximately 141 acres of buildable land in this urban reserve that could be developed at urban densities which could be efficiently and cost-effectively served by public facilities and services. WashCo Rec. 3062. This site could also support the extension of services designed to improve the efficiency of service to surrounding urban lands. Buildable lands within the UGB along with other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy. Development in the surrounding area includes pedestrian facilities along with a well-connected system of streets, bikeways, recreation trails and public transit service. The pre-qualifying concept plan submitted by city of Beaverton indicates that the site can be reasonably linked to these facilities and services.

Urban Reserve Factors 5 through 8

The natural ecological systems within the segments of Rock Creek and associated floodplain on this site will be protected and potentially enhanced under the existing regulatory framework in Washington County. Both concept and community level planning can assure a site design that will preserve and enhance ecological systems. Independent of other urban reserve lands in the region, this site is of adequate size to support a broad mix of housing types and, following a detailed community planning process, could be developed in a way that preserves adjoining natural landscape features. Rock Creek and its associated broad floodplain (averaging over 800 feet in width at this location) provides an excellent buffer between the potential urbanization of this site and surrounding rural reserve lands. Concept and community level planning in conformance with established county plan policies can establish a site design which will avoid or minimize adverse impacts on farm practices and natural landscape features in the area.

Why This Area was Designated Urban Reserve: The West Union segment of this urban reserve is located at the intersection of two major urban arterials (NW West Union Road and NW 185th Avenue) and is physically isolated from surrounding rural resource lands by Rock Creek and its floodplain. This site provides opportunity to extend and expand gravity flow sewer service as

well as large scale stormwater management facilities to this site as well as the North Bethany community planning area located to the northeast.

C. Washington County: Rural Reserves

1. Introduction

The following general comments are applicable to the specific subarea findings below:

Undesignated Area

Undesignated areas appeared under two different scenarios in the final recommendations contained in the September 23, 2009 staff report. Area around Banks and North Plains were left undesignated to provide the opportunity for each city to undergo UGB management and urban reserves planning under Oregon Administrative Rule 660-021. It is the county's expectation that such planning will result in application of urban reserve designations in appropriate locations and quantities within these currently undesignated areas. WashCo Rec. 9044-9046.

The other type of undesignated area was derived from the iterative GIS analysis that resulted in a rural reserve suitability determination for lands outside the UGB. These undesignated areas were shown on Map 36 in the appendix to the September 23, 2009 staff report. WashCo Rec. 3033. These areas did not qualify as a rural or urban reserve under the applicable factors. During Core 4 deliberations from October 2009 to February 2010, many previously undesignated areas were folded into adjacent rural reserves with the exception of the areas around North Plains and Banks and five undesignated areas adjacent to either a proposed urban reserve or the existing UGB. Technical map amendments adopted June 15 by the Board of Commissioners adjusting the total acreage of urban and rural reserve areas for the purposes of correcting mapping errors, "parcel shifts" when digital map layers are updated, and right-of-way adjustments to reserves boundaries. These adjustments increased the net amount of undesignated area outside the UGB by approximately 105 acres, primarily through the right-of-way adjustments. In addition, the Core 4 left some areas as undesignated for future consideration – these include North of Sunset Hwy near Urban Reserve Area 8B near Roy Rogers Road.

Subject to urbanization-OAR 660-027-0060(2)(a);(3)(a)

Staff divided the subject to urbanization factor into three classifications: high, medium, and low. These three classifications were applied to the 41 sub-areas in the rural reserve study area. Areas considered highly subject to urbanization were the initial areas of interest by cities. Medium subject to urbanization areas began from the outer edge of the city interest areas and included areas where potential urbanization over the reserves 50-year timeframe was possible. Low subject to urbanization areas were those areas in the study area beyond the medium subject areas, where urbanization potential was least likely. WashCo Rec. 3969. Fair market value was evaluated through a number of analytical iterations, yet staff found the application of "fair market value" independent of other indicators did not provide a conclusive indication of lands that may be subject to urbanization. WashCo Rec. 2972.

Safe Harbor factor- OAR 660-027-0060(4)

This factor [OAR 660-027-0060(4)] allows for a county to "deem that Foundation Agricultural Lands or Important Agricultural Lands within three miles of a UGB qualify for designation as rural reserves under section (2) without further explanation under OAR 660-027-0040(10)." Staff was compelled to conduct a more rigorous analysis of county agricultural land given the broad application of foundation farmland to the county study area. Staff did not use the three mile "safe harbor" factor as it would not reasonably capture the extent of analysis staff conducted to arrive at rural reserve recommendations. This factor is therefore not applicable to the rural reserve area findings and is not addressed therein.

Agricultural and Forestry Considerations - OAR 660-027-0060(2)

Agricultural and forestry considerations were applied to the above rule separately when considering which areas were most suitable as rural reserves. The study area was classified into 41 sub-areas included in four tiers. Tier 1 areas ranked as the highest priority for rural reserves based on either agricultural, forestry, or natural landscape feature considerations. A composite map for all Tier 1 areas resulted in the final map noting those areas most suitable for rural reserves. WashCo Rec. 3024.

The map results from the ODA analysis are limited to a total of three classifications in the 2007 Agricultural Lands Inventory: Foundation, Important, and Conflicted lands. The overwhelming majority of the acreage in Washington County was considered foundation land; this designation was broadly applied and made no further distinction among those agricultural areas. (As an example, the entirety of Hagg Lake and relatively large blocks of forestland were classified as foundation land.) To better apply the rural reserve factors found under OAR 660-027-0060, staff believed a more intensive agricultural analysis was important to the rural reserve designation process. Components of this analysis included parcelization, dwelling density, potential crop productivity based on successive agricultural inputs, and possession of a water right or inclusion within the Tualatin Valley Irrigation District. WashCo Rec. 2971-2980.

Staff asked both the Department of Agriculture and the county Farm Bureau for quantitative information that would help us better address Factor (2)(d), which calls for a consideration of the sufficiency of agricultural infrastructure in the rural area. A quantitative response specific to agricultural infrastructure was not provided by the ODA or Farm Bureau. This factor is briefly addressed in the findings below. Generally, staff could not find quantitative information that established a threshold for continued viability of agricultural suppliers when considering this factor relative to a 'tipping point' when considering this factor and the associated loss of farm acreage.

To map forestlands, staff used the Oregon Department of Forestry's (ODF) Wildland Forest Inventory mapping data from 2008. This data more accurately assessed on-the-ground conditions relative to forest lands by including eight separate land use categories. ODF recommended larger blocks of forested land in the outer edges of the study area for protection. Cite. These areas (Wildland Forest) were included as Tier 1 candidates for rural reserve recommendation. The ODF inventory states that *Wildland Forest* areas need to be protected in order to sustain long-

term forestry operations for forest land.⁷ Tier ranking determinations for forestry were facilitated by this greater level of detail.

Natural Features Considerations - OAR 660-027-0060(3)

Natural feature considerations were applied to the above rule separately from agricultural and forestry considerations. Tier 1 areas for natural landscape features ranked as the highest priority for rural reserves. A composite map for Tier 1 forestry, agriculture, and natural feature areas resulted in a final map noting the areas most suitable for rural reserve designation. WashCo Rec. 3024.

Metro's Natural Landscape Features map formed the basis of staff's natural landscape features analyses. This map included county floodplains as well as the Hagg Lake watershed and natural areas such as the Tonquin Scablands, Killen Wetlands, and Wapato Lake. WashCo Rec. 3028. Staff additionally considered the county's Goal 5 Significant Natural Resource inventory as suitable for rural reserve designation. This includes areas protected for floodplain, riparian corridor, and/or wildlife habitat value. Areas with slopes over 25% were also included as pertinent information in determining rural reserve designation under this factor given constraints on urban development in these areas. Finally, a criterion that included a "sense of place" [factor (3)(e)] was met by including all areas above 350 feet in elevation as suitable for rural reserve designation in addition to those natural areas that might shape and define a regional identity perspective. Limiting urban development above 350 foot elevation level helps provide a sense of place by preserving viewpoints and minimizing residential density. The composite map for the above features revealed a reserves map that included all areas of the Chehalem Mountains as suitable for rural reserve designation.

2. Rural Reserve Descriptions

Rural Reserve 5C: East Chehalem Mountains

General Description: This 15,152 acre reserve area has a similar land use pattern as reserve 6E, with larger agricultural lots on the valley floor and smaller parcels in the Chehalems. The Tualatin River flows through the northern portion of the reserve. The larger sub-basins that flow into the Tualatin include Heaton Creek, Baker Creek, and Chicken Creek. Key natural landscape features include the river and the Tualatin River National Wildlife Refuge. Scholls Ferry and Scholls Sherwood Roads are the primary arterials.

Urban Reserve Area 5A (Sherwood North - 123 acres) is located on the rural reserve's northern border, while Urban Reserve Area 5B (Sherwood West - 1,280 acres) occurs on the east border of the reserve and Urban Reserve Areas 6D (Beef Bend South - 519 acres) and 6C (Roy Rogers West - 557 acres) are located on the north border. An undesignated area of approximately 199 acres is located immediately west of SW Roy Rogers Road. The area was initially included in a rural reserve but was changed to undesignated during Core 4 deliberations from February 8, 2010, to the date of the IGA adoption between the county and Metro on February 25, 2010. Land

⁷ As described in *Forests, Farms and People: Land Use Changes on Non-Federal Land in Western Oregon, 1973-2000*, Oregon Department of Forestry, May, 2002.

originally recommended as undesignated between Mountain Home and Scholls-Sherwood Roads was added to the rural reserve recommendations based on public input and discussion among the county planning directors, elected officials, and the Core 4.

Rural Reserve Area 5C best qualifies as a rural reserve through agricultural factors and natural features factors.

Findings: Designation of Lands as Rural Reserves

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

A portion of this reserve area was identified as Tier 1 suitability for agriculture in the September 23, 2009, staff report. The Tier 1 area correlates roughly to the Tualatin River floodplain south to Scholl's-Sherwood Road, extending east to Roy Rogers Road. Proposed urban reserves immediately west of Sherwood and King City were ranked as Tier 3 areas for agriculture based on degree of parcelization and proximity to urban areas.

Capability for agricultural operations was determined by an evaluation of existing agricultural uses, soil class, and availability of water. Approximately one third of the reserve area is located within the Chehalem Mountains. Class II and Class III soils are the dominant soil classes with pockets of Class IV soils immediately adjacent to the river. Additional Class IV (and Class VI) soils occur in the Chehalems in those areas noted as Tier 3 or Tier 4 in the county's agricultural analysis. The most capable area for agricultural operations is within the Tualatin River's floodplain. The larger farm operations (greater than 35 acres) in this reserve are located within a half-mile to three-quarters of a mile of the river, generally between Scholls-Sherwood Road and Scholls Ferry Road.

The Tualatin floodplain in this reserve area is the southern limit of the TVID. TVID boundaries and existing water rights were mapped to help define agricultural infrastructure. Numerous water rights exist within the floodplain. WashCo Rec. 3015. Scattered rights to groundwater and surface water also occur in the foothills. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

The area of existing large lot agricultural use is likewise most suitable for long-term agricultural operations due to existing use patterns and the degree of parcelization elsewhere within the reserve. Most of the lots in the southern portion of this reserve (the Chehalems) are less than 15 acres, resulting in a greater degree of parcelization than elsewhere. Residential density in this area of the Chehalems is greater relative to the Chehalem area in adjacent Rural Reserve Area 6E to the west.

Forestry Considerations Under Factor (2)(b-d)

Based on aerial photos, forested areas in this reserve occur primarily along the Tualatin River riparian corridor and in the riparian areas of the river's tributaries. A number of smaller

residential parcels are timbered. Commercial, large-scale forestry operations do not occur in this reserve.

Land designated by ODF as *Wildland Forest* occurs on either side of Highway 219 near the Yamhill County line. Areas designated as *Wildland Forest* were included as Tier 1 areas suitable for rural reserve based on the department's analysis. Most of the mountain is in contiguous timber and is either in small-woodlot cultivation or unmanaged forest use. Future commercial forestry operations may be constrained due to existing parcelization of the area, steepness of the topography, and existing and future transportation limitations.

Natural Landscape Feature Considerations Under Factor (3)(a-h)

Factor (3)(a) is addressed under the *general comments* section of the rural reserves introduction.

The Tualatin River and the Chehalem Mountains are prominent natural features in this proposed reserve. The river's floodplain serves important hydrological functions related to flood water retention and discharge and additionally serves important biologic functions such as its use as a wildlife dispersal corridor and provision of critical habitat for anadromous fish. The Chehalem Mountains provide upland habitat and have the potential as a wildlife corridor for east-west dispersal. Both features are significant identifiers for a sense of place at a local and regional level.

The river's floodplain can also function as a buffer between the mixed farm and residential use found in the Chehalems and the transition to urban uses north of the river.

Several units of the Tualatin River National Wildlife Refuge form an effective natural buffer between resource lands and the cities of Sherwood, King City and Tualatin. The refuge also provides a regional sense of place by providing natural habitat features in close proximity to urban areas.

Consideration was given to provision of recreational access to natural features in the area. A segment of the trail alignment for the proposed Tonquin Trail connecting Sherwood, Wilsonville, and Tualatin borders the 88-acre section of the reserve to the northeast. Changes are not anticipated to the transportation system that would limit existing or future access to recreational opportunities.

Rural Reserve 5I: Parrett Mountain

General Description: This reserve consists of approximately 1,922 acres centered around Parrett Mountain and 88 acres east of Baker Road in the Tonquin Scablands area. The Parrett Mountain area is west of Baker and Tooze Roads and bounded by Highway 99W east to the county boundary at SE Ladd Hill Road. Parrett Mountain Road divides the topography of the area with most of the parcels north of the road in forest use and parcels south of the road in agricultural and residential use. Proposed urban reserve area 5D (539 acres) is on the north border of the reserve. Rural reserve area (in Clackamas County) is located south and west of the smaller Tonquin area of the reserve. Immediately east of this unit is the city of Tualatin and north is Urban Reserve Area 5F (568 acres). The area best qualifies as a rural reserve through forestry and natural features factors.

Cedar Creek and its tributaries are the predominant natural landscape features in addition to Parrett Mountain.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

This rural reserve area was ranked at Tier 4 (lowest ranking) for agriculture in staff's analysis. The area was mapped as conflicted land in the Oregon Department of Agriculture's (ODA) agricultural inventory. The west unit of this reserve area consists primarily of the uplands of Parrett Mountain and is unsuitable for agricultural operations due to topography and lack of prime soils. Exceptions exist south of Parrett Mountain Road, which is relatively flat and is capable of sustaining long-term agriculture, and north of Parrett Mountain adjacent to Highway 99. Both areas are primarily residential or in limited farm use.

The east unit of the reserve consists primarily of Coffee Lake and is unsuitable for agricultural use.

Forestry Considerations Under Factor (2)(b-d)

Forest cover is generally limited to the undeveloped areas of Parrett Mountain. Some forest cover occurs within the riparian corridor of Cedar Creek adjacent to Highway 99 and in isolated pockets between Cedar Creek and the north slope of the mountain. Commercial forestry operations are not present and the area does not appear to be in active woodlot management, based on aerial photos. However, the area is capable of sustaining forestry based on soil type and the existing forest cover. Moderate-sized forestry operations and small woodlot management is possible.

The ODF forest inventory includes much of Parrett Mountain as *Wildland Forest* with the exception of an existing subdivision centered on either side of Labrousse Road. South of Parrett Mountain Road the map shows the area as *Mixed Forest & Agriculture*. The *Wildland Forest* section of Parrett Mountain was ranked as a Tier1 area in staff's analysis given the *Wildland Forest* designation.

Natural Landscape Feature Considerations Under Factor (3)(a-h)

Factor (3)(a) is addressed under 'general comments' in the rural reserves introduction.

Areas included on Metro's Natural Features Inventory area were included as Tier 1 areas for rural reserve designation in staff's analysis. This includes the 88 acres in the Tonquin Scablands area. The Parrett Mountain area was also included as a Tier 1 consideration given the regional sense of place that is found in the area. Parrett Mountain likely contains suitable habitat for wildlife, including big game cover, and also provides a buffer between the city of Sherwood and rural areas south of the mountain.

Consideration was given to provision of recreational access and no changes are expected to the transportation system that would limit any existing access to recreational opportunities.

Rural Reserve 6E: Central Chehalem Mountains

General Description: This 25,381-acre rural reserve is almost evenly divided by the Tualatin River, which is a key natural feature of the reserve. The Chehalem Mountains are also a prominent natural feature. The north half of this reserve area is typified by farm parcels adjacent to and north of the river. South of the river and Highway 219, the lots are smaller and uses are more varied, including residential use, nursery use, and small farm and forest use parcels. The Chehalem foothills start in this southern half and extend south-southwest to the county line. The upper drainages in the Chehalems feed into the McFee Creek basin. The reserve area is divided by several arterials, including Highway 219, Farmington Road, and River Road. Proposed urban area 6B (Cooper Mountain Southwest) abuts the northeast corner of the reserve and Urban Reserve area 6A (Hillsboro South) is located northeast of the junction of Rosedale and River Roads.

Two undesignated areas are located on the north boundary. One area of approximately 358 acres is located between the Tualatin River and Minter Bridge Road south of the Hillsboro city limits. The area has remained undesignated throughout the reserves mapping changes. The other undesignated portion near Rural Reserve Area 6E is approximately 568 acres and encompasses the quarry area between Farmington Road and Clark Hill Road. This area was initially recommended as an urban reserve by the WCRCC in the September 23, 2009, staff report. The status of the area was changed to undesignated with the release of the Bragdon/Hosticka Urban and Rural Reserves map of 12/08/09. A small amount of additional undesignated acreage area was added to the area during Core 4 deliberations from February 8, 2010 to the date of the IGA adoption between the county and Metro on February 23 and 25, 2010.

Rural Reserve Area 6E best qualifies as a rural reserve through application of the agricultural, forestry, and natural features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section of the rural reserves introduction.

Agricultural Considerations Under Factor (2)(b-d)

Much of the central area of this reserve was classified as Tier 1 for agricultural operations and is capable of supporting agricultural operations over the 50-year reserves timeframe. The Tier 1 defined area includes the area from Bald Peak Road east to Highway 210 and from Highway 219 east to River Road and is bounded by the Tualatin river floodplain. The majority of the area is considered Foundation farm land on the Oregon Department of Agriculture map. WashCo Rec. 2998. Capability was determined through soil class and availability of water. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

Class II and class III soils predominate, with isolated pockets of Class I soils and some Class IV soils immediately adjacent to the river. Class III and IV predominate in the Chehalem Mountains. Numerous parcels in the river's floodplain are included in the Tualatin Valley Irrigation District and existing water rights are widespread. Numerous water rights also exist outside the water district in the Chehalem foothills. WashCo Rec. 3015. As with Rural Reserve 8E, the area is potentially some of the most productive land in the study area for agricultural purposes, based on Staff's analysis.

The majority of parcels in the Tier 1 area are 35 acres or larger and are currently in agricultural use. This area discussed above under Tier 1 considerations is a component of the larger sub-area 25. These farm parcels are typically on the valley floor, gradually transitioning to smaller lots and more residential use as one moves south into the Chehalem foothills. The gradual transition to residential lots containing pasture or small woodlots acts as an effective buffer to the existing agricultural uses on the valley floor.

As noted above, TVID boundaries and existing water rights were mapped to help define agricultural infrastructure. Infrastructure to support agricultural uses is likely sufficient given the predominance of relatively large agricultural operations throughout the valley floor.

Forestry Considerations Under Factor (2)(b-d)

Aerial photos show that forest canopy in the Tier 1 agricultural area described above is limited to a few streams. Forested areas in this reserve occur south of the Tualatin River in the Chehalem Mountains. Commercial forestry operations do not occur in this reserve.

An area designated *Wildland Forest* by the Oregon Department of Forestry is present at the crest of the Chehalems adjacent to the county line. Staff included this area as suitable for rural reserve based on this forestry consideration. WashCo Rec. 3027. No other *Wildland Forest* designations occur in the reserve area. Existing parcelization of the area, steepness of the topography, and existing and future transportation limitations preclude large-scale forestry operations.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The Tualatin River and the Chehalem Mountains are prominent natural features in this proposed reserve. The river floodplain serves important hydrological functions related to flood water retention and discharge and additionally serves important biologic functions such as provision of a wildlife dispersal corridor and critical habitat provisions for anadromous fish. Both features are also significant identifiers for a sense of place at a local and regional level. Additionally, Jackson Bottoms is a regionally significant wetland that provides wintering habitat for ducks, geese, and swans as well as other migrants. This area also provides a sense of place year-round as a natural area.

Urban Reserve Area 6A abuts south Hillsboro and Urban Reserve Area 6B abuts the western boundary. The floodplain of the Tualatin River helps form the west boundary of Urban Reserve Area 6A. Existing floodplains can function as buffer areas between future development in the proposed urban reserve and the agricultural uses south of Rosedale Road and west of River

Road. Urban Reserve Area 6B consists primarily of the southwest slopes of Cooper Mountain. The topography of the area creates an effective buffer between agricultural uses on the valley floor and the more intense residential development located east of the Metro-owned and operated 231-acre Cooper Mountain Nature Park located on the mountain's upper slopes. The park provides an additional buffer between urban and rural uses. Consideration was given to provision of recreational access to natural features in the area.

Rural Reserve 7F: Hagg Lake

General Description: This approximately 25,652 acre area includes land west and southwest of Forest Grove to the study area boundary. Gales Creek Road forms the northern edge and Highway 47 its eastern edge. With the exception of the Gales Creek and Tualatin River floodplains, the reserve area is characterized by incised ravines and rolling topography to an elevation of approximately 1,000 feet. The predominant landscape features are Gales Peak and Hagg Lake. Commercial forestry operations occur throughout much of the area with farm parcels within the Gales Creek floodplain and on either side of the Highway 47 corridor. The area best qualifies as a rural reserve through forestry factors.

The community of Dilley is located between Forest Grove and Gaston west of Highway 47.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under 'general comments' for the rural reserves introduction.

Agricultural land in this reserve is located in the area between Gales Creek south to the hills around Hagg Lake as well as land between Old Highway 47 and Highway 47. The Patton Valley Road area south to the county line is also in agricultural use. The area in the vicinity of Gales Creek was ranked as Tier 1 for agriculture in the staff analysis. Row crops are the predominant agricultural use in the area. Several large parcels in nursery use occur in the vicinity of SW Stringtown Road and SW Ritchey Road.

Soil classes in the Tier 1 area are predominantly Class II and Class III. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe. Virtually all of the flat area of Rural Reserve 7F is currently in farm use and is capable of supporting agriculture over the reserves timeframe.

Agricultural infrastructure in the area is likely to be sufficient given the on-going agricultural use in the farm areas noted above. The towns of Forest Grove, Cornelius and Hillsboro are close enough to the reserve to provide agricultural support such as machinery purchase and repair as well as supply and distribution outlets.

Forestry Considerations Under Factor (2)

The majority of this reserve includes the mountainous west end of the study area. The area northeast of Hagg Lake rises to approximately 1,000 feet in elevation and gradually increases to approximately 1,600 feet northwest of the lake. Virtually all of the area is commercial forest

land, including a number of contiguous parcels held by Stimson Lumber Company. Most of the hilly terrain in the reserve is included as *Wildland Forest* in ODF's forest inventory and was therefore proposed as a high priority for rural reserve designation by staff. This area includes the largest contiguous block of forested land in the Washington County reserves study area.

Stimson Lumber Company maintains an active log processing facility in Scoggins Valley that provides an outlet for much of the timber harvested in the hills above Hagg Lake. The cities of North Plains and Banks also have mills that provide log processing. Logging supply and equipment repair facilities can be found in surrounding communities, including McMinnville in Yamhill County.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under *general comments* in the rural reserves introduction.

Much of the reserve area, including the foothills north of Hagg Lake and the Gales Creek floodplain, occur on the Natural Landscape Features Inventory (cite source). Significant portions of the reserve are either in a floodplain or in areas where slopes are greater than 25%. The area is considered Wildlife Habitat in the county's Goal 5 Inventory with the recognition that the contiguity of the forest cover provides important habitat throughout the life cycle of big game species and other mammals. Most of the topography is over 350 feet in elevation, providing a visual sense of place and a relatively undisturbed mountainous area close to the county's westernmost cities.

The Reserve area provides some measure of separation between the cities of Forest Grove and Gaston, limiting the type of development that could extend beyond each city's boundary.

Hagg Lake is one of the county's most significant recreational facilities. Access to the area is via Scoggins Valley Road, an improved two-lane road. Access to the recreational potential of the Gales Creek watershed is provided by Gales Creek Road, also a two-lane improved road.

Rural Reserve 7G: West Chehalem Mountains

General Description: This diverse area of approximately 26,898 acres includes the west end of the Chehalem Mountains, farm lots of varying sizes, residential parcels with pasture and/or woodlots, and timbered parcels. Numerous perennial tributaries of the Tualatin River originate in this reserve, including Davis, Christenson and Mill Creeks. The Tualatin River floodplain is the predominant natural feature and forms the northern boundary of the area, with Highway 47 serving as the western boundary. Bald Peak Road forms the area's southern boundary and Highway 219 forms the eastern boundary. The small community of Laurelwood is located southeast of the town of Gaston. Roads south of Cornelius and Forest Grove include Tongue Lane, Blooming Fern Hill Road, and Golf Course Road. Urban Reserve Area 7D (Cornelius South) is located adjacent to Cornelius at the north boundary of the reserve area. A 1,013-acre undesignated area south of Cornelius was initially recommended as an urban reserve by the WCRCC in September, 2009. The status of the area was changed to undesignated (without acreage adjustments) with the release of the Bragdon/Hosticka Urban and Rural Reserves map of December 8, 2009. The area remained unchanged from this designation during the rest of the Core 4 deliberative process into February 2010.

The area best qualifies as a rural reserve through agricultural factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

The majority of the relatively flat land in this reserve is currently devoted to agriculture use. Nursery operations are not uncommon south of the Tualatin River floodplain. The area comprising the floodplain boundaries south to Simpson Road and north to the Forest Grove city limits was ranked as the highest suitability for agriculture (Tier 1) in this reserve. Class I soils are located between Golf Course Road and Blooming Hill Road with Class II and Class III soils in the remaining area. The land use pattern supports this area as being highly suitable for agricultural use. The larger parcels in the area are currently in farm use and most are located within the Tualatin Valley Irrigation District. Water rights are present throughout much of the valley floor.

Staff presumes that an adequate agricultural infrastructure currently exists in the surrounding area given the number of farm operations in this reserve.

Forestry Considerations Under Factor (2)

The remaining area of the reserve includes the western end of the Chehalem Mountains, which are characterized by smaller lots, variable topography, and multiple uses, including small hobby farms, residential parcels, and larger lots north of Dixon Mill Road that historically have been used for forestry operations. Metro has recently purchased approximately 1,143 acres that were in historic forestry use for the Chehalem Ridge Natural Area, a new regional park that is currently undeveloped. The new park area was mapped as *Mixed Forest and Agriculture* on the ODF inventory.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The important natural landscape features of the area include the west end of the Chehalem Mountain Ridge, the Wapato Lake area north of Gaston and a section of the Tualatin River that flows through this reserve. Each of these features was ranked as the highest priority for rural reserve in the staff analyses. The Fernhill Wetlands complex south of Forest Grove provides regionally important wintering habitat for ducks, geese, swans, and other migratory birds. Including this feature, as well as other County Goal 5 inventoried resources in a rural reserve will protect important fish and wildlife habitat from the effects of urbanization and provides a regional sense of place that would be lost with urban encroachment. Water quality can be maintained by limiting impervious surfaces and urban development in the Chehalem area where tributaries to the river are located. The floodplain helps form a natural boundary between the urban uses in Forest Grove and Cornelius and the farmland south of those cities.

Consideration was given to provision of recreational access to natural features in the area. Changes are not anticipated to the transportation system that would limit existing or future access to recreational opportunities.

Rural Reserve 7H: West Fork Dairy Creek

General Description: This wedge-shaped area is approximately 15,696 acres northwest of Forest Grove and west of the city of Banks. State Highway 47 and Gales Creek Road define the east and west boundaries, respectively. Highway 47 is classified as a principal arterial on the county's Transportation Plan and Gales Creek Road as an arterial. David Hill and the west fork of Dairy Creek and its tributaries are the predominant landscape features. Much of the area is characterized by farm parcels over 30 acres with scattered residential dwellings. Urban Reserve Areas 7A (David Hill) and 7B (Forest Grove North) abut the northern edge of Forest Grove. Land around Banks has been left undesignated to allow for that city's future growth. The area qualifies as a rural reserve through agricultural, forestry, and natural landscape features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section of the rural reserves introduction.

The agricultural land in this reserve is farmed up to the lower slopes of the hills that encircle the floodplain of the west fork of Dairy Creek. This area has been in agricultural use for decades and is capable of maintaining that use. The reserve contains large blocks of contiguous Class II soils and also has the largest contiguous block of parcels within the Tualatin Valley Irrigation District. Availability of water was an important consideration in staff's analysis of capable farm areas given assumptions of climate change impacts and expected limitations on water removal from in-stream flow over the reserves timeframe. Large areas west, southwest and north of Banks have water rights outside of the irrigation district. WashCo Rec. 3015.

Parcels in the agricultural area are contiguous and typically over 35 acres in size, which can facilitate large-scale farming operations.

Agricultural infrastructure in the area is likely sufficient given the ongoing agricultural use in the farm areas noted above. The towns of Forest Grove, Cornelius, and Hillsboro are close enough to the reserve to provide agricultural support such as machinery purchase and repair and supply and distribution outlets.

Forestry Considerations Under Factor (2)

As noted above, the agricultural area in the reserve is ringed by forested hills to an elevation of approximately 500 feet northwest of Banks and just over 1,100 feet in the David Hill area. Based on aerial photographs, much of the forested area in the reserve has been harvested in the past and continues to be in commercial rotation or small-scale woodlot management. With the exception of smaller parcels on the lower slopes of David Hill and exception lands northwest of Banks, the forested lands of this reserve include very limited residential development.

The majority of David Hill is ranked as *Wildland Forest* by the ODF as is a wedge of land at the north edge of the reserve between SW Cedar Canyon Road and Highway 47. WashCo Rec. 2999. Staff ranked these areas as Tier 1 and Tier 2 (i.e. most suitable) in applying the forestry element under this factor. The ODF ranked the remaining hill areas above the floodplain as *Mixed Forest & Agriculture*. Staff determined through the analyses iterations that these (non-Tier 1) hill areas be left undesignated given the lack of priority for either forestry or agriculture. During Core 4 deliberations, the undesignated areas within this reserve were assimilated into surrounding rural reserves, with the exception of undesignated area around the city of Banks.

David Hill is buffered by Hillside Road to the north and Gales Creek Road to the south, effectively creating a forested island above the valley floor. Cedar Canyon Road separates the forested uses northwest of Banks from the agricultural uses on the valley floor.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The west fork of Dairy Creek and David Hill are the predominant natural landscape features in the reserve area. The David Hill area and much of the surrounding hill areas contain slopes too excessive for efficient and cost-effective urban development and are included as Tier 1 (forestry) lands for this reason alone. Residential development in the hill areas is limited and contiguous blocks of forest in varying age classes are not uncommon, providing a variety of habitat potential for wildlife. Feeder streams to the west fork tributaries originate in the surrounding hills and help to maintain water quality and quantity for Dairy Creek, a stream recognized by the Oregon Department of Fish and Wildlife as important for anadromous and resident fish.

David Hill is the highest hill in this reserve area and provides views from its summit north to the Tualatin Mountains and south to Yamhill County. The Dairy Creek floodplain covers both this reserve and Rural Reserve Area 8E (Dairy Creek) to the east and encompasses the largest contiguous agricultural area in the county. Both features serve to provide a sense of place. The floodplain further functions as a natural buffer from the urban uses south to Forest Grove.

Rural Reserve 8E: Dairy Creek

General Description: This area of approximately 19,182 acres consists of the relatively flat agricultural land located north of the city of Forest Grove to Highway 26. Highway 47 defines the western boundary and McKay Creek defines the east boundary. The east and west forks of Dairy Creek meet in the approximate center of the reserve to form the main stem of Dairy Creek, which flows southeast through the southern half of this reserve. Cornelius-Schefflin Road, Zion Church Road, Verboort Road, and Martin Road are classified as arterials in the county's Transportation Plan. The small communities of Verboort and Roy are located within this reserve. Urban Reserve Areas 7I (Cornelius North) and 7C (Cornelius East) are located at the southern edge of the reserve adjacent to Cornelius. Urban Reserve Area 8A (Hillsboro North) is located on the northeast boundary of this area. The area qualifies as a rural reserve through agricultural and natural landscape features factors.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed under the *general comments* section in the rural reserves introduction.

This reserve area continues to be a key agricultural sector of the county due to the contiguity of larger parcels in agricultural use, the proximity to perennial water from McKay Creek and the east and west forks of Dairy Creek, and the presence of high-value farm soils. Class II soils predominate in this reserve and relatively large areas of Class I soils occur between Zion Church Road and North Plains, west of Gordon Road, and the vicinity of Scotch Church and Glencoe Roads. The area benefits from being centrally located between the cities of Hillsboro, North Plains, Banks, Forest Grove and Cornelius relative to agricultural infrastructure such as seed and feed distribution, farm equipment repair, and transportation capacity. This area has been in long-term farm use and maintains the capability for long-term agricultural use.

Forestry Considerations Under Factor (2)

This area is recommended as a rural reserve given its agricultural importance and suitability under factor (3) below. Forest cover is limited in this reserve to the riparian corridors of Dairy Creek and McKay Creek.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

The east and west forks of Dairy Creek meet in the approximate center of the reserve, creating a large floodplain area that serves important hydrologic and biological functions. Stormwater retention and release, water quality, and lower water temperatures are facilitated by limits on impervious surface area and its associated run-off. The creek and associated tributaries provide full life cycle habitat as migration corridors, rearing area for young, and feeding and resting areas for anadromous and native fish and amphibians. The east and west forks of Dairy Creek are the main cutthroat trout spawning and rearing areas within the Tualatin sub-basin. Species of concern found in the drainage include the northern red-legged frog and steelhead trout.

The entire reserve consists of flat to gently rolling topography that is almost exclusively in agricultural use. Views south into the reserve from Highway 26 provide a sense of place by connecting Metro area residents to close-in farmland identified through numerous public comment submittals as important elements in the regional identity.

Trails and parks are currently not found in this reserve area but adequate access to potential trail areas, such as along the riparian corridors, is available through the existing road network.

Rural Reserve 8F: Highway 26 North

General Description: Highway 26 (Sunset Highway) forms the southern boundary of this approximately 21,446-acre rural reserve. The north and west boundaries are defined by the edge of the study area and the east boundary is formed by Rock Creek. The area is characterized by several tributaries flowing south from the Tualatin Mountains, including Waibel, Storey, and

Holcomb Creeks. Sections of McKay Creek and the East Fork of Dairy Creek also flow through this reserve area. The topography of the area is characterized by the foothills of the Tualatin Mountains. Tributary ravines are common in the area, particularly in the eastern half. NW Cornelius Pass Road and NW West Union Road are designated arterials in the county's Transportation Plan; collector roads include NW Shady Brook, NW Jackson School, NW Helvetia, and NW Phillips Roads. Urban Reserve Area 8C (West Bethany) occurs as two small units located on the east boundary adjacent to the regional UGB. The area best qualifies as a rural reserve through agricultural and natural landscape features factors.

The community of Helvetia is located in this reserve.

Findings: Designation of Lands as Rural Reserves

Agricultural Considerations Under Factor (2)

Factor (2)(a) is addressed in the *general comments* section in the rural reserves introduction.

Land in existing agricultural use extends from the south reserve boundary north to the foothills of the Tualatin Mountains. The larger parcels, such as those located adjacent to Jackson School Road and Mountindale Road, are in agricultural use. Class II soils predominate north of West Union Road. Areas of Class I soils exist south of West Union Road in the vicinity of Jackson School road and on either side of Helvetia Road. Relatively large areas of Class I soil occur north of North Plains and Mountindale Road. Mountainous areas of the reserve tend to be Class III and IV soils. Water rights are concentrated along McKay and Dairy Creeks and intermittently along Waibel Creek and Rock Creek. Water rights are sporadic throughout the rest of the reserve. WashCo Rec. 3015. Residential and small farm use is typical in the foothills, where parcels are generally smaller than those on flatter terrain to the south. Availability of water was an important consideration in staff's analysis of agricultural lands given assumptions of climate change impacts and expected limitations to in-stream flow over the reserves timeframe.

The majority of this reserve ranked as Tier 2 and Tier 3 for rural reserve designation. Relative to other rural areas of the county, dwelling density and parcelization is high throughout much of the reserve, particularly in the Helvetia area. WashCo Rec. 3021-3022. Also, agricultural productivity ratings developed by applying the Huddleston methodology ranked considerably lower throughout this reserve than rural reserve areas in the Tualatin River floodplain and the Dairy Creek basin between Banks and Forest Grove. The most productive agricultural areas in the reserve are located northwest of North Plains in the Mountindale area. WashCo Rec. 3017.

Forestry Considerations Under Factor (2)

The majority of this reserve area is in agricultural use. Forested parcels and rural residential areas occur in the foothills of the Tualatin Mountains. The ODF inventory included several areas designated *Wildland Forest* at the northern edge of the study area, including north of the Highway 26/Highway 6 junction as well as areas at the county's east edge northeast of North Plains. All areas designated *Wildland Forest* in the ODF inventory had Tier 1 suitability in the county's forestry analysis. The foothills are typified by scattered woodlots and soils are potentially suitable for long-term forestry operations. Existing parcelization and dwelling density would likely limit larger commercial forestry operations.

Natural Landscape Feature Considerations Under Factor (3)

Factor (3)(a) is addressed under the *general comments* section in the rural reserves introduction.

Rock Creek, McKay Creek, and the East Fork of Dairy Creek flow through this reserve and several important tributaries - including Bledsoe Creek, Jackson Creek, and Holcomb Creek - originate in the Tualatin Mountain foothills. These streams are critical for enhancement of water quality and quantity necessary for resident and anadromous fish habitat. Downstream flow for agriculture is dependent on the tributary streams in this reserve. Relatively large floodplain areas exist in the Mountindale area north of Highway 26 and north of North Plains, providing a buffer between rural uses and the city.

Elevations over 350 feet were included as Tier 1 areas for rural reserves to address factor (3)(e) relative to a sense of place. Portions of the hills above this elevation were also included in Metro's Natural Features Inventory given their significance as headwaters to Rock Creek. Foothills to the Tualatin Mountains provide a natural buffer between agricultural uses closer to the Sunset Highway and the more intensive residential use further north. Access to recreation areas such as Forest Park and Sauvie Island in Multnomah County are provided through several roads that run north-south in this reserve. The Banks-to-Vernonia State Trail from Stub Stewart State Park to the city limits of Banks occurs in this reserve and is likewise unimpeded from recreational access.

IX. CONSISTENCY WITH REGIONAL AND STATE POLICIES

A. Regional Framework Plan

Policy 1.1: Urban Form (1.1.1(a); 2.3)

The determination of the amount of urban reserves needed to accommodate growth to the year 2060 was based upon the current focus of the 2040 Growth Concept on compact, mixed-use, pedestrian-friendly and transit-supportive communities and a new strategy of investment to use land more efficiently. The reserves decision assumes that residential and commercial development will occur in development patterns more compact than the current overall settlement pattern in the UGB. In addition, amendments made by the reserves decisions to Title 11 (Planning for New Urban Areas) of the Urban Growth Management Functional Plan place greater emphasis than the previous version of Title 11 on “great communities” that achieve levels of intensity that will support transit and other public facilities and services.

Policy 1.4: Economic Opportunity (1.4.1)

The four governments selected urban reserves with factor OAR 660-027-0050(2) (healthy economy) in mind. Rating potential urban reserves for suitability for industrial development, using staff maps and the *Business Coalition Constrained Land for Development and Employment Map* produced by Group McKenzie, resulted in designation of thousands of acres suitable for industrial and other employment uses as urban reserves. These reserves are distributed around the region to provide opportunities in all parts of the region.

Policy 1.6: Growth Management (1.6.1(a))

See finding for Policy 1.1.

Policy 1.7: Urban/Rural Transition

The four governments inventoried important natural landscape features outside the UGB and used those features to help make a clear transitions from urban to rural lands. The findings above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of urban and rural reserves and demonstrate the use of natural and built features to define the extent of urban reserves.

Policy 1.11: Neighbor Cities

The four governments reached out to the non-Metro cities within the three counties and to Columbia, Yamhill and Marion counties and their cities to hear their concerns about designation of reserves near their boundaries. All expressed an interest in maintenance of separation between the metro urban area and their own communities. The four governments were careful not to designate urban reserves too close to any of these communities. As the findings above indicate, the counties consulted with “neighbor cities” within their borders about which lands near them should be left un designated so they have room to grow, and which lands to designate rural reserve to preserve separation. The city of Sandy asked Metro and Clackamas County to revise the three governments’ agreement to protect a green corridor along Hwy 26 between Gresham and Sandy. At the time of adoption of these decisions, the three governments agreed upon a set of principles to guide revision to the agreement to use reserves to protect the corridor.

Policy 1.12: Protection of Agriculture and Forest Resource Lands (1.12.1; 1.12.3; 1.12.4)

See section II of the findings for explanation of the designation of farmland as urban or rural reserves. Metro’s Ordinance No. 10-1238A revises Policy 1.12 to conform to the new approach to urban and rural reserves.

Policy 1.13 Participation of Citizens

See sections III and IX (Goal 1) of the findings for full discussion of the public involvement process. The findings for each county (sections VI, VII and VIII) discuss the individual efforts of the counties to involve the public in decision-making.

Policy 2.8: The Natural Environment

The four governments inventoried important natural landscape features outside the UGB and used the information to identify natural resources that should be protected from urbanization. The findings above explain how the governments applied the landscape features factors in OAR 660-027-0060(3) in designation of rural reserves for long-term protection of natural resources.

B. Statewide Planning Goals

Goal 1 - Citizen Involvement

The four governments developed an overall public involvement program and, pursuant to the Reserve Rule [OAR 660-027-0030(2)], submitted the program to the State Citizen Involvement

Advisory Committee (CIAC) for review. The CIAC endorsed the program. The four governments implemented the program over the next two and a half years. Each county and Metro adapted the program to fit its own public involvement policies and practices, described above. In all, the four governments carried out an extraordinary process of involvement that involved workshops, open houses, public hearings, advisory committee meeting open to the public and opportunities to comment at the governments' websites. These efforts fulfill the governments' responsibilities under Goal 1.

Goal 2 - Land Use Planning

There are two principal requirements in Goal 2: providing an adequate factual base for planning decisions and ensuring coordination with those affected by the planning decisions. The record submitted to LCDC contains an enormous body of information, some prepared by the four governments, some prepared by their advisory committees and some prepared by citizens and organizations that participated in the many opportunities for comment. These findings make reference to some of the materials. The information in the record provides an ample basis for the urban and rural reserve designated by the four governments.

The four governments coordinated their planning efforts with all affected general and limited purpose governments and districts and many profit and non-profit organizations in the region (and some beyond the region, such as Marion, Yamhill and Polk Counties and state agencies) and, as a result, received a great amount of comment from these governments. The governments responded in writing to these comments at several stages in the two and one-half year effort, contained in the record submitted to LCDC. See Attachment 2 to June 3, 2010, Staff Report, Metro Rec.___. These findings make an additional effort to respond to comments from partner governments (cities, districts, agencies) on particular areas. These efforts to notify, receive comment, accommodate and respond to comment fulfill the governments' responsibilities under Goal 2.

Goal 3 - Agricultural Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 3. Designation of agricultural land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of agricultural land as urban reserve means the land may be added to a UGB over the next 50 years. Goal 3 will apply to the addition of urban reserves to a UGB. The designation of these urban and rural reserves is consistent with Goal 3.

Goal 4 - Forest Lands

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 4. Designation of forest land as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of forest land as urban reserve means the

land may be added to a UGB over the next 50 years. Goal 4 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 4.

Goal 5 - Natural Resources, Scenic and Historic Areas and Open Spaces

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands inventoried and protected as Goal 5 resource lands. Designation of Goal 5 resources as rural reserve protects the land from inclusion within an urban growth boundary and from re-designation as urban reserve for 50 years. Designation of Goal 5 resources as urban reserve means the land may be added to a UGB over the next 50 years. Goal 5 will apply to the addition of urban reserves to a UGB. The designation of reserves is consistent with Goal 5.

Goal 6 - Air, Water and Land Resources Quality

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect air, water or land resources quality. Nor does designation of reserves invoke state or federal air or water quality regulations. The designation of reserves is consistent with Goal 6.

Goal 7 - Areas Subject to Natural Hazards

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to protect people or property from natural hazards. Nonetheless, the four governments consulted existing inventories of areas subject to flooding, landslides and earthquakes for purposes of determining their suitability for urbanization or for designation as rural reserve as important natural landscape features. This information guided the reserves designations, as indicated in the findings for particular reserves, and supported designation of some areas as rural reserves. Goal 7 will apply to future decisions to include any urban reserves in the UGB. The designation of reserves is consistent with Goal 7.

Goal 8 - Recreational Needs

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations intended to satisfy recreational needs. The designation of reserves is consistent with Goal 8.

Goal 9 - Economic Development

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations for lands subject to Goal 9. All urban and rural reserves lie outside the UGB. No land planned and zoned for rural employment was designated rural reserve. Designation of land as urban reserve helps achieve the objectives of Goal 9. Much urban reserve is suitable for industrial and other employment uses; designation of land suitable

for employment as urban reserve increases the likelihood that it will become available for employment uses over time. The designation of reserves is consistent with Goal 9.

Goal 10 - Housing

All urban and rural reserves lie outside the UGB. No land planned and zoned to provide needed housing was designated urban or rural reserve. The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not remove or limit opportunities for housing. The designation of reserves is consistent with Goal 10.

Goal 11 - Public Facilities and Services

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural facilities and services. The four governments assessed the feasibility of providing urban facilities and services to lands under consideration for designation as urban reserve. This assessment guided the designations and increases the likelihood that urban reserves added to the UGB can be provided with urban facilities and services efficiently and cost-effectively. The designation of reserves is consistent with Goal 11.

Goal 12 - Transportation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and does not place any limitations on the provision of rural transportation facilities or improvements. The four governments assessed the feasibility of providing urban transportation facilities to lands under consideration for designation as urban reserve, with assistance from the Oregon Department of Transportation. This assessment guided the designations and increases the likelihood that urban reserves added to the UGB can be provided with urban transportation facilities efficiently and cost-effectively. The designation of reserves is consistent with Goal 12.

Goal 13 - Energy Conservation

The designation of urban and rural reserves does not change or affect comprehensive plan designations or land regulations and has no effect on energy conservation. The designation of reserves is consistent with Goal 13.

Goal 14 - Urbanization

The designation of urban and rural reserves directly influences future expansion of UGBs, but does not add any land to a UGB or urbanize any land. Goal 14 will apply to future decisions to add urban reserves to the regional UGB. The designation of urban and rural reserves is consistent with Goal 14.

Goal 15 - Willamette River Greenway

No land subject to county regulations to protect the Willamette River Greenway was designated urban reserve. The designation of urban and rural reserves is consistent with Goal 15.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1165

Amending Exhibits 2 (Findings) and 3 (Record Index) to Ordinance No. 1161 that Amended Multnomah County Comprehensive Framework Plan; and the Multnomah County Plan and Sectional Zoning Maps Relating to Urban and Rural Reserves, and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Multnomah County Planning Commission recommended that the Board adopt an Ordinance adding new policies and strategies to the County's Comprehensive Plan and amending the plan and zoning map with respect to urban and rural reserves.
- b. On May 13, 2010, the Board adopted Ordinance No. 1161 relating to urban and rural reserves as recommended by the Planning Commission.
- c. Detailed findings in support of Ordinance 1161 entitled: Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves; were attached as Exhibit 2 and incorporated by reference. A Record Index listing all the evidence in the County's Record related to Urban and Rural Reserves designations was attached as Exhibit 3.
- d. The legislative changes made by Ordinance 1161 implement an IGA with Metro and complete the reserves designation process that relied on the coordinated efforts of Multnomah, Clackamas and Washington Counties and Metro (Jurisdictions).
- e. Exhibit 2 contains findings that support the county's decision in part I, and findings that support the regional decision in part II. The regional or "overall" findings in part II describe the extent of both urban and rural reserves in all three counties, and explain why the amount of urban and rural land designated meets the legal requirements in Oregon Administrative Rule Division 27.
- f. As the findings in Exhibit 2 part II have been changed by other parties and these findings must be identical in all of the ordinances adopted by the Jurisdictions, it is necessary to adopt the amended findings. The Record Index, Exhibit 3, to Ordinance 1161, is updated to include new evidence submitted to the Board in the hearing leading to adoption of Ordinance 1161.

Multnomah County Ordains as follows:

Section 1. The amended attached Exhibit 2 entitled: Reasons for Designating Areas in Multnomah County as Urban Reserves or Rural Reserves and Exhibit 3, Record Index listing all the evidence in the County's Record related to Urban and Rural Reserves designations to Ordinance No. 1161, are adopted and incorporated by reference.

Section 2. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING AND ADOPTION:

June 17, 2010



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Community Services

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MAY 27 2010

FOR WASHINGTON COUNTY, OREGON

Washington County
County Clerk

A-ENGROSSED ORDINANCE 733

An Ordinance Amending Elements of the
Comprehensive Plan to Add Policies and Maps
and any other Amendments Necessary to
Designate Rural Reserves and Adopt Urban
Reserves Designated by Metro

The Board of County Commissioners of Washington County, Oregon ("Board") ordains:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458, 459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631, 637, 643, 648, 649, 653, 662, 671 and 686.

B. The Board recognizes that the Comprehensive Framework Plan for the Urban Area element of the Comprehensive Plan (Volume II) was readopted with amendments on September 9, 1986, with portions subsequently amended by Ordinance Nos. 343, 382, 432, 459, 471, 480, 483, 516, 517, 526, 551, 555, 561, 571, 572, 588, 590, 598, 608-610, 612-615, 620, 624, 631, 632, 637, 643, 649, 662, 666, 669, 671, 683, 686, 694, 712 and 726.

C. Subsequent ongoing planning efforts of the County indicate a need to clarify the reserves designation process as provided in the intergovernmental agreement (IGA) between county and Metro, to provide for coordination among counties, cities and Metro in their planning efforts, including any implementing strategy, with respect to urban and rural reserves, and to

1 make further map changes to add a Special Concept Plan Area C, to reflect the rights-of-way, to
2 address property designation, and to correct minor mapping errors.

3 D. The Board takes note that from time to time such changes to the planning
4 documents are necessary for the benefit of the residents of Washington County, Oregon.

5 E. Under the provisions of Washington County Charter Chapter X, the Department
6 of Land Use and Transportation has carried out its responsibilities, including preparation of
7 notices, and the County Planning Commission has conducted one or more public hearings on the
8 proposed amendment(s) and has submitted its recommendation to the Board. The Board finds
9 that this Ordinance is based on that recommendation and any modifications made by the Board,
10 as a result of the public hearings process.

11 F. The Board finds and takes public notice that it is in receipt of all matters and
12 information necessary to consider this Ordinance in an adequate manner, and that this Ordinance
13 complies with the Statewide Planning Goals and other relevant standards and criteria set forth in
14 Chapters 195, 197 and 215 of the Oregon Revised Statutes, the Washington County Charter, and
15 the Washington County Community Development Code.

16 SECTION 2

17 The following exhibits, attached hereto and incorporated herein by reference, are adopted
18 as amendments to the designated documents as follows:

19 A. Exhibit 1 (3 pages), amending the proposed Policy 29, relating to Rural and
20 Urban Reserves designations, of the Rural/Natural Resource Plan;

21 B. Exhibit 2 (49 pages), amending the Rural/Natural Resource Plan by the creation
22 of a new map entitled "Rural and Urban Reserves" in Policy 29;

- 1 C. Exhibit 3 (4 pages), amending the Rural/Natural Resource Plan by the creation of
2 a new map entitled "Special Concept Plan Areas" in Policy 29;
- 3 D. Exhibit 4 (2 pages), amending Policy 3, Intergovernmental Coordination, of the
4 Rural/Natural Resource Plan;
- 5 E. Exhibit 5 (1 page), amending Policy 23, Transportation Plan, of the Rural/Natural
6 Resource Plan;
- 7 F. Exhibit 6 (1 page), amending Policy 27, Urbanization, of the Rural/Natural
8 Resource Plan;
- 9 G. Exhibit 7 (1 page), amending Policy 3, Intergovernmental Coordination, of the
10 Comprehensive Framework Plan for the Urban Area;
- 11 H. Exhibit 8 (1 page), amending Policy 32, Transportation, of the Comprehensive
12 Framework Plan for the Urban Area; and
- 13 I. Exhibit 9 (1 page), amending Policy 40, Regional Planning Implementation, of
14 the Comprehensive Framework Plan for the Urban Area.

15 **SECTION 3**

16 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
17 that are not expressly amended or repealed herein, shall remain in full force and effect.

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1 SECTION 4

2 All applications received prior to the effective date shall be processed in accordance
3 with ORS 215.427 (2009 Edition).

4 SECTION 5

5 If any portion of this Ordinance, including the exhibits, shall for any reason be held
6 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
7 affected thereby and shall remain in full force and effect, and any provision of a prior land use
8 ordinance amended or repealed by the stricken portion of this Ordinance shall be revived and
9 again be considered in full force and effect.

10 SECTION 6

11 The Office of County Counsel and Department of Land Use and Transportation are
12 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this
13 Ordinance, including deleting and adding textual material and maps, renumbering pages or

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sections, and making any technical changes not affecting the substance of these amendments as necessary to conform to the Washington County Comprehensive Plan format.

SECTION 7

This Ordinance shall take effect thirty (30) days after adoption.

ENACTED this 15 day of June, 2010, being the sixth reading and sixth public hearing before the Board of County Commissioners of Washington County, Oregon.

ADOPTED

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

Dusan R. Shute
CHAIRMAN

Barbara Hejtmank
RECORDING SECRETARY

READING

First April 27, 2010
Second May 11, 2010
Third May 18, 2010
Fourth May 25, 2010 (engrossment ordered)
Fifth June 8, 2010
Sixth June 15, 2010

PUBLIC HEARING

First April 27, 2010
Second May 11, 2010
Third May 18, 2010
Fourth May 25, 2010
Fifth June 8, 2010
Sixth June 15, 2010

VOTE: Aye: Strader, Rogers, Schouten Nay: _____
Recording Secretary: Barbara Hejtmank Date: 6-15-10

ORDINANCE NO. ZDO-223

An Ordinance Amending the Clackamas County Comprehensive Plan For The Adoption Of Urban Reserves and Rural Reserves.

WHEREAS, Senate Bill 1011 requires Metro and the three Metro counties to designate Urban Reserves and Rural Reserves; and

WHEREAS, Metro and Clackamas County have held numerous public open houses; and the Clackamas Reserves Policy Advisory Committee (PAC) has been meeting since April, 2008; and

WHEREAS, the PAC and the Clackamas County Planning Commission have held extensive public meetings, open houses and hearings, and made recommendations to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners voted at a public hearing on April 21, 2010 to approve amendments to the Clackamas County Comprehensive Plan adopting Urban Reserves and Rural Reserves, and directed staff to prepare an appropriate ordinance; and

WHEREAS, pursuant to an Intergovernmental Agreement between Clackamas County and Metro, elected officials of Metro, and Clackamas County met and recommended minor revisions to the Urban and Rural Reserves map approved on April 21, 2010, NOW, THEREFORE,

The Board of Commissioners of Clackamas County ordains as follows:

Section 1: Chapter 4 of the Clackamas County Comprehensive Plan and Map IV-9 are hereby amended as shown in Exhibit A hereto.

Section 2: The Board of Commissioners adopts the findings attached hereto as Exhibit B, and authorizes staff to complete citations to the record.


Section 3: This ordinance shall be effective 90 days from the date of its adoption.

ADOPTED this 27th day of May, 2010.

By the BOARD OF COUNTY COMMISSIONERS



Lynn Peterson, Chair



Mary Raethke, Recording Secretary

1
2 **BEFORE THE**
3 **LAND CONSERVATION AND DEVELOPMENT COMMISSION**
4 **OF THE STATE OF OREGON**
5

6 **IN THE MATTER OF URBAN) COMMISSION'S**
7 **RESERVE AREAS FOR) REMAND ORDER**
8 **THE CITY OF NEWBERG) 010-REMAND-001787**
9

10 This matter came before the Land Conservation and Development Commission
11 (Commission) pursuant to ORS 197.626, which provides that cities with a population of 2,500 or
12 more that designate urban reserves under ORS 195.145(1)(a) shall submit the designation to the
13 Commission in the manner provided for periodic review under ORS 197.628 to 197.650. The
14 City of Newberg (City) submitted its designation of new urban reserve areas (URAs) to the
15 Department of Land Conservation and Development (Department) for review pursuant to ORS
16 197.626 and OAR 660-025-0175(1)(c). The Director remanded the submittal to the City for
17 further consideration of identified land needs and lands selected for inclusion in the URAs. Four
18 parties appealed the Director's decision to the Commission. The Commission fully considered
19 the City's submittal and the written record; oral argument and written comments, objections and
20 exceptions of the parties; and the Director's remand order and reports of the Department, and
21 now enters the following findings, conclusion, and order.
22

23 Findings of Fact

24 In July 2008, the Newberg City Council and Yamhill County each adopted new URA
25 designations for the City of Newberg. On August 28, 2008 Newberg submitted its Findings
26 Report to the Department. The City supplemented the submittal on September 19, 2008 with an
27 index of oversized maps and again on October 22, 2008 with other material that was part of its
28 record, but that was inadvertently left out of the August submittal.

29 The Department received valid objections pursuant to OAR 660-025-0140(2) from:

- 30 • 1000 Friends of Oregon, and the Friends of Yamhill County
31 • Mike and Cathy Stuhr
32 • Amy and Lee Does
33 • Grace Schaad

1 On April 10, 2009, pursuant to OAR 660-025-0150(1)(b), the Director issued Order No.
2 001767 remanding the City's decision for further consideration consistent with OAR chapter
3 660, division 21. The order concluded that the City erred by not providing sufficient justification
4 for inclusion of large, flat parcels for industrial, commercial and institutional uses, and by not
5 justifying a "livability" need for the same type of lands. The order also concluded that the City
6 misapplied the priorities for selecting which lands to include as urban reserves as a result of its
7 reliance on specific identified land needs. In DLCD Order No. 001767, the Director either
8 sustained or rejected each of the valid objections pursuant to OAR 660-025-0140(6).

9 Pursuant to OAR 660-025-0150(4), four parties filed valid appeals of
10 DLCD Order No. 001767:

- 11 • City of Newberg
- 12 • 1000 Friends of Oregon, and the Friends of Yamhill County
- 13 • Mike and Cathy Stuhr
- 14 • Amy and Lee Does

15 On May 14, 2009 the Department submitted a report to the Commission responding to
16 the appeals, pursuant to OAR 660-025-0160(2) and (3).

17 On May 26, 2009 the City of Newberg, and Mike and Cathy Stuhr each filed written
18 exceptions to the Department's report to the Commission pursuant to OAR 660-025-0160(4).

19 The Commission heard the appeal on June 5, 2009. During that meeting the Commission
20 heard oral argument from the City, the Department, those parties that appealed the Director's
21 decision, and from objector Grace Schaad in accordance with OAR 660-025-0085(5) as required
22 by OAR 660-025-0160(1). The Commission continued this agenda item to a special meeting set
23 for July 21, 2009, and exercised its discretion to request new information pursuant to OAR 660-
24 025-0160(5) and OAR 660-025-0085(5)(d) by asking the parties to submit up to 10 additional
25 pages of argument.

26 On July 7, 2009, the Department submitted a Supplemental Report to the Commission to
27 clarify the Department's views on the urban reserve rule and how it believed the City applied the
28 rule. The early submission of this report allowed the parties to respond to the Department in
29 their additional written argument.

30 On July 14, 2009, 1000 Friends of Oregon and the Friends of Yamhill County filed an
31 objection to portions of a PowerPoint presentation made by the City of Newberg to the

1 Commission on June 5, 2009. The objection was to the characterization of a list of industries as
2 "Targeted Industries," and to a list of "Typical Lot Size Requirements for Firms in Selected
3 Industries." As set forth below, the Commission determines that land need for urban reserves
4 may not be based on land uses with specific site needs, including particular "target" industries.
5 As a result, the Commission has not considered the portions of the PowerPoint presentation
6 objected to by 1000 Friends. The Commission therefore, denies the objection on the basis that
7 the materials presented are not relevant to the Commission's decision.

8 All four parties that appealed the Department's order submitted additional written
9 testimony to the Commission prior to the July 21, 2009 meeting, including responses to the
10 Department's July 7, 2009 Supplemental Report.

11 On July 21, 2009 the Commission held its continued hearing on the appeals to the
12 Director's remand of the City's URAs. At this meeting the Commission heard oral argument
13 from the City, the Department, the parties that appealed the Director's remand decision, and
14 objector Grace Schaad. The Commission deliberated and took action to remand the City's URA
15 designations, as reflected in this written order.

16 17 Record Objection

18 1000 Friends of Oregon and the Friends of Yamhill County filed an objection to three
19 documents included in the City of Newberg's supplemental record filing, on the basis that the
20 materials were not included in the local record. After reviewing the objection and the city's
21 response, the Department concurred with the objection. The Commission heard argument
22 concerning the objection, and decided to sustain it.

23 24 Scope and Standard of Review

25 The Commission reviewed the City's submittal for compliance with the applicable goals,
26 administrative rules and statutes. OAR 660-025-0040(1). For submittals under ORS 197.626
27 that are reviewed in the manner of periodic review under ORS 197.628 to 197.650, "compliance
28 with the goals" means the submittal "on the whole, conform[s] with the purposes of the goals
29 and any failure to meet individual goal requirements is technical or minor in nature."
30 ORS 197.747.

1 In determining compliance with the Goal 2 requirement that land use decisions have an
2 adequate factual base, the Commission considers whether the submittal is supported by
3 substantial evidence. The City's submittal is a legislative decision, but nevertheless the Goal 2
4 requirement for an adequate factual base means that the decision must be supported by
5 substantial evidence. *DLCD v. Douglas County*, 37 Or LUBA 129, 132 (1999). Substantial
6 evidence exists to support a finding of fact when the record, viewed as a whole, would permit a
7 reasonable person to make that finding. ORS 183.482(8)(c) and *Dodd v. Hood River County*,
8 317 Or 172, 179, 855 P2d 608 (1993); *City of West Linn v. LCDC*, 201 Or App 419, 431, 119
9 P3d 285 (2005). Where the evidence in the record is conflicting, if a reasonable person could
10 reach the decision the City made in view of all the evidence in the record, the choice between the
11 conflicting evidence belongs to the City. *Mazeski v. Wasco County*, 28 Or LUBA 178, 184
12 (1994), *aff'd* 133 Or App 258, 890 P2d 455 (1995).

13 Because the City's submittal embodies both basic findings of fact and inferences drawn
14 from those facts, substantial evidence review involves two related inquiries: "(1) whether the
15 basic fact or facts are supported by substantial evidence, and (2) whether there is a basis in
16 reason connecting the inference to the facts from which it is derived." *City of Roseburg v.*
17 *Roseburg City Firefighters*, 292 Or 266, 271, 639 P2d 90 (1981). Where substantial evidence in
18 the record supports the City's adopted findings concerning compliance with the goals and the
19 Commission's administrative rules, the Commission nevertheless must determine whether the
20 findings lead to a correct conclusion under the goals and rules. *Oregonians in Action v. LCDC*,
21 121 Or App 497, 504, 854 P2d 1010 (1993).

22 The City and the Department agreed at the hearing on June 5, 2009 that the standard for
23 the Commission's review of evidentiary issues is the substantial evidence standard.

24 25 Conclusions of Law

26 **1. The Purposes of Urban Reserves**

27 Because the parties challenge the Department's characterization of the "primary" purpose
28 of urban reserves under OAR chapter 661, division 21, the Commission first addresses the
29 purpose of the urban reserves for the benefit of the parties as the City proceeds on remand.
30

1 The Commission concludes that the Department correctly identified that the urban reserve rule
2 was adopted to protect exception and other areas adjacent to and nearby urban growth boundaries
3 from further parcelization over the planning period in order to maintain the opportunity for such
4 lands to become urbanized over time. To the extent the parties argue otherwise, the Commission
5 rejects that contention. However, the Commission agrees that consistent with that purpose,
6 urban reserves also are intended to facilitate long-range planning for urban growth, including the
7 cost-effective provision of public facilities and services to urban areas when the lands are later
8 included within the UGB.

9 The Commission originally adopted the urban reserve rule (OAR chapter 660, division
10 21) in 1992 to address the concern over suburban development at the urban periphery. The
11 concern was that low density development just outside of UGBs would preclude cities from
12 including these areas within UGBs at the densities contemplated in their comprehensive plans.
13 The rule required seven local governments to adopt urban reserves because of their above
14 average growth rate and significant amount of exception areas in the vicinity of their UGBs. The
15 next year, in 1993, the legislature enacted a statutory provision allowing local governments to
16 cooperatively designate urban reserve areas “[t]o ensure that the supply of land available for
17 urbanization is maintained.” ORS 195.145(1). That enactment defined “urban reserve” to mean
18 “lands outside an urban growth boundary that will provide for: (a) Future expansion over a long-
19 term period; and (b) The cost-effective provision of public facilities and services within the area
20 when the lands are included within the urban growth boundary.”¹

21 This statute expressly provided statutory authority for the urban reserve rule and
22 reinforced the purpose of establishing urban reserves. The first step in interpreting statutory
23 language is to examine its text and context. *State v. Gaines*, 346 Or 160, 171-72, 206 P3d 1042
24 (2009). Oregon courts have held that the Commission’s rules provide context for statutory
25 interpretation when they predate the enacting of the statute. *Lane County v. LCDC*, 325 Or
26 569, 578, 942 P2d 278 (1997), *Beaver State Sand and Gravel v. Douglas County*, 187 Or App
27 241, 247, 250, 65 P3d 1123 (2003). Therefore, the 1992 urban reserve rule provides context for
28 the statute and, because the Commission does not find these two purposes to be inconsistent, the

¹ In 1993, the statutory definition of “urban reserve area” was codified in ORS 195.145(4). In 2007, the definition became “urban reserve” and was moved to ORS 195.137(2).

1 purpose provided in the statute is a refinement, not a replacement, of the original purpose of the
2 rule. The purpose for division 21 is stated in OAR 660-021-0000, which provides:

3 “This division authorizes planning for areas outside urban growth boundaries to be
4 reserved for eventual inclusion in an urban growth boundary and to be protected from
5 patterns of development that would impede urbanization.”
6

7 The Commission interprets OAR 660-021-0000 to be an overarching, inclusive statement of
8 purpose. Consistent with the primary purpose of protecting areas, including exception areas,
9 outside an urban growth boundary from patterns of development that would impede urbanization
10 is that such protected areas provide for future expansion over a long-term period. In addition, by
11 limiting further development until the areas are brought into the urban growth boundary, urban
12 reserves keep the cost of public facilities and services from escalating further as a result of the
13 spread or intensification of inefficient development patterns.

14 The second step in determining the purpose of urban reserves, even if there is no
15 perceived ambiguity in the text, is consideration of pertinent legislative history. *Gaines*, 346 Or
16 at 172. No party presented legislative history to the Commission to support the notion that, in
17 *defining* “urban reserves” the legislature intended to supersede or alter the *purpose* of the urban
18 reserve rule expressed in OAR 660-021-0000. As a result, the Commission concludes that there
19 is no conflict between OAR 660-021-0000 and ORS 195.137(2).

20 **2. The Amount of Land Included in Urban Reserves**

21 OAR 660-021-0030(1) provides that:

22 “Urban reserves shall include an amount of land estimated to be at least a 10-year supply
23 and no more than a 30-year supply of developable land beyond the 20-year time frame
24 used to establish the urban growth boundary. Local governments designating urban
25 reserves shall adopt findings specifying the particular number of years over which
26 designated urban reserves are intended to provide a supply of land.”
27

28 The City of Newberg determined its long-term need for land (through 2040) by developing a
29 population forecast coordinated with Yamhill County, and assessing its need for land in several
30 categories along with the existing supply of land within the city's UGB. Based on this analysis,
31 the City determined that its total long-term need for land (through 2040) was for 1,665 acres. Of
32 this amount, however, a significant portion also was identified as being for uses with unique and
33 specific site requirements – particularly for large tracts of land and in some cases for relatively
34 flat lands.

1 The Department argued, based on the history of the urban reserve rule, that OAR 660-
2 021-0030(1) does not authorize a city's long-term land need to be based on specific siting
3 requirements for particular uses, and that (instead) the amount of land in a city's urban reserves
4 must be based on generalized long-term population and employment forecasts. The City
5 disagreed, but nevertheless agreed to a voluntary remand in order to revise its determination to
6 remove reliance of projected land needs of future uses with specific site requirements.

7 The Commission interprets OAR 660-021-0030(1) as requiring local governments to
8 make an estimate of its need for developable land over a 10 to 30 year planning period beyond
9 the 20-year time frame used to establish the UGB. This is to be an estimate, based on long-term
10 forecasts of overall population and employment needs for the planning period. The Commission
11 recognizes that the rule authorizes local governments to choose the length of the planning period
12 (within the specified limits), and that the longer the planning period the greater the amount of
13 land that is likely to be justified for inclusion in URAs.

14 **3. Determining Which Lands to Include in Urban Reserves**

15 The Commission concludes that the selection of which lands to include in an URA
16 involves a five-step process. The first three steps are under OAR 660-021-0030(2), which
17 provides that:

18 (2) Inclusion of land within an urban reserve shall be based upon the locational factors of
19 Goal 14 and a demonstration that there are no reasonable alternatives that will require
20 less, or have less effect upon, resource land. Cities and counties cooperatively, and the
21 Metropolitan Service District for the Portland Metropolitan Area Urban Growth
22 Boundary, shall first study lands adjacent to, or nearby, the urban growth boundary for
23 suitability for inclusion within urban reserves, as measured by the factors and criteria set
24 forth in this section. Local governments shall then designate, for inclusion within urban
25 reserves, that suitable land which satisfies the priorities in section (3) of this rule.

26 Under this rule, local governments must first determine what lands "adjacent to, or
27 nearby" the UGB they will study. The local governments are not necessarily required to study
28 all lands adjacent to the UGB for suitability as urban reserve areas, but they must include enough
29 lands so that they do not artificially force consideration of lower priority categories of land.

30 *D.S. Parklane Dev. v. Metro*, 994 P.2d 1205, 1216-1217 (Or. App., 2000).

1 Second, the local governments must demonstrate that there are no reasonable alternatives
2 that will require less, or have less effect upon, resource land. This alternatives analysis must
3 include examining whether additional infill and redevelopment inside the existing UGB (beyond
4 that contemplated in forecasting overall land need) is feasible, as well as locational alternatives
5 outside of the existing UGB that minimize the effects on resource land.

6 Third, once the local governments have determined the amount of land need that the
7 existing UGB can accommodate, they must analyze which lands within the study area are
8 suitable for inclusion as urban reserves using the Goal 14 locational factors. Application of these
9 factors must be balanced and local governments may not rely on a *per se* threshold for any of the
10 factors to exclude lands. *Parklane*, at 1219. The Commission also interprets this rule to require
11 application of the locational factors sequentially, to adjacent and nearby lands within *each*
12 priority category before moving to the next (lower) priority categories. *Parklane*, at 1216.
13 Lands of lower priority are only included if the amount of suitable land in a higher priority
14 category is insufficient to meet the estimated land need over the planning period. This third step
15 concludes with the demonstration that there are no alternatives outside of the existing UGB that
16 will require less, or have less effect upon resource land. This demonstration is based, at least in
17 part, on the data and findings from application of the fourth Goal 14 locational factor:
18 “compatibility of the proposed urban uses with nearby agricultural and forest activities occurring
19 on farm and forest land outside the UGB.”

20 After completion of these three steps, the local governments will have determined a set of
21 lands that are suitable for inclusion in the proposed URAs. The priority categories described in
22 OAR 660-021-0030(3) are then used to determine which lands are selected.

23 OAR 660-021-0030(4) then provides an optional fifth step. Under this rule, the local
24 governments have discretion to adjust their initial analysis under OAR 660-021-0030(3) in two
25 ways. First, the local governments may remove lands that are otherwise suitable and in a higher
26 priority category if it shows that it is not reasonable to provide future urban services to those
27 lands after analyzing topographical and physical constraints. The Commission interprets OAR
28 660-021-0030(4)(a) as allowing local governments to consider costs of providing services to
29 exclude lands (due to topographical or other physical constraints), but also notes that the text of
30 the rule requires local governments to show that “ * * * *future* urban services cannot *reasonably*
31 be provided * * *.” (Emphasis added).



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

July 7, 2009



TO: Land Conservation and Development Commission

FROM: Richard Whitman, Director
Steve Oulman, Regional Representative
Bob Rindy, Senior Policy Analyst
Gloria Gardiner, Urban Specialist

SUBJECT: **Agenda Item 4, July 21, 2009 LCDC Meeting**

SUPPLEMENTAL REPORT ON THE CITY OF NEWBERG'S PROPOSED URBAN RESERVE AREAS

At the conclusion of its June 5, 2009 public hearing regarding the Newberg/Yamhill County urban reserve proposal, the commission directed that the parties to this action may submit up to 10 pages of additional argument explaining views of the urban reserve rules or how the city applied the rules. The department agreed to provide materials clarifying its views in advance to the parties so that they would have the ability to respond as part of their argument.

This memorandum covers three areas: (1) history and context of urban reserve planning, (2) the department's interpretation of how a local government estimates the supply of land needed for an urban reserve, and (3) the department's interpretation of how a local government applies the priorities for including land in the urban reserve, including exceptions to the priorities.

1. History and context of urban reserves

In adopting the urban reserve rules, and in later revisions of those rules, the commission's primary purpose was to prevent further parcelization of exception areas adjacent to and nearby urban growth boundaries. The commission wanted to conserve the urban development potential of these areas (from further low-density development that would make urbanization difficult) through the urban reserve designations. The exception areas were seen (even then) as the highest priority for future UGB expansions rather than farm or forest land. The commission originally mandated designation urban reserves for several cities due to the nature and extent of exception areas near those cities (see maps in Attachment B, showing the extent of exception areas around Oregon urban areas).

Urban reserves are no longer mandatory, but this primary intent of the rule remains. While planners and local elected officials alike generally recognize that infill and redevelopment of exception areas is more difficult and expensive than urban development on farm or forest land, the commission and the legislature has promoted the use of exception areas as a higher priority than resource land for UGB expansions, especially in the longer (30 to 50 year) time frame associated with urban reserves.¹ One of the main reasons for this has been the concern that, if cost and ease of development alone are the criteria for selecting urbanizable lands, resource land would likely be chosen over exception areas in almost every case.

The urban reserve rules are not complicated. As set forth in the rules, and as described by LUBA and the Court of Appeals, the rules establish a mechanical, step-by-step, process by which a local government:

- first estimates the amount of lands required to provide a supply of ten to thirty years beyond the current UGB (including an analysis of the extent to which that need may be met within the existing UGB);
- then analyzes the extent to which that generalized need may be satisfied by exception or nonresource lands, or (if the *amount* of these lands is insufficient) resource lands (according to soil capability); and then
- only if the amount of (developable) exception/nonresource lands is first found to be inadequate, looks to resource lands if certain exception/nonresource lands can't reasonably be served or if resource lands must be included to provide services to exception/nonresource lands.

2. Estimating the *Amount* of Land Supply

While the “priorities” for selecting which lands to include as urban reserves have always been relatively clear, the rule and the commission have been less clear about how local governments were to estimate the supply of land “needed” for inclusion in urban reserves. For several reasons, explained in more detail below, the department believe the current rule simply provides for local governments to estimate their *overall* land needs for a period between ten and thirty years beyond the land supply provided by the current UGB, based on a long-term forecast of population and employment, along with a general analysis of what proportion of that generalized need may be met by lands already within the UGB. The department believes that land needs that

¹ Many unincorporated rural residential areas with onsite sewer and water were included in UGBs in the early 1980's and many of these areas have developed or redeveloped at urban densities since then. For example, the Dunthorp area, Happy Valley, areas in Multnomah County, and areas in Clackamas County (near Gresham) were included in the Metro UGB over thirty years ago and have infilled or are in the process of infilling. These areas originally had many of the same characteristics as exception areas near Newberg.

can only be met on certain types or categories of land are not an appropriate basis for the first step of the reserves process – estimating the land supply needed, for two reasons.

First, as a legal matter and as explained in more detail below, the history of the urban reserve rule clearly shows that in 2000 the commission amended the rule to prevent local governments from dictating *where* reserves may be located based on land needs that are location-specific (aka specific identified land needs). If a local government can't justify the *location* of reserves based on specific identified land needs, then it makes no sense for that government to justify the *amount* of land need on specific uses. The two parts of the rule need to work in tandem, in a consistent manner.

Second, as a policy matter, the department believes that the test for *how much* lands are included in an urban reserve should be set as a relatively high bar. The reason for this is the interplay between urban reserves and UGB amendment decisions. Urban reserves are the first priority for inclusion in a UGB amendment. If the agency sets a low bar for *how much* lands are included within urban reserves, local governments may include both exception lands *and* resource lands in the reserves designation, even where the justification for inclusion of that quantity of lands is open to significant doubt. Setting a low threshold in this manner would effectively allow a local government to include both exception lands and resource lands in its urban reserve, and then (at the extreme) ignore the exception lands when it comes time to consider an urban growth boundary amendment – turning the statutory direction for priority of lands to be included within an urban growth boundary on its head. For this reason, the department believes a local government's analysis of the supply of land needed for urban reserves should generally be reviewed in the same manner as a UGB amendment, but without consideration of specific land needs.

The urban reserve rules were first adopted in 1992. 1992 rules provided that a local government could bypass the priority scheme upon a finding that “specific types of identified land needs cannot be reasonably accommodated on higher priority [exception] lands.” In 1996, the commission broadened this provision to give Metro the ability to consider the region’s “jobs-housing balance” as a reason to include lower priority (resource) land in urban reserves. However, following the *Parklane* decisions by the Land Use Board of Appeals and the Oregon Court of Appeals overturning Metro’s urban reserve designations, the commission amended the urban reserve rules to eliminate specific land need or jobs-housing balance as reasons to bypass the priority scheme when designating urban reserves. Since specific need is no longer allowed as a basis in the urban reserve priority scheme, the department believes that specific needs can not be part of the basis for estimating overall land needs for an urban reserve – leaving only generalized land need, based on population and employment forecasts, as the starting point for estimating the amount of land supply for an urban reserve.

The second aspect of estimating land supply is that it is an estimate of the amount of “developable” land needed for the planning period. OAR 660-021-0030(1). Developable land is specifically defined in the rule as “[l]and that is not severely constrained by natural hazards, nor designated or zoned to protect natural resources, and that is either entirely vacant or has a portion

of its area unoccupied by structures or roads." OAR 660-021-0010(5). This is the *only* place in the reserve rule that this term is used – so it is clear that the question of amount in this first step of the reserves process is a question of the amount of land that meets these standards needed to give the local government an adequate supply for 10 to 30 years beyond the current UGB. In other words, even if lands are constrained (but not severely) or are exception lands (with only a portion of the lands unoccupied), these lands must still be included. Their "yield" (the amount of housing units or jobs) may be low as a result of their (non-severe) constraints or their existing development (as exception lands), but that will simply mean that the local government must include *more* lands to meet the required supply.

The final aspect of estimating the *amount* of land supply required for an urban reserve stems from subsection (2) of the rule, which provides that "[i]nclusion of land within an urban reserve shall be based upon * * * a demonstration that there are no reasonable alternatives that will require less, or have less effect upon, resource land." OAR 660-021-0030(2). This clause has been applied (and interpreted by the courts) as requiring an analysis of the extent to which the projected population and employment may be accommodated within the existing UGB (in the same manner that an alternatives analysis is required under Goal 14). Only after completing this last step does the local government have an adequate bases for estimating the land supply needed for 10 to 30 years beyond the current UGB.

3. Deciding Which Lands to Include as Urban Reserves

Once a local government has determined the amount of lands that are needed over the planning period, beyond the current UGB, deciding *which* lands to include as urban reserves is set by the priorities in the rule, specifically 660-021-0030(3). The Goal 14 locational factors are used to determine what lands within a particular category are suitable for future urbanization (in addition to being "developable" under subsection (1) of the rule.² Each of the Goal 14 locational factors must be considered and balanced, and a local government may not rely on a *per se* screen to exclude lands. *D.S. Parklane v. Metro*, 165 Or App 1 (2000). For instance, the second locational factor of Goal 14 requires examination of whether "public facilities will have adequate capacity to serve the uses contemplated within * * * [the] expansion area over the * * * planning period." *Concerned Citizens of the Upper Rogue v. Jackson County*, 33 Or LUBA 70 (1997). Lands may not be excluded based on the fact that they are relatively more expensive to serve than other lands. *D.S. Parklane*, 35 Or LUBA 516 (1999).

² The Goal 14 locational factors are: (1) Efficient accommodation of identified land needs; (2) Orderly and economic provision of public facilities and services; (3) Comparative environmental, energy, economic and social consequences; and (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB. The application of these factors in the urban reserves context is described in *D.S. Parklane v. Metro*, 35 Or LUBA 516 (1999) in some detail. The factors have changed somewhat since that decision, but not in ways that appear germane to Newberg's decision.

Finally, a local government must identify and analyze all lands in a particular priority category for suitability before moving to the next priority category, and before applying the exceptions in subsection (4) of the urban reserve rule. *D.S. Parklane v. Metro*, 165 Or App 1 (2000).

At the very end of this sequence, after first identifying and analyzing adjacent lands for suitability, a local government may include lower priority (resource) lands in an urban reserve if the amount of adjacent and suitable higher priority (exception) lands is inadequate to accommodate the projected supply needed by the local government. OAR 660-021-0030(4). At this stage, and only after following the preceding sequence, may a local government exclude exception lands based on the feasibility of providing urban services, or the need to include resource lands in order to serve exception areas. How high the bar is set at this stage is a policy matter for the local government and the commission. The department believes that the test should recognize the fundamental purpose of the reserves rule – to protect exception lands for future urbanization – such that the "topographical or physical constraints" on future urban services must be a significant obstacle to future urbanization, one that makes efficient future urbanization over a fifty-year period unlikely.

4. General Principles – Summarized

To summarize, the department believes the urban reserve rules require the following:

- The amount of land for inclusion in an urban reserves must be estimated based on generalized projections population and employment for a period from ten to thirty years beyond the supply provided by the current UGB.
- The local government then converts these projections to an estimate of land need by analyzing the extent to which the growth may be accommodated within the existing UGB, through redevelopment or infill (beyond that already projected during the UGB planning period).
- Then, to the extent there is an unmet need for a supply of land beyond the existing UGB, the local government looks to exception lands to meet the need. The local government can consider development constraints in determining how much of the need the exception lands likely can meet, but it can't exclude them from consideration for inclusion in the reserve (using the Goal 14 locational factors) unless they are not "developable."
- Only after first determining that there are not adequate suitable exception lands to meet the projected requirement for a land supply may a local government then consider resource lands.
- The exceptions in subsection (4) of the reserve rule come into play only after the local government has first studied all adjacent exception lands, and wishes to exclude exception lands that are suitable, but that can't reasonably be served by public facilities and services (note that this strongly suggests that the standard for suitability is a low one).

- Specific land needs are accommodated by the state's growth management laws, but through the amendment of urban growth boundaries (where such needs can be predicted with relatively more certainty).

5. Additional Historical Context

Copied below are excerpts from prior department staff reports to the commission, leading to adoption and amendment of the urban reserve rules. The following statements of “legislative intent” reflect declarations by the commission of rule interpretation or application that were not included in the text of the rules themselves. Additional historical context is provided by Attachment A.

A. Adoption of OAR 660, Division 21 – April, 1992.

“Since urban reserve areas are established in order to identify areas for eventual inclusion in the UGB, the rule’s process for identifying candidate areas was crafted to parallel Goal 14’s process for UGB amendment. This will help assure that reserve areas would eventually qualify for inclusion in the UGB when more urbanizable land is needed.

“Thus, the “need Factors” of Goal 14 (Factors 1 and 2) would be the basis for an estimate of the amount (acreage) of “developable” land necessary for a 30 to 50 year planning horizon. This estimate must also include general predictions about the types of land needed (e.g., level sites served by rail for industrial use).

* * *

“The Commission was concerned that cities might avoid exception areas when looking for future urban lands, since exception areas may be more difficult to urbanize, and residents often oppose inclusion in the UGB. The urban reserve rule makes it difficult to avoid inclusion of nearby exception areas when adopting urban reserve areas.

“The Rule requires that jurisdictions select urban reserve lands using a hierarchy: exceptions and nonresource lands would be selected over resource land; lower quality resource lands would be selected before higher quality lands. Areas with existing services, especially sewer or water, should be selected before areas without such services.

“If this hierarchy is strictly followed, urban areas would be required to grow into lands that are sometimes considered ‘less desirable’ city growth areas, i.e., areas that require infill rather than in undeveloped open areas – and areas that often include an entrenched constituency opposing annexation.”

B. Amendment of OAR 660, Division 21 – January 2000.

* * *

“The amendment of the urban reserve rules at Section 0030(4) eliminates Metro’s ability to include land of lower priority in order to address specific types of identified land needs including the need to meet favorable ratios of jobs to housing. It is the commission’s intent that such special needs are appropriately addressed in the short term rather than the long term, and therefore shall not result in the selection of farm land or forest land for inclusion in an urban reserve.”

6. Estimating land supply for Newberg's urban reserve; relation to possible UGB amendment.

Recommendation. The department recommends that the commission remand the city’s decision so that the city can reformulate its estimate of the amount of land necessary for inclusion in the urban reserve based on the general principles outlined above.

Discussion. The commission intends urban reserves to include land identified for, and to protect that land for, future urbanization. Local government planning for specific identified land needs is accomplished in the shorter-term through adjustments to a community’s urban growth boundary, not through the designation of urban reserves. As a result, the department recommends that the amount of land for inclusion in an urban reserve be estimated as a generalized amount of land needed based on population and employment forecasts. Land needs based on site-specific characteristics can be met, and are specifically addressed, through the statutes and rules for urban growth boundary amendments.

The department recognizes that Newberg undertook a much more extensive and detailed analysis of land need than contemplated by the urban reserve rules. In recommending that the commission not approve the city’s estimate of the amount of land for inclusion in the urban reserve and remanding the decision for further analysis and justification, the department believes that the city will be able to develop a more supportable estimate for the amount of land to be included in an urban reserve, and will meanwhile be able to use much of its more detailed analysis as the basis for one or more urban growth boundary amendments to address shorter-term “specific land needs.”

For large-site or other specific industrial land needs that cannot be accommodated in the current UGB, the department believes that the city should address short-term needs by amending its urban growth boundary. Through population and employment growth forecasting and an analysis of economic opportunities, the city has estimated that it needs about 150 acres of industrial land through the year 2025.

The shorter-term estimate need for residential, commercial and institutional land is less certain, particularly since the city amended its UGB in 2007 to accommodate some or most of the need in these categories. To the extent that the city believes an urban reserve designation is

appropriate to identify and protect land for future urbanization, it may estimate a future supply of land for these needs by forecasting a future land supply as an extension of current estimates of land based on persons per acre or employees per acre, but with recognition that the alternatives analysis required by the reserve rule will generally dictate a showing of further efforts to accommodate these uses within the existing UGB.

7. Determining which lands to include in the urban reserve.

Recommendation. The department recommends that the commission remand the city's decision so that the city can reformulate its decision concerning which lands to include in its urban reserve to meet the *amount* of land, and to be consistent with the general principles concerning the sequencing and application of priority categories outlined above.

In general, the department believes that Newberg has not adequately justified the exclusion of most exception lands adjacent to the current UGB, and that it will be difficult to support excluding these lands to the extent that the city has in the decision on review.

Discussion. As set forth above, and in the attached materials, the purpose of urban reserves is to protect exception lands at the periphery of urban areas from further parcelization and development that would impede efficient urbanization. Other LCDC rules and statutes also establish that rural "exception" land adjacent to and near urban areas generally must be the first land brought into a UGB when a local government amends an urban growth boundary.

OAR 660-021-0030(4)(a) provides that a local government may "pass over" higher priority (exception) land for inclusion in a URA when it determines urban services could not reasonably be provided due to topographical or other physical constraints. The local government is not obligated to show that it is impossible to provide services, but it is not enough to show that services are difficult or more expensive to provide, or that the "yield" of such lands in terms of new housing or employment will be low.

The department believes that in order to show that "future urban services could not reasonably be provided," a local government must demonstrate that it is not reasonable to provide urban services after analyzing topographical and physical constraints (e.g., slopes, water bodies, roadways) in the context of:

- the cost of providing urban services is out of proportion to the amount of development that would be made possible;
- the amount of land constrained (i.e., a high cost may be reasonable for serving a large area but not a small one); and
- the planning horizon (i.e., what is not reasonable for a 25-year planning period may be reasonable for a 45-years).

October 27, 2010

MEMORANDUM

TO: Richard Whitman, Director, DLCD
FROM: Reserves Governments
SUBJECT: Support in the Record for Findings that Explain the Designation of Foundation Agricultural Land as Urban Reserves

As the Commission requested at its meeting on Friday, October 22, we have identified information in our respective records that support, area by area, the findings made to explain why the four governments designated Foundation Agricultural Land as urban reserves. First, we point to the pages or parts of the record to demonstrate that we applied the rural reserve factors to Urban Reserves 7B, 7I and 8A as required by 0040(11).

Second, we point to the pages or parts of the record that demonstrate Areas 7B, 7I and 8A have characteristics discussed in the findings (relatively flat; relatively large parcels; relatively easy to provide sewer, water, stormwater, transportation facilities; relatively unconstrained for industrial use; etc.) that distinguish them from area studied that are not Foundation Land.

The information below is organized by specific urban reserves.

I. Urban Reserve 8A

As initially recommended by Washington County, the North Hillsboro pre-qualified concept plan area contained 7,890 gross acres and 4,261 net developable acres (WashCo Rec. at 3115 & 3451). In contrast, the urban reserves adopted for north Hillsboro in Areas 8A and 8B contains 2,754 gross and 1,744 net developable acres (Table 1; see also WashCo Rec. at 90 & 91). This reduction has significantly reduced targeted general employment, residential and mixed uses in north Hillsboro (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for large lot industrial uses as well as housing and other uses that contribute to livable communities. This is partially the case, as the area south of Highway 26 (currently Area 8A) was envisioned primarily for employment purposes in Hillsboro's Pre-Qualified Concept Plan (WashCo Rec. at 3451). That is, expected uses within Area 8A are consistent with those depicted in the PQCP (compare Attached Map with WashCo Rec. at 3451).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 8A & 8B

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres*		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Estimated School Jobs		Target Jobs Capacity	
	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B
Employment/	774	166	-	-	619	133	-	20	-	1,061	-	-	24,750	3,183

Mixed Use														
Industrial	2,312	1,993	-	-	1,850	1,390	-	-	-	-	-	-	35,150	26,405
Inner Neighborhood	1,691	130	424	21	929	78	15	15	13,940	1,175	711	116	711	116
Outer Neighborhood	1,258	294	315	54	692	107	8	10	5,533	1,071	529	-	529	-
Neighborhood Center	43	52	-	-	34	36	20	20	680	289	-	-	680	433
Town Center	171	120	-	-	137		20	-	2,740	-	-	-	2,740	-
Total	7,890	2,754	739	75	4,261	1,744	-	-	22,893	3,595	1,240	116	64,570	30,138
* Net Developable Acres are exclusive of constrained areas and a 20% deduction for streets and other civic uses														

URBAN RESERVE FACTORS

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

Hillsboro's Pre-Qualifying Concept Plan (PQCP) for Area 8A outlines the city's infrastructure service availability (WashCo Rec. at 3117 to 3122). Highlights of the PQCP include:

- **Water:** Key location of Evergreen Reservoir, which has capacity to serve area 8A, with a 2nd reservoir scheduled to be constructed near the intersection of NW Evergreen and NW Glencoe Road to serve existing underserved customers, as well as area north of Hwy 26; Existing 28 MGD of excess water capacity; 66" transmission line in NW Evergreen Road, as well as 18" service line (WashCo Rec. at 3120 & 3306);
- Sanitary sewer:** New Dawson Creek pump station under construction at the corner of NE Cornell Road and NW Brookwood Parkway, sized to accommodate future growth as UGB is expanded (WashCo Rec. at 3118);
- Storm Water:** City will consider methodologies in Metro's "Green Streets" manual, as well as other methods identified as part of the *North Hillsboro Industrial Development Strategy*, currently underway (WashCo Rec. at 3121).
- Electricity, Gas & Cable:** Electricity service in the existing surrounding industrial areas is designed to meet the unique needs of high-tech manufacturers and companies with power-sensitive operations, such as Intel's Ronler Acres (WashCo Rec. at 3119). PGE is in the process of locating two new substations in the Evergreen industrial area that will further enhance the reliability of power needed for existing and new industrial areas in North Hillsboro.
- Transportation:** Location adjacent to Highway 26 serves freight movement. Through the Oregon Jobs and Transportation Act, \$45,000,000 has been allocated toward the estimated \$70 million needed to improve the Brookwood Parkway interchange area to address existing capacity issues related to full development of North Hillsboro industrial lands within the existing UGB (*see WashCo Rec. at 3112 (referencing capacity expansions along Hwy 26); HB 2001 Sec. 64(2)(d)(2009).*).

Metro's studies of serviceability for Area 8A concluded (WashCo Rec. at 3120-3122 & 3308 - 3338):

- Water: Highly suitable for water service, meaning it will only require typical extensions of service, including general distribution lines and reservoirs with no major facilities needed;
- Sewer: The eastern portion of Area 8A was ranked as efficient – being an area that is the easiest and least costly to serve, requiring only upsizing of existing trunk lines or adding new trunk lines. The area to the west of Jackson School Road was ranked as moderately efficient, being an area “that will require substantial improvements, but relatively easy ones.” Notes for this area included the need for a new pump station near Hwy 26 and McKay Creek and the existence of relatively large areas of wetland and floodplain near McKay Creek north of Highway 26.
- Transportation: Metro studies show high connectivity suitability (the area is among the most suitable for providing a transportation system capable of accommodating new urban development).

Preliminary concept planning for this area shows that Area 8A is uniquely suitable for industrial development, as it is in the heart of Silicon Forest, and has the necessary infrastructure readily available (*WashCo Rec.* at 3119-3122 & 3163). The PQCP also shows suitability of portion of Area 8A for housing to serve both existing and new industrial employers (attached Map and *WashCo Rec.* at 3451). Hillsboro has a track record of successfully delivering infrastructure services to UGB expansion areas, and based on preliminary studies, it will be able to provide services to Area 8A.

(2) Includes sufficient development capacity to support a healthy economy;

A recent study by Johnson Reid indicated that, over the next 20 years, West Washington County will need approximately 1200 acres for large lot industrial use north of Hillsboro (e.g., 50 acres or more) (*Metro Rec.* at 1641; *WashCo Rec.* at 3208-3216). This is consistent with Metro’s forecast need for 3,000 acres of industrial land region-wide over 50 years. The need for large lot industrial uses is further supported by inquiries fielded by the city’s Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (*Metro Rec.* at 1860).

Metro’s MPAC Employment Subcommittee recently acknowledged that “attracting and retaining traded-sector industrial companies is critical to the region’s economic prosperity” (*Metro Rec.* at 172-178). Likewise, in their comments into the record, the State agencies emphasized “the need for an adequate supply of employment lands in the Metro urban growth boundary” noting that the region “often ‘seeds’ traded-sector technologies and businesses that disperse throughout the state” (*WashCo Rec.* at 1988-1989).

As part of its PQCP, Hillsboro submitted a Draft *Economic Opportunities Analysis & Long-Term Urban Needs Assessment* (Hillsboro EOA) prepared by Johnson & Reid (*WashCo Rec.* at 3142-3267). The PQCP illustrates the potential for industrial development within Area 8A. As noted above, the uses proposed for Area 8A under the PQCP have not changed. The attached Map, revised to reflect reduced urban reserves in North Hillsboro, indicates a potential of 1,390 net

developable acres for Industrial use, as well as 166 net developable acres of employment/mixed use. The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; WashCo Rec. at 3429-3450), demonstrates the contribution of industrial uses to the economy. Economic benefits of industrial lands, such as those currently located in North Hillsboro, include:

- Double the County average of market value/acre for industrial lands;
- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (pre State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (*WashCo Rec.* at 3126 & 3429-3450).

The PQCP at page 15 outlines the site characteristics identified for large lot industrial uses (WashCo Rec. at 3125 & 3163). As noted, Area 8A meets these criteria in that it provides:

1. Large, seismically stable, vacant sites;
2. Available infrastructure; and
3. Proximity to a skilled workforce, as well as workforce housing (existing and proposed) (*WashCo Record* at 3125 & 3163).

Eliminating urban reserves north of Waibel Creek would reduce the ability to provide land for large industrial uses because: (1) much of the area south of Waibel Creek is parcelized, within the airport overlay or subject to natural resource restrictions (WashCo Rec. at 3019, 3020, 3302, 3294, 3298 & 3451); and (2) many potential large lots are located between Waibel Creek and Highway 26 (WashCo Rec. at 3287).

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

The Hillsboro School District, as well as Hillsboro Parks and Recreation Department, participated in the PQCP Charette hosted by the Planning Department to assist in the preparation of the PQCP. As noted in the PQCP, the Hillsboro Comprehensive Plan requires that essential services be available within five (5) years of development approval (WashCo Rec. at 3129).

Table 1 compares the area proposed in the PQCP to urban reserves in Areas 8A and 8B. As proposed in the PQCP, the north Hillsboro urban reserves contained 4,261 net developable acres with targeted dwelling unit capacity of 22,893 and population of 57,233 (Table 1 and WashCo Rec. at 3115 & 3120). In contrast, Area 8A contains 1,656 net developable acres with a target dwelling unit capacity of 3,595 and population of 10,031 (Table 1). This results in a decreased

need for schools and parks from 739 acres to 75 acres (Table 1), which can easily be accommodated in the non-industrial areas of Area 8A (Attached Map).

The ability of the city to service the area with public services is addressed at WashCo Rec pp. 3129-3130.

(4) 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;

Figure A of the Hillsboro PQCP illustrates how area 8A could be served with multi-modal transportation, including bike routes and High Capacity Transit (WashCo Rec. at 3122 & 3132). Figure A is a refinement of that concept prepared in support of Hillsboro's request for an industrial UGB expansion.

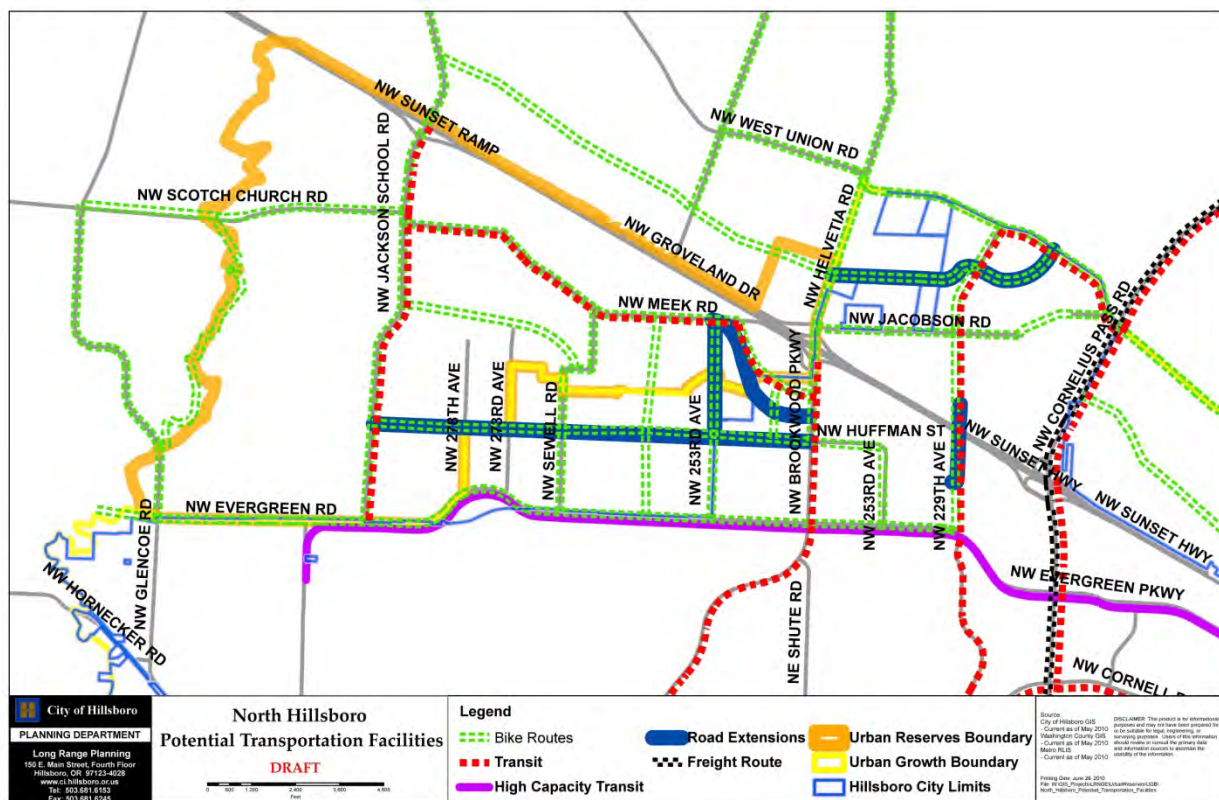


Figure A – Proposed North Hillsboro Industrial Area Transportation Facilities

Concept planning in accordance with Metro's Title 11 will further refine multi-modal facilities throughout Area 8A and to the surrounding City. An important aspect of this effort will be providing bicycle and pedestrian routes connecting residents and business to high capacity transit, as well as to public open space and parks, consistent with Figure A.

(5) Can be designed to preserve and enhance natural ecological systems;

An outline of natural resources within Area 8A is provided in the PQCP (WashCo. Rec. at 3133). It is Hillsboro's intent to preserve and incorporate these areas as open space into future neighborhoods (WashCo. Rec. at 3133-34). The City has implemented its Significant Natural Resource overlay to protect such natural resources and any development in these areas will be required to address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem (WashCo Rec. at 3136).

(6) Includes sufficient land suitable for a range of housing types;

The adopted urban reserves have significantly reduced the amount of housing that will be provided in North Hillsboro (Table 1). However, combined with efforts in AmberGlen (high-density housing), downtown and South Hillsboro (mixed densities and housing types), the city will be able to provide a broad mix of housing throughout the City (WashCo Rec. at 3112, 3117 & 3452). Housing provided in Area 8A is particularly important, as it is in close proximity to new and proposed industrial areas (attached Map and WashCo Rec. at 3451), which will further the region's efforts in reducing vehicle miles traveled and, thus reduce green house gas emissions and creating livable communities.

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves, and

See response to subsection (f) and WashCo Record at page 3136.

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves.

Natural and artificial features make up the boundaries for Area 8A, including Highway 26 to the north and Dairy Creek to the west (attached Map; WashCo Rec. at 3451).

RURAL RESERVE FACTORS

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

The area is directly adjacent to the UGB and thus subject to urbanization (WashCo Rec. at 3013, ranking the majority of the area highly subject to urbanization with the western portion “medium”).

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

The area has a mix of lot size and ownership blocks (WashCo Rec. at 3019-3021) and the area is characterized by medium/high agricultural productivity (WashCo Rec. at 3017). There are pockets of low to medium density rural residential throughout area 8A (WashCo Rec. at 3022-23). A portion of Area 8A adjacent to Highway 26 and the Brookwood Interchange, including areas containing high rural residential development, is ranked as Tier 3 on the County Farm Analysis, with the remainder ranked as Tier 2 (WashCo Rec. at 2294-2302, 2340 & 3025). The area north of Waibel Creek is similarly split between Tiers 2 and 3. Tier 1 is considered by the County to be the most suitable for agricultural purposes, with Tiers 2 and 3 increasingly less suitable (WashCo Rec. at 2300).

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

Area 8A is predominantly Class II soils and has a few parcels with water rights, and most of the few that do have water rights are located to the south of Waibel Creek. (WashCo Rec. at 3015-16). Area 8A is not within the Tualatin Valley Water District (WashCo Rec. at 3015).

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

As outlined below, parcelization patterns in the form of rural residential uses split the area north of Waibel Creek in half, both adding to traffic conflicts between urban and farm uses, as well as thwarting efforts to preserve large blocks of viable farmland:

- As highlighted in the DLCD staff report, the County’s findings for the portion contained in Farm Analysis subarea 14 is “characterized by a high level of urbanization, lower

- There is no forest land in Area 8A (*WashCo Rec.* at 2999).
- Area 8A has two areas of exception land, both of which are north of Waibel Creek – one adjacent to the interchange with Brookwood Parkway and Hwy 26 and the other extending up from the existing UGB to Meek Road midway between Brookwood Parkway and Jackson School Road (*WashCo Rec.* at 3019-20). This second exception area, which is north of Waibel Creek, essentially splits the area north of Waibel Creek in half (*WashCo Rec.* at 3288). These exception areas are characterized by parcel size of less than 8.64 acres and ownership patterns of less than 18.15 acres and are improved with rural residential dwellings (*WashCo Rec.* at 3019-22). There is no buffers between these rural residential uses and surrounding agricultural uses (*WashCo Rec.* at 3019-22). As testified by the Washington County Farm Bureau, such rural residential uses, as well as proximity to the UGB, result in conflicting traffic patterns on rural roads. Jackson School Road already experiences urban traffic usage.
- As noted in response to subsection (c), Area 8A is not within the Tualatin Valley Water District and few parcels have water rights. There is no known additional agricultural infrastructure in the area.
- Foundation Farm Land (Oregon Department of Agriculture’s Agricultural Lands Inventory, *WashCo Rec* at 2996)
- Washington County Farm Lands Tiers Analysis – Tiers 2 & 3 (approximately 70% - 30%, respectively), Subareas #13 - High Urbanization, Lower Productivity Rating, Bigger parcels; #14 High Urbanization (small portion is Medium), Lower Productivity Rating, Smaller Parcels, Physical Features help define the area, Higher Dwelling density (*WashCo Rec* at 2978 to 2979 [table] and 3025 [map])
- Washington County Urban Reserve Recommendation – Urban Reserve (*WashCo Rec* at 3034 [map]), adopted by IGA (*WashCo Rec* at 7998 to 8010)

EXPLANATION FOR THE DESIGNATION OF AREA 8A AS URBAN RESERVE

Suitability for Urban uses:

As noted in the findings, this area was selected as urban reserves “for its key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites in this region” (*WashCo Rec.* at 9670, citing *WashCo Rec.* at 3124-3128). The area will further the region’s efforts to meet projected large lot industrial needs. Unlike other areas studied for urban reserves, this area has been shown to meet the industry criteria for large lots (*WashCo Record* at 3125 & 3163). As reflected in the PQCP and findings and the record (*WashCo Record* at 3111-12, 3125 & 3163), unique characteristics of Area 8A include:

- The area is readily served by nearby PGE substations that provide high-capacity, continuous electrical power required by many high-tech industrial users, such as Intel and SolarWorld.
- The area is readily served by high-capacity, high quality water supply.
- Specialized, Existing Industrial Material Supply Infrastructure (Chemicals, Gases)
- The existing industry clusters have attracted and continue to attract the necessary skilled workforce. On-going efforts in AmberGlen, Downtown and South Hillsboro will ensure the City's ability to continue to provide the diversity of housing sought by the industry cluster workforce.
- The area is flat, seismically stable, and relatively vacant with no brownfields and their associated risks and costs.
- The area is adjacent to Highway 26 and within proximity to rail.
- Unique Expertise and Experience of the City of Hillsboro (WashCo Rec. at 3163).
- The area is in the heart of the industry clusters, including nearby anchors such as Genentech, SolarWorld and Intel.
- Close proximity to one of this regions fastest growing Centers (Tanasbourne / OHSU / AmberGlen) which offers:
 - *Broad range of housing opportunities;*
 - *Full array of shopping and services;*
 - *Retail, Office and Industrial space providing opportunities for siting services to new businesses and providing incubator space for emerging new technologies.*

Outreach confirmed that some firms will only “*locate in Oregon and the Portland metro area because **Hillsboro qualities alone meet firm needs**. In other words, industry location choice is Hillsboro vs. Redmond, Austin, etc., **not** Hillsboro vs. Portland, Gresham, or Tualatin*” (WashCo Rec. at 3164, emphasis added).

Similarly, in its staff report, Metro noted the following reasons for designating Area 8A as urban reserve:

- It “*key location along Sunset Highway and north of existing employment land in Hillsboro*” noting that transportation needs for traded sector industries (existing and future) “*and other development in the reserve can be met by Highway 26, which provides a high-capacity transit link to other areas in the region;*”
- “*Because of the identified need for large lot industrial sites in this region;*”
- “*This area’s pattern of relatively large parcels can help support the Metro recommendation for roughly 3,000 acres of large0parcel areas which [sic] provide capacity for emerging light industrial high-tech or biotech firms such as SolarWorld and Genentech;*”
- “*Industrial development in this area will be proximate to existing and future labor pools residing in Hillsboro and nearby cities;*” and
- “*These lands will also provide opportunities to attract new industries which would help diversify and balance the local and regional economy*” (Metro Rec. at 90-91).

As further noted by Metro “*most of the land suitable for industrial use is Foundation and Important Agricultural Land*” (Metro Rec. at 120). This fact, coupled with the existing industrial

base in western Washington County, justify the designation of the entirety of Area 8A as urban reserve so as to allow expansion of industry clusters and related business and housing to serve such clusters.

II. Urban Reserve 7B

Urban Reserve Factors

Forest Grove has basically three directions to expand, to the north, to the west (David Hill) and to the south. It cannot grow to the east due to the presence of Cornelius. (See Subject to Urbanization map – Page 3013 of the Washington County record.) The David Hill area is subject to steep slopes with substantial portion of the area comprised of slopes of over 25 percent. (Important Natural Landscape Features map – WashCo Rec. 3029.) As part of its deliberation, the City Council and Planning Commission were concerned that steep slopes would preclude densities of 10 units per acre. (WashCo Rec 373; Urban Reserve Analysis Concept Planning Areas map, WashCo Rec 3107.) The area south of the City was limited for urban expansion due to the presence of Important Natural Landscape Features and floodplain. (See Important Natural Landscape Features map – Page 3029 of the Washington County record and Potential Candidate Reserve Area Context Map – Page 3103 of the Washington County Record.) The amount of area outside the floodplain was 37 acres for industrial development. (Page 3095 of the Washington County Record)

The area to the north is well suited for urban development because of its relatively flat terrain, parcel sizes (See Parcel Size map on Page 3019 of the Washington County record), and availability of sewer, water, school and transportation facilities and capacities to serve future development (See discussion on Pages 3090 to 3092 and Pages 3095 to 3098). In addition, extension of Main and B Streets provide direct access between this area and the City's Town Center area and could facilitate transit connections (See Page 3096 and Map on Page 3103 of the Washington County record). Thus, the only area for needed urban expansion of sufficient size, availability of services and positive natural feature characteristics to accommodate future residential and non-residential needs in the area lies north of the community.

A. *Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;* The analysis indicates that residential development would range in densities from 6 to 25 dwelling units per acre for the area north of Forest Grove to provide a variety of development densities. There are no constraints in the area that would preclude high density development. (Table on Page 911 and Pages 3089 to 3090 of the Washington County record).

Forest Grove is a full service city providing water, electrical, police and fire protection, parks and recreation, municipal court, library services, land use planning, zoning, building inspection, street maintenance and general administrative services. Sewer service is also provided by the City in partnership with Clean Water Services. (Page 3090 of the Washington County record).

Sufficient water, storm sewer and sanitary sewer capacity exists and available directly south of the proposed urban reserve area and can make efficient use of future public and private infrastructure improvements. (Page 3090 of the Washington County record).

Substantial municipal infrastructure lines end at or near the urban growth boundary. Clean Water Services Master Plan shows three future laterals and one future truck line south of the Purdin Road and west of Highway 47 – Area 7B (Page 3090 of the Washington County record). There is also an existing trunk line that follows Council Creek and connects to Rock Creek treatment plant. (Page 3090 of the Washington County record). Based on analysis prepared by waste water treatment providers in the region, both Rock Creek and Forest Grove treatment plants have room to expand. (Page 3091 of the Washington County record).

The Metro Urban and Rural Reserve Preliminary Sewer Service Suitability Map (February 2009) shows the area as a high sewer suitability area. (Page 3007 of the Washington County record). This means no major facilities are needed to serve the area included within the potential urban reserve. (Page 3091 of the Washington County record).

The City has 5 million gallon reservoir and 1 million gallon reservoir serving the community as well as 10 percent ownership in the 20 million gallon Joint Water Commission (JWC) reservoir. There is an existing 8” water line along Thatcher Road adjacent to UR Area 7b and 8” line along David Hill Road. (WashCo Rec, 3091.)

The Metro Urban and Rural Reserve Preliminary Water Service Suitability Map (February 2009) shows the area as being within the high service suitability zone. (WashCo Rec. 3006). This means that only typical extensions of service such as general distribution lines and reservoirs are needed. No major facilities are required to serve the area. (WashCo Rec. 3091).

Highway 47 is an existing state facility that serves the area, and Main and B Streets terminate near the area and can be easily extended to serve the area. (WashCo Rec. 3091).

A preliminary analysis of transportation service within candidate urban reserve areas was completed in February 2009. The analysis shows that the Forest Grove urban reserve area falls into the higher suitability category for system lane cost, added lane cost and connectivity. (WashCo Rec. 3008-3010). This means the area is among the most suitable for a transportation system capable of accommodating urban levels of development. (WashCo Rec).

B. Includes sufficient development capacity to support a healthy economy; The area within the Forest Grove portion of the current urban growth boundary could accommodate an additional 6,600 jobs. This means that based on current future projections made by the community’s Economic Opportunity Analysis, there is a need to accommodate 15,000 to 42,400 jobs beyond the current UGB. This is the difference between existing build-out capacity and forecasted growth to the year 2060. (WashCo Rec. 3093.)

Forest Grove has no large (50-100 or 100 acre or more) industrial sites. This lack of diversity in industrial land severely hampers the ability of Forest Grove to promote employment opportunities including family-wage jobs for local residents. (WashCo. Rec. 3094.)

The urban reserve area identified by Forest Grove provides potential industrial sites for large and medium sized employers. Identification of industrial land near the Highway 47 corridor complements public investments in transportation made to improve traffic circulation in western-Washington County. Such improvements include construction of the Hwy. 47 Bypass, Martin Road/Verboort Road intersection improvements and road upgrades recently completed along Cornelius-Schefflin Road. (WashCo Rec. 3093-3094.)

C. Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers; Forest Grove provides water, electrical services, police and fire protection, parks and recreation, municipal court, library, land use planning, street maintenance, building inspection and general administrative services. In addition, Forest Grove partners with Clean Water Services for storm water and sanitary sewer services. Forest Grove employs approximately 164 full time employees (FTE) including 34 FTE in the Police Department and 20 FTE in the Fire Department. The City's total General Fund resources amount to over \$16 million. Across all city funds total resources amount to over \$65 million. The City of Forest Grove has a long tradition of providing cost-effective municipal services over 130 years. (WashCo Rec. 3095.)

Financially capable service providers offering urban-level public facilities include the City of Forest Grove, Washington County, Washington County Clean Water Service District, and Forest Grove School District. The financial capacity of these organizations is illustrated from the Great Communities report as they characterize Clean Water Services capabilities:

“On one hand, if Clean Water Services in Washington County, for example, invests in new sewer lines and treatment capacity for the Forest Grove/Cornelius area, the \$78 million cost over the next 10 to 15 years may be financially feasible. Last year they collected \$70.7 million in user fees and had a beginning fund balance of \$81.9 million. On the other hand, a small sanitary district-with total sewer revenues of \$3.056 million and beginning cash at \$5.6 million-may view a \$22 million investment in new sewer lines and treatment costs as too costly and risky to undertake by itself.” (WashCo Rec.7858.)

Future school needs will be coordinated with the Forest Grove School District as part of comprehensive planning efforts (ORS 195.110). For the Concept Plan analysis, the City estimated that 62 acres of land was needed to address school needs. (WashCo Rec. 3096.) This was based on an Urban Reserve area of 3145 acres. (WashCo Rec. 911.) The proposed Urban Reserve for the Forest Grove area has now been reduced to a total of 956 acres.

Urban reserve area 7B will optimize major public investments to improve Martin Road and Hwy. 47. Martin Road, a Washington County facility, provides the most direct access to the Sunset Highway corridor via Verboort Road, Cornelius-Schefflin, Zion Church and Glencoe Roads. Martin Road was recently improved with two roundabouts at Verboort Road. Cornelius-Schefflin Road was improved in 2008 with new paving and striping and widened on some locations to better accommodate farm equipment. (WashCo Rec.3096.)

Oregon Highway 47 was realigned during the late-1990s and serves as a bypass route around Forest Grove's Town Center. Urban reserve area 7B is adjacent to Highway 47. Highway 47 is a key corridor providing access to Banks, Oregon Highway 6, and Oregon Highway 26 to the north and Yamhill County to the south. The Oregon Department of Transportation has identified Hwy. 47 as having additional capacity to accommodate future growth. (WashCo Rec. 3096.)

The potential extension of Main Street and B Street to serve area 7B would provide clear connectivity between the potential candidate urban reserve area and the existing City of Forest Grove. (WashCo Rec. 3096; 3103.) In addition, Main and B Streets provide direct access to the Forest Grove Town Center. This direct connection provides an efficient route for future transit service and provides additional support for investments in the Town Center. (WashCo Rec.3096; 3103.)

As indicated above, the area is shown to be within an area of high suitability for water service (WashCo Rec. 3006), high sewer suitability area (WashCo Rec. 3007) with no need of major sewer facility improvements to provide service (WashCo Rec. 3091) and higher suitability category for system lane cost, added lane cost and connectivity (WashCo Rec. 3008-3010).

D. 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; Urban reserve area 7B can be designed to be walkable and integrated with the existing and planned system of well-connected streets, bikeways, recreation trails and public transit. Main Street and B Street will be extended to serve the area. Both Main and B Streets provide direct access to the Forest Grove Town Center. (WashCo Rec. 3098; 3103.) Both streets also provide a direct route for possible future transit service. The concept plan proposes higher intensity nodes of development to encourage a walkable, well-connected transportation system. [WashCo. 911 (table); 3107 (map).]

The subject area is proximate to the existing pedestrian pathway along Highway 47 as well as the planned Council Creek Regional Trail. In addition to the regional trail, the vegetated corridors in the candidate urban reserve area provide an opportunity for multi-use trail connections supporting recreation and commute trips. (WashCo Rec. 3098.)

E. Can be designed to preserve and enhance natural ecological systems; Clean Water Services vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's

Model Code developed for the Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, use of clustering and where applicable require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. (WashCo Rec. 3098-3099.)

F. Includes sufficient land suitable for a range of housing types; The Forest Grove urban reserve concept plan identifies 1,100 net acres of land for housing needs in a variety of densities ranging from 6 to 25 units per acre. [WashCo Rec. 911 (map); 3089-3090.] These can be accommodated in a variety of residential comprehensive plan designations including B-Standard (6.22 units/net acre), Residential Multifamily Low (12 units/net acre) and Residential Multifamily High (20+ units/net acre). There are no anticipated constraints within area 7B to accommodate a variety of housing types. [WashCo Rec. 911 (map); 912 (table); 3099.]

G. Can be developed in a way that preserves important natural landscape features included in urban reserves; Clean Water Services vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for the Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, use of clustering and where applicable require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. (WashCo Rec. 3100.)

H. Can be designed to avoid or minimize adverse effects on farm and forest practices and on important landscape features on nearby resource land, including land designated as rural reserves; The Concept Plan relied on the use of vegetative corridors to provide adequate buffering with agricultural areas. (WashCo Rec.3101.)

Rural Reserves Factors

(See discussion of Rural Reserves factors as applied to all three areas below.) Specific references for Urban Reserve 7B:

- Foundation Farm Land (Oregon Department of Agriculture's Agricultural Lands Inventory, WashCo Rec at 2996).

- Washington County Farm Lands Tiers Analysis – Tier 1, Subarea #17 - High Urbanization, Higher Productivity Rating, Physical Features help define the area (WashCo Rec at 2978 [table] and 3025 [map]).
- Washington County Urban Reserve Recommendation – Urban Reserve (WashCo Rec at 3034 [map]), adjusted by IGA (WashCo Rec at 7998 to 8010).

III. Urban Reserve 7I

As initially recommended by Washington County, the North Cornelius pre-qualified concept plan area contained 2639 gross acres and 1319 net developable acres (Wash Co Rec. at 2388 and 2400). In contrast, the urban reserve adopted for north Cornelius in Areas 7I contains 623 gross and 453 net developable acres (Table 1; see also WashCo Rec. at 2388 and 2400). This reduction has significantly reduced targeted general employment and residential uses in north Cornelius (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for industrial uses as well as housing and other uses that contribute to livable communities. The area south of Dairy Creek (currently Area 7I) was envisioned primarily for employment purposes in Cornelius' Pre-Qualified Concept Plan (Wash Co Rec. at 2400). Expected uses within Area 7I are consistent with those depicted in the PQCP (compare Attached Map with Wash Co Rec. at 2400).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 7I

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Target Jobs Capacity	
	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I
Outer Neighborhood	882.5	153	264	-	441	76.5	10	10	4,410	765	-	-
Industrial	1756.5	470	219	50	879	376	20	20			17,580	7520
Total	2639	623	483	50	1319	452.5	-	-	4,410	765	17,580	7520

URBAN RESERVE FACTORS

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments

Cornelius' Pre-Qualifying Concept Plan (PQCP) for Area 7I describes the city's infrastructure service availability (WashCo Rec. at 2389).

Major infrastructure systems are in place ready to be extended for development into this area. The water, sewer and transportation systems in and around Cornelius have regional growth capacity. Clean Water

Services sanitary and storm sewer lines are located to serve north of Cornelius to Dairy Creek. (Wash Co. Rec. at 2389)

Cornelius' utility master plans and rates studies ensure development pays for extensions and maintenance of all new utilities and street improvements. (Wash Co. Rec. at 2389)

Two new bridges across Council Creek include urban amenities. Over \$21 million in recent public infrastructure investment by Cornelius, Washington county, State of Oregon and U.S. government provide extra capacity for urban expansion to north of Cornelius. (Wash Co. Rec. at 2389)

Infrastructure is planned to support growth of Cornelius, including streets & pathways, schools & institutional uses and a generous 10% for parks. The city does not allow development in the floodplain. (Wash Co. Rec. at 2389)

Area 7I was mapped by Washington County showing urban suitability for water, sewer and transportation (Wash Co Rec. at 3004-3010). Area 7I also is mapped by NAIP as constrained land for urban development and employment, based upon factors including flat land, water availability, parcelization and proximity to workers and existing industry (Wash Co Rec at 3002)

(2) Includes sufficient development capacity to support a healthy economy;

Land within 7I north of the current UGB/City limits along the improved Cornelius-Schefflin Road is suitable for employment uses because of the good connection with the rest of the urban region for industrial development. A sustainable, healthy Cornelius center is important to County, Regional and State economic health. (Wash Co Rec. at 2389.) A recent study by Johnson Reid indicated that, over the next 20 years, West Washington County will need approximately 1200 acres for large lot industrial use (e.g., 50 acres or more) (Metro Rec. at 1641; WashCo Rec. at 3208-3216). This is consistent with Metro's forecast need for 3,000 acres of industrial land region-wide over 50 years. The need for large lot industrial uses is further supported by inquiries fielded by the city's Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (Metro Rec. at 1860). The Johnson-Reid Economic Opportunity Analysis conducted for Cornelius projects demand for over 782 acres for industrial development within the next 50 years. (Wash Co. Rec. at 2450)

Metro's MPAC Employment Subcommittee recently acknowledged that "attracting and retaining traded-sector industrial companies is critical to the region's economic prosperity" (Metro Rec. at 172-178). Likewise, in their comments into the record, the State agencies emphasized "the need for an adequate supply of employment lands in the Metro urban growth boundary" noting that the region "often 'seeds' traded-sector technologies and businesses that disperse throughout the state" (WashCo Rec. at 1988-1989).

The PQCP illustrates the potential for industrial development within Area 7I. As noted above, the uses proposed for Area 7I under the PQCP have not changed. The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; WashCo Rec. at 3429-3450), demonstrates the contribution of industrial uses to the economy. Economic benefits of industrial lands, such as those currently located in the area studied, include:

- Double the County average of market value/acre for industrial lands;

- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (pre State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (WashCo Rec. at 3126 & 3429-3450).

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the NAIOP study of urban (particularly industrial) suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. at 3002-3004). Area 7I is also suitable for urban development, particularly industrial development because of its proximity to and connections to the high tech and solar clusters of industry in western Washington County (Wash Co Rec. 2411-13; 2452). Urban development is also suited in Area 7I in order for Cornelius to meet all the factors of Metro’s Great Communities; for example the area is within walking distance from the center of town and transit (Wash Co Rec. 2395-2399).

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

Cornelius schools and utilities, including Clean Water Services, Joint Water commission, local fire districts and school districts are informed and already invested in greater capacity and planning for future development. For example, the Hillsboro School district owns a 40 acre school site southeast of the UGB and plans to build the first high school in Cornelius in 4-5 years. Also the CWS has existing and planned capacity for development of land north to Dairy Creek with its facility along Council Creek. (Wash Co. Rec. at 2389-2390)

Cornelius has an existing array of funding mechanisms, including systems development charges, construction excise taxes, and up-to-date utility rates to assure the financial capability of these urban service providers to extend and operate services to recommended areas. Expansion of urban services and infrastructure to new development will make existing facilities services more efficient and affordable with more people served by each facility. (Wash Co. Rec. at 2390)

Most importantly, new development within an expanded UGB is planned by Cornelius for a greater mix of housing options and more jobs (primarily industrial) to balance and stimulate a community whose housing stock is limited (95% low/moderate income appropriate), has 4,000 too few local family wage jobs (causing substantial long commutes that are expensive to families and environment), and is in need of more property taxes to provide basic city services (Cornelius now has half the city employees per capita as most cities in the region). (Wash Co. Rec. at 2390)

(4) 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;

Existing streets in Cornelius are being improved for multi-modal transportation with federal, state and county grants along with private development charges. Planned pedestrian/bike trail system for recreation and local commuting will replace many of the congest commutes in the region. A key light rail extension from Hillsboro to Forest Grove is on the regional table. (Wash Co. Rec. at 2390)

The City of Cornelius Transportation System Plan (TSP) identifies the need to plan and develop complementary infrastructure for pedestrians, bicycles, vehicles and transit to provide a diverse range of choices for transportation. The city has adopted Code language and design standards that require connectivity, accessibility and enhance transit service in order to implement this direction from the TSP. All City streets are required to be constructed with ADA compliant sidewalks. All City collector and arterial streets are required to have bike lanes. The City Development code also provides incentives for developers to provide pedestrian connections from commercial structures to public transit stops. (Wash Co. Rec. at 2390) Cornelius' TSP also provides guidance for connection and development to the regional trails and greenways (Council Creek, Tualatin River and Dairy Creek) that abut or are adjacent to the City. (Wash Co. Rec. at 2390.)

(5) Can be designed to preserve and enhance natural ecological systems;

Cornelius has inventoried and determined the significant natural resources within the current City boundary. The City has also adopted protection measures for the inventoried significant natural resources within its boundary that are identified in the Cornelius Natural Resource Protection Plan. The development of our Natural Resource Protection Plan has also resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and abut the City. The implementation of this plan works hand in hand with the Tualatin Basin coordinating Committee and with Metro's Title 13. (Wash Co. Rec. at 2390-2391.)

Cornelius has adopted Clean Water Services Design and Construction standards that require the treatment of surface water from development for water quality and quantity, and that also address Title 3, Metro Functional Plan. The city completed its periodic Review Work Program in 2005. Work Program Task #3 Environmental Policies required the City of address Title 3, Metro Functional Plan. Compliance with Task #3 was approved by the State. (Wash Co. Rec. at 2391)

Cornelius has a Floodplain District Overlay zone that protects and regulated proposed development in the floodplain. The City Coordinates with Clean Water Services, Division of State Lands and US Army Corps of Engineers to restrict the uses and regulate development in the floodplain. (Wash Co. Rec. at 2391)

Cornelius has shown commitment to preservation and enhancement of ecological systems in its plans, advocacy and use parks, green space and trails, acquisition and improvement of natural areas, and in many organized park and open space planting and educational events. (Wash Co. Rec. at 2391)

All these policies, plans, zones, regulations, standards and commitments are applied to additions to the UGB and city limits by city code and now tradition. (Wash Co. Rec. at 2391)

(6) Includes sufficient land suitable for a range of housing types;

Cornelius housing is predominately low value and would be affordable if the considerable cost of transportation from having to commute to jobs out of town was not included. With more jobs available from both infill and UGB expansion, approximately 95 percent of housing stock in the city is low-moderate income appropriate. However affordable housing alone is problematic for a community. A community limited to 'started homes' limits property tax revenue available for decent city services and housing options for a healthy diversity of people. (Wash Co. Rec. at 2391)

Because of this, it is a City goal to develop medium and even upper income level housing to provide a full range of housing options, integrate different people into local culture, and attracts healthy economic and community development. Recent housing development (2002-2007) is better quality and higher in value than the bulk of City housing, and constructs green along an outstanding stream corridor. But there is no more room currently within the UGB for any housing except some infill when higher densities become marketable. Land is necessary to provide for a full healthy range of housing options and income levels. At least 200 acres of land expansion of the UGB is needed immediately to produce an adequate mix and balance of housing options over the next ten years (at an average of 10 units/acre). Over the next 50 years, there will be the opportunity to develop a healthier diverse mix of single-family and multi-family residences (based on 10 units/net acres) located near and connected by protected stream corridors. (Wash Co. Rec. at 2391-2392.)

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the both the Washington County mapping of Urban Suitability and the NAIOP study of urban suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. 3006-3009; 3002-3004). Such land characteristics present a relatively lost cost environment for development of diverse and affordable housing. The availability of urban infrastructure referenced under Factor 1 makes housing development easier than in areas with poor infrastructure. Housing development is suitable in Area 7I both because of and to better leverage Cornelius meeting all the factors of Metro's Great Communities; for example housing in this area is would be within walking distance from the center of town, transit and local jobs if this area (Wash Co Rec. 2395-2399).

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves

The natural landscape around the City of Cornelius is heavily influenced by the floodplains of the Tualatin River Basin, with its tributaries of Council Creek and Dairy Creek. The City of Cornelius has a floodplain district overlay zone designed to protect the public health, welfare and safety that helps preserve the wide buffer of the Dairy Creek floodplain, which ranges from .25 to .65 miles in width. (Wash Co Record at 3028). City has adopted specific protection measures for significant natural resources identified in the Natural Resource Protection Plan. When properties annex into the City our preservation measures for inventory, assessment and protection are implemented. (WashCo Record at 2392.)

Cornelius' Natural Resource Protection Plan has resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these strong Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and

about the City. This helps preserve important natural landscape features in the Urban Reserve. (WashCo Record at 2391)

Cornelius believes that natural features and areas are much better protected inside the UGB than outside the UGB where there are more conflicts without protection and fewer resources with which to restore and conserve the land. The City also believes that managed public access, like trails, to natural resources encourages outdoor education and public by-in to conservation ethics. (WashCo Record at 2392)

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves

Dairy Creek floodplain provides a quarter to half a mile wide buffer along the east and north of Area 7-I North of Cornelius and farmland in Rural Reserves. (Wash Co Record 2391-2392) The Dairy Creek floodplain divides Tier 2 and 1 rural lands as ranked by Washington County (Wash Co. Record 2024-2025). Council Creek is already breached by urban development. (Wash Co Record at 3004). Cornelius-Schefflin Road is the approved western boundary of 7-1 industrial land and can become an adequate buffer with the application of Cornelius City development requirements. (WashCo Record at 2392-2393)

The City Development Code currently has language that provides the City with tools to design/implement buffers and setbacks for abutting conflicting uses. The existing City Code provides for the separation of uses with greater buffer/setback protection between uses with different intensity (i.e. residential and industrial). The City currently has industrial and residential zoned/developed property that abuts rural land with existing agricultural practices. The City and its neighboring farmers currently work and live in harmony without negative impacts. (WashCo Record at 2392)

Cornelius currently has tools in its Code that require development proposals to assure compatibility and reduce impacts on use of neighboring properties (rural and urban). The Code also applies buffers, setbacks, access, traffic generation, landscaping, fencing and lighting of a site through implementation of the City design review process. These development code processes and provisions provide tools to help prevent and mitigate any conflicts with neighboring farm and forest practices. (WashCo Record at 2392)

The City Transportation System Plan (TSP) provides guidance through Chapter 8 - Motor Vehicle Plan specifically goals and strategies that effectively provide a supportive transportation network for safe public roads and streets. Street networks are coordinated with Washington County, Metro and Oregon Department of Transportation so as to have minimum impact and reduce congestion on out-of-town routes. (WashCo Record at 2392)

Cornelius has approved Master Plans for all of its utilities (water, sanitary sewer & storm water). The construction and extension of utilities in the City have been developed and sized for its current and future use. The urban utilities are provided through a network of subsurface contained transmission lines. Therefore, City water use does not affect the abutting rural water table used for farm and forest operations. Sanitary sewer and storm water is treated in urban facilities and does not adversely affect farm and forest practices or natural features. Clean Water Services sanitary and storm water lines are located in Council Creek to serve north to Dairy Creek. (WashCo Record at 2392)

Construction of a whole complete community reduces the impacts of traffic and recreation to and through farm and forest lands outside the City. (WashCo Record at 2393.) The City currently provides protection buffers and setbacks from stream corridors with the implementation of its Natural Resource Protection Plan and the Natural Resource Overlay Zone. These buffers help protect streams for water quality/quantity function and downstream use by farm and forest owners. (WashCo Record at 2393)

In Cornelius' Urban Reserve Concept planning, the City located future residential neighborhoods where broad streams and floodplains separate and offer a natural buffer between housing and rural land uses. Cornelius has located future industrial (employment) parks next to rural uses, because industrial uses are generally the most compatible urban use with rural land uses. The City has buffer requirements in its Development Code to insure industrial use compatibility with surrounding uses. (WashCo Record at 2393 and 2400)

Of the approximately 620 acres in Area 7-I, over 200 acres are designated Exception Lands by Washington County and the State of Oregon. Therefore 33% of Area 7-I has already been designated for more urban uses than rural uses. (Washington County Zoning Map). (Wash Co Record at 3021-22)

Rural Reserves Factors

(See discussion of Rural Reserves factors as applied to all three areas below.) Specific references for Urban Reserve 7B:

- Foundation Farm Land (Oregon Department of Agriculture's Agricultural Lands Inventory, *WashCo Rec* at 2996).
- Washington County Farm Lands Tiers Analysis – Tier 2, Subarea #18 - High Urbanization, Higher Productivity Rating, Physical Features help define the area, High Dwelling density (*WashCo Rec* at 2979 [table] and 3025 [map]).
- Washington County Urban Reserve Recommendation – Urban Reserve (*WashCo Rec* at 3034 [map]), adjusted by IGA (*WashCo Rec* at 7998 to 8010).

IV. Application of Urban Reserve Factors

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

WashCo Rec at 2961 to 2964 [text], 3006 to 3010 [maps] and 3035 to 3585 [pre-qualifying concept plans]

(2) Includes sufficient development capacity to support a healthy economy;

WashCo Rec at 2964 to 2966 [text], 3002 [map] and 3586 to 3611 [land needs analysis]

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

WashCo Rec at 2966 to 2968 [text] and 3006 to 3010 [maps]

(4) 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;

WashCo Rec at 2968 [text] and 3004 [map]

(5) Can be designed to preserve and enhance natural ecological systems;

WashCo Rec at 2968 [text]

(6) Includes sufficient land suitable for a range of needed housing types;

WashCo Rec at 2968 [text], 3586 to 3611 [land needs analysis] and 3035 to 3585 [pre-qualifying concept plans]

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

(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 designated as rural reserves.

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

V. Application of Rural Reserves Factors to Washington County Urban Reserves

(1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

Response to 2(a)

Agriculture

Subject to urbanization: *WashCo Rec* at 2971 to 2972 [text] and 3013 [map]

Fair market value: *WashCo Rec* at 2972 [text] and 3014 [map]

Forestry

WashCo Rec at 2984 to 2985 [text]

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

Response to 2(b)

Agriculture

WashCo Rec at 2972 to 2973 [text] and 3015 [map]

Forestry

WashCo Rec at 2985 [text]

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

Response to 2(c)

Agriculture

WashCo Rec at 2973 to 2975 [text] and 2998, 3016 to 3018 [maps]

Forestry

WashCo Rec at 2985 [text]

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Response to 2(d)

Agriculture

WashCo Rec at 2975 [text] and 3019 to 3024 [maps]

Forestry

WashCo Rec at 2985 [text] and 3027 [map]

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

Response to 3(a)

WashCo Rec at 2986 [text]

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

Response to 3(b)

WashCo Rec at 2986 [text]

(c) Are important fish, plant or wildlife habitat;

Response to 3(c)

WashCo Rec at 2986 [text]

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Response to 3(d)

WashCo Rec at 2987 [text]

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Response to 3(e)

WashCo Rec at 2987 [text]

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses

Response to 3(f)

WashCo Rec at 2987 [text]

(g) Provide for separation between cities; and

Response to 3(g)

WashCo Rec at 2987 [text]

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

Response to 3(h)

WashCo Rec at 2987 [text] and 3030 [map]

VI. Why didn't we use more Conflicted or Important Agricultural?

1) The only conflicted lands that were not designated as urban reserves in Washington County are the northwestern portions of the David Hill subarea and the southern portions of the Parrett Mountain subarea.

The northwestern portion of David Hill was highly ranked for forestry [WC Rec. pg. 3027] and did not score well in the County's urban suitability mapping [WC Rec. pg. 2997], nor did it score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost (WC Rec. pg. 3009) and transportation system lane cost [WC Rec. pg. 3010].

Significant area of the portion of the Parrett Mountain subarea in Washington County not in an urban reserve did not score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service (Moderate – Difficult) [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009],

transportation system cost [WC Rec. pg. 3010], it also didn't rank highly under the County's urban suitability mapping. Portions of this area were also highly ranked for forestry [WC Rec. Pg. 3027]. The area is ground-water limited, steeply sloped and characterized by small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 10; 41-42).

2) There are three blocks of important farm land in Washington County; much of the Chehalem Mountains subarea, a portion of the Bethany/West Multnomah subarea, and a small portion of the East Wilsonville subarea.

All of the East Wilsonville subarea in Washington County was included the urban reserves east of I-5 (4E, 4F & 4G).

The northeast portion of urban reserve area 8C (Bethany West) was designated as an urban reserve. The area north of the urban reserve and existing UGB has more sloped land that is less suitable for development [WC Rec. pg. 3002].

The largest block of important farm land in Washington County is the Chehalem Mountains subarea. An urban reserve designation was adopted on the southeast portion of this area near the city of Sherwood (part of 5B). The area not designated urban reserve ranked low to moderate in suitability assessments for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009] and transportation system cost [WC Rec. pg. 3010]. This area also contains sloped land that is less suitable for development [WC Rec. pg. 3002] and did not score well under the County's urban suitability mapping [WC Rec. pg. 2997]. The Chehalem Mountains had multiple values for natural features; they were identified as Significant Natural Landscape Features [WC Rec. pg 3028], contain the headwaters for several streams [WC Rec. pg. 3029] and serve as a sense of place with an elevation over 350 feet [WC Rec. pg. 3029].

The West Wilsonville area (Conflicted Agricultural Land) is characterized by steep slopes and creek canyons. It lies in a ground-water limited area parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 38-40).

The area north of North Bethany is also characterized by steep and moderate slopes and numerous steep creek canyons that bisect the area parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 53).

The portions of the East Wilsonville area (Important Farmland) that border the UGB near I-5 and I-205 are designated for rural residential use and are composed of small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 37).

The area south of Oregon City that is Important Farmland is largely moderately to steeply sloping hills incised by many small creek canyons. The Beavercreek area in particular is characterized by rural residential development (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 27-28).

The Clackamas Heights area (Conflicted Agricultural Land) east of Gladstone and Oregon City is heavily impacted by suburban residential development and characterized by steep sloped and small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 26-27).

Maps in the record confirm these characterizations:

- Data utilized were, tax lots, slopes, 100-year floodplain, wetlands inventory and Metro Title 4 mapping. (*WashCo Rec* at 1890)
- Development Constraints (*WashCo Rec* at 1890)
- Small Parcels (*WashCo Rec* at 1891)
- Slope Criterion = 7% or less (*WashCo Rec* at 1891)
- Maps provided were; constrained lands, small lots, FEMA Floodplain and wetlands, slopes greater than 10% , Metro Title 4 inventory, composite (*WashCo Rec* at 1892)
- Available utilities (*WashCo Rec* at 1892)
- Summary Table by County Constrained and Unconstrained Land (*WashCo Rec* at 1893)
- “On the contrary, while the maps show greater percentage of development constraints for Washington County, these constraints are further away from the existing UGB. This creates a nexus opportunity for future development. Based on the unconstrained lands adjacent to the UGB, designated Title 4 lands and existing employment concentration within the UGB, an apparent urban reserve area is north and west of Hillsboro.” (*WashCo Rec* at 1894)
- “Most of the topographically-suitable acreage was located within Washington County, near existing employment clusters, and this finding was partially considered in Washington County’s mapping of proposed Urban and Rural Reserve areas.” (*WashCo Rec* at 2905).



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



MEMORANDUM

FROM: Richard Whitman, Steve Shipsey

TO: LCDC Commissioners

RE: Metro Reserves Deliberations

DATE: October 28, 2010

This memo is intended to assist the commission in its final deliberations concerning Metro urban and rural reserves, by clarifying the department's understanding of what the commission needs to decide with regard to the three specific areas the commission indicated it wants to focus on, and what the commission's standard(s) are for making those decisions. To further assist the commission, we are providing four exhibits to this memo. Those exhibits are: (A) Three maps of the current zoning designations for Areas 7B, 7I and 8A; (B) Excerpts of the Objections and Exception relating most directly to these three areas; (C) A compilation from Washington County and Metro of the evidence in the record showing how the county and Metro considered and applied the factors to these three areas; and (D) A transcript of a portion of the final rulemaking hearing where the commission adopted its division 27 rules for urban and rural reserves. To the extent that these attachments include new evidence, we ask that the commission request these materials to assist it in its deliberations.

1. What Does the Commission Need to Decide? (Scope of Review)

What the commission reviews (it's scope of review) is set in its own rule: 660-027-0080(4). That rule provides that the commission reviews the reserves decision for four basic things (the four basic things are summarized in the bracketed capitalized language):

"* * * The Commission shall review the submittal for:

(a) Compliance with the applicable statewide planning goals. Under ORS 197.747 "compliance with the goals" means the submittal on the whole conforms with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. To determine compliance with the Goal 2 requirement for an adequate factual base, the Commission shall consider whether the submittal is supported by

substantial evidence. Under ORS 183.482(8)(c), substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding [THE STATEWIDE PLANNING GOALS];

(b) Compliance with applicable administrative rules, including but not limited to the objective provided in OAR 660-027-0005(2) [e.g. a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents] [THE BEST ACHIEVES STANDARD] *and* the urban and rural reserve designation standards provided in OAR 660-027-0040 [THE AMOUNT OF LAND STANDARD]; and

(c) Consideration of the factors in OAR 660-027-0050 or 660-027-0060, whichever are applicable [COMPARISON OF ALTERNATIVE AREAS BY APPLYING FACTORS]. " OAR 660-027-0080(4)

What each of these four things means, is described in more detail, below.

A. Compliance with the Statewide Planning Goals

OAR 660-027-0080(4)(a) and ORS 197.747 provide that "compliance with the goals" means the submittal on the whole conforms with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature. In addition, not all goals apply to the reserves decision. For example, in the Department's opinion, Goal 10 does not apply to the reserves decision because the designation of urban and rural reserves does not commit land to urbanization or to any particular future use (that would occur only after the land was included within an urban growth boundary and planned and zoned for urban development). Similarly, some goals may apply, but only in a limited fashion. For instance, the element of Goal 11 that requires public facility plans applies only to areas within an urban growth boundary (and so does not apply to the reserves decision). However, other elements of Goal 11 could (in theory) be implicated by the reserves decision.

The requirement to comply with the goals focuses on assuring that the underlying main purpose of the goal is met, even if there are minor deviations from the technical requirements of the goal or LCDC implementing rule. *1000 Friends of Oregon v. LCDC (Lane County)*, 305 Or. 384 (Or., 1988). Thus, for example, the main purpose of Goal 3 is to preserve and maintain agricultural lands for farm use.

Goal compliance does not appear to be a major issue with regard to the three areas the commission has indicated it wants to consider more carefully, although goal compliance issues have been raised in a number of general and specific objections.

B. Compliance with the Best Achieves Standard

OAR 660-027-0005(2) states that the objective of the reserves is "a balance in the designation of urban and rural reserves that, *in its entirety*, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important

natural landscape features that define the region for its residents." (Emphasis added.) According to the records of the commission's adoption of this rule, the intent was that this standard would set a higher bar for the reserves decision than the normal requirements for locational decisions about where to expand an urban growth boundary (to consider and apply factors to alternative candidate areas – discussed below). The standard applies to the designation "in its entirety," it does not require Metro or a county to rank alternative areas. It is a standard that Metro and the counties, in the first instance, must demonstrate has been met, by explaining why in their findings.

Although the standard applies to the designation[s] in its entirety, the department believes that the commission could find that the standard is not met as a result of concerns about one or more areas (e.g., the designation[s] in its entirety could fail to meet this standard because of problems with one or more particular areas).

In addition, the department believes that there is a relation between the "factors" that Metro and the counties must consider for urban reserves (under 027-0050) and rural reserves (under 027-0060), and the overall objective in 0005(2). The relation is that the way that Metro and the counties explain how the overall objective is met is through their findings applying the urban and rural reserve factors to decide which alternative areas to designate as urban and rural reserves.

The meaning of the "best achieves" standard is best described in the transcript of the commission's January 2008 rulemaking hearing, attached as Exhibit D to this memo.

C. Compliance with the Amount of Land Standard

This standard has already been addressed in the proceedings, and is not directly relevant to the Commission's remaining deliberations. In brief, the statute and rules provide a fair degree of discretion to Metro concerning: (a) the time period that the urban reserves are planned to accommodate population and employment growth for; and (b) the methods and policy considerations that Metro uses to project future population and employment. The statute and rules also provide Metro significant discretion in determining how to apply its overall regional projections to parts of the region (counties).

If the commission were to remand one or more urban reserve areas, with direction to evaluate the area(s) in a particular way under the commission's rules and/or to drop the area from designation, it should also indicate whether Metro and the county(ies) involved would be required to replace any lands removed as a result of the remand. The department believes that, because Metro based its determination of need on a range forecast and made a policy choice to plan for the upper end of the middle third of its projection, Metro could remove some lands without adding other lands by either altering its policy choice (to, for example, plan for the middle of the middle third) or by shortening the number of years that the reserves are planned for. Alternatively, the department believes that Metro and the county(ies), could chose to leave the decisions concerning the amount of land unchanged, and add other lands as an urban reserve.

D. Comparing Alternative Areas by Applying Factors

OAR 660-027-0040(10) and (11), together with OAR 660-027-0050 (urban) and 0060 (rural), require the commission to consider *and apply* the factors for urban and rural reserves. If the lands in question are foundation farm land (as is the case for all three of the areas the commission has focused on) OAR 660-027-0040(11) requires the commission to consider and apply *both* the urban reserve factors and the rural reserve factors. The rule provisions raise at least two basic questions that the commission should decide: (a) what does it mean for Metro and the counties to consider and apply the factors; and (b) does the rule require Metro and the counties to consider and apply the factors to each area, to the region as a whole, or to each county?

a. What Does it Mean to Consider and Apply the Factors?

The department believes that the commission's rule requires Metro and the county(ies) to evaluate alternative areas in terms of each of the factors, and to then explain why it selected a particular area as an urban reserve or a rural reserve. For areas containing Foundation Agricultural Land that are considered as urban reserves, the rules require this evaluation to be done in terms of both the urban and rural factors.

It is important to note that this does *not* require a ranking, nor (under Goal 14 (as opposed to Metro's Code) does it require that the "*best*" suited lands be included) but it does require the county and Metro to show that they evaluated alternative areas in terms of each of the factors, (*Ryland Homes*, at 154), and that their findings explain why each area is appropriate as an urban or rural reserve. Finally, "[n]o single factor is of such importance as to be determinative in an UGB amendment proceeding, nor are the individual factors necessarily thresholds that must be met." *Citizens Against Irrespons. Growth v. Metro*, 38 P.3d 956, 179 Or. App. 12 (Or. App., 2002). In other words, any one area does not have to comply with or meet every factor. The factors are considered together, and weighed and balanced as a whole.

b. What Lands Does Metro or a County Apply the Factors To?

The department's report to the commission states that we believe that Metro applies the factors to *areas* (not to individual properties, and not to the entire region). The department's position is based on the fact that the reserve factors derive from the Goal 14 locational factors (this is stated clearly in the history of the commission's rulemaking for division 27, *and* in the legislative history for Senate Bill 1011). The Goal 14 locational factors are *applied* to alternative locations for expanding an urban growth boundary to decide which one(s) to select to include within the expanded UGB. *1000 Friends of Oregon v. Metro (Ryland Homes)*, 26 P.3d 151, 174 Or. App. 406 (2001). Similarly, under the Commission's other urban reserves rules, the Goal 14 factors are applied to proposed urban reserve *areas*. *D.S. Parklane v. Metro*, 35 Or LUBA 516 (1999). We believe that the legislative and commission intent is the same with regard to the role of the factors in deciding which lands to designate as urban and rural reserves – e.g., the factors are applied to alternative areas to decide which ones to include as urban reserves, and which areas to include as rural reserves.

Furthermore, because SB 1011 and the commission's reserves rules require urban and rural reserves to be decided upon jointly between Metro and a county, we believe that the factors are *applied* to alternative areas within a county to decide which ones to designate as urban or rural reserves.

OAR 660-027-0040(10) requires Metro and the counties to "adopt a single, joint set of findings of fact, statements of reasons and conclusions explaining why *areas* were chosen as urban or rural reserves, how these designations achieve the objective stated in OAR 660-027-0005(2), and the factual and policy basis for the estimated land supply determined under section (2) of this rule." (Emphasis added) In other words, the commission's rules clearly require the factors to be applied to "areas" rather than specific properties or to the region or a county as a whole. OAR 660-027-0040(11) supplements the requirements of 0040(10) by requiring additional findings if "Foundation Agricultural Land" is designated as urban reserves (that term is defined by OAR 660-027-0010(1) as the lands mapped by ODA as foundation farm lands in its 2007 assessment). The department believes that the supplemental findings required by subsection (11) for Foundation Agricultural Lands do not alter the geographic unit that Metro and the counties must adopt findings for – the findings must still be by "area" rather than on a property-by-property or region-wide basis. What this means is that if Metro designates some portion or all of an area as an urban reserve, and that area includes Foundation Agricultural Land, then the joint findings must explain why the area was selected as an urban reserve by applying *both* the urban and rural factors to that area and explaining why that area is more suitable as an urban reserve than other lands within Metro's study area that are not Foundation Agricultural Lands.

c. What Did Metro and the Counties Do?

Metro adopted a single set of joint findings that explain why the region designated some areas including Foundation Agricultural Land as urban reserves. Metro Rec. at 15-19. Those findings explain why the region did not designate other (non-Foundation) lands as urban reserves, generally. The findings include some explanation of why other (non-Foundation) lands were not designated as urban reserves (instead of the Foundation lands). The findings also state: "[t]hese reasons are more fully set forth in the explanations for specific urban and rural reserves in sections VI-VIII."

Section VI contains the findings for Clackamas County, explaining why it designated Area 1F as an urban reserve (this is the only area of Foundation Agricultural Land designated as an urban reserve in Clackamas County). The findings address both the urban factors and (to at least some degree) the rural factors. Metro Rec. 25-28.

Section VII contains the findings for Multnomah County, explaining why it designated Area 1C as an urban reserve (this is the only area of Foundation Agricultural Land designated as an urban reserve in Multnomah County). The findings address, in general terms, both the urban factors and the rural factors, and explain why the county decided to designate the area as an urban reserve. Metro Rec. 48-49.

Section VIII contains the findings for Washington County. Washington County's findings address Areas 7B, 7I and 8A, individually (as well as other areas in the county), and explain why the areas were designated as urban reserves, but do not apply the rural reserve factors to the areas containing Foundation Agricultural Lands. Although the findings do not apply both sets of factors, there is evidence in the record that Washington County did so (this evidence is summarized in Exhibit C).

2. What Standard Does the Commission Use to Decide Each of the Things That it is Required to Decide? (Standard of Review)

The Oregon Court of Appeals addressed LCDC's standard of review in a UGB amendment decision at length in *City of West Linn v. LCDC*, 119 P.3d 285, 201 Or. App. 419 (2005). While that case provides some useful guidance, it is important to note that the standard of review for the court is different from the standard for LCDC, and that the standard of judicial review in the event the commission's decision in this matter is appealed is controlled by a slightly different statute than the one that applied in *City of West Linn* (ORS 197.651, not ORS 197.650).

In this proceeding, the commission reviews Metro and the county findings to determine whether they provide an adequate explanation of why each area was designated as an urban or rural reserve (using the factors). The commission reviews any factual questions to determine whether there is substantial evidence in the record as a whole to support Metro and the county's decision. And, the commission reviews any legal questions to determine whether Metro correctly decided the question.

A. Adequacy of Findings

The commission's own rules require findings that explain why Metro and the counties made the decisions that they did. OAR 660-027-0040(10) provides that: Metro * * * [and the county(ies)] shall adopt a single, joint set of findings of fact, statements of reasons and conclusions explaining why areas were chosen as urban or rural reserves, how these designations achieve the objective stated in OAR 660-027-0005(2), and the factual and policy basis for the estimated land supply determined under section (2) of this rule." OAR 660-027-0040(11) requires that " * * * if Metro designates [Foundation Agricultural Land] as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 and 660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division." And, OAR 660-027-0080(4) requires that: "(4) The joint and concurrent submittal to the Commission shall include findings of fact and conclusions of law that demonstrate that the adopted or amended plans, policies and other implementing measures to designate urban and rural reserves comply with this division, the applicable statewide planning goals, and other applicable administrative rules."

The requirement for findings is not simply a technicality, its purpose is to assure that the commission can perform its review function, and that it does not substitute its judgment for that of Metro and the counties. *Citizens Against Irresponsible Growth v. Metro*, 179 Or App 12, 16, 38 P3d 956 (2002); *Naumes Properties v. City of Central Point*, LUBA No. 2003-107 (Or. LUBA 1/21/2004).

In a recent decision on the City of Bend proposed urban growth boundary, the commission decided that where local findings are inadequate, it may still affirm the local decision if the local government identifies evidence in the record that "clearly supports" its decision. This is analogous to express statutory authority for the Land Use Board of Appeals to affirm local land use decisions in these circumstances (the commission indicated that it was adopting the same approach). In the LUBA cases applying its express authority to affirm decisions where the findings are inadequate but the evidence clearly supports the local government's decision, LUBA distinguishes between cases where the inadequacy in findings concerns a pure question of fact and cases where the inadequacy is in a local government's explanation of its policy choice – why it made a particular decision.

" LUBA has narrowly interpreted the term "clearly supports" in ORS 197.835(11)(b) to mean "makes obvious" or "makes inevitable." Marcott Holdings, Inc. v. City of Tigard, 30 Or LUBA 101, 122 (1995). ORS 197.835(11)(b) authorizes LUBA to remedy minor oversights and imperfections in local government land use decisions, but does not allow LUBA to assume the responsibilities assigned to local governments, such as the weighing of evidence." *Salo v. Oregon City*, LUBA No. 98-173 (Or. LUBA 7/14/1999).

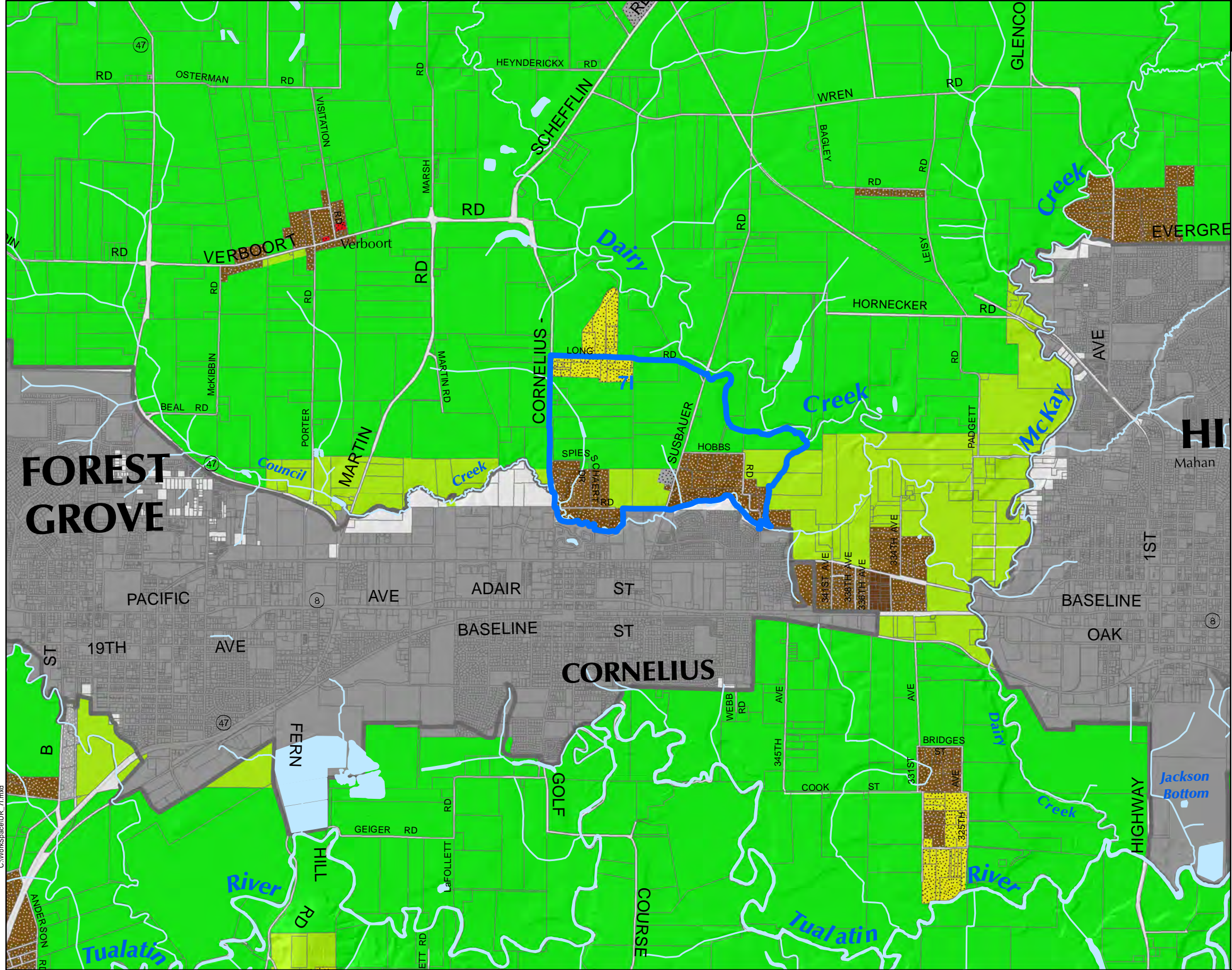
As indicated in its report in this matter, the department believes that if the commission determines that the Metro/county findings are inadequate, it then should decide whether or not the record "clearly supports" the local decision and, if so, whether this is an appropriate case to apply this practice. That decision could depend on both how clear the evidence is, and how much policy judgment (if any) is involved in resolving the underlying question.

B. Factual Questions

The commission's rules clearly provide that it reviews Metro and the counties' factual determinations for substantial evidence in the record as a whole. OAR 660-027-0080(4)(a).

C. Compliance with Legal Standards

The commission reviews Metro and the counties' resolution of any legal questions de novo, to determine whether they correctly applied the law. There do not appear to be any pure legal questions concerning the three remaining areas that the commission will deliberate on.



Urban Reserve 71

Existing Rural Land Use Districts

Urban Reseve Area 71 - Cornelius North

Land Use Districts

- Agriculture and Forest - 5 acre minimum
- Rural Residential - 5 acre minimum
- Agriculture and Forest - 10 acre minimum
- Agriculture and Forest - 20 acre minimum
- Exclusive Farm Use
- Exclusive Forest and Conservation
- Rural Commercial
- Rural Industrial
- Land Extensive Industrial

Stream

Waterbody

1 in represents 3,000 ft

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1,500

3,000

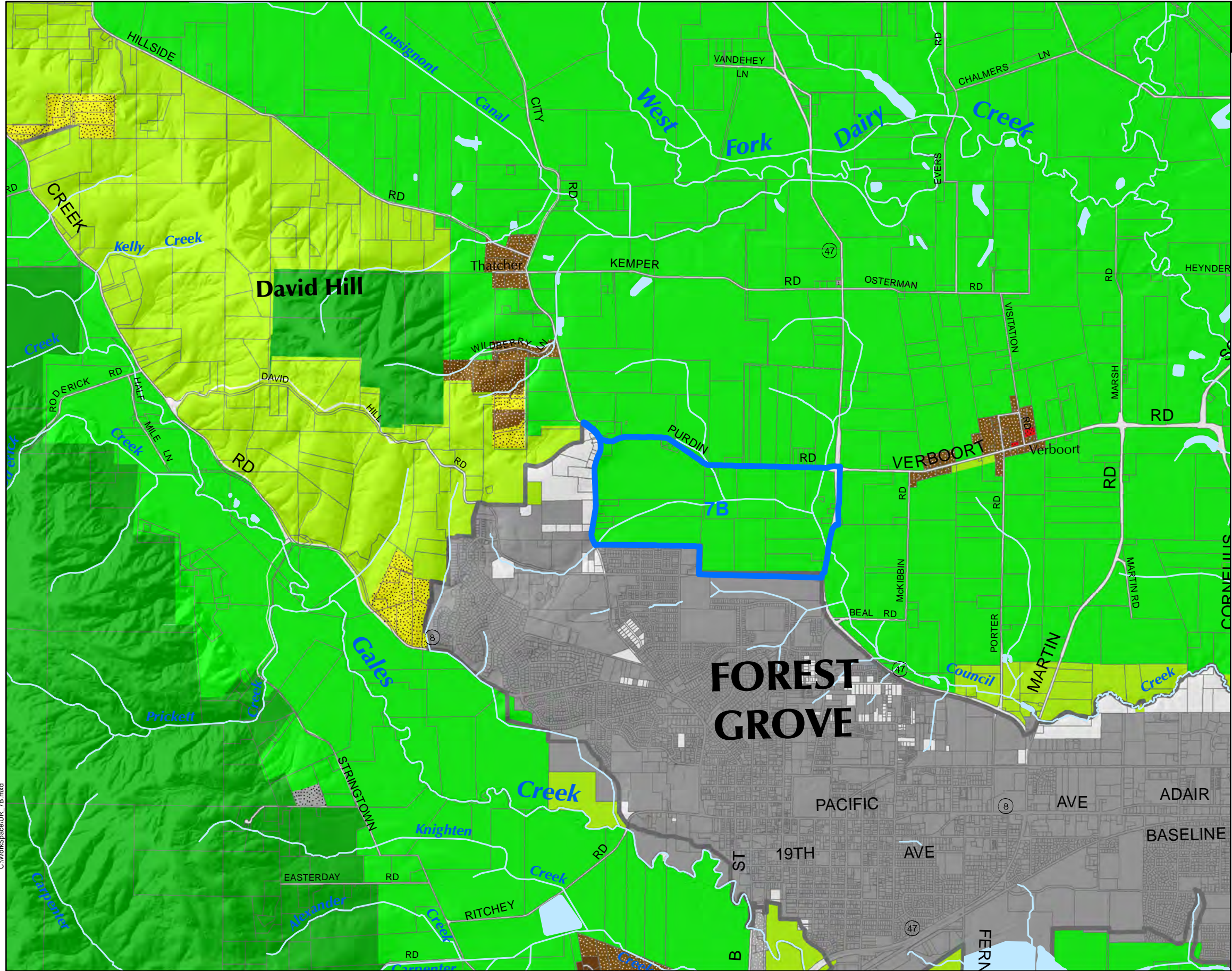
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Feet

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OREGON
Department of Land Use & Transportation
Long Range Planning


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Urban Reserve 7B

Existing Rural Land Use Districts

 Urban Reseve Area 7B - Forest Grove North

Land Use Districts

-  Agriculture and Forest - 5 acre minimum
-  Rural Residential - 5 acre minimum
-  Agriculture and Forest - 10 acre minimum
-  Agriculture and Forest - 20 acre minimum
-  Exclusive Farm Use
-  Exclusive Forest and Conservation
-  Rural Commercial
-  Rural Industrial
-  Land Extensive Industrial

-  Stream
-  Waterbody



1 in represents 3,000 ft
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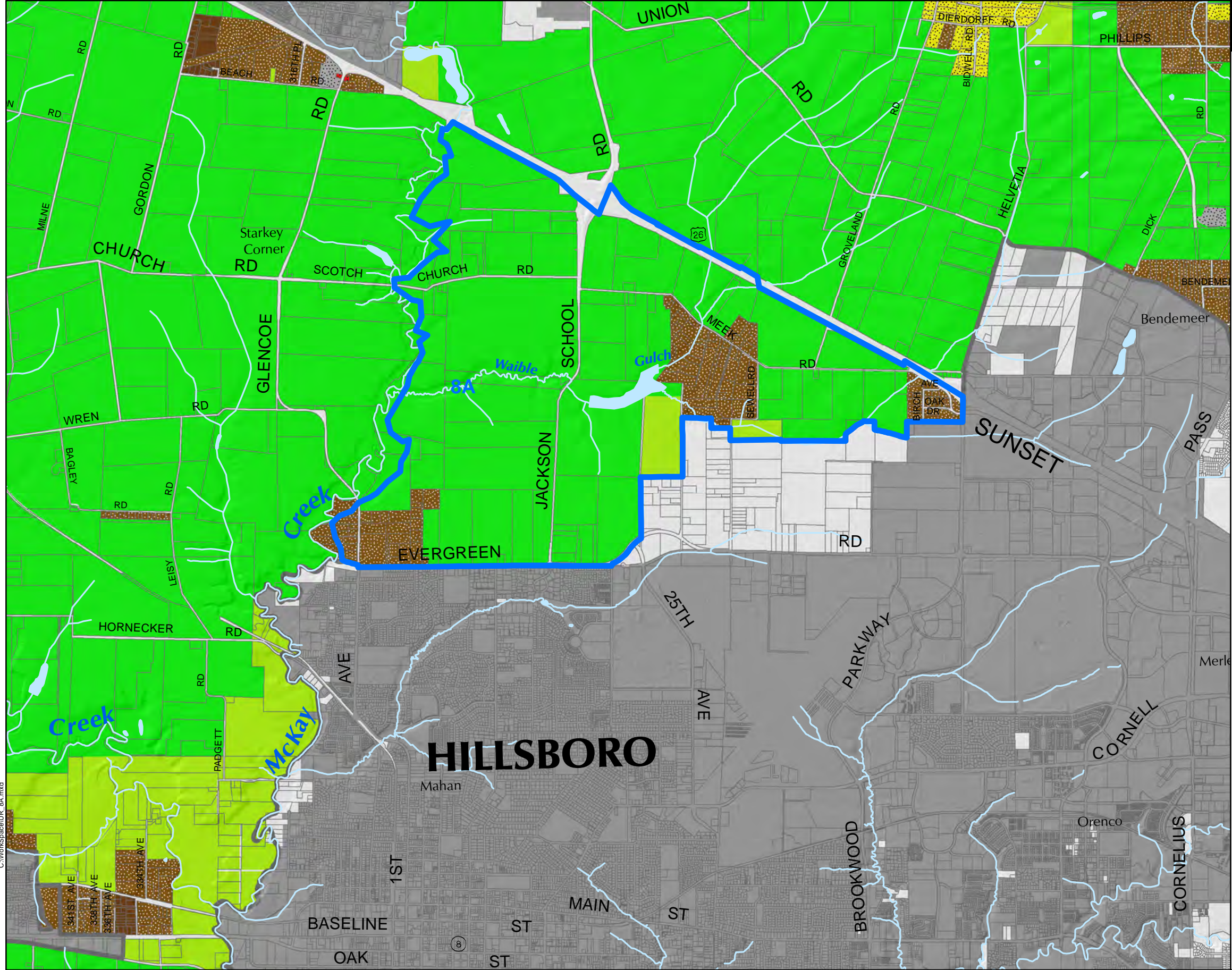
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WASHINGTON COUNTY
OREGON

Department of Land Use & Transportation
Long Range Planning

10/27/2010



Urban Reserve 8A

Existing Rural Land Use Districts

Urban Reseve Area 8A - Hillsboro North

Land Use Districts

	Agriculture and Forest - 5 acre minimum
	Rural Residential - 5 acre minimum
	Agriculture and Forest - 10 acre minimum
	Agriculture and Forest - 20 acre minimum
	Exclusive Farm Use
	Exclusive Forest and Conservation
	Rural Commercial
	Rural Industrial
	Land Extensive Industrial

Stream

Waterbody

1 in represents 3,000 ft

0 1,500 3,000 6,000 Feet

This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Care was taken in the mapping but there are no warranties for this product. However, notification of any errors will be appreciated.

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Objections Addressing Areas 7I (Cornelius North); and 8A (North Hillsboro)

1. ODA Objections

ODA Objection 3: Designation of agricultural land north of Council Creek (Urban Reserve Area 7I) as an Urban Reserve is inconsistent with the Reserves Statute and Rules.

This area is perhaps the textbook example of land that qualifies for protection as a rural reserve. It is Foundation Agricultural Land and meets all of the factors in law that are required to be considered for the designation of rural reserves including valuable, prime farmland soils, availability of water and agricultural infrastructure and perhaps just as important as these physical capability factors, the area is part of a much larger block of agricultural land that maintains the integrity needed to sustain agricultural operations with minimal conflict from urbanization and nonfarm land uses. It is also under constant threat to be urbanized as evidenced by its long history of advocacy for inclusion within the Cornelius Urban Growth Boundary, including the designation as an urban reserve by Metro. This is supported by testimony from area farmers, Washington County Farm Bureau, agri-businesses, and the recommendations from the Metro COO and the state agencies.

The integrity of this area is at risk by the proposed urbanization of the subject area. Council Creek currently provides an excellent and definable edge and buffer between urban lands and the block of agricultural land located to the north. The protrusion of urban land into this area as proposed creates an additional two urban edges for agricultural operations to deal with. These edges provide no real buffer to adjacent agricultural lands. Nothing but a conclusory statement that development in this area could be designed to avoid or minimize adverse impacts to surrounding farms is provided to address impacts to area agricultural operations and OAR 660-027-0050(8) (See discussion above).

Additionally, such an urban protrusion out and into agricultural lands has long-term implications on surrounding agricultural lands. The extension of urban services such as roads, sewer and water lines north into this area can do nothing but put pressure to ultimately urbanize and infill the notches of rural land remaining to the west and east. And any such extensions of roads to the northern edge of this area could promote further extension north to U.S. Highway 26 with implications to the larger agricultural area.

The remedy is to remand this portion of the decision with direction to designate this area as rural reserve.

ODA Objection 4: Designation of agricultural land north of Waibel Creek and Meek Road (Urban Reserve Area 8A) as an Urban Reserve is inconsistent with the Reserves Statute and Rules.

The area discussion within this objection is a subarea of Urban Reserve Area 8A. It can be best described as the northern portion of the subject urban reserve bounded on the north by U.S. Highway 26, the south by Meek Road and Waibel Creek and the west by McKay Creek.

This area qualifies for designation as a rural reserve. It is Foundation Agricultural Land and meets every single factor for designation as a rural reserve. Soils in this area are some of the best in the region. Irrigation is provided by groundwater sources. Excellent edges are provided by Waibel Creek and Meek Road. Adjacent nonfarm and urban land uses are low-density residential and large lot industrial which tend to be more compatible with common agricultural practices. It is also under serious threat of urbanization as indicated by the designation of the area by Metro as an urban reserve and the history and progression of urban growth and of urban growth boundary expansions to the south and east and to the north of U.S. Highway 26.

Expansion into this area has serious implications, especially when combined with "undesignated" lands located along U.S. Highway 26, to promote the ultimate conversion of all lands located south of Highway 26 and east of McKay Creek. Combined with the "undesignated lands located south of North Plains, urbanization of the subject lands would put pressure on and could lead to the ultimate conversion of all lands located south of Highway 26 and east of Glencoe Road. The urbanization of the Jackson Road interchange could also put pressure to urbanize lands located north of Highway 26.

As previously discussed, and consistent with the lack of evidence in the designation of Urban Reserve Area 71, nothing but a conclusionary statement that development in this area could be designed to avoid or minimize adverse impacts to surrounding farms is provided to address impacts to area agricultural operations and OAR 660-027-0050(8).

The remedy is to remand this portion of the decision with direction to designate the described area as rural reserve.

2. Washington County Farm Bureau/1000 Friends/Dave Vanasche Objections

Washington County Farm Bureau/1000 Friends/Vanasche Objection 5: Designation of the farm land north of Council Creek, generally north of the cities of Cornelius and Forest Grove, as urban reserves violates the reserves statute and rule (urban reserve area 71 and a portion of 7B).

The Metro decision designates as urban reserves at least 624 acres in Cornelius North (71), located north of Council Creek. (It may be more than this because this acreage may not account for the floodplains and wetlands in the area.) Some portion of Forest Grove North (7B) is also located north of Council Creek. This objection is to all lands in both urban reserve areas that are north of Council Creek. The following reasons for this objection are in addition to those contained in Objection 4.

The area qualifies as a rural reserve. It is Foundation agricultural land and meets all rural reserve factors: It is "highly" subject to urbanization during the time period, is capable of and does sustain long-term agricultural operations, is primarily Class I, II, and III soils, is an intact large block of farm land, and the farm use and ownership patterns demonstrate long-term stability. Most, if not all, the land is in the Tualatin Valley Irrigation District. As a potential candidate for rural reserves, Washington County ranked it as Tier 1 - the most qualifying, based on all the rural reserve factors.

Written and oral testimony from the Washington County Farm Bureau and from individual farmers, some of whom farm north of Council Creek, attested to the fact that this area is the heart of the Tualatin Valley agricultural industry and contains some of the most productive blocks of farmland in the state. Agriculture-related businesses in Washington County testified that this area is critical to the economic health of the supporting agriculture infrastructure and industry.

The area designated as urban reserves has significant and irreplaceable agricultural infrastructure in it, which the decision does not address although it is required to do so. These include, among others: Tualatin Valley Irrigation District infrastructure; VanDyke Seed, a seedcleaning plant; Jacobsmuhlen's Meats, a meat processor; Spiesschaert Enterprises; and Duyck Produce. Nor does it address the nearby agricultural infrastructure - inside the urban areas of Cornelius, Forest Grove, Hillsboro, North Plains, and Banks - and the impact of designating this land as urban reserves.

The area north of Council Creek also qualifies as rural reserves because it is a mapped significant natural landscape feature under the rural reserves statute and rule.³⁹ Council Creek and its floodplain form a natural boundary separating urban and rural uses, and qualify as an important natural landscape feature. Crossing Council Creek would be a significant intrusion into the heart of Tualatin Valley agricultural land and industry, without any other logical, natural boundary evident. Because the area qualifies under *both* the agricultural land and natural resource categories as a rural reserve, the burden of proof to designate it as urban is even higher, and has not been met. OAR 660-027-0060(1).

Furthermore, expansion across Council Creek is contrary to the urban reserve factors, and is contrary to the stated local aspirations of Forest Grove and Cornelius, as reflected in their local plans and on-the-ground circumstances. Both want significant transit improvement, including eventually light rail. Urban reserves north of Council Creek would not facilitate compact, mixed-use development in the current town centers of either city, and would be contrary to creating a community that is well-served by transit. The land proposed is not proximate to the high capacity transit line that Cornelius envisions for its community or to the rest of the city; rather, the urban reserves land to which we object is across a wide creek and floodplain, far from the proposed transit line. Urbanizing this area would reinforce auto-oriented development patterns and would be contrary to the state and region's climate change goals.

The Metro Chief Operating Officer relied on this in finding that the area north of Cornelius does not qualify as an urban reserve:

"Large scale urbanization in the area to the north may detract from implementing the 2040 Plan by placing thousands of households and jobs farther away from centers and transit corridors, thus increasing Vehicle Miles Traveled (VMT) and making it more difficult to support the recently adopted High Capacity Transit (HCT) corridor from Hillsboro to Forest Grove."

Urbanizing the area north of Council Creek would also be expensive. "To improve such [transportation] access would require considerable regional resources."

The Metro decision is suppose to be based on regional need, not local wishes. Yet the decision relies, in part, on Cornelius' apparent pledge to serve the area and provide governance. Reliance on a local need or desire is not a legal criterion for an urban reserve designation. The law provides for such consideration when evaluating UGB expansions, not urban reserves.

Moreover, if the individual characteristics of Cornelius are taken into account, the justification to add this land as an urban reserves diminishes even more. Cornelius has, and has had for some time, hundreds of acres of vacant and underutilized land. Metro's analysis shows that Cornelius currently has 125-150 acres of vacant, buildable land inside its portion of the region's urban growth boundary over 10% of the current area of Cornelius. This includes over 50 acres of land that Metro added to Cornelius only a few years ago for industrial use. That land is still being farmed. It is not clear whether the city has even annexed it yet. Another 20+ acres of land, which has full urban services and is in an industrial park, has had a "For Sale" sign up for years. The aerial map of the Cornelius and Forest Grove area, submitted in the record, illustrates the large amount of vacant land within the current boundaries of both cities, much of which is being farmed still. Reliance on the alleged needs or desires of one city is not legal, and does not support this decision in any event.

The State Agency letter also recommends against including the land north of Council Creek in the urban reserves, concluding it does not qualify under the law.

"The state agencies generally concur with the COO recommendations for this area Rural reserves for areas here that are a significant distance from the existing UGB don't appear to meet the factors in the rule for designation of rural reserves ... and generally there is too much land designated as rural reserves in this area."

The Metro Chief Operating Officer concluded:

"The area includes some of the best agricultural land in the state. To the north of Cornelius and Forest Grove, there is a well-established agricultural community that is part of the Tualatin Valley Irrigation District, representing a significant investment in agricultural infrastructure and a key component for providing agricultural product flexibility."

The Metro decision findings are conclusory, in most cases simply restating the law or relying on Washington County's analysis, which is flawed as described in Objection 4.

In addition, it appears that neither Metro nor Washington County addressed at least two factors in designating this area for urban reserves: OAR 660-027-0050(7) - can be developed in a way that preserves important natural landscape features, and (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 designated as rural reserves. Nor did they address at least one rural reserve factor - OAR 660-027-0060(d)(B) - the existence of buffers between agricultural or forest operations and non-farm or non-forest uses.

These three factors are intertwined, and unaddressed. Council Creek currently provides a significant natural buffer between urban and rural uses, the importance of which was testified to repeatedly by farmer experts and residents of the area. Council Creek is mapped as an important natural landscape feature that limits urban development and defines the natural boundaries of urbanization. OAR 660-027 -0005(2). Yet this decision leaps right over Council Creek, creating an urban/rural boundary that is basically an invisible line in a field. It eliminates the natural buffer and creates an immediate interface of conflict. The decision does not address the impact urban reserve designation will have on the adjacent farm land or on the wetlands and floodplains of Council Creek that would be in urban reserves. Finally, despite much testimony on the subject and legal requirements to do so, the decision does not address the impact this intrusion into the heart of the Tualatin Valley agricultural community will have on the future of regional and statewide agriculture.

Not urbanizing the land north of Council Creek would still leave Cornelius with approximately 350 urban reserve acres on the south side of Council Creek and to the east and south of the city (7C Cornelius East and 7D Cornelius South), more land than the city is likely to use in a 50- year period based on the city's past land absorption rates. It will also leave Forest Grove with most of the land in the Forest Grove North urban reserve area, plus all of 7E Forest Grove South.

Remedy: Remand the Washington County portion of the decision with direction to remove the urban reserve designation north of Council creek in 7I and 7B, and to designate the lands as rural reserves. Designation of the lands north of Council Creek as urban reserves does not meet the legal test of balance, locally or regionally; nor does it meet the criteria for urban reserves. These lands do meet the criteria for rural reserves.

Washington County Farm Bureau/1000 Friends/Vanasche Objection 6: Designation of the Hillsboro North area (SA, Evergreen) as an urban reserve violates the reserve statute and rule.

Proposed urban reserve area 8A Hillsboro North contains 2265 acres and extends north of Hillsboro to Highway 26 and as far west as McKay Creek, thereby crossing Jackson School Road and bringing urbanization all the way to and beyond the Jackson School Road interchange. It encompasses Waibel Creek, which runs north-south. The following reasons for this objection are in addition to those contained in Objection 4.

Area 8A is entirely Foundation agricultural land and meets every rural reserve factor. It is highly subject to urbanization during the time period, is capable of and does sustain long-term agricultural operations, is primarily Class I, II, and III soils, is an intact

large block of farm land. As one farmer testified, the land here is even better than that on Sauvie Island. The area is entirely irrigated by a groundwater system. Sewell Road and the exception area are an excellent manmade buffer and edge that can protect the area from conflicting uses, and the farm use and ownership patterns demonstrate long-term stability.

In addition, the proposed area's proximity to Jackson School Road will be a magnet for future urbanization in this western direction, adversely impacting the farm lands around this area with conflicting uses, speculative land purchases, urban traffic, and more. The current and future transportation system in this area is auto-dependent, which will exacerbate the region's greenhouse gas emissions, and our ability to reduce them, which is already in doubt.

The extension of this area across Jackson School Road and to the interchange at Highway 26 eliminates several natural and manmade buffers that could have been relied upon to reduce the conflict between urban and rural uses: Waibel Creek, Jackson School Road, Sewel Road, and an existing exception area. Instead, the proposed urban reserve has no natural or manmade buffer to protect rural from urban uses.

As described in Objection 5, the decision does not address OAR 660-027-0050(7), (8) or OAR 660-027-0060(d)(B). There is no evidence in the record that these factors can be addressed. Nor is there evidence in the record that any interchange management plan for the area as it impacts Highway 26 would be effective, or that any interchange management plan has ever been effective, in reducing impacts on interchanges, highways, and on surrounding farm lands.

Remedy: Remand the Washington County portion of the decision with direction to remove the urban reserve designation from 8A Hillsboro North, and to designate the lands as rural reserves.

Washington County Farm Bureau/1000 Friends/Vanasche Exception to DLCD Report: Areas 71 and 7B: North of Council Creek

Council Creek runs in an east-west direction, to the north of the cities of Cornelius and Forest Grove. It forms a natural boundary between the urban and urbanizable land in those two cities and the heart of the Tualatin Valley agricultural industry to the north. It is also a natural boundary – the Creek and floodplain are hundreds of yards wide in some places, forming a natural and permanent buffer between the conflicting uses of urban and rural.

The land in the proposed urban reserve consists of about 825 acres of Class I, II, and III High Value farm land north of Council Creek. (About 625 acres north of Cornelius and 200 acres north of Forest Grove.) It has been designated as Foundation farm land by the Oregon Department of Agriculture and is within 3 miles of the UGR. The Washington County Farm Bureau, 1000 Friends, and Dave Vansache, a Century farmer in this area, all objected to designating the area north of Council Creek as urban

reserves. It is very important to more that we have *not* objected to designating the 300+ acres east and south of Cornelius, and over 250 acres adjacent to Forest Grove, as urban reserves and that are also in this decision. Most of these alternative areas are also Foundation farm land. In fact, it was the Washington County Farm Bureau that first suggested all these other areas around Cornelius as urban reserves - because they make more sense, from both an urban and rural reserves perspective. They are, variously, south of Council Creek, or bounded by the Tualatin River, or are along the Tualatin Valley Highway - a Highway that connects Cornelius/Forest Grove with Hillsboro and would be the proposed HCT corridor for increased bus service. Council Creek and the Tualatin River provide a natural landscape feature buffer between urban and rural uses. These areas make sense, and provide Cornelius and Forest Grove extensive lands for possible future urbanization, including industrial use of any lot size.

This agency, and eight other state agencies, as well as Metro's Chief Operating officer, all strongly agreed with the Washington County Farm Bureau position, and recommended rural reserves for this area.

The Department acknowledges that the justification for this area as an urban reserve is weak (the Department report describes the findings as "general" and states that at least one factor is "not directly addressed." Report pp. 86-88).

It is hard to imagine a more appropriate area in the entire region for rural reserve designation, and one that has such widespread support. Yet the Department recommends approving an urban reserve designation for these two areas. What is truly hard to imagine is what set of facts might compel the Department to recommend something *different* than what Washington County and Metro recommended for urban reserves in the county.

The proposed 71 and 7B urban reserves, and the Department's response to our objections, continue to demonstrate a violation of the law in the following ways:

- Areas 71 and 7B do not meet the urban reserve criteria.
- Areas 71 and 7B meet the rural reserve criteria on *both* agricultural and natural resource grounds, and therefore should be designated rural reserves.
- Foundation farm lands require a higher level of justification for being designated as urban reserves and the Department has not demonstrated that the Metro decision meets that. Those within 3 miles of the UGB require an even higher level, as they automatically qualify as rural reserves.

Areas 71 and 7B Do Not Meet the Urban Reserve Criteria

The Department's report acknowledges that Washington County and Metro have addressed the urban reserve factors (OAR 660-027-0050) in only a "general fashion," and that the Commission could determine that the record does not support designation of these areas as urban reserves. (Report p. 86) The substantial evidence, and in some cases, the only evidence, in the record shows that areas 71 and 7B fail to meet the urban reserve factors in at least the following ways

Factor 1: "Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments."

The Department relies upon the "findings" in the Cornelius and Forest Grove pre-qualifying concept plans (PQCPs) and on Metro's consolidated findings to show this criterion is met. These findings are both conclusory and do not meet the requirements of the factor.

For example, in addressing this factor, the Cornelius PQCP states:

"The City has comprehensively planned its public and private infrastructure in coordination with surrounding jurisdictions and partners and consistent with state and regional 2040 Plan goals and requirements. The major infrastructure systems are either in place ready for or can be extended for development. The water, sewer and transportation systems that bisect and are adjacent to Cornelius have regional growth capacity. Clean Water Services sanitary and storm sewer lines are sized to serve north to Dairy Creek and the partially urbanized area south and east of Cornelius, and are capable of extending between Hillsboro and Cornelius north of Dairy Creek. The City has required developers to stub for extension urban sized utilities for future expansion at the City boundary."

This is a conclusory statement that can be made about any area inside the Metro UGB. It simply re-states existing state law and Planning Goal 11, which requires all cities to provide urban scale infrastructure within their city limits, and to plan for its extension to urbanizable lands within its UGB. Cornelius has urbanizable land between its city limits and its portion of the UGB that it has not annexed (including land brought into the UGB for "industrial" purposes over 4 years ago), as well as vacant and undeveloped lands throughout its city limits (according to Metro, over 10% of the land within the Cornelius city limits is currently vacant; even more land is underdeveloped). The above conclusory statement is what one would expect to find in the Cornelius public facilities plan, without reserves being part of the discussion.

Furthermore, it does not explain how, given the large amount of vacant, under-developed, and un-annexed land within the Cornelius portion of the UGB, adding over 1000 acres of urban reserves (including proposed urban reserves south and east of the city) to a city of only 1170 acres now, will ensure an urban level of development that makes efficient use of the existing facilities. The existing facilities are under-utilized by the lands within the existing city - those areas must densify to meet Metro's Region 2040 Growth Concept, Regional Transportation Plan, and High Capacity Transit plan for a mixed-use, higher density Cornelius Town Center that can support high capacity transit; adding additional land makes that *less likely* to happen, not more.

The PQCP goes on to state that the proposed urban reserves will develop at a density of 10 units per acre. That does not meet Metro's definition of and requirement for

urban densities of 15 units/acre in the urban reserves, and thus reliance on the Cornelius PQCP is flawed.

Cornelius and Forest Grove are designated Town Centers in Metro's Region 2040 Plan. Metro's Region 2040 Plan, High Capacity Transit (HCT) plan, and the Regional Transportation Plan (RTP) all contemplate mixed-use, higher density development and high capacity transit along a corridor running from Hillsboro to Cornelius and Forest Grove. To achieve those laudable goals requires investment inside the existing UGB on lands along those corridors - the Tualatin Valley Highway and the proposed light rail corridor - which are largely vacant and underdeveloped now. This was pointed out by both the 9-State Agency letter, including this agency, and the Metro Chief Operating Officer's (COO) Report:

"Large scale urbanization in the area to the north may detract from implementing the 2040 Plan by placing thousands of households and jobs farther away from centers and transit corridors, thus increasing Vehicle Miles Traveled (VMT) and making it more difficult to support the recently adopted High Capacity Transit (HCT) corridor from Hillsboro to Forest Grove.,,"

Metro also found that urbanizing the area north of Council Creek would be expensive. "To improve such [transportation] access would require considerable regional resources" There is no evidence showing that urban reserves for areas 71 and 7B north of Council Creek meet urban reserve factor 1; substantial evidence shows these areas do not meet the urban reserves criteria.

Factor 2: "Includes sufficient development capacity to support a healthy economy."

The Department, Metro, and Washington County simply re-state the factor in finding it has been met. This is not substantial evidence. Furthermore, there is no underlying evidence actually addressing economic capacity. Raw land is not development capacity. The Cornelius portion of the current UGB is not dense enough in employees or housing to support increased bus service or a HCT line of any type, the current land supply has substantial vacant and underdeveloped lands, including parcels over 60 acres, with services, and in industrial parks. Cornelius has not yet annexed 60+ acres of land added to its UGB over 4 years ago for industrial development, in part because there is no demand for it. Adding raw land without, among other things, the residential or employment demand for it, does not support a healthy economy.

Factor 3: "Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers."

Factor 4: "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."

Factor 5: "Can be designed to preserve and enhance natural ecological systems."

Factor 6: "Includes sufficient land suitable for a range of needed housing types."

Factor 7: "Can be developed in a way that preserves important natural landscape features included in urban reserves."

These factors are addressed by similarly conclusory statements in the Department's Report, Metro findings, and the PQCP in that they largely re-state the factor itself and claim it is or will be met. In particular, there is no evidence that the public transit hoped for by Cornelius and Forest Grove and envisioned in the RTP and HCT plan will be realized by almost doubling the size of the city in areas far away from those transit corridors, particularly when those corridors today are low density and contain substantial vacant and undeveloped lands. A conclusory statement that it will be met does not meet the legal factor.

Factor 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 designated as rural reserves."

The Department's Report acknowledges this factor was not addressed by Metro in its decision. (Report p. 86)

Finally, the Department, Metro, and the County ignore that a "Purpose and Objective" of the reserves rules is that "important natural landscape features" are to be used to "limit urbanization" and "define natural boundaries of urbanization." OAR 660-027-0005(2) and ORS 195.137(1). The reserves rule and statute do not allow an evaluation of urban reserves without including their relationship to the surrounding farm and forest lands and natural resources, including how those natural features can - and must - be used as the boundary for urbanization by being designated as a *rural* reserve. A promised buffer on the urban side of an urban reserve does not meet the law.

Here, Council Creek provides that natural boundary between urban and rural uses. It is a generally wide floodplain, wetland, and stream. There is no boundary - natural or even manmade - that separates rural and urban lands in the proposed urban reserves north of Council Creek. There is no factual dispute as to this. Therefore, Council Creek and the area north of it in Areas 7I and 7B do not qualify as an urban reserve and should be a rural reserve.

Areas 7I and 7B meet the Rural Reserve Criteria on both Agricultural and Natural Resource Grounds

As discussed in our Objections, but not addressed in the Department's report, areas 7I and 7B qualify for rural reserve designation under both set of criteria - the criteria for "long-term protection for the agricultural industry" (OAR 660-027-0060(2)) and "to protect important natural landscape features" (OAR 660-027-0060(3)). As a factual matter, this is not in dispute. In addition, these two areas are also Foundation

agricultural lands within 3 miles of the UGB, for which there is a higher bar for justifying designation as urban reserves.

Few areas under consideration or in dispute meet all these factors - every factor of rural reserve designation as agriculture, every factor for rural reserve designation as an important natural landscape feature, and Foundation farm land. The Commission's discretion is not so boundless as to override the triple bottom line for why, legally, areas 71 and 7B should be rural reserves.

Foundation Farm Lands Require a Higher Level of Justification for Being Designated as Urban Reserves, and the Department has not Demonstrated that the Metro Decision Meets that.

The Department acknowledges that LCDC's rule requires that if Foundation farm lands, as identified by the Oregon Department of Agriculture, are proposed as urban reserves rather than rural reserves, then a higher standard applies to justify that urban designation for the particular area of land. OAR 660-027-0040(11). The Department concludes that Metro's decision meets this standard. This is legally and factually incorrect, for the following reasons:

- The Department acknowledges that Metro's findings are only "general" and that they are not "specific to each of the areas." This does not meet the higher standard criteria of law. (Report p. 87, 88)

The Department seems to endorse the following rationale for accepting mere "general" findings for the Foundation farm land areas north of Council Creek: that since most of the farm land in Washington County near the existing UGB is Foundation farm land, a whole lot of it is going to be designated as urban reserves, so how can this higher standard be met on any particular parcel? (Report p. 87, Department text and quote of consolidated findings; p. 88) The fact that much of the land around the UGB in Washington County was Foundation farm land was known when the reserves statute was passed by the Legislature and when the Commission adopted its reserve rule. It has been mapped for some years now. Knowing that, this higher level of justification was clearly required by this Commission. And it has not been met concerning areas 71 and 7B. If it cannot be met, one remedy is that Metro and the Commission can adopt urban reserves for a shorter time period than the full 30 years beyond the 20-year UGB.

- The Department endorses the following Metro mischaracterization of the reserve rule's and statute's purpose, and the Department apparently applies it to 71 and 7B: the urban reserve recommendation in Washington County balances "the *need* for future urban lands and the *values* placed on 'Foundation' agricultural lands and lands that contain valuable natural landscape features." (Report pp. 87-88; Metro Rec. p. 62, emphasis added) This is a condescending and inaccurate description of both the factual situation and the law. The reserves rule and statute, and the Department of Agriculture's "Identification and Assessment of the Long-Term

Commercial Viability of Metro region Agricultural Lands" Report demonstrates that "Foundation Agricultural Land is the most important land for the viability and vitality of the agricultural *industry*." (OAR 660-027-0040(11), emphasis added).

As testified to throughout the decision process below by a wide variety of farmers, the Washington County Farm Bureau, and the Oregon Department of Agriculture, and the agriculture-related industries in the region, that land is the base for one of the county's and state's top industries. Washington County has consistently been in the top 5 of Oregon's counties in agricultural production. As Oregon's #2 industry, agriculture is a significant industrial engine grossing over \$5 billion in 2008. Add in the goods and services farmers purchase from other businesses to grow food and fiber, and the value-added products that are produced, and agriculture is a \$10 billion industry, accounting for over 10% of the state's economy. Food processing, in which Multnomah County leads, was the *only manufacturing sector* in Oregon to show positive employment gain in 2008; that processing depends on Washington County farms. And much of that value and product is exported, bringing new dollars into the state, and into Washington County's economy. Agricultural products are #1 in bulk and #2 in value of the shipments out of the Port of Portland. Oregon agriculture has been increasing in value almost every year for over a decade, a claim that no other industry can make, and Washington County's agricultural cluster has been growing for over 150 years.

Agricultural lands may well be a "value," but they are also an industry and a "need." And unlike traditional "urban" industries, the land on which they rely is not interchangeable, moveable, or convertible into a higher density building. The premise on which the Foundation lands in 71 and 7B were evaluated by DLCDD is incorrect; the higher standard to designate them as urban reserves has not been shown.

While acknowledging the general nature of the Metro and County findings for designating this and other areas of Foundation farm land as urban reserves, the Department endorses Washington County's apparent re-write off of the Department of Agriculture's foundation farm land standards. Rather than focus on the urban reasons for why areas 71 and 7B should be in an urban reserves despite being Foundation farm land, the County has conducted its own analysis - using different standards than the Department of Agriculture - to apparently conclude that the area is not really Foundation farm land. (Report, p. 88) There is no legal basis for this.

The DLCDD Report recognizes that the rural reserve factors are based on the Department of Agriculture's report. The Reserves statute gives deference to the Department of Agriculture in developing the criteria for rural reserves. ORS 195.143. Those rural reserve factors evaluate characteristics such as soil types, whether water is needed and present, adjacent land use patterns, parcelization,

threat of urbanization, capacity for long term, agricultural operations, whether the land is on a large block of farm land, etc ... The reserves rule states that to override the Foundation farm land designation requires reference to the urban and rural reserve factors. (OAR 660-027-0040(11)) It does not allow Metro or the Washington County to re-write those rural reserve factors, and yet that is what Washington County has done and Metro and DLCD have endorsed. (DLCD Report, p. 88) The County relied on different definitions of soil capacity, parcelization, and role of water. It also used what appear to be different factors, including among others "high dwelling density," land values, and presence of homes. (DLCD Report, p. 88; various references to the Washington County record) There is no provision for so doing in the Reserves rule.

There is no other area of Foundation farm land about which the agricultural community including farmers, the Farm Bureau, the Community Supported Agriculture Coalition, small farmers, organic farmers, farm equipment dealers, farm product processors, and more - in Washington County and regionally have been stronger on for a longer period of time: urbanization must not go north of Council Creek; doing so will gut the heart of the Tualatin Valley agricultural lands and significantly contribute to the demise of the agricultural industry in the entire northern Willamette Valley. Truly, if this land does not qualify as Foundation farm land that should not be in an urban reserve, then no land qualifies.

October 27, 2010

MEMORANDUM

TO: Richard Whitman, Director, DLCD
FROM: Reserves Governments
SUBJECT: Support in the Record for Findings that Explain the Designation of Foundation Agricultural Land as Urban Reserves

As the Commission requested at its meeting on Friday, October 22, we have identified information in our respective records that support, area by area, the findings made to explain why the four governments designated Foundation Agricultural Land as urban reserves. First, we point to the pages or parts of the record to demonstrate that we applied the rural reserve factors to Urban Reserves 7B, 7I and 8A as required by 0040(11).

Second, we point to the pages or parts of the record that demonstrate Areas 7B, 7I and 8A have characteristics discussed in the findings (relatively flat; relatively large parcels; relatively easy to provide sewer, water, stormwater, transportation facilities; relatively unconstrained for industrial use; etc.) that distinguish them from area studied that are not Foundation Land.

The information below is organized by specific urban reserves.

I. Urban Reserve 8A

As initially recommended by Washington County, the North Hillsboro pre-qualified concept plan area contained 7,890 gross acres and 4,261 net developable acres (WashCo Rec. at 3115 & 3451). In contrast, the urban reserves adopted for north Hillsboro in Areas 8A and 8B contains 2,754 gross and 1,744 net developable acres (Table 1; see also WashCo Rec. at 90 & 91). This reduction has significantly reduced targeted general employment, residential and mixed uses in north Hillsboro (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for large lot industrial uses as well as housing and other uses that contribute to livable communities. This is partially the case, as the area south of Highway 26 (currently Area 8A) was envisioned primarily for employment purposes in Hillsboro's Pre-Qualified Concept Plan (WashCo Rec. at 3451). That is, expected uses within Area 8A are consistent with those depicted in the PQCP (compare Attached Map with WashCo Rec. at 3451).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 8A & 8B

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres*		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Estimated School Jobs		Target Jobs Capacity	
	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B
Employment/	774	166	-	-	619	133	-	20	-	1,061	-	-	24,750	3,183

Mixed Use														
Industrial	2,312	1,993	-	-	1,850	1,390	-	-	-	-	-	-	35,150	26,405
Inner Neighborhood	1,691	130	424	21	929	78	15	15	13,940	1,175	711	116	711	116
Outer Neighborhood	1,258	294	315	54	692	107	8	10	5,533	1,071	529	-	529	-
Neighborhood Center	43	52	-	-	34	36	20	20	680	289	-	-	680	433
Town Center	171	120	-	-	137		20	-	2,740	-	-	-	2,740	-
Total	7,890	2,754	739	75	4,261	1,744	-	-	22,893	3,595	1,240	116	64,570	30,138
* Net Developable Acres are exclusive of constrained areas and a 20% deduction for streets and other civic uses														

URBAN RESERVE FACTORS

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

Hillsboro's Pre-Qualifying Concept Plan (PQCP) for Area 8A outlines the city's infrastructure service availability (WashCo Rec. at 3117 to 3122). Highlights of the PQCP include:

- Water: Key location of Evergreen Reservoir, which has capacity to serve area 8A, with a 2nd reservoir scheduled to be constructed near the intersection of NW Evergreen and NW Glencoe Road to serve existing underserved customers, as well as area north of Hwy 26; Existing 28 MGD of excess water capacity; 66" transmission line in NW Evergreen Road, as well as 18" service line (WashCo Rec. at 3120 & 3306);
- Sanitary sewer: New Dawson Creek pump station under construction at the corner of NE Cornell Road and NW Brookwood Parkway, sized to accommodate future growth as UGB is expanded (WashCo Rec. at 3118);
- Storm Water: City will consider methodologies in Metro's "Green Streets" manual, as well as other methods identified as part of the *North Hillsboro Industrial Development Strategy*, currently underway (WashCo Rec. at 3121).
- Electricity, Gas & Cable: Electricity service in the existing surrounding industrial areas is designed to meet the unique needs of high-tech manufacturers and companies with power-sensitive operations, such as Intel's Ronler Acres (WashCo Rec. at 3119). PGE is in the process of locating two new substations in the Evergreen industrial area that will further enhance the reliability of power needed for existing and new industrial areas in North Hillsboro.
- Transportation: Location adjacent to Highway 26 serves freight movement. Through the Oregon Jobs and Transportation Act, \$45,000,000 has been allocated toward the estimated \$70 million needed to improve the Brookwood Parkway interchange area to address existing capacity issues related to full development of North Hillsboro industrial lands within the existing UGB (*see WashCo Rec. at 3112 (referencing capacity expansions along Hwy 26); HB 2001 Sec. 64(2)(d)(2009).*).

Metro's studies of serviceability for Area 8A concluded (WashCo Rec. at 3120-3122 & 3308 - 3338):

- Water: Highly suitable for water service, meaning it will only require typical extensions of service, including general distribution lines and reservoirs with no major facilities needed;
- Sewer: The eastern portion of Area 8A was ranked as efficient – being an area that is the easiest and least costly to serve, requiring only upsizing of existing trunk lines or adding new trunk lines. The area to the west of Jackson School Road was ranked as moderately efficient, being an area “that will require substantial improvements, but relatively easy ones.” Notes for this area included the need for a new pump station near Hwy 26 and McKay Creek and the existence of relatively large areas of wetland and floodplain near McKay Creek north of Highway 26.
- Transportation: Metro studies show high connectivity suitability (the area is among the most suitable for providing a transportation system capable of accommodating new urban development).

Preliminary concept planning for this area shows that Area 8A is uniquely suitable for industrial development, as it is in the heart of Silicon Forest, and has the necessary infrastructure readily available (*WashCo Rec.* at 3119-3122 & 3163). The PQCP also shows suitability of portion of Area 8A for housing to serve both existing and new industrial employers (attached Map and *WashCo Rec.* at 3451). Hillsboro has a track record of successfully delivering infrastructure services to UGB expansion areas, and based on preliminary studies, it will be able to provide services to Area 8A.

(2) Includes sufficient development capacity to support a healthy economy;

A recent study by Johnson Reid indicated that, over the next 20 years, West Washington County will need approximately 1200 acres for large lot industrial use north of Hillsboro (e.g., 50 acres or more) (*Metro Rec.* at 1641; *WashCo Rec.* at 3208-3216). This is consistent with Metro’s forecast need for 3,000 acres of industrial land region-wide over 50 years. The need for large lot industrial uses is further supported by inquiries fielded by the city’s Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (*Metro Rec.* at 1860).

Metro’s MPAC Employment Subcommittee recently acknowledged that “attracting and retaining traded-sector industrial companies is critical to the region’s economic prosperity” (*Metro Rec.* at 172-178). Likewise, in their comments into the record, the State agencies emphasized “the need for an adequate supply of employment lands in the Metro urban growth boundary” noting that the region “often ‘seeds’ traded-sector technologies and businesses that disperse throughout the state” (*WashCo Rec.* at 1988-1989).

As part of its PQCP, Hillsboro submitted a Draft *Economic Opportunities Analysis & Long-Term Urban Needs Assessment* (Hillsboro EOA) prepared by Johnson & Reid (*WashCo Rec.* at 3142-3267). The PQCP illustrates the potential for industrial development within Area 8A. As noted above, the uses proposed for Area 8A under the PQCP have not changed. The attached Map, revised to reflect reduced urban reserves in North Hillsboro, indicates a potential of 1,390 net

developable acres for Industrial use, as well as 166 net developable acres of employment/mixed use. The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; WashCo Rec. at 3429-3450), demonstrates the contribution of industrial uses to the economy. Economic benefits of industrial lands, such as those currently located in North Hillsboro, include:

- Double the County average of market value/acre for industrial lands;
- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (pre State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (*WashCo Rec.* at 3126 & 3429-3450).

The PQCP at page 15 outlines the site characteristics identified for large lot industrial uses (WashCo Rec. at 3125 & 3163). As noted, Area 8A meets these criteria in that it provides:

1. Large, seismically stable, vacant sites;
2. Available infrastructure; and
3. Proximity to a skilled workforce, as well as workforce housing (existing and proposed) (*WashCo Record* at 3125 & 3163).

Eliminating urban reserves north of Waibel Creek would reduce the ability to provide land for large industrial uses because: (1) much of the area south of Waibel Creek is parcelized, within the airport overlay or subject to natural resource restrictions (WashCo Rec. at 3019, 3020, 3302, 3294, 3298 & 3451); and (2) many potential large lots are located between Waibel Creek and Highway 26 (WashCo Rec. at 3287).

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

The Hillsboro School District, as well as Hillsboro Parks and Recreation Department, participated in the PQCP Charette hosted by the Planning Department to assist in the preparation of the PQCP. As noted in the PQCP, the Hillsboro Comprehensive Plan requires that essential services be available within five (5) years of development approval (WashCo Rec. at 3129).

Table 1 compares the area proposed in the PQCP to urban reserves in Areas 8A and 8B. As proposed in the PQCP, the north Hillsboro urban reserves contained 4,261 net developable acres with targeted dwelling unit capacity of 22,893 and population of 57,233 (Table 1 and WashCo Rec. at 3115 & 3120). In contrast, Area 8A contains 1,656 net developable acres with a target dwelling unit capacity of 3,595 and population of 10,031 (Table 1). This results in a decreased

need for schools and parks from 739 acres to 75 acres (Table 1), which can easily be accommodated in the non-industrial areas of Area 8A (Attached Map).

The ability of the city to service the area with public services is addressed at WashCo Rec pp. 3129-3130.

(4) 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;

Figure A of the Hillsboro PQCP illustrates how area 8A could be served with multi-modal transportation, including bike routes and High Capacity Transit (WashCo Rec. at 3122 & 3132). Figure A is a refinement of that concept prepared in support of Hillsboro's request for an industrial UGB expansion.

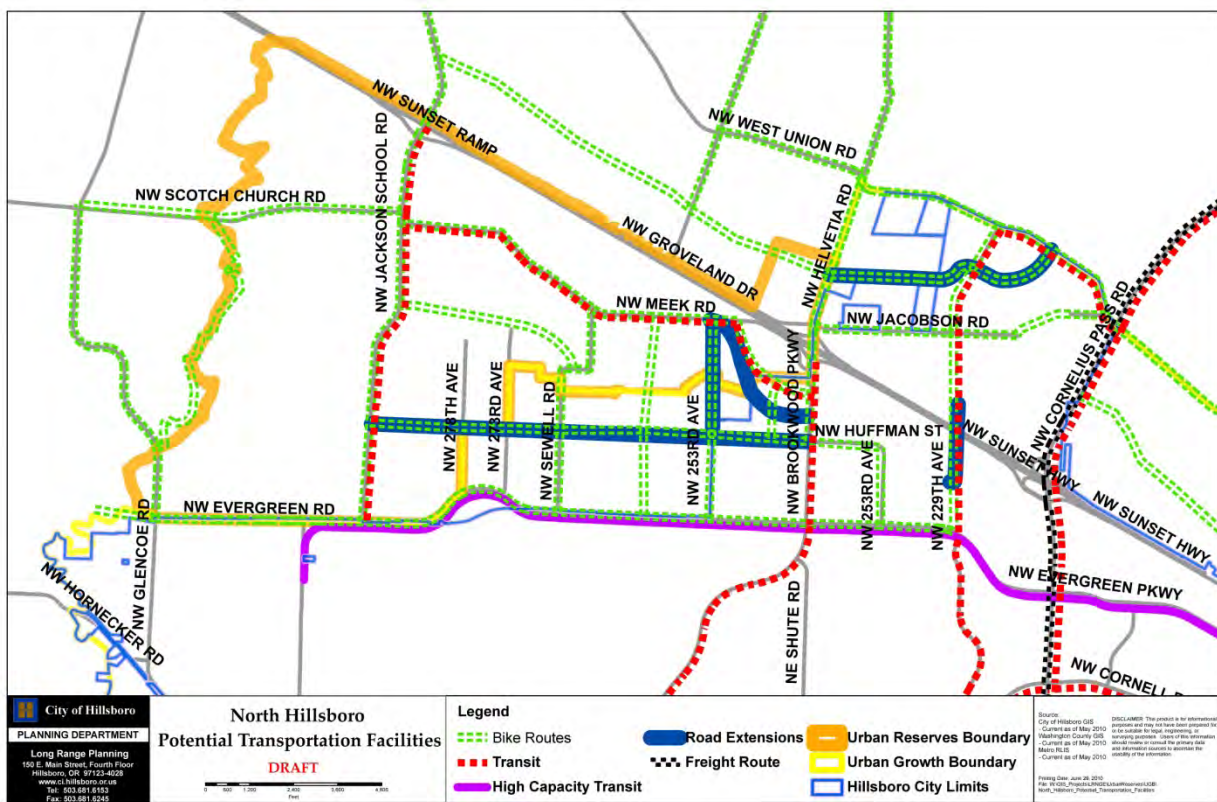


Figure A – Proposed North Hillsboro Industrial Area Transportation Facilities

Concept planning in accordance with Metro’s Title 11 will further refine multi-modal facilities throughout Area 8A and to the surrounding City. An important aspect of this effort will be providing bicycle and pedestrian routes connecting residents and business to high capacity transit, as well as to public open space and parks, consistent with Figure A.

(5) Can be designed to preserve and enhance natural ecological systems;

An outline of natural resources within Area 8A is provided in the PQCP (WashCo. Rec. at 3133). It is Hillsboro's intent to preserve and incorporate these areas as open space into future neighborhoods (WashCo. Rec. at 3133-34). The City has implemented its Significant Natural Resource overlay to protect such natural resources and any development in these areas will be required to address preservation of wildlife habitat, natural vegetation, wetlands, water quality, open space and other natural resources important to the ecosystem (WashCo Rec. at 3136).

(6) Includes sufficient land suitable for a range of housing types;

The adopted urban reserves have significantly reduced the amount of housing that will be provided in North Hillsboro (Table 1). However, combined with efforts in AmberGlen (high-density housing), downtown and South Hillsboro (mixed densities and housing types), the city will be able to provide a broad mix of housing throughout the City (WashCo Rec. at 3112, 3117 & 3452). Housing provided in Area 8A is particularly important, as it is in close proximity to new and proposed industrial areas (attached Map and WashCo Rec. at 3451), which will further the region's efforts in reducing vehicle miles traveled and, thus reduce green house gas emissions and creating livable communities.

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves, and

See response to subsection (f) and WashCo Record at page 3136.

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves.

Natural and artificial features make up the boundaries for Area 8A, including Highway 26 to the north and Dairy Creek to the west (attached Map; WashCo Rec. at 3451).

RURAL RESERVE FACTORS

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

The area is directly adjacent to the UGB and thus subject to urbanization (WashCo Rec. at 3013, ranking the majority of the area highly subject to urbanization with the western portion “medium”).

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

The area has a mix of lot size and ownership blocks (WashCo Rec. at 3019-3021) and the area is characterized by medium/high agricultural productivity (WashCo Rec. at 3017). There are pockets of low to medium density rural residential throughout area 8A (WashCo Rec. at 3022-23). A portion of Area 8A adjacent to Highway 26 and the Brookwood Interchange, including areas containing high rural residential development, is ranked as Tier 3 on the County Farm Analysis, with the remainder ranked as Tier 2 (WashCo Rec. at 2294-2302, 2340 & 3025). The area north of Waibel Creek is similarly split between Tiers 2 and 3. Tier 1 is considered by the County to be the most suitable for agricultural purposes, with Tiers 2 and 3 increasingly less suitable (WashCo Rec. at 2300).

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

Area 8A is predominantly Class II soils and has a few parcels with water rights, and most of the few that do have water rights are located to the south of Waibel Creek. (WashCo Rec. at 3015-16). Area 8A is not within the Tualatin Valley Water District (WashCo Rec. at 3015).

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

As outlined below, parcelization patterns in the form of rural residential uses split the area north of Waibel Creek in half, both adding to traffic conflicts between urban and farm uses, as well as thwarting efforts to preserve large blocks of viable farmland:

- As highlighted in the DLCD staff report, the County’s findings for the portion contained in Farm Analysis subarea 14 is “characterized by a high level of urbanization, lower

productivity, smaller parcels, and a higher dwelling density” (Staff report at 90; *WashCo Rec.* at 2978-2979). The area north of Waibel Creek is predominantly located in Washington County Farm Analysis subarea 13, which is characterized by “a high level of urbanization, lower productivity rating, but has bigger parcels” (*Id.*). In general, the County analysis of Area 8A “shows a relatively large number of existing homes on small parcels (particularly in the eastern portion of the area)” (Staff report at 90).

- There is no forest land in Area 8A (*WashCo Rec.* at 2999).
- Area 8A has two areas of exception land, both of which are north of Waibel Creek – one adjacent to the interchange with Brookwood Parkway and Hwy 26 and the other extending up from the existing UGB to Meek Road midway between Brookwood Parkway and Jackson School Road (*WashCo Rec.* at 3019-20). This second exception area, which is north of Waibel Creek, essentially splits the area north of Waibel Creek in half (*WashCo Rec.* at 3288). These exception areas are characterized by parcel size of less than 8.64 acres and ownership patterns of less than 18.15 acres and are improved with rural residential dwellings (*WashCo Rec.* at 3019-22). There is no buffers between these rural residential uses and surrounding agricultural uses (*WashCo Rec.* at 3019-22). As testified by the Washington County Farm Bureau, such rural residential uses, as well as proximity to the UGB, result in conflicting traffic patterns on rural roads. Jackson School Road already experiences urban traffic usage.
- As noted in response to subsection (c), Area 8A is not within the Tualatin Valley Water District and few parcels have water rights. There is no known additional agricultural infrastructure in the area.
- Foundation Farm Land (Oregon Department of Agriculture’s Agricultural Lands Inventory, *WashCo Rec* at 2996)
- Washington County Farm Lands Tiers Analysis – Tiers 2 & 3 (approximately 70% - 30%, respectively), Subareas #13 - High Urbanization, Lower Productivity Rating, Bigger parcels; #14 High Urbanization (small portion is Medium), Lower Productivity Rating, Smaller Parcels, Physical Features help define the area, Higher Dwelling density (*WashCo Rec* at 2978 to 2979 [table] and 3025 [map])
- Washington County Urban Reserve Recommendation – Urban Reserve (*WashCo Rec* at 3034 [map]), adopted by IGA (*WashCo Rec* at 7998 to 8010)

EXPLANATION FOR THE DESIGNATION OF AREA 8A AS URBAN RESERVE

Suitability for Urban uses:

As noted in the findings, this area was selected as urban reserves “for its key location along the Sunset Highway and north of existing employment land in Hillsboro and also because of the identified need for large-lot industrial sites in this region” (*WashCo Rec.* at 9670, citing *WashCo Rec.* at 3124-3128). The area will further the region’s efforts to meet projected large lot industrial needs. Unlike other areas studied for urban reserves, this area has been shown to meet the industry criteria for large lots (*WashCo Record* at 3125 & 3163). As reflected in the PQCP and findings and the record (*WashCo Record* at 3111-12, 3125 & 3163), unique characteristics of Area 8A include:

- The area is readily served by nearby PGE substations that provide high-capacity, continuous electrical power required by many high-tech industrial users, such as Intel and SolarWorld.
- The area is readily served by high-capacity, high quality water supply.
- Specialized, Existing Industrial Material Supply Infrastructure (Chemicals, Gases)
- The existing industry clusters have attracted and continue to attract the necessary skilled workforce. On-going efforts in AmberGlen, Downtown and South Hillsboro will ensure the City's ability to continue to provide the diversity of housing sought by the industry cluster workforce.
- The area is flat, seismically stable, and relatively vacant with no brownfields and their associated risks and costs.
- The area is adjacent to Highway 26 and within proximity to rail.
- Unique Expertise and Experience of the City of Hillsboro (WashCo Rec. at 3163).
- The area is in the heart of the industry clusters, including nearby anchors such as Genentech, SolarWorld and Intel.
- Close proximity to one of this regions fastest growing Centers (Tanasbourne / OHSU / AmberGlen) which offers:
 - *Broad range of housing opportunities;*
 - *Full array of shopping and services;*
 - *Retail, Office and Industrial space providing opportunities for siting services to new businesses and providing incubator space for emerging new technologies.*

Outreach confirmed that some firms will only “*locate in Oregon and the Portland metro area because **Hillsboro qualities alone meet firm needs**. In other words, industry location choice is Hillsboro vs. Redmond, Austin, etc., **not** Hillsboro vs. Portland, Gresham, or Tualatin*” (WashCo Rec. at 3164, emphasis added).

Similarly, in its staff report, Metro noted the following reasons for designating Area 8A as urban reserve:

- It “*key location along Sunset Highway and north of existing employment land in Hillsboro*” noting that transportation needs for traded sector industries (existing and future) “*and other development in the reserve can be met by Highway 26, which provides a high-capacity transit link to other areas in the region;*”
- “*Because of the identified need for large lot industrial sites in this region;*”
- “*This area’s pattern of relatively large parcels can help support the Metro recommendation for roughly 3,000 acres of large0parcel areas which [sic] provide capacity for emerging light industrial high-tech or biotech firms such as SolarWorld and Genentech;*”
- “*Industrial development in this area will be proximate to existing and future labor pools residing in Hillsboro and nearby cities;*” and
- “*These lands will also provide opportunities to attract new industries which would help diversify and balance the local and regional economy*” (Metro Rec. at 90-91).

As further noted by Metro “*most of the land suitable for industrial use is Foundation and Important Agricultural Land*” (Metro Rec. at 120). This fact, coupled with the existing industrial

base in western Washington County, justify the designation of the entirety of Area 8A as urban reserve so as to allow expansion of industry clusters and related business and housing to serve such clusters.

II. Urban Reserve 7B

Urban Reserve Factors

Forest Grove has basically three directions to expand, to the north, to the west (David Hill) and to the south. It cannot grow to the east due to the presence of Cornelius. (See Subject to Urbanization map – Page 3013 of the Washington County record.) The David Hill area is subject to steep slopes with substantial portion of the area comprised of slopes of over 25 percent. (Important Natural Landscape Features map – WashCo Rec. 3029.) As part of its deliberation, the City Council and Planning Commission were concerned that steep slopes would preclude densities of 10 units per acre. (WashCo Rec 373; Urban Reserve Analysis Concept Planning Areas map, WashCo Rec 3107.) The area south of the City was limited for urban expansion due to the presence of Important Natural Landscape Features and floodplain. (See Important Natural Landscape Features map – Page 3029 of the Washington County record and Potential Candidate Reserve Area Context Map – Page 3103 of the Washington County Record.) The amount of area outside the floodplain was 37 acres for industrial development. (Page 3095 of the Washington County Record)

The area to the north is well suited for urban development because of its relatively flat terrain, parcel sizes (See Parcel Size map on Page 3019 of the Washington County record), and availability of sewer, water, school and transportation facilities and capacities to serve future development (See discussion on Pages 3090 to 3092 and Pages 3095 to 3098). In addition, extension of Main and B Streets provide direct access between this area and the City's Town Center area and could facilitate transit connections (See Page 3096 and Map on Page 3103 of the Washington County record). Thus, the only area for needed urban expansion of sufficient size, availability of services and positive natural feature characteristics to accommodate future residential and non-residential needs in the area lies north of the community.

A. *Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;* The analysis indicates that residential development would range in densities from 6 to 25 dwelling units per acre for the area north of Forest Grove to provide a variety of development densities. There are no constraints in the area that would preclude high density development. (Table on Page 911 and Pages 3089 to 3090 of the Washington County record).

Forest Grove is a full service city providing water, electrical, police and fire protection, parks and recreation, municipal court, library services, land use planning, zoning, building inspection, street maintenance and general administrative services. Sewer service is also provided by the City in partnership with Clean Water Services. (Page 3090 of the Washington County record).

Sufficient water, storm sewer and sanitary sewer capacity exists and available directly south of the proposed urban reserve area and can make efficient use of future public and private infrastructure improvements. (Page 3090 of the Washington County record).

Substantial municipal infrastructure lines end at or near the urban growth boundary. Clean Water Services Master Plan shows three future laterals and one future truck line south of the Purdin Road and west of Highway 47 – Area 7B (Page 3090 of the Washington County record). There is also an existing trunk line that follows Council Creek and connects to Rock Creek treatment plant. (Page 3090 of the Washington County record). Based on analysis prepared by waste water treatment providers in the region, both Rock Creek and Forest Grove treatment plants have room to expand. (Page 3091 of the Washington County record).

The Metro Urban and Rural Reserve Preliminary Sewer Service Suitability Map (February 2009) shows the area as a high sewer suitability area. (Page 3007 of the Washington County record). This means no major facilities are needed to serve the area included within the potential urban reserve. (Page 3091 of the Washington County record).

The City has 5 million gallon reservoir and 1 million gallon reservoir serving the community as well as 10 percent ownership in the 20 million gallon Joint Water Commission (JWC) reservoir. There is an existing 8” water line along Thatcher Road adjacent to UR Area 7b and 8” line along David Hill Road. (WashCo Rec, 3091.)

The Metro Urban and Rural Reserve Preliminary Water Service Suitability Map (February 2009) shows the area as being within the high service suitability zone. (WashCo Rec. 3006). This means that only typical extensions of service such as general distribution lines and reservoirs are needed. No major facilities are required to serve the area. (WashCo Rec. 3091).

Highway 47 is an existing state facility that serves the area, and Main and B Streets terminate near the area and can be easily extended to serve the area. (WashCo Rec. 3091).

A preliminary analysis of transportation service within candidate urban reserve areas was completed in February 2009. The analysis shows that the Forest Grove urban reserve area falls into the higher suitability category for system lane cost, added lane cost and connectivity. (WashCo Rec. 3008-3010). This means the area is among the most suitable for a transportation system capable of accommodating urban levels of development. (WashCo Rec).

B. Includes sufficient development capacity to support a healthy economy; The area within the Forest Grove portion of the current urban growth boundary could accommodate an additional 6,600 jobs. This means that based on current future projections made by the community’s Economic Opportunity Analysis, there is a need to accommodate 15,000 to 42,400 jobs beyond the current UGB. This is the difference between existing build-out capacity and forecasted growth to the year 2060. (WashCo Rec. 3093.)

Forest Grove has no large (50-100 or 100 acre or more) industrial sites. This lack of diversity in industrial land severely hampers the ability of Forest Grove to promote employment opportunities including family-wage jobs for local residents. (WashCo. Rec. 3094.)

The urban reserve area identified by Forest Grove provides potential industrial sites for large and medium sized employers. Identification of industrial land near the Highway 47 corridor complements public investments in transportation made to improve traffic circulation in western-Washington County. Such improvements include construction of the Hwy. 47 Bypass, Martin Road/Verboort Road intersection improvements and road upgrades recently completed along Cornelius-Schefflin Road. (WashCo Rec. 3093-3094.)

C. Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers; Forest Grove provides water, electrical services, police and fire protection, parks and recreation, municipal court, library, land use planning, street maintenance, building inspection and general administrative services. In addition, Forest Grove partners with Clean Water Services for storm water and sanitary sewer services. Forest Grove employs approximately 164 full time employees (FTE) including 34 FTE in the Police Department and 20 FTE in the Fire Department. The City's total General Fund resources amount to over \$16 million. Across all city funds total resources amount to over \$65 million. The City of Forest Grove has a long tradition of providing cost-effective municipal services over 130 years. (WashCo Rec. 3095.)

Financially capable service providers offering urban-level public facilities include the City of Forest Grove, Washington County, Washington County Clean Water Service District, and Forest Grove School District. The financial capacity of these organizations is illustrated from the Great Communities report as they characterize Clean Water Services capabilities:

“On one hand, if Clean Water Services in Washington County, for example, invests in new sewer lines and treatment capacity for the Forest Grove/Cornelius area, the \$78 million cost over the next 10 to 15 years may be financially feasible. Last year they collected \$70.7 million in user fees and had a beginning fund balance of \$81.9 million. On the other hand, a small sanitary district-with total sewer revenues of \$3.056 million and beginning cash at \$5.6 million-may view a \$22 million investment in new sewer lines and treatment costs as too costly and risky to undertake by itself.” (WashCo Rec.7858.)

Future school needs will be coordinated with the Forest Grove School District as part of comprehensive planning efforts (ORS 195.110). For the Concept Plan analysis, the City estimated that 62 acres of land was needed to address school needs. (WashCo Rec. 3096.) This was based on an Urban Reserve area of 3145 acres. (WashCo Rec. 911.) The proposed Urban Reserve for the Forest Grove area has now been reduced to a total of 956 acres.

Urban reserve area 7B will optimize major public investments to improve Martin Road and Hwy. 47. Martin Road, a Washington County facility, provides the most direct access to the Sunset Highway corridor via Verboort Road, Cornelius-Schefflin, Zion Church and Glencoe Roads. Martin Road was recently improved with two roundabouts at Verboort Road. Cornelius-Schefflin Road was improved in 2008 with new paving and striping and widened on some locations to better accommodate farm equipment. (WashCo Rec.3096.)

Oregon Highway 47 was realigned during the late-1990s and serves as a bypass route around Forest Grove's Town Center. Urban reserve area 7B is adjacent to Highway 47. Highway 47 is a key corridor providing access to Banks, Oregon Highway 6, and Oregon Highway 26 to the north and Yamhill County to the south. The Oregon Department of Transportation has identified Hwy. 47 as having additional capacity to accommodate future growth. (WashCo Rec. 3096.)

The potential extension of Main Street and B Street to serve area 7B would provide clear connectivity between the potential candidate urban reserve area and the existing City of Forest Grove. (WashCo Rec. 3096; 3103.) In addition, Main and B Streets provide direct access to the Forest Grove Town Center. This direct connection provides an efficient route for future transit service and provides additional support for investments in the Town Center. (WashCo Rec.3096; 3103.)

As indicated above, the area is shown to be within an area of high suitability for water service (WashCo Rec. 3006), high sewer suitability area (WashCo Rec. 3007) with no need of major sewer facility improvements to provide service (WashCo Rec. 3091) and higher suitability category for system lane cost, added lane cost and connectivity (WashCo Rec. 3008-3010).

D. 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; Urban reserve area 7B can be designed to be walkable and integrated with the existing and planned system of well-connected streets, bikeways, recreation trails and public transit. Main Street and B Street will be extended to serve the area. Both Main and B Streets provide direct access to the Forest Grove Town Center. (WashCo Rec. 3098; 3103.) Both streets also provide a direct route for possible future transit service. The concept plan proposes higher intensity nodes of development to encourage a walkable, well-connected transportation system. [WashCo. 911 (table); 3107 (map).]

The subject area is proximate to the existing pedestrian pathway along Highway 47 as well as the planned Council Creek Regional Trail. In addition to the regional trail, the vegetated corridors in the candidate urban reserve area provide an opportunity for multi-use trail connections supporting recreation and commute trips. (WashCo Rec. 3098.)

E. Can be designed to preserve and enhance natural ecological systems; Clean Water Services vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's

Model Code developed for the Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, use of clustering and where applicable require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. (WashCo Rec. 3098-3099.)

F. Includes sufficient land suitable for a range of housing types; The Forest Grove urban reserve concept plan identifies 1,100 net acres of land for housing needs in a variety of densities ranging from 6 to 25 units per acre. [WashCo Rec. 911 (map); 3089-3090.] These can be accommodated in a variety of residential comprehensive plan designations including B-Standard (6.22 units/net acre), Residential Multifamily Low (12 units/net acre) and Residential Multifamily High (20+ units/net acre). There are no anticipated constraints within area 7B to accommodate a variety of housing types. [WashCo Rec. 911 (map); 912 (table); 3099.]

G. Can be developed in a way that preserves important natural landscape features included in urban reserves; Clean Water Services vegetative corridors requirements will essentially restrict development (except for trails along the periphery of the corridor) along the stream areas and provide vegetative restoration. Outside of the vegetative corridors, Article 5 of the Forest Grove Development Code implements Metro's Model Code developed for the Nature in Neighborhoods (Title 13). At this time, these provisions limit development intrusion, use of clustering and where applicable require re-vegetation. In addition, Article 4 of the Development Code provides the framework for planned developments. Planned developments are required to preserve, to the greatest extent possible, existing landscape features and amenities. Planned developments also incorporate such features into the project's design. Planned unit developments allow for clustering development to maximize the preservation of natural resources. (WashCo Rec. 3100.)

H. Can be designed to avoid or minimize adverse effects on farm and forest practices and on important landscape features on nearby resource land, including land designated as rural reserves; The Concept Plan relied on the use of vegetative corridors to provide adequate buffering with agricultural areas. (WashCo Rec.3101.)

Rural Reserves Factors

(See discussion of Rural Reserves factors as applied to all three areas below.) Specific references for Urban Reserve 7B:

- Foundation Farm Land (Oregon Department of Agriculture's Agricultural Lands Inventory, WashCo Rec at 2996).

- Washington County Farm Lands Tiers Analysis – Tier 1, Subarea #17 - High Urbanization, Higher Productivity Rating, Physical Features help define the area (WashCo Rec at 2978 [table] and 3025 [map]).
- Washington County Urban Reserve Recommendation – Urban Reserve (WashCo Rec at 3034 [map]), adjusted by IGA (WashCo Rec at 7998 to 8010).

III. Urban Reserve 7I

As initially recommended by Washington County, the North Cornelius pre-qualified concept plan area contained 2639 gross acres and 1319 net developable acres (Wash Co Rec. at 2388 and 2400). In contrast, the urban reserve adopted for north Cornelius in Areas 7I contains 623 gross and 453 net developable acres (Table 1; see also WashCo Rec. at 2388 and 2400). This reduction has significantly reduced targeted general employment and residential uses in north Cornelius (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for industrial uses as well as housing and other uses that contribute to livable communities. The area south of Dairy Creek (currently Area 7I) was envisioned primarily for employment purposes in Cornelius' Pre-Qualified Concept Plan (Wash Co Rec. at 2400). Expected uses within Area 7I are consistent with those depicted in the PQCP (compare Attached Map with Wash Co Rec. at 2400).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 7I

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Target Jobs Capacity	
	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I
Outer Neighborhood	882.5	153	264	-	441	76.5	10	10	4,410	765	-	-
Industrial	1756.5	470	219	50	879	376	20	20			17,580	7520
Total	2639	623	483	50	1319	452.5	-	-	4,410	765	17,580	7520

URBAN RESERVE FACTORS

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments

Cornelius' Pre-Qualifying Concept Plan (PQCP) for Area 7I describes the city's infrastructure service availability (WashCo Rec. at 2389).

Major infrastructure systems are in place ready to be extended for development into this area. The water, sewer and transportation systems in and around Cornelius have regional growth capacity. Clean Water

Services sanitary and storm sewer lines are located to serve north of Cornelius to Dairy Creek. (Wash Co. Rec. at 2389)

Cornelius' utility master plans and rates studies ensure development pays for extensions and maintenance of all new utilities and street improvements. (Wash Co. Rec. at 2389)

Two new bridges across Council Creek include urban amenities. Over \$21 million in recent public infrastructure investment by Cornelius, Washington county, State of Oregon and U.S. government provide extra capacity for urban expansion to north of Cornelius. (Wash Co. Rec. at 2389)

Infrastructure is planned to support growth of Cornelius, including streets & pathways, schools & institutional uses and a generous 10% for parks. The city does not allow development in the floodplain. (Wash Co. Rec. at 2389)

Area 7I was mapped by Washington County showing urban suitability for water, sewer and transportation (Wash Co Rec. at 3004-3010). Area 7I also is mapped by NAIP as constrained land for urban development and employment, based upon factors including flat land, water availability, parcelization and proximity to workers and existing industry (Wash Co Rec at 3002)

(2) Includes sufficient development capacity to support a healthy economy;

Land within 7I north of the current UGB/City limits along the improved Cornelius-Schefflin Road is suitable for employment uses because of the good connection with the rest of the urban region for industrial development. A sustainable, healthy Cornelius center is important to County, Regional and State economic health. (Wash Co Rec. at 2389.) A recent study by Johnson Reid indicated that, over the next 20 years, West Washington County will need approximately 1200 acres for large lot industrial use (e.g., 50 acres or more) (Metro Rec. at 1641; WashCo Rec. at 3208-3216). This is consistent with Metro's forecast need for 3,000 acres of industrial land region-wide over 50 years. The need for large lot industrial uses is further supported by inquiries fielded by the city's Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (Metro Rec. at 1860). The Johnson-Reid Economic Opportunity Analysis conducted for Cornelius projects demand for over 782 acres for industrial development within the next 50 years. (Wash Co. Rec. at 2450)

Metro's MPAC Employment Subcommittee recently acknowledged that "attracting and retaining traded-sector industrial companies is critical to the region's economic prosperity" (Metro Rec. at 172-178). Likewise, in their comments into the record, the State agencies emphasized "the need for an adequate supply of employment lands in the Metro urban growth boundary" noting that the region "often 'seeds' traded-sector technologies and businesses that disperse throughout the state" (WashCo Rec. at 1988-1989).

The PQCP illustrates the potential for industrial development within Area 7I. As noted above, the uses proposed for Area 7I under the PQCP have not changed. The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; WashCo Rec. at 3429-3450), demonstrates the contribution of industrial uses to the economy. Economic benefits of industrial lands, such as those currently located in the area studied, include:

- Double the County average of market value/acre for industrial lands;

- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (pre State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (WashCo Rec. at 3126 & 3429-3450).

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the NAIOP study of urban (particularly industrial) suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. at 3002-3004). Area 7I is also suitable for urban development, particularly industrial development because of its proximity to and connections to the high tech and solar clusters of industry in western Washington County (Wash Co Rec. 2411-13; 2452). Urban development is also suited in Area 7I in order for Cornelius to meet all the factors of Metro’s Great Communities; for example the area is within walking distance from the center of town and transit (Wash Co Rec. 2395-2399).

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

Cornelius schools and utilities, including Clean Water Services, Joint Water commission, local fire districts and school districts are informed and already invested in greater capacity and planning for future development. For example, the Hillsboro School district owns a 40 acre school site southeast of the UGB and plans to build the first high school in Cornelius in 4-5 years. Also the CWS has existing and planned capacity for development of land north to Dairy Creek with its facility along Council Creek. (Wash Co. Rec. at 2389-2390)

Cornelius has an existing array of funding mechanisms, including systems development charges, construction excise taxes, and up-to-date utility rates to assure the financial capability of these urban service providers to extend and operate services to recommended areas. Expansion of urban services and infrastructure to new development will make existing facilities services more efficient and affordable with more people served by each facility. (Wash Co. Rec. at 2390)

Most importantly, new development within an expanded UGB is planned by Cornelius for a greater mix of housing options and more jobs (primarily industrial) to balance and stimulate a community whose housing stock is limited (95% low/moderate income appropriate), has 4,000 too few local family wage jobs (causing substantial long commutes that are expensive to families and environment), and is in need of more property taxes to provide basic city services (Cornelius now has half the city employees per capita as most cities in the region). (Wash Co. Rec. at 2390)

(4) 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;

Existing streets in Cornelius are being improved for multi-modal transportation with federal, state and county grants along with private development charges. Planned pedestrian/bike trail system for recreation and local commuting will replace many of the congest commutes in the region. A key light rail extension from Hillsboro to Forest Grove is on the regional table. (Wash Co. Rec. at 2390)

The City of Cornelius Transportation System Plan (TSP) identifies the need to plan and develop complementary infrastructure for pedestrians, bicycles, vehicles and transit to provide a diverse range of choices for transportation. The city has adopted Code language and design standards that require connectivity, accessibility and enhance transit service in order to implement this direction from the TSP. All City streets are required to be constructed with ADA compliant sidewalks. All City collector and arterial streets are required to have bike lanes. The City Development code also provides incentives for developers to provide pedestrian connections from commercial structures to public transit stops. (Wash Co. Rec. at 2390) Cornelius' TSP also provides guidance for connection and development to the regional trails and greenways (Council Creek, Tualatin River and Dairy Creek) that abut or are adjacent to the City. (Wash Co. Rec. at 2390.)

(5) Can be designed to preserve and enhance natural ecological systems;

Cornelius has inventoried and determined the significant natural resources within the current City boundary. The City has also adopted protection measures for the inventoried significant natural resources within its boundary that are identified in the Cornelius Natural Resource Protection Plan. The development of our Natural Resource Protection Plan has also resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and abut the City. The implementation of this plan works hand in hand with the Tualatin Basin coordinating Committee and with Metro's Title 13. (Wash Co. Rec. at 2390-2391.)

Cornelius has adopted Clean Water Services Design and Construction standards that require the treatment of surface water from development for water quality and quantity, and that also address Title 3, Metro Functional Plan. The city completed its periodic Review Work Program in 2005. Work Program Task #3 Environmental Policies required the City of address Title 3, Metro Functional Plan. Compliance with Task #3 was approved by the State. (Wash Co. Rec. at 2391)

Cornelius has a Floodplain District Overlay zone that protects and regulated proposed development in the floodplain. The City Coordinates with Clean Water Services, Division of State Lands and US Army Corps of Engineers to restrict the uses and regulate development in the floodplain. (Wash Co. Rec. at 2391)

Cornelius has shown commitment to preservation and enhancement of ecological systems in its plans, advocacy and use parks, green space and trails, acquisition and improvement of natural areas, and in many organized park and open space planting and educational events. (Wash Co. Rec. at 2391)

All these policies, plans, zones, regulations, standards and commitments are applied to additions to the UGB and city limits by city code and now tradition. (Wash Co. Rec. at 2391)

(6) Includes sufficient land suitable for a range of housing types;

Cornelius housing is predominately low value and would be affordable if the considerable cost of transportation from having to commute to jobs out of town was not included. With more jobs available from both infill and UGB expansion, approximately 95 percent of housing stock in the city is low-moderate income appropriate. However affordable housing alone is problematic for a community. A community limited to 'started homes' limits property tax revenue available for decent city services and housing options for a healthy diversity of people. (Wash Co. Rec. at 2391)

Because of this, it is a City goal to develop medium and even upper income level housing to provide a full range of housing options, integrate different people into local culture, and attracts healthy economic and community development. Recent housing development (2002-2007) is better quality and higher in value than the bulk of City housing, and constructs green along an outstanding stream corridor. But there is no more room currently within the UGB for any housing except some infill when higher densities become marketable. Land is necessary to provide for a full healthy range of housing options and income levels. At least 200 acres of land expansion of the UGB is needed immediately to produce an adequate mix and balance of housing options over the next ten years (at an average of 10 units/acre). Over the next 50 years, there will be the opportunity to develop a healthier diverse mix of single-family and multi-family residences (based on 10 units/net acres) located near and connected by protected stream corridors. (Wash Co. Rec. at 2391-2392.)

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the both the Washington County mapping of Urban Suitability and the NAIOP study of urban suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. 3006-3009; 3002-3004). Such land characteristics present a relatively lost cost environment for development of diverse and affordable housing. The availability of urban infrastructure referenced under Factor 1 makes housing development easier than in areas with poor infrastructure. Housing development is suitable in Area 7I both because of and to better leverage Cornelius meeting all the factors of Metro's Great Communities; for example housing in this area is would be within walking distance from the center of town, transit and local jobs if this area (Wash Co Rec. 2395-2399).

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves

The natural landscape around the City of Cornelius is heavily influenced by the floodplains of the Tualatin River Basin, with its tributaries of Council Creek and Dairy Creek. The City of Cornelius has a floodplain district overlay zone designed to protect the public health, welfare and safety that helps preserve the wide buffer of the Dairy Creek floodplain, which ranges from .25 to .65 miles in width. (Wash Co Record at 3028). City has adopted specific protection measures for significant natural resources identified in the Natural Resource Protection Plan. When properties annex into the City our preservation measures for inventory, assessment and protection are implemented. (WashCo Record at 2392.)

Cornelius' Natural Resource Protection Plan has resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these strong Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and

about the City. This helps preserve important natural landscape features in the Urban Reserve. (WashCo Record at 2391)

Cornelius believes that natural features and areas are much better protected inside the UGB than outside the UGB where there are more conflicts without protection and fewer resources with which to restore and conserve the land. The City also believes that managed public access, like trails, to natural resources encourages outdoor education and public by-in to conservation ethics. (WashCo Record at 2392)

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves

Dairy Creek floodplain provides a quarter to half a mile wide buffer along the east and north of Area 7-I North of Cornelius and farmland in Rural Reserves. (Wash Co Record 2391-2392) The Dairy Creek floodplain divides Tier 2 and 1 rural lands as ranked by Washington County (Wash Co. Record 2024-2025). Council Creek is already breached by urban development. (Wash Co Record at 3004). Cornelius-Schefflin Road is the approved western boundary of 7-1 industrial land and can become an adequate buffer with the application of Cornelius City development requirements. (WashCo Record at 2392-2393)

The City Development Code currently has language that provides the City with tools to design/implement buffers and setbacks for abutting conflicting uses. The existing City Code provides for the separation of uses with greater buffer/setback protection between uses with different intensity (i.e. residential and industrial). The City currently has industrial and residential zoned/developed property that abuts rural land with existing agricultural practices. The City and its neighboring farmers currently work and live in harmony without negative impacts. (WashCo Record at 2392)

Cornelius currently has tools in its Code that require development proposals to assure compatibility and reduce impacts on use of neighboring properties (rural and urban). The Code also applies buffers, setbacks, access, traffic generation, landscaping, fencing and lighting of a site through implementation of the City design review process. These development code processes and provisions provide tools to help prevent and mitigate any conflicts with neighboring farm and forest practices. (WashCo Record at 2392)

The City Transportation System Plan (TSP) provides guidance through Chapter 8 - Motor Vehicle Plan specifically goals and strategies that effectively provide a supportive transportation network for safe public roads and streets. Street networks are coordinated with Washington County, Metro and Oregon Department of Transportation so as to have minimum impact and reduce congestion on out-of-town routes. (WashCo Record at 2392)

Cornelius has approved Master Plans for all of its utilities (water, sanitary sewer & storm water). The construction and extension of utilities in the City have been developed and sized for its current and future use. The urban utilities are provided through a network of subsurface contained transmission lines. Therefore, City water use does not affect the abutting rural water table used for farm and forest operations. Sanitary sewer and storm water is treated in urban facilities and does not adversely affect farm and forest practices or natural features. Clean Water Services sanitary and storm water lines are located in Council Creek to serve north to Dairy Creek. (WashCo Record at 2392)

Construction of a whole complete community reduces the impacts of traffic and recreation to and through farm and forest lands outside the City. (WashCo Record at 2393.) The City currently provides protection buffers and setbacks from stream corridors with the implementation of its Natural Resource Protection Plan and the Natural Resource Overlay Zone. These buffers help protect streams for water quality/quantity function and downstream use by farm and forest owners. (WashCo Record at 2393)

In Cornelius' Urban Reserve Concept planning, the City located future residential neighborhoods where broad streams and floodplains separate and offer a natural buffer between housing and rural land uses. Cornelius has located future industrial (employment) parks next to rural uses, because industrial uses are generally the most compatible urban use with rural land uses. The City has buffer requirements in its Development Code to insure industrial use compatibility with surrounding uses. (WashCo Record at 2393 and 2400)

Of the approximately 620 acres in Area 7-I, over 200 acres are designated Exception Lands by Washington County and the State of Oregon. Therefore 33% of Area 7-I has already been designated for more urban uses than rural uses. (Washington County Zoning Map). (Wash Co Record at 3021-22)

Rural Reserves Factors

(See discussion of Rural Reserves factors as applied to all three areas below.) Specific references for Urban Reserve 7B:

- Foundation Farm Land (Oregon Department of Agriculture's Agricultural Lands Inventory, *WashCo Rec* at 2996).
- Washington County Farm Lands Tiers Analysis – Tier 2, Subarea #18 - High Urbanization, Higher Productivity Rating, Physical Features help define the area, High Dwelling density (*WashCo Rec* at 2979 [table] and 3025 [map]).
- Washington County Urban Reserve Recommendation – Urban Reserve (*WashCo Rec* at 3034 [map]), adjusted by IGA (*WashCo Rec* at 7998 to 8010).

IV. Application of Urban Reserve Factors

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

WashCo Rec at 2961 to 2964 [text], 3006 to 3010 [maps] and 3035 to 3585 [pre-qualifying concept plans]

(2) Includes sufficient development capacity to support a healthy economy;

WashCo Rec at 2964 to 2966 [text], 3002 [map] and 3586 to 3611 [land needs analysis]

(3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

WashCo Rec at 2966 to 2968 [text] and 3006 to 3010 [maps]

(4) 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;

WashCo Rec at 2968 [text] and 3004 [map]

(5) Can be designed to preserve and enhance natural ecological systems;

WashCo Rec at 2968 [text]

(6) Includes sufficient land suitable for a range of needed housing types;

WashCo Rec at 2968 [text], 3586 to 3611 [land needs analysis] and 3035 to 3585 [pre-qualifying concept plans]

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

(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 designated as rural reserves.

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

V. Application of Rural Reserves Factors to Washington County Urban Reserves

(1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

Response to 2(a)

Agriculture

Subject to urbanization: *WashCo Rec* at 2971 to 2972 [text] and 3013 [map]

Fair market value: *WashCo Rec* at 2972 [text] and 3014 [map]

Forestry

WashCo Rec at 2984 to 2985 [text]

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

Response to 2(b)

Agriculture

WashCo Rec at 2972 to 2973 [text] and 3015 [map]

Forestry

WashCo Rec at 2985 [text]

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

Response to 2(c)

Agriculture

WashCo Rec at 2973 to 2975 [text] and 2998, 3016 to 3018 [maps]

Forestry

WashCo Rec at 2985 [text]

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Response to 2(d)

Agriculture

WashCo Rec at 2975 [text] and 3019 to 3024 [maps]

Forestry

WashCo Rec at 2985 [text] and 3027 [map]

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

Response to 3(a)

WashCo Rec at 2986 [text]

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

Response to 3(b)

WashCo Rec at 2986 [text]

(c) Are important fish, plant or wildlife habitat;

Response to 3(c)

WashCo Rec at 2986 [text]

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Response to 3(d)

WashCo Rec at 2987 [text]

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Response to 3(e)

WashCo Rec at 2987 [text]

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses

Response to 3(f)

WashCo Rec at 2987 [text]

(g) Provide for separation between cities; and

Response to 3(g)

WashCo Rec at 2987 [text]

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

Response to 3(h)

WashCo Rec at 2987 [text] and 3030 [map]

VI. Why didn't we use more Conflicted or Important Agricultural?

1) The only conflicted lands that were not designated as urban reserves in Washington County are the northwestern portions of the David Hill subarea and the southern portions of the Parrett Mountain subarea.

The northwestern portion of David Hill was highly ranked for forestry [WC Rec. pg. 3027] and did not score well in the County's urban suitability mapping [WC Rec. pg. 2997], nor did it score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost (WC Rec. pg. 3009) and transportation system lane cost [WC Rec. pg. 3010].

Significant area of the portion of the Parrett Mountain subarea in Washington County not in an urban reserve did not score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service (Moderate – Difficult) [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009],

transportation system cost [WC Rec. pg. 3010], it also didn't rank highly under the County's urban suitability mapping. Portions of this area were also highly ranked for forestry [WC Rec. Pg. 3027]. The area is ground-water limited, steeply sloped and characterized by small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 10; 41-42).

2) There are three blocks of important farm land in Washington County; much of the Chehalem Mountains subarea, a portion of the Bethany/West Multnomah subarea, and a small portion of the East Wilsonville subarea.

All of the East Wilsonville subarea in Washington County was included the urban reserves east of I-5 (4E, 4F & 4G).

The northeast portion of urban reserve area 8C (Bethany West) was designated as an urban reserve. The area north of the urban reserve and existing UGB has more sloped land that is less suitable for development [WC Rec. pg. 3002].

The largest block of important farm land in Washington County is the Chehalem Mountains subarea. An urban reserve designation was adopted on the southeast portion of this area near the city of Sherwood (part of 5B). The area not designated urban reserve ranked low to moderate in suitability assessments for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009] and transportation system cost [WC Rec. pg. 3010]. This area also contains sloped land that is less suitable for development [WC Rec. pg. 3002] and did not score well under the County's urban suitability mapping [WC Rec. pg. 2997]. The Chehalem Mountains had multiple values for natural features; they were identified as Significant Natural Landscape Features [WC Rec. pg 3028], contain the headwaters for several streams [WC Rec. pg. 3029] and serve as a sense of place with an elevation over 350 feet [WC Rec. pg. 3029].

The West Wilsonville area (Conflicted Agricultural Land) is characterized by steep slopes and creek canyons. It lies in a ground-water limited area parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 38-40).

The area north of North Bethany is also characterized by steep and moderate slopes and numerous steep creek canyons that bisect the area parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 53).

The portions of the East Wilsonville area (Important Farmland) that border the UGB near I-5 and I-205 are designated for rural residential use and are composed of small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 37).

The area south of Oregon City that is Important Farmland is largely moderately to steeply sloping hills incised by many small creek canyons. The Beavercreek area in particular is characterized by rural residential development (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 27-28).

The Clackamas Heights area (Conflicted Agricultural Land) east of Gladstone and Oregon City is heavily impacted by suburban residential development and characterized by steep sloped and small parcels (*Identification and Assessment of the Long-term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January, 2007, pp. 26-27).

Maps in the record confirm these characterizations:

- Data utilized were, tax lots, slopes, 100-year floodplain, wetlands inventory and Metro Title 4 mapping. (*WashCo Rec* at 1890)
- Development Constraints (*WashCo Rec* at 1890)
- Small Parcels (*WashCo Rec* at 1891)
- Slope Criterion = 7% or less (*WashCo Rec* at 1891)
- Maps provided were; constrained lands, small lots, FEMA Floodplain and wetlands, slopes greater than 10% , Metro Title 4 inventory, composite (*WashCo Rec* at 1892)
- Available utilities (*WashCo Rec* at 1892)
- Summary Table by County Constrained and Unconstrained Land (*WashCo Rec* at 1893)
- “On the contrary, while the maps show greater percentage of development constraints for Washington County, these constraints are further away from the existing UGB. This creates a nexus opportunity for future development. Based on the unconstrained lands adjacent to the UGB, designated Title 4 lands and existing employment concentration within the UGB, an apparent urban reserve area is north and west of Hillsboro.” (*WashCo Rec* at 1894)
- “Most of the topographically-suitable acreage was located within Washington County, near existing employment clusters, and this finding was partially considered in Washington County’s mapping of proposed Urban and Rural Reserve areas.” (*WashCo Rec* at 2905).

1 *Note: Transcript has not been edited*
2 2:01:28

3 **John VanLandingham** – Issue is best and balance. Dick Benner just said to us before
4 our break that the workgroup is fine with it that's the best they can do. So, what do we
5 think. Marilyn do you want to say something.

6 **Marilyn Worrix** – spent a great deal of time on this. Without including best, even
7 though there was an attempt to keep the process fluid um some people felt there just
8 simply was not enough direction and there wasn't a measurement of any kind. While
9 recognizing that best may be difficult to evaluate um by putting it in the objective it was
10 intended to serve as a guidepost. You're headed toward the best overall balance of these
11 various issues. The um we we were taught about best originally um in ah 0040(10) or
12 (11). But we um we related it back to the objective and decided to include the word best
13 early on as a sort of beacon this is where we are going. But it needs to be um the overall
14 context is important because the overall objective was to create a process that was
15 consensus building and a product that was a balance of protecting farm, forest and natural
16 landscapes at the same time creating livable communities. And while this balancing did
17 require some clear guidelines the path had to be well marked. The workgroup purposely
18 avoided making this process too detailed. We wanted to acknowledge that foundation ag
19 land is the most important for long term viability. And we wanted to say that if Metro
20 designates land as urban reserves for example they have to explain in findings and
21 statements of reasons why they chose it. It was anticipated that that process would end up
22 in a series of packages of alternatives but by the time it got to the final decision making
23 stage and at that point Metro would have to explain very clearly why they chose one
24 package or another or possibly combinations between them. And that analysis would look
25 at various packages or combinations um taken as a whole and would take you back to the
26 objective and say how does this whole package achieve the best overall balance that we
27 highlighted in the objective. I think it's important to recognize that the workgroup never
28 saw that best requirement as being something that would require a detailed parcel to
29 parcel type analysis. And there was real worry that it would even be construed that way
30 because that was the opposite of the kind of fluid creative process we were hoping to be
31 able to create. And that instead of being a process that would require exactitude found in
32 like a parcel to parcel comparison that this best concept is supposed to focus on the
33 collective overall regional ah process. It would be looking for the best fundamental
34 balance between the competing areas. Um it would not require a ranking um best, second
35 best, third best ah it's much more general than that. So we felt it was important to have
36 that in there um it was a strong concern from the agricultural community in particular that
37 there needed to be something that highlighted the importance of foundation land and gave
38 them that little extra bit of scrutiny in the best solution was best was seen to be the best
39 solution for them. So we're comfortable with it. We know that it's loose um but this
40 process was never designed to be did you touch all the basis, did you double check all
41 your maps, did you calculate the right area on this particular parcel. Ah everybody been
42 there, that's not where we wanted to go. We wanted to say how about good rational
43 thinking supported by strong findings that make a reasonable balance between the needs
44 to protect ag, forest and the natural landscapes and the need to create livable
45 communities. So we sort of did it purposely and while we are really open to any
46 comments we worked a long time on this one and I was extremely pleased that not only

1 did the workgroup feel comfortable with the language but I really think the workgroup
2 saw the language in the same context that I've just outlined and I would invite anybody
3 from the table, because they all listened to this, if they heard anything different now
4 would be the time to say it but that's my background.

5 **John VanLandingham** – anybody disagree with her description.

6 **Unknown** – here here

7 **John VanLandingham** – ok thank you. Comments from commissioners.

8 **Margaret Kirkpatrick** – Well ah I really let me start out by saying I don't really think we
9 should mess with this um I think it's such a the fact that there is consensus and I think,
10 unless there is further discussion that evidences me otherwise that this is something we
11 should stick with. That I would love to have because it is yesterday so unusual to have a
12 word like best kinda out there I would love to hear Steve or Richard or any of the other
13 very talented lawyers here just explain I mean it looks to like as I read 0040(10) when it
14 talks about the single joint finding and statement of reasons that you're going to be
15 discussing each of the factors in then that there is going to be a discussion about how in
16 the aggregate these meet the best objective best unquote objective in 0005(2). So
17 assuming that people will be coming and arguing to the commission that what Metro and
18 the counties have done is not the best balance how do we what is our role in in that
19 review process and how do we approach it. So that's really my question and if I can get
20 to the point where I feel like I understand that then I'm good.

21 **Steve Shipsey** – Metro and the counties who are making the joint submittal to the
22 commission will include that submittal under 0080(4) findings of fact and conclusions
23 regarding how that's best. So what we will be reviewing will be whether or not there
24 determination of this overall package of the balance is the best. Whether it's an adequate
25 factual basis for that, whether it's touched on the goals and considered all the goals
26 whether it has complied with the rules both procedurally and the substantive requirements
27 but it will be a review of a presentation of what has been deemed locally the best. And
28 you won't be I don't think you will be required by objectors to do a new analysis of
29 whether or not this is the best. You'll be reviewing the analysis of whether it's the best to
30 see if that analysis is supported and presented in a way that has a substantial evidence
31 basis and the conclusions of law are consistent with the law that needed to be applied.

32 **Margaret** – So this really is a substantial evidence review that we'll be doing and if there
33 is substantial evidence (inaudible). We are good we are not second guessing we're not
34 getting into the details of any of this.

35 **John VanLandingham** – Steve you are shaking your head yes.

36 **Steve Shipsey** – yes

37 **John VanLandingham** – You don't foresee as Mark Greenfield worried that we're
38 going to find ourselves picking this parcel over here and saying no it's not the best
39 without that parcel we want to add that parcel.

40 **Steve Shipsey** – I think we will receive objections of that nature and the question will be
41 whether those objections are if we need to sustain those objections where we conclude
42 that Metro and the counties in the submittal showed that what they actually did met the
43 best standard. Could something else also have met the best standard.

44 **John VanLandingham** – Richard.

45 **Richard Whitman** – So the only think I would add to what Steve said and it's really in
46 response to the comments from Mark Greenfield yesterday is um as a policy practical

1 matter for the department I don't think that we view this objective as creating an
2 optimization standard that there's only one best outcome. It um because best is used in
3 the context of a balance between designation of urban and rural reserves number 1 and
4 number 2 is as commissioner Worrix said it's a balance that in its entirety looking at the
5 region as a whole number 2 best achieves three different things livable communities,
6 viability and vitality of agricultural and forest industries and protection of important
7 natural landscape features. Those three things are in some tension obviously and so the
8 balancing in between those is going to require a fair amount of judgments. So in addition
9 to the evidentiary issue I think there is because of the context that best is used in here
10 there is substantial discretion initially for Metro and counties to make their decisions and
11 then in terms of the commission's review for the commission's review of that.

12 **Female voice** – So would we also be looking at abuse of discretion potentially.

13 **Richard Whitman** – Well I don't think legally that's a standard for review um I think
14 the standard is what's articulated here and alls I am saying is I think the words that are
15 articulated here um it probably lead you to something like that ah in terms of how the
16 commission would review this um so while say abuse of discretion I think functionally if
17 there's a range of outcomes that are plausible for the commission in its review role um in
18 effect that may be the review standard.

19 **John VanLandingham** – Do you want to say anything about abuse of discretion. Not
20 everybody is a lawyer.

21 **Female voice** – I'll let a real lawyer talk about it. (inaudible) not want anymore
22 (inaudible)

23 **Richard Whitman** – Well I that's a legal standard that should be used in situations that
24 you have a law that creates a range of possible outcomes and the question is whether the
25 decision that was made that you're reviewing is outside that range and so I think that fits
26 with what I just articulated which is that I think this objective creates a range of possible
27 outcomes that Metro and the counties can come to. Ah and um for the commission and its
28 review role I think as long as it's within that range you would ah need to uphold the
29 decision.

30 **John VanLandingham** – Any other thoughts from commissioners. Marilyn you want to
31 add anything to the discussion.

32 **Marilyn Worrix** – Well on that I've everybody recognizes it's a challenging word from
33 a review perspective but I'm sure the commissioners share the thought that I have
34 prefaced some of my previous votes on other issues by saying well it isn't a best solution
35 but its legally correct and I'm ready to try best.

36 **Male voice** – It seems counterintuitive but I'm going to go with the attorneys.

37 **John VanLandingham** – So panel any thoughts. Anybody worried about Mark
38 Greenfield's argument. Ok I didn't see anybody that wants to (inaudible). Ok next issue.

39 **Female voice** – Can I just say one more thing.

40 **John VanLandingham** – Yes

41 **Female voice** – Um is there a way to make sure that the legislative history of this
42 rulemaking includes the discussion there's some guidance for future commissions.

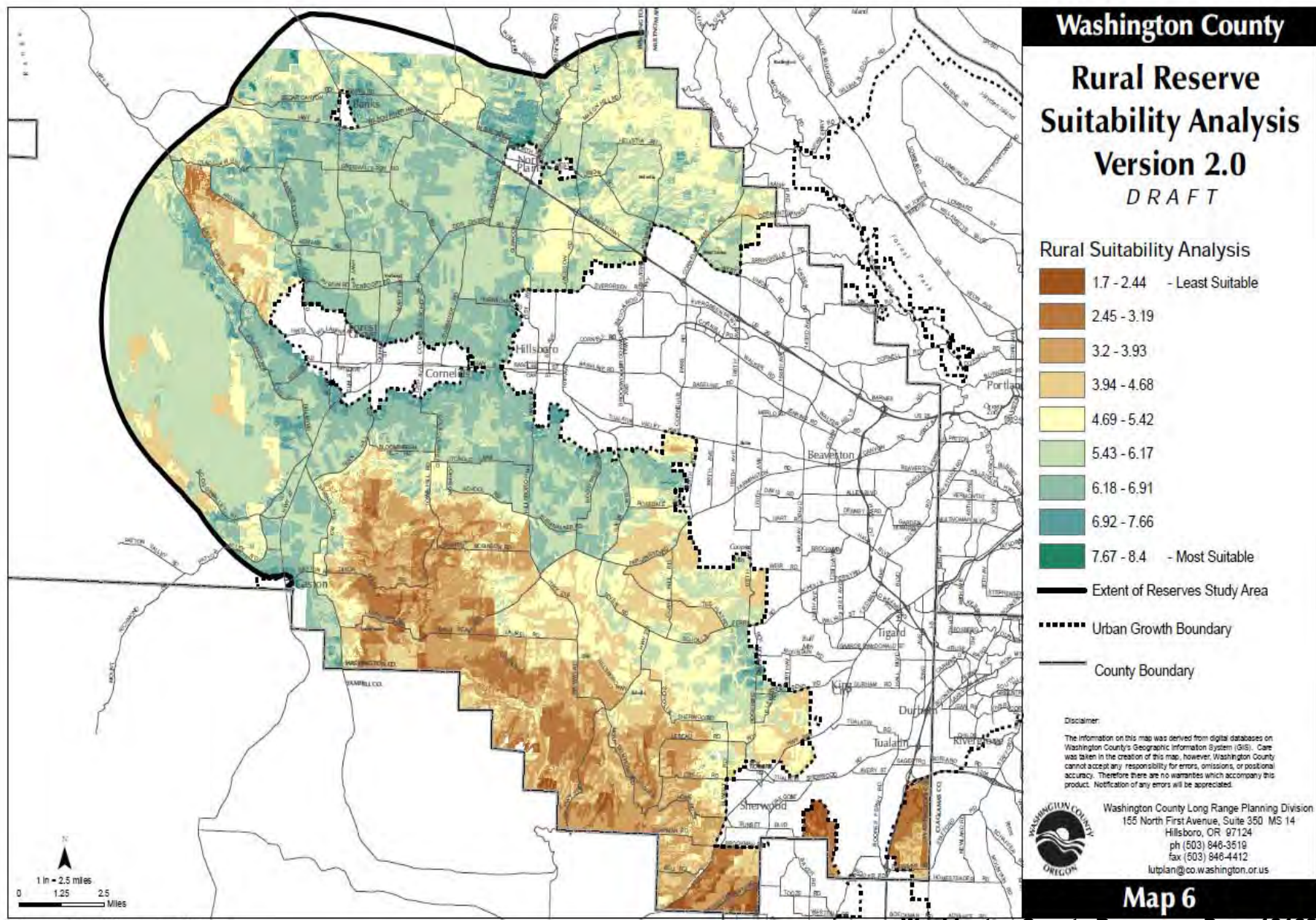
43 **John VanLandingham** – Um well I think that <interrupted>

44 **Margaret Kirkpatrick** – Actually see but maybe I didn't.

45 **John VanLandingham** – Bob is there some in the report isn't there.

46 **Bob Rindy** – There's a legislative history of the statute.

1 **Margaret Kirkpatrick** – That’s different.
2 **Bob Rindy** – That um these minutes will be in the history and we have the staff report ah
3 the comments that were made now you could specify that your minutes go into more
4 detail than might typically occur to record those.
5 **John VanLandingham** – That would be good. So let’s make sure especially make sure
6 that Marilyn’s comments are included and I see that at the bottom of page nine of the
7 staff report there’s some of that also saying that the first, second, third best in its entire.
8 Dick
9 **Dick Benner** – Dick Benner for Metro on the legislative history question speaking for
10 myself and we’ll see if everybody agrees but I think we do. When we heard Richard,
11 commissioner Worrix and Steve talk about this I thought to myself yes this is the way we
12 understand this test. And I would suggest that if the commission feels that the way they
13 described it is the way you would like it to be understood that you say so um don’t
14 necessarily have to have a vote but then I think its more clearly legislative history.
15 **Margaret Kirkpatrick** – Yeah if there would be some way actually to almost transcribe
16 the statements of commissioner Worrix, Steve, Richard maybe what Dick just said and
17 have us kinda validate that’s our understanding then that would provide the kind of
18 guidance to future commissions that I’m thinking of.
19 **Male voice** – (inaudible)
20 **Margaret Kirkpatrick** – I think we just did it.
21 **John VanLandingham** – Yeah I mean does anybody disagree with that. So that’s our
22 understanding we adopt that. So I’m saying that all seven six commissioners agree with
23 that as our interpretation. Ok. Next issue.
24 2:17:32
25 ##end##



Washington County

Constrained Lands for Development and Employment

Source:
Group Mackenzie

Disclaimer:

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Washington County Long Range Planning Division
155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
lutplan@co.washington.or.us

Map 7

Metro Reserves Study Area

Map 6 Development Constraints

Legend

- County Boundary
- Feeder
- Highway
- WCD and WUC Classified Forest
- 1.0 M. Radius of 14 Parks
- FDMA (150 Year Flood Plain)
- Wetlands
- Wetlands Designations
- Employment
- Industrial
- Regionally Significant Industrial
- Slopes > 10%
- Perennial Wetlands
- County Water Users
- Metro Reserves Boundary

Area within Metro Reserves Study Area
434,401 Ac.

Constrained Land (perennial 5 acres or less)
45,750 Ac.

Area within floodplain
59,979 Ac.

Area of available data within wetlands
10,823 Ac.

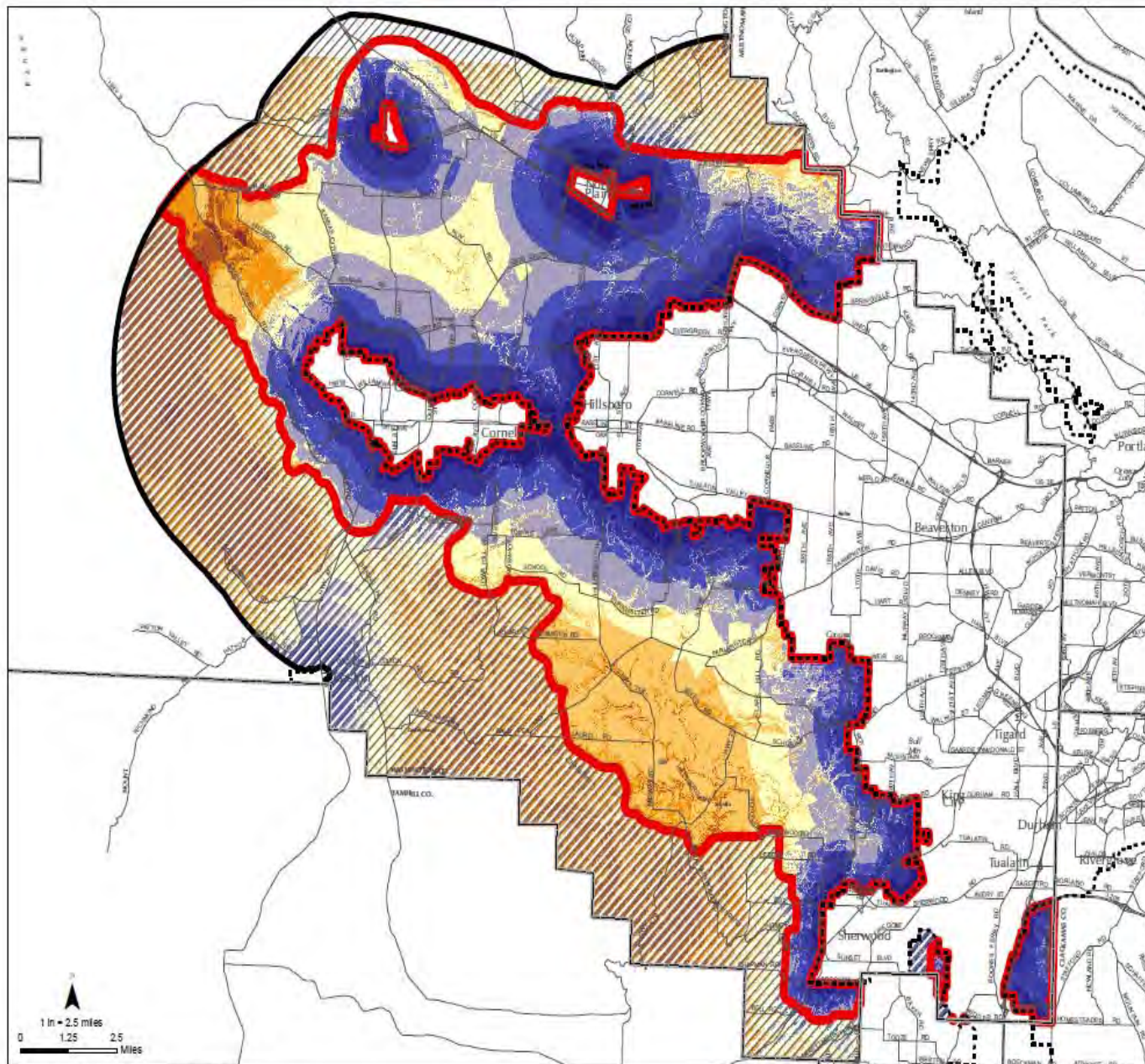
Area of available data with slopes > 10%
135,302 Ac.



GROUP

WASHINGTON COUNTY
LONG RANGE PLANNING DIVISION
155 NORTH FIRST AVENUE, SUITE 350 MS 14
HILLSBORO, OR 97124
PH (503) 846-3519
FAX (503) 846-4412
LUTPLAN@CO.WASHINGTON.OR.US





Washington County

Candidate Urban Reserves Suitability *DRAFT*

Candidate Urban Reserve Areas

Non Urban Reserve Areas

Suitability Analysis

1.21 - 1.92 (Least Suitable)

1.93 - 2.63

2.64 - 3.34

3.35 - 4.05

4.06 - 4.76

4.77 - 5.47

5.48 - 6.18

6.19 - 6.89

6.9 - 7.59 (Most Suitable)

Extent of Reserves Study Area

Urban Growth Boundary

County Boundary

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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
luplan@co.washington.or.us

Map 9

Preliminary Water Service Suitability

Source:
Metro

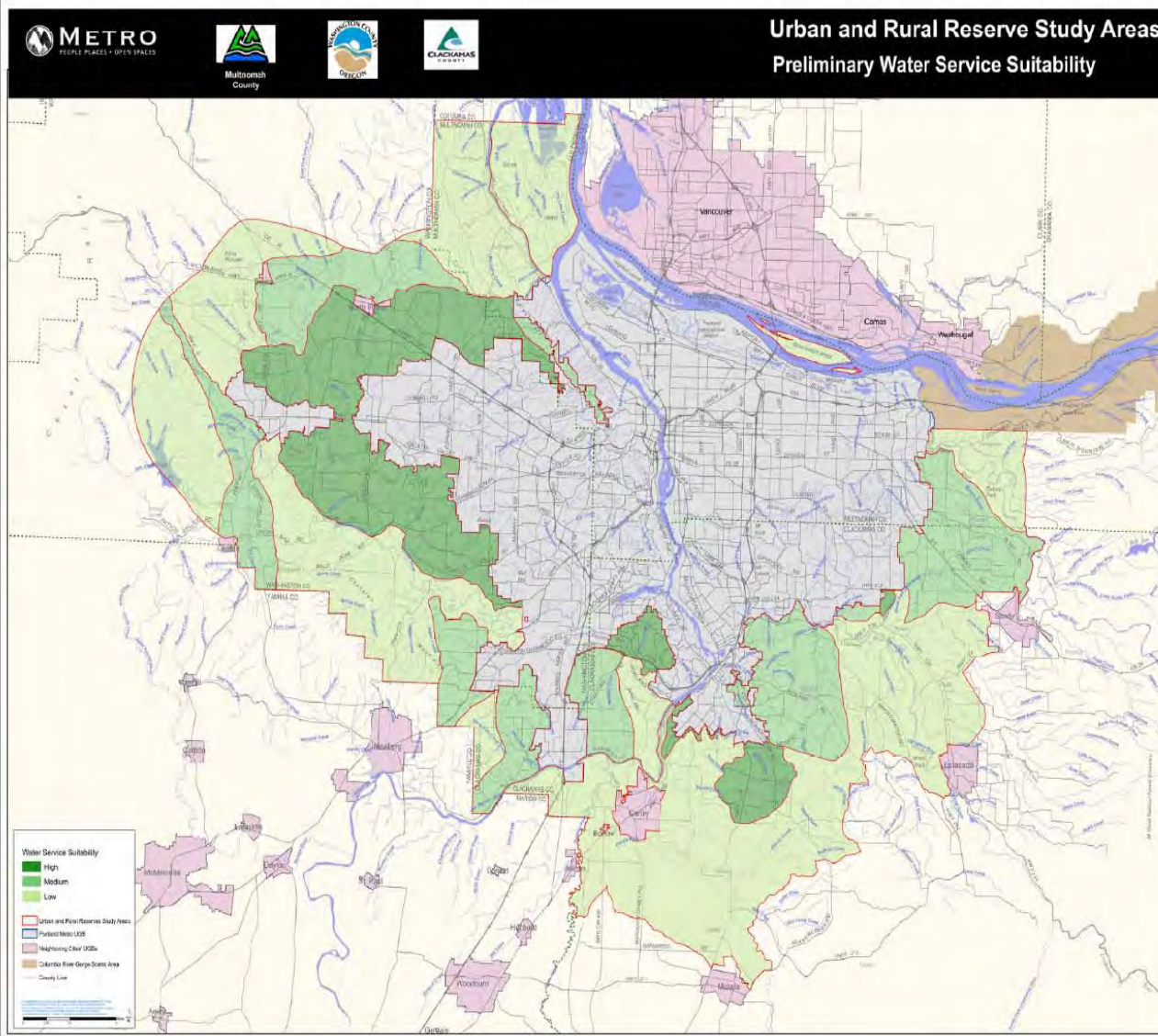
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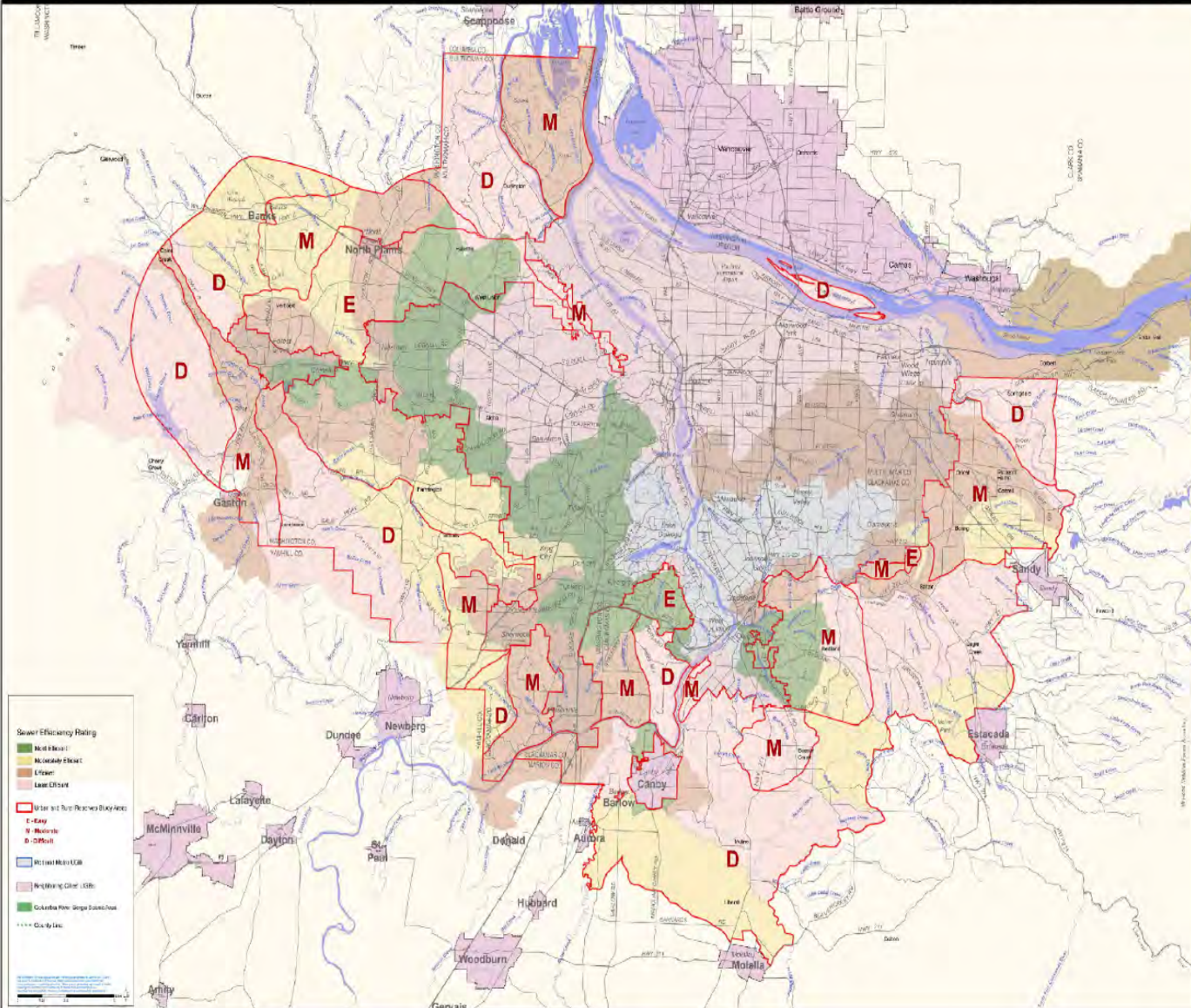
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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
lutplan@co.washington.or.us

Map 11



T:\Reserves\Maps and Materials\Maps\Analysis\reserves_suitability\water\reserves_base_water_suitability.mxd

Preliminary Sewer Service Suitability



Source:
Metro







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Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
lutplan@co.washington.or.us



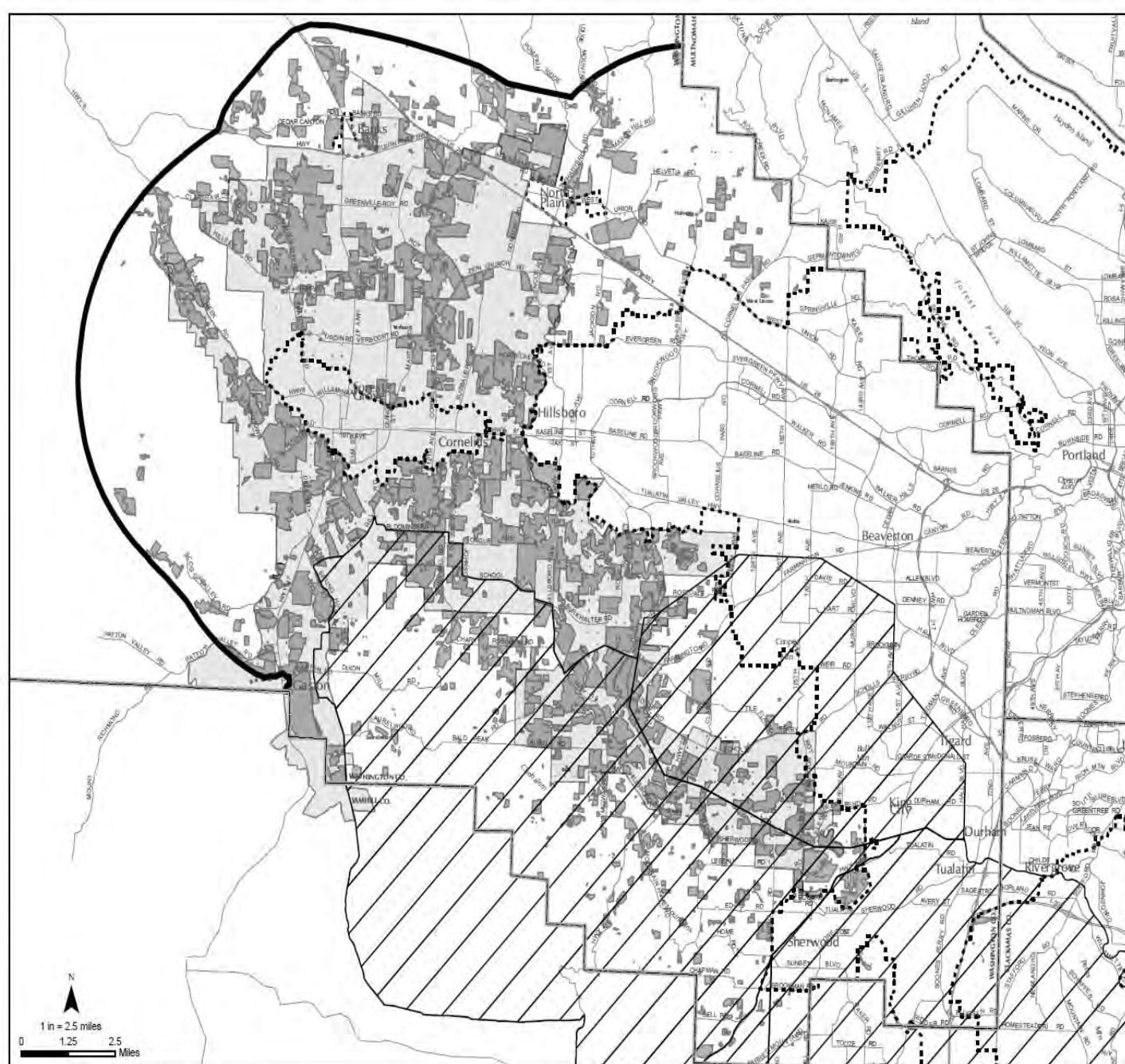
Map 12

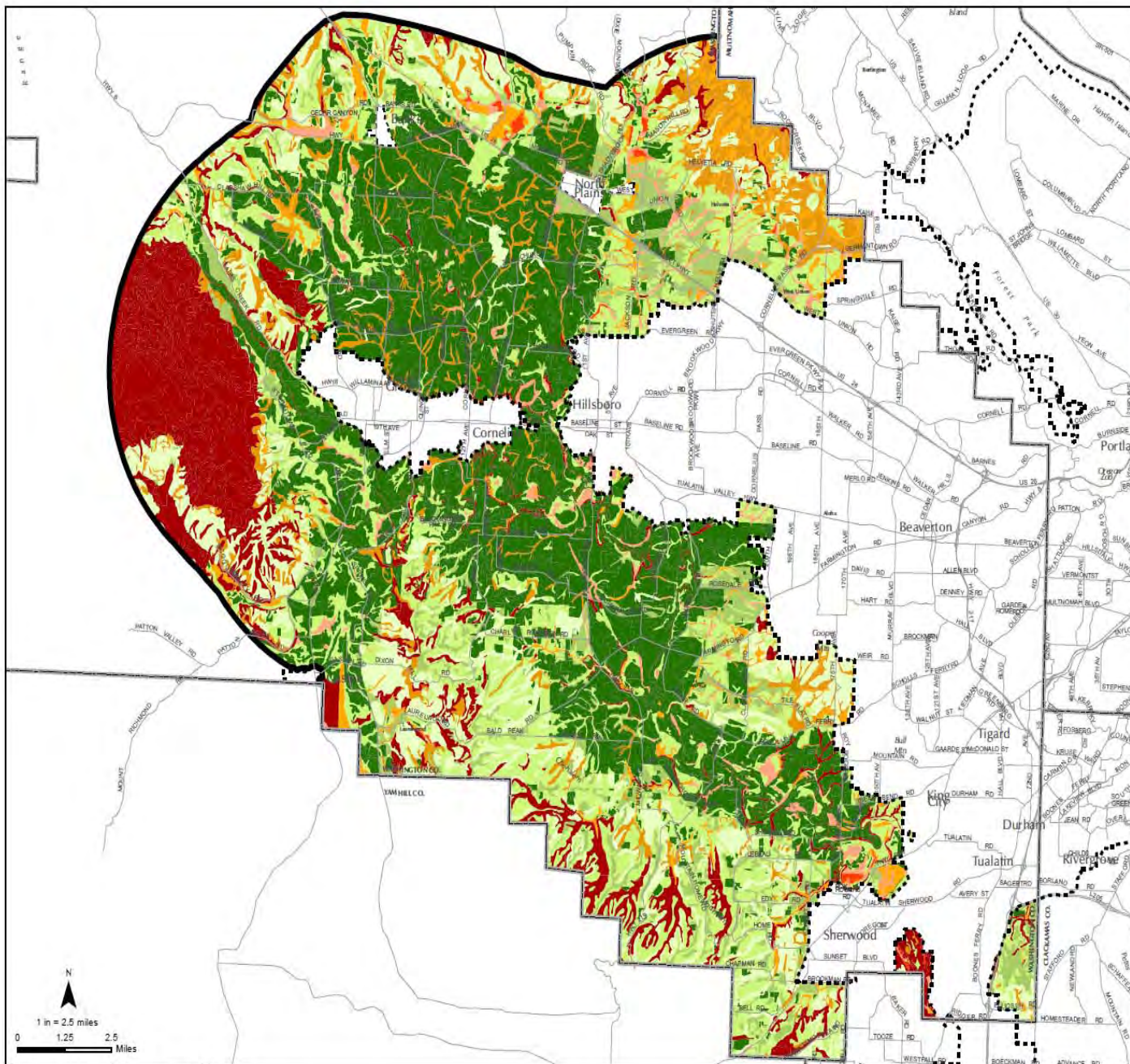
-  TVID Boundary
-  Water Rights
-  Groundwater Critical/Limited
-  Extent of Reserves Study Area
-  Urban Growth Boundary
-  County Boundary

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ph (503) 846-3519
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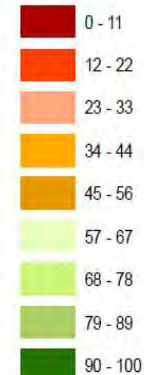




Washington County

Agricultural Productivity DRAFT

Combined Crop Productivity*



— Extent of Reserves Study Area

- - - - - Urban Growth Boundary

— County Boundary

*Based on J. Herbert Huddleston, an OSU Extension Service Soil Specialist (Agricultural Productivity ratings for Soils of the Willamette Valley, 1982).

Staff mapped the Productivity rating for soils in three sets: 1) Dryland values, 2) Irrigated values where water is used, and 3) Irrigated values for all land in TVID. Areas were divided into higher productivity (HP) and lower productivity (LP). Higher productivity is composed of soils that are irrigated or in TVID and lower productivity is composed of soils that are not irrigated or in TVID.

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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
lutplan@co.washington.or.us

Map 20

Rural Residential Dwelling Density

Surface and Points*

DRAFT

* Rural Residential Housing

Rural Residential Housing Density Surface

Low

Med/Low

Medium

Med./High

High

Extent of Reserves Study Area

UGB

Other Counties

Urban Growth Boundary

County Boundary

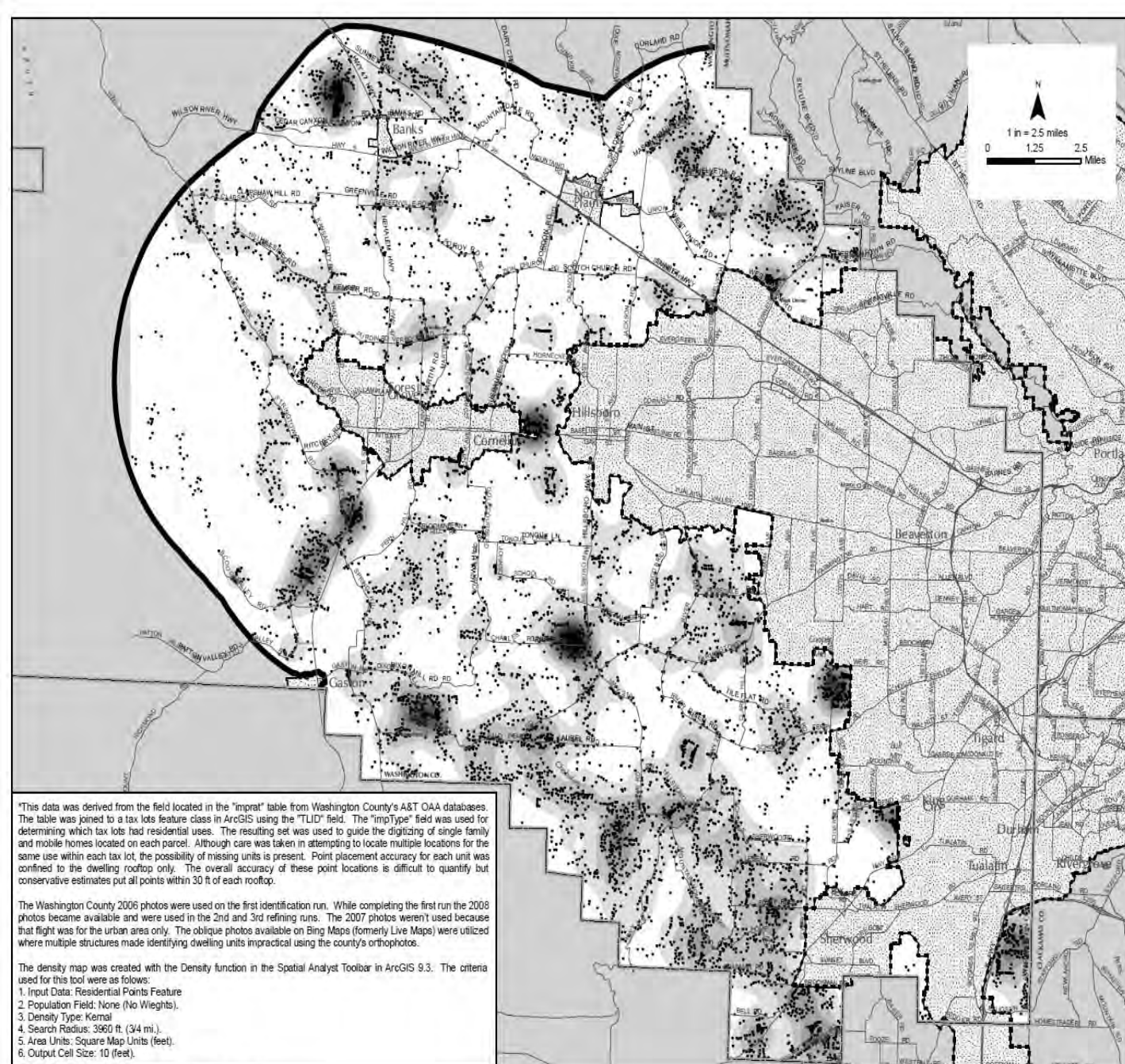
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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
lutplan@co.washington.or.us

Map 25



*This data was derived from the field located in the "imprpt" table from Washington County's A&T OAA databases. The table was joined to a tax lots feature class in ArcGIS using the "TLID" field. The "imprpt" field was used for determining which tax lots had residential uses. The resulting set was used to guide the digitizing of single family and mobile homes located on each parcel. Although care was taken in attempting to locate multiple locations for the same use within each tax lot, the possibility of missing units is present. Point placement accuracy for each unit was confined to the dwelling rooftop only. The overall accuracy of these point locations is difficult to quantify but conservative estimates put all points within 30 ft of each rooftop.

The Washington County 2006 photos were used on the first identification run. While completing the first run the 2008 photos became available and were used in the 2nd and 3rd refining runs. The 2007 photos weren't used because that flight was for the urban area only. The oblique photos available on Bing Maps (formerly Live Maps) were utilized where multiple structures made identifying dwelling units impractical using the county's orthophotos.

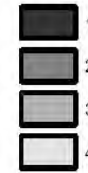
The density map was created with the Density function in the Spatial Analyst Toolbar in ArcGIS 9.3. The criteria used for this tool were as follows:

1. Input Data: Residential Points Feature
2. Population Field: None (No Weights).
3. Density Type: Kernel
4. Search Radius: 3960 ft. (3/4 mi.).
5. Area Units: Square Map Units (feet).
6. Output Cell Size: 10 (feet).

Farm Analysis

Tiers

DRAFT



County Boundary

Extent of Reserves Study Area

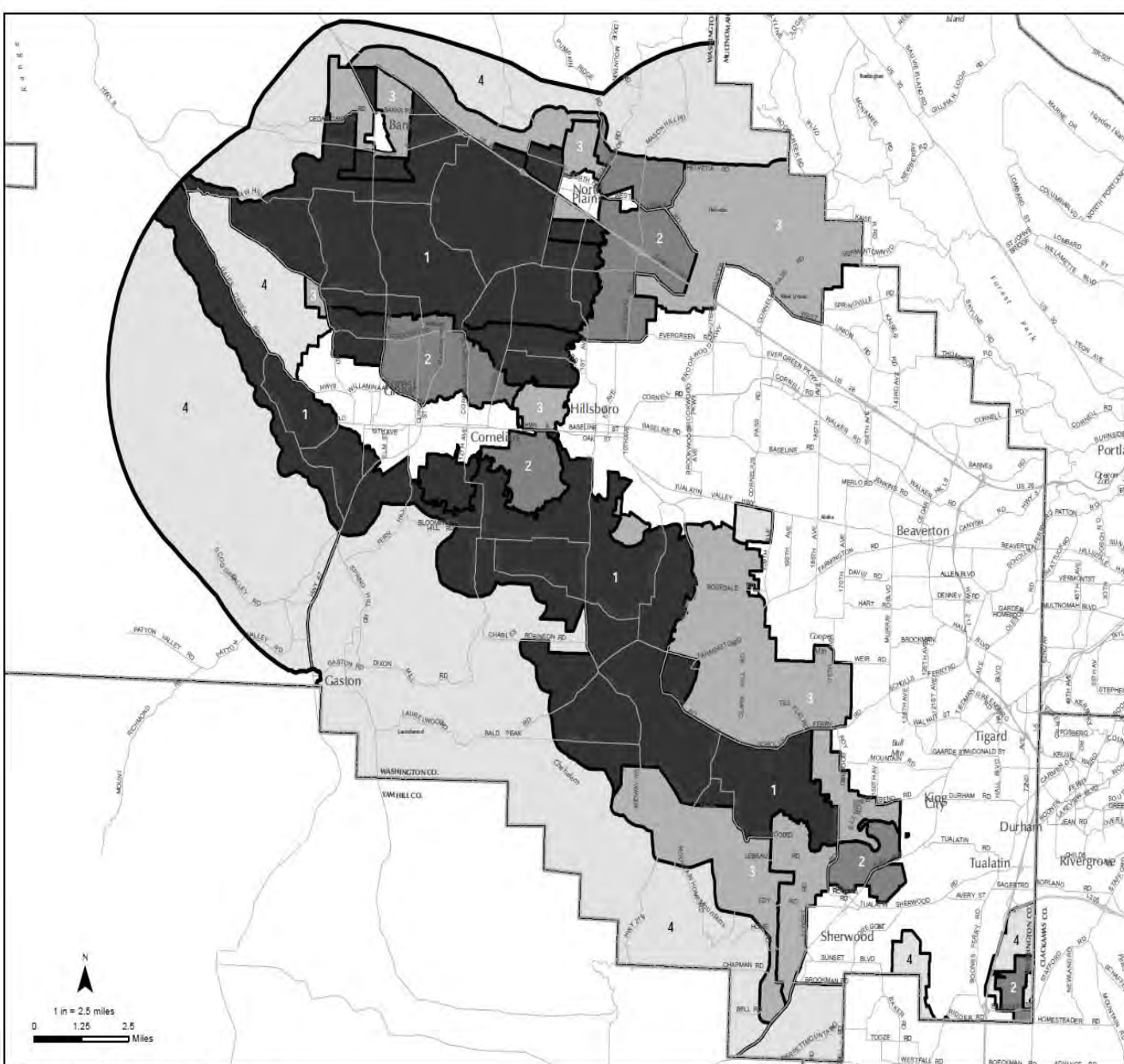
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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
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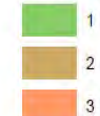
Map 28



Washington County Important Natural Landscape Features (INLF) Composite Tiers

DRAFT

INLF: Tiers



— Rivers and Streams

--- Urban Growth Boundary

— County Boundary

— Extent of Reserves Study Area

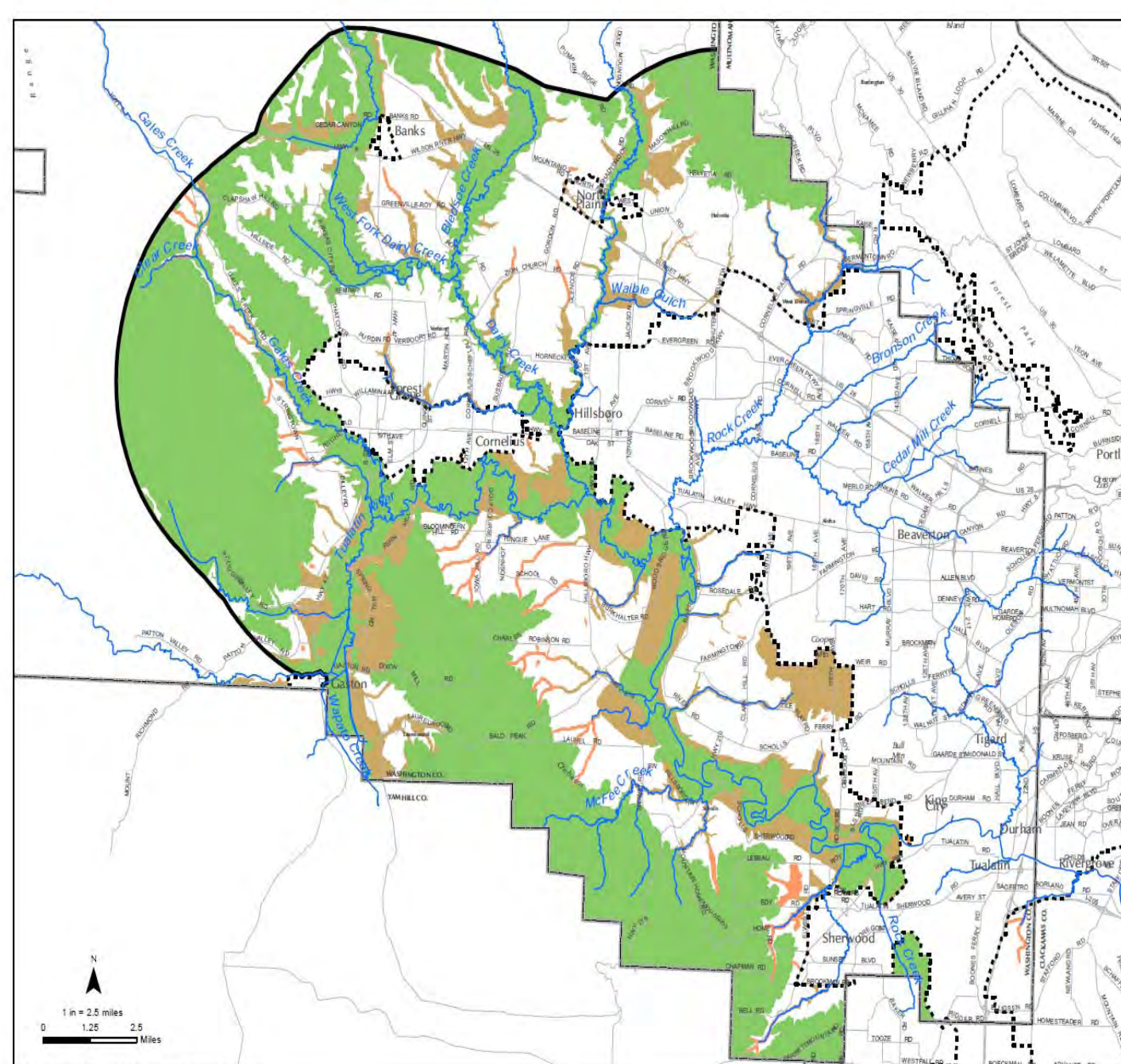
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155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 846-3519
fax (503) 846-4412
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Map 33





Urban Reserve 8A

Existing Rural Land Use Districts

 Urban Reserve Area 8A - Hillsboro North

Land Use Districts

-  Agriculture and Forest - 5 acre minimum
-  Rural Residential - 5 acre minimum
-  Agriculture and Forest - 10 acre minimum
-  Agriculture and Forest - 20 acre minimum
-  Exclusive Farm Use
-  Exclusive Forest and Conservation
-  Rural Commercial
-  Rural Industrial
-  Land Extensive Industrial

 Stream
 Waterbody

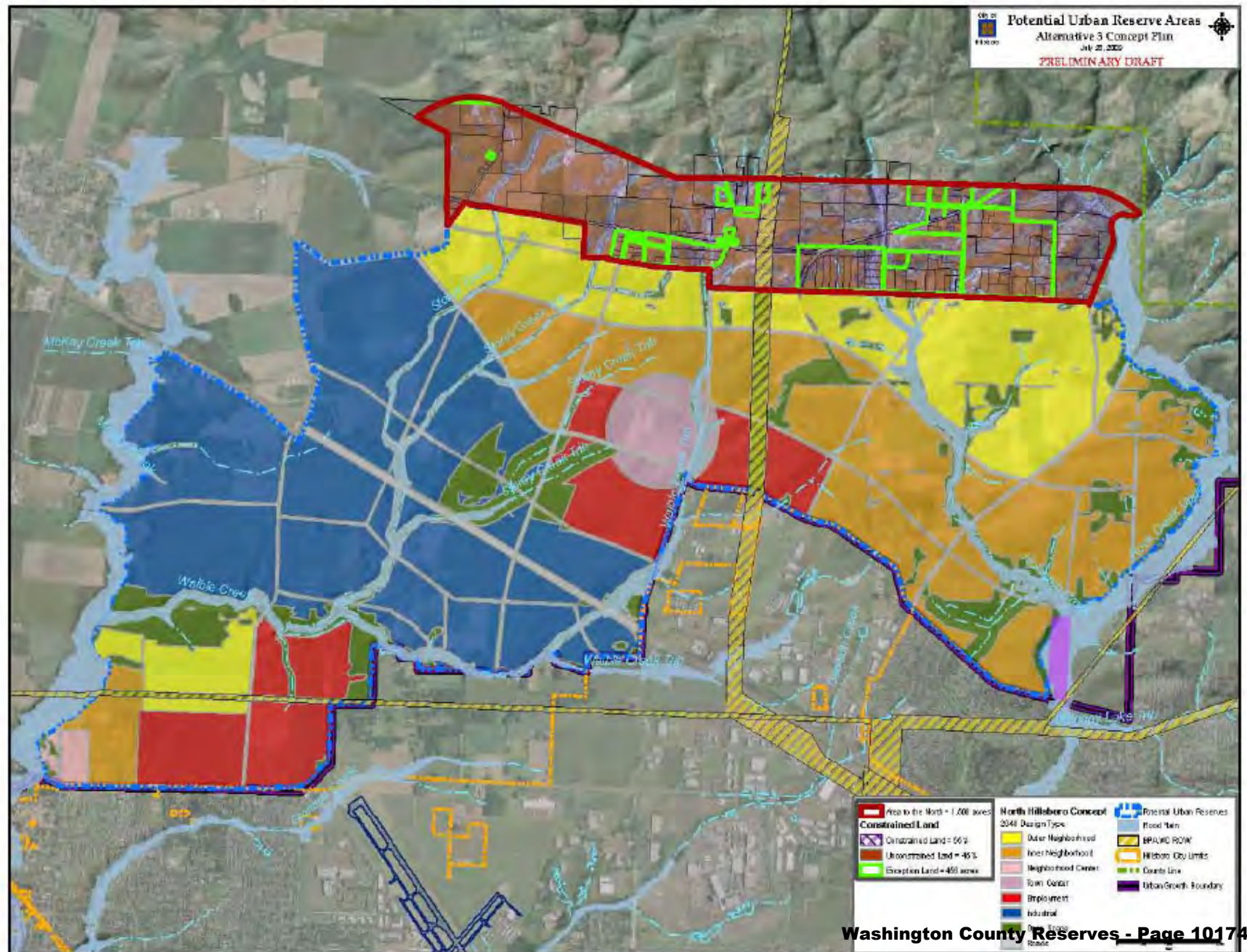


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WASHINGTON COUNTY
OREGON

Figure 5 – Northern Edge of Study Area



Urban Reserve 7B

Existing Rural Land Use Districts

 Urban Reserve Area 7B - Forest Grove North

Land Use Districts

-  Agriculture and Forest - 5 acre minimum
-  Rural Residential - 5 acre minimum
-  Agriculture and Forest - 10 acre minimum
-  Agriculture and Forest - 20 acre minimum
-  Exclusive Farm Use
-  Exclusive Forest and Conservation
-  Rural Commercial
-  Rural Industrial
-  Land Extensive Industrial

 Stream

 Waterbody



1" In represents 3,000 ft

0 1,500 3,000 6,000 Feet

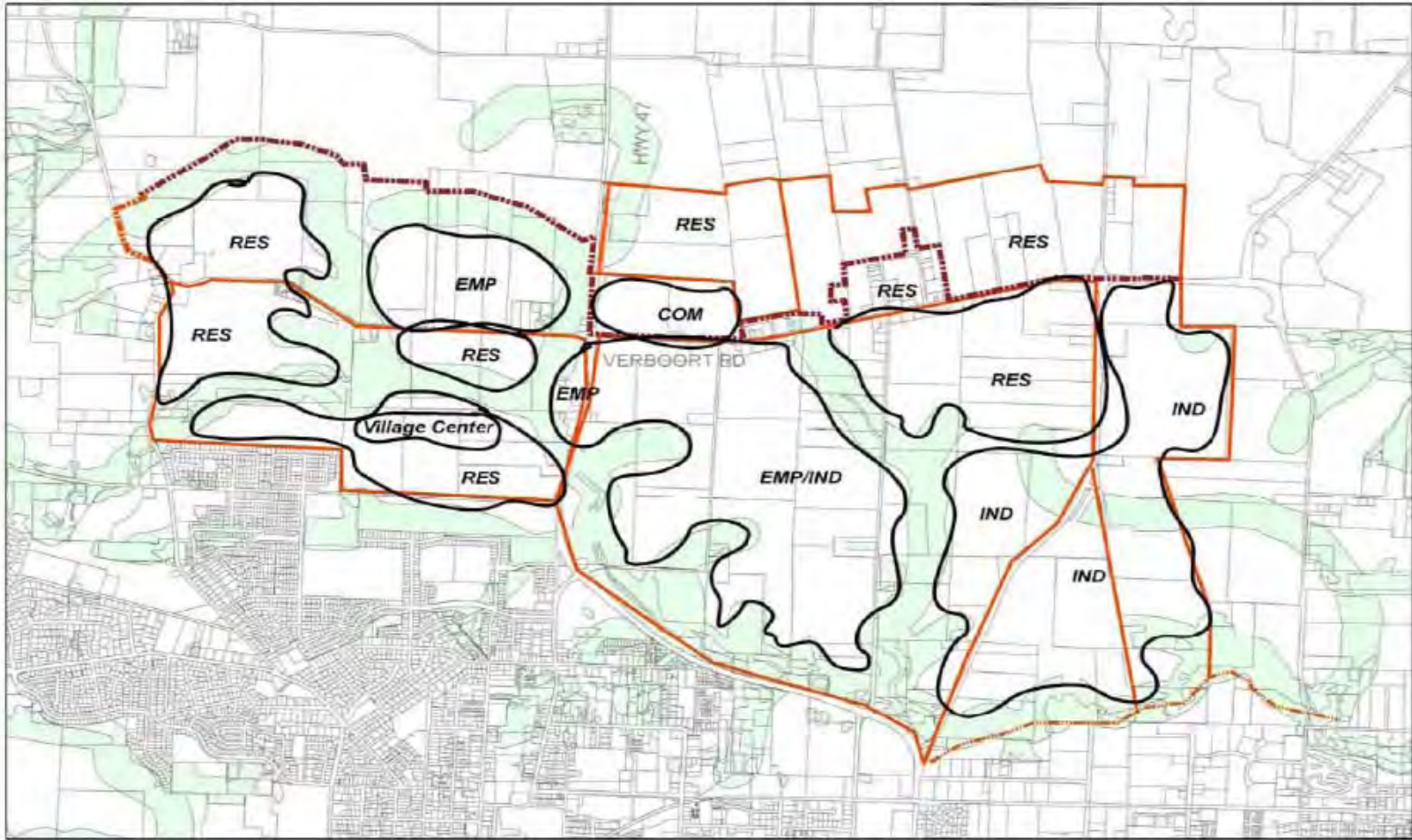
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WASHINGTON COUNTY

OREGON


Washington County Reserves - Page 10175



city of
forest
grove


Urban Reserve Analysis Concept Planning Areas

Existing Rural Land Use Districts

 Urban Reserve Area 71 - Cornelius North

Land Use Districts

-  Agriculture and Forest - 5 acre minimum
-  Rural Residential - 5 acre minimum
-  Agriculture and Forest - 10 acre minimum
-  Agriculture and Forest - 20 acre minimum
-  Exclusive Farm Use
-  Exclusive Forest and Conservation
-  Rural Commercial
-  Rural Industrial
-  Land Extensive Industrial

 Stream
 Waterbody



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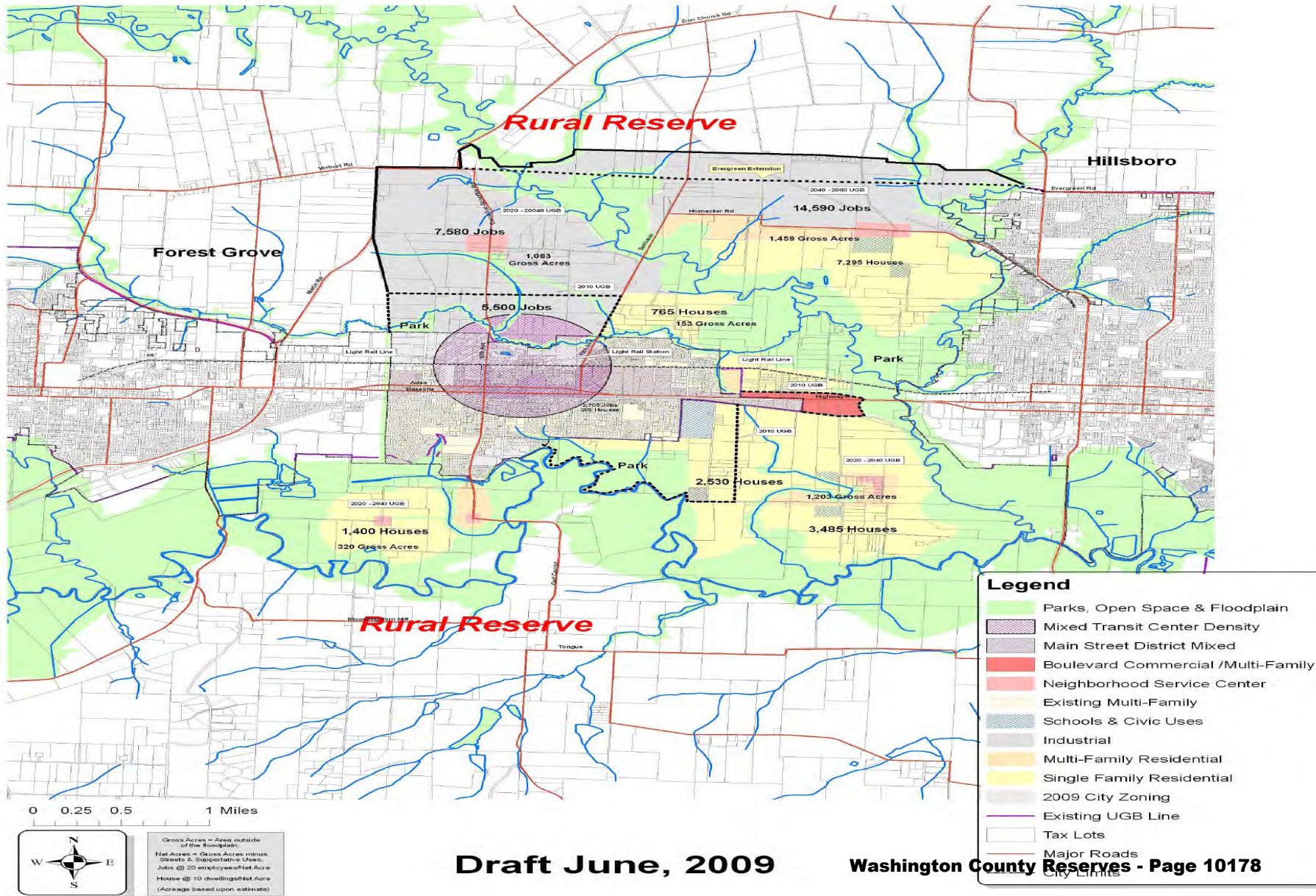


WASHINGTON COUNTY

OREGON

Department of Land Use & Transportation
 Long Range Planning

City of Cornelius **Example 50-Year** **Concept Plan**



LCDC Urban / Rural Reserves Hearing 10/29/2010 Transcription

The final 45 minutes of the hearing
Starts when Mr. Vanlandingham invites Metro and Washington County
up to answer questions. (1:52:26)

1:52:42

Dick Benner: Let me describe a little bit about how we handled the application of urban reserve factors and the rural reserve factors to the foundation lands that we designated urban reserve and then focus on 0040 sub 11. As you have heard from Brent, the county applied and you saw the results of it last week, the county applied the rural reserve factors to all the land it studied. If you remember Brent talking about the 41 areas and within those 41 areas, there was 7I, 7B and 8A. In the materials we submitted to you a couple of days ago, we show you in the record where those rural reserve factors were considered and applied. And of course the application of the urban reserve factors too, although I don't think you have had a question about. So you know that we applied, considered and applied the factors. Remember that the factors, the rural reserve factors themselves derive from the work that ODA did on the foundation lands. In fact, there is a chart in the record, you have probably seen it; and it shows ODA study arrow, Senate Bill 1011, Rural Reserve Factors arrow; your rules. So as we were considering how to do this job, we said, when we have designated foundation land as urban reserves, we know they're foundation lands. You allow people to designate rural reserves without further consideration of the rural reserve factors simply by saying, it is foundation land. We know it is foundation land. That is where the rural reserve factors come from. So when we are trying to explain why we designated foundation land as urban reserve, it seemed like, it seemed rather, oh the kind of stuff you don't like to see in these decisions; where we just fill up the findings with a bunch of statements about the factors, the rural reserve factors. And we focused on the pages that we have given you and talked to you about several times. We focused on the urban reserve factors to tell you how we weighed and balanced. We knew it was foundation land, we weighed that heavily and told you how difficult those decisions were and we showed you why we made the decision. So, you are going to send us back and we will do what you tell us to do. What we are going to do is going to be a very mechanistic process. We are going to march through the rural reserve factors and say, this is good soil, it is blocked up, it is large tracts, its great farmland. Nonetheless, for the reasons we already gave you, we think it ought to be designated urban reserve. We can do that.

John VanLandingham: So Dick, that is a general disagreement with what we have just talked about in terms of 7I and 7B as well as 8A, is that right?

Dick Benner: It is addressing the problem that you have seen in with the findings, that is right.

John VanLandingham: So do you want to say anything specific about 8A?

Dick Benner: 8A?

John VanLandingham: Practically what you are looking at is a commission that is trying to decide whether remanding to improve the findings on 8A is better for you or improving it. So that is the practical question to you and you don't have to answer.

Dick Benner: Every land use decision is better with more findings.

1:56:48

Marilyn Worrix (?): Could I ask Dick a question first? In the entire explanation you just gave, you never once used the word balance and it seems to me that's the word best and balance, is separate from the findings.

Dick Benner: Yes it is. In the materials, I feel like I ought to read it for you, because I am beginning to sense that you really haven't read it, the four pages. We talk about balance, we talk about best achieves, we explain it by reference to the urban reserve factors. So I think we told you why we think it is the best balance that we can achieve. We do use those words.

Marilyn Worrix (?): I just found it. That's fine.

John VanLandingham: Ok, Brent.

Brent Curtis: Well I am not entirely sure if I am to argue back to the decisions that you are about to make, based on your discussion or just try to clarify some points that you discussed, that I think could help you.

John VanLandingham: I thought we invited you up here to talk about 8A. But Dick talked about all 3 and if you want to do the same, then that's fine.

Brent Curtis: Well, I am here to support the regional decision. So let me talk a little bit about this consensus point. Because I think the record is really clear and what we were shooting for was a high degree of consensus and what I believe exists is a high degree of consensus. I realize it is not total everyone is agreed, you have had, what you are on your 5th day now of talking and hearing about arguments from objectors, but let me just describe the Washington County process, and I am going to do this in a simplified way. Washington County had lots of citizen involvement, very broad and we coordinated with the region. It was a gigantic effort to coordinate and inform the whole public. In terms of day to day oversight in regard to policy, we had what we called a reserves coordinating committee that met on a monthly basis. And what we did was an analysis, this is the notebook of the analysis and summarizes the analysis; and what we had was an 11 - 2 vote by the coordinating committee to recommend Washington County's application of both urban reserves and rural reserves and the explanation that we provided about what happened when lands qualified both ways, that was an obligation we had. So that was a large degree of consensus at the county level. Then it went to the CORE 4 and there was a lot of agreement, but not unanimity, you have heard about that. The rule provides for bi-lateral agreements. It is really clear; the rule does not require all four jurisdictions to agree, so there was a consensus between Washington County and Metro about the Washington County portion. There was a large amount of consensus there, not unanimity. What we did in the process, was, as I explained the other day, and I will try to summarize quickly; we applied the urban factors and the rural factors to all the land, everything in the 107,000 acres, excuse me, 170,000 acres, we never cut down the rural side. We applied it all the way through, but successively through iterations we went from urban reserve analysis from all the area 170,000 to 107,000 to 47,000 to 34,000 and we ended up at 13, 000. We applied the factors all the way to

get to 34,000 on the urban side and we explained when we had this intersection of the two, what our recommendation was. So, there is tons and tons of evidence in our record and part of what we provided the department, who provided it to you at your request, was a citation to the record about where and how we did that. That's evidenced lots and lots of evidence that we have pointed to.

2:01:20

Greg Macpherson: Sorry, didn't mean to break in, but I think that's in response to a question that I had posed to staff and council, was, I think I have unleashed more than I was intending, and maybe other commissioners were. Really where we were, do we remand 8A for beefed up findings, my response was, I don't need them for my decision; I am willing to support 8A as proposed. The only reason to do it is if either our council and director believe it would be a stronger case for surviving an appeal. And then he deferred to the advocates, and I think what I am hearing from them is they think the record is fine. So I would say, to that issue 8A, I think we are fine, what we are hearing is a process discussion in response to the things we discussed on 7I and 7B, I think we have had that deliberation. Forgive me for breaking in but it went beyond what I had invited, in terms of input.

2:02:22

Brent Curtis: Perhaps I misunderstood, I thought you, Mr. Chairman, had invited me to just comment on the whole thing if I like, but if I misunderstood, I will stop. I was about ready to get to the end of my point. Evidence, in the record, we explained how we arrived at decisions when it was on foundation land, then the best achieves through balancing was done ultimately by the agreement between Washington County and Metro. So that is in there. What you see in the findings is, findings where Metro explains how it is balanced, and you see findings from Washington County about the ultimate conclusion, that is we designated it urban. The balancing that arrived at previously, relied upon, excuse me the explanations when we had intersection between rural and urban was explained in the evidence and the balancing occurred at the regional level, so we have findings. To my view the findings are relatively the same jurisdiction to jurisdiction about matters. The only thing that is different is there a few contested areas. In regard to 8A, Dick said it best, and maybe I shouldn't have prattled on, but you can always write better findings, always. Until we know what your ultimate decision is, we won't know what we have to respond to, but I feel safe in thinking that Dick's advice or comment to you will be good advice to us, if it comes back, we probably write better findings.

John VanLandingham: Thank you, any questions of Dick or Brent.

Brent Curtis: I might add that we want you not to send it back, to uphold it for all the reasons you have talked about and more that are in the record.

John VanLandingham: Richard?

Richard Whitman: So just to be clear, the department is willing and able, unless Mr. Shiply says otherwise, to defend the decision by this commission to uphold area 8A, I will just say it as clearly as that.

John VanLandingham: So Commissioners given that exchange, I would prefer to uphold 8A. Marilyn, Chris, ok. So tentatively what we have talked about here is uphold 8A, remand 7B to develop further findings, remand 7I to remove it. Richard.

Richard Whitman: Alright, there is one other issue which I think you need to consider in light of...

John VanLandingham: I'm not done either.

Richard Whitman: Let me just say it if you were headed there, by all means. Some of the other commissioners have already brought this up, but in terms of amount of urban reserve land, if you are, particularly if you are going to remand with direction to remove an area, you need to have some discussion about the implications of that.

John VanLandingham: So do you feel that it is required?

Richard Whitman: Can I ask you to clarify what you mean?

John VanLandingham: Required that by removing some urban reserve land in 7I that it would, we would have to require Metro and Washington County to add some more?

Richard Whitman: No.

John VanLandingham: Because?

Richard Whitman: I think this is stated in the memorandum from me and Steve, but I think there would be several ways in which Metro and the County could come to a decision that would not require adding back in urban reserve land. I think one question you need to think about though is, do you want to, if they want to have the option of adding in other land, do you want to leave that door open. Because in order for them to do that, I think they would, well let me back up a minute. There are a total by our count, 6,235 acres of undesignated land in Washington County, of which about 3,400 acres are around Banks and North Plains, leaving somewhere around 2,500 acres of undesignated land elsewhere. One option for Washington County on remand would be to consider those undesignated, some portion of those undesignated acres. Although I think it would have to be the undesignated acres with in the Metro boundary right now. If you affirm the rural reserve designations of Washington County they're not going to be able to consider those acres for its replacement of lands lost. I know I haven't given you a crystal clear answer on that, but those are some of the things you should be thinking about and if you are considering a remand to remove lands from an urban reserve designation.

John VanLandingham: So commissioners, I'm concerned about the amount of urban reserve land and also the amount of undesignated land, which I, if I were making the decision; I would consider it to be too small. Especially given that a bunch of it is next to Banks. Also there is a fair amount of that rural reserve land that is conflicted that could be undesignated land. I don't know whether to remand for that purpose, so I am open to and interested in other peoples thoughts. Greg?

2:08:36

Greg Macpherson: I don't favor remanding for the purpose of adding in an approximately equal amount of ground, because I think it is clear that from the way that the findings were presented to us and the record that there is quite a bit of flex in the amount of land that is needed both in the projection as to the various rates of growth that might be achieved within the metropolitan area and also with in the time horizon which varies by ten years if I follow it as to whether it is a 50-year or a 40-year time horizon we are dealing with here. The only part of that that really resonates with me is that, I think the decision having been made by the local governments to be so extensive in the designation of rural reserves, leaves relatively little undesignated land and then creates, perhaps, pressure to urbanize those undesignated lands and so I guess the one piece of this that, if other members of the commission agreed with that concern, I could be comfortable with an invitation to undesignate some rural reserves that are, particularly those that are conflicted in order to have something to go to that is just not those few undesignated areas down the road.

John VanLandingham: Bart? No. Marilyn?

2:10:14

Marilyn Worrix: I don't think that the results of this process are entirely what some of us expected when it started. I was surprised by the amount of rural reserve, especially when it is far far from the UGB. And I was disappointed in the amount of undesignated because I think that's where you get a little bit of flexibility and some future balance. But to remand on those large questions, I think says, almost, to go back to the drawing board. I just can't go there.

John VanLandingham: So, would you want though, to allow Metro and Washington County to go there if they wanted to? Richard's point was if you approved the rural reserves they can't. Given my last attempt to ask their advice, I don't know that I would ask it again.

Marilyn Worrix: So unless we.

John VanLandingham: If we approve the rural reserves now, they can't change that. They couldn't take any land that is now in rural reserve or suggest it be a urban reserve area or that it be undesignated.

2:11:40

Hanley Jenkins (?): So while Marilyn thinks about that, my concern is that, tentatively we are suggesting that 624 acres in 7I be taken out. That to me is a large amount of land, and I am not sure it is our job to tell them whether or where that should be replaced. I think we should give them the opportunity to decide whether or where to replace that. My fear is that if you approve the rural reserves you have severely limited their ability to find a replacement area.

John VanLandingham: So the choices are to do nothing about more land, to remand and tell them to add more land that's urban or undesignated or to not approve the rural residential so that if they choose to they can do that; rural reserve – excuse me, I keep doing that. Chris?

Christine Pellett: I guess I come down with leaving an option to let them decide what to do. I too have been troubled by the lack of undesignated land. I don't think it is enough. But that really is not my decision. But I hope that everybody, after we remove this area, perhaps leaving them the opportunity to think about that.

John VanLandingham: You want to add anything Richard?

Richard Whitman: Only that if you are headed down the road toward, as Commissioner Pellett just described, leaving the option open to reconsider some portion of the rural reserve designation, I want an opportunity to confer with council about how that could occur. I have some concerns about how you would do that.

John VanLandingham: About not approving the rural residential, excuse me the rural reserve lands?

Richard Whitman: Yes.

John VanLandingham: Lets take a ten minute break. (break)

2:14:05

John VanLandingham: Richard is going to suggest a way forward to the amount of urban reserve land we were discussing before we recessed.

Richard Whitman: So as discussed in the memorandum that we provided you, Metro and Washington County would have several options on the remand that you are talking about in terms of the amount of urban reserve land. One would be to make a decision where in the range of the forecast they choose to land for this planning purpose. That would be one way. Another way would be to change the number of years. In order to do that, we believe that Metro would need to do that in coordination with not only Washington County but in coordination with the other two counties, because they would be part of that decision. So at the Metro level that would be one way of addressing the change in the amount of urban reserve land. Let me pause there, because the next thing I am going to talk about are what are the options for replacing the any urban reserve land that is taken out either in 7I or 7B, but before I do that I want to, any question about the first part? Ok. Options for replacing land that is take out from 7I and 7B and let me remind you about the acreages, 7I is 624 acres and 7B is 508 acres. Total is a little over 1,110 acres out of a total of roughly 13,500 acres of urban reserves in Washington County. There are at least three options that could be used to, if Metro and Washington County want to replace some of any acreage that is lost, there are at least three options. The simplest would be to use lands that are undesignated. If we told you a little bit earlier today, there is not a lot of undesignated land in the county and a lot is around North Plains and Banks. There is roughly 2,500 acres of undesignated lands outside of the lands around North Plains and Banks. But that is one option, and in some ways the cleanest. The next option would be for you to allow Metro and Washington County to consider lands that they have designated as rural reserves to shift those into either an undesignated category or even an urban category. In order for them to be able to do that, you would need to remand the rural reserve designations, because once you approve those designations they are locked in for 50 years. So that is the second option. The

third option would be for you to affirm the rural reserve designations in Washington County, except for a particular area, remand a particular area of rural reserves for them to consider redesignating as either undesignated or urban. So those are the three ways that you could address the making up the loss of urban reserves from 7I and 7B. My understanding from talking with Metro and the County is that there would be a preference for the second of those options, which would be to remand all of the rural reserve designations in order to allow them to go back through a policy discussion of what to do in terms of the amount of undesignated land and if they were going to designate some new urban reserve lands to give them flexibility on where that might be.

2:18:52

John VanLandingham: So Commissioners lets talk about, well let's first see if there are questions about what Richard just laid out as options. Not talk necessarily about the option, but if you are interested in number three it would require us today or at another meeting, we would have the schedule a special meeting, to designate some specific residential – rural reserve – lands that we would remand to be re designated as urban or undesignated. But let's start, questions about Richard's three options?

Marilyn Worrix: If you remand all of the rural reserves is that just in Washington County?

Richard Whitman: We believe so. But that would have some other consequences which I should explain now also. If you were to remand all of the rural reserve designations in Washington County, because of the way the statute is worded, Metro and Washington County can't designate urban reserves unless rural reserves are designated. So you could, bear with me for a second – the urban reserve areas in Washington County that you are affirming, would be affirmed but it would essentially be affirmed conditioned on Washington County coming to an agreement with Metro on the rural reserves. So it would basically put things in Washington County on hold.

John VanLandingham: Did that answer your question?

Marilyn Worrix: Yes

John VanLandingham: Hanley?

Hanley Jenkins: Mine was on the last option - affirm part of the urban and rural or part of rural reserves?

Richard Whitman: Part of the rural.

Hanley Jenkins: So we wouldn't worry about the undesignated?

Richard Whitman: This would be in addition to the undesignated areas, which are not, just to be clear, you are not taking any action on the undesignated areas, nor is anything proposed.

John VanLandingham: His concern is that the statute and the rules require us to designate, would require them to designate rural reserves when ever they designate urban. So if we approve all the rural now, then – couldn't use rural reserve to get more urban reserve. And to allow Washington County the option to think about whether it wants to add more urban reserve, given our tentative remand to take out 7I, we would have to not approve rural reserve designations in Washington County. Unless we designate the right ones how, we can do it right now, we can say Bobosky "you're in."

Hanley Jenkins: But my concern then is for us to have to develop findings for the areas that are left in and the areas that are left out, how would we do that?

Richard Whitman: That is an excellent question and I think you would have to find on the merits that a rural reserve area did not meet, you would have to find error in Washington County's designation of a particular rural reserve area in order to go there.

Hanley Jenkins: I am not sure that is a very viable option.

Richard Whitman: And you haven't had any discussion about that, with regard to particular errors. There have been some objections to some particular areas.

John VanLandingham: We have heard a lot of testimony about particular areas that people thought should not be rural reserve; they should be either undesignated or urban reserve. We didn't talk about them individually, other than to walk through them and see if there were any concerns to raise. Bart, you look like you want to say something.

Bart Eberwein: Well if I understand number three right, it would sound like we are horse trading. I think that is the least attractive, because slippery slope today seems to me to be in spite of our best intentions you find yourself replacing your judgment with theirs and not the process. So I think to start horse trading between urban and rural is someplace I don't want to go.

John VanLandingham: That is number three, other thoughts. Does anybody want to talk specifically about those rural reserve areas that were raised by objectors who wanted it to instead be urban reserve, such as Bobosky? Others? Chris?

Christine Pellett: I don't want to go there. For one reason that was just said. I don't, this is a process, I believe, between Metro and Washington County. As much as I think there was some merit to what was said, by some on those issues, I think they should consider it. I don't think we should say our judgment.

John VanLandingham: Oh, I think our instructions at the last meeting were that we were going to focus on these three areas. I am just giving you another chance to, if there was some particular area you were concerned about, this is another chance to say I want to talk about that one or that one more. So I am not hearing anybody right? Greg?

Greg Macpherson: I certainly agree with that. I do not think we want to get site specific, I don't think we have the understanding and the capacity to do that. To comment back on the first

of the three options, it being left to the undesignated areas, I think we would get ourselves back into the same sort of posture because we would find that if some of those areas were left undesignated, particularly to the north and to the west, were designated as urban reserves to replace these areas; we might as well get into the same type of debate we have already had over 7I and 7B. So I would favor remanding all the Washington County rural reserves with the direction to the county to and Metro the players to decide whether they feel they need more urban reserves, because I think they could decide.

John VanLandingham: Or undesignated.

Greg Macpherson: Or undesignated yes, either or both. Then what areas they would propose to do so.

John VanLandingham: Richard?

Richard Whitman: The only thing I would suggest if you are headed in that direction is that you do make it clear as to whether or not you are willing to consider any increase in the number of acres of urban reserves.

John VanLandingham: And do you have a recommendation?

2:25:46

Richard Whitman: I would recommend that you affirm the amount of urban reserve. The amount determined in Metro's decision and indicate that it could be less, but that it could not be more.

John VanLandingham: I thought we had already tentatively decided that.

Richard Whitman: You did, I am just trying to be clear.

John VanLandingham: Other thoughts? Mr. Benner.

Dick Benner: First of all, on the question of a basis for remanding the rural reserves in Washington County, I think you could say, you need to do that, so that we are able to meet the balancing test. It is not a criticism of the designation of any or any particular rural reserve, but we will do that. We will have to do that. So that will be the basis for returning the rural reserves. I don't know why you have to give us any guidance on the amount. You know how we approached this, the flexibility in the statute of 40 to 50 years and we had a range forecast and we decided at the beginning that this was not going to be a numbers game, we were not going to be chasing numbers; we were going to find the best land that we could for urban reserve and then looked back to see if we were in those two different ranges. When we do the repairs that you are going to send to us, we will probably once again, go through that exercise and until the partners talk about it, I am not sure where we are going to end up.

John VanLandingham: So I think we would probably prefer flexibility. But let me ask you, if you change it, aren't you likely then to invite objectors about that again?

Dick Benner: The objectors will always be with us.

John VanLandingham: But they have been heard once already. Ok. Is that your answer, fine. Thoughts. So I think the commission would prefer option two of Richard's two options. So remanding the residential -- the rural reserves -- to Washington County to consider whether it wishes to propose changing some rural reserve land to urban reserve or undesignated. Anyone want to say anything about the amount of urban? Go ahead.

Greg Macpherson: I think it is better to get closure on as many issues as we comfortably can. I think we heard good input on the amount, it was contested by some, but I was satisfied that they got the amount in a reasonable range. I think it would be better to not leave that as an open potential free for all, but to rather say the amount is determined to be acceptable and capped at new urban reserve designations at the amount that is being undesignated through our remand process.

John VanLandingham: So would that prevent them from suggesting more undesignated land?

Richard Whitman: No, it was not intended to prevent that at all.

John VanLandingham: So they could under Greg's proposal they would have to be close to that number of urban reserve land, but they could have more than that number undesignated.

Greg Macpherson: My proposal would be that they would be capped at additional urban reserve designations at the amount that is being removed from that designation, it wouldn't have to be close to it, they could decide looking at our numbers and our timeline and where we want to be within our projections, we are ok even with out designating any new urban reserves. But that they would be not limited in choosing to remove lands previously designated as rural reserves and making them undesignated.

John VanLandingham: Richard do you want to add anything? Questions about that? Does anyone disagree with Greg?

Christine Pellett: So we remand all of the rural reserves, well I guess we start with, we remand specifically in the areas that we talked about before and then we remand all of the remaining, is that right, all of the remaining rural reserves. I mean we have all these specific things we are doing.

John VanLandingham: Yes, I think what we have talked about so far is, remanding to reject 7I, remanding to direct Washington County and Metro to develop findings on 7B, remanding all of the rural reserves in Washington County for Washington County and Metro to consider whether to designate some of the currently proposed rural reserves to urban reserve, capped at the amount in 7I, but also they may want to propose additional undesignated land that would not be capped. Does that sound right Richard?

Richard Whitman: Just a minor clarification: capped at the sum of 7I plus what ever amount they choose to not designate as urban reserves within 7B if they so choose.

John VanLandingham: Any concerns about this agreement? So I think one of the messages to Washington County, is that the commission is concerned about the amount of urban land and we heard a fair amount of testimony about that and also a concern about the adequacy of the amount of undesignated land near the boundary, near the Metro boundary not the necessarily the Banks or North Plains boundary, in case we are wrong about that or in case you are wrong about the amount of urban land needed over the next 50 years. Ok, so, I think I also want to ask if there are any other specific areas that objectors raised in the last week, that you want to talk about or that you are not comfortable with the department's recommendation or the department's report, so. Langdon Farms, Stafford, Beavercreek. I'm sorry, the L?

Richard Whitman: East Bethany, the L.

John VanLandingham: Ok, anything else Richard you think we need to discuss?

Richard Whitman: I would suggest that any motion include language to the effect that per your discussion, any objection not specifically addressed as deemed denied.

John VanLandingham: Ok, that is what I meant to do with that last little bit of questioning.

Hanley: Could you do that again for me please, Richard?

Richard Whitman: That any objection not specifically addressed is deemed denied. That is something that we typically put in your orders, but I am just trying to be real clear for everybody here on the record that is what you are deciding.

John VanLandingham: Does that mean you are ready to make a motion, Hanley? Ok I will read it again and then someone else can move it. So I think the motion is that we remand to Washington County and Metro to reject 7I, we remand to them to develop findings with regard to 7B, we remand Washington County's rural reserves for Washington County and Metro to consider whether to designate some of that rural reserve to urban reserve, capped at 7I how Greg described it, so that it is 7I plus the other amount, plus any amount of undesignated land that they want to designate. We are approving everything else, in all three counties and we are giving staff, we are determining that any objection not specifically addressed in this motion is being denied.

Hanley Jenkins: So moved.

John VanLandingham: Hanley moved, Chris seconds, discussion. Bart?

Bart Eberwein: Sure, so it feels like we are rounding the home stretch on this. So a couple things, I really liked a lot of what we saw in terms of the cooperation of the process. I came in here thinking upholding this would be a way to endorse something that is potentially ground-breaking, potentially a model for how other places around the country could approach this and that is a cool thing that Oregonians do from time to time. I just thought there were so many highlights. I thought the stewardship that the farmers showed, especially the farmers that came

up to us from Washington County and well my very short list of lowlights, I thought that they felt like they weren't a part of public process, the highly vaunted public process, there were references to 15 to 1, it felt like they just weren't included. So my question is, when this goes back are there public process, where does this go back to?

John VanLandingham: So it goes back to Washington County and to Metro, I am not sure how much of a public process, have you given that any thought, Brent? Do you want to respond? You have a public process, you talked about it during your testimony last week.

Brent Curtis: Well, I think if you hear from me you should hear from Dick.

John VanLandingham: Ok. Sure.

Brent Curtis: If you remand it back and it seems like the first consideration is the agreement that Metro and Washington County has and perhaps even the land use ordinances that we adopted in Washington County and similarly in Metro, so we have to do something with that. It seems that in the first instance it might just be a policy question between the Metro Councilors and the Washington County Board to examine what you remanded to them and in the responsibility to balance they may be able to accommodate it. It might be that they decide to send it back to a broader planning process, and then we would think about what that would mean to us in regard to all our other obligations and try to fashion a way in good faith to respond to those issues about a planning process if the Board and the Metro Council wants to send it that far back how that would happen. But I think that the first call would be with the Washington County Board with what to do and what latitude they had, I am sure that they are going to want to seek a similar approach with the Metro Council.

John VanLandingham: Dick do you want to add anything?

Dick Benner: Well there is a minimum level of public involvement of course, I shouldn't use the word minimal, there are levels that we are required to do, and we will have to do a new IGA with Washington County and we will follow the reserves process that says that we need a hearing or some public involvement before we sign a new IGA and then as before, between the signing of the IGA and the adoption of ordinances by at least those two governing bodies, perhaps the others as well, there would have to be public hearings. It is a little hard for us to hear that there wasn't enough public involvement over two and a half years and scores of workshops and opportunities, we think there was plenty. I doubt that the council will want to re-do that process. I think though, we will certainly do what the law requires and the Council and Washington County may want to do more.

John VanLandingham: Bart you want to say anything more about that? I am not uncomfortable with the public process that you already used. Others, Chris?

Christine Pellett: I just wanted to thank everybody. I am actually in awe of this process you did and the fact that we have remanded something back doesn't take that away. It is a really good process and I think you did a really good job on it.

John VanLandingham: So I think we have a motion for a decision, Henley made and Chris seconded, any discussion on that motion. All in favor of that motion, say Aye. Opposed? So that is 6 - 0. I think that is all the business for today, we are done, we are adjourned.

DRAFT



WASHINGTON COUNTY

OREGON

Friday, December 03, 2010

To:

Jim Hough, City of Banks
Denny Doyle, City of Beaverton
Dave Waffles, City of Cornelius
Michael Sykes, City of Forest Grove
Sarah Jo Chaplen, City of Hillsboro
Dave Wells, King City
Don Otterman, City of North Plains
Jim Patterson, City of Sherwood
Craig Prosser, City of Tigard
Sherilyn Lombos, City of Tualatin

Don Mazziotti, City of Beaverton
Richard Meyer, City of Cornelius
Jon Holan, City of Forest Grove
Pat Rebillia, City of Hillsboro
Julia Hajdek, City of Sherwood
Ron Bunch, City of Tigard
Aquilla Hurd-Ravich, City of Tualatin

RE: Meeting to Discuss 1) Proposed Draft Amendments to Urban and Rural Reserves Intergovernmental Agreement between Metro and Washington County, and 2) Updates to the Urbanization Forum

City Managers and Planning Directors;

A meeting is scheduled for **Monday, December 6, 3 – 4 p.m., 102 SW Washington Street, Conference Room 112** (main level conference rooms of the Parking Garage) to discuss the County's proposed draft amendments to the Urban and Rural Reserves Intergovernmental Agreement (IGA) between Metro and Washington County.

A Washington County Board of Commissioners hearing is scheduled on Tuesday, December 14 to consider adoption by Resolution & Order of amendments to the IGA. The amendments are in response to the October 29, 2010 Land Conservation and Development Commission's remand of certain designated reserves in Washington County.

This meeting is intended to provide background on the development of these draft amendments, next steps in the process to file for an ordinance in 2011 and opportunity to further coordinate county-wide efforts.

Also at this meeting staff will provide updates on current Urbanization Forum efforts with opportunity to discuss next steps.

Regards,

Robert Davis,
County Administrator

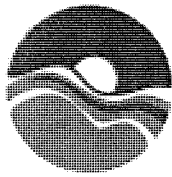
Brent Curtis
Planning Division Manager

Cc: Andrew Singelakis
Rob Massar

County Administrative Office

155 N. First Avenue, Suite 300, MS 22 Hillsboro, OR 97124-3072

Phone: (503) 846-8681 * fax: (503) 846-4545



WASHINGTON COUNTY

OREGON

Tuesday, December 08, 2010

To:

Jim Hough, City of Banks
Dave Waffles, City of Cornelius
Michael Sykes, City of Forest Grove
Sarah Jo Chaplen, City of Hillsboro
Dave Wells, King City
Don Otterman, City of North Plains
Craig Prosser, City of Tigard

Richard Meyer, City of Cornelius
Jon Holan, City of Forest Grove
Pat Rebillia, City of Hillsboro
Julia Hajdek, City of Sherwood
Aquilla Hurd-Ravich, City of Tualatin
Steve Sparks, City Beaverton
Alwin Turiel, City of Hillsboro
Tom Pessemier, City of Sherwood

City Managers, Planning Directors and Staff;

On behalf of the County we would like to thank you again for your attendance at Monday's meeting on such short notice. Your participation and willingness to coordinate efforts ensures that the future direction of our cities and county are well-considered.

We hope that the information that was shared at the meeting will assist you in preparing your Mayor for the meeting with Chairman Brian and Commissioner Duyck on December 15th from 9:00 – 1:00 at the Jenkins Estate. It is our understanding that our attendance at this meeting as staff is not requested and that the meeting will be limited to the elected officials.

Regards,

Robert Davis,
County Administrator

Cc: Andrew Singelakis

Rob Massar
Brent Curtis

County Administrative Office

155 N. First Avenue, Suite 300, MS 22 Hillsboro, OR 97124-3072

Phone: (503) 846-8681 * fax: (503) 846-4545

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

(All rural CPOs
and CPOs 9,
12F, 12C, 4B,
5, & 6)

Agenda Category: Action - Land Use & Transportation

Agenda Title: **CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES**

Presented by: Brent Curtis, Planning Manager

Brent Curtis

SUMMARY (Attach Supporting Documents if Necessary)

Washington County and Metro entered into an Intergovernmental Agreement (IGA) setting forth tasks and a process for designating urban and rural reserves. That IGA was amended designating specific reserves which, in turn, were reviewed by the Land Conservation and Development Commission (LCDC). On October 29, 2010, LCDC orally remanded two county urban reserves and all rural reserves to allow flexibility in redesignation of urban reserves in response to the remand.

The reserves process has been lengthy and the issues are complex. It is important that the Metro and County officials with reserves experience and expertise have an opportunity to reach conceptual agreement on how best to implement the remand. Accordingly, following careful consideration of the LCDC proceeding record, staff proposes revisions to supplement the Reserves IGA. These include changes to reserves areas, tasks, and a process leading to adoption of Comprehensive Plan amendments by March 31, 2011.

LCDC's oral decision included removal of one approximately 624 acre urban reserve north of the City of Cornelius and a request for additional findings to support a portion of urban reserves north of the City of Forest Grove. LCDC also orally remanded the entire 151,800 acres of rural reserves, but provided the County and Metro an opportunity to consider replacement lands for those urban reserves removed and to consider making additional lands undesignated.

(continued)

DEPARTMENT'S REQUESTED ACTION:

- 1) Authorize the Chair to execute the Supplemental IGA, but if Metro does not approve the Supplemental IGA on or before February 15, 2011, this authorization and approval shall be automatically null and void;
- 2) Authorize filing a land use ordinance to incorporate the urban and rural reserves amendments into the Comprehensive Plan.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

100-601000

RO 10-118

Agenda Item No. 5.b.

Date: 12/14/10

REVISED

Action - Land Use & Transportation

**CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND
RURAL RESERVES**

December 14, 2010

Page 2

The proposed amendments identify replacement urban reserves lands in an amount not to exceed the gross amount of those lands removed and that will serve a similar function. The urban reserves north of the City of Cornelius were identified as lands suitable for employment. The replacement lands will be used for a similar purpose. Proposed replacement urban reserves are identified on the draft map of Adjusted Urban and Rural Reserves in Washington County included as Attachment A of the December 14th Addendum Staff Report.

The proposed revisions also respond to the oral decision by identifying additional lands to become undesignated by removing reserves designation. Those lands also are identified on the Attachment A map of the December 14th Addendum Staff Report.

Staff recommends that approval of the Supplemental IGA be conditioned on the Metro Council approving it on or before February 15, 2011. Should Metro not approve the Supplemental IGA by that date, the Board's approval would automatically be rescinded. This will preserve all of the County's options going forward. The Supplemental IGA could be returned to the Board for consideration after that date if appropriate.

The updated resolution and order, Supplemental IGA and updated draft Exhibit A map will be included with the December 14th Addendum Staff Report, which will be provided to the Board and the Board's clerk prior to the meeting. These materials also will be posted on the following web link:

<http://www.co.washington.or.us/Reserves/>

Adoption of the proposed Supplemental IGA map is through a resolution and order and is not a land use decision. This action also authorizes filing of an ordinance to incorporate these revisions into the Comprehensive Plan.

S:\PLNG\RESERVES-PLANNING\IGA Amended Dec 2010\Agenda\Agenda_Reserves_Sup_IGA_121410_REVISED.doc

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting an) RESOLUTION AND ORDER
4 Intergovernmental Agreement) No. 10-118
5 Supplementing the Reserves IGA and)
6 Identifying Urban and Rural Reserves in)
7 Washington County)

8 This matter having come before the Washington County Board at its regularly scheduled
9 meeting on December 14, 2010; and

10 It appearing to the Board that an intergovernmental agreement identifying urban and rural
11 reserves ("Reserves IGA") was entered into with Metro pursuant to ORS 195.141 and 190.003 to
12 190.110 on March 2, 2010 and amended on May 25, 2010; and

13 It appearing to the Board that the Land Conservation and Development Commission on
14 October 29, 2010 orally remanded certain designated reserves; and

15 It appearing to the Board that the IGA will be forwarded to Metro for concurrence on
16 proposed amendments to the Urban and Rural Reserves Map to respond to the oral remand,
17 subject to a final decision by ordinance after public hearings; and

18 It appearing that the IGA supplementing the Reserves IGA, as attached hereto includes all
19 of the necessary elements; now, therefore, it is

20 ///

21 ///

22 ///

1 RESOLVED AND ORDERED that the Supplemental Agreement to Adopt Urban and
2 Rural Reserves on Remand attached hereto is hereby approved, subject to Metro adopting the
3 IGA and map on or before February 15, 2011 and if Metro does not adopt by that date, this
4 approval shall be null and void without the necessity of further Board action.

5 DATED this 14th day of December, 2010.

6
7 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
8 BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9 SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10 ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Tom Brian
CHAIR

Maureen Larkin
RECORDING SECRETARY

**Supplemental Intergovernmental Agreement
Between Metro and Washington County
To Adopt Urban and Rural Reserves On Remand**

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of addressing the pending Land Conservation and Development Commission remand of certain Urban Reserves and the Rural Reserves, all in Washington County.

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed February 23, and March 2, 2010, respectively, with the amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating urban and rural reserves pursuant to ORS 195.137 to 195.145 and implementing Administrative Rules (hereafter "Reserves IGA"); and

WHEREAS, Washington County and Metro, together with Clackamas and Multnomah Counties, adopted ordinances designating urban and rural reserves; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand;

WHEREAS, Washington County and Metro desire to supplement the prior Reserves IGA to set forth tasks and a process for adopting Urban and Rural Reserves on remand;

NOW, THEREFORE, Metro and Washington County agree as follows:

AGREEMENT

- A. Except as otherwise provided herein, the Metro policies previously adopted and applied to the designation of Urban Reserves shall apply to the consideration and designation of Urban Reserves on remand.
- B. Except as otherwise provided herein, the Washington County policies previously adopted and applied to the designation of Rural Reserves shall apply to the consideration and designation of Rural Reserves on remand.
- C. Washington County and Metro approve the map entitled "Urban and Rural Reserves in Washington County" dated 12/14/10 and incorporated herein as Exhibit 'A' hereto, setting forth the designations proposed to be adopted by ordinance by Washington County and Metro.

- D. Nothing in this IGA is intended to, or shall be construed as, being applicable to or otherwise affecting the Urban and Rural Reserve designations outside of Washington County. Nor shall it be applicable to or affect the Urban Reserve designations in Washington County not orally remanded by LCDC, the "Principles for Concept Planning" previously adopted relating to Urban Reserves Areas 6B and 8C or the undesignated lands surrounding the City of Banks and the City of North Plains.
- E. Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out the designation of Rural and Urban Reserves on remand:
1. Each government will hold at least one public hearing on its ordinance prior to its adoption.
 2. Each government shall consult with Clackamas and Multnomah Counties prior to adopting ordinances containing a final designation of Urban and Rural Reserves in Washington County.
 3. Metro and Washington County will take final action on their respective ordinances no later than March 31, 2011. Metro and Washington County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves.
 4. Should Metro or Washington County decide that it is necessary to amend its respective ordinance to vary from the Exhibit 'A' map as a result of the public hearings process; it shall continue the ordinance and propose an amendment to the other party to this Agreement. The parties shall consult and make reasonable good faith efforts to reach a consensus on the amendment.
 5. On or before April 8, 2011, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- F. Metro and Washington County acknowledge that the LCDC remand order has not been issued. Further, Washington County reserves the right to appeal all or any part of the LCDC remand order. Other parties to the LCDC reserves decision may appeal. Accordingly, Metro or Washington County shall be entitled to initiate good faith negotiations with the other party hereto regarding any amendments to, or termination of, this Agreement as may be prudent in light of the LCDC remand order or any appeal. After 30 days, either Metro or Washington County may provide 10 days written notice of termination of this Agreement and the Reserves IGA to the other.
- G. Minor revisions to the boundaries between Urban Reserves and undesignated or Rural Reserve land at the concept planning stage may be considered as provided in the Reserves IGA.
- H. Unless terminated earlier as provided in Section F, this Agreement terminates on December 31, 2060.

WASHINGTON COUNTY

METRO

Tom Brian
Tom Brian
Chair, Washington County
Board of Commissioners

Dated: 12-14-10

Approved as to form:

[Signature]

Carlotta Collette
Carlotta Collette,
Metro Council President

Dated: _____

Approved as to form:

	AYE	NAY	ABSENT
BRIAN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
STRADER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



December 14, 2010

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: **CONSIDERATION OF PROPOSED AMENDMENTS TO THE URBAN
AND RURAL RESERVES MAP OF THE RESERVES
INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND
WASHINGTON COUNTY**

ADDENDUM STAFF REPORT

For the December 14, 2010 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 PM)

I. STAFF RECOMMENDATION

Authorize the Chair to execute the Supplemental Intergovernmental Agreement (IGA) between Washington County and Metro for Urban and Rural Reserves. Staff recommends that approval of the Supplemental IGA be conditioned on Metro approving the agreement on or before February 15, 2011. Should Metro not approve the IGA by that date, the Board's approval would automatically be rescinded. Additionally, staff asks the Board to authorize the filing of a land use ordinance to amend Washington County's Reserves designations.

II. OVERVIEW

On December 7th, a staff report was provided to the Board for its December 14th hearing on the proposed Supplemental IGA with Metro for Urban and Rural Reserves. Since that time, the Chair and Chair-Elect have continued to meet and talk with stakeholders regarding the county's proposed changes to comply with LCDC's oral remand.

Based on these discussions, and after reviewing the principles upon which the maps were constructed, several changes were made to the map attached to the December 6, 2010 staff report. However, to more clearly illustrate which adjustments are being carried forward for consideration by the Board and the Metro Council, only changes from the adopted Reserves ordinance, Ordinance No. 733 adopted in June 2010, are described in this addendum staff report.

The proposed amendments to the Exhibit A map attempts to respond to LCDC's oral remand provided at its October 2010 hearing. Though the Commission has not yet provided a written final order regarding its decision, the adjustments described in the following section represent staff's suggested response to the Commission's concerns.

When the Commission's final order is released, the Board will have the opportunity to review all of the county's potential responses regarding the decision. By initiating adjustments to the IGA now, the Board is not foreclosed from exercising additional options once the final order is completed.

III. ANALYSIS

The fundamental changes to the IGA since the adoption of Ordinance No. 733 are described in the table below. The map shown on *Attachment A* to this staff report illustrates the five areas where staff has recommended changes to the map. Also provided is *Attachment B*, the modified Reserves map included as Exhibit A to the Supplemental IGA between Washington County and Metro. The text of the Supplemental IGA has been amended to note that previous decisions are carried forward, and to update deadlines agreed to by both parties in responding to LCDC's remand.

Adjustment Areas	Total Acres	Constrained Acres	Buildable Acres
Area A (Change from Urban Reserve to Undesignated) A portion of Forest Grove North, east of Council Creek The Board of County Commissioners, after reviewing LCDC's proceedings with staff, determined that using Council Creek as a boundary would be appropriate. Therefore, the Board recommended that 28 acres of Urban Reserve Area 7B on the east side of Council Creek be changed to Undesignated. The area surrounding the intersection of Purdin/Verboort/Highway 47 is also recommended for Undesignated status in order to facilitate any needed future road improvements.	28	12	16
Area B (Change from Urban Reserve to Rural Reserve) West side of former Urban Reserve Area 7I, west of Susbauer In accordance with LCDC's directive, the Board recommended elimination of this area featuring large lots from Urban Reserve designation.	430	106	324
Area C (Change from Urban Reserve to Undesignated) East side of former Urban Reserve Area 7I, east of Susbauer The Board has asked that this area be changed from Urban	194	48	146

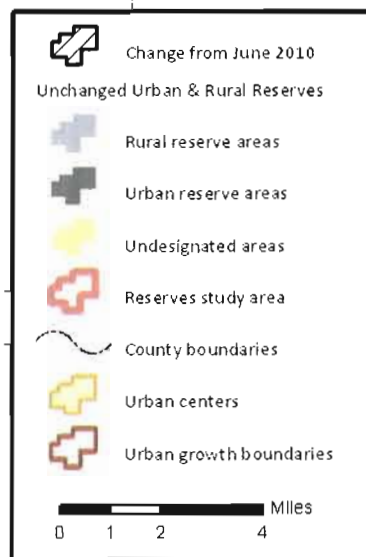
Reserve to Undesignated land. The area, designated as Tier 2 agricultural land, is appropriate for industrial uses and features many small exception land parcels as well as a strong natural boundary.			
Area D (Change from Undesignated to Urban Reserve) North of Sunset Highway, adjacent to Urban Reserve Area 8B In an attempt to replace 652 gross acres of industrial/employment land lost from 7B and 7I, the Board proposes to change this portion of Undesignated land to Urban Reserve. The land stretches north and west of Urban Reserve Area 8B. The land provides 585 acres towards replacing the 652 acres lost in Areas 7B and 7I.	585	193	392
Area E (Change from Rural Reserve to Undesignated) North of Sunset Highway, directly west of Area D This area, previously designated Rural Reserve land, would provide an additional 290 acres of Undesignated land. <i>Note: Metro's Nature in Neighborhoods data does not completely cover this area.</i>	290	30	260

Review of this supplement to the IGA is the first step in resolving LCDC's remand of the county's Urban and Rural Reserves work. To be fully executed, the Metro Council must also adopt the Supplemental IGA. Staff recommends that approval of the Supplemental IGA be conditioned on Metro approving the agreement on or before February 15, 2011. Should Metro not approve the IGA by that date, the Board's approval would automatically be rescinded. This will preserve all of the County's options going forward. The IGA could be returned to the Board for consideration after that date if appropriate.

If the IGA is adopted, staff requests that the Board authorize staff to file a land use ordinance reflecting the adjustments described in this staff report for hearings beginning in March 2011. During the ordinance process, additional findings addressing the factors for designating reserves will be prepared for the Board's review.

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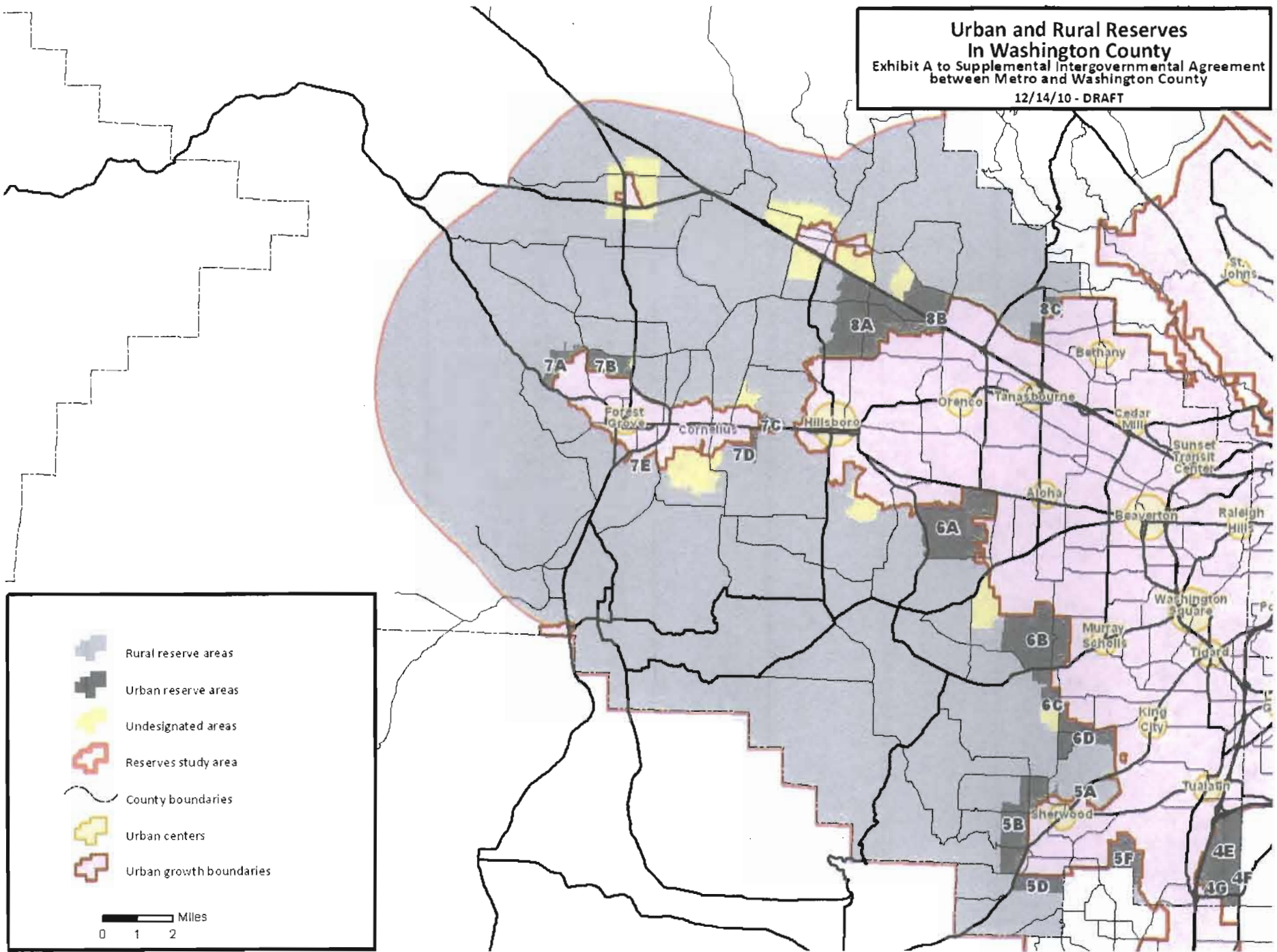
Adjusted Urban and Rural Reserves In Washington County **DRAFT**



Note: Letters A - E on the map indicate areas of adjustment since the 6/10/10 adoption of this IGA. Alpha-numeric references (e.g. 6A) indicate previously-adopted Urban Reserves in Washington County.

ATTACHMENT A

**Urban and Rural Reserves
In Washington County**
Exhibit A to Supplemental Intergovernmental Agreement
between Metro and Washington County
12/14/10 - DRAFT



ATTACHMENT B



December 6, 2010

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: **CONSIDERATION OF PROPOSED AMENDMENTS TO THE URBAN
AND RURAL RESERVES MAP OF THE RESERVES
INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND
WASHINGTON COUNTY**

STAFF REPORT

For the December 14, 2010 Board of Commissioners Hearing
(The public hearing will begin no sooner than 6:30 PM)

I. STAFF RECOMMENDATION

Authorize the Chair to execute the Supplemental Intergovernmental Agreement (IGA) between Washington County and Metro for Reserves, conditioned on the Metro Council approving it on or before January 31, 2011 or within 10 days of issuance of the written remand decision by the Land Conservation and Development Commission's (LCDC), whichever first occurs. Additionally, authorize the filing of a land use ordinance to amend Washington County's Reserves designations.

II. OVERVIEW

At its October 2010 hearing, LCDC reviewed the regional Reserves planning work for possible acknowledgement. Urban and Rural Reserves in Multnomah and Clackamas counties were approved; however, the Commission voted against acknowledging Washington County's Reserve areas. Specifically, LCDC's concerns resulted in a remand for the following reasons:

- 1) Regarding Area 7B north of Forest Grove, LCDC directed that additional findings be provided to support the area's Urban Reserve designation, or that the land be removed from Urban Reserve designation. Additionally, LCDC voiced concerns about including lands north/east of Council Creek within the Urban Reserve.
- 2) Regarding Area 7I located north of Cornelius, LCDC explicitly rejected the Urban Reserve designation and remanded the area for reconsideration by Washington

Department of Land Use & Transportation • Long Range Planning Division

155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072

phone: (503) 846-3519 • fax: (503) 846-4412

County and Metro. LCDC did provide that any land removed from the initial Urban Reserve designations in 7I (also within 7B) could be replaced acre-for-acre elsewhere in the county.

- 3) LCDC provided the opportunity for Washington County and Metro to consider revising designations to leave more Undesignated land in Washington County.

In declining to acknowledge the county's Reserves, the Commission afforded Washington County the opportunity to replace Urban Reserve acres in Areas 7B and 7I with Urban Reserve designations on land elsewhere in the county.

The proposed amendments to the Exhibit A map attempts to respond to LCDC's oral remand provided at its October 2010 hearing. Though the Commission has not yet provided a written final order regarding its decision, the adjustments described in the following section represent staff's suggested response to the Commission's concerns.

When the Commission's final order is released, the Board will have the opportunity to review all of the county's potential responses regarding the decision. By initiating adjustments to the IGA now, the Board is not foreclosed from exercising additional options once the final order is completed.

III. ANALYSIS

In response to LCDC's comments made during the October hearing, the county has looked to the following principles to guide the work of making adjustments to Reserves designations:

Principle 1 - Replace Urban Reserve lost *gross* acres of land on an acre-for-acre basis.

Principle 2 - Attempt to replace Urban Reserve *net* acres lost on an acre-for-acre basis.

Principle 3 - Replace lost industrial/employment lands within Urban Reserves with suitable replacement industrial/employment lands.

Principle 4 - Examine opportunities to leave additional lands Undesignated.

The fundamental changes to the IGA are included on the Urban and Rural Reserves map. The map shown on *Attachment A* to this staff report illustrates the nine areas where staff has recommended changes to the map. Also provided is *Attachment B*, the modified Reserves map included as Exhibit A to the Supplemental IGA between Washington County and Metro. The text of the Supplemental IGA has been amended to note that previous decisions are carried forward, and to update deadlines agreed to by both parties in responding to LCDC's remand.

Adjustment Areas	Total Acres	Constrained Acres	Buildable Acres
<p>Area A (Change from Urban Reserve to Undesignated) A portion of Forest Grove North, east of Council Creek</p> <p>The Board of County Commissioners, after reviewing LCDC's proceedings with staff, determined that using Council Creek as a boundary would be appropriate. Therefore, the Board recommended that 28 acres of Urban Reserve Area 7B on the east side of Council Creek be changed to Undesignated. The area surrounding the intersection of Purdin/Verboort/Highway 47 is also recommended for Undesignated status in order to facilitate any needed future road improvements.</p>	28	12	16
<p>Area B (Change from Urban Reserve to Rural Reserve) West side of former Urban Reserve Area 7I, west of Susbauer</p> <p>In accordance with LCDC's directive, the Board recommended elimination of this area featuring large lots from Urban Reserve designation.</p>	430	106	324
<p>Area C (Change from Urban Reserve to Undesignated) East side of former Urban Reserve Area 7I, east of Susbauer</p> <p>The Board has asked that this area be changed from Urban Reserve to Undesignated land. The area, designated as Tier 2 agricultural land, is appropriate for industrial uses and features many small exception land parcels as well as a strong natural boundary.</p>	194	48	146
<p>Area D (Change from Undesignated to Urban Reserve) North of Sunset Highway, adjacent to Urban Reserve Area 8B</p> <p>In an attempt to replace 652 gross acres of industrial/employment land lost from 7B and 7I, the Board proposes to change this portion of Undesignated land to Urban Reserve. The land stretches north and west of Urban Reserve Area 8B. The land provides 585 acres towards replacing the 652 acres lost in Areas 7B and 7I.</p>	585	193	392
<p>Area E (Change from Rural Reserve to Urban Reserve) North of Sunset Highway, directly west of Area D</p> <p>This area, previously designated Rural Reserve land, would provide an additional 40 acres of Urban Reserves land.</p>	40	5	35

Combined with the 585 acres in Area D, the Urban Reserve designation of Area E replaces a total of 625 acres of industrial/employment land lost in Areas 7B and 7I.			
Area F (Change from Rural Reserve to Undesignated) North of Sunset Highway, west of Areas D and E In order to recoup the reduction of Undesignated land to the east of this area, the Board has asked that this 592-acre area be changed from Rural Reserve to Undesignated land. The northwest corner of the "rectangle" adjacent to Jackson School Road and West Union Road will remain Rural Reserve in order to provide a buffer between Hillsboro and North Plains.	592	41	551
Area G (Change from Rural Reserve to Undesignated) Holcomb Lake area north of Rock Creek, west of Bethany This land is bounded by the following major roads: 185th Avenue, West Union Road and Cornelius Pass Road. The area was identified as Tier 2 agricultural land during the planning process. While not designated as an Urban Reserve, the land could potentially provide for opportunities to support several residential neighborhoods while protecting stream corridors and natural features. The area proposed to be changed to Undesignated also includes the intersection around Cornelius Pass Road, Old Cornelius Pass Road and Germantown Road. Changing this area to Undesignated would allow for future road improvements at the intersection.	832	317	515
Area H (Change from Rural Reserve to Undesignated) Future road extension of Cornelius Pass Road This area consists of a 67-acre linear alignment that would provide the ability to take an exception (via a plan amendment) to construct a road corridor to connect Cornelius Pass Road south of Tualatin Valley Highway with Clark Hill Road south of Farmington Road. The construction of this road would enhance connectivity of all modes.	67	26	41
Area I (Change from Rural Reserve to Undesignated) Highway 99W right-of-way located west of Urban Reserve Area 5A This area has been recommended for a change to Undesignated to facilitate future transportation improvements along Highway 99W.	9	9	0





Review of this supplement to the IGA is the first step in resolving LCDC's remand of the county's Urban and Rural Reserves work. The Metro Council is scheduled to consider the Supplemental IGA at its December 16, 2010 meeting. Staff recommends that the authority of the Chair to execute this IGA be conditioned on the Metro Council approving it on or before January 31, 2011 or within 10 days of issuance of the written remand decision by LCDC, whichever first occurs. This will preserve all of the County's options going forward. The IGA could be returned to the Board for consideration after that date if appropriate.

If the IGA is adopted, staff requests that the Board authorize the county to file a land use ordinance reflecting the adjustments described in this staff report for hearings beginning in March 2011. During the ordinance process, additional findings addressing the factors for designating reserves will be prepared for the Board's review.

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Adjusted Urban and Rural Reserves In Washington County **DRAFT**

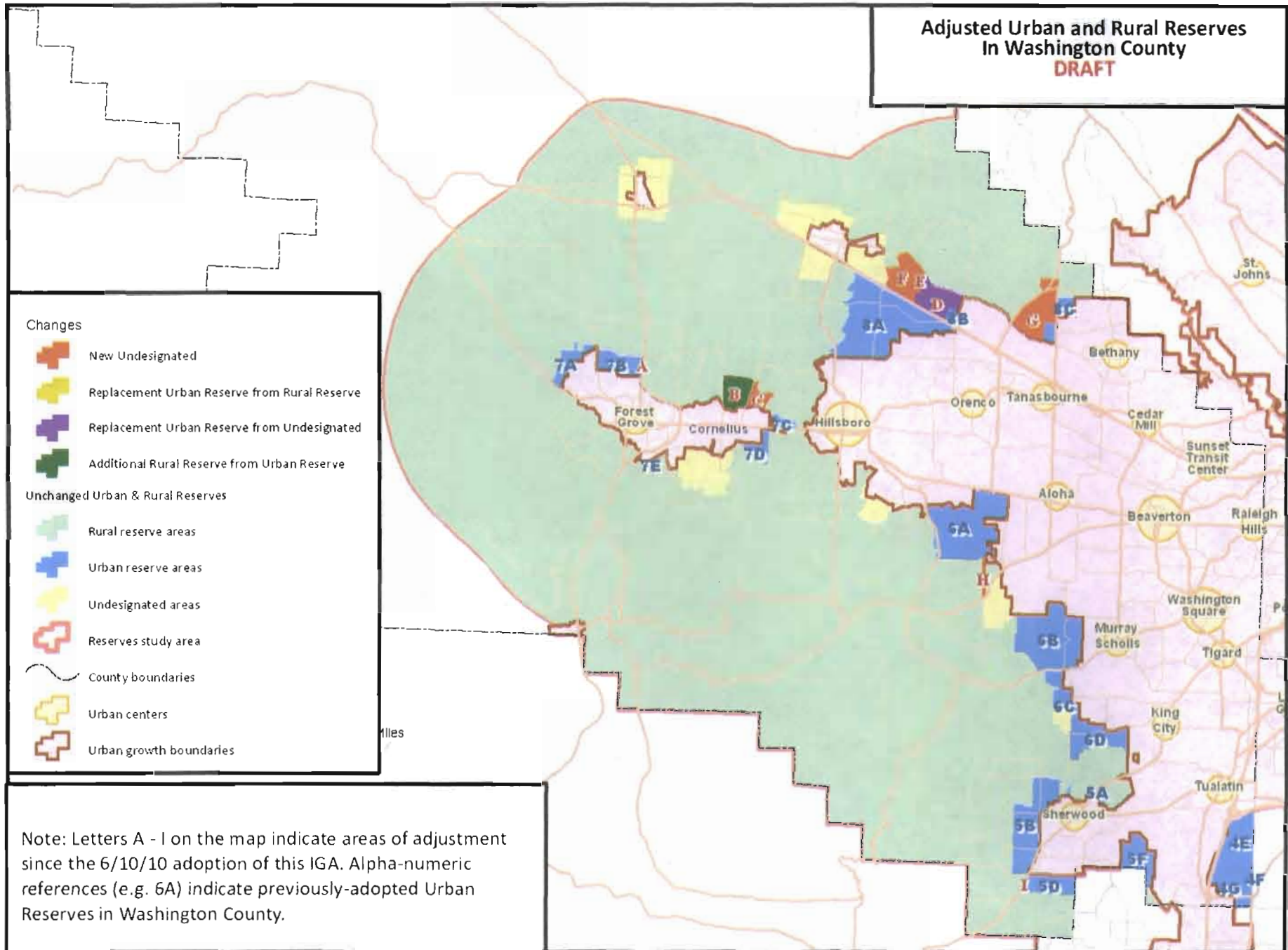
Changes

-  New Undesignated
-  Replacement Urban Reserve from Rural Reserve
-  Replacement Urban Reserve from Undesignated
-  Additional Rural Reserve from Urban Reserve

Unchanged Urban & Rural Reserves

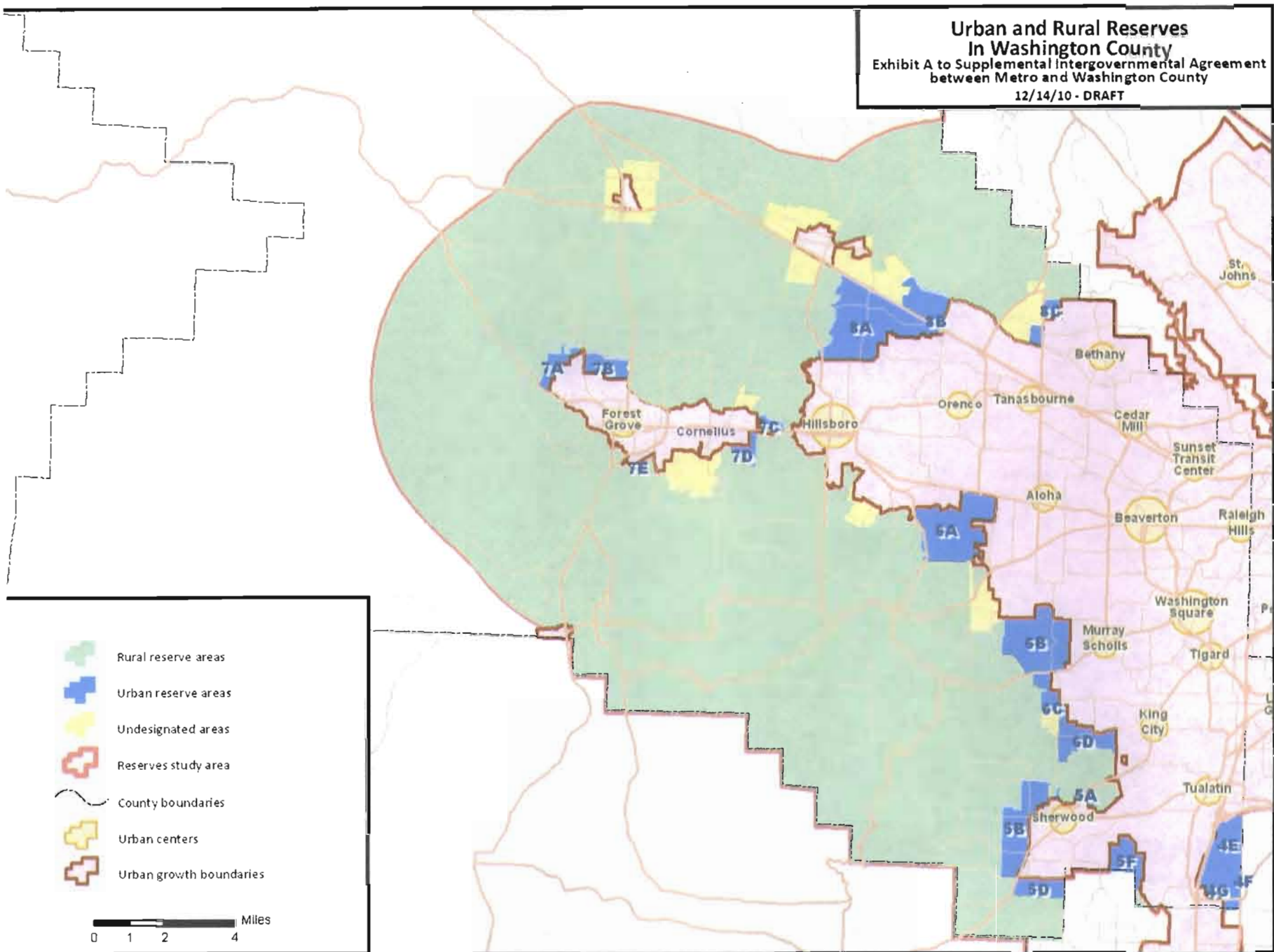
-  Rural reserve areas
-  Urban reserve areas
-  Undesignated areas
-  Reserves study area
-  County boundaries
-  Urban centers
-  Urban growth boundaries

Note: Letters A - I on the map indicate areas of adjustment since the 6/10/10 adoption of this IGA. Alpha-numeric references (e.g. 6A) indicate previously-adopted Urban Reserves in Washington County.



ATTACHMENT A

**Urban and Rural Reserves
In Washington County**
Exhibit A to Supplemental Intergovernmental Agreement
between Metro and Washington County
12/14/10 - DRAFT



ATTACHMENT B

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

DECEMBER 14, 2010

CONVENED: 6:39 p.m.

BOARD OF COMMISSIONERS:

Chairman Tom Brian
Vice Chair Desari Strader
Commissioner Dick Schouten
Commissioner Roy Rogers
Commissioner Andy Duyck

STAFF:

Robert Davis, County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Director, LUT
Suzanne Savin, Planning, LUT
Bill Gaffi, General Manager, CWS
Dennis Mulvihill, County Administration
Linda Gray, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Marian Larkin, Recording Secretary

PRESS:

Dana Tims, *The Oregonian*
Kurt Eckert, *Hillsboro Argus*

1. CONSENT AGENDA

Chairman Brian mentioned that item 1.m. was removed and 1.p. was added. Item 1.h. was removed for discussion and placed at the end of the Regular Agenda (5.c.). It was moved to adopt the Consent Agenda as modified.

Motion – Rogers
2nd – Duyck
Vote – 5-0

CLEAN WATER SERVICES

1.a.
CWS MO 10-100
Approve Insurance Contract for the Calendar Year 2011 Non-Represented Employee Health Benefit Program (Approved Under Consent Agenda)

1.b.

CWS MO 10-101

Adopt the North Bethany Subarea Drainage Master Plan (CPO 7) (Approved Under Consent Agenda)

1.c.

CWS MO 10-102

Approve Amendment No. 3 to the Reimbursable Cooperative Agreement (RCA 58-6408-8-305) with the United States Department of Agriculture – Agricultural Research Service for Research of Erodibility of Cohesive Sediments in the Tualatin Basin (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.d.

RO 10-111

Authorize Solar System Installation Fee (Approved Under Consent Agenda)

1.e.

RO 10-112

Approve Declaration of Necessity and Protective Rent Payments for Right-of-Way Acquisition for the NW Evergreen Road/25th Avenue to 253rd Avenue Project (CPO 8 and 9) (Approved Under Consent Agenda)

1.f.

RO 10-113

Approve SW Parmele Road Local Improvement District and Set Public Hearing to Levy Assessments (CPO 10) (Approved Under Consent Agenda)

1.g.

RO 10-114

Approve SW Whitmore Road Local Improvement District and Set Public Hearing to Levy Assessments (CPO 11) (Approved Under Consent Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.h.

MO 10-377

Extend Contract Term for Western Advocates, Inc. for Public Policy Advocacy (Approved Under the Regular Agenda)

COUNTY COUNSEL

1.i.

RO 10-115

Update County Counsel Authorization to Initiate Litigation (Approved Under Consent Agenda)

COMMUNITY DEVELOPMENT

1.j.

MO 10-378

Amend Home Investment Partnerships Program Policy Manual (Approved Under Consent Agenda)

1.k.

MO 10-379

Approve Caritas Request to Assume the CDBG Obligations of TVHP and Villa Capri Apartments (Approved Under Consent Agenda)

1.l.

RO 10-116

Approve a Resolution and Order Increasing Budget Appropriations for the Office of Community Development (Approved Under Consent Agenda)

1.m.

MO 10-380

Approve Lifeworks NW Request to Assume the CDBG Obligations of a Child's Place Public Facility (Removed from the Consent Agenda)

SUPPORT SERVICES

1.n.

RO 10-117

Amend the Washington County Family and Medical Leave Policy (Approved Under Consent Agenda)

SERVICE DISTRICT FOR LIGHTING NO. 1-A COUNTY SERVICE DISTRICT

1.o.

SDL RO 10-9

Form Assessment Area, Authorize Maximum Annual Assessment and Impose a First Year Assessment for Spruce (Approved Under Consent Agenda)

DISTRICT ATTORNEY

1.p.

MO 10-376

Authorize Acceptance of \$263,025 in Grant funds from the Oregon Department of Justice for Victim Assistance (Approved Under Consent Agenda)

2. ORAL COMMUNICATION (2 MINUTE OPPORTUNITY)

Bruce Bartlett, 11672 NW Permian Drive, Portland addressed the Board to thank Chairman Brian and Commissioner Strader for their service. He noted the chairman's work in creating the Stewart Stubb State Park and also for lobbying efforts in D.C. He appreciated his work also on the Fairgrounds Plan. He also noted Commissioner Strader's work as a single mother and the Rock Creek Golf Course preservation. He mentioned the Cornell Road project near Columbia Sportswear and chasing the Pussycat Club back to California. He thanked all the Board members for their work in the area of mental illness. Chairman Brian also thanked Bruce Bartlett for his involvement in the CPO and community at large.

3. BOARDS AND COMMISSIONS

3.a.

RO 10-108

Adopt Resolution and Order Changing Membership of Cultural Coalition of Washington County

A motion was made to approve a Resolution and Order to change the membership of the Cultural Coalition of Washington County.

Motion – Schouten

2nd – Duyck

Vote – 5-0

3.b.

MO 10-375

Appointments to the Cultural Coalition of Washington County (Formerly the Arts, Heritage and Humanities Coalition)

A motion was made to appoint Cynthia Kirk to a second term to the Cultural Coalition of Washington County. Howard Radin and Lesly Sanocki were also appointed for terms ending 12/31/13.

Motion – Duyck

2nd – Schouten

Vote: 5-0

4. PUBLIC HEARING – COUNTY ADMINISTRATIVE OFFICE

4.a.

RO 10-109

Adopt Supplemental Budget for Fiscal Year 2010-11

Chairman Brian opened the public hearing. Mary Gruss, Finance Officer, presented a staff report. Ms. Gruss mentioned that the \$2.2 million supplemental budget was additional resources and expenditures related to the 2005 Strategic Investment Program. She reported the additional amounts were generated from additional fees triggered from the implementation of a 2005 Intel agreement.

No questions were asked by the Board or public. The public hearing was closed.

A motion was made to approve the Supplemental Budget for 2010-11.

Motion – Duyck

2nd – Strader

Vote – 5-0

5. LAND USE AND TRANSPORTATION

5.a.

RO 10-110

Adopt the Affordable Housing Program Guide for the North Bethany Subarea (CPO 7)

A staff report was provided by Suzanne Savin, LUT Planning. She reported that the plan was a subarea plan required to meet Metro's Title 11 requirements. The Affordable Housing Program Guide addresses this requirement and describes a menu of potential approaches to provide affordable housing in North Bethany. It also identifies possible actions to implement each

approach. Pursuant to the Board's Work Session this date, staff agreed to the program guide's acceptance and to further consideration in the coming year.

A motion was made to accept the Affordable Housing Program Guide for North Bethany Subarea and direct staff to schedule further Board consideration in 2011.

Motion – Schouten

2nd – Strader

Vote – 5-0

5.b.

MO 10-376

Consider a Supplement to the Intergovernmental Agreement between Washington County and Metro Concerning Urban and Rural Reserves (Rural CPOs 9, 12F, 12C, 4B, 5 and 6)

Chairman Brian mentioned that although the item was not a public hearing, the Board invited the public to address the Board for a 3-minute period.

Brent Curtis, LUT Planning Director, provided a staff report. Mr. Curtis recapped the Urban and Rural Reserves process involving multitudes of people and local governments which was developed over an 18 to 24-month process. The proposals were reviewed by LCDC in October and their decision came via oral remand and direction with a final written order to follow. In general, LCDC determined that the overall program in Multnomah and Clackamas County was acceptable and no fault was found through their hearing process conducted. In regards to Washington County, most of the plan was acceptable to LCDC. An opinion was rendered on two areas:

- 1) The Urban Reserves designation North of the City of Cornelius was rejected. This area comprised of approximately 624 acres. LCDC's finding was that this was not a consistent designation in the appropriate application of the urban reserves provisions and factors. Therefore, this was an inappropriate conclusion and the oral direction was to remand a Washington County and Metro planning process response.
- 2) LCDC also asked that an area North of Forest Grove receive additional analysis and findings. Particular concern was given to an area north and east of Council Creek.
- 3) LCDC determined that the area subject to removal could be replaced in Urban Reserves potentially relocated in another area of Washington County. Additionally, Undesignated lands could be included in the resubmission.

Discussions by Washington County and Metro since have involved how to respond to the remand and when the response would be appropriate. The possibility of responses, the laudable goal confirmed and aspirations were discussed with the hope that designations would be in place in 2011. This would allow Metro and regional planning process to utilize the urban and rural reserves should they be acceptable by LCDC. Should Metro find a need to utilize the urban reserves and to expand the Urban Growth Boundary, these lands would be available. This would allow Metro to be responsive to the Legislative extension of periodic review of Urban Reserves and not waiting an additional five years.

At the Board's direction, County staff were prompted to create the agenda item. An initial staff report was provided December 6, 2010 and as a discussion draft that led to a subsequent staff report and map. The modified map with provisions to the IGA was presented by Mr. Curtis. He noted the following planning principals were made around the LCDC decision:

1. The County in working with Metro would seek to replace gross acres lost out of the urban reserves (one-for-one).
2. Consideration of the net acres left to be developed would also be sought to be replaced.
3. Certain lands envisioned for employment or industrial usage would be replaced with other similarly suitable lands in other parts of the County.
4. Determine whether additional lands be left Undesignated in response to the remand.

He noted these principals were in play with the map provided. Mr. Curtis concluded that the overall recommendation was to authorize the Chair to execute the supplemental IGA and if not approved by Metro on or before February 15, 2011, the authorization and approval would be null and void. In addition, Land Use Ordinances would be authorized to be filed which would incorporate urban and rural reserves amendments into the Comprehensive Plan.

All the steps required for the County to respond to the remand were outlined by Mr. Curtis. He noted these were from Administrative Rules from SB 1011 adoption. He noted these have been followed in the joint decision and continue to be the process for adoption.

1. Adoption of an IGA that incorporates the process of adopting Urban and Rural Reserves and stipulation of policies of managing them in the future. A map showing Urban, Rural and Undesignated lands. Since there were remand issues, a new map would need to be adopted.
2. Both Washington County and Metro would conform the respective Land Use plans involving a Planning process and citizen involvement, public participation and notice of Land Use Ordinance changes. Plan changes would be made, which by County Charter, cannot happen until the month of March.
3. Consolidated decision by Metro and the County with a set of findings would be sent to LCDC for review. This would initiate additional agency, public and a local review process for LCDC's evaluation of the proposal.

Should the process be successful, Urban and Rural Reserves would be sanctioned by LCDC and these designations would be available to Metro in Fall 2011 should they decide to expand the Urban Growth Boundary.

A generalized proposal with detail has been provided and continues to be used for both the County and Metro. Mr. Curtis concluded that the general approaches were rigorous, and staff hoped the Board would approve an R&O and authorize the filing of ordinances.

Chairman Brian presented the map exhibit dated December 14, 2010. He noted that this was different than the map released for discussion a week earlier. He **drew attention** to the following areas:

- **Forest Grove.** Chairman Brian noted the LCDC recommendation was to strengthen the findings or remove it. Another recommendation was to stay out of the area south and west of Council Creek (28 acres). These were removed from Urban Reserves and replaced as Undesignated. This would allow for improvements at Purdin Rd. and Verbort. He reported, the findings would be strengthened – 508 acres to 480 acres with 28 Undesignated east of Council Creek.
- **Cornelius.** Chairman Brian noted that LCDC were very clear on the removal of 620 acres north of Cornelius and Council Creek. The employment lands were removed from Urban Reserves (430 acres) and retained as Rural Reserves. In addition, 190 acres of Urban Reserves changed to Undesignated with a total reduction of 624 Urban Reserves acreage.

The total amount for the two areas was 652 acres. The Chairman noted possible relocation of employment lands were sought from the south to north. It was determined that the land should also be contiguous to existing Urban Reserves. In Sherwood, the hills and Wildlife Refuge was determined as not feasible. Tigard also had the concern of hills and no expression or strong interest in employment lands. Cooper Mountain presented a variety of considerations and was deemed not suitable for employment. South of Rosedale Rd. was also ruled out from earlier considerations. South Cornelius was not ideal as there were farm land lots, in ground irrigation and access issues. North of Highway 26 had been determined to be suitable for both agriculture and employment land. Only 80 acres were designated Urban Reserves and 585 acres were Undesignated with addition Rural lands designated towards Jackson School Rd.

The proposal to replace the 652 acreage (gross) would be replaced as Undesignated. Chairman Brian explained this would constitute about 67 acres of Urban Reserves next to Undesignated (Area E) proposed (290 acres). West (Area F) would remain as Rural Reserves. A previous map showed an area between Cornelius Pass and 185th proposed as Undesignated and an area of South Hillsboro and 99W were removed. He reported these remain Rural Reserves and reaffirmed the net of gross acres as 67 acres of reduced Urban Reserves, 73 acres reduced to Undesignated and an addition of 140 acres of Rural Reserves.

Commissioner Schouten asked about Holcomb Lake area. The Chairman reconfirmed that the map now had the land designated as Rural Reserves.

Mayor Bill Bash and City of Cornelius counsel, Greg Hathaway of Davis, Wright Tremaine addressed the LCDC verbal remand to exclude the City of Cornelius from Urban Reserves. Mr. Hathaway mentioned that Cornelius, Metro and the County all were surprised by the LCDC verbal remand that excluded Cornelius. He mentioned that there was a big effort to legally support the inclusion of Cornelius land into the Urban Reserves. Richard Whitman, LCDC Director, also came to the conclusion that the site was legally defensible and to not accept the objections of 1000 Friends and others. Mr. Hathaway asked the Board not to give up the support of Urban Reserves inclusion as it is important to Cornelius. He mentioned that Cornelius will continue to see that this land be included and there were legal options available. He noted that the County and Metro needed to move forward, but that Cornelius should not be left behind. Mr. Hathaway was encouraged that the written order reserved the County's right to appeal and he hoped that the County would work with the City of Cornelius on the legal options for the best course of action in support the Board's prior decision.

Mayor Bill Bash emphasized that the area was very important as the city's property tax is barely supporting the police department and there is not ability to sustain the community for 50 years. As a city of 125 years, losing industrial development land will ensure a loss of property tax funds to sustain basic services. Mayor Bash inquired how Cornelius would be helped if it defaults due to a lack of property tax. He suggested that becoming an unincorporated area would not be good for the County or City of Cornelius. He hoped the County would understand the need to have land north of the city in order to keep vibrant and viable. Mayor Bash concluded by asking the County to not allow Cornelius to languish as a step child to other cities in the County.

Beverly Bookin, Commercial Real Estate Economic Coalition (CREEC), 2010 SW Taylor Street, Portland spoke on behalf of the trade organization's professional companies that are involved in the development, sale and management of properties. Their particular interest in following the Reserves process has been to ensure an adequate supply of urban reserves to accommodate the region's projected job demand for the next 50 years. Ms. Bookin noted that the discussion draft

that unfortunately removes urban land from North of Cornelius and adds more undesignated land is the proper response to achieve the urban/rural balanced required by the Administrative Rules. She noted CREEC's unhappiness with the revised map and urged the Board to replace some Undesignated acreage – especially for employment growth. She stated that farm advocates sometimes will state the policy issue as an all or nothing proposition, urban expansion as sprawl, and thoughtful trade offs as threatening the agricultural way of life. Ms. Bookin suggested it was much more complicated. She cited a Portland Business Alliance Economic report that Portland and Oregon as a whole is becoming poorer from all the negative ramifications on our quality of life. She noted the area's per capital income is 91% of the national average. When removing the Portland Metro area from the rest of the state, it is 75% of the national average. She reported Washington County is a bright spot where 25,000 new jobs (1998-2008) with a loss of 25,000 in Multnomah County. As a result, Washington County is a major player in the retooling of the state's economy. Agriculture is also a contributor to the state's wealth, but is not a job creation engine nor does it pay a family wages. Ms. Bookin concluded that adequate land supply is critical to future residents and a healthy urban economy is good for farmers too. Industry also subsidizes rural community services such as roads, schools, fire and police protection. In response to LCDC's remand, Ms. Bookin hoped for a balanced approach.

Mayor Pete Truax, City of Forest Grove, thanked the Board for their work in supporting the city's aspirations. He confirmed the city's agreement to the MOU and Metro IGA and offered to help the County's work.

Linda Peters, 25440 SW Dairy Creek, suggested and sympathized with the Board's impulse to finish business before some leave office. As a former Chair of the Board, she recognized the feeling of leaving office before accomplishing everything hoped for. She emphasized caution as this may not be the best guide for making good public policy. She noted acting before the written order was received as concerning as it may contain more specificity. Ms. Peters urged error on the side of prudence, encouraged caution and lawful process so in time there would be an appropriate public policy. She hoped the Board would have the confidence and not yield to the impulse of taking action before leaving office.

Robert Bailey, 7455 NW Helvetia Rd. provided a handout and asked the Board allow the new boards at the County and Metro to move forward with this matter. Mr. Bailey suggested the new maps and designations of acreage was replacement math. He suggested the Factors fir Designation was not used in reviewing the area 8B and adjacent lands (Area D). He stressed these lands warranted the Rural Reserve designation for a variety of reasons including: excellent soil factors; sub irrigation; cartelization not an obstacle; farm lands are contiguous east to west and south to north; agricultural infrastructure for successful operations; buffered by Helvetia Rd and Sunset Hwy; Waible Creek drainage and wetland needed for flood mitigation; natural and cultural resources needing protection; acreage provides separation Hillsboro and North Plains; and provides recreational and cultural opportunities for the Metro area.

Mr. Bailey mentioned that he was a recipient of the Howard Haynes award and he wanted to counter the stereotyping, retaliatory remarks and incivility towards Save Helvetia and its members. He suggested this group has been arduous in the reserves process at a great expense of time, energy and resources. He reported Save Helvetia has been factor based in providing information and some of their advocacy goes back 25 years. This included the prevention of a mass grave for sheep in Jackson Quarry, citing of DEQ garbage dumps in 4 sites north of the Sunset Hwy, preventing 250 condo units from developing a parcel now needed by ODOT for an interchange. He noted ODOT only needed 5.5 acres which is different than the 80 acres in the 8B acreage allotted. Prisons were also relocated to more appropriate locations after citizen objected. Mr. Bailey ended by stating the Save Helvetia members should be considered heroic

for their efforts. The Chairman noted Mr. Bailey's time was up and the Board would continue to read the comments outlined in his letter submitted to the record.

Tom Black, 870 NW Garibaldi St., addressed the Board on the IGA and stated his presence during several Planning and Board meetings on the Reserves. Mr. Black found the process interesting and thought the Planning Commission was not engaged earlier in the reserves process. It appeared that the group was only "rubber stamping" their April process. He mentioned the area 8A (2700 acres) as significant for Goals 3 and 5 for soil type farming, scenic use and historic purposes. Mr. Black stressed the Board utilize the Planning Commission as a resource more in the future.

Jonathan **Schleuter**, as Westside Economic Alliance Executive Director and parent of two addressed the Board. He handed out an article that was dated October 9, 1948 as a historic reference celebrating the completion of the Sunset Highway from Canyon Rd to Seaside. He noted the project cost of \$10 million dollars and 16 years of effort. Mr. Schleuter stated that the more things changed, the more they have stayed the same. He pointed out the following:

- 1) The area picture of 1948 still looked the same.
- 2) Induced transportation demand causing urban sprawl, inviting it to the rural regions has not transpired in Manning or Banks.
- 3) The population of Washington County has grown ten-fold in the 62 years since the article was printing and the county continues to grow at a pace of 500 people per month.

Mr. Schleuter stated that 1-in-4 jobs created in the State of Oregon are in Washington County and \$1 out of every \$6 income tax dollars sourced come from our county. If education, healthcare and public safety are of concern to other areas of the state, recognizing dependence on future jobs in Washington County was important to all. Mr. Schleuter recognized this work was not complete as 24,500 residents are presently unemployed and seeking employment opportunities. He suggested that as replacement employment lands are sought, it must be within Washington County and with equal capacity.

Mr. Schleuter also pointed to another article in which Greg Macpherson, LCDC Commissioner, noted the land along Sunset Highway had good transportation infrastructure and represents good growth opportunities. He suggested the Board use LCDC's guidance and put the land where it is needed. In 1948, Mr. Schleuter concluded that no one envisioned that Highway 26 would provide a hard boundary. He cited that hard boundaries do not have basis in law or in forming land use decisions. LCDC has acknowledged the need for urban reserves and employment needs in Oregon. He concluded the decisions have great impact to Washington County children, the region, and state. He empathized that the Board did not choose the fight and expressed the position, course and decision was clear.

Cheri Amabisca, 13260 NW Bishop Rd., Hillsboro provided a letter and addressed the Board on the latest proposal changing 585 acres from Undesignated to Rural Reserves and 290 acres from Rural Reserves to Undesignated. Ms. Amabisca suggested that the 875 acres are foundation farm lands that produce traded sector crops. She stated that the Board believed that the proposed changes would comply with the direction given by LCDC. Since an official order had not been issued, she asked how the Board knew that its proposal conforms to the LCDC intent. She noted that two LCDC Commissioners commented that 8B (88-acres) would be better off as Undesignated rather than Urban Reserves. She asked if the Board incorporated this into the proposal. Ms. Amabisca characterized the process as late, last minute, short noticed and changing. She suggested this was not a small adjustment but a major change to designations that have been in place for the last year. She considered the notice of one week prior to the vote and

a revised map provided just hours before the meeting was inadequate. Further, she noted the process angered citizens during the holiday season. Ms. Amabisca questioned the rush without a LCDC order. She suggested that the Urban Reserves identified as employment lands on the original maps less the area remanded by LCDC are adequate to serve the region's needs. She hoped the Board would reduce the risk of new LCDC remands and appeals by waiting on the LCDC order, fixing the Council Creek and Forest Grove Reserves and to not make any other changes. She concluded that this would just delay the Reserves and Urban Growth Boundary expansion.

Deloris Grossen, 8320 SW Canyon Drive spoke about Undesignated property north of Hwy 26. Ms. Grossen reported her property has been farmed continuously by her family for over 100 years. She could not see it changed for industrial growth and suggested Land east of Helvetia as industrial which could be used in lieu of going onto farm land. She hoped the area of concern would continue to be considered Rural Reserves.

John Platt, 22485 NW Yungen Rd., owner of Helvetia Winery hoped the Board would take careful deliberation on the issue. He noted the principals of SB 1011 regarding land use planning, citizen involvement and protection of farm land. As a winery owner, Mr. Platt stated the area is a good location for recreation. He hoped that citizen involvement and rural viewpoints be considered as important. With regard to protection of farm land, soils in Washington County were noted as important natural resources and protection of these lands for recreation as vital to the county's future. Mr. Platt urged the Board to take the time and talk to citizens in hopes of further protecting farm land.

Steve Bobosky, 21393 NW West Union Rd., provided a PowerPoint presentation and pointed out the Bendemeer area. A handout was provided to the Board. He noted this exception area composed of a 130-acre community (60 houses) was subject to Goal 3 and Goal 4 exception lands. Intel is located just south this area inside the UGB. He noted Undesignated land on the 12/7 map located east of Cornelius Rd. He noted that although not farm land, Bendemeer is designated Rural Reserves and the designation is not needed for protecting neighborhoods. Mr. Brobosky noted Cornelius Pass Rd. and the infrastructure and rural commercial properties in the area. He pointed out the many homes and neighborhood features all located on small acreage. He confirmed that none were farms. Mr. Bobosky commented that the Board's time limit was very short for testimony compared to the time given by LCDC in their decision process.

Bruce Bartlett, 11672 NW Permian Drive, Portland stated he did not envy the Board's job and hoped the process could be completed as items more pressing could be given consideration. He suggested the process as it continues will not realize material differences compared to the growth being experienced by the county. Mr. Bartlett expressed belief that there was a trivial amount of farm land loss compared to the opportunity to create jobs. He hoped the process would finish and allowing time for things to work out.

Phil Duyck, 36600 Long Rd., Cornelius talked about the acreage north of Cornelius that was part of his dad's farm and stated that his property was on this edge. Mr. Duyck stated he has live at this location since 1957 except for 3 years residing in the downtown Cornelius. He stated that the town's livability is because all the farm land located north of the town and no industrial noise. He suggested the quality of life north of town makes it a nice place to live and affirmed the Council Creek boundary as a good separation. He noted that Dairy Creek was not an appropriate boundary as it has been cleaned up for salmon habitat. Pushing an industrial area right against this area would affect family farms. Mr. Duyck stated the designation change to Urban Reserves would split his family's farm and urged the Board to consider only Rural Reserves for this area.

Brad Coffey, 946 S. Oleander, Cornelius spoke as a Councilor and citizen. He requested the Board not reject the IGA, but to table it until the decision from LCDC is received. Mr. Coffey stated that the City of Cornelius cannot appeal until the final LCDC decision is received. He recounted that the region spent 3 years on the process and no new evidence was presented. The bottom line was that Metro and the County had analyzed the data much longer than LCDC did using the same requirements. He asked the County to stand by the decision submitted prior to completely shutting out Cornelius for 50 years. He noted there was a lack of courtesy for not communicating plans before Cornelius read about the County's decision in the press. He expressed that the only reason to move ahead with the Reserves process would be reasons of expediency which benefited Washington County and Hillsboro. He suggested Hillsboro would do just fine and that Washington County benefits whether the proposed lands were in Cornelius or Hillsboro. Mr. Coffey asked the Board to let the decision play out and stand by Cornelius. He concluded that the Cornelius has played by the rules and gets along well with others. He asked for the opportunity for Cornelius to participate in the final outcome that would affect the city more than any other jurisdiction for the next 50 years.

Commissioner Duyck asked County Counsel to confirm that the Board's action would not preclude the Cornelius appeal. Dan Olsen stated that the Board's action is to reach an IGA that will allow the ordinance process to begin. He confirmed that if there is an appeal, there would be a process to consider changes to the map also. Mr. Olsen reassured that once the remand order is completed anyone who was part of that proceeding can file an appeal and the court process will continue its recourse. In addition, the IGA process will not have a legal affect on the appeal or legal recourse of others.

Commissioner Schouten asked about IGA paragraph C that approves the supplemental IGA map (Exhibit A). Dan Olsen restated the overall purpose and noted that since the action is not a land use decision, the IGA negotiations and the Ordinance process can change as things move forward.

Bill Waibel, 32185 SW Padgett Rd., Hillsboro submitted a letter about property located on 26 acres along Dick Road next to the Bendemeer area. He stated belief that this parcel should be included in the Urban Reserves. He cited the land was surrounded on 3 sides by exceptions lands and hoped the map would be adjusted to include this property.

Dave Vanasche, 36130 NW Sausbauer Rd., was present on behalf of the Washington County Farm Bureau and also represented Keith Fishback, the new president. Both Mr. Vanasche and Mr. Vanderzanden, 8065 Jackson School Road testified. Mr. Vanasche thanked the board for rededicating land north of Cornelius back to Rural Reserves. He requested the land east of Sausbauer Rd. be placed back into Rural Reserves instead of Undesignated. Mr. Vanasche also thanked the Board for removing 28 acres north of Council Creek in Forest Grove from Urban Reserves. He noted that the Farm Bureau objected to the area being Undesignated and also the balance of land north of Council Creek along Purdin Rd. He noted Council Creek is a better natural buffer than Purdin Rd. He also emphasized that moving the lands to the north of Sunset Highway was unacceptable. Mr. Vanasche concluded that the law didn't require the moving of lands. He suggested Hillsboro already had plenty of industrial land and confirmed that the Farm Bureau objects to the expansion of Undesignated lands north of Sunset Highway and also Undesignated lands around North Plains, Banks, Waibel Creek and Evergreen Road.

Dale Erickson, 234 NE Shannon Street, Hillsboro stated ownership of property on Spiesschart Rd. and asked that the City of Cornelius be supported. He hoped the Board would help in the fight against a bad LCDC decision.

John Leeper, 11160 SW Muirwood, Portland spoke to the Board regarding Urban and Rural Reserves and asked the Board unanimously approve the proposed revised IGA. He stated appreciation and empathized with the situation that the City of Cornelius is facing. However, Mr. Leeper did not suggest the Board delay action prior to receiving the final action by LCDC.

David Armstrong, 1560 NW Cornelius-Schefflin Rd., stated he resided on 8 acres of land that would be included in the Urban Reserves. He stated opposition in the Board's decision so that the land requested by Cornelius is kept. He cited a few newspaper articles and stressed the difference between good government decisions and poor ones. His opinion was that it was not right for Cornelius to have no where to grow. Mr. Armstrong suspected that if the Board believed this too, then it was right to reject LCDC and support Cornelius even if it was a painful decision. Mr. Armstrong ended by restating it was unfathomable to determine that a city has no where to grow for 50 years.

Catherine Keith, 11335 NW Valley Vista Rd. Hillsboro addressed the Board as an involved citizen and believed that most people thought the process was over. She expressed gratitude for farm land that changed back to Rural Reserves and was concerned about lands north of Sunset Hwy that would become Urban Reserves. Ms. Keith asked the Board not replace Urban designations lost in the Cornelius area. She suggested that Sunset Hwy was a good buffer and the acreage north of Hwy was ideal for recreation, farming and habitat. She ended by requesting the Board not reduce lands as noted in Ordinance 733 but involve citizens and their comments.

Greg Mecklam, 12995 NW Bishop Rd. addressed the Board regarding the map and LCDC response. He reiterated that the new Urban Reserves is insufficient for the same reasons as the previous area North of Cornelius. Mr. Mecklam suggested the lands do not meet Factor 8 in the Urban Reserve Factors of SB1011. He suggested the designation change would adversely impact agricultural practices on foundation farm land. Given no natural borders, and the classification of soils is higher than Cornelius, Mr. Mecklam asked why the push for large parcels. He noted there have been only a few companies in 30 years to require large lots (50 - 100 acres) in N. Hillsboro. Mr. Mecklam asked the Board not consider any increase to Urban Reserves. He suggested the creation of industrial areas in the St. Mary's area would be a good idea as this proposed residential area would create the largest cul-de-sac in Oregon and a nightmare for area traffic.

Lori Manthey-Waldo, 14603 NW Dawnwood Drive, spoke on the land north of West Union and East of Cornelius Pass that was Undesignated. She suggested it was a brilliant idea as jobs are vital to Washington County. Ms. Waldo explained that as jobs relate to trade and exports/imports needed to access to ports, Cornelius Pass was the future access to Washington County growth. She noted that the Hwy 26 tunnel will stay the same for the next 50 years and industry access to the County is key. Planning a complete community north of 26 is also vital where over 61,000 people live in a residential area that must cross Hwy 26 to get to their main jobs. She suggested that if a complete community where biking and walking to work existed and the ability for start ups to thrive could be possible with Urban Reserves. Residential development will drown the county, but jobs will help the \$130 million deficit for North Bethany and the current infrastructure and overcrowding problems experienced by Beaverton Schools. At this time, there are no facility plans and no land north of Hwy 26 planned for school growth. Ms. Waldo concluded that a proposed change to Urban Reserves in this region would have helped the community to grow, thrive and strengthen the future of Washington County.

A motion was made to authorize the Chair to:

- 1) Authorize the Chair to execute the Supplemental IGA, conditioned on the Metro Council approval on or before February 15, 2011 or within 10 days of the LCDC remand order;
- 2) Authorize filing a land use ordinance to incorporate the urban and rural reserves amendments into the Comprehensive Plan.

Motion – Duyck

2nd – Rogers

Vote: 4 – 1

Aye: Brian, Duyck, Rogers, Strader

No: Schouten

Commissioner Duyck stated he was involved in the recent process and proposal and although not the most optimum decision, it was better to comply with the LCDC ruling and to not fight the remand.

Commissioner Schouten stated he was not able to support the motion as more time was needed. He explained that Metro was going to take more time and thought that the County should also. He desired to understand where Metro stood and suggested the County not be locked in. He also felt that the Board needed to wait until January so new information could be absorbed. Without the LCDC written order, Commissioner Schouten thought the Board would be better equipped to react with some level of certainty. He had confidence that without the Chairman and Commissioner Strader, that the core of Commissioners and new commissioners would be able to make a good decision. Commissioner Schouten noted the number of materials that were provided this date that were new or revised. He hoped for more time on the testimony and materials so the public would have greater confidence in the Board's decision.

Chairman-elect Duyck stated that the three years to process information and make the decision had been long enough for a good direction. He affirmed there was new information and yet the Board heard numerous testimonies on nearly every parcel considered in the County. He suggested there will always be reason to delay. He hoped the Board would show leadership and make a decision. He agreed the new Board could get up to speed, yet those in opposition will continue to say there are not enough hearings. Commissioner Duyck stated his regret of having to go north of Highway 26 and it was not a first choice. He believed there was more support for Cornelius and it made more sense to support their future. However, now that was off the table due to the efforts of some, and a choice needed to be made to plan for jobs in the future. I

Commissioner Duyck stated it was difficult to find good employment lands and the decision was not arbitrarily done. Years of information was used. He suggested that the comment on no adequate buffers was invalid. Although West Union may not be the best buffer it could be just as Evergreen Rd. is a buffer. In lieu of sabotaging the process, Commissioner Duyck hoped that others would help determine growth for the next 50 years. He ended by stating people expected good planning and yet when decisions need to be made, there seems to be an effort to sabotage.

Commissioner Rogers stated his sympathy with Cornelius and that 50 years is a very long time. He mentioned that there would be substantial changes and a need for room to grow industry. He thought it was realistic to plan for additional lands. Commissioner Rogers didn't like going North of Hwy 26 either. He hoped that the Cornelius battle could be fought, but felt it was beyond the Board. Commissioner Rogers noted the Bendemeer property was not Rural and he did not care for some of the anomalies. He noted the timeline for the land use ordinance process

and the filing of notices planned for March 1, 2011. Between now and January 15 including holidays, he suggested there wasn't much time and there were critical timelines to respond and operate under. He further reflected that there were other difficult decisions and the Board needed to move on. Commissioner Rogers concluded that having the ability to bring jobs was important and securing an inventory of large parcels was vital. As an advocate of the public process, Commissioner Rogers noted the numerous meetings that had taken place. Much of the testimony heard over the many months resonated as accurate, but he didn't know what to do about it. He concluded by asking about today's vote and any LCDC order that would require modification.

Dan Olsen, County Counsel, stated theoretically the LCDC remand order could be different and the IGA allows for good faith negotiations. Any amendments or termination of the agreement could be evoked later. As a practical matter, Mr. Olsen suggested that an IGA does not require a particular form for the adoption of an ordinance, so this process could be underway. During the ordinance process, changes could be based on the remand. He concluded that maximum flexibility was provided to the Board.

Commissioner Strader asked County Counsel about the waiting of LCDC remand and if there is any danger. Dan Olsen stated that after discussion with staff and Metro, there is no risk in proceeding. He thought there were safety valves in the ordinance process should something unusual come out of the remand. He asserted the oral discussion was very straight forward and that absent of another public process, there is not likely significant things in the remand order. In responding the concern about the letter of the law, Mr. Olsen reiterated that the IGA was not a land use decision and although technically still at LCDC, the Board is not precluded from continuing its work.

Commissioner Strader stated she had been prepared to possibly delay the process into January. She shared the land use issues were a battle between old and new Oregon. She noted Greg McPherson and his involvement in Oregon land use laws and the Metolius Bill which she found frustrating while working in the Legislature. As a vocal advocate of the Big Look in lieu of UGB expansion discussions in the courts, Commissioner Strader suggested this public process as noteworthy. She also stated the process left to local officials was political, difficult, divisive and personal. Starting with 171,000 acres of Urban Reserves and foundation farm land from Helvetia was 30,000. Today's 13,800 acres of Urban Reserves was clearly less. She suggested the 50 year timeline for good planning compared to a decision process which amounted to jobs for attorneys was not acceptable.

In making Cornelius the battle, Commissioner Strader stated this was a tough decision. She suggested there was not a lot of room to compromise and that it was not the most important dialogue to the County. She wished that she had seen a crowd of people attend meetings outside of Land Use decisions and rarely there were a handful of people attending meetings where mental health, safety net and foreclosures were discussed.

Commissioner Schouten stated that this was the only day to hear the particular map dated 12/14/10 which was made available in the last day. He suggested it was not right and that the decision could be rescinded later. Without knowing where Metro was headed, he recommended the Board not make a decision this date. Finally, Commissioner Schouten suggested that the public be provided one to two hearing. Although in minority, he felt strongly waiting for additional findings until a final decision is made.

Chairman Brian suggested the process was like a fork in the road. The decision was to replace Urban Reserves or not to act. He suggested that the process did not start over, but volumes of analysis and research was used in the decision. Chairman Brian stated his appreciation for

advocate comments and he also respected the right to disagree. Like football, he would have hoped for a fifth quarter. However, the process cannot keep going on.

The Chairman suggested the information presented was earnest, sincere and similar. He reminded the audience that the 28,000 acres of Urban Reserves for the entire region in potentially 50 years of Urban Growth Boundary expansion would result in an 11% increase regionally. With the population increasing 70%, Chairman Brian suggested that if we can accommodate this size regional growth, then it was a good job urbanizing, rebuilding and infilling of the UGB. He noted the Metro numbers indicate that 13,800 acres of Urban Reserves in Washington County constitutes 2.5 – 3% growth over 50 years. With the arduous process to incorporate Urban Reserves, the difficult and competitive process will involve big discussion. He suggested that those who worry about things often find they are not in our lifetime. He noted the net proposal was a reduction of Urban Reserves (67 acres), a reduction of Undesignated (72 acres) and an increase of Rural Reserves (140 acres). With an assumption that replacement lands were needed, Chairman Brian found the proposal to be responsible and reflected the research of where else it could go.

Chairman Brian mentioned the 485 acres of Urban Reserves moved to Undesignated and that was better. He contended that some would argue this is lesser agricultural land. He didn't know this to be true and yet if the land north of Cornelius was the best of the best, than this area may not be considered the same. Chairman Brian hoped for the future of Cornelius and suggested the land north of Highway 26 as more suitable for employment because of freeway access and infrastructure. He reaffirmed this was less land than originally sent to LCDC. Given the circumstances, he believed everyone was operating in good faith. Although only 17 days left in the Chairman's term, he stated he'd rather be doing other things during the holiday season yet believed it was his duty to act and get the matter to Metro.

The final order withstanding, the decision created the discussion with additional opportunity for work at Metro. He hoped for their concurrence so this matter could be before LCDC again.

Dan Olsen reiterated that there was a revised agenda item before the Board and the recommended motion had been slightly changed. The merits did not change, but the language stating a timeline of 10 days from the LCDC order did change. Mr. Olsen stated that Metro was not acting this year, and it was determined to strike language and revise the motion so the Chair executes the supplemental IGA and if the IGA is not approved by Metro on or before February 15, 2011, the authorization and approval would be null and void. Both Commissioner Duyck and Commissioner Rogers concurred with the motion.

Commissioner Schouten stated he did not have a problem with the substantial information and hoped for more time to go over the material as he has not had the time to review as others have on the Board. He suggested it was not fair to make the decision tonight.

Chairman Brian also thanked Councilor Harrington for being present at all the Board's hearings and for her work on the Urban Reserves process

6. ORAL COMMUNICATION

Tom Black, 870 Garibaldi Street, Hillsboro addressed the Board regarding the Fair Board and volunteerism. With diminishing budgets and sobering economics, Mr. Black suggested that volunteer resources were an important asset. At a recent CPO 9 meeting, he noted a representative of the Bonnie L. Hays Animal Shelter shared the program efforts which are supported by volunteers (140 total). He suggested when resources can be used to support an

asset, it can make the difference. Mr. Black noted the Fair Complex as a cultural asset and hoped that the County could encourage groups like the Master Gardeners, 4H, FAA and include others to use the facilities. He hoped the opportunities would be available for people to connect citizens and volunteers in order to support and celebrate the county as a more livable place. He hoped for the County to encourage more volunteers, not less, to create a community connection and evoke effective use of the Fair Complex for all 365 days of the year. Mr. Black recalled that the facility has been used more in the past and suggested more activities such as community gardens. By not locking gates and allowing more access, Mr. Black hoped for a more encouraging a welcoming place where volunteers were present.

1.h.

MO 10-377

Extend Contract Term for Western Advocates, Inc. for Public Policy Advocacy (Approved Under the Regular Agenda)

Chairman Brian stated this item was removed and placed at the end of the Regular meeting.

Commissioner Strader spoke to staff regarding the upcoming Legislative Session. She suggested that the amount was a lot for a well paid lobby team. This agenda item stood out to here at a time of tight budgeting, and she wondered if this was thought through with a strong strategic plan. With a split House in Salem this upcoming session, she wondered how much time would be spent on a lot of fixes.

Dennis Mulvihill, Government Affairs addressed Commissioner Strader by stating that the amount for the contract was an increase of \$120,000 for a two year period. He mentioned that the amount has changed from \$72,000 yearly and was cut down to \$64,800 and again to \$60,000 yearly.

Commissioner Schouten motioned approval of item 1.h. from the clarification provided.

Motion – Schouten

2nd – Strader

Vote: 5-0

7. BOARD ANNOUNCEMENTS

Chairman-elect Duyck presented Chairman Brian and Commissioner Strader with commemorative display flags and thanked them for their service to the County. Alan Purcell was also remembered for his 30 years of service to the County.

8. ADJOURNMENT: 9:45 p.m.


Motion – Rogers

2nd – Strader

Vote – 5-0

MINUTES APPROVED THIS 15 DAY February 2011


RECORDING SECRETARY


CHAIRMAN

ITEM 5.B.
URBAN/RURAL RESERVES

DATE: DECEMBER 14, 2010

PUBLIC
SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD ON PUBLIC HEARINGS
PLEASE SIGN BELOW

NAME ADDRESS PUBLIC HEARING ITEM

Greg Hathaway - City of Cornelius 5 b.
Bill Bash, Mayor, City of Cornelius 5 b.
Pete Trax, Mayor, City of FG 5 b.
Beverly Borkin - CREEC 5b
Donna Schlueter WEA 5b
Tom Black 870 NW Garibaldi St. Hillsboro 5b
Robert Bailey 7455 NW Helvetia Rd 5b
Linda Peters 25440 NW Dairy Cr Rd. 5b
Steve Babash 21343 NW Westline Rd. BEND MEER 5b
Pase ~~HARVEY~~ KEMPERIA W C 5b
Bruce Bartlett 11672 NW Parnica Dr POX 5b
Cherry Anddisca 13260 NW Bishop 5b
DeLoris Gaylene Grossen 8320 SW Canyon Dr Pled 97225 5b
John Plati 22485 NW YUNGEN RD 97124 5b
Phil Duyck 30600 NW LONG RD Cornelius OR.
Brad Coffey 1355 N. Barlow St Cornelius OR 5b
Bill Waisel 32185 NW ADLETT RD Hillsboro OR 5b
Dave Vanosche Washington County Farm Bureau Ag
Pale Erickson 234 NE Shannon St Hillsboro, OR
John Leeper - 11160 SW Mulwood - POX 5b
Greg Mecklem -

DATE: DECEMBER 14, 2010

**IF YOU WISH TO MAKE STATEMENTS TO THE BOARD ON PUBLIC HEARINGS
PLEASE SIGN BELOW**

PUBLIC HEARING ITEM

~~DAVID ARMSTRONG~~ 1560 NW GRACIOUS STEPHENS RD Supplement to
CORNELL Governmental Agreement
~~Catherine Keith~~ N.W. Valley Vista Rd.
~~Keri Mearthy-Walsh~~

INDIVIDUAL SIGN-IN FORM

IF YOU WISH TO ADDRESS THE BOARD
AND WERE UNABLE TO SIGN IN PRIOR TO THE MEETING,
PLEASE CLEARLY PRINT YOUR NAME, ADDRESS AND
TOPIC YOU WISH TO DISCUSS ON THIS SHEET.

PLEASE GIVE THIS FORM TO THE CLERK OF THE BOARD,
LOCATED AT THE DESK TO THE LEFT OF THE DAIS.

THANK YOU.

PLEASE PRINT CLEARLY.

DATE: Dec 14, 2010

FIRST NAME	LAST NAME
Catherine	Keith

ADDRESS:

STREET	CITY	ZIP
11355 NW Valley Vista Rd	Hillsboro	97124

STATE YOUR TOPIC:

Urban / Rural reserves

INDIVIDUAL SIGN-IN FORM

IF YOU WISH TO ADDRESS THE BOARD
AND WERE UNABLE TO SIGN IN PRIOR TO THE MEETING,
PLEASE CLEARLY PRINT YOUR NAME, ADDRESS AND
TOPIC YOU WISH TO DISCUSS ON THIS SHEET.

PLEASE GIVE THIS FORM TO THE CLERK OF THE BOARD,
LOCATED AT THE DESK TO THE LEFT OF THE DAIS.

THANK YOU.

PLEASE PRINT CLEARLY.

DATE: 12/14/10

FIRST NAME	LAST NAME
Lori	Manthey-Waldo

ADDRESS:

STREET	CITY	ZIP
14603 NW Downwood Dr	Portland	

STATE YOUR TOPIC:



CITY OF CORNELIUS

December 14, 2010

Washington County Board of Commissioners
155 N First Ave., Suite 350
Hillsboro, Oregon 97124

Testimony: Amendment to Urban Reserves in Metro / Washington County IGA

For Cornelius, it is a matter of survival.

Cornelius – the low-income minority community that is just a twenty minute walk from here – has been held back for a decade from fair and equal opportunity to develop into a complete, healthy community.

Lost in these past ten years are a major fruit processing business, a hospital, a state certified 50-acre industrial site, and business momentum – for lack of land.

Today, Cornelius does not have enough land for jobs for most of its residents who want to work. This causes expensive commutes to Hillsboro and beyond – expensive to families, infrastructure, energy, and the environment.

LCDC's un-informed decision and tonight's proposal to accept it – leave Cornelius with no more land suitable for industry to meet today's needs, much less for 50 years into the future.

LCDC's decision makes it impossible for Cornelius to achieve its hopes and plans to be whole and sustainable. It means Cornelius will be a burden on Hillsboro, Washington County and the Region.

Please support Cornelius as you have in the past. This community deserves the opportunity to be livable and sustainable – just like everyone else in this room.

Thank you for your public service.

City of Cornelius Planning Commission and Staff

Attachments:

- ✓ Map of Urban Reserve Area 71 "North Cornelius" showing flood plain and Exception Areas
- ✓ Summary Reasons for Urban Reserve North of Council Creek
- ✓ Washington County Farm Analysis and Tiers Map
- ✓ Letter from 5 Western Wash. Co. Cities showing EOA-based Industrial Cluster Land Needs

North of Council Creek – Reasons for Urban Reserve & UGB Expansion

1. Cornelius Already Is North of Council Creek

- a. Four lots within the City limits already extend north of C Crk.
- b. City water service extends 1,000 ft to 12 houses north of C Crk.
- c. Police, Fire and Library services are provided by the City area already

2. Public Investment in Urban Expansion North of Council Creek = over \$20 million

- a. Two new bridges with urban sidewalks & utility connections over Council Creek
- b. Arterial freight standard reconstruct of 10th Ave to Corn.Schef. Roundabout

3. Private Disinvestment in Agriculture is Significant

- a. Over 300 Acres Are Already Partially Urbanized (Designated Exception Lands)
- b. One meat packing & retail business, located north of Creek, wants to expand.
- c. Another 12-acre industrial park is promised by owners north of C Crk
- d. Majority of owners of 10 acres or more report they can't profit from farming

4. Public Decisions Already Made to Urbanize North of Council Creek:

- a. 1982 Urban Reserves mapped to Dairy Creek north of Cornelius
- b. 1980's City Limits extends 4 tax lots north of C Crk
- c. 1990's Over 300 Acres of Exception Lands designated north of C Crk
- d. 2004 Metro UGB decision to add 200 acres north of C Crk
(Rescinded after 14 months on appeal by 1000 Friends)
- e. 2007 Metro Hearings Officer recommends expansion of UGB north of C Crk.
(Metro Council denies expansion on procedural grounds)
- f. 2010 County/Metro approval of Urban Reserve designation for 624 acres
(State LCDC remands decision based on 1,000 Friends objection)

5. Urban Services Are Immediately Available

- a. Reconstructed urban standard bridges and arterials to Sunset Hwy
- b. Clean Water Services sewer line along C Crk and sized for easy extension north
- c. Cornelius City water service already north of C Crk and sized for extension north
- d. Utility Master Plans & SDCs are up-to-date and capable of funding extensions

6. City Demonstrated Need for Employment Land

- a. See City's Plans and Econ. Op. Analysis to be complete, livable, green and sustainable
- b. City needs a housing / jobs balance for opportunities to walk & bike to work, and reduce traffic congestion & pollution from unnecessary commuting, like other cities
- c. Over 100 acres north of Council Creek fall within ½ mile of town center & future LRT, while this State named "Severely Distressed City" lacks room for half the jobs it needs
- d. Industry north would expand an existing industrial area and related infrastructure
- e. Efficient use of the Council Creek Trail as a home to work and recreation connector

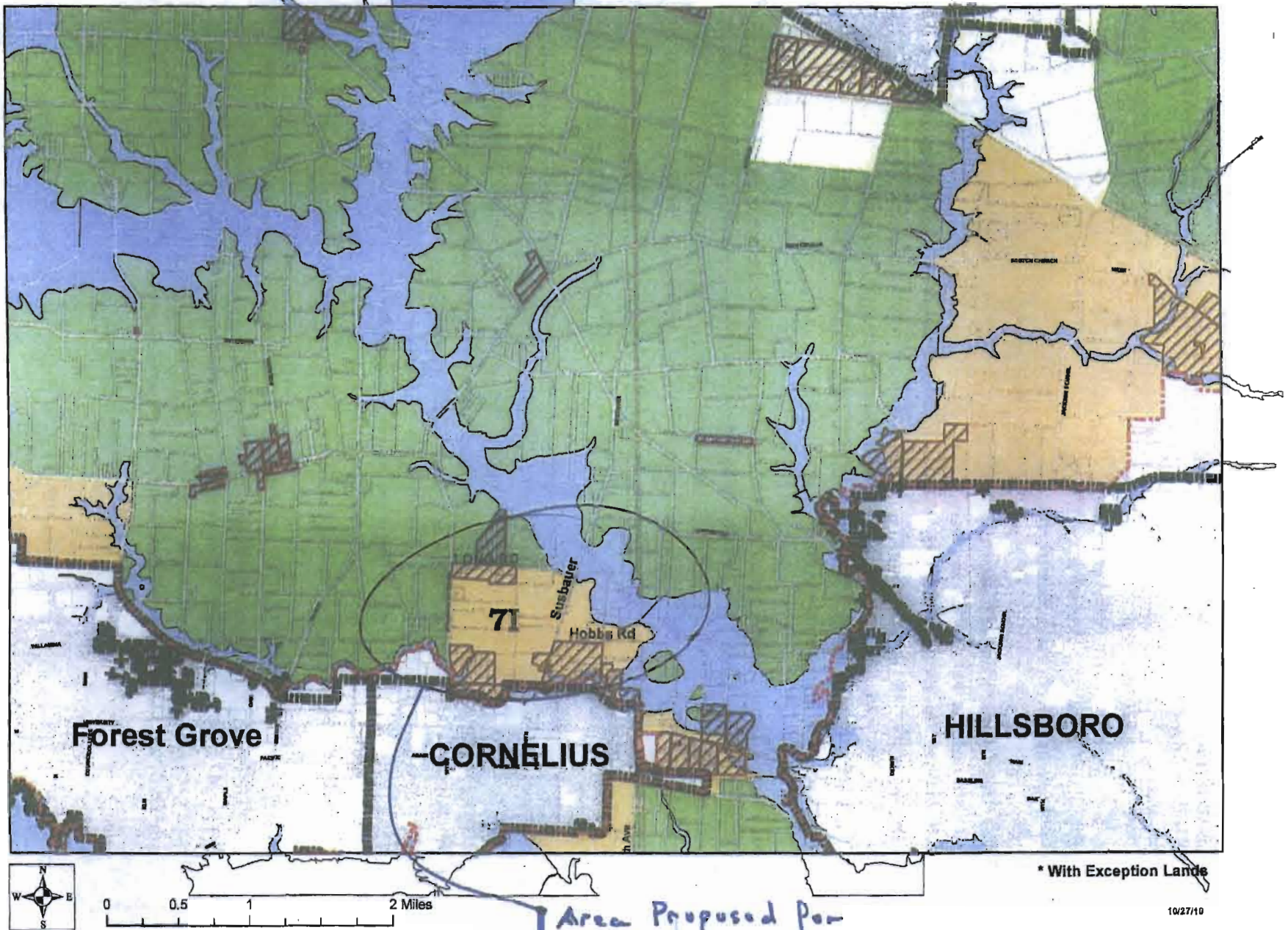
7. Industrial Expansion must be Located North of Cornelius for Efficient Access to Sub-regional Industry Clusters, Regional Services, and Larger Markets via the Sunset Hwy.

8. Land Here is Not the Best Agriculture Land See Zoning Map and Wash. Co. Analysis, which shows this land as Tier 2 in comparison to Tier 1 land north of Dairy Creek & other cities

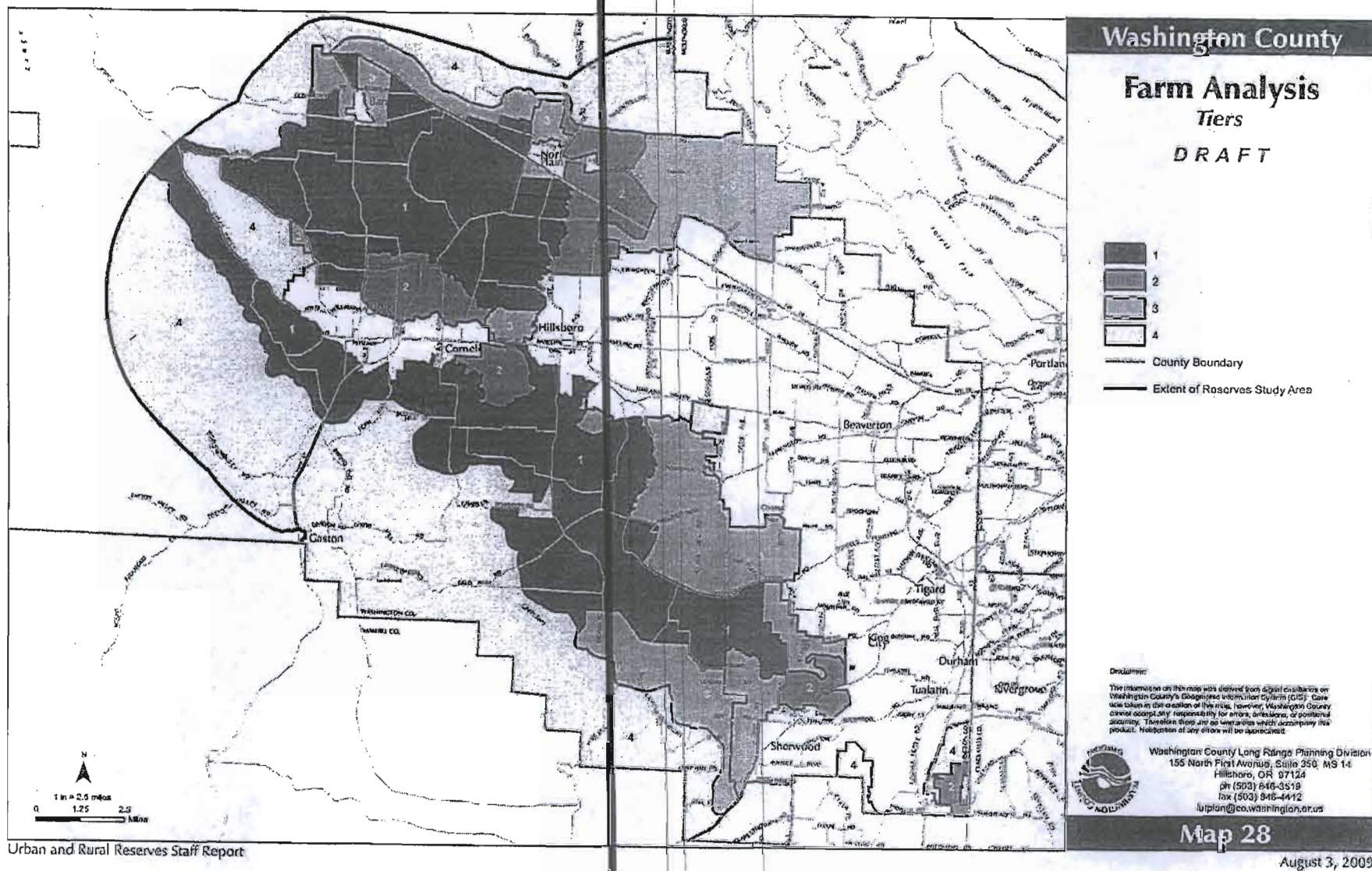
9. Dairy Creek Flood Plain is Better Buffer (5-10 times wider than its tributary, Council Crk)

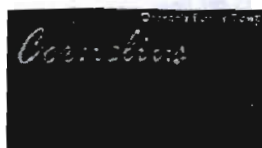
10. Super Majority Support of Large (over 10 ac.) Lot Land Owners (19 owners)

North Cornelius - Urban Reserve Area 71



Area Proposed for
Rural Reserve





October 9, 2009

Regional Reserves Core 4 Committee
Washington County Board of Commissioners,
Regional Reserves Steering Committee
Mr. Michael Jordan, Metro Chief Operating Officer
600 NE Grand Avenue
Portland, OR 97232

Hon. Councilors, Commissioners and Committee Members:

Each of the undersigned Cities in West Washington County has its own distinct land needs and views on the overall merits of the Urban Reserve's recommendations of the Chief Operating Officer (COO) set forth in the *Strategies for a Sustainable and Prosperous Region*. However, we share one common view. The recommendations do not provide and distribute enough industrial Urban Reserves to accommodate the 40-50 year land needs of the mature high tech, the emerging silicon solar manufacturing and incubating bio-pharma industry clusters already rooted in West Washington County.

We believe the Region should take the analyses provided in recently completed Economic Opportunities Analyses (EOAs) for our cities into account when making a final decision about the location and extent of industrial Urban Reserves. We also point out that the amount of land requested for these reserves by the Westside cities is roughly half the total land need for industrial uses identified in our respective EOAs. **Therefore, we respectfully urge the Reserves Steering and Core 4 Committees to recommend adjusting the COO industrial reserves recommendation to accommodate the locations and acreage amounts summarized below:**

EOA-based Industrial Cluster Land Needs	Banks	Cornelius	Forest Grove	Hillsboro	North Plains
2060 Industry Cluster Absorption	218 Ac.	737 Ac.	679 Ac.	3,433 Ac.	516 Ac.

Key Issues:

Documents describing the technical reasons that underpin this request are also attached for your reference. In sum, they identify the following issues with several findings and conclusions in the draft *Employment Urban Growth Report (UGR)*:

- Regional industrial manufacturing growth forecast in the UGR does not include any job growth in the silicon solar manufacturing cluster because that sector was erroneously attributed to the power generation/transmission (i.e., utility) sector. This fails to recognize the significant solar manufacturing job growth projected by the State Department of Energy and others contained in the Urban Reserve record. (See, September 29, 2009 Johnson Reid Memorandum.) Moreover, the UGR does not forecast future land needs in the Region for any industry cluster, including high tech, silicon solar manufacturing and bio-pharma – a very problematic omission because of its potentially detrimental long-term State, Regional and local economic base consequences.

- The “one-size-fits-all” UGR approach to industrial land supply and demand does not respond to the distinct large-lot *suitability and location* requirements of different industry sectors in the region. These requirements determine *a priori* whether large-lot employers in any industrial cluster will choose to locate in the Region in the first place. Thus, we believe the UGR large lot analysis substantially understates the true current UGB large-lot capacity and the corresponding long-term land needs of large employers.

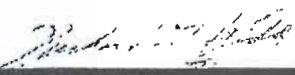
Risk of Getting it Wrong


At MPAC, the Reserves Committee (9/23) meeting and at other venues, the COO noted how crucial it will be for the Region and State to carefully consider the risks and consequences of “oversupplying” or “undersupplying” the Region’s short- and long-term housing and jobs land needs. We couldn’t agree more, especially when it comes to the future land needs of the three major industry clusters in West Washington County. These clusters are mainstays and “economic drivers” for the State, Regional and local economies, contributing mightily to the economic “quality of life” of so many households in this County and throughout the Portland Region.

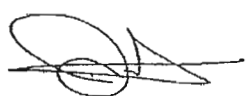
As noted above and in the attachments, we think the UGR substantially underestimates the short- and long-term land needs of the three industry clusters in West Washington County. The economic consequences at the State, Regional and local levels of severely underestimating the amount of land needed for our industry clusters would be devastating, and probably irrevocable in terms of preventing existing industry from continued expansion in the Metro area, lost new business recruitment opportunities and future market competitiveness of the Region. It would simply take Oregon out of the national and international competition for such businesses altogether.


Accommodating the 20- and 40 to 50-year land needs of the three industry clusters as outlined in the above table would go a long way toward avoiding the dire risk that, we believe, is posed by strict reliance on the draft Employment UGR findings and growth policy proposals.

Respectfully submitted:


Mayor Richard Kidd
City of Forest Grove


Mayor Bill Bash
City of Cornelius


Mayor Jerry Willey
City of Hillsboro


Mayor David Hatcher
City of North Plain

Mayor John Kinsky
City of Banks

Attachments:

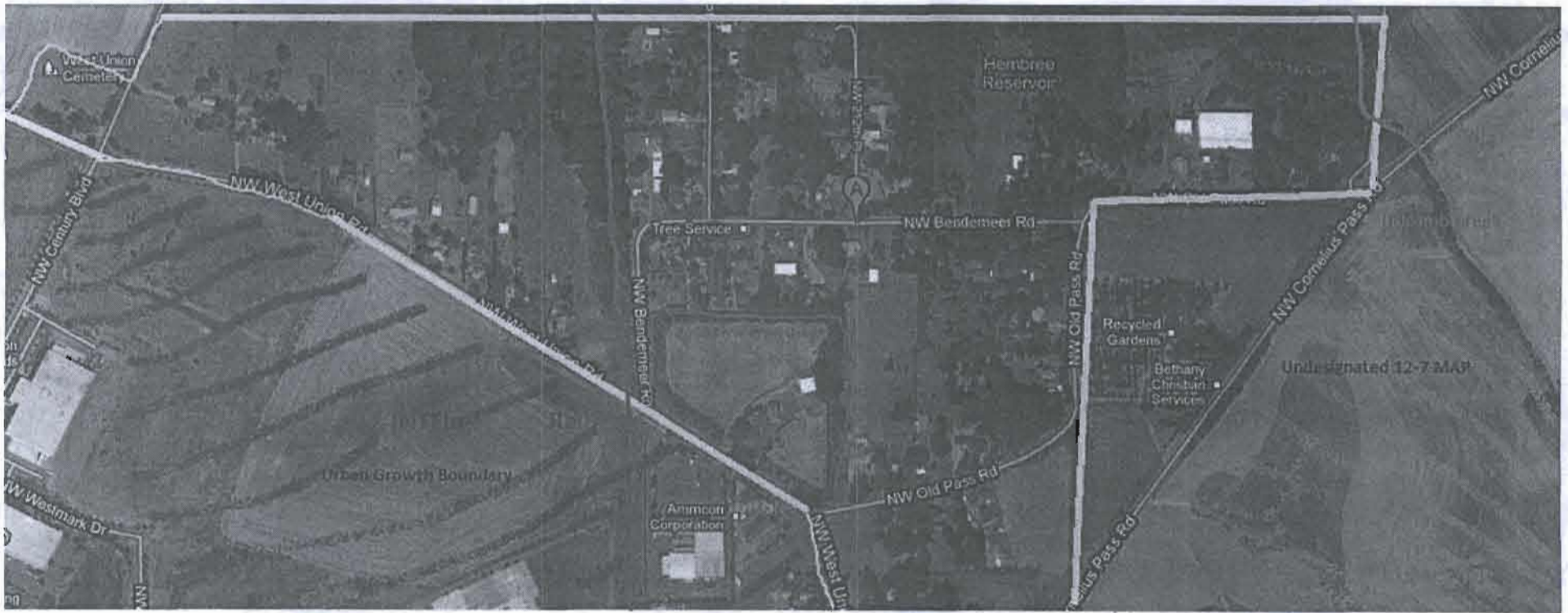
- Staff Memorandum to Westside Planning Directors and City Managers (October 8, 2009)
- Johnson-Reid UGR Findings & Hillsboro Implications memo (September 29, 2009)

PowerPoint
Submitted by
Steve Bobosky



9.76 acre subject property – surrounded by residential neighborhood and industrial (Intel)
Planned Intel subsidiary SpectaWatt 20 acre site, cancelled and land for sale.
Greater Bendemeer Residential Neighborhood
PGE Electrical SubStation

Bendemeer is a 130 acre community composed of a residential subdivision (60+ houses) subject to a Goal 3 and 4 **exception** at the northwest quadrant of West Union Rd and Cornelius Pass Rd.



*Note the shape of the yellow exception area when looking at later maps. Note Holcomb creek in blue. ORS 195.141(3) specifies that property may be designated **rural reserve** for long term **protection "to the agricultural industry"**. Agriculture is not protected when you make a residential neighborhood Rural Reserve.*











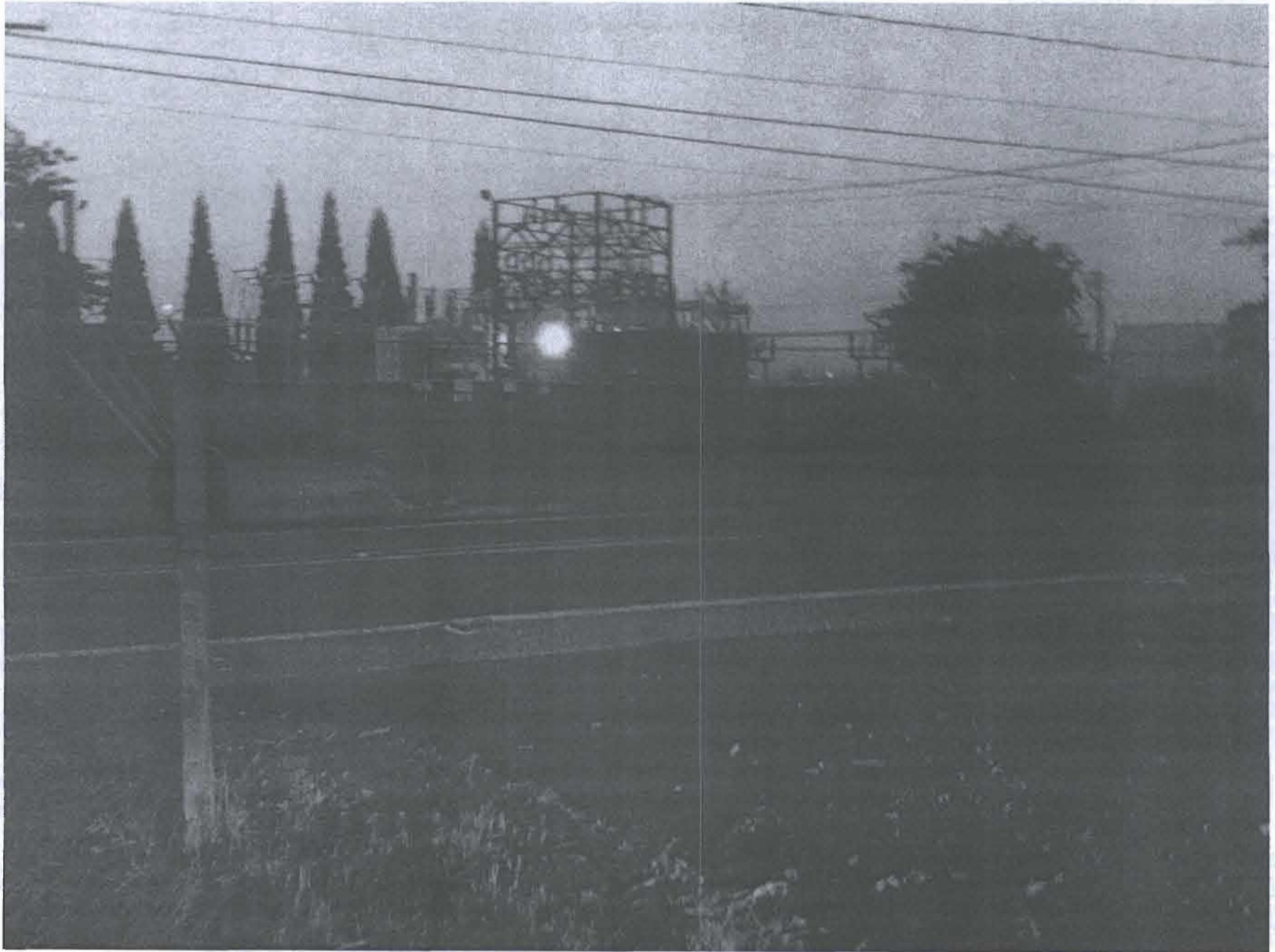
Bendemeer is highly parcelized, with over 60 homes and landscaped yards. To the extent there is agricultural activity, blackberry bushes would be the largest crop. It is not suitable to sustain agriculture.



Only West Union Road separates Bendemeer from the Urban Growth Boundary on Bendemeer's Southern edge. Immediately adjacent to Bendemeer across West Union is Intel, a PGE Substation, industrial uses, and employment land.

Bendemeer is sandwiched between employment land to the south and Rural Industrial and other employment to the North.



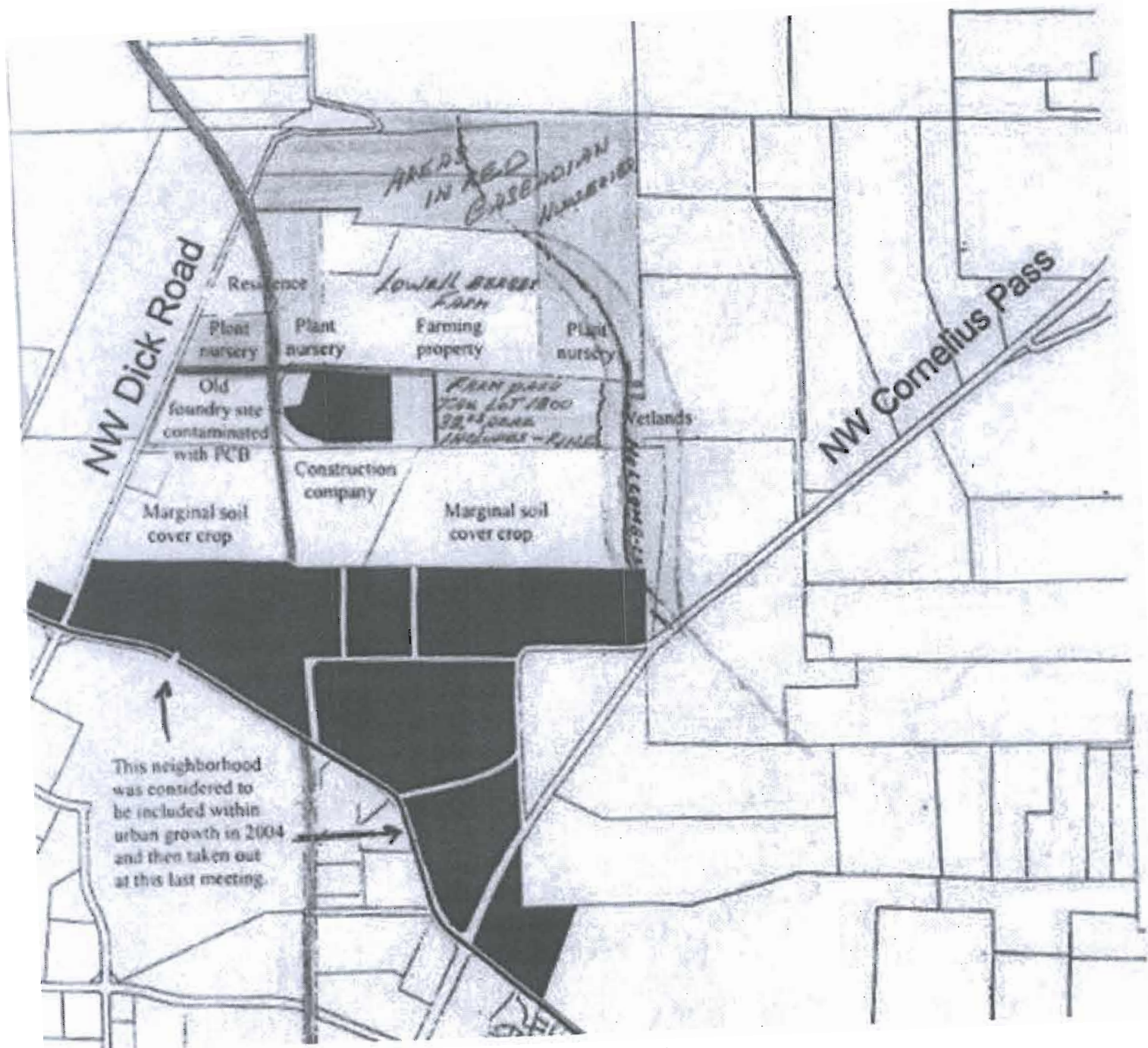




9.76 acre subject property – surrounded by residential neighborhood and industrial (Intel)
 Planned Intel subsidiary SpectaWatt 20 acre site, cancelled and land for sale.
 Greater Bendemeer Residential Neighborhood
 PGE Electrical SubStation

To the North is –

- A Construction Company with Construction equipment and buildings (Danielson) – Desires Urban Reserve
- An Old Foundry Site contaminated with PCB.
- A rural industrial and employment area.
- Cascadian Nursery – Desires Urban Reserve
- Marginal Soil cover crop
- Holcomb creek – a great natural boundary





Rural Industrial

21500 NW FARM PARK DR
HILLSBORO, OR 97124

DAYNE

*DANIELS -
PROP*

Old Foundry Building. About to fall down, property contaminated with PCB.



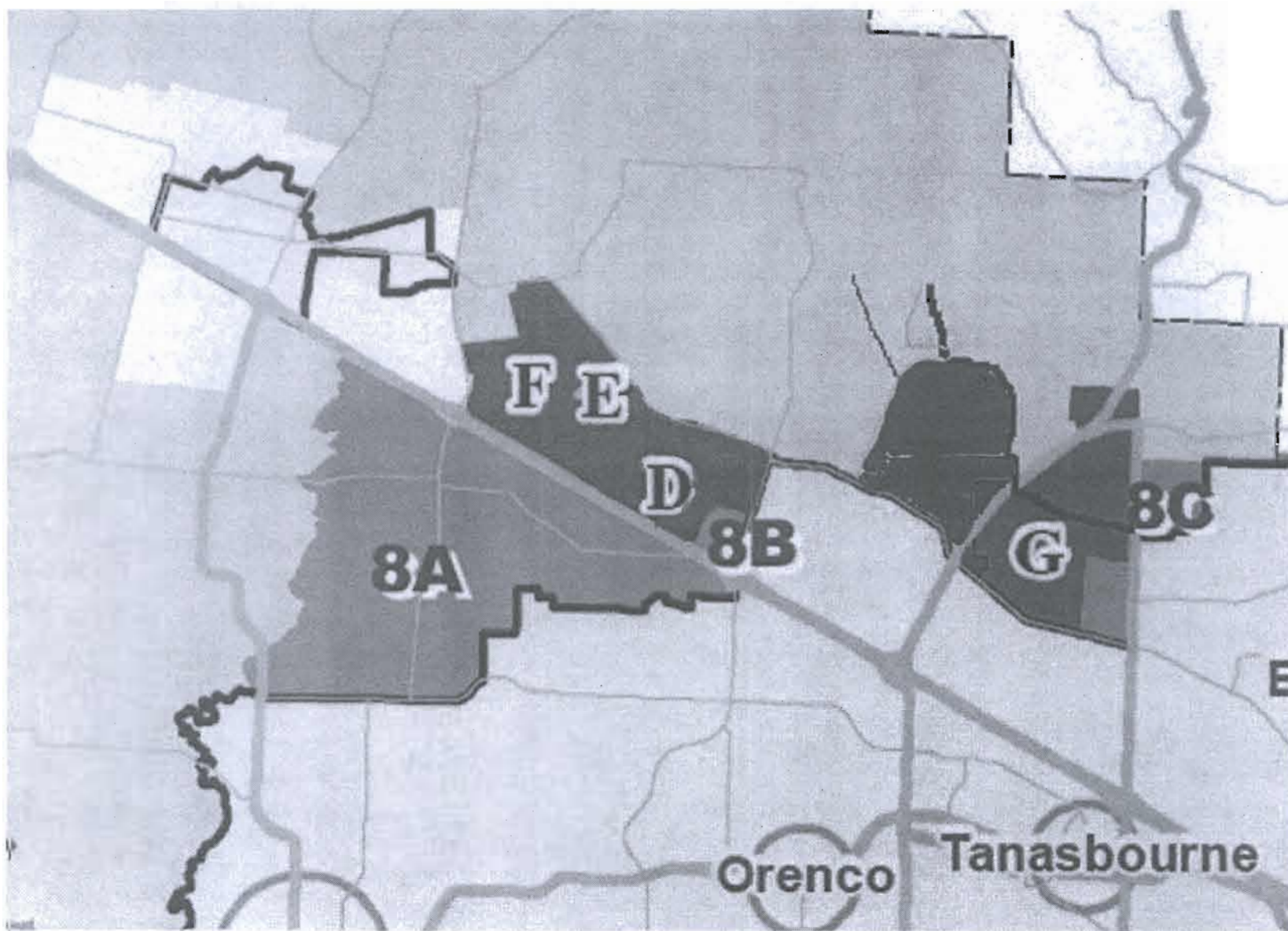
Holcomb Creek – A Great natural boundary



- Earlier in 2010, I objected to the Rural Reserve Designation for my property to the Washington County Planning Commission. They agreed that Rural Reserve was inappropriate and in fact determined that all of Bendemeer should be Urban Reserve.
- In October I presented at the LCDC requesting that Bendemeer be remanded back to Washington County for inclusion as Urban Reserves.
- While Bendemeer was not remanded specifically, all the Washington County Rural Reserves were. In part to provide Washington County the opportunity to replace their Cornelius Urban Reserves.
- But also because LCDC was concerned about the lack of undesignated lands, rural reserves on conflicted lands, and specifically the chairman **VanLandingham** said “To allow Washington County the option to think about whether it wants to add more urban reserve given our tentative remand to take out 7I, we would have to not approve Rural Reserves designations in Washington County, unless we designate the ones now. **We could do it right now, we could say “OK Bobosky, you’re in”.**

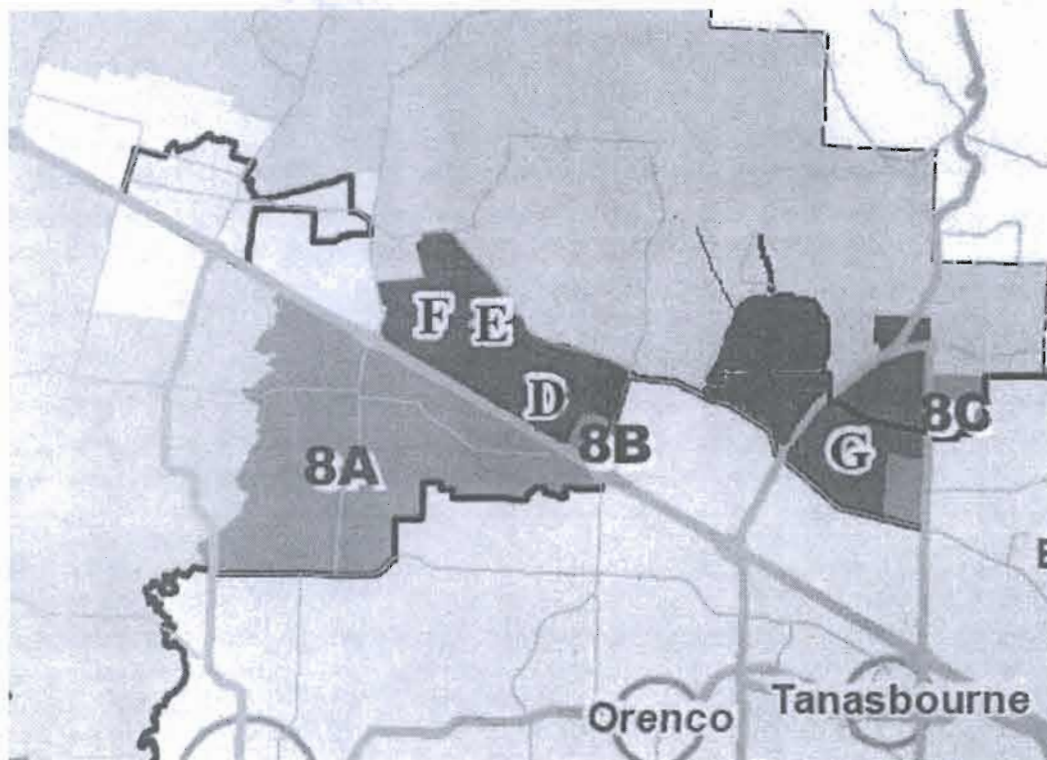
- We (Bendemeer) were the only property specifically mentioned and considered for Urban Reserve during the deliberations regarding remanding the rural reserves back to Washington County.
- Out of consideration for Washington County, not wanting to substitute their judgment over Washington County's, and not wanting to say "**Go back to the drawing board**" Worrix, LCDC chose to remand all the rural reserves.

And so, here we are, and on the 12-7 map Bendemeer is still Rural Reserve, while at the same time higher quality farmland in Helvetia has been **proposed** as Urban Reserve, and **higher quality farmland to the east** has been undesignated.



What are some advantages of this alternate over the 12-7 map?

1. Preserves REAL farmland, instead bringing the Urban Reserve to an area that is not farmland and should not be protected as such.
2. Positions Urban Reserves closer to Cornelius Pass Rd which is a 5 lane Rd, as opposed to 2-lane Helvetia.
3. Uses Holcomb Creek as a natural boundary, compared to growing into Helvetia with no sufficient natural boundary to limit growth.
4. Bendemeer is suitable for a variety of uses including employment, retail and residential.



Quite simply - our point is that each acre of conflicted, industrial, residential, or poor quality farmland in the Bendemeer area that is designated Urban Reserve can substitute for acres of high quality, sought after, and controversial farmland elsewhere.

Appendix – LCDC Deliberation Quotes

2:06:45 Richard Whitman – “There are a total of 6235 acres of undesignated lands in Washington County of which about 3400 are around North Plains and Banks. ... Leaves around 2500 acres within the Metro boundary.”

2:08:06 John VanLandingham – “I’m concerned about the amount of urban reserves land and also the amount of undesignated land. If I were making the decision, I would consider to be too small especially given that a bunch of it is next to Banks. Also there is a fair amount of that rural reserve land that I think is conflicted that could be undesignated land, but I don’t know whether to remand for that purpose.

2:09:22 Greg McPherson – “The decision having been made by the local governments to be so extensive in the designation of the rural reserves leaves relatively little undesignated land and that creates perhaps pressure to urbanize these undesignated lands and so I guess the one piece of this if other members of this commission agreed with that concern, I could be comfortable with undesignating some rural reserves, particularly those that are conflicted, in order to have something to go to that is not just those few undesignated areas down the road.”

2:10:30 Worrix – “I was surprised by the amount of rural reserves especially when it is far far away from the UGB, and I was disappointed in the amount of undesignated because that is where you got a little bit of flexibility and some future balance. But to remand on those large questions I think says almost go back to the drawing board, and I just can’t go there.”

Appendix – LCDC Deliberation Quotes

2:12 Hanley Jenkins – “I’m not sure its our job to tell them whether or where they should be replaced. We should give them the opportunity to decide, whether and where to be replaced.”

2:12:48 Chris “I too have been troubled by the lack of undesignated lands. I don’t think it’s enough, but that’s not my decision. Perhaps we could give them the opportunity to think about that.”

2:21:22 John VanLandingHam – “To allow Washington County the option to think about whether it wants to add more urban reserve given our tentative remand to take out 7I, we would have to not approve Rural Reserves designations in Washington County, unless we designate the ones now. We could do it right now, we could say “OK, Bobosky, you’re in”.”

non
Speaker
Submission

December 14, 2010

To the Washington County Board of Commissioners
Re: the map dated Dec. 11th 2010

Many businesses are coming to our area.
The light rail provides great transportation.
Many young, single people want housing
close to the MAX who are coming for these
companies. They come many of them
from India and China and want housing they
can buy on the light rail line. They do not
want houses or property. Most come from
high density condos and have no interest
in maintaining a property.

The light rail is great and we need
places of employment but we must think
of the best housing for these people coming
to our area.

Sacrificing the green livability that
draws people hurts us all. This fertile
valley needs to grow crops not asphalt.

Ginda J. Arnold 19828 NW Phillips Rd
Hillsboro Oregon
home owner 1700 sq feet

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

Date: December 14, 2010

To: Chair Tom Brian and Washington County Commissioners

Re: Your proposed reserves mapping changes/amended IGA

I received your second proposal in a week which changes the reserves map that has been in place for the past 12 months, approved in an IGA with Metro and incorporated into Ordinance 733.

In your proposal, you are changing 585 acres from undesignated to urban reserves and 290 acres from rural to undesignated. These 875 acres are Foundation farmlands that produce traded sector crops in the Greater Helvetia area.

You say that you believe these changes will comply with the direction given by LCDC. Since the official order from LCDC has not been issued, how do we know that what you proposed really conforms to the LCDC intent?

Two of the commissioners commented that they believed that Area 8B 88 acres north of Highway 26 on the west side of Helvetia Road would be better off as "undesignated" rather than urban. (I believe Greg MacPherson said, "If I had to do it over, I would make 8B undesignated"). Did you incorporate that intent in your proposal? No, of course not. Instead, you chose to change 585 acres next to the 88 acres of Area 8B from Undesignated to *Urban Reserves*!

This last minute change of 875 acres in the Helvetia area without public process is deplorable. This is not a small "adjustment". It is a major change in designations that have been in place for the past year. Your notice to the public, with one week notice before your vote and then a revised map being issued just hours ago, is inadequate. You've angered citizens with your timing during this holiday season - many of them have prior commitments and can't be here tonight. Why the rush, when you don't even have the order from LCDC yet?

The Urban Reserves identified for employment and industrial lands in Washington County's original reserves map, less the areas that have been remanded by LCDC, are adequate to serve the needs of the County and Region. Why don't you reduce the risk of *new* LCDC remands and *new* legal appeals and keep it simple: Wait for the LCDC order. Fix the Council Creek and Forest Grove reserves. Don't change anything else. Don't add more urban reserves. Don't add more Undesignated land. The more changes you make, the more you risk delaying the Reserves decision and the more you delay any UGB expansions.



12-14-10

To: Washington County Commissioners

From: Washington County Farm Bureau
Dane Vanosche
Keith Fishback

Subject: Newest urban reserves proposal

Dear Chairman Brion & Commissioners.

- 1) Thankyou for removing 624 acres of urban reserves, north of Council Creek & the designation of rural reserves between NW Susbauer & NW Cornelius - Schellie Rd.

Please designate the area east of NW Susbauer Rd rural reserve.

(We object to its present undesignate status)

2. Thankyou for removing 28 acres north of Council Creek north of Forest Grove from Urban Reserve, but we object to the area being designated Undesignate

We object to the balance of the area north of Council Creek along

2

Purdin Rd being designated as Urban Reserve. This area needs a natural buffer (Council Creek flowing west) The area south of NW Purdin Rd from Hwy 47 to NW Thatcher Rd and south to Council Creek should be designated Rural Reserve.

- 3) Moving 624 acres of industrial land to north of Sunset Hwy is unacceptable. The rules ~~do~~ do not require you to do this! Hillsboro already has too much industrial land. We also object to your expansion of undesignated land north of the Sunset Hwy between NW Jackson School Rd - Helveta Rd and NW West Union Rd.

We also object to your changing the area east of NW Cornelius - Pass Rd - West Union Rd - 185th Ave and NW Germantown Rd from Rural Reserve to Undesignated.

We also object to the huge amount of Undesignated land around North Plains and Banks.

31

We also object to the Urban Reserve area north of Waibel Creek bounded by the Sunset Hwy, McKay Creek and Brookwood Parkway. This area should be designated Rural Reserve and Waibel Creek needs to be the natural buffer between urban & rural uses.

In summary, our objections are the same objections we've had for the past three years during this process.

Thank you

Dave Vanasche

Washington County Farm Bureau

To: Washington County Board of Commissioners
From: Catherine Keith
11355 NW Valley Vista Road, Hillsboro, OR 97124

Testimony December 14, 2010

Please do not change the previously agreed upon designation of rural reserve areas North of Sunset Highway. There were many months of meetings and discussions and testimony from concerned citizens regarding the Urban and Rural reserves. Despite disagreements regarding the final recommendations, it is generally understood that the process is over in Washington County.

Under Ordinance 733, Washington County has 13,884 acres of Urban Reserves and 5,961 acres of Undesignated areas. The county should not replace the Council Creek acreage that has been removed from Urban Reserve designation.

As I have previously testified, the areas under current discussion are prime farmland that support agricultural businesses, offer recreational opportunities and provide habitat for many species.

Sunset Highway creates an excellent natural boundary between Urban and Rural areas. The current proposed changes create boundaries that will not provide good buffers between the urban and agricultural uses.

Please do not reduce the Rural Reserve areas in Washington County as they stand in Ordinance 733. Please do not make Rural Reserve reductions without involving the citizens who live here.

Thank you.

Date: December 14, 2010

To: Washington County Board of Commissioners

From: Greg Mecklem, Accoyo America, Inc., Eagles Nest Forestry

Re: Revisions to the Draft Supplemental Intergovernmental Agreements maps

I just reviewed your latest proposed map/response to LCDC's recent response to the Metro/WC IGA in the UR/RR process. It is deficient for the same reasons as the area north of Cornelius—it does not meet Factor 8 in the UR factors of Senate Bill 1011—that is, it would adversely impact agricultural practices on foundation farmland. It further does not have clear or natural borders with a large block of important agricultural land. Indeed, like the area N of Cornelius, it projects like a thumb into the heart of important ag land that contains even higher class soils (up to 20-40% Class I soils) than that of the Cornelius area and will suffer the same result on review.

I'm not sure where the push for a large number of "large lot industrial" sites is coming from, but there have only been several companies over the last 30 years that have required greater than 50-100 acre sites in north Hillsboro. Having a large number of available sites is not going to attract more "tech" companies nor create greater prosperity for the county, but it will push us toward the tipping point of permanently damaging commercial agriculture here.

You can do better. Please consider/reconsider:

- 1) No further increase in urban reserves. If you're unsure about the 40-50 year needs, look at undesignated areas outside of the prime agricultural areas.
- 2) Creation of an industrial zone on the 467 acres of the "St. Mary's property". Putting the entire area of S Hillsboro into residential is going to create the largest cul-de-sac in Oregon.

Respectfully,

Greg Mecklem



CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 Fax (503) 526-2571

DENNY DOYLE
MAYOR

December 9, 2010

RECEIVED

DEC 13 2010

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

Chairman Tom Brian
Washington County Board of Commissioners
155 N First Avenue #300
Hillsboro, OR 97124-3072

RE: Proposed Supplemental IGA

Dear Tom:

I am writing to you today to go on record stating that the City of Beaverton does not support the proposed supplemental Intergovernmental Agreement (IGA) with Metro for Urban and Rural Reserves and strongly urges the Washington County Board of Commissioners to not adopt the supplemental IGA as currently proposed.

I was disappointed with the decision of the Land Conservation and Development Commission (LCDC) to remand the Washington County - Metro IGA on Rural and Urban Reserves. I believe that the work that was completed over the course of the past two years represented the best compromise for all parties. Nevertheless, I understand the reasoning behind your decision to proceed with the supplemental IGA. However, I do not support the recommended changes to the Reserves Map.

LCDC has indicated that re-designating other lands within the County to Urban Reserve would be acceptable in order to offset the loss of lands that were originally designated in the Cornelius and Forest Grove areas. If the County's proposal to relocate Urban Reserve land north of Highway 26 in the Helvetia area is not achievable, there are other options that may easily be acceptable.

The Washington County Reserves Coordinating Committee and the Board of Commissioners received significant public testimony in opposition to designating land north of Highway 26 as Urban Reserve. Furthermore, the County is currently readdressing the Reserves proposal because, at least in part, LCDC did not agree to making an assignment of an Urban Reserve designation to large acreage, actively productive foundation agricultural lands. The County and the participating parties that developed the Urban and Rural Reserves Map purposefully excluded the

Helvetia area from being designated as an Urban Reserve. To do so now would be subject to claims that this is bad faith with the prior process and with the community. Moreover, to do so now would avoid creating additional delays in future urban growth boundary expansion due to the certain appeals of designating this land as Urban Reserve.

I do support the County's goal of retaining the total amount of Urban Reserve acreage; however, I do not support the County's conclusion that it is necessary to retain the anticipated land use design type of the lost Urban Reserve areas. I believe that the amount of employment and industrial lands identified by the County in the original Reserve Map, less the areas that have been remanded by LCDC, is adequate to serve the needs of the County and Region. If additional employment area is needed in the County, I believe that there is sufficient land within the existing UGB that can be redeveloped and sufficient land within the Urban Reserve areas that can be planned to accommodate employment growth.

For the reasons I have stated above, I recommend that the Board consider adding new Urban Reserve land in the South Cooper Mountain and South Hillsboro Urban Reserve areas to offset the loss of Urban Reserve lands in Cornelius and Forest Grove. Portions would lend themselves to employment land usage. Attached to this letter, and incorporated by reference, you will find a map which outlines those areas and their acreage which can be added to the Urban Reserves.

The County has proposed to create a strip of Undesignated land south of the South Hillsboro area in order to accommodate the future extension of Cornelius Pass Road to Farmington Road. While this is a commendable idea, it is an incomplete idea. Extending Cornelius Pass Road in this manner will push urban level traffic out onto rural roads; i.e. Farmington Road, Clark Hill Road, and Tile Flat Road. If urban traffic is promoted to be carried on these roads, the land surrounding these roads should also be urban. Therefore, the lands along these roads should be designated Urban Reserve or at a minimum, should receive an Undesignated label. Much of this area is already divided into many parcels and is not actively farmed to the same extent as other areas of the County. Furthermore, during the outreach and public participation process for the Reserves work, the property owners in this area were far more supportive of receiving Urban Reserve designations than other areas of the County.

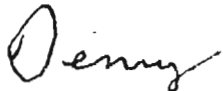
Chairman Tom Brian
December 9, 2010
Page Three

My final concern is directed to the new areas of the County receiving an Undesignated label. While I did not attend the LCDC hearings, I believe the County has misunderstood the LCDC direction concerning the potential addition of adding more Undesignated lands in the County. I believe LCDC was responding to statements made that Washington County has lands designated as Rural Reserves that are not in any threat of urbanization. Therefore, the amount of Rural Reserves is too large. I believe that LCDC was encouraging the reduction of the amount of Rural Reserves in areas that are distant from the UGB and the designated Urban Reserves. Based on this, I do not support the addition of new Undesignated lands in any location north of Highway 26 due to an absence of compelling reasons why these areas are not threatened by urbanization.

In conclusion, I recommend that the Board propose to retain the lost Urban Reserve acreage by re-designating approximately 650 acres of land in the South Cooper Mountain and the South Hillsboro areas as Urban Reserve. I also recommend that the Board reduce the total amount of proposed Rural Reserve by removing the Rural Reserve designation from those areas well west of the existing UGB and the designated Urban Reserves.

Should you have any questions about this letter or the City of Beaverton's position on the supplemental IGA proposal, please do not hesitate to contact me.

Sincerely,



Denny Doyle
Mayor

Enclosure

cc: Andrew Singelakis
Don Mazziotti
Robert Davis
Steven Sparks

5.6.

14
December 7, 2010

Information: Dan Bloom

~~Hillsboro City Council~~

Washington Co. Commissioners
& (Their Clients)

For your consideration:

This is about improvements to the growth rules with past context.

I understand (as a body) you're all about how we grow. I know that job is essential and attempted with mostly good intentions. However, this did not adequately temper the irrational enthusiasm we have endured here and are suffering from now.

I want to submit that the idea of talking about growth itself and managing the pace is practically a taboo. I believe we can and should have disincentive policies to protect against excess and abuse. I predict we're going to see people in industry come before local government with hat in hand asking for extensions, public money subsidies, exceptions, modification of settled concept ad infinitum.

I'm talking the development community, the powerful homebuilders association with lobbyists and local government as the handy enabler. This is not hindsight; this is variation on a theme I've been talking about for the last 10 years. There definitely needs to be some accountability of public services because I see land use management as a public service.

People in public service talk a good sustainability game but how about as the word as it pertains to growth? There needs to be an accountability imperative in governance that prevents allowing and encouraging irresponsible growth.

How about less corporate welfare and more support for small business? Big businesses with their advantages and connections are capable of caring for themselves. I suggest public money goes only to small business only and they need to ask and show how it was used as a contribution to the welfare of the givers (taxpayers). Just like what corporations used to be required to do.

I assume you are concerned about the future. I don't think that it matters in the long run what kind of clean energy and technology armed with button pushers you develop if it is intended or results in increased growth and consumption. That's an old model that has outgrown its usefulness. Take a look at one small but destructive part of the empirical evidence during the bubble time. I refer to the study by the Brookings Institution and the London School of Economics in the attached article from the Oregonian.

In this neck of the woods the common refrain from the development community has been, Metro made me do it.

How about aiming for stability and a lot more attention to quality at implementation, not just goals and vision packages sold to public opinion. I think the public would support using litigation to fight for a good cause.

And on the other side of that – kudos to Miki Barnes on Airport issues at the Court of Appeals.

I acknowledge there have been a few good examples and many small gains in the direction of fairness and away from the industry with so many advantages. It's no fun playing a rigged game.

Here we are with Washington County thinking they need to grow their way out of any problems and build their little empire at the same time. That's efficiency and mutual benefits between the government and developers.

I can provide specific examples if needed.

Please excuse me for not complimenting all the government people I know in Hillsboro – and I know plenty, who are people of good conscience who are hoping for better, making it better but are neutralized by their jobs as cogs in the wheel of Agenda, an extremely common conflict.



OregonLive.com

Everything Oregon

Portland area among the cities hardest hit by recession

Published: Tuesday, November 30, 2010, 10:00 AM Updated: Tuesday, November 30, 2010, 11:35 AM



Jeff Manning, The Oregonian



[View full size](#)

Faith Cathcart/The Oregonian

Happy Valley's Windswept Waters, a 249-home subdivision near the junction of Oregon 121 and 224. The Portland area has been dubbed one of the housing-bubble metros because of its over-reliance on residential real estate.

Portlanders, it's not your imagination. The recession has hit harder here than just about anywhere else in the world.

The economic downturn that was barely felt in many of the bustling cities of China, India and South America delivered a body blow to the economies of developed Western World, according to a study of 150 major metro-area economies around the world released today by the **Brookings Institution** and the **London School of Economics**.

Portland plummeted from a pre-recession rank of 45th to 139th during the worst of the recession, one of the steepest declines among metro areas included in the survey. Study author Alan Berube dubbed Portland

one of the "housing-bubble metros," places where an over-reliance on the residential real estate industry made it particularly vulnerable when the sector crashed.

"Hey you're not Las Vegas," Berube said by way of consolation. Once high-flying Sin City suffered the steepest decline amongst the 150 cities, from 14th in the pre-recession years to 146th in 2009-2010.

The Brookings study based its rankings on annualized employment **and income growth** in three different time periods: the pre-recession years of 1993-2007, the recession years of 2007-2009 and the recovery period, 2009-2010.

The study paints a portrait of Asia as the world's ascendant economic superstar. Shenzhen was one of four Chinese cities ranked in the top 10. A rapidly industrializing city in China's south, Shenzhen powered through

the economic quicksand of 2007-2009, boasting 2.3 percent employment growth and 4.6 percent income gains while the economy was freezing up in the much of the rest of the world.

Cities in India and Australia also passed through the recession relatively unscathed, as did Rio de Janeiro, Lima, Peru and several other South American cities.

"These other cities, they're not as wealthy, they're not as productive as the U.S. economy," said Berube, a Brookings Institution senior fellow. "But if this keeps up, they're going to eat our lunch. We have to get a little bit smarter about how to build our economy."

Critics of globalization argue that it is a zero-sum game -- the gains of the emerging world come at the expense of the developed world. Outsourcing and off-shoring both helped the developing cities sustain their economic momentum, the study said.

The vast, amorphous pool of capital prowling the globe for opportunities also contributed to the emerging cities' gains. "During the Great Recession and its immediate aftermath, many of these metros were havens for capital that fled weakened markets in the United States and Europe," the study said.

Governments in these countries will inevitably face challenges as their citizens demand the creature comforts and greater political freedom that typically accompanies economic prosperity. Moreover, this influx of global capital creates the possibilities of artificial bubbles in some of the emerging cities, noted Tim Duy, **University of Oregon** economics professor and director of the **Oregon Economic Forum**.

The developed world faces a perhaps more difficult challenge: Regaining economic vitality when many of its citizens and governments are broke.

"Consumption-led growth in the run-up to the recession left these countries with significant debt overhangs, and many of their major metros with a glut of housing, diminished productive capacity, or both," the study said.

The fall was particularly hard for cities like Portland that became overly reliant on residential construction. Only Las Vegas and Riverside, Calif., two of the housing-bubble hotbeds, lost more ground than Portland during the recession.

In the pre-recession years of 1993-2007, the study pegs Portland's average yearly employment growth at 1.6 percent and income growth at 4.1 percent. That put Portland at 45th of the 150 cities in the study, nestled between Istanbul and Bogota.

Then came the recession, driving down Portland's employment to negative 5.1 percent per year and income to negative 7.8 percent annually.

In 2009-2010, Portland's employment grew 0.3 percent and income fell another 0.6 percent.

Interestingly, manufacturing hubs like Detroit and Cleveland, at times dismissed as blue-collar wastelands, have bounced back faster than Portland and other bubble cities.

Duy said it's only becoming apparent today how dangerously exposed Portland was to housing. "You look at late 1980s and early 1990s, manufacturing was really important, particularly high-tech manufacturing," he said. "But in this last decade, it was all about housing."

The study lists governance as another significant concern for Portland and the rest of the developed world. Many of these city governments are "ill-suited for keeping pace with fast-paced global economic changes," the study said.

The debt issues facing the U.S. and Europe will only exacerbate the challenge.

A bright-side offered up the study is that while these emerging cities continue to "close the gap" with the developed world, their citizens will become enthusiastic consumers.

It's vital that U.S. cities "embrace the potential of exports -- most of which originate in these very metros -- to generate wealth and high-quality jobs," the study said.

-- **Jeff Manning**

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CREEC

1020 SW TAYLOR, SUITE 780 PORTLAND, OR 97245 503.241.2423 (V) 503.241.2721 (F)

HEARING ON WASHINGTON COUNTY'S RESPONSE TO THE LCDC RESERVES REMAND TESTIMONY OF BEVERLY BOOKIN (12/14/10)

Chair Brian and Fellow Commissioners:

Founded in 1997, the Commercial Real Estate Economic Coalition (CREEC) is a group of trade associations, professional organizations and companies involved in the development, sale and management of commercial, industrial and institutional properties. CREEC has followed Metro's Reserves Process closely with a particular interest in assuring that there is an adequate supply of Urban Reserves to accommodate the region's projected job growth for next 50 years.

I am here this evening to provide CREEC's perspective on the county's proposed response to the recent LCDC remand. We believe that the 12/7/10 proposal, which replaces urban reserves removed from north of Cornelius on an acre-to-acre basis and adds more undesignated land, is the proper response to achieve the urban/rural balance required by the Oregon Administrative Rules. We are less happy with the 12/13/10 map revision and consider it to be the minimum acceptable.

Too often, farm advocates pitch this serious policy issue as an all-or-nothing proposition. That is, all urban expansion is sprawl and even thoughtful trade-offs of farmland for urban development threatens farmers' way of life. It is much more complicated than that.

In fact, the Portland Business Alliance's recently-released economic report now confirms what the data has been suggesting for some time: the Portland metropolitan area and Oregon as a whole is becoming poorer, with all of the negative consequences on quality of life that engenders. Our per capita income is 91% of the national average, and if the Portland metropolitan area is excluded, the per capital income of the rest of the state is only 75%. Our state is becoming more like Mississippi and less like Massachusetts. In this dismal picture, Washington County has been the bright spot, where about 25,000 new jobs were created in the decade between 1998 - 2008, compared to the net loss of over 25,000 jobs in Multnomah County. As a result, Washington County will be a major player in the re-tooling of our state's economy. Although agriculture makes an important contribution to the state's wealth, it is not a job creation engine nor do its jobs pay family wages.

Carefully-managed development of the urban economy, which requires an adequate land supply, is critical to the well-being of our future residents, 50% of whom will be our children and grandchildren. And a healthy urban economy is good for farmers too as it:

- Provides the agricultural sector's customer base;
- Provides the non-farm jobs that many farm families must take to supplement their incomes;
- Generates the tax revenues from the urbanized portion of the region's counties to subsidize rural families' public services – roads, schools and fire/police protection.

Thus, CREEC supports the Washington County Board of County Commissioner's efforts to find a reasonable and balanced approach to urban and rural reserves in response to the LCDC remand. Thank you.

Robert Bailey
7455 N.W. Helvetia Road
Hillsboro, Oregon 97124

December 14, 2010

Board of County Commissioners
Washington County
Hearing re Reserves

My name is Robert Bailey and I have resided at 7455 NW Helvetia Road, in Helvetia these past 27 years.

The LCDC report is not yet available for review. I see that this does not inhibit you from attempting this mid December action. If Washington County can discern the intent of LCDC, would we not be here tonight?

None of you were elected to your current positions with the reserves issue on the electoral table. Now, several have been elected and with the reserves issue part of the electoral conversation, both at the county and Metro level. They will be seated in January. I do not understand why you seek to move forward, given this context.

While I see that you have new maps, propose new designations, and have done the acreage replacement math, you err by not returning to the OARs and the **Factors for Designation**. **SaveHelvetia** has shown in much factor based detail how 8B warrants a designation of rural reserve. You have yet to refute this assessment.

and adjacent lands already

- Excellent soils for sustained long-term agricultural operations
- Free sub-irrigation water resources from the unique hydrology of the Helvetia geology
- Parcelization has not shown itself to be an obstacle
- These farm lands are contiguous with a span of acres from east to west and south to north
- This area continues to enjoy agricultural infrastructure to support successful operations
- The area could be buffered by Helvetia Road and the sunset Highway with desire and effort
- The area has been under threat of development for at least a decade
- The area includes **the important** Waibel Creek **drainage and wetland**, needed for recharge and flood mitigation in the Groveland area
- The area has significant natural and cultural resources **needing protection**
- The acreage provides for separation between Hillsboro and North Plains and provides a diversity to what is becoming a Beaverboro social landscape
- The area provides rural aesthetic, recreational, and cultural opportunities for many throughout the metro area

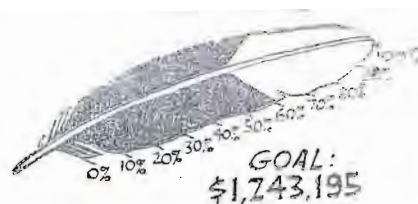
Where you perceive LCDC inviting you to designate more acreage as "undesigned" and to creatively consider it as "back-up" for urban reserves acreage, others perceive "undesigned" as indicating those lands beyond the reach of urban reserve and not in need of the protection as rural reserves. These might better be described as the outer ring of lands. Doing the math in this manner, however, would not allow Washington County to appear as generous in protection of farm lands as they seek to appear.

I am a recipient of the 2007 Harold M. Haynes award for citizen involvement in Washington County. This confers upon me a level of recognizing citizen involvement in community issues. From this, I want to take a moment to counter the stereotyping, the retaliatory remark, and the incivility of late toward SaveHelvetia and its members. You have heard from many of our group during this arduous reserves process. We have a history of land use advocacy that goes back well beyond a quarter century. This includes the prevention of a mass grave of sheep in Jackson Quarry, the prevention of siting the DEQ garbage dump in 4 sites north of the Sunset Highway, preventing the development of 250 condo units on top of the flood plain and now adjacent to the Helvetia-Brookwood Interchange project, and working to locate prisons in appropriate land use settings. These individuals will likely not have things named after them. Nonetheless, I consider them heroic in their volunteerism in behalf of land use and community.

As an observer of the reserves process, I describe Washington County's citizen involvement program as a ROLL OUT. That is, you perform internal assessments, you make internal decisions, you announce to the public, and then you proceed. You claim your announcements allow for citizen feedback. You evade good faith inclusion of citizens in the study and formulation process. Tonight is but another example of this manipulative strategy toward Goal One.

Tonight is a **Legacy Moment** for a number of you, going and coming. I recognize that the legislation and the OARs did not create any extra-ordinary standard for conflict of interest in this epochal land rush. I welcome you tonight to voluntarily take a pledge: a pledge that your decisions will be for the good of the community and will not provide you or your relations financial benefit in the foreseeable future.

It is a Legacy Moment for agriculture and more in Helvetia. Will you take the pledge?



The Oregonian

Weather Report Shlweke
Friday temperatures—Maximum (air, port to 2:30 p. m.), 66 degrees; minimum, 47 degrees.
Saturday forecast—Fair with high cloudiness.

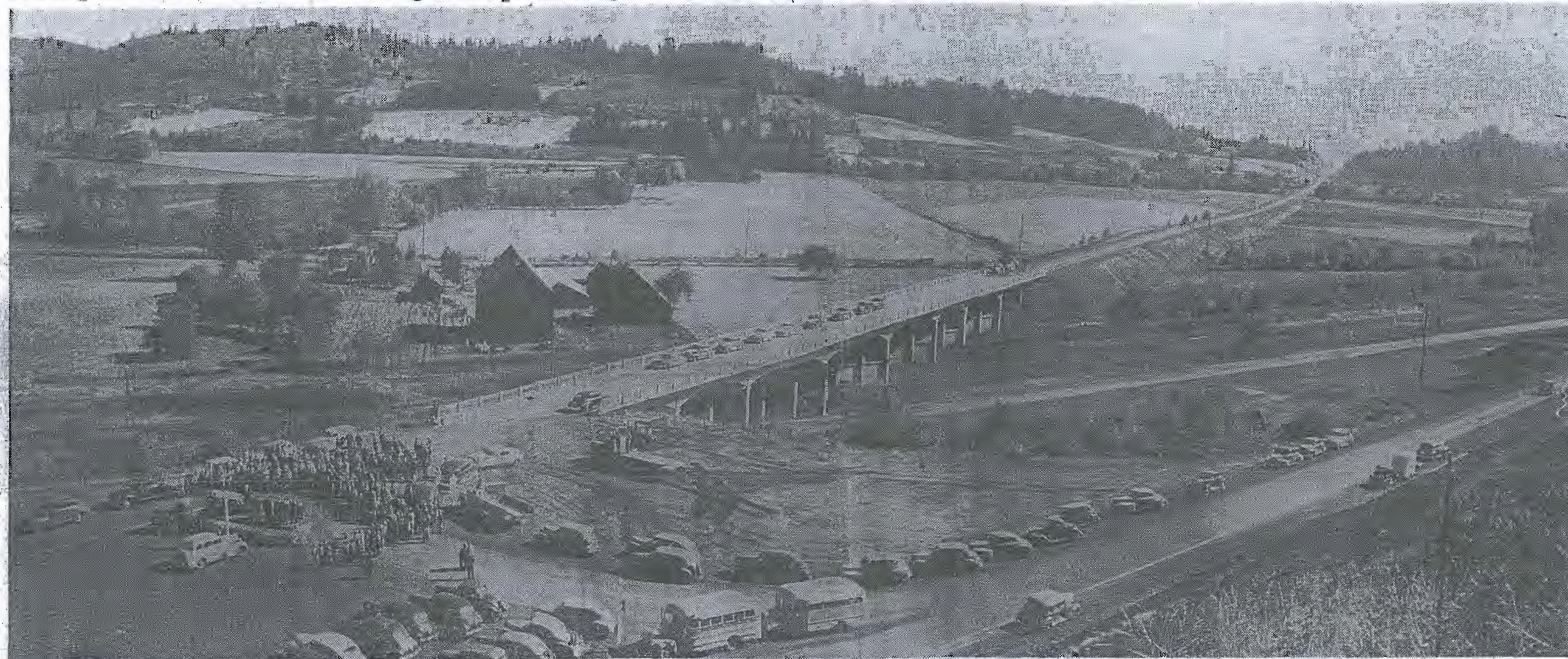
VOL. LXXXVIII—NO. 27,449

Entered at Portland (Oregon)
Postoffice as Second-Class Matter

PORTLAND, OREGON, SATURDAY, OCTOBER 9, 1948

CITY EDITION— 24 PAGES PRICE FIVE CENTS

Completion of Sunset Highway Brings Beaches Miles—and Minutes—Nearer for Portlanders



The last section of the Sunset highway—between Sylvan on S. W. Canyon road and Davies crossing (above) two miles northwest of Banks—was dedicated at Davies crossing Friday morning. In this panoramic view of

the ceremonies by Frank Sterrett, staff photographer, The Oregonian, the newly opened section stretches to the east (right) toward Portland. The road was conceived in the late 1920s. Map on Wirephoto page.

Indians Win With Bearden

CLEVELAND, Oct. 8 (AP)—Cheered on by a tumultuous home town crowd packed into the municipal stadium, Cleveland's Southpaw Gene Bearden, a heart naval hero, pitched a brilliant 2 to 0 victory over Boston Braves Friday in the game of the 1948 world

sending the American champions out in front, jumps to one, in the big

Dedicatory Ceremonies Mark Completion of 16-Year Task; State Highway Engineer Recalls Survey, First Official Job

BY WALLACE TURNER
Staff Writer, The Oregonian

BANKS, Or., Oct. 8 (Special)—The labors and visions of thousands of people in Northwestern Oregon were realized at Davies crossing two miles northwest of here Friday morning with the dedication of the final section of the Sunset highway—the dreamed-of Portland short road to the sea.

Occasion was completion of the 19-mile section between Sylvan and Davies crossing. Completion of this arrow-straight section from S. W. Canyon road to the rolling foothills of the Coast range means completion of a major construction project begun in 1932.

to Necanicum junction south of Seaside—the survey on which the Sunset highway was built. Baldock said the 61½ miles of the highway from Sylvan to Necanicum junction, cut 45 miles—or more than an hour—from the distance separating Portland and Seaside. Cost was \$10,000,000. The section from Davies crossing to Necanicum junction—40 miles—cost \$7,200,000 while the section opened Friday cost \$2,760,000.

First section of the road opened was 17 miles between Sunset camp and Necanicum junction. This was in June, 1939. By 1943 the piece to Davies crossing was opened. The section opened Friday was

Marshall N. Dana, editor of the editorial page of the Oregon Journal, was master of ceremonies. Speakers included Baldock; A. J. Skelton, division highway engineer; Hillman Luettemann, president of the Portland chamber of commerce; Leslie Scott, state treasurer; L. M. Lepper, past president of the East Side Commercial club; R. J. Vanderzanden, president of Sunset chamber of commerce, and other civic leaders from Portland, coast cities and points benefited by completion of the highway.

A crowd of several hundred—including students from Banks

Stock Buyers' Bids Cautious

BY JOHN L. DENNY
Staff Writer, The Oregonian

Future Farmer exhibitors were rewarded with substantial premiums for championship animals and most of the fat lambs Friday at the Pacific International's third fat stock auction in as many days.

But buyers, conscious of the recent sharp market price drops and perhaps also influenced by having spent consider-

Maybe the Boss Mislaid Gadget

SALEM, Oct. 8 (Special)—Anyone seeing a wandering gas roller should report to the city police.

Stephen Edens, Portland contractor, notified the Marion county court Friday that a tandem five-ton roller which he had used on paving jobs here disappeared from its parking lot on Portland road near the north city limits.

Lower Pork

Chest Climbs To 60% Mark

The Portland Community Chest climbed to 60.3 per cent of its goal with total subscriptions of \$749,125.19 reported at the third report meeting of the campaign Friday noon at the Multnomah hotel. Progress of the drive stirred enthusiasm at the luncheon session, which crowded the hotel's grand ball room.

Move Seen To Contact Red Chief

Officialdom Silent On Purported Plan To Dispatch Vinson

BY JOHN M. HIGHTOWER
Associated Press Political Analyst

WASHINGTON, Oct. 8 (AP)—The capital was alive with reports Friday night that President Truman has been planning a sensational move in American relations with Russia which he originally intended to announce to the nation and the world in a radio broadcast last Tuesday night.

Reports on which the White House and the state department both refused to comment said that Mr. Truman had decided to send Chief Justice Fred M. Vinson as a personal emissary to Generalissimo Joseph Stalin to try to break the deadlock over Berlin.

According to these unconfirmed—but not denied—accounts, the state department intervened after the White House had begun arranging for radio time and it was finally decided that Secretary of State George C. Marshall should return from Paris to confer with the president about the matter.

Radio Time Asked

What could be established as fact here Friday night in spite of White House and state department silence was this:

About mid-morning last Tuesday, White House Press Secretary Charles G. Ross contacted major radio networks and asked for free time for the president, now deeply involved in his campaign for re-election, to make a "non-political" radio speech.

Network officials, concerned over the possible political repercussions of Mr. Truman's appearance on the air in free time, asked Ross for an explanation of the nature of the president's statement.

Eventually, they were informed, according to highly authoritative sources, that the president planned to announce that he was sending Chief Jus-

CHANGING THE URBAN GROWTH BOUNDARY

Drawing a sensible border twixt town and country

In all the drama of a tsunami election, many Oregonians probably missed reports of an extraordinary event a few days earlier. The Land Conservation and Development Commission approved almost all of the work done by Metro and the three Portland metro-area counties to plan where the region will and will not grow for the next 50 years.

Under Oregon's innovative land-use system, the Metro regional government manages the urban growth boundary around the metro area. Every few years Metro has expanded the growth boundary, with the political pushing and hauling inevitable in such a process. Decisions on particular lands have been revisited again and again.

Local leaders wanted off this political treadmill. They persuaded the Legislature to let Metro

and the three counties seek agreement on urban reserves and rural reserves outside the metro-area growth boundary. Rural reserves would be protected from urbanization for 50 years, while urban reserves would be given priority in future expansions of the boundary.

In what some viewed as a political miracle, Metro and the counties reached agreement on those reserves earlier this year. After their agreement was challenged, LCDC upheld most of the designations late last month, but sent small parts in Washington County back for changes.

Most notably, LCDC rejected the designation of 623 acres north of the city of Cornelius as an urban reserve. The county claimed the area is needed for future development. Local farmers argued passionately that its urbaniza-

tion would not only pave over highly productive lands but also make it harder for them to farm nearby fields.

The economy of Washington County has two sides. One is mainly for agriculture, growing a diverse mix of crops on some of the best temperate-zone farmland in the world. The other side is dominated by the design and manufacture of high-technology products, shoes and apparel. The combination makes the county a powerful engine for Oregon's economy. The urban and rural reserve process was designed to strengthen both sides, designating sufficient land for long-term industrial development while protecting the best crop lands.

LCDC concluded that the 623 acres north of Cornelius should not be part of the urban reserves based on factors prescribed in its rules. That area protrudes into prime farm land, increasing the friction between agriculture and new residents.

LCDC also questioned the urban reserve designation of another 508 acres of productive land north of Forest Grove. At the same time, LCDC rejected a challenge to the urban reserve designation of 2,712 acres north of Hillsboro. While this area is also fertile, its location along the Sunset Highway could accommodate the large-scale industrial campus development that may attract new major employers to the state.

The designation of urban and rural reserves around the metro area will give a measure of certainty to cities, counties and businesses for decades to come. In Washington County, with LCDC's action affecting less than 10 percent of what was designated as urban reserves, the result forms a sensible border between town and country.

Greg Macpherson is a member of the Land Conservation and Development Commission.



GREG
MACPHERSON

IN MY
OPINION

WHERE TO SUBMIT A COLUMN OR ESSAY

Guest columns, up to 500 words, may be sent by e-mail to commentary@news.oregonian.com, by fax to 503-294-4193, or by mail to "In My Opinion," Op-Ed Page, The Oregonian, 1320 S.W. Broadway, Portland, OR 97201. All submissions become the property of The Oregonian and will not be returned; they may be edited and may be published or otherwise used in any medium. You can reach Commentary page editor Galen Barnett at 503-221-8389 or by e-mail at galenbarnett@news.oregonian.com

Dedicatory Ceremonies Mark Completion of 16-Year Task; State Highway Engineer Recalls Survey, First Official Job

BY WALLACE TURNER
Staff Writer, The Oregonian

BANKS, Or., Oct. 8 (Special) The labors and visions of thousands of people in Northwestern Oregon were realized at Davies crossing two miles northwest of here Friday morning with the dedication of the final section of the Sunset highway—the dreamed-of Portland short road to the sea.

Occasion was completion of the 19-mile section between Sylvan and Davies crossing. Completion of this arrow-straight section from S. W. Canyon road to the rolling foothills of the Coast range means completion of a major construction project begun in 1932.

For R. H. Baldock, state highway engineer, it meant the end of the first task he was given when he took over his present job 16 years ago. He remembered at dedication ceremonies Friday morning that this first job was the survey from Sylvan

to Necanicum junction south of Seaside—the survey on which the Sunset highway was built.

Baldock said the 61½ miles of the highway from Sylvan to Necanicum junction, cut 45 miles—or more than an hour—from the distance separating Portland and Seaside. Cost was \$10,000,000. The section from Davies crossing to Necanicum junction—40 miles—cost \$7,200,000 while the section opened Friday cost \$2,760,000.

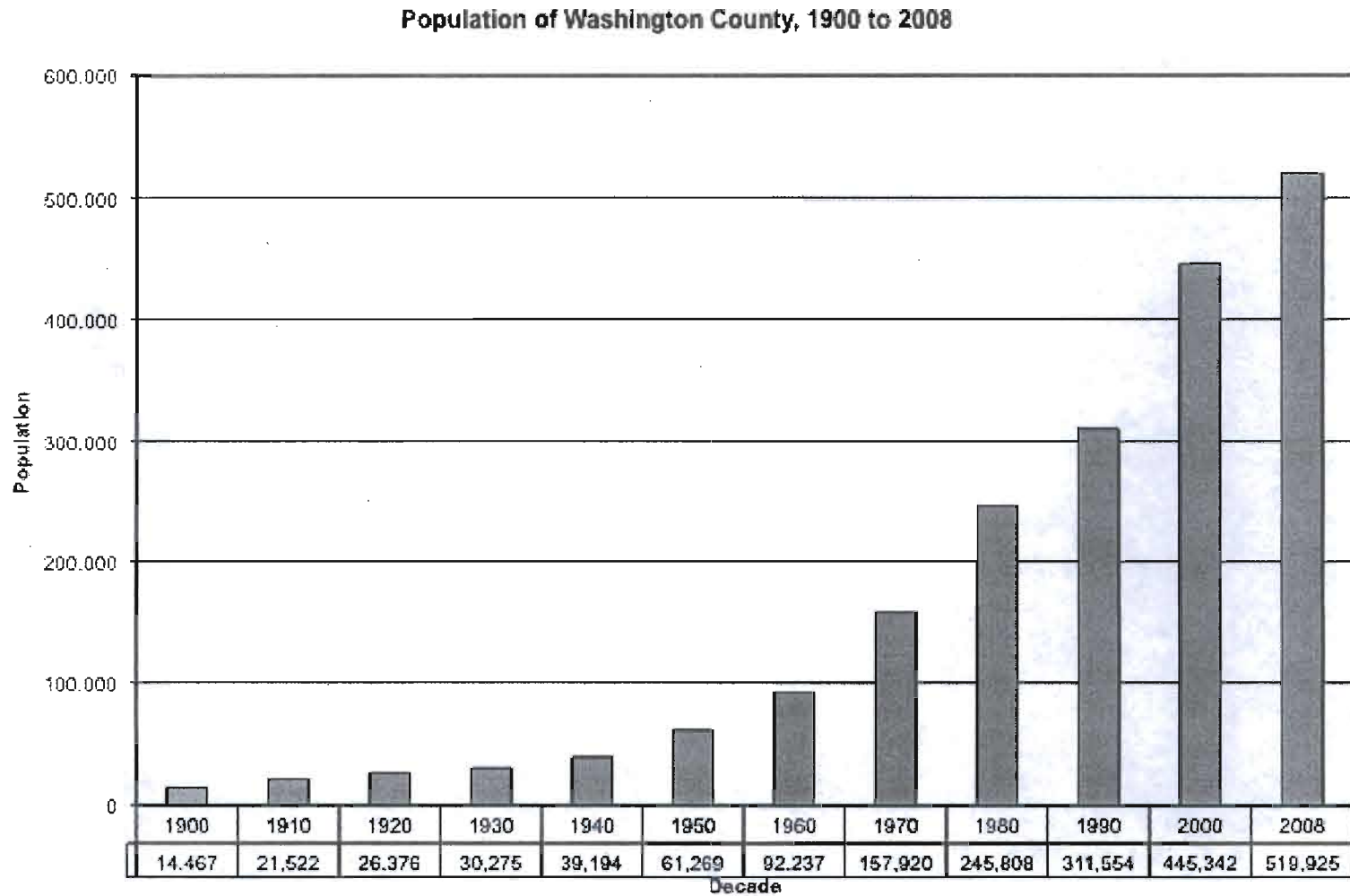
First section of the road opened was 17 miles between Sunset camp and Necanicum junction. This was in June, 1939. By 1943 the piece to Davies crossing was opened. The section opened Friday was completed except for work on shoulders along some stretches east of Mill Plain junction.

Dedication ceremonies Friday were under joint sponsorship of the East Side Commercial club and chambers of commerce of Portland, Sunset, Warrenton, Seaside and Astoria.

Marshall N. Dana, editor of the editorial page of the Oregon Journal, was master of ceremonies. Speakers included Baldock; A. J. Skelton, division highway engineer; Hillman Lueddemann, president of the Portland chamber of commerce; Leslie Scott, state treasurer; L. M. Lepper, past president of the East Side Commercial club; R. J. Vanderzanden, president of Sunset chamber of commerce, and other civic leaders from Portland, coast cities and points benefited by completion of the highway.

A crowd of several hundred—including students from Banks schools who arrived by school bus—heard speeches and watched while the various dignitaries present took turns at sawing in two the huge fir log which was used rather than the traditional ribbon to block the highway until ceremonies were completed.

Washington County Population Grew Rapidly After 1950



From: thorhinckley@comcast.net [mailto:thorhinckley@comcast.net]
Sent: Thursday, December 09, 2010 7:57 AM
To: County Administrative Office
Subject: New Land Designations North of Highway 26

Dear Board of Commissioners,

I was extremely disappointed to learn that the board had determined that it can meet to determine new designations for Foundation farmland for the next 50 years with only one weeks notice! Where is the concept of public involvement recognized in your decisions about this rush-to-judgement?

This redesignation of invaluable farmland goes well beyond the recent directions provided by the Oregon LCDC. There is no reason to pick these areas of Helvatia as opposed to other areas located south of the Sunset highway.

I do not understand the need for changes to a map that you all agreed to last year. I would ask you to reject these new re-designations or at the very least to slow down this process and allow for the type of public process these types of decisions require.

Sincerely,
Thor Hinckley

12/9/2010



To Washington County Commissioners with cc to Metro Councilors, Tom Hughes, Dick Benner, Brent Curtis

RE: Proposed Revision to Washington County Rural Reserves and Urban Reserves

Members of the Washington County Board of Commissioners

My wife Kelli and I own a 9.76 acre property within Bendemeer, a 130 acre community composed of a residential subdivision subject to a Goal 3 and 4 exception at the northwest quadrant of West Union Rd and Cornelius Pass Rd. Our property is zoned AF-5. Bendemeer is zoned AF-5 and R-COM. Neither we nor our attorney received notice of the hearing scheduled for December 14, 2010 and only fortuitously learned about the proposal and hearing yesterday. Please include this letter in the record for that meeting.

Bendemeer is highly parcelized, immediately adjacent to the UGB, across the street from important employment land including a parcel owned by Intel, and capable of easy and efficient provision of urban services. Significant transportation investments have been made in Cornelius Pass Rd leading up to West Union Rd including 5 lanes and multiple signals. This transportation investment makes further urban development north of West Union Rd a relatively cost effective location for future urbanization.

No agricultural activity occurs within Bendemeer. It has no significance to agriculture and does not meet the criteria for Rural Reserve designation. The effect of excluding Bendemeer from Urban Reserve is that prime farm land someplace else must then be included within the Urban Reserve. The goal of preserving as much prime farm land as possible is not achieved unless Bendemeer is re-classified from Rural Reserve to Urban Reserve and the Urban Reserve is reduced someplace else.

We submitted materials in opposition to the Rural Reserve designation multiple times during the process. A few months ago, the Washington County Planning Commission agreed that my property should not be Rural Reserve and in fact recommended that Bendemeer be designated Urban Reserve. There should be little dispute that our property and the residential subdivision within which it exists has no business being Rural Reserve.

We timely filed an appeal to LCDC and I testified all four days of the LCDC hearings. The merit of my case was recognized by LCDC. My property was specifically referenced in the LCDC deliberation the day of the decision in the context of asking Washington County to review its Rural Reserve designations.

When I reviewed the map posted to the Washington County web site on December 7, 2010, I was astonished to see that Bendemeer is still designated Rural Reserve.

I note with interest that 832 acres (Area G) at the northeast quadrant of West Union Rd and Cornelius Pass Rd has been changed to Undesignated from Rural Reserve. While I see the merit to this change, leaving Bendemeer as Rural Reserve makes even less planning sense with this change. Should this newly Undesignated land immediately east of Bendemeer become urbanized in the future, the result would be

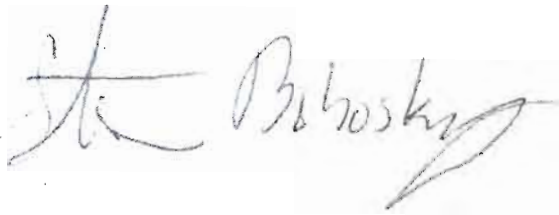
that only three of the four quadrants of the West Union Rd and Cornelius Pass Rd intersection could be urbanized. The December 6, 2010 staff report noted that changing the designation of Area G to Undesignated would allow for future road improvements at the intersection of Cornelius Pass Rd and Germantown Rd. This same factor should be applied to the northwest quadrant of West Union Rd and Cornelius Pass Rd and Bendemeer should either be Urban Reserve or Undesignated.

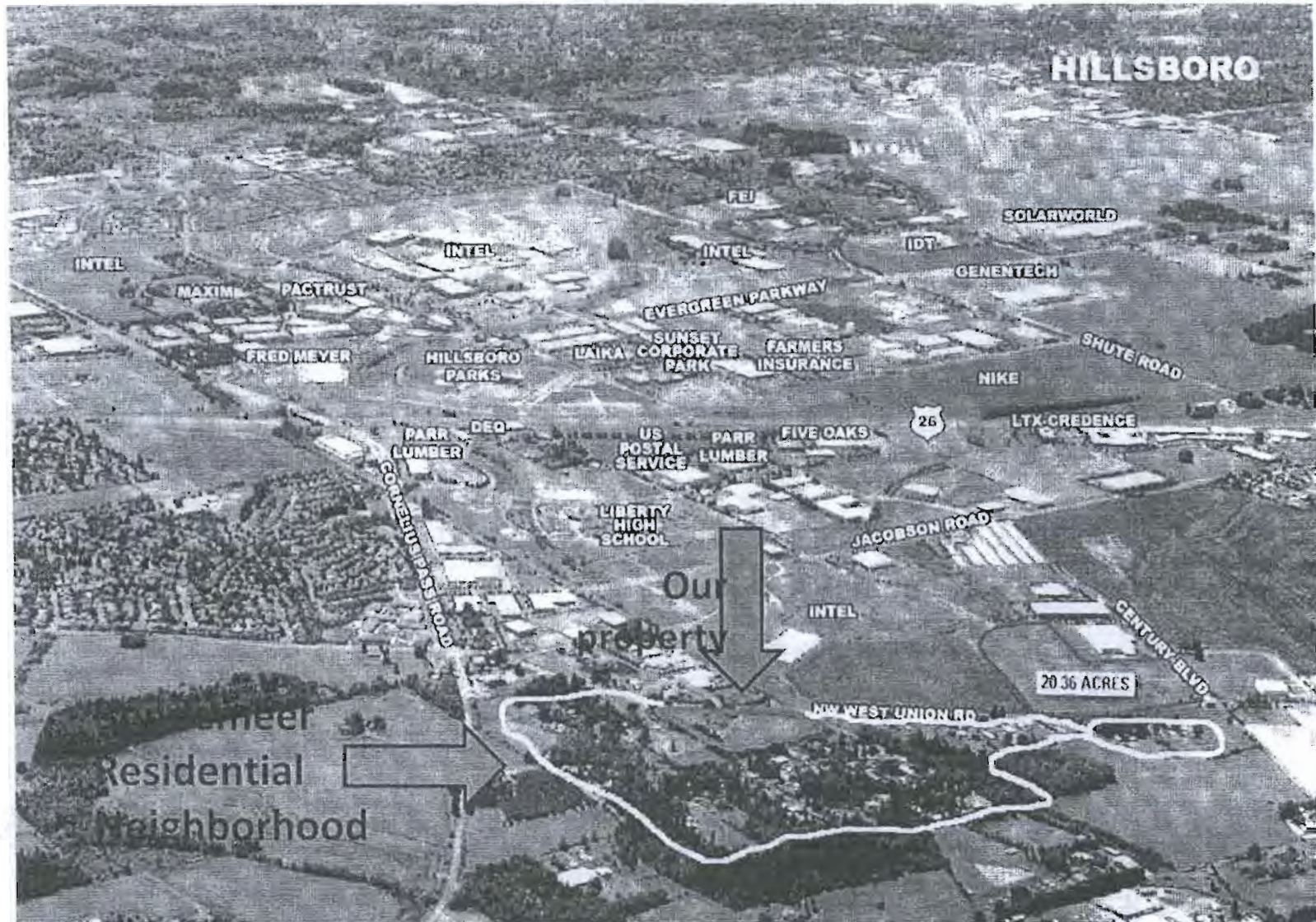
Bendemeer is strategically located between employment land to the south and Rural Industrial land to the northwest, making it an appropriate area for future employment, commercial or residential uses.

We respectfully request a change for my property from Rural Reserve to either Urban Reserve or Undesignated.

Thanks for your consideration,

Steve Bobosky
21393 NW West Union Rd.
Hillsboro, OR. 97124

A handwritten signature in dark ink, appearing to read "Steve Bobosky", is written over a light gray rectangular background.



acre subject property
 ter Bendemeer Residential Neighborhood

RECEIVED

DEC 07 2010

Long Range Planning
Land Use & Transportation

From: Jim Larson [jlarson@cascadiannurseries.com]

Sent: Tuesday, December 07, 2010 3:57 PM

Subject: The Bendemeer area in review

Washington County Commissioners
Washington County Land Use Department
155 N. 1st Ave
Hillsboro, OR 97124

Cascadian Nurseries, Alfred and Carla Meisner own approximately 150 acres in the Bendemeer area. We have made contact with several other property owners who request your consideration to review the area west of NW Cornelius Pass Road, north of NW West Union Road and east of NW Dick Road. This area was approved by Washington County Land Use and Metro in 2004 and taken out at the final decision process. This area has immediate access to the Sunset Hwy. All traffic signals and a five lane access on Cornelius Pass Road. All utilities are available to this neighborhood.

Our property adjacent to Bendemeer at 21500 NW Farm Park Drive has two (2) classifications: R.I.N.D. and E.F.U.: it is a 39.03 acre tax lot and a 1.40 acre tax lot. The entry road known as NW Farm Park Drive connecting to NW Dick Road and NW Dick Road connects to West Union Road.

Of the tax lot 1900, approximately 30 acres are classified E.F.U. and 10 acres are R.I.N.D. Within the 30 E.F.U. acres approximately 10 acres are supporting the ten acres R.I.N.D. with blacktopped roads and loading areas including compacted graveled areas for parking of trucks and equipment and storage.

The R.I.N.D. section and supporting areas was formerly known as: The Plastic Pipe Plant opened its business in 1965, manufacturing irrigation, drainage, and electrical conduit pipes for various commercial and agricultural projects. The company at full capacity employed up to seventy people twenty-four hours a day, seven days a week. Pacific Pipe Co. needed additional space for expansion which was not allowed on E.F.U. Pacific Pipe closed in 2001 and moved to Vancouver, Washington.

Cascadian Nurseries purchased the property in 2002. We are approved to develop and use this property to create a horticultural business park. It has approximately 90,000 square feet of warehouse space including a large concrete 20 ft clear-span tilt up building. There are twelve office buildings, a repair/mechanic shop for tractor, truck, logging truck and equipment repair etc.

The R.I.N.D. expansion areas are used for primarily processing of raw materials, parking and the use of landscapers and contractors sites. A recap of its uses as prepared by Stuntzner Engineering who presented our request to Washington County in 07-08. Our case file 08.349.DM is on record with the Land Use Department was approved on February 9, 2008 on the tax lots 1900, 39.03 acres and the tax lot 1602, the 50 ft wide entry road, 1.40 acres from NW Dick Road.

We would like the R.I.N.D. portion to be included in the Urban Growth area. Cornelius Pass Road, north of West Union Road and east of NW Dick Road is per our understanding presently being evaluated to be included within the Urban Growth area.

Sincerely,

Alfred Meisner

From: Mel & Wendy Mortensen [mailto:wlmpdx@aceweb.com]
Sent: Thursday, December 09, 2010 11:42 AM
To: County Administrative Office
Subject: Urban Reserves Process

According to an in the Oregonian, Washington County is making decisions about the uses of lands unbeknownst to the owners and/or stakeholders of that land and without any input from the public. This is not the way a democratic system should work. What citizen input has the County obtained on whether farmland identified by LCDC for deletion should be replaced with additional urban or undesignated land and where that land should be?

Please slow down and study all ramifications of your decisions both on the property owners affected and the direction it takes the County in regards to expensive urban sprawl.

Mel & Wendy Mortensen
17845 NW Solberger Rd.
North Plains, OR 97133
(503) 647-0804



From: Catherine Bax [mailto:cbax1948@gmail.com]
Sent: Thursday, December 09, 2010 1:20 PM
To: County Administrative Office
Subject: No more land for "Urban Reserves"

December 9, 2010

Dear Washington County Commissioners,

I live in Portland and am a long time member of a CSA (Community Supported Agriculture) farm that is located in Helvetia.

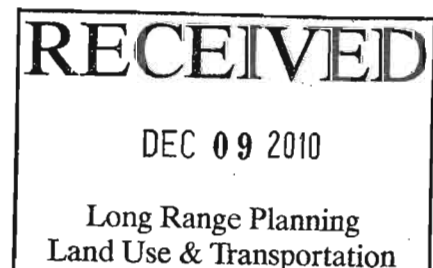
I was shocked to read in the newspaper that you have drafted a **new** plan to designate acres of land north of Hwy 26 "undesigned or urban reserves", land that had been designated "rural reserves". I have followed this process closely, have testified at public meetings you held and have submitted written testimony regarding my family's concerns about allowing this beautiful, prime farmland be used to create more urban sprawl and industrial sites. I realize economic development is a very important consideration. But the plan to destroy this farmland and destroy the livelihood of the farmers is short sighted. There is plenty of land that is not prime farmland that is already designated "urban reserves".

There was a process that you and I and thousands of other citizens participated in earlier this year and from that process the map was set. It is not right for the Washington County Commissioners to now hold secret meetings, not invite the public and do the people's businesses and make decisions that are contrary to what had been decided by way of the public meetings. In my opinion, it seems that you are being influenced too much by the developers (who stand to make a lot of money) and people who want to sell their land at a higher price because of a favorable designation. It was obvious that those were the people at the public meetings who were testifying in favor of expanded urban reserve designation.

It is a common good that must be addressed when the prime farmland and open space in Washington County is at issue. **DO NOT VOTE NEXT WEEK TO DESIGNATE THE LAND AT ISSUE IN WASHINGTON COUNTY AS URBAN RESERVES. KEEP THE LAND AS RURAL RESERVES.**

Sincerely,

Catherine Bax
2007 NE Mason
Portland, OR 97211



From: Wendy Gordon [mailto:wagordon@qwestoffice.net]

Sent: Thursday, December 09, 2010 12:18 PM

To: County Administrative Office

Subject: land use changes

To whom it may concern:

What on earth is going on in Washington County? An agreement with Metro keeps being reached, and you keep trying to make backdoor deals to undercut it.

LEAVE THE FARMLAND NORTH OF ROUTE 26 ALONE!!! This is some of the most fertile farmland in the nation. Every summer I pick fruit out there to jam and preserve, and much of the produce I buy at the farmer's market comes from this area. Unlike most metropolitan areas, the farmland close to Portland allow the Portland metro region to be self sufficient in food production.

If it works, don't fix it!!! Once we convert this gift of nature to suburban sprawl the damage will be irreparable.

Time and time again, the public has spoken in support of preservation of this farmland. Why don't you respect their input? Why don't you listen? I read an article where one of the pro-development people lambasted supporters of the rural reserves as being "intellectuals". Since when did "intellectual" become an insult?

I suppose the people who will benefit--financially, and only temporarily, because they have to eat too--would prefer we were stupid, and not "intellectual" enough to read about the backdoor changes you are trying to push through.

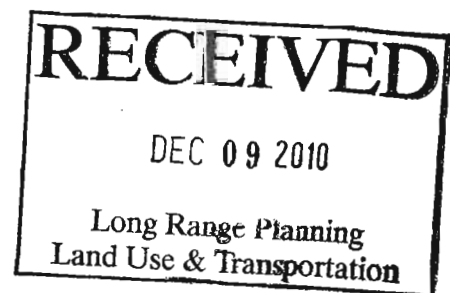
Sincerely,

Wendy Gordon

2911 NW Cornell Rd.

Portland, OR 97210

(503) 226-6956



From: LYN JUVENCIO ARGUETA JACOBS [mailto:lynjuve@msn.com]

Sent: Thursday, December 09, 2010 6:02 AM

To: County Administrative Office

Subject: No more Urban reserves north of HWY 26

December 9, 2010

Dear Commissioners;

I am co-owner/operator of Helvetia based "La Finquita del Buho, CSA". I have offered comment and testimony for over 2 years in the debate over protection of farmland. I am deeply disturbed with the recent proposal for changes in the rural/urban reserves designation. The process to designate foundation farmland as urban reserves in the area north of HWY 26 is far beyond the direction from the LCDC. We have presented hours of testimony in the past about the importance of this foundation farmland and not carving up Helvetia and yet you seem set on backdoor deals that benefit special interests. I urge you not to replace 652 acres of urban reserves from the council Crest area but rather leave the map as it was. The region still has enough acreage and remains at the high end of the Metro CCO's recommendation for urban reserves.

I am fed up with Washington County and it's commissioners rushing into decisions without public comment. You are making decisions about foundation farmland for the next 50 years with one week notice and no public process. This is completely unacceptable.

Stop with the deal making and land grabbing. No more farmland in the urban reserve. You have garnished enough of this irreplaceable asset for your future industrialization. I implore you to preserve farmland, habitat, open space and the heart of our amazing county for generations to come.

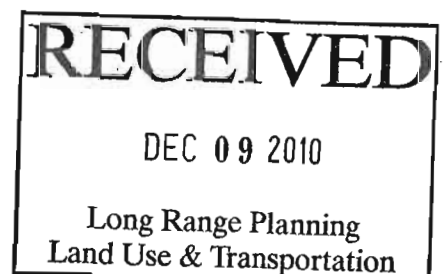
Sincerely,

Lyn Jacobs

La Finquita del Buho, CSA

7960 NW Dick Rd.

Hillsboro, OR 97124



From: jontardiff@aol.com [mailto:jontardiff@aol.com]

Sent: Thursday, December 09, 2010 9:20 AM

To: [REDACTED]

Cc: brian@beinlich.org

Subject: Please deny the Resolution and Order to adopt a Supplemental Intergovernmental Agreement

Dear Washington County Board of Commissioners:

I am writing to ask you to please deny the proposal to convert approximately 2000 acres of undesignated or rural land in Washington County into urban reserves.

Washington County is a wonderful place to live precisely because it has so much beautiful farmland. We don't want our beautiful county changed into an urban area. We have stated this clearly over and over again. Please stop entertaining proposals to convert our farmlands to urban areas.

This particular proposal is sneaky and underhanded because it does not give the public much time to make comments, impairing our opportunity to participate in this important decision.

Please automatically deny all hurried proposals like this in the future. The residents of Washington County should be given the opportunity to participate in all important decisions. Approving or even entertaining this proposal makes you look bad and harms the public's trust in their government.

Please deny the Resolution and Order to adopt a Supplemental Intergovernmental Agreement.

Sincerely,

Jon Tardiff
10930 NW 311 Ave.
North Plains, Oregon 97133



From: winona phelps [mailto:wmp712@yahoo.com]

Sent: Thursday, December 09, 2010 5:59 AM

To: County Administrative Office

Subject: Expansion of the number of undesignated acres north of the Sunset.

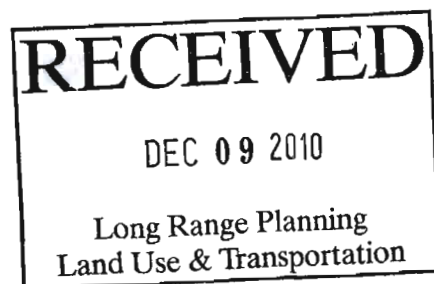
I received notice from Save Helvetia of this recent change. I have MAJOR concerns:

What is going on in Washington County?

- What is the rush to make such major changes by next week?
- Why isn't there a public process?
- Where is the concept of citizen involvement in Washington County?
- Behind-the-scenes backdoor deal-making is completely inappropriate
- Don't "replace" the urban reserves from Council Creek, just remove them
- Not replacing the 652 acres of urban reserves will STILL leave the region with urban reserves at the high end of the Metro COO's recommendation
- Why are you picking on Helvetia and north of the Sunset?
- The map was good enough for you for the last year - why all of a sudden do you have to change it?
- Taking 2,000 acres from Foundation farmland is WAY beyond the direction from LCDC
- We're tired of our elected officials carving up our Foundation farmland
- We're mad that you think it is OK to make decisions for our Foundation farmland for 50 years with one week notice and no public process.

You must stop and consider the impact this will have!

Winona Phelps, lifetime resident of Washington County



From: Lee Montgomery [mailto:leebmontgomery@gmail.com]
Sent: Thursday, December 09, 2010 6:45 AM
To: County Administrative Office
Subject: STOP!

December 9, 2010

Dear Commissioners;

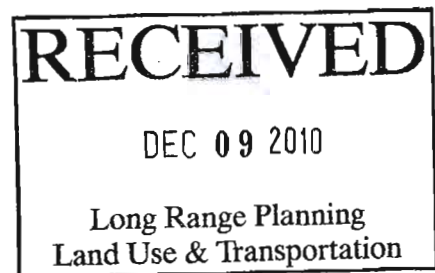
I am a member of Helvetia based "La Finquita del Buho, CSA". I am deeply disturbed with the recent proposal for changes in the rural/urban reserves designation. The process to designate foundation farmland as urban reserves in the area north of HWY 26 is far beyond the direction from the LCDC. We have presented hours of testimony in the past about the importance of this foundation farmland and not carving up Helvetia and yet you seem set on backdoor deals that benefit special interests. I urge you not to replace 652 acres of urban reserves from the council Crest area but rather leave the map as it was. The region still has enough acreage and remains at the high end of the Metro CCO's recommendation for urban reserves.

Washington County and it's commissioners rushing into decisions without public comment is illegal. You are making decisions about foundation farmland for the next 50 years with one week notice and no public process. This is completely unacceptable.

Stop with the deal making and land grabbing. No more farmland in the urban reserve. You have garnished enough of this irreplaceable asset for your future industrialization. I implore you to preserve farmland, habitat, open space and the heart of our amazing county for generations to come.

Sincerely,

--
Lee Montgomery
Associate Publisher/Editorial Director
Tin House Books
2617 NW Thurman St.
Portland, OR 97210
(Phone) 503-473-8663
(Fax) 503-473-8957
www.tinhousebooks.com
www.LeeMontgomerywriter.com



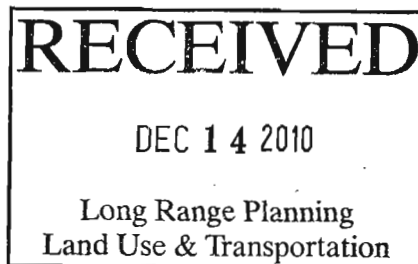
From: Cherry Amabisca [mailto:cherryamabisca@gmail.com]
Sent: Tuesday, December 14, 2010 12:34 PM
To: County Administrative Office
Subject: Helvetia farmland

Dear Commissioners,

Attached is testimony from Pam Gates regarding the traded sector crops grown on approximately 5,000 acres of Foundation land north of Highway 26 in the Greater Helvetia area. This area includes the 585 acres of Foundation land you want to urbanize. The Gates family farms 309 acres on the north side of West Union Road. They also lease land and farm it on the south side of West Union road.

The ag industry north of the Sunset is green, sustainable, stable and produces traded sector crops. Why are you so intent on getting rid of it?

Respectfully,
Cherry Amabisca
(503) 647-5334



We support the Metro COO's recommendation that the foundation agricultural land north of Highway 26 be protected from urban reserves. The farms in Helvetia depend on this land to continue our businesses. A Rural Reserve designation for the land north of Highway 26 is the best way to protect this land and our industry.

Pam Gates

Mayor Doyle and Beaverton City Councilors
City of Beaverton
P.O. Box 4755
Beaverton, OR 97076-4755

My name is Pam Gates. I live at 27007 NW West Union Road, Hillsboro, OR 97124

I was alarmed to read Councilor Betty Bode's comment on August 27, 2009 that, "the activity in the Helvetia Area consisted of hobby and generational farming as opposed to high-produce, high export farming."

My husband Spencer is a 4th generation farmer on both sides of his family. Both the farm that his mother and his father grew up on are Century Farms. We own Twin Fir Century Farm, LLC which is the farm on Spencer's mother's side. This farm began in 1886. That's 123 years the farm has been owned and operated by the same family and 123 years the farm has provided a livelihood to our family. Our children are the 5th generation to live on our 309 acre farm.

If any other business stays around this long, they are praised. Let me be clear. Farming is a business. Farming is capital intensive, both for the land and the equipment. There is also knowledge that is passed on from one generation to next, just like in any business that has survived for more than one generation. Farming practices are learned over a lifetime. When to plant, when to fertilize, when to harvest is all dependent on the weather not the calendar and these answers can only be passed on from years of experience. Because Farming is both capital and knowledge intensive, it is not an occupation one simply decides to do, it is a legacy that we have been fortunate enough to be part of.

There are about 30 self-supporting, profitable farms, farming over 5000 acres in the Helvetia area. These farms are where we live and work full time. In the Helvetia area,

- About 4 million pounds of grass seed is grown, 20% is exported outside the U.S. and about 79% is exported out of Oregon.
- From the grass seed fields, we also make grass straw, 100% is exported outside the U.S.
- 100% of the 84,000 bushels of wheat we grow is exported outside the U.S.
- Of the over 535,000 pounds of clover seed we grow, 96% of it is exported outside of Oregon. We even export a small amount to Italy.
- About 12% of our Nursery stock is exported outside of the U.S. and 50% is exported outside Oregon.
- 65% of our Hazelnuts are exported outside the U.S. and 33% is exported outside Oregon.

The high production crops we grow are generating dollars that are coming from outside of Oregon and outside of the United States.

As demand for crops change, we can and have changed our crops to meet that demand. We can't grow all these diverse crops and generate these new dollars to Oregon on poor soils or on hobby farms. Farming is a business.

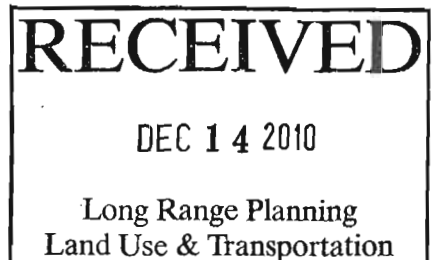
From: Linda Martin [mailto:lintintin.martin@gmail.com]
Sent: Tuesday, December 14, 2010 11:02 AM
To: County Administrative Office
Subject: Why are Washington County commissioners ignoring the people?

Greg Mecklam was narrowly defeated in the election perhaps because he wasn't first on the ballot, yet Washington County commissioners are behaving as if they were given a mandate to classify farmland that has been pristine and untouched by development. My husband and I left a state in which development was rampant. Now there are empty buildings where good farmland stood; ugly apartment buildings; fields of trees ravaged; strip malls; and other signs of no planning because elected officials stood on the side of developers. Travel to north Alabama if you want to see what happens when commissioners decide to let the free market take its own way. Travel there to witness what becomes when the market goes down and there are empty houses that are being vandalized; travel there and talk to the citizens. I know dozens of farmers throughout Washington County and of both political parties who oppose this development.

Why is there such a rush to reclassify the 652 acres and other areas of Helvetia? Why isn't there more public involvement? Where is the transparency? This is one of the most egregious land grab actions I have witnessed in the seven years we have owned property in Oregon. We moved here thinking that farmland was treasured. We spent our retirement money to own a little farm. Oregon seemed so progressive in land use, but Washington county commissioners are going against what they said was acceptable last year and rushing to pave the way for giving some of the most beautiful and unviolated land in this county to developers. Look at Hillsboro! There are empty buildings everywhere. Why do you need more land for development?

I won't be able to attend the Commissioners meeting tonight, but I want it known that people in other parts of Washington County oppose this deal. I have to say that this deal appears that there is something "rotten in Denmark." Similar events happened in Clatsop county and several commissioners were recalled. Is this what Washington county has in its future? The commissioners pitted against the citizens? We need to preserve our farmlands.

Linda C. Martin
53436 NW Old Wilson River Rd.
Gales Creek, OR 97117



From: Analene Waterman [mailto:analene.waterman.gj3r@statefarm.com]
Sent: Monday, December 13, 2010 8:56 PM
To:
Cc: Analene Waterman
Subject: Washington County Board of Commissioners/meeting for 12-14-10

12-13-2010

In Reference to the Upcoming Meeting Regarding Urban Reserve Boundary North of Hwy 26, 12-14-10

I and my family are in agreement with the proposed changes from Undesignated Reserves, into Urban Reserves. The family farm has been operated for four generations. The current farm, at 200 areas, is leased and not being farmed directly by my family, nor will it be. Our current plan for the farm has been impacted by our unknown status regarding undesignated reserves. As a family, we determined that our current operation as a wheat, straw and grain grower is not sustainable as a business and cannot generate enough income for the entire family. Therefore, we will continue to lease the farm.

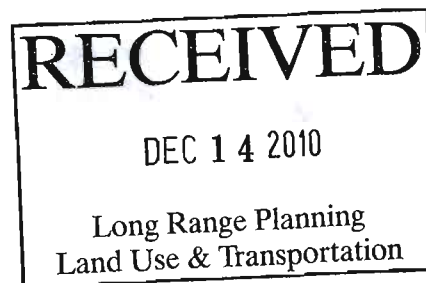
We support the Urban Reserve designation because it affords us more options for our business planning. The property is currently adjacent to the existing UGB and is readily adaptable for infrastructure development. Current transportation systems, US 26, West Union Rd and Groveland Rd are situated on the boundaries of the property. The expansion of available industrial land for business development and jobs within our county appears to be a better use of this resource.

The property is entirely owned by one family, the Leppin family, which consists of myself, sisters and mother. As one of the original homestead families in the West Union/Helvetia area, we have observed significant changes in the property surrounding our farm. Residential development, very small gentleman farms and nursery operations have expanded greatly. The majority of people that have small properties do not and have never used farming as their main livelihood. The type of farming that my family has done for a living is no longer practical without a significant change in operation, equipment and methods. My mother is 93 years old and lives on the farm. The family has decided that such a change in operation is not feasible.

Sincerely,

Analene Leppin Waterman

25360 NW West Union Rd, Hillsboro, Or. 97124



From: Philippe Mazaud [mailto:phimazaud@gmail.com]
Sent: Tuesday, December 14, 2010 5:32 AM
To: County Administrative Office
Subject: farmland north of Highway 26

Greetings,

The sudden end-of-year attempt by some in Washington County to take aim at 2900 acres of farmland north of Highway 26 is most unwelcome (if not a total surprise).

As a resident of downtown Hillsboro (SE Baseline), I would like to make absolutely clear to the Commissioners that I am in no way supportive of their recent move to designate "Helvetia" farmland as urban or "undesigned", neither of its substance nor of the kind of maneuvering that the move is symptomatic of.

The farmland that the Commissioner are apparently bent on targeting with a vengeance, besides its intrinsic quality, plays a very significant role in the quality of life in Hillsboro and of the broader metropolitan area

generally. The kind of sprawling, spotty development that the board would encourage with their latest proposal is precisely the kind that we should seek to avoid.

I would like to see Hillsboro develop as a *city*, not as an endless sprawl larger than Manhattan and central Paris put together. The latest move by the Board of Commissioner goes resolutely in the wrong direction.

Sincerely,

Philippe Mazaud
417 SE Baseline Street
Hillsboro OR 97123

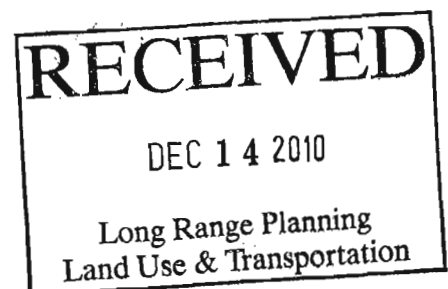


From: celeste@pacifier.com [mailto:celeste@pacifier.com]
Sent: Tuesday, December 14, 2010 8:46 AM
To: County Administrative Office
Subject: Citizen Inquiry - Tom Brian

Email for: Tom Brian

Response required? no
Issue: Suggestion

I have just learned about the revisions to Washington County urban reserve and undesignated reserve in connection with land use planning. The procedure in arriving at these proposals has been entirely closed to the public. Other counties in Oregon allow input from residents in decisions so greatly affecting their homes and lives. Please see that efforts to keep such decisions solely in the hands of the commissioners are not successful! Having a strong public voice in local decisions is the wave of the future. Let's keep Oregon in the forefront of that wave.



December 12, 2010

Washington County Board of Commissioners

We are in support of changing un-designated property north of Highway 26 to urban reserve. My family jointly owns a 200+ acre farm that has been ours for four generations. Our farm is currently in the area that is un-designated north of US 26. We support the change because not being designated rural or urban makes it difficult to have a long term business plan for our farm. Other factors supporting urban reserve in this area are:

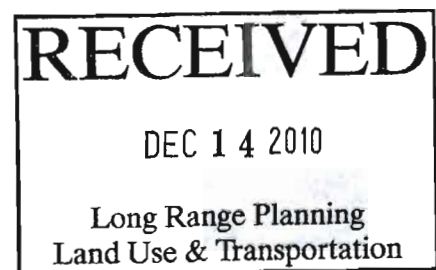
- Being adjacent to area 8B already designated Urban means infrastructures can be efficiently provided.
- Our property is bordered by US 26, West Union Road, Groveland Road. Helvetia Road is close by the eastern border. These transportation systems could be adapted or extended to serve future development.
- West Union Road would be a natural buffer to separate urban and rural on the north.


Farming, as with any business, requires long range planning to provide return on investment. We would prefer to have numerous options available to us in support of our business plan. Urban designation allows more choices; rural only one. For the individuals in "D" who want to continue to farm, that is still an option under the urban designation. The small urban farmer can continue community gardens and provide that service to consumers out of the area.

I have attached an aerial photo of our farm.

Sincerely,

Alayne Bryan, Arnita Scheckla, Analene Waterman, Annamarie Leppin





Intermap

Geographic Information Systems

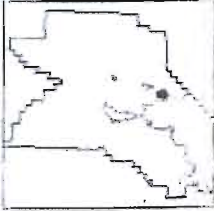
Navigation: ([GIS Home](#) | [New Search](#) | [Navigator](#) | [Help](#))

Parcel Report for Taxlot: 1N2090001200

Site Address: 25365 NW WEST UNION RD. HILLSBORO OR, 97124

Active Tool: Zoom Out

Overview Map



☒ Selected Taxlot
☐ Overview Location

Maps:

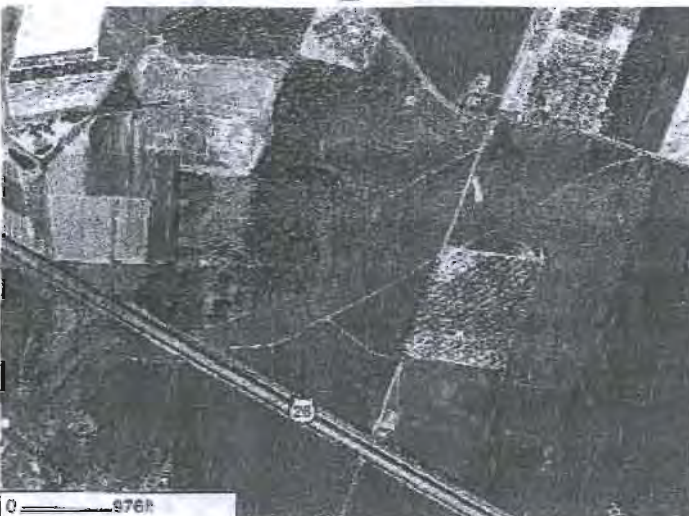
[Zoning](#)

[Contour Lines](#)

[2008 Air Photo](#)

[USGS Quads](#)

[View Legend](#)



[Zoom In](#)

[Zoom Out](#)

[Pan & Recenter](#)

[Select New Taxlot](#)

[Zoom To Selected Taxlot](#)

Additional Information for Taxlot 1N2090001200

Sub Reports: [Parcel Summary](#)
[Districts Overlay Information](#)
[Assessment & Taxation Information](#)
[Scanned Tax Maps](#)
[Permits & Projects](#)

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December 8, 2010

Care of Angie
Washington County Oregon
Hillsboro, Oregon

Re: 27.62 acres, designated on Washington County tax records as 1N214B-00191, East of Dick Road.

We wish to submit the following statement for the record for the Dec. 14, 2010

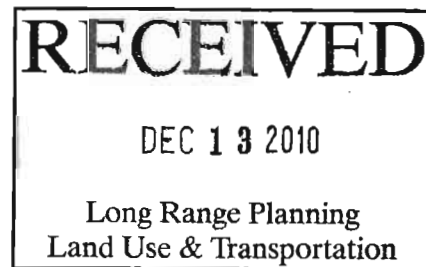
Washington County Board of Commissioners Meeting:

We want the above referenced property to be designated in the "Urban Reserve" because this property is surrounded on 3 sides by "Exceptions Land". The property is next to the current Hillsboro City Limits with services nearby and near the transportation corridor to the major cities.

Michael Cropp

William Waibel

Jannette Christensen





CITY of BEAVERTON

4755 S.W. Griffith Drive, P.O. Box 4755, Beaverton, OR 97076 TEL: (503) 526-2481 Fax (503) 526-2571

DENNY DOYLE
MAYOR

December 9, 2010

RECEIVED

DEC 13 2010

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

Chairman Tom Brian
Washington County Board of Commissioners
155 N First Avenue #300
Hillsboro, OR 97124-3072

RE: Proposed Supplemental IGA

Dear Tom:

I am writing to you today to go on record stating that the City of Beaverton does not support the proposed supplemental Intergovernmental Agreement (IGA) with Metro for Urban and Rural Reserves and strongly urges the Washington County Board of Commissioners to not adopt the supplemental IGA as currently proposed.

I was disappointed with the decision of the Land Conservation and Development Commission (LCDC) to remand the Washington County - Metro IGA on Rural and Urban Reserves. I believe that the work that was completed over the course of the past two years represented the best compromise for all parties. Nevertheless, I understand the reasoning behind your decision to proceed with the supplemental IGA. However, I do not support the recommended changes to the Reserves Map.

LCDC has indicated that re-designating other lands within the County to Urban Reserve would be acceptable in order to offset the loss of lands that were originally designated in the Cornelius and Forest Grove areas. If the County's proposal to relocate Urban Reserve land north of Highway 26 in the Helvetia area is not achievable, there are other options that may easily be acceptable.

The Washington County Reserves Coordinating Committee and the Board of Commissioners received significant public testimony in opposition to designating land north of Highway 26 as Urban Reserve. Furthermore, the County is currently readdressing the Reserves proposal because, at least in part, LCDC did not agree to making an assignment of an Urban Reserve designation to large acreage, actively productive foundation agricultural lands. The County and the participating parties that developed the Urban and Rural Reserves Map purposefully excluded the

Helvetia area from being designated as an Urban Reserve. To do so now would be subject to claims that this is bad faith with the prior process and with the community. Moreover, to do so now would avoid creating additional delays in future urban growth boundary expansion due to the certain appeals of designating this land as Urban Reserve.

I do support the County's goal of retaining the total amount of Urban Reserve acreage; however, I do not support the County's conclusion that it is necessary to retain the anticipated land use design type of the lost Urban Reserve areas. I believe that the amount of employment and industrial lands identified by the County in the original Reserve Map, less the areas that have been remanded by LCDC, is adequate to serve the needs of the County and Region. If additional employment area is needed in the County, I believe that there is sufficient land within the existing UGB that can be redeveloped and sufficient land within the Urban Reserve areas that can be planned to accommodate employment growth.

For the reasons I have stated above, I recommend that the Board consider adding new Urban Reserve land in the South Cooper Mountain and South Hillsboro Urban Reserve areas to offset the loss of Urban Reserve lands in Cornelius and Forest Grove. Portions would lend themselves to employment land usage. Attached to this letter, and incorporated by reference, you will find a map which outlines those areas and their acreage which can be added to the Urban Reserves.

The County has proposed to create a strip of Undesignated land south of the South Hillsboro area in order to accommodate the future extension of Cornelius Pass Road to Farmington Road. While this is a commendable idea, it is an incomplete idea. Extending Cornelius Pass Road in this manner will push urban level traffic out onto rural roads; i.e. Farmington Road, Clark Hill Road, and Tile Flat Road. If urban traffic is promoted to be carried on these roads, the land surrounding these roads should also be urban. Therefore, the lands along these roads should be designated Urban Reserve or at a minimum, should receive an Undesignated label. Much of this area is already divided into many parcels and is not actively farmed to the same extent as other areas of the County. Furthermore, during the outreach and public participation process for the Reserves work, the property owners in this area were far more supportive of receiving Urban Reserve designations than other areas of the County.

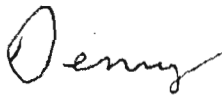
Chairman Tom Brian
December 9, 2010
Page Three

My final concern is directed to the new areas of the County receiving an Undesignated label. While I did not attend the LCDC hearings, I believe the County has misunderstood the LCDC direction concerning the potential addition of adding more Undesignated lands in the County. I believe LCDC was responding to statements made that Washington County has lands designated as Rural Reserves that are not in any threat of urbanization. Therefore, the amount of Rural Reserves is too large. I believe that LCDC was encouraging the reduction of the amount of Rural Reserves in areas that are distant from the UGB and the designated Urban Reserves. Based on this, I do not support the addition of new Undesignated lands in any location north of Highway 26 due to an absence of compelling reasons why these areas are not threatened by urbanization.

In conclusion, I recommend that the Board propose to retain the lost Urban Reserve acreage by re-designating approximately 650 acres of land in the South Cooper Mountain and the South Hillsboro areas as Urban Reserve. I also recommend that the Board reduce the total amount of proposed Rural Reserve by removing the Rural Reserve designation from those areas well west of the existing UGB and the designated Urban Reserves.

Should you have any questions about this letter or the City of Beaverton's position on the supplemental IGA proposal, please do not hesitate to contact me.

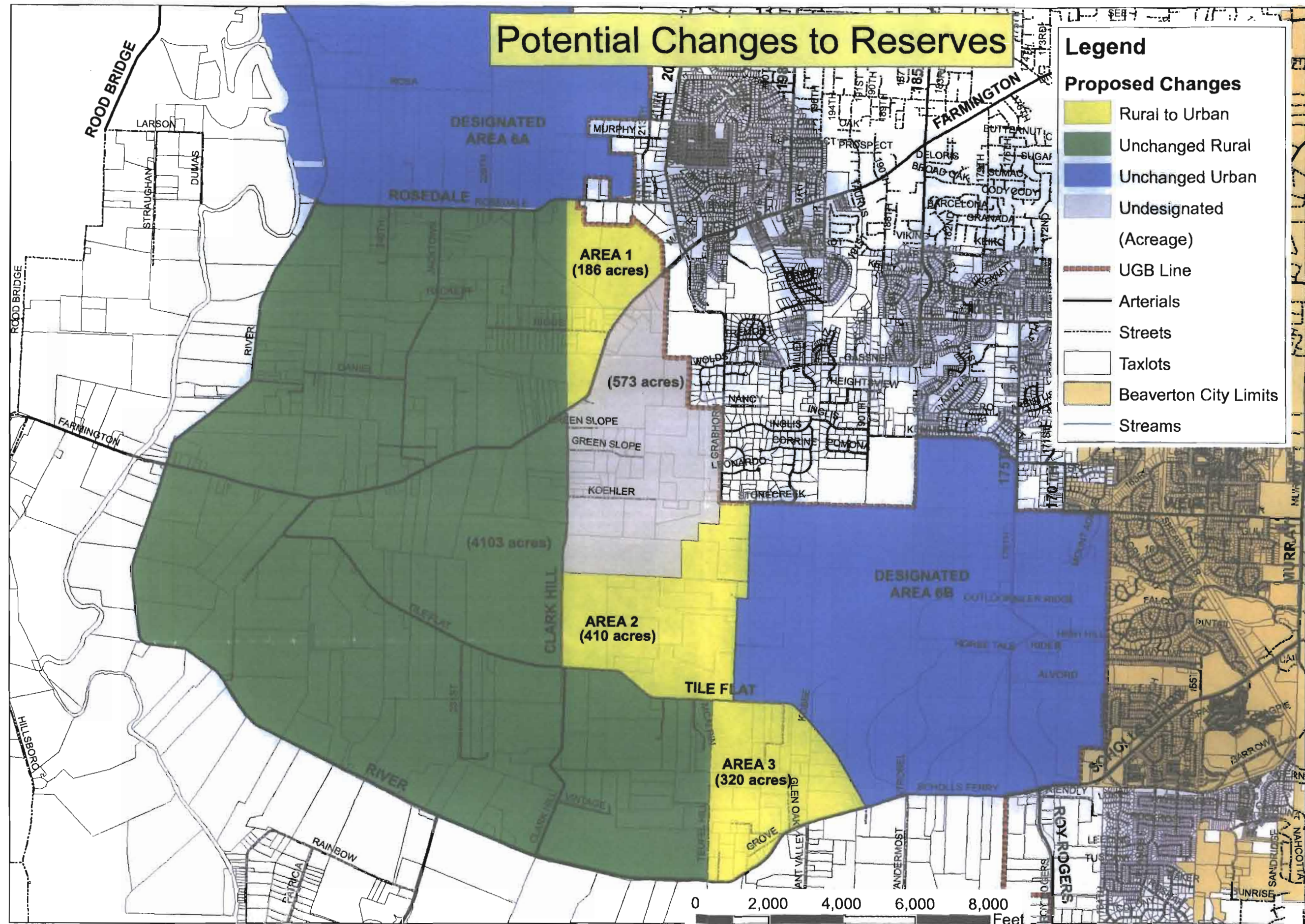
Sincerely,



Denny Doyle
Mayor

Enclosure

cc: Andrew Singelakis
Don Mazziotti
Robert Davis
Steven Sparks



S:/Ken/URR Remand
Revision Date:
December 9, 2010

From: Gayla Alverson [mailto:hotwheelsrus@yahoo.com]
Sent: Sunday, December 12, 2010 4:10 PM
To: County Administrative Office
Subject: Property North of Highway 26

Dear Board of Commissioners,

Please reconsider your decision to change the designation of the property north of Highway 26 to "Urban Reserve" and just leave it "as is." First of all, how can the County do this without the property owners' consents, AND with only imminent notice of intent?

There are enough "neighborhoods" to suffice, and it is not a *necessity* to destroy the beautiful farmlands in the designated area. If there aren't enough neighborhoods and businesses along Highway 26, then perhaps the County should focus on how to keep the County from overpopulating, instead of taking away property from people who rely on their farms for income.

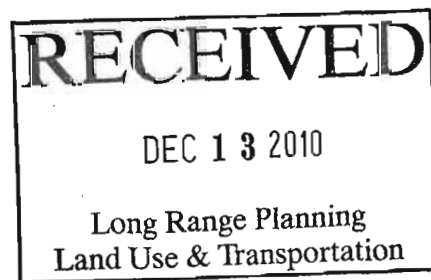
I don't care to drive up and down Highway 26 and only look at ugly buildings and houses (most of which will be EMPTY due to the sagging economy), when we already have a beautiful, scenic view. Why destroy this? Obviously, someone stands to make money off of this idea, or it wouldn't be happening.

If the County goes through with their decision to destroy other people's property, will the County make a fair compensation to those who have held onto their farmlands throughout many generations, and who will be losing incomes (which will only compound our sour economy), or will the land be pulled out from under them without any

compensation? Also, why do the property owners have little or no say in this, and why should elected officials have the only say in this? This is totally one-sided! Why does this have to be done so suddenly?

Again, please keep the property north of Highway 26 designated as Rural Reserve.

Gayla Alverson



From: t.mogster@comcast.net [mailto:t.mogster@comcast.net]
Sent: Saturday, December 11, 2010 2:57 PM
To: County Administrative Office
Cc: t mogster
Subject: Urban Growth Boundaries

What is going on? I use to be so proud of Washington County for respecting Oregon farm land by keeping the land North of 26th rural.

Now we citizens have to watch you like hawks and spend our precious free time to fight to preserve OUR OREGON...OUR FARMS..OUR LAND...OUR RULE COMMUNITY.

I beg of you to consider more than Washington county TAXES.....this is a land grab..and let me tell you, the community **does not want the Urban Growth.**

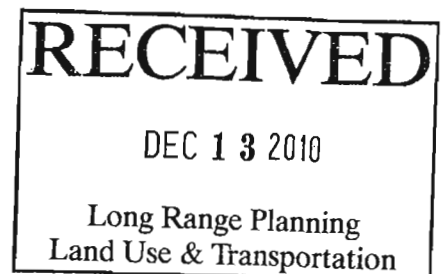
We need to preserve this beautiful land and acreage. I am so upset by Washington county encroachment on the rural land we true Oregonians love.

What can I, one person do to stop the madness. You need to love and respect the land as those did before you. Stop encroaching on the farm land please!

Ask your committees these questions:

- Why isn't there a public process?
- Where is the concept of citizen involvement in Washington County?
- Behind-the-scenes backdoor deal-making is completely inappropriate
- Don't "replace" the urban reserves from Council Creek, just remove them
- Not replacing the 652 acres of urban reserves will STILL leave the region with urban reserves at the high end of the Metro COO's recommendation
- Why are you picking on Helvetia and north of the Sunset?
- The map was good enough for you for the last year - why all of a sudden do you have to change it?
- Taking 2,000 acres from Foundation farmland is WAY beyond the direction from LCDRC
- We're tired of our elected officials carving up our Foundation farmland
- We're mad as (bleep) that you think it is OK to make decisions for our Foundation farmland for 50 years with one week notice and no public process

Please do right by Oregon,
Traci Mogster
503 314-3424

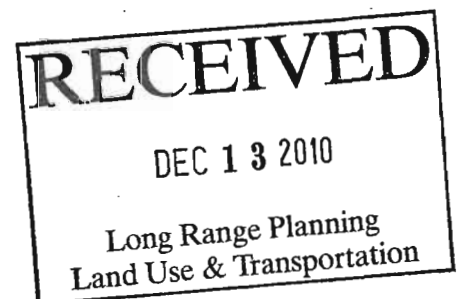


From: Rod Becker [mailto:snoblind999@earthlink.net]
Sent: Sunday, December 12, 2010 6:34 PM
To: County Administrative Office
Subject: Are you guys crazy?

Why are you "spitting" in the face of ALL residents in Washington County who attended ALL the hearings regarding designating areas of land North of Sunset Hwy. as Rural Reserves by redefining these areas as Urban or Undesignated Reserves without ANY citizen involvement? Heads up--yours will roll the next election cycle!

Please reply e-mail to how you define the concept of public involvement because you certainly usurped this process as we ALL know it? Why are you picking on North of Helvetia because this area is constantly flooded--its absurd to wait until ALL construction falls as a result of the underground streams for which NO technical strategy will stop--check with the Geotechnical Engineers--are you clueless? Are you guys clueless to how land moves and buildings fall as a result of underground waters? I feel so sorry for ALL the people who invest in this area by purchasing homes/buildings who will be completely unaware of their forthcoming financial ruin! Be prepared--many of us WILL let everyone know this!

Anna Becker
snoblind1@earthlink.net
EarthLink Revolves Around You.



-----Original Message-----

From: don.schoen@hotmail.com [mailto:don.schoen@hotmail.com]

Sent: Saturday, December 11, 2010 6:05 PM

To: County Administrative Office

Cc: don.schoen@hotmail.com

Subject: Farmland Presently Undesignated to Urban Reserves

My name is Don Schoen and I operate a hazelnut orchard north of highway 26 bordering Groveland Road on the west and Groveland Drive on the south. I am a second generation farmer and the land has been in our family since 1952. I definitely do not have a "McMansion Property" and I am offended by reference to people living north of highway 26 in our area as "wealthy elitists." I am a life long resident of Hillsboro, my family having operated Perfection Bakery for over 40 years. I have seen the reduction in farmland in Washington County for the past sixty years. Some of our finest "foundation" farmland has been lost to development. When does the foundation farmland grab end? We have some of the best soil for farming in the Helvetia/Hillsboro area. Class 1 and class 2 soils permeate this area. If we use this farmland for industrial development or housing our fine soils are lost forever.

We belong to the Hazelnut Growers Association Co-Op and our hazelnuts are sold and marketed through our association. We sell hazelnuts worldwide to countries such as Germany, China, and England. We compete with other countries for the sale of our nuts. This is an farming operation that not only provides food for our own local markets, but for people around the world as well. This is truly a win-win "green" operation. Agriculture is a viable industry in Washington County. Lets keep it that way! Farmers realize that the soil is their livelihood and take care of it for future generations. Let's think of not only our futures but the legacy we leave for our children and grandchildren.

Thank You

Don Schoen, owner, Rollin Acres Hazelnuts
7380 NW Groveland Road
Hillsboro, Oregon 97124-9343
don.schoen@hotmail.com



-----Original Message-----

From: Gaylene Grossen [mailto:gx3@mac.com]

Sent: Saturday, December 11, 2010 10:48 PM

To: County Administrative Office

Subject: Proposed land use designations

Dear Board of Commissioners:

Please help me to understand why the decisions you make regarding the use of my family's land north of Hwy. 26, which SHOULD be designated Rural Reserve, are mainly private amongst yourselves.

Many people enjoy the scenery of open space and farm fields, and it has been proven to be beneficial to the human psyche to have access to this. In this day and age of road rage, anger and congestion, more people need it, and there continues to be less of it. Not only that, there are people who own and make their livings off of farmland who care about the land and the ability to grow crops to feed the future.

What gives you the right to decide that land which has been in our family for over 100 years should be used for future public development? That is the main thing that I want to know... what gives you the right to choose what happens to peoples' private property?

Sincerely,

Gaylene Grossen
8320 SW Canyon Dr.
Portland, OR 97225



From: britanygbj@comcast.net [mailto:britanygbj@comcast.net]

Sent: Friday, December 10, 2010 3:01 PM

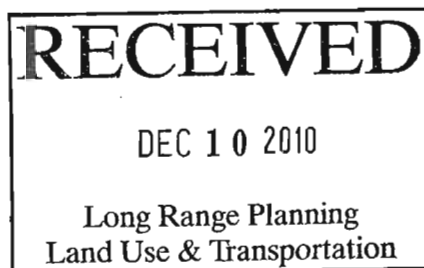
To: County Administrative Office

Subject: urgent

Dear Board of Commissioners:

I would like to tell you how against the proposed amendment to the Inter-Governmental Agreement (IGA) with Metro I am. As a parent, a citizen, and registered voter in Hillsboro, I am strongly in favor of keeping areas north of Hwy 26 designated as rural reserves. Any moves to amend the work that has been done up to this point seems questionable to me in terms of thinking, but also in terms of process. I question whether this work is ethical considering all the public work that has been done up to this point. These plans have been vetted, voted on, and seek to establish a vision for Hillsboro for the next fifty years. To try and push something through within this small window of time seems like someone is trying to take advantage of the holiday season timing. I encourage you to please respect the work that has gone into the process and decisions thus far and leave the areas designated as rural reserves just as they are.

Thank you. Please consider what is at stake and what beautiful Oregon is really about,
Britany Johnson



-----Original Message-----

From: Johnson, Brent [mailto:BJOHN@pacificu.edu]

Sent: Friday, December 10, 2010 2:53 PM

To: County Administrative Office

Subject: Keep rural reserves as they are

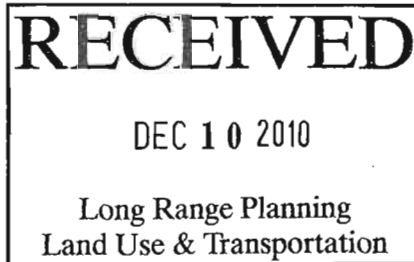
Dear, Board of Commissioners:

I want to voice my objection to a proposed amendment to the Inter-Governmental Agreement (IGA) with Metro. As a citizen and registered voter in Hillsboro, I am strongly in favor of keeping areas north of Hwy 26 designated as rural reserves. Any moves to amend the work that has been done up to this point seems questionable to me in terms of thinking, but also in terms of process. These plans have been vetted, voted on, and seek to establish a vision for Hillsboro for the next fifty years. To try and push something through within this small window of time seems opportunistic at best, ethically wrong at worst. I encourage you to please respect the work that has gone into the process and decisions thus far and leave the areas designated as rural reserves just as they are.

Thank you for listening.

Brent Johnson

bjohn@pacificu.edu



From: donna gamble [mailto:donnagamble@live.com]
Sent: Friday, December 10, 2010 10:16 AM
To: County Administrative Office
Subject: Importance of foundation farmland protection Helvetia

December 10, 2010

Dear Board of Commissioners:

I reside in NE Portland. I volunteer weekly at SnowCap Community Charities (a philanthropic organization created to provide food, clothing, advocacy and other services to the poor) in east Multnomah County and have been a committed member in La Finquita del Buho, CSA on Dick Road in Washington County for six years. My interest and effort in urban farm protection spans the Metro area. Increasing food security and self-sufficiency is a mission for both the charity organization and the small farm. This mission is dependent upon preservation of farmland, habitat and open space in the heart of our Metro area to feed our bodies.

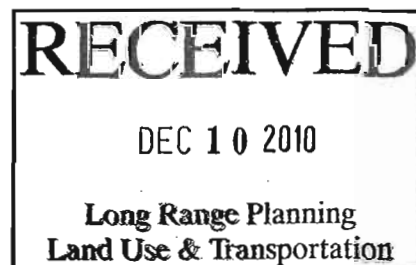
I have offered comment and testimony for over 2 years in the debate over protection of farmland. I don't understand the rush to make major changes by next week in the rural/urban reserves designation without a public process.

The process to designate foundation farmland as urban reserves in the area north of HWY 26 exceeds the direction from the LCDC: *We have presented hours of testimony in the past about the importance of this foundation farmland and not carving up Helvetia.*

Rushing into decisions with one week notice and no public process is unacceptable. You are making decisions about foundation farmland for the next 50 years.

I urge you not to replace 652 acres of urban reserves from the council Crest area but rather leave the map as is. The region still has enough acreage and remains at the high end of the Metro's recommendation for urban reserves.

Sincerely,
Donna Gamble
6916 NE Alameda
Portland, OR 97213



From: Greg Dawson [mailto:greg@wesupportamerica.org]
Sent: Thursday, December 09, 2010 9:29 PM
To: County Administrative Office
Subject: Washington County's Latest Land Grab
Importance: High

Without using the preferred language to express my outrage at Washington County's latest underhanded attempt to take farmland west of NW 185th and north of Highway 26, I will try to briefly communicate my disdain.

By means that can only be defined as 'seat of the pants' planning, Washington County has managed to continually add to the traffic congestion on NW 185th really from Walker Road north to NW Springville road. During peak traffic hours, congestion is backed clear up into the Rock Creek and Sommerset West neighborhoods as well as others degrading our once very nice, very livable neighborhoods and creating hazardous conditions for our children as they walk to school or the bus stop.

Your half-baked plan that devalues currently usable farmland and will split up family farms by creating new "Urban Reserve" areas will eventually add to the aforementioned congestion and is thoroughly reprehensible. If you didn't make deals with developers that absorbed current Urban Reserve areas in other parts of the county, you wouldn't need these. Why does poor planning on your part constitute an emergency on my part?

The end result of moving your Green Spaces will be family farms being split up, eventually being carved into 'developable' plots and a bunch of ready made abhor [sic] homes slums will spring up. Yes I understand that is your intent, as it will generate tax revenue. There are greater things to consider here.

The real capper is the level of secrecy and fact that there doesn't seem to be any provision for public involvement in your process. In other words, it sure looks like you intend to move ahead without a public vote on the matter. Those of you elected to office would do well to recall the last mid-term elections. The people are real tired of politics as usual.

Regards,
Greg Dawson
18760 NW Idanha St.
Portland, OR 97229

*"A government big enough to give you
everything you want, is strong enough
to take everything you have"*
—Thomas Jefferson



-----Original Message-----

From: Steven M. Jacobs [mailto:jacobssm@comcast.net]

Sent: Thursday, December 09, 2010 5:44 PM

To: County Administrative Office

Subject: Stealing rural farmland

Unfortunately I live in Multnomah County and cannot vote to stop the theft of the best farmland in Washington county from being taken over by the developers for urban development. This is where we get our fresh vegetables, eggs, meat from grass fed animal and let our grandchildren see what a farm is like. These are the issues

What the (bleep) is going on in Washington County?

- What is the rush to make such major changes by next week?
- Why isn't there a public process?
- Where is the concept of citizen involvement in Washington County?
- Behind-the-scenes backdoor deal-making is completely inappropriate
- Don't "replace" the urban reserves from Council Creek, just remove them
- Not replacing the 652 acres of urban reserves will STILL leave the region with urban reserves at the high end of the Metro COO's recommendation
- Why are you picking on Helvetia and north of the Sunset?
- The map was good enough for you for the last year - why all of a

sudden do you have to change it?

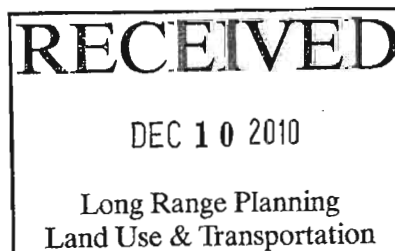
- Taking 2,000 acres from Foundation farmland is WAY beyond the direction from LCDC
- We're tired of our elected officials carving up our Foundation farmland
- We're mad as (bleep) that you think it is OK to make decisions for our Foundation farmland for 50 years with one week notice and no public process

We need to reserve farmland for the present and future.

Steven M. Jacobs

3552 N.E US Grant Pl.

Portland OR.



JAN 11 2011

**Washington County
County Clerk**

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

ORDINANCE NO. 740

An Ordinance Amending Policy 29 of the
Rural/Natural Resource Plan Element of the
Comprehensive Plan to Modify the Rural and
Urban Reserves Map

The Board of County Commissioners of Washington County, Oregon ("Board")
ordains as follows:

SECTION 1

A. The Board recognizes that the Rural/Natural Resource Plan Element of the
Comprehensive Plan (Volume III) was readopted with amendments, by way of Ordinance
No. 307, with portions subsequently amended by Ordinance Nos. 342, 383, 411, 412, 458,
459, 462, 480, 482, 499, 539, 547, 572, 574, 578, 588, 598, 606, 609, 615, 628, 630, 631,
637, 643, 648, 649, 653, 662, 671, 686 and 733.

B. A-Engrossed Ordinance No. 733 designated Rural Reserves and adopted
Urban Reserves designated by Metro on June 15, 2010. The ordinance became effective on
July 15, 2010.

C. On October 29, 2010, the Land Conservation and Development Commission
(LCDC) orally remanded two Urban Reserves in Washington County and, at the request of
Washington County and Metro, all Washington County Rural Reserves to allow flexibility in
redesignation of Urban Reserves.

1 D. The Board approved a Supplemental Intergovernmental Agreement (IGA) that
2 included a new Reserves map reflecting changes to urban and rural in light of the oral
3 remand. The Supplemental IGA was approved by the Board on December 15, 2010.
4 Ordinance No. 740 reflects the modifications to the Reserves map as indicated in the
5 Supplemental IGA.

6 E. The Board takes note that from time to time such changes to the planning
7 documents are necessary for the benefit of the residents of Washington County, Oregon.

8 F. Under the provisions of Washington County Charter Chapter X, the
9 Department of Land Use and Transportation has carried out its responsibilities, including
10 preparation of notices, and the County Planning Commission has conducted one or more
11 public hearings on the proposed amendments and has submitted its recommendation to the
12 Board. The Board finds that this Ordinance is based on that recommendation and any
13 modifications made by the Board, as a result of the public hearings process.

14 G. The Board finds and takes public notice that it is in receipt of all matters and
15 information necessary to consider this Ordinance in an adequate manner, and that this
16 Ordinance complies with the Statewide Planning Goals and other relevant standards and
17 criteria set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington
18 County Charter, and the Washington County Community Development Code.

19 SECTION 2

20 A. Exhibit 1, (3 pages) incorporated herein by reference, is hereby adopted, amending
21 the Rural/Natural Resource Plan by modifying the map entitled "Rural and Urban Reserves"
22 in Policy 29;

1
2 B. Exhibit 2, incorporated herein by reference, is hereby adopted repealing and
3 replacing the Rural and Urban Reserves Map in Policy 29 of the Rural/Natural Resource Plan
4 adopted by Ordinance No. 733, and reflecting the amendments shown in Exhibit 1.

5 C. Except for those changes set forth in Exhibit 1 and 2, the reserves maps originally
6 adopted by Ordinance No. 733 are unchanged.

7 SECTION 3

8 All other Comprehensive Plan provisions that have been adopted by prior ordinance,
9 that are not expressly amended or repealed herein, shall remain in full force and effect.

10 SECTION 4

11 All applications received prior to the effective date shall be processed in accordance
12 with ORS 215.427 (2009 Edition).

13 SECTION 5

14 If any portion of this Ordinance, including the exhibit, shall for any reason be held
15 invalid or unconstitutional by a body of competent jurisdiction, the remainder shall not be
16 affected thereby and shall remain in full force and effect. In the event that this Ordinance or
17 any portion thereof is invalidated on jurisdictional grounds, the provisions of Ordinance No.
18 733 amended or repealed by the stricken portion of this Ordinance, shall be revived and
19 again be considered in full force and effect.

20 SECTION 6

21 The Office of County Counsel and Department of Land Use and Transportation are
22 authorized to prepare planning documents to reflect the changes adopted under Section 2 of

1 this Ordinance, including deleting and adding textual material and maps, renumbering pages or
2 sections, and making any technical changes not affecting the substance of these amendments,
3 as necessary to conform to the Washington County Comprehensive Plan format.

4 SECTION 7

5 This Ordinance shall take effect thirty (30) days after adoption.

6 ENACTED this _____ day of _____, 2011, being the _____ reading
7 and _____ public hearing before the Board of County Commissioners of Washington
8 County, Oregon.

9 BOARD OF COUNTY COMMISSIONERS
10 FOR WASHINGTON COUNTY, OREGON

11 _____
12 CHAIRMAN

13 _____
14 RECORDING SECRETARY

15 READING

16 PUBLIC HEARING

15 First _____
16 Second _____
17 Third _____
18 Fourth _____
19 Fifth _____
20 Sixth _____

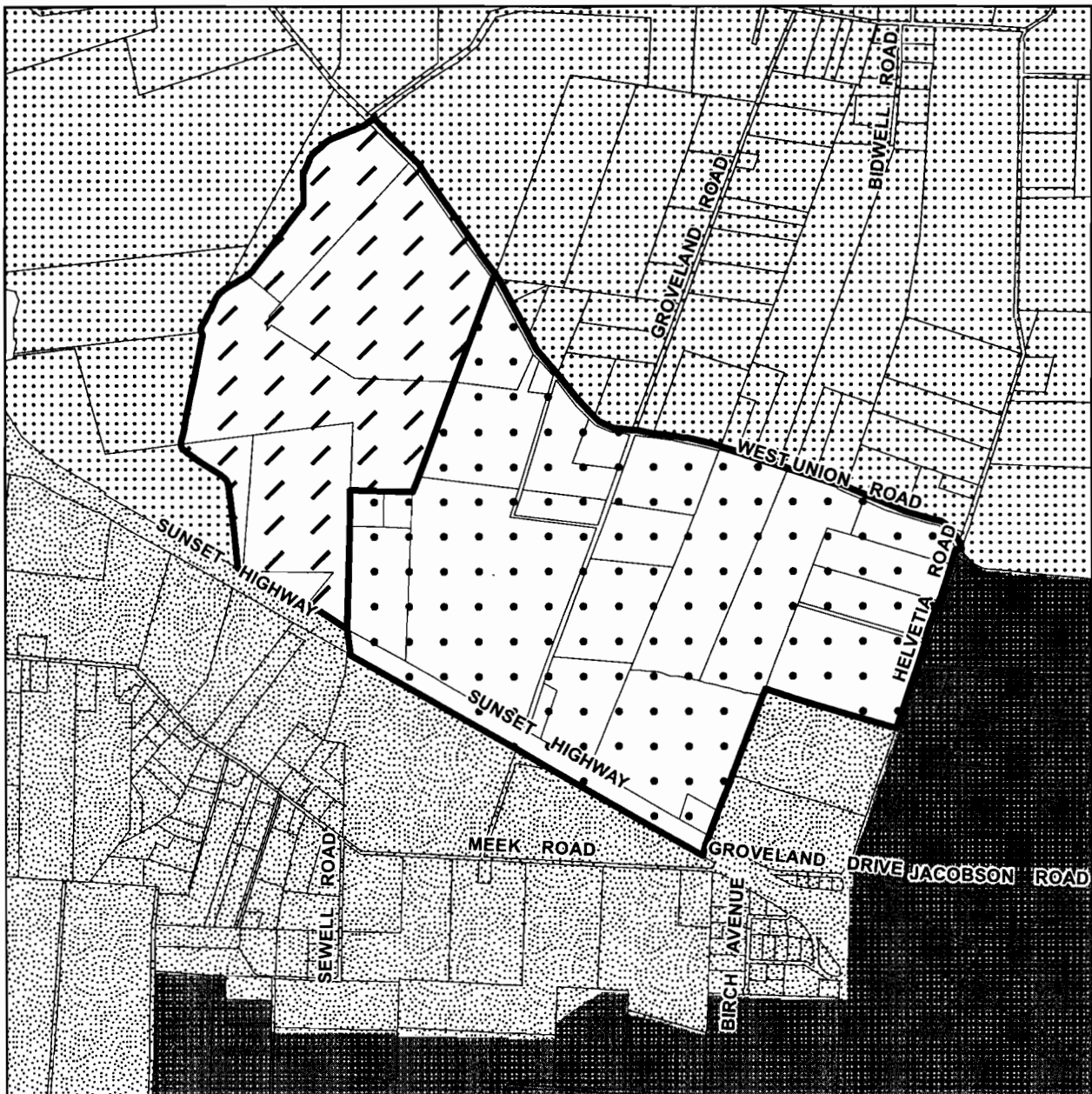
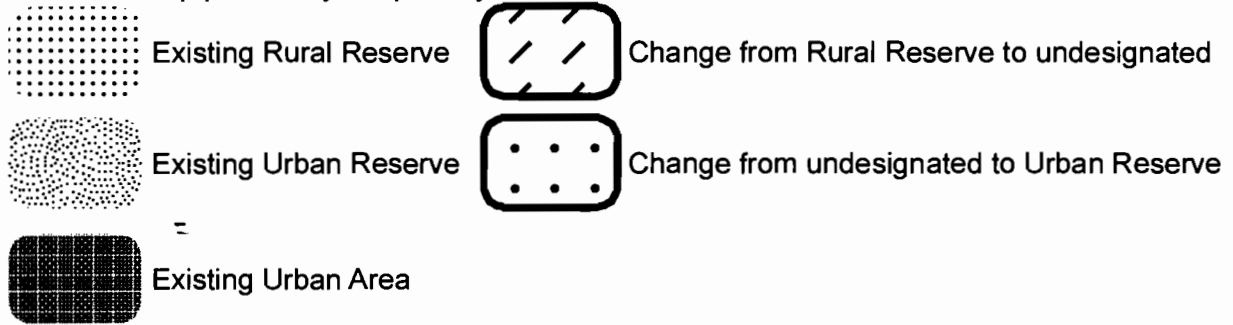
15 First _____
16 Second _____
17 Third _____
18 Fourth _____
19 Fifth _____
20 Sixth _____

21 VOTE: Aye: _____

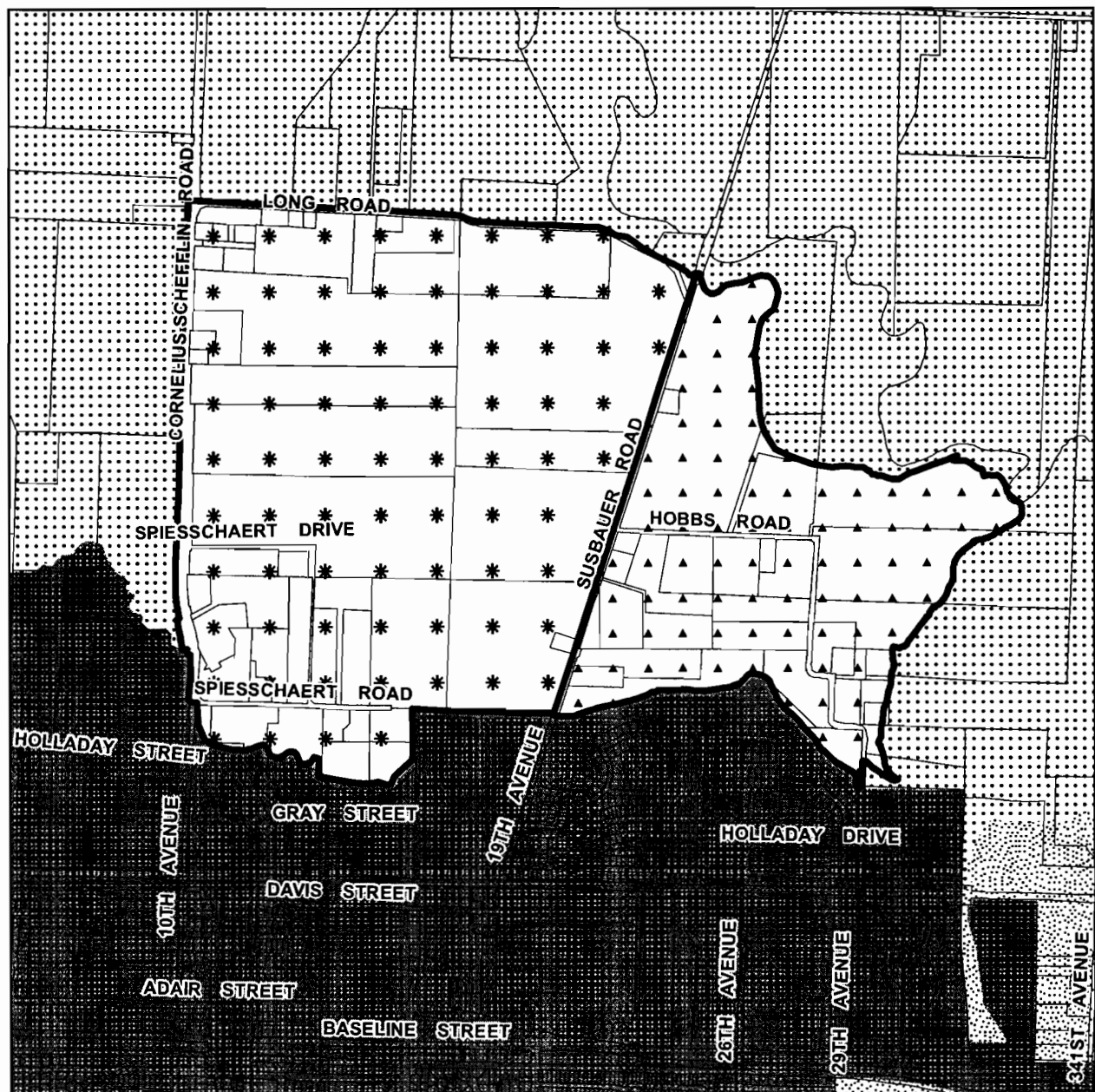
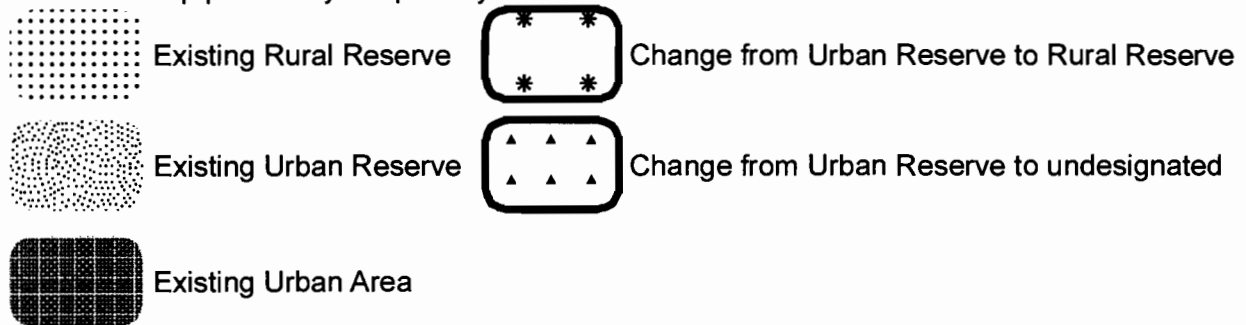
21 Nay: _____

22 Recording Secretary: _____ Date: _____

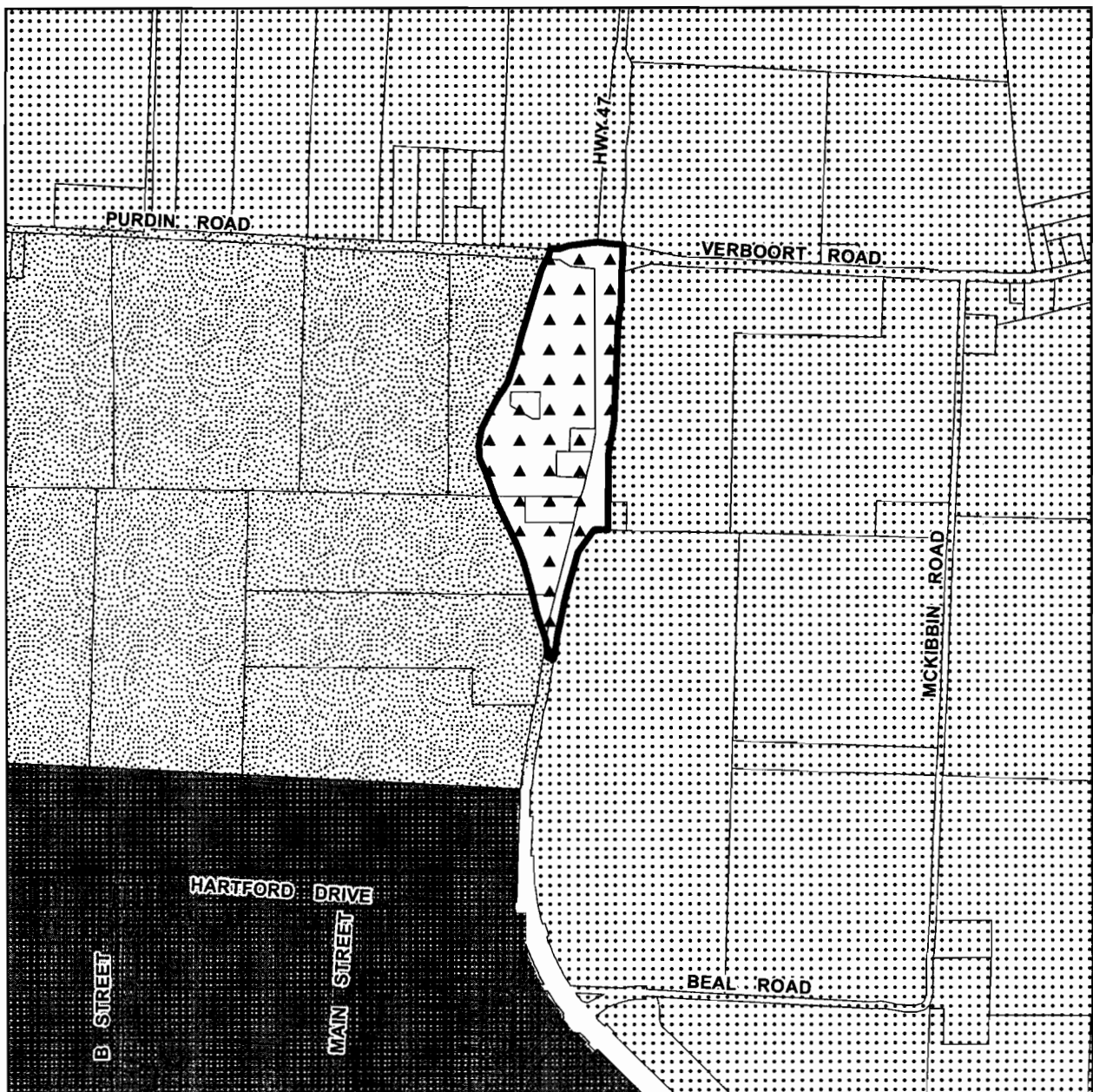
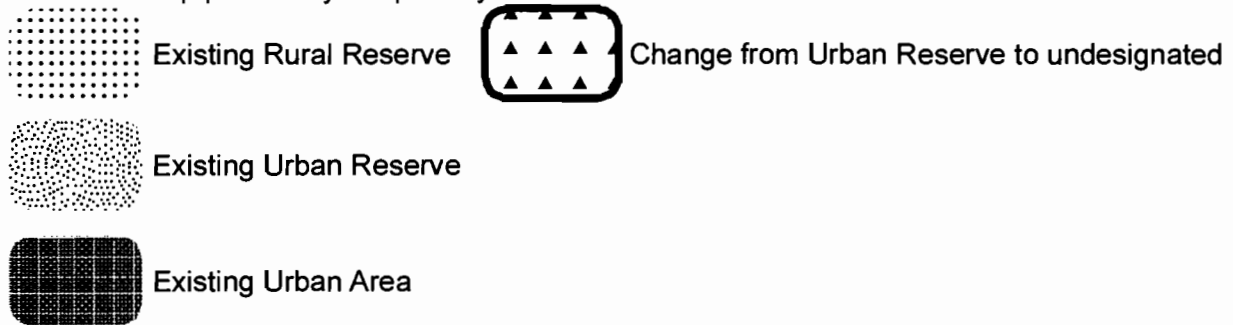
The following exhibit reflects changes made by Ordinance No. 740 to the Rural and Urban Reserves map previously adopted by Ordinance No. 733.



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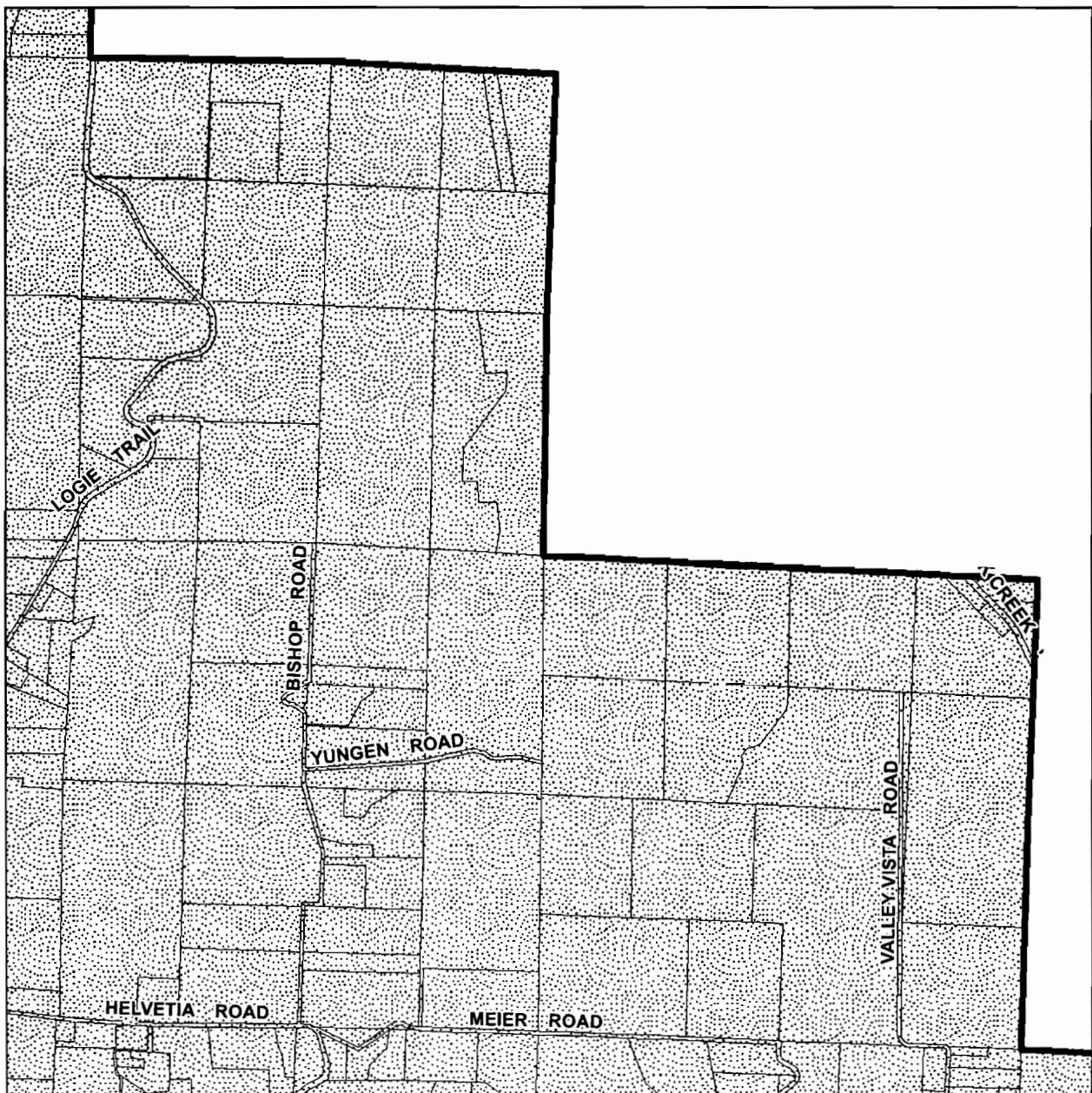
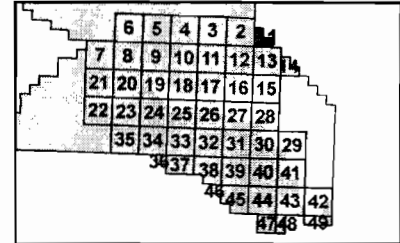


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


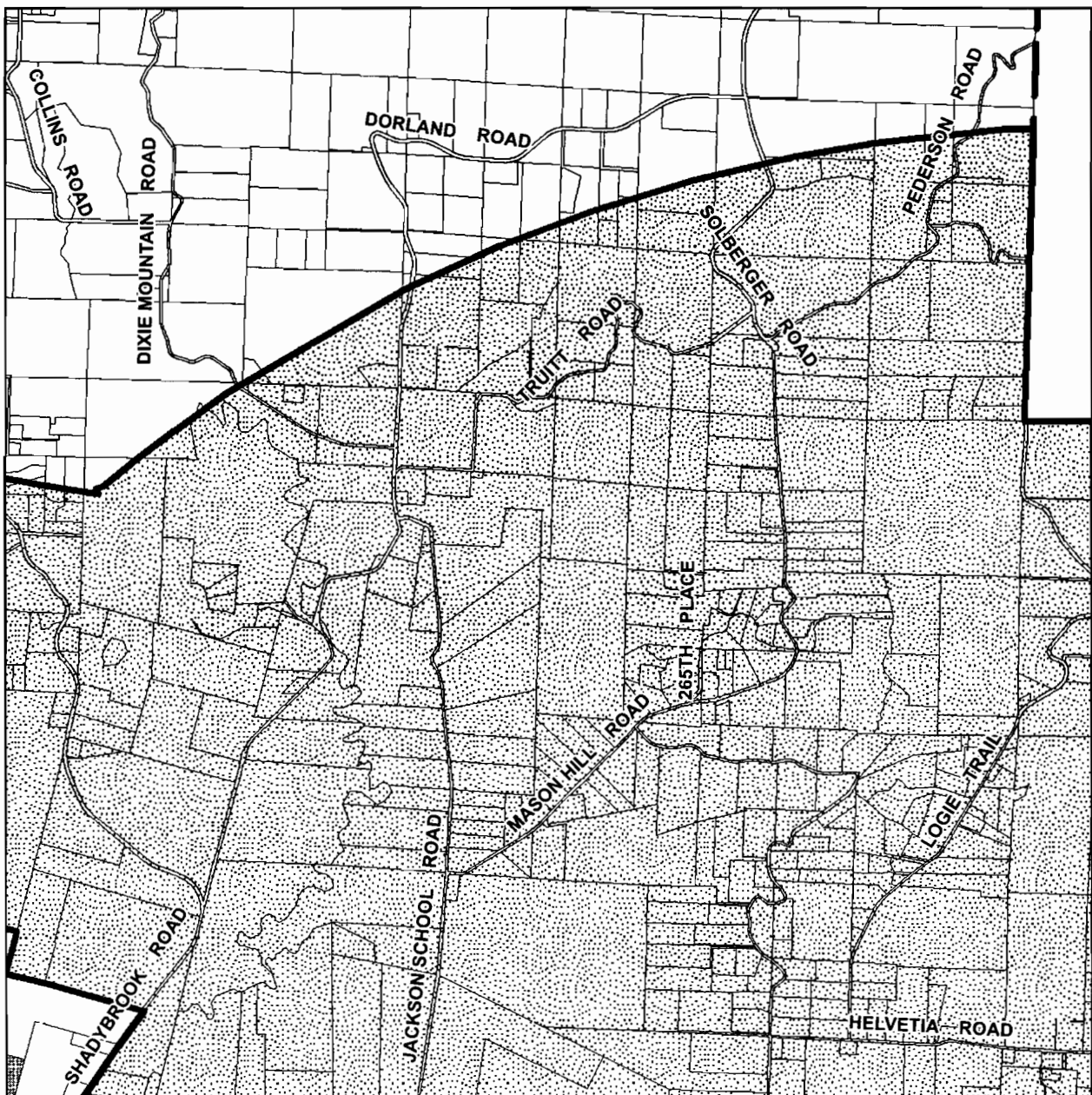
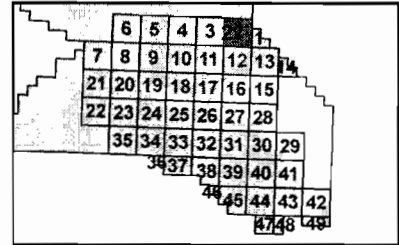
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-  Add as Rural Reserve
-  Existing Urban Area
-  Add as Urban Reserve



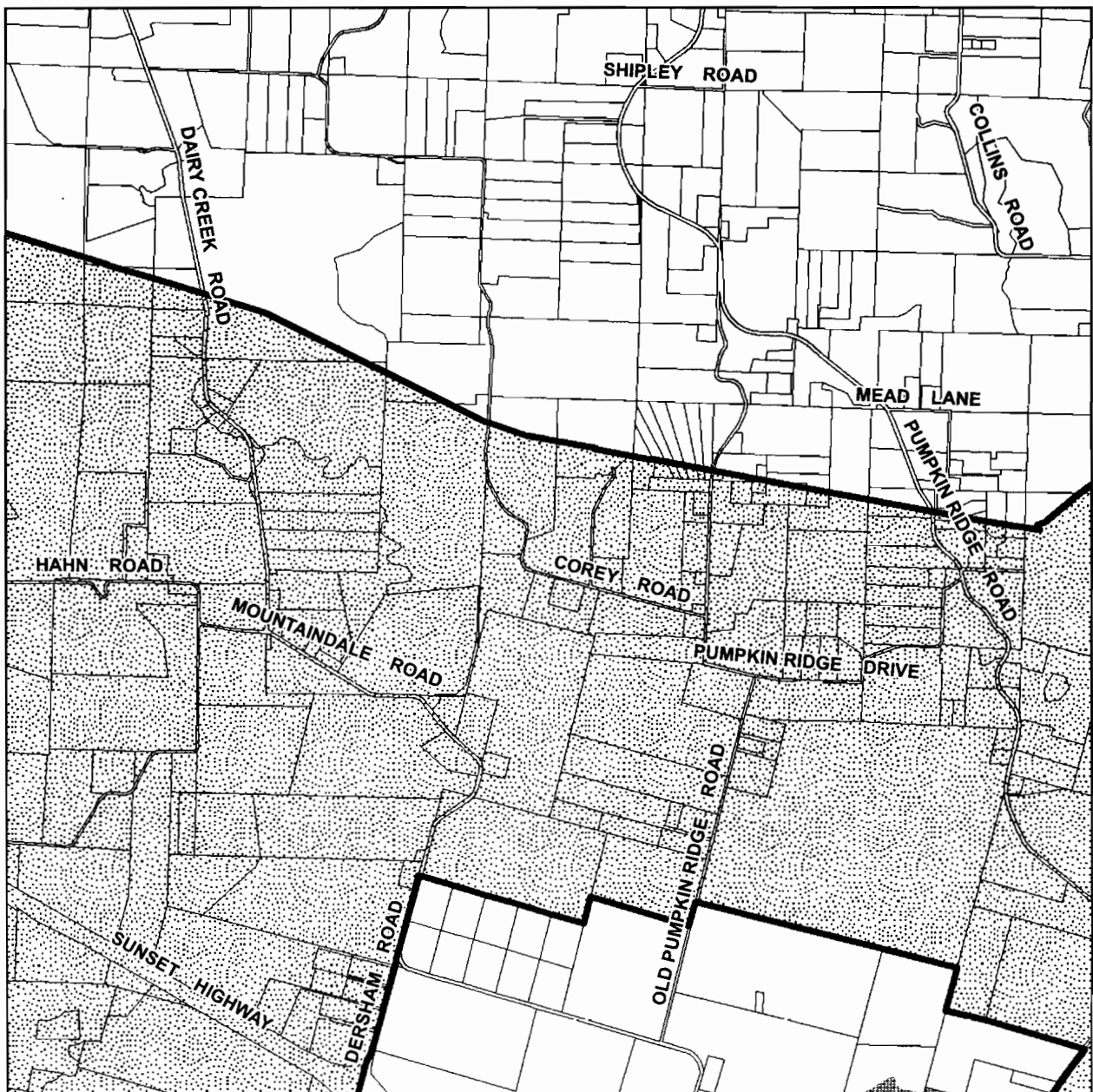
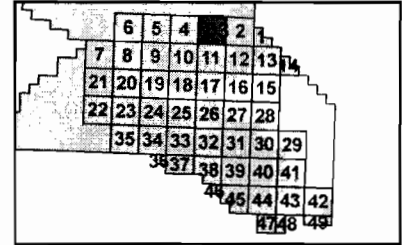
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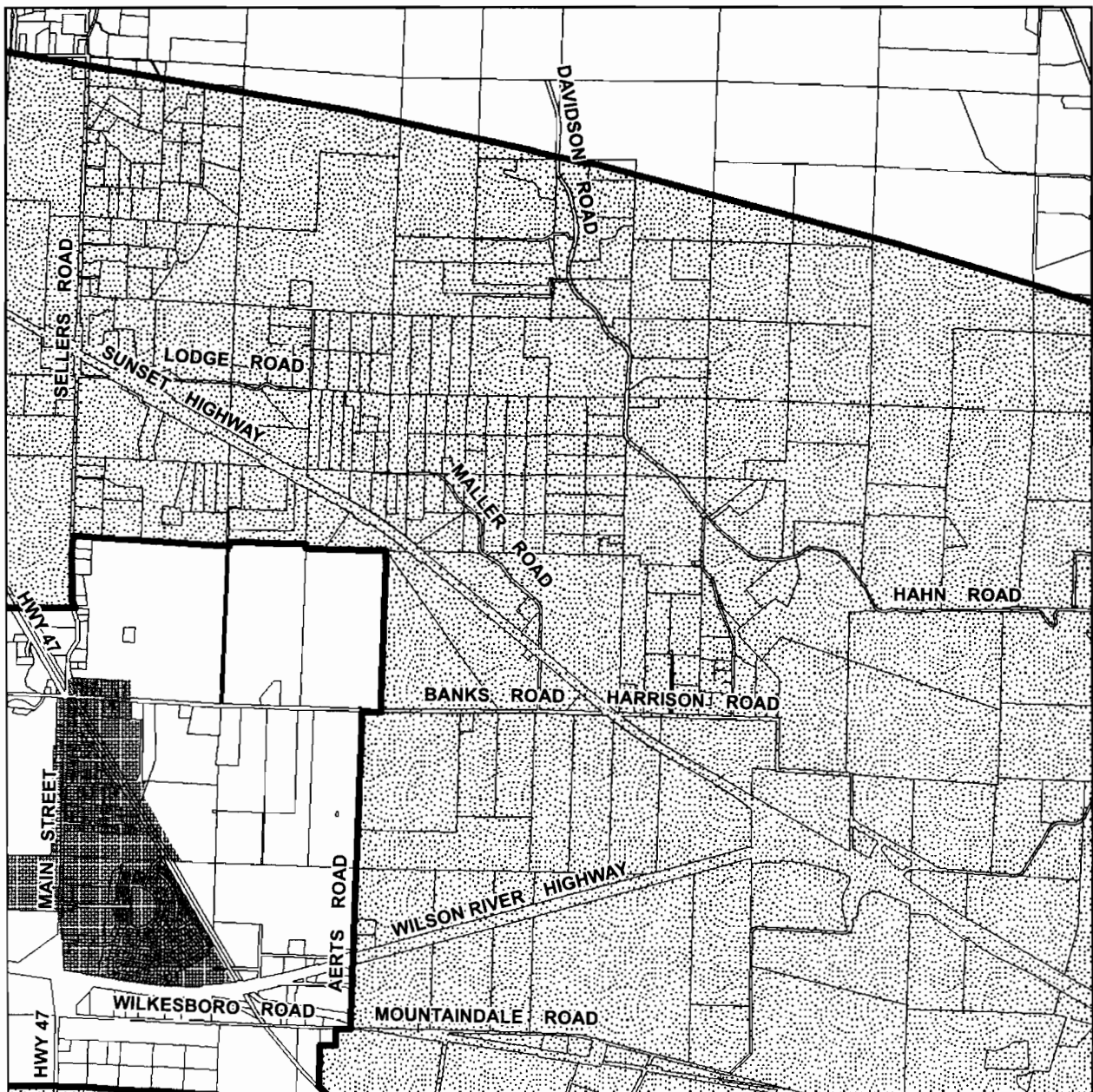
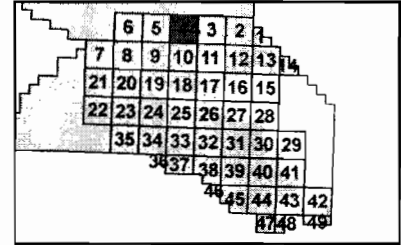
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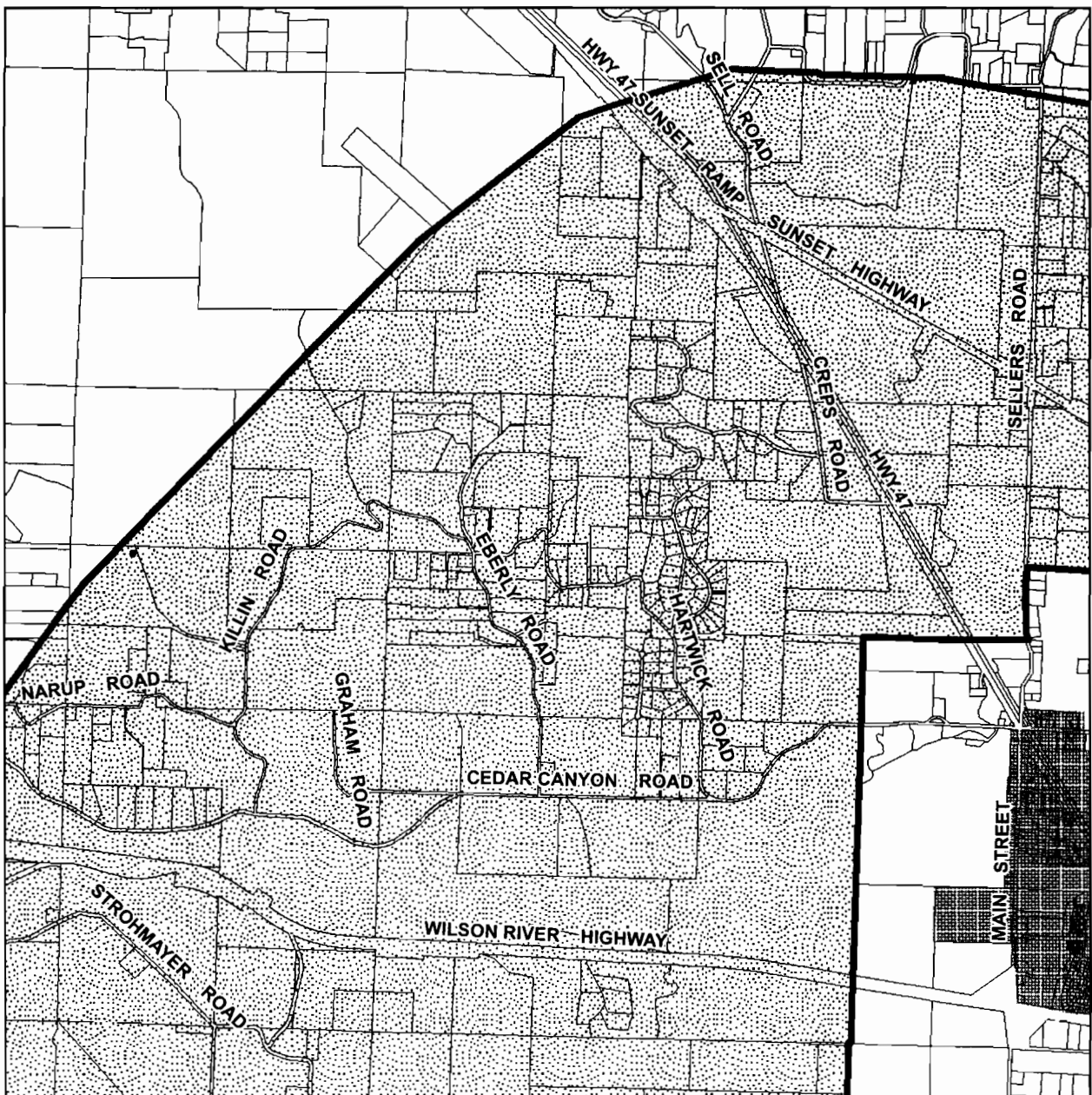
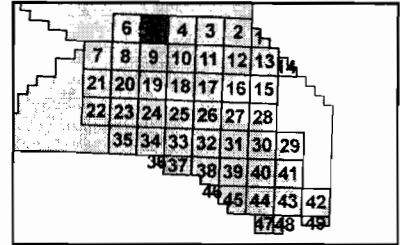
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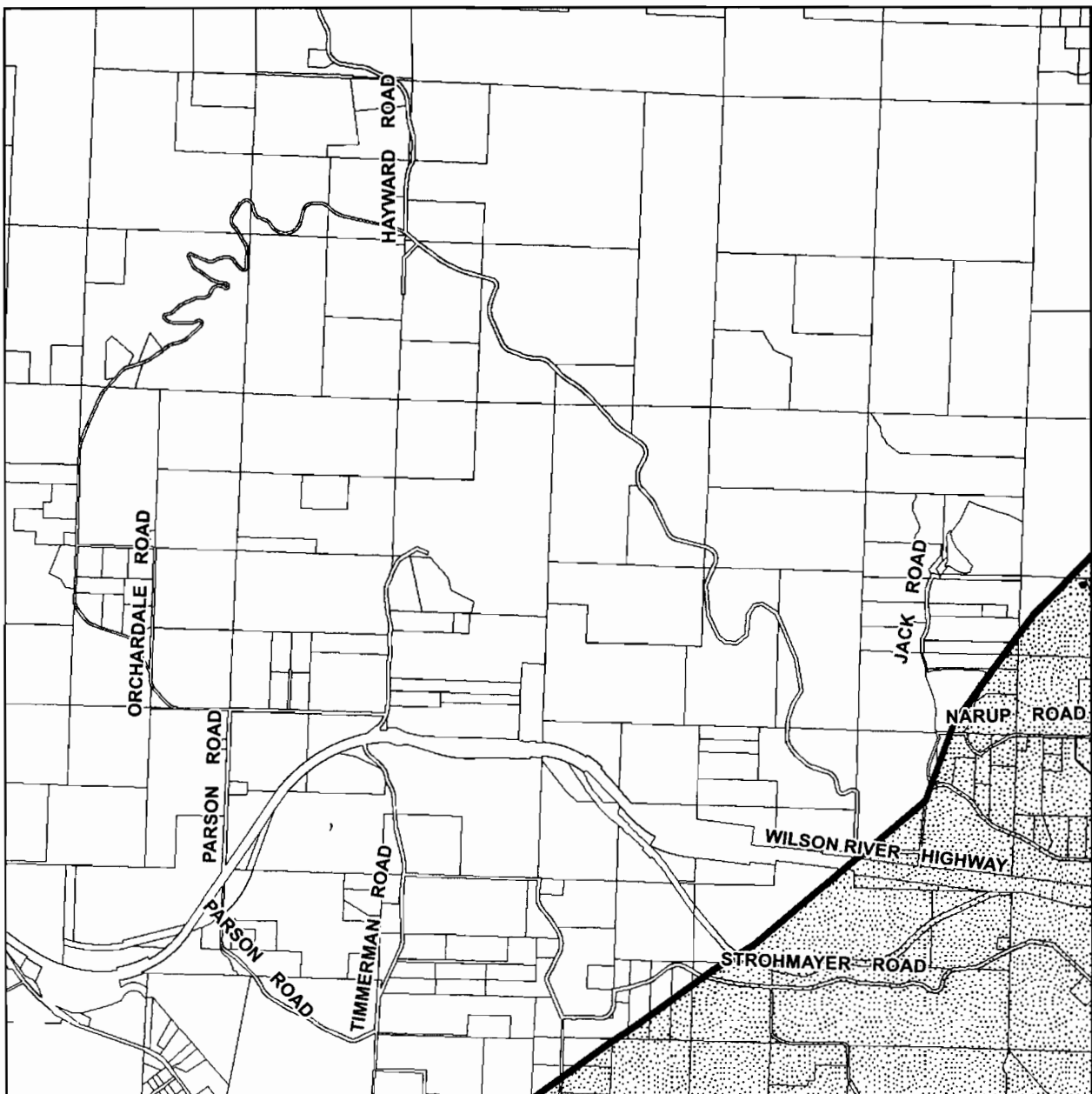
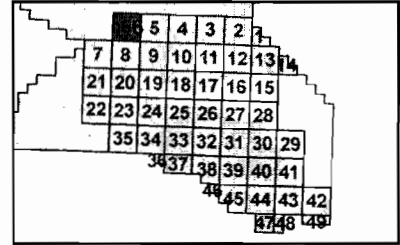
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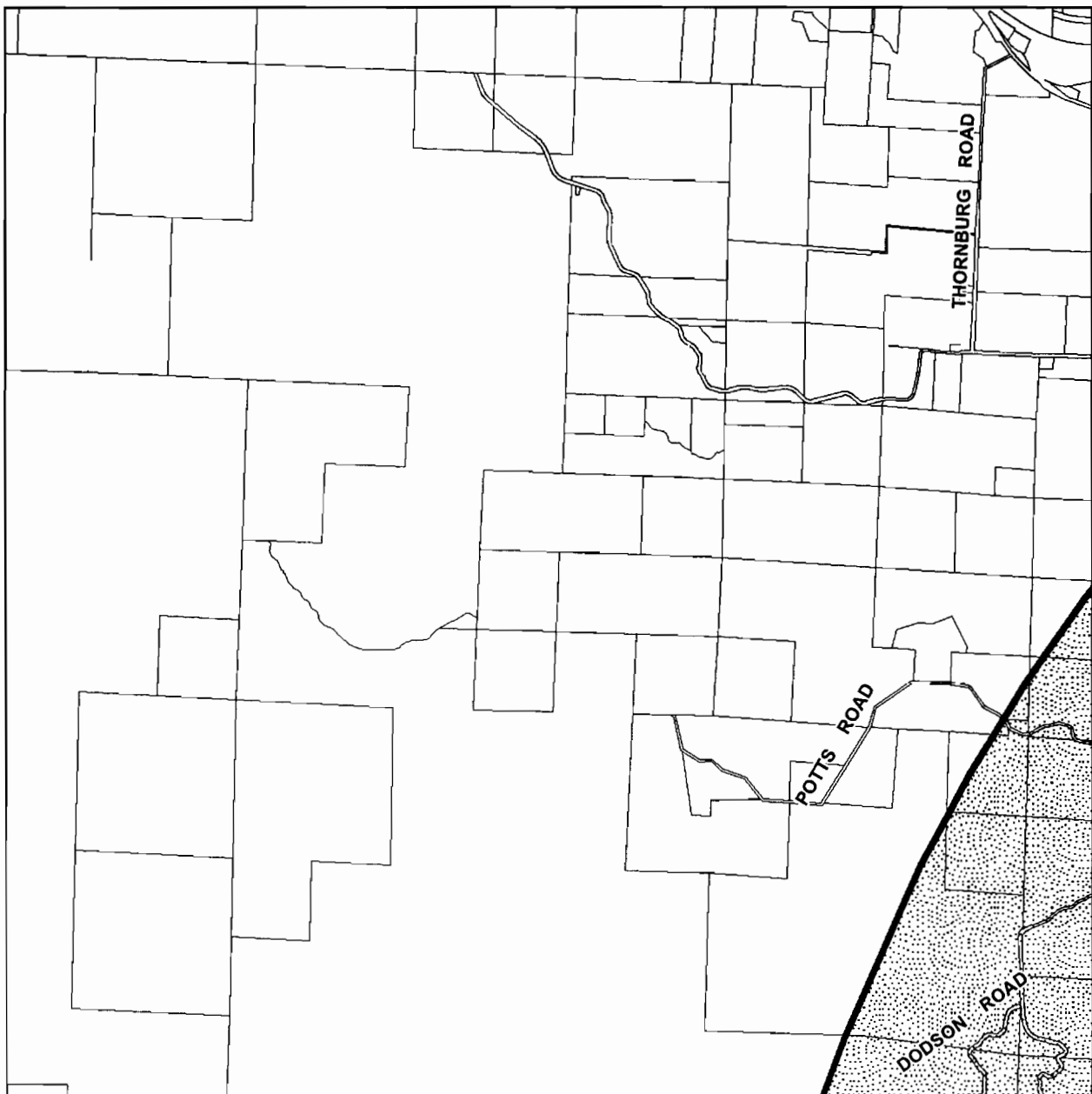
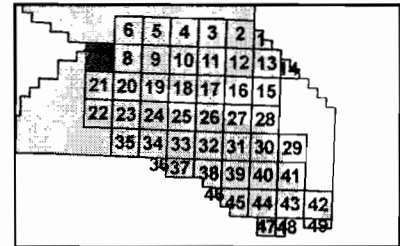
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


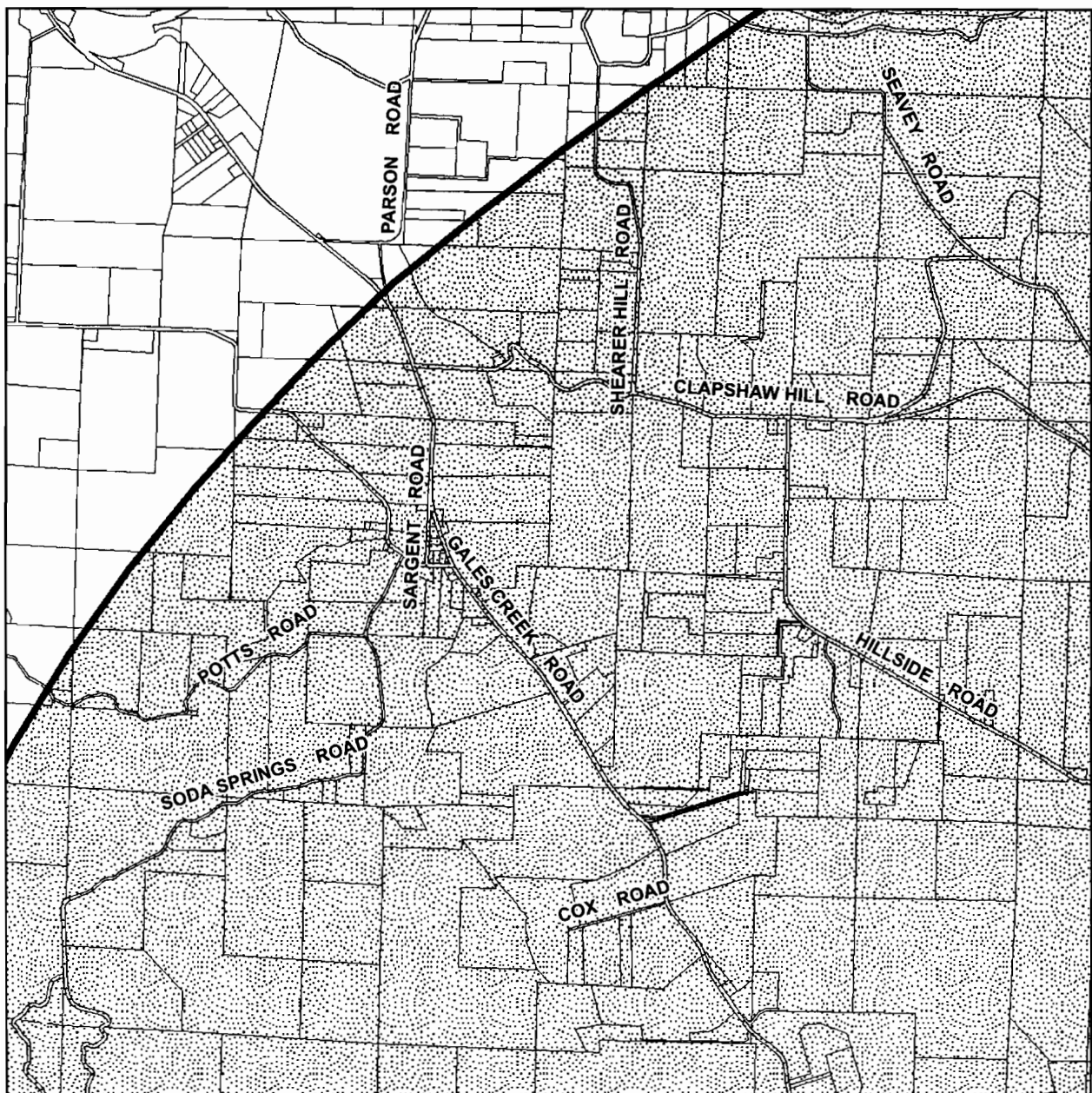
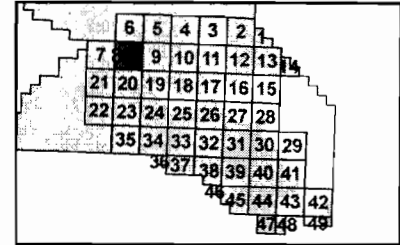
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



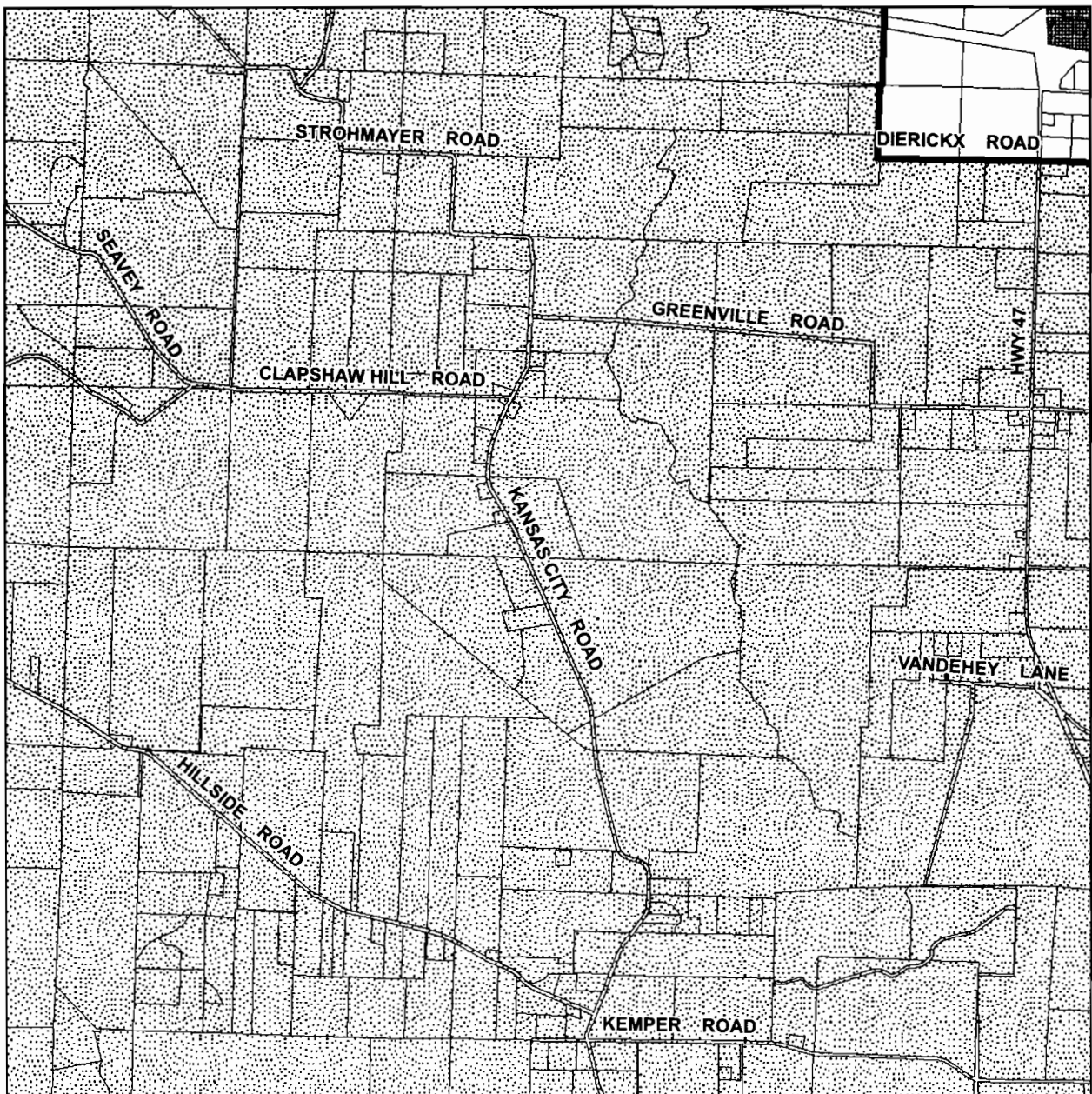
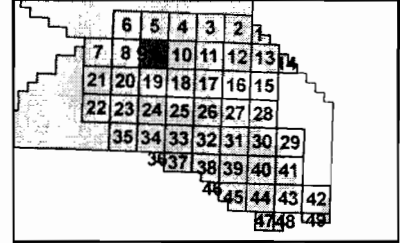
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-  Add as Rural Reserve  Existing Urban Area
-  Add as Urban Reserve



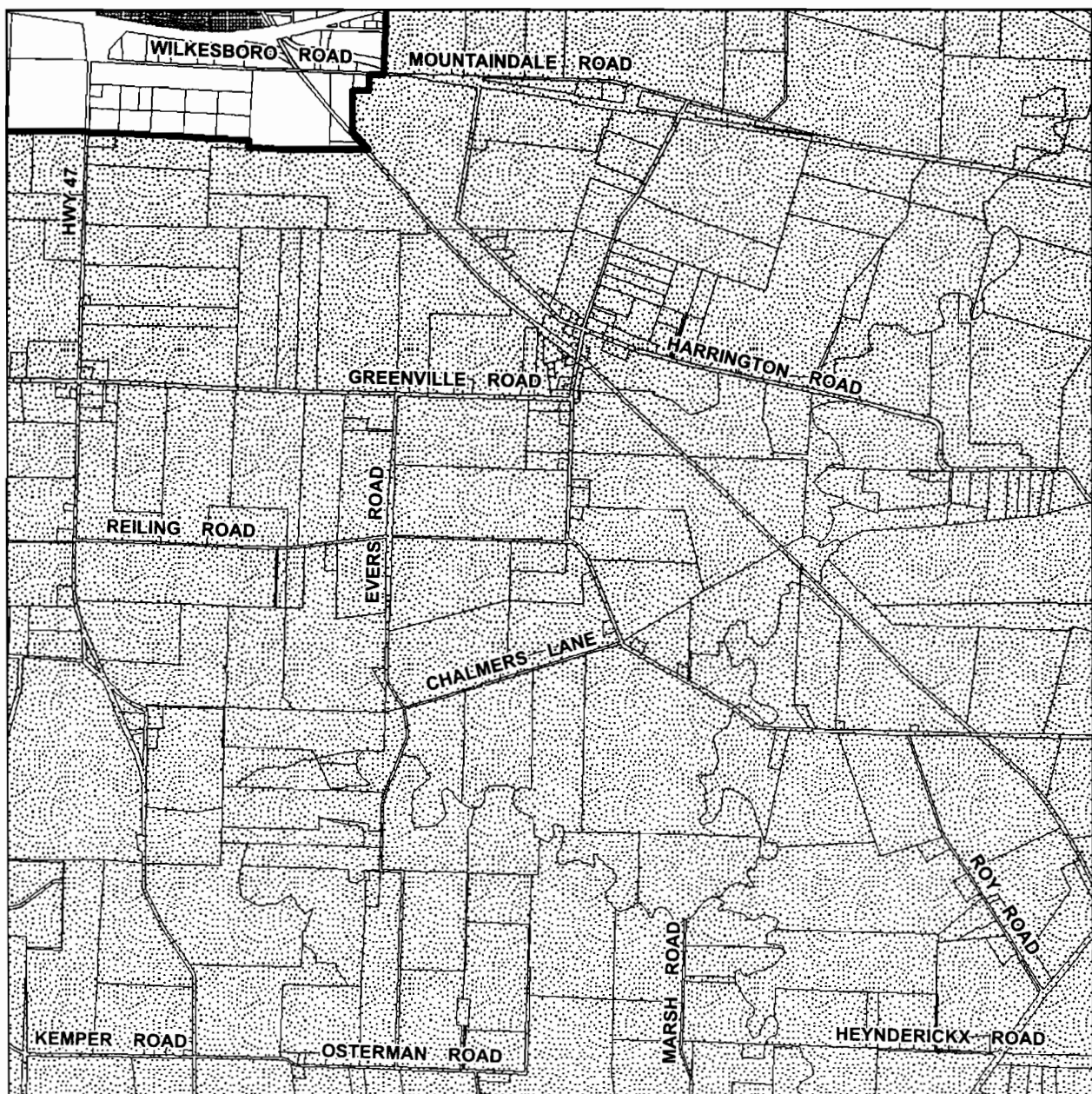
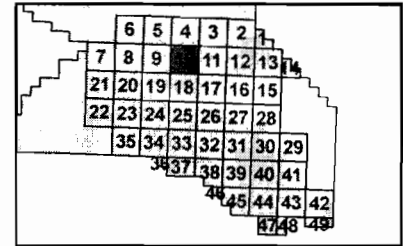
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



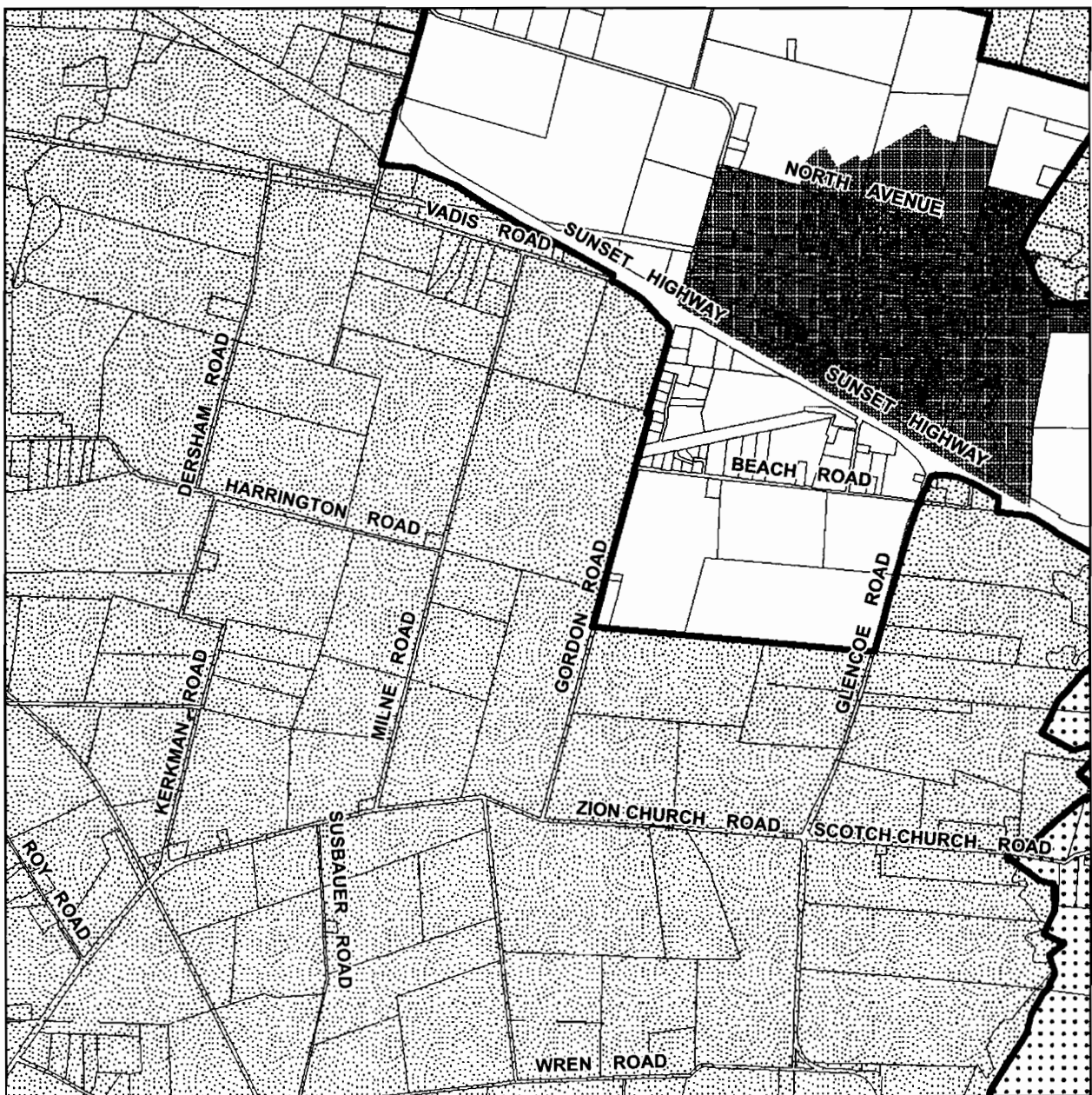
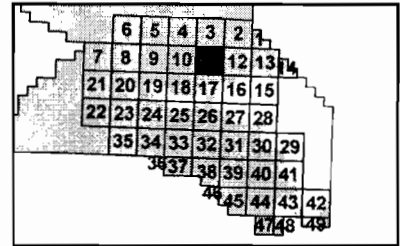
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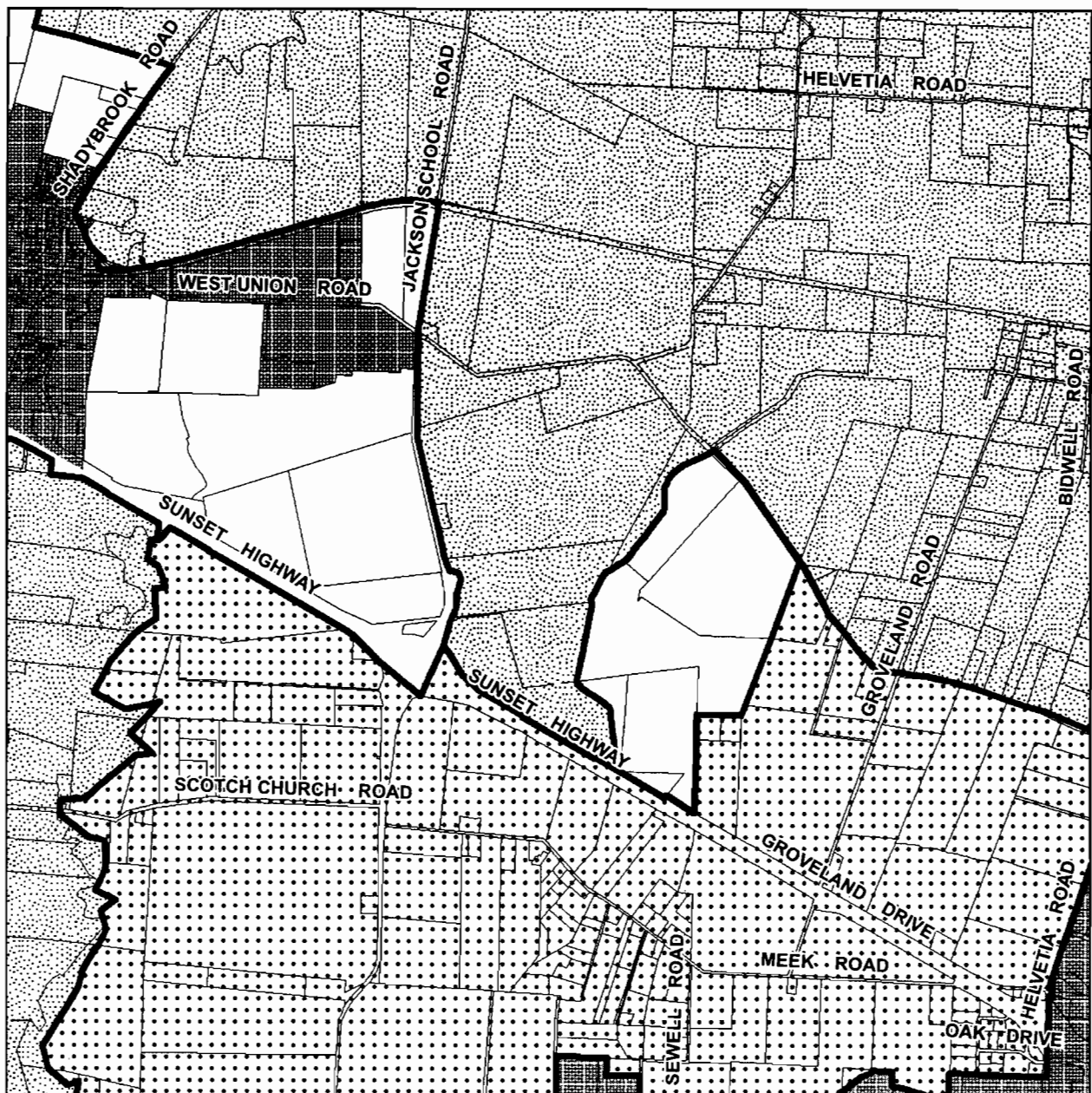
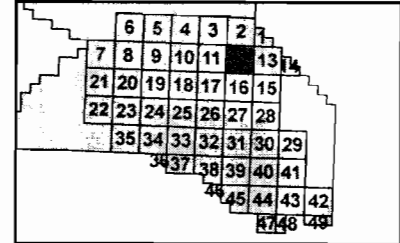
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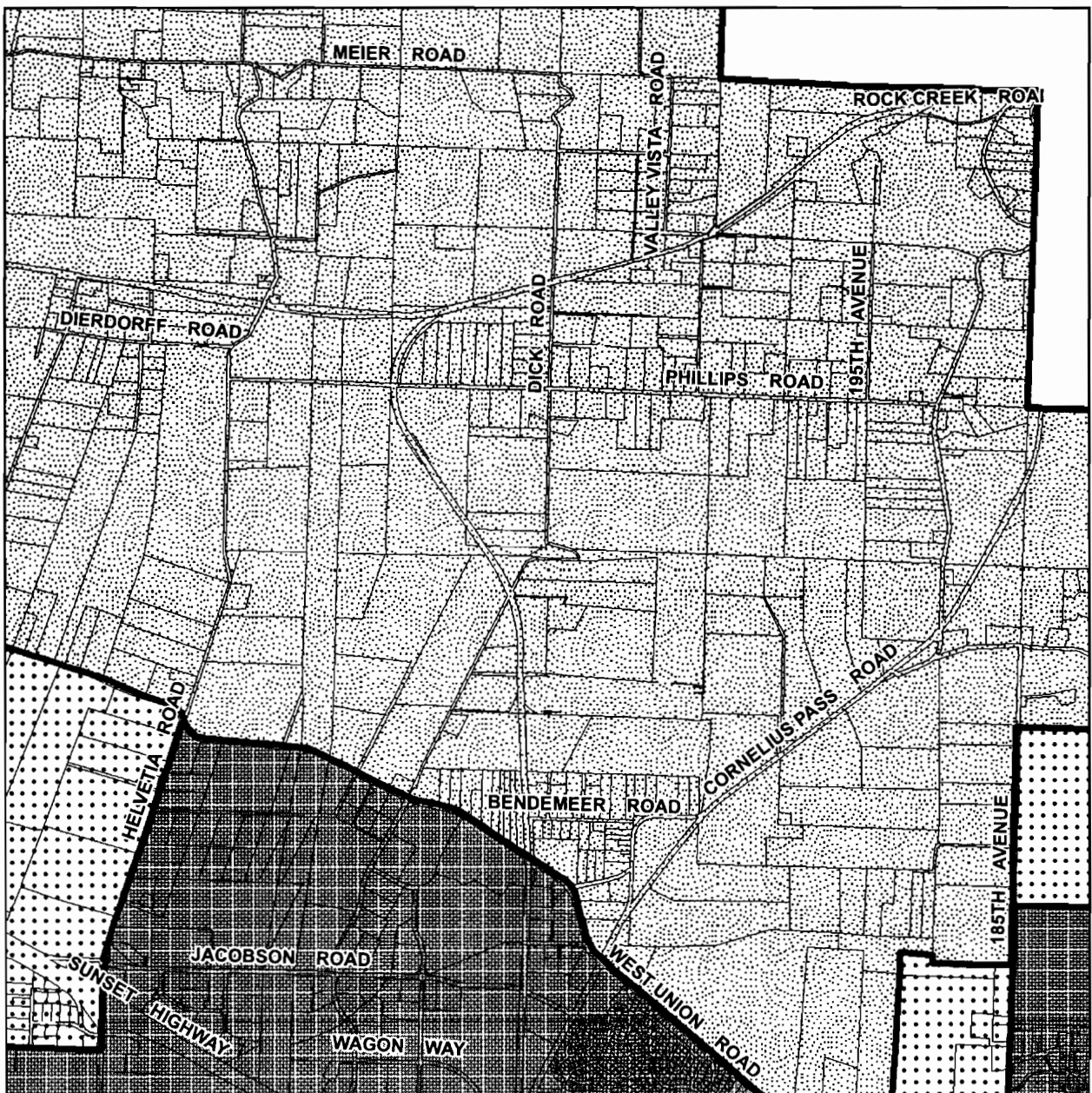
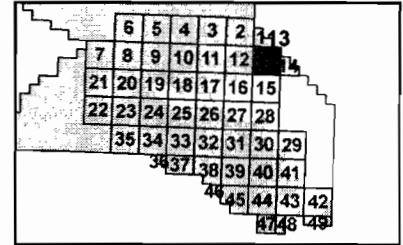
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



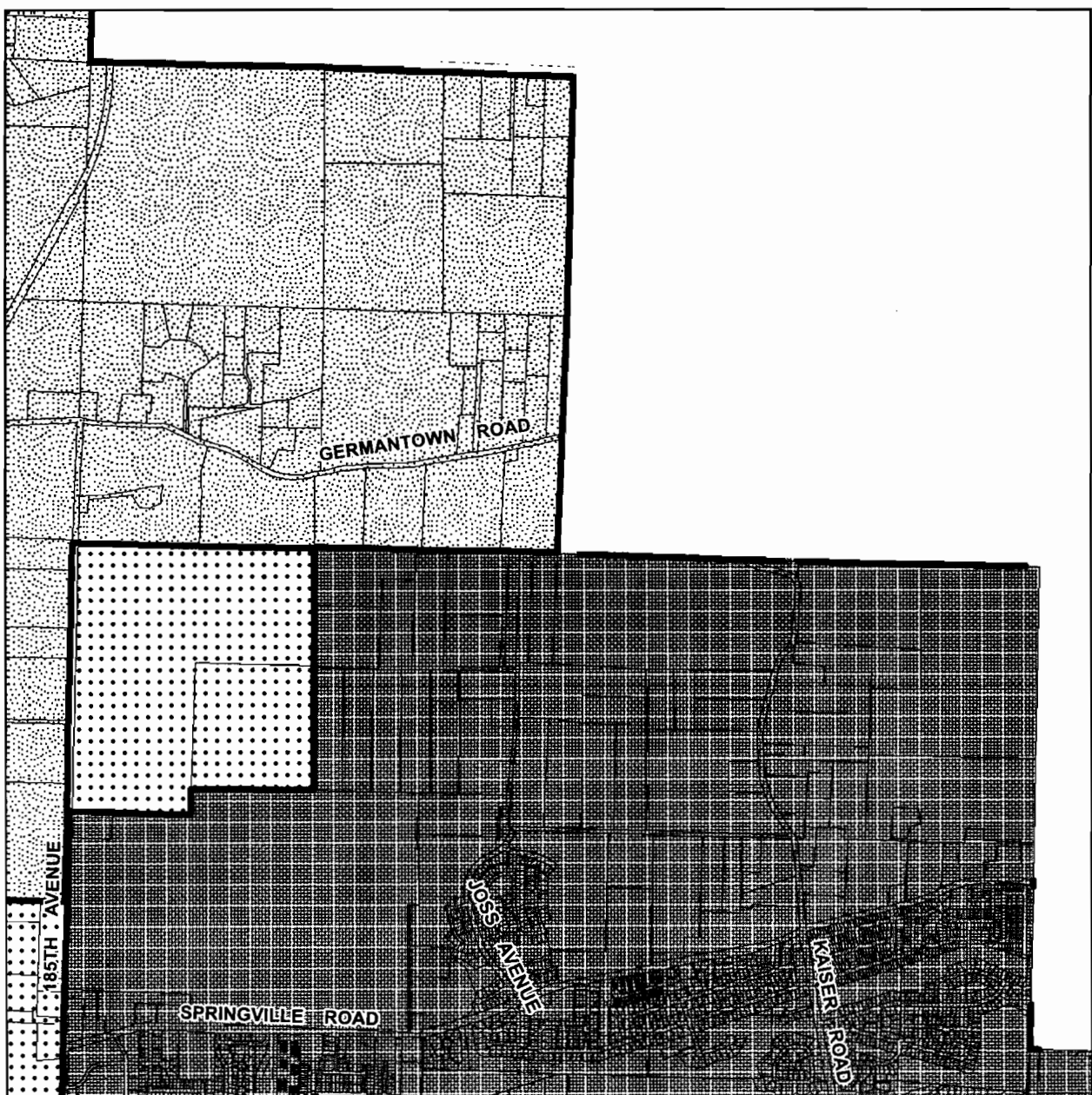
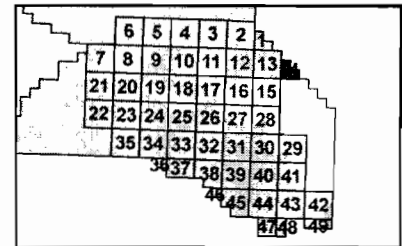
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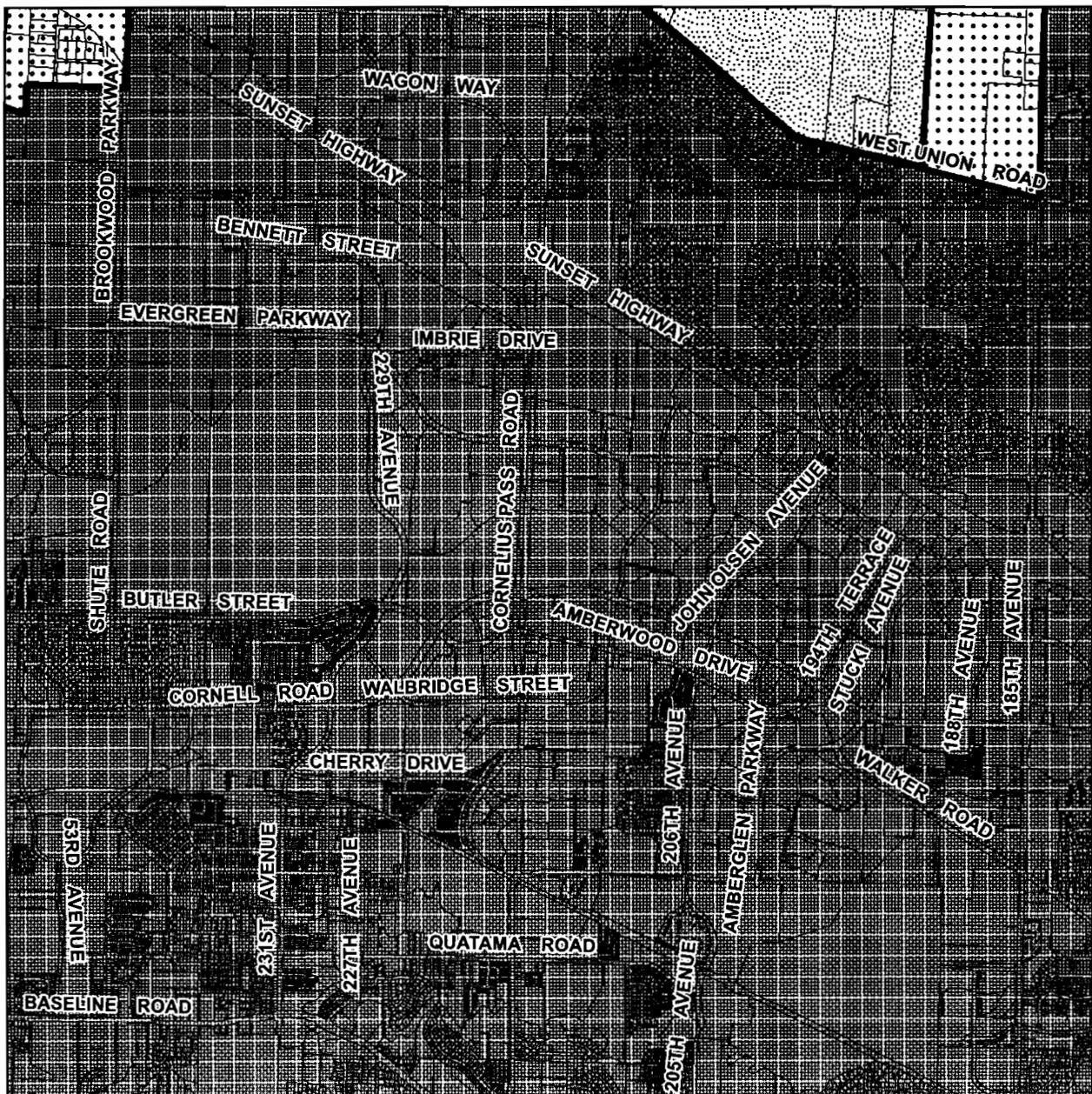
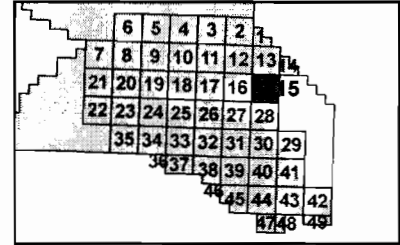
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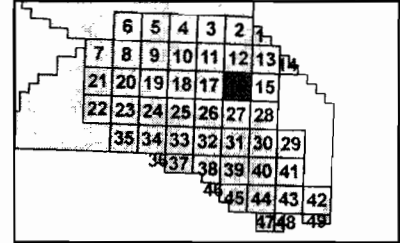
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


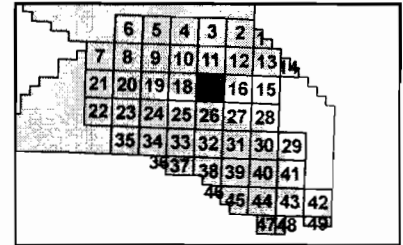
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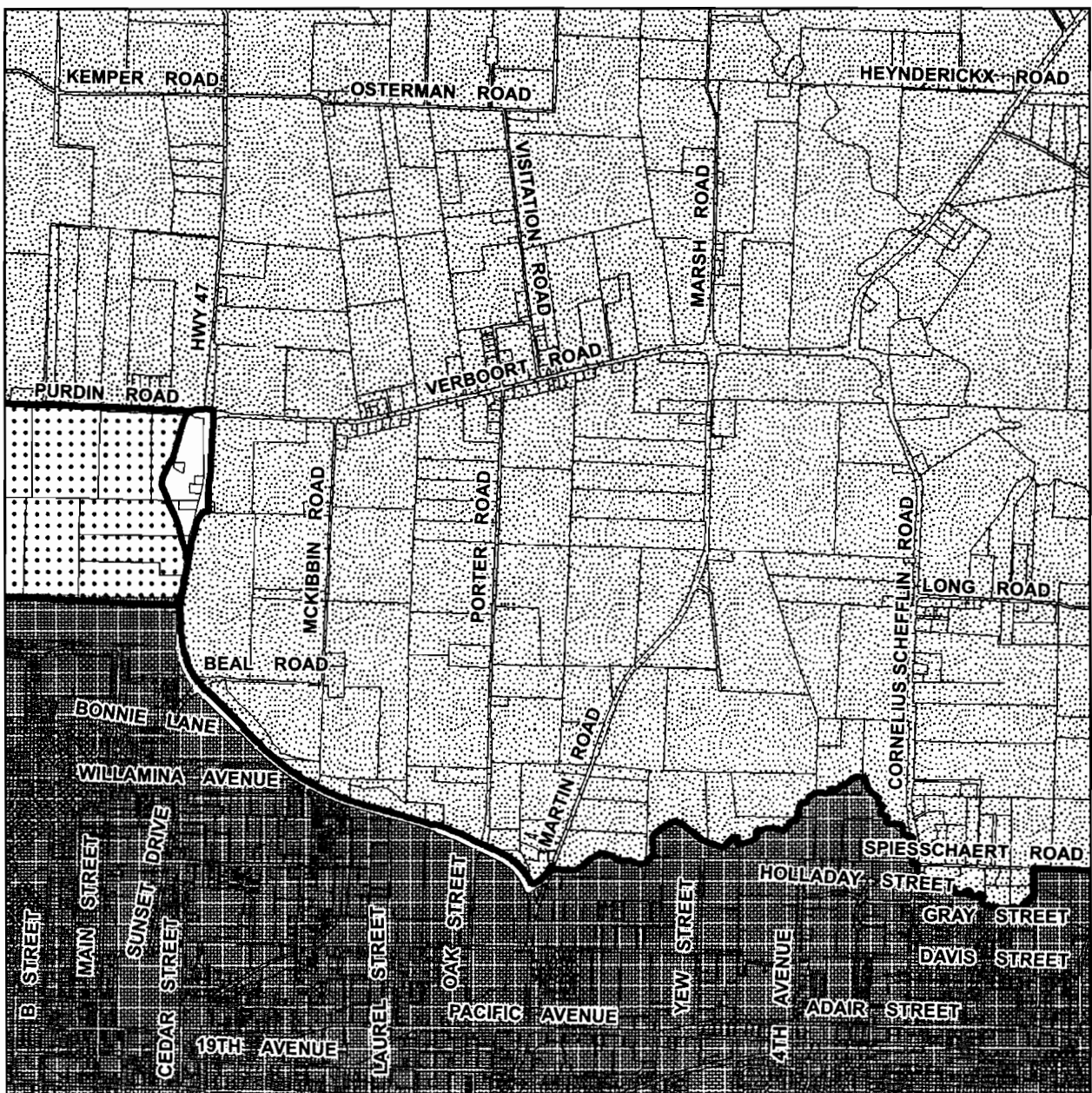
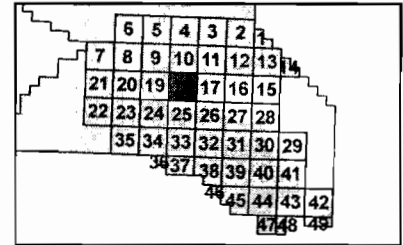
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


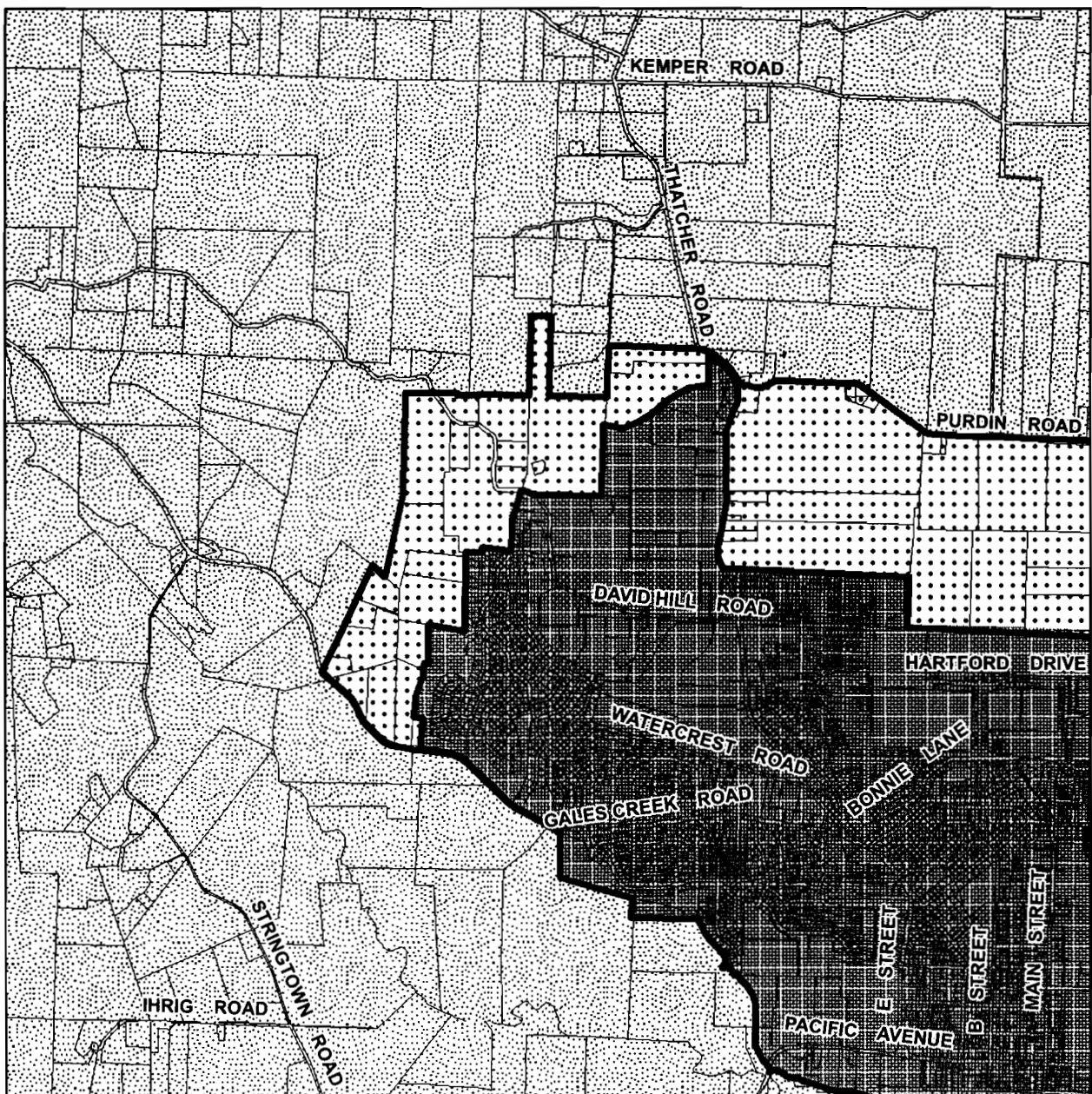
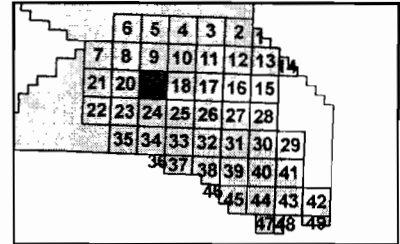
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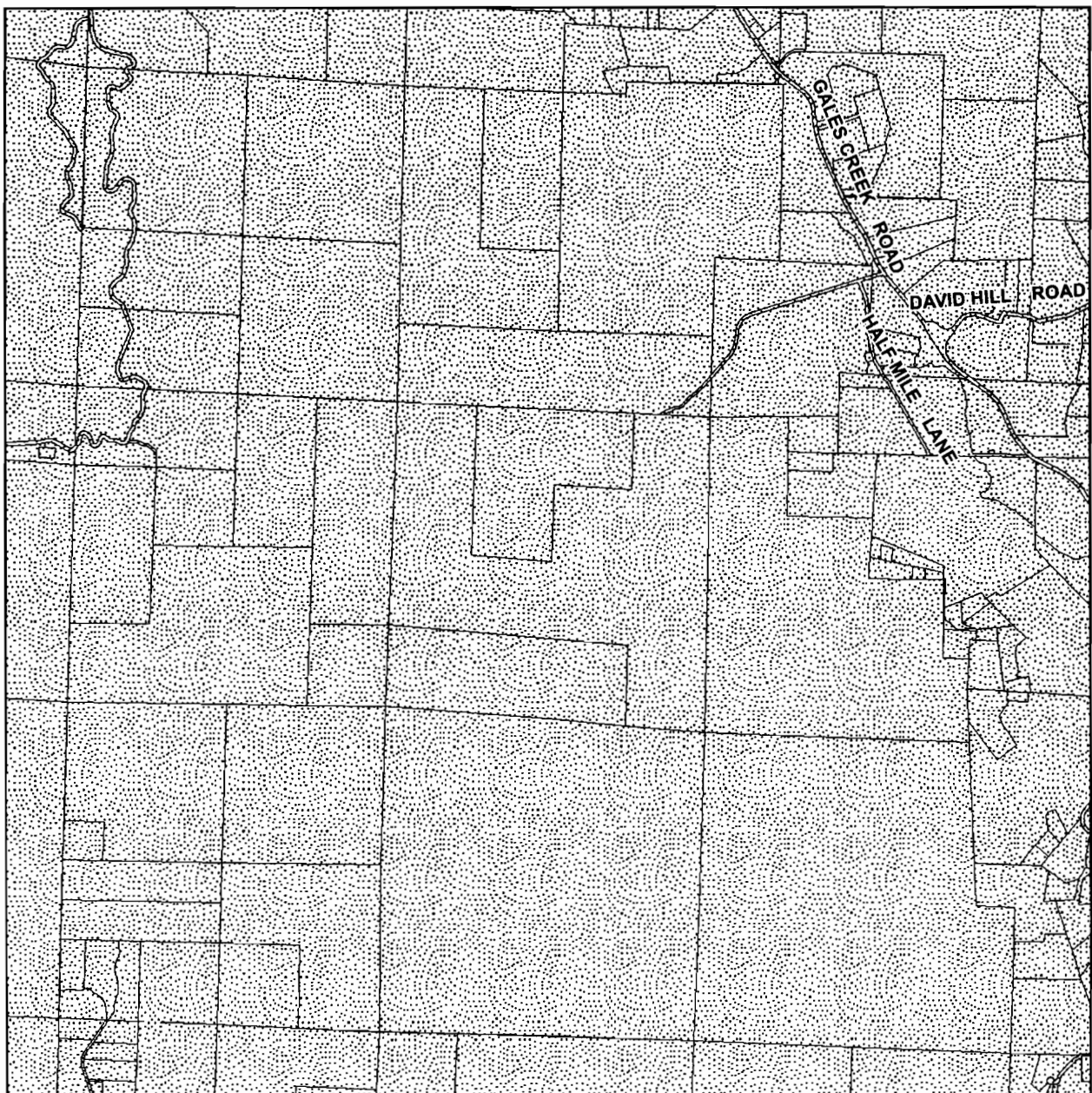
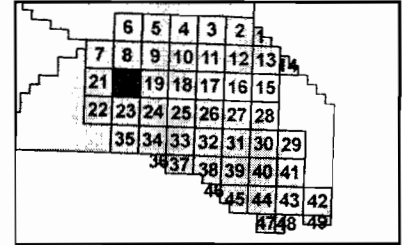
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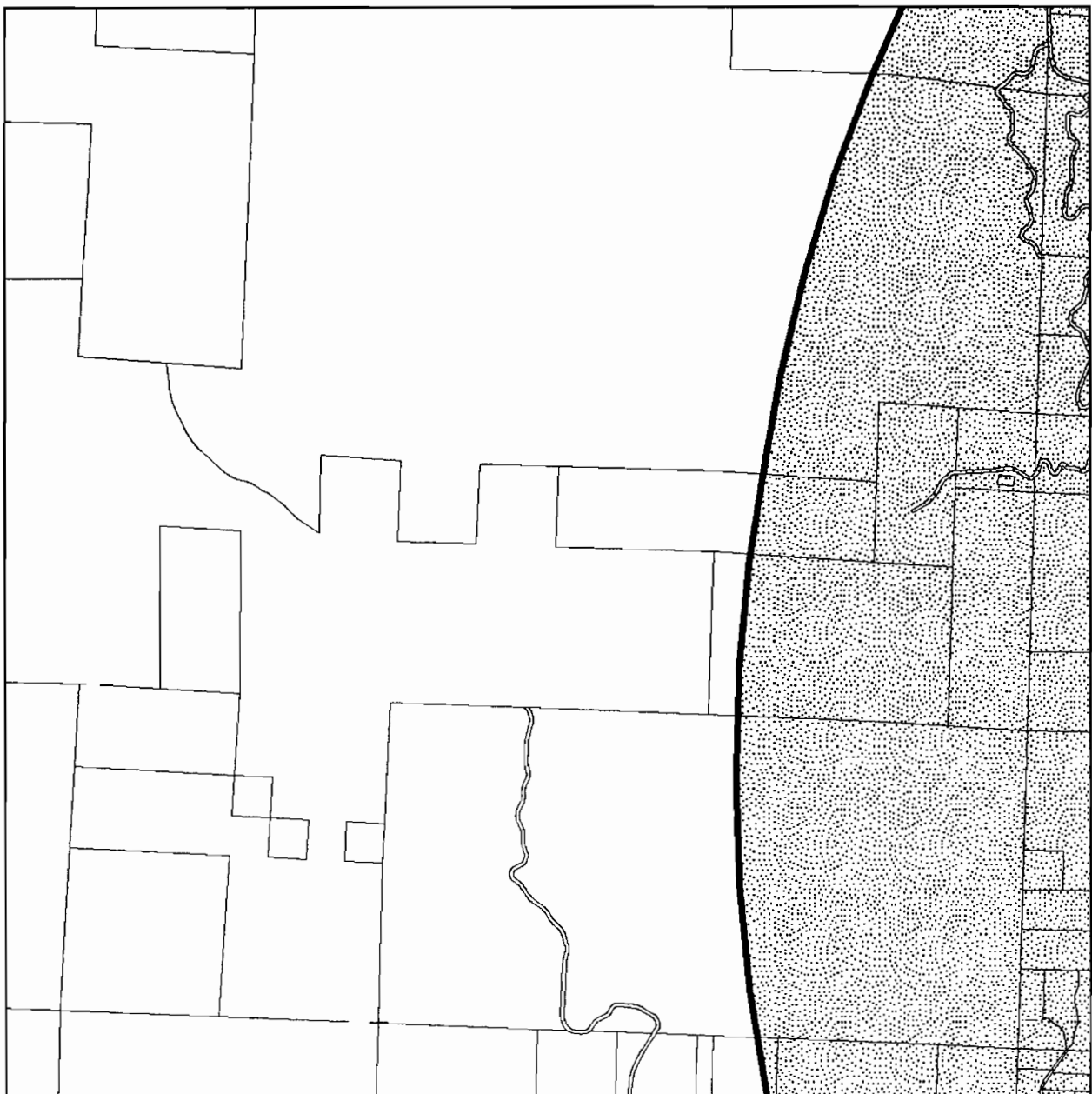
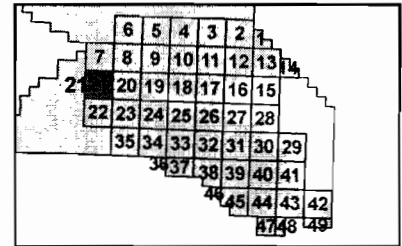
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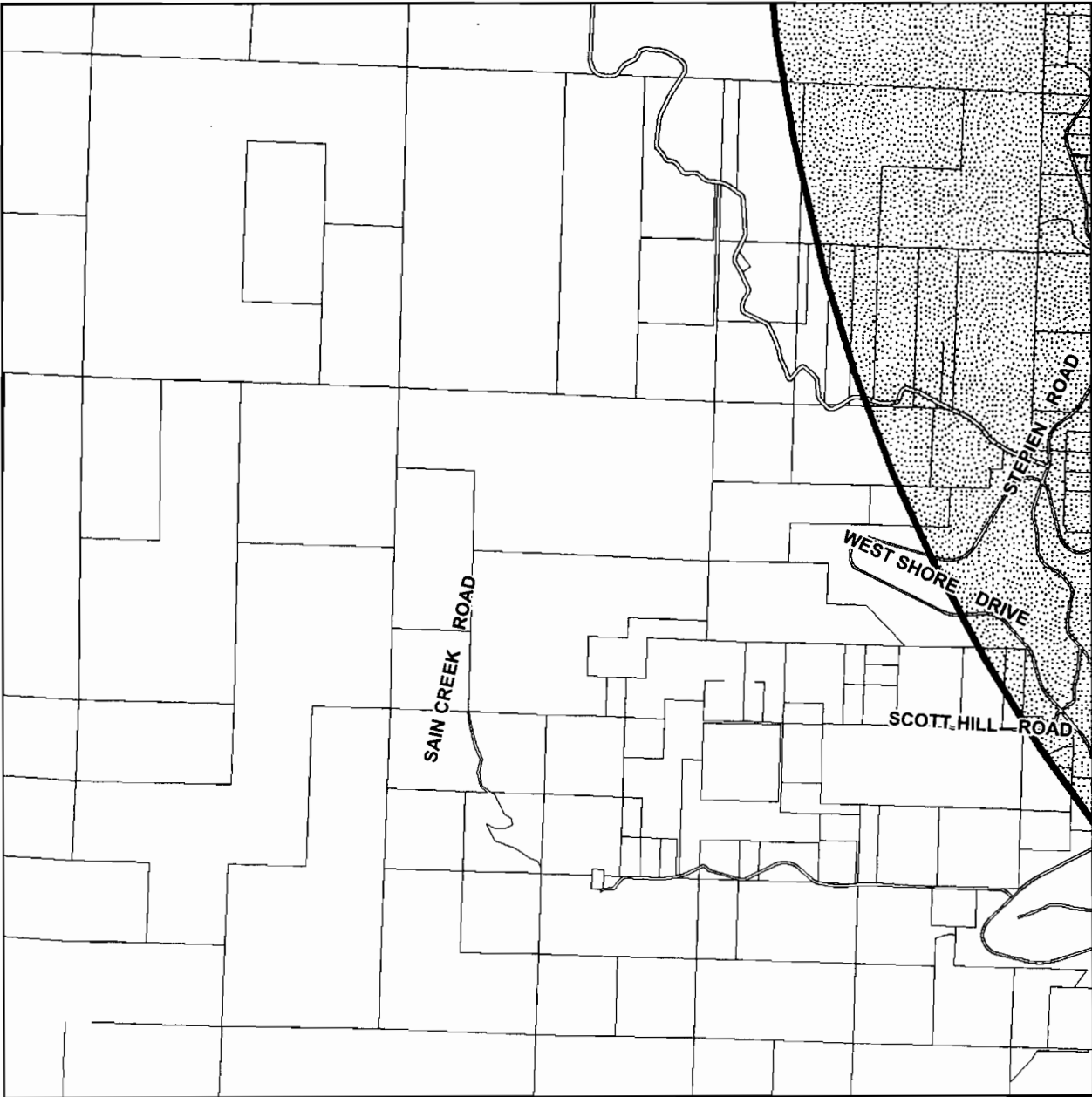
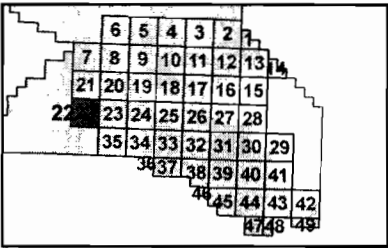
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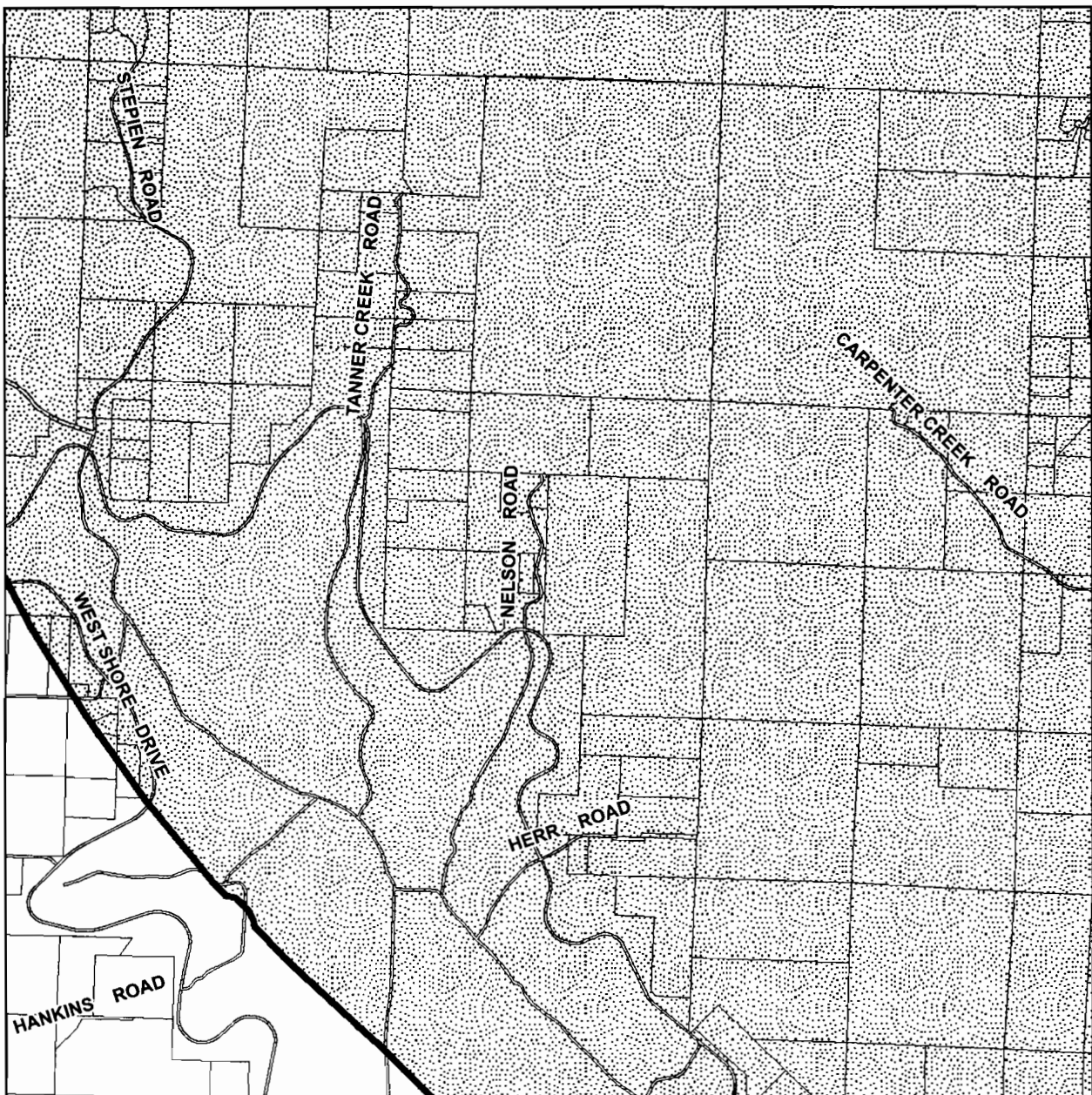
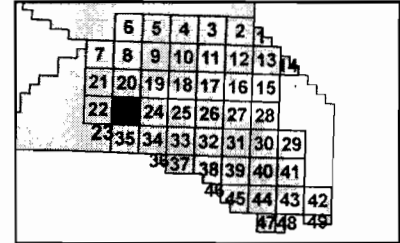
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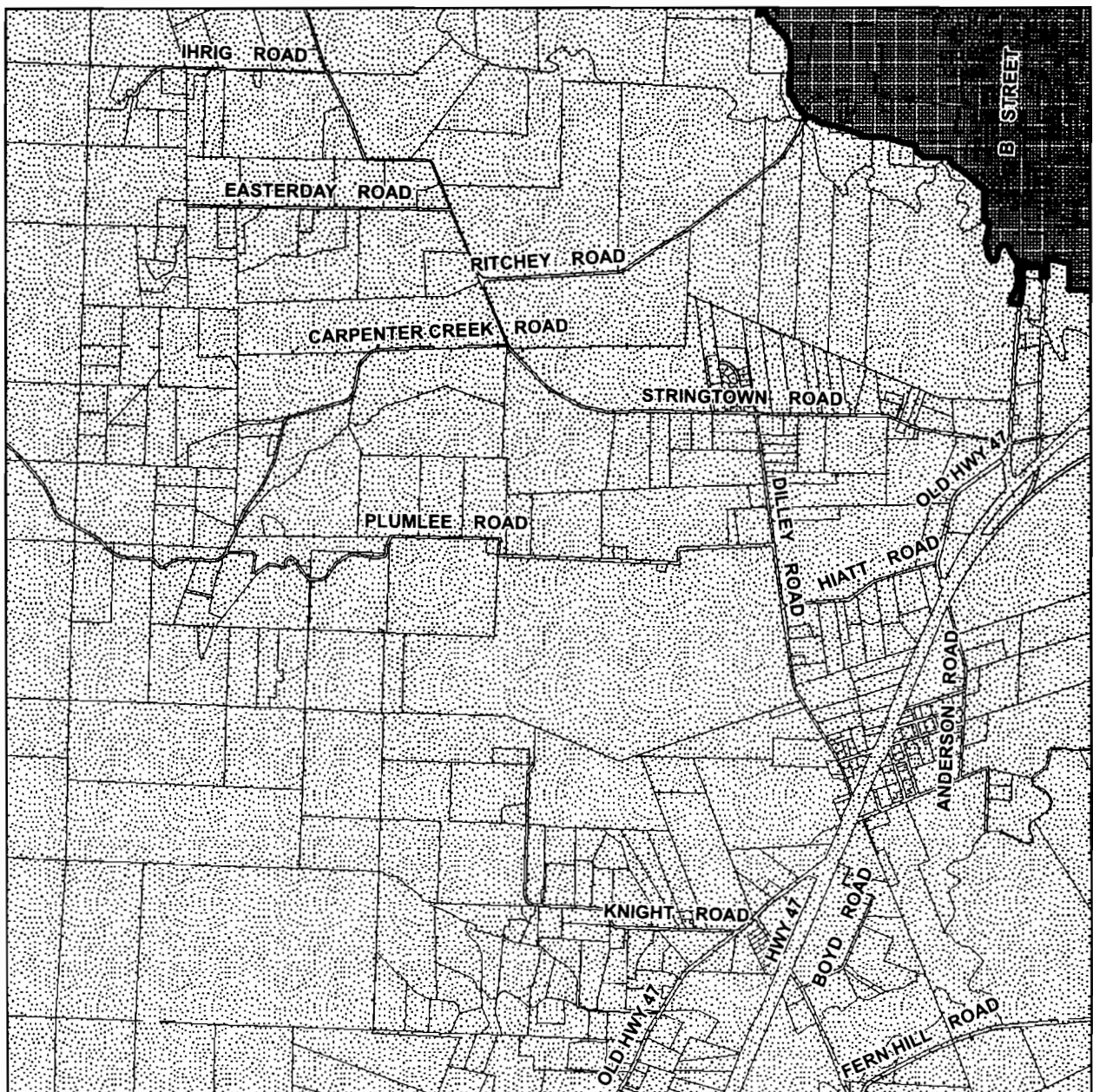
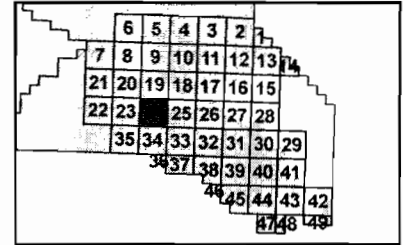
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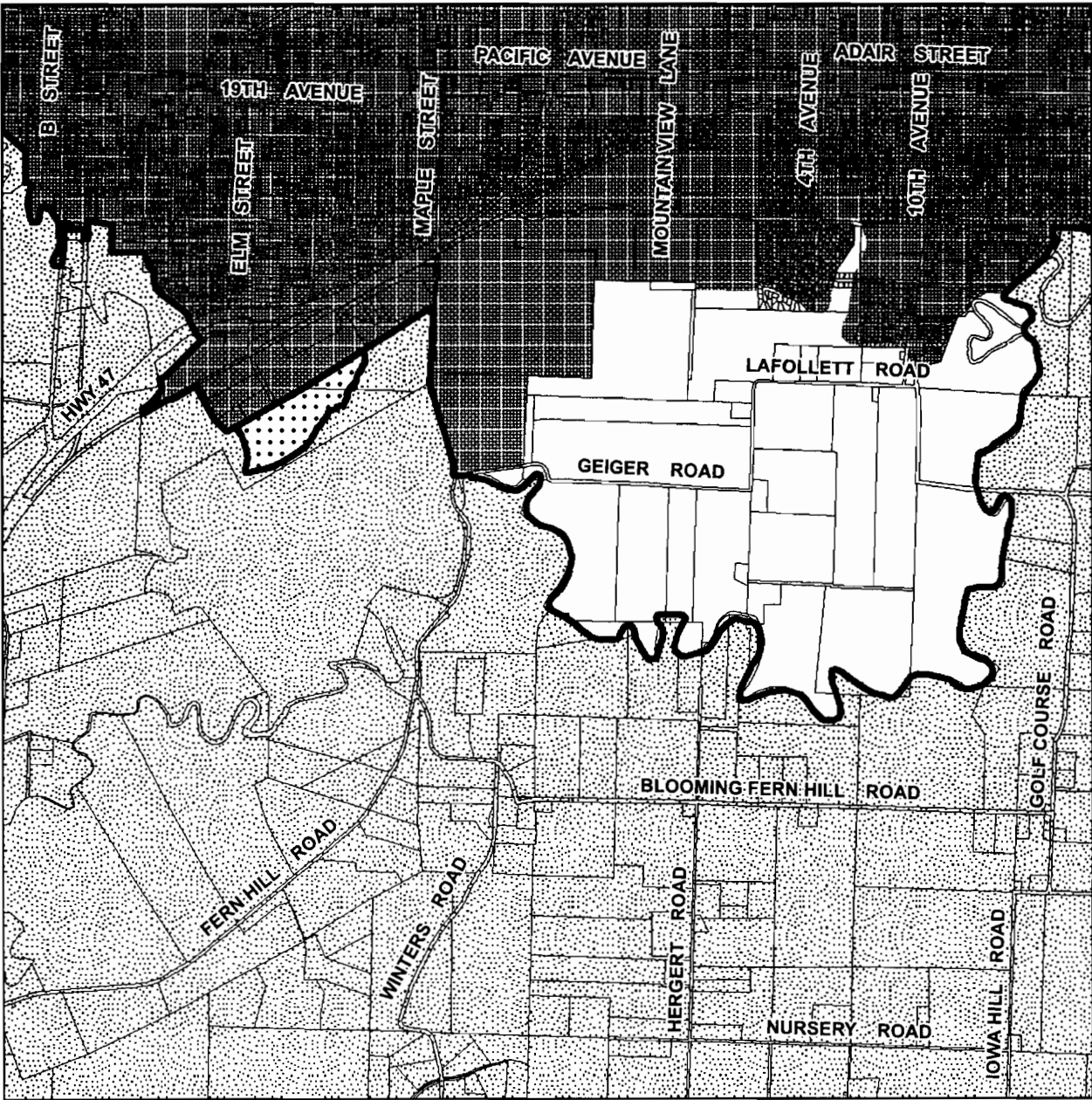
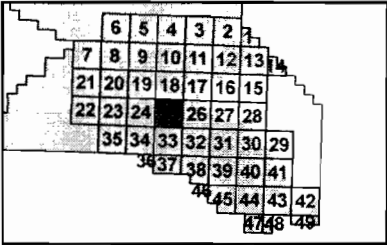
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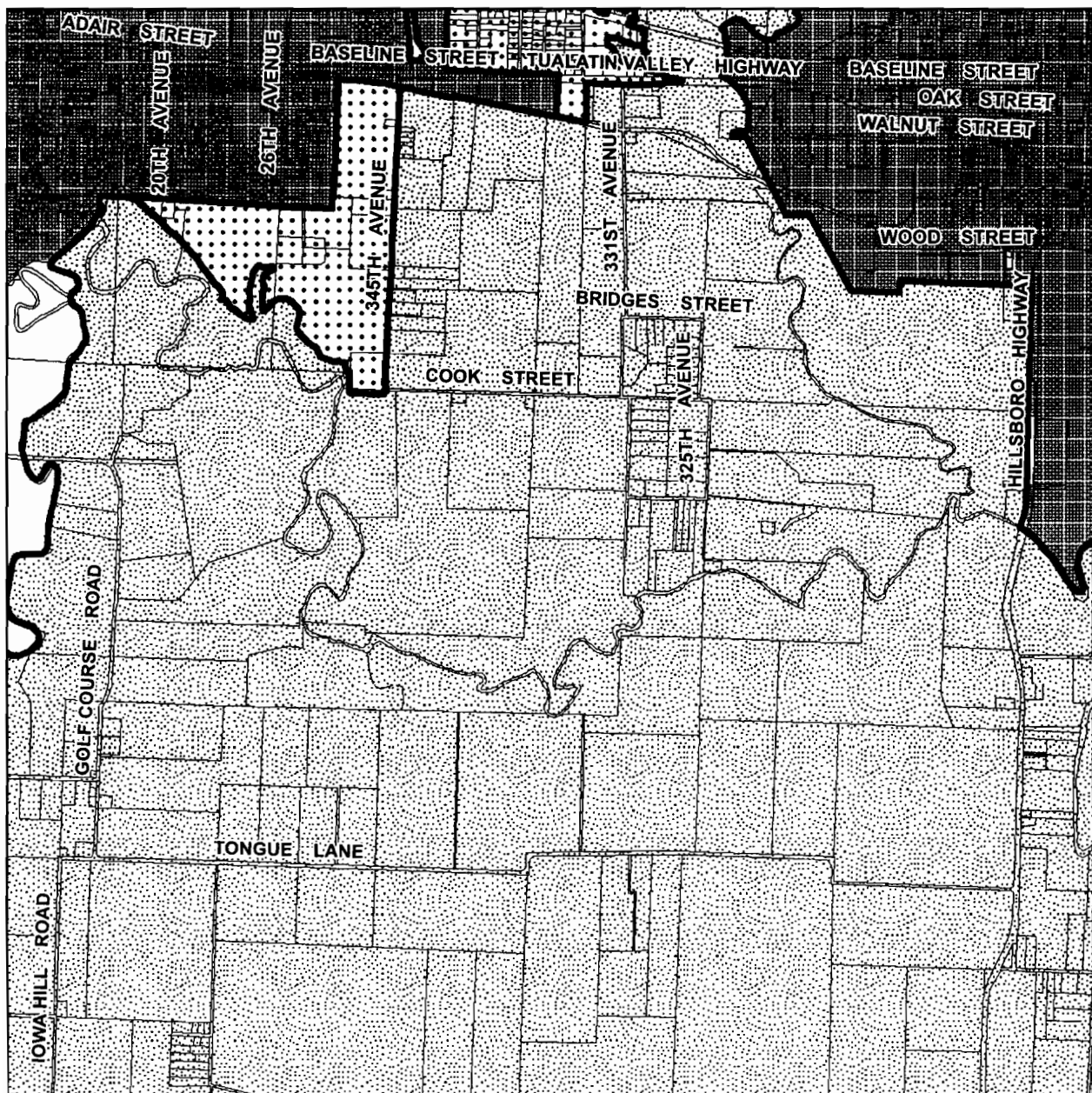
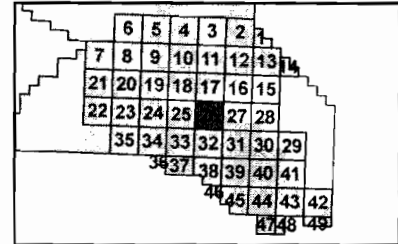
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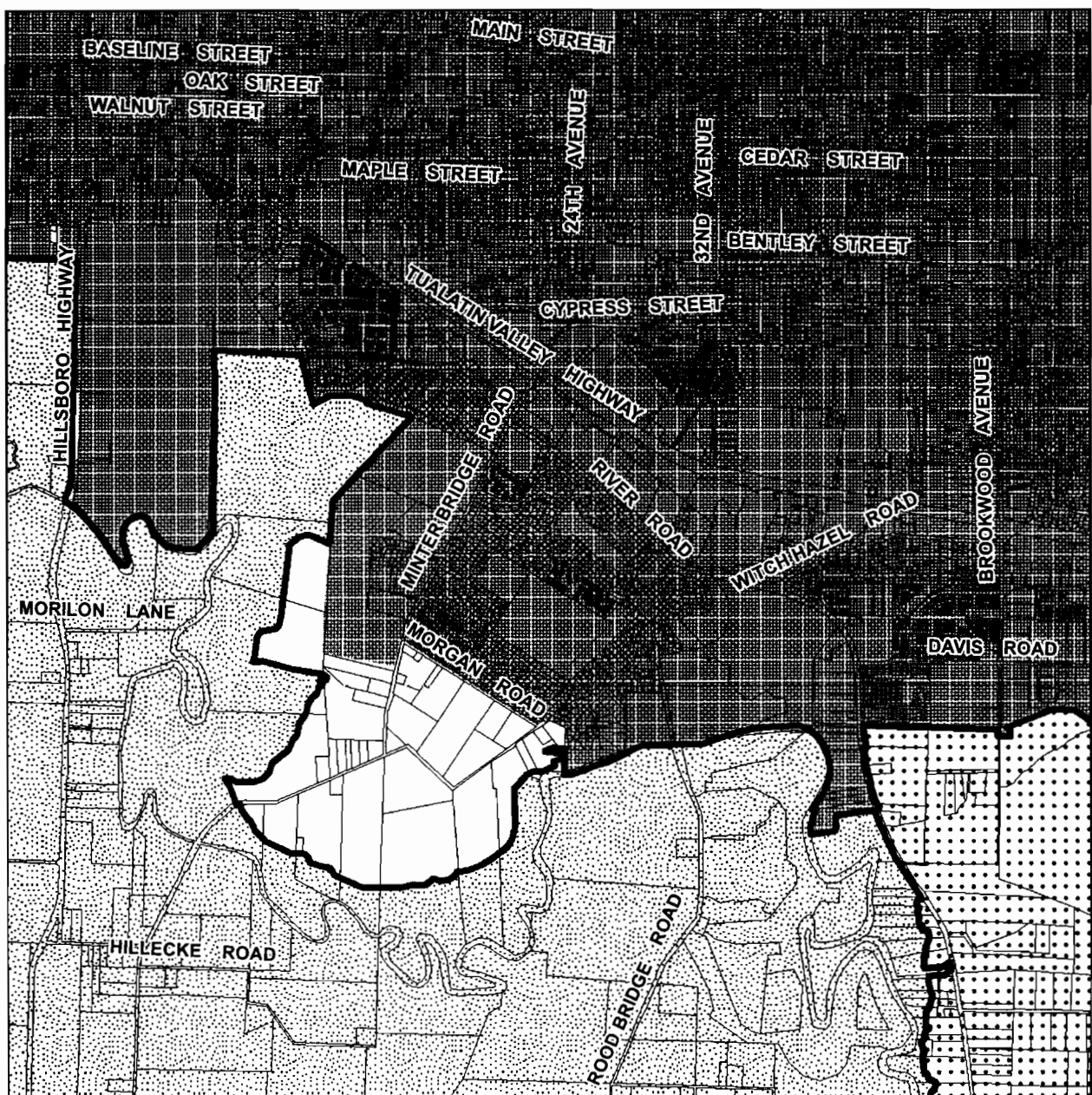
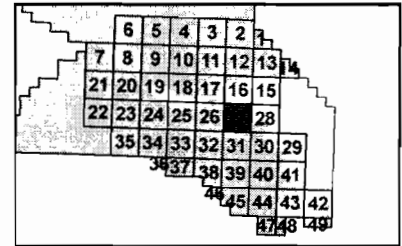
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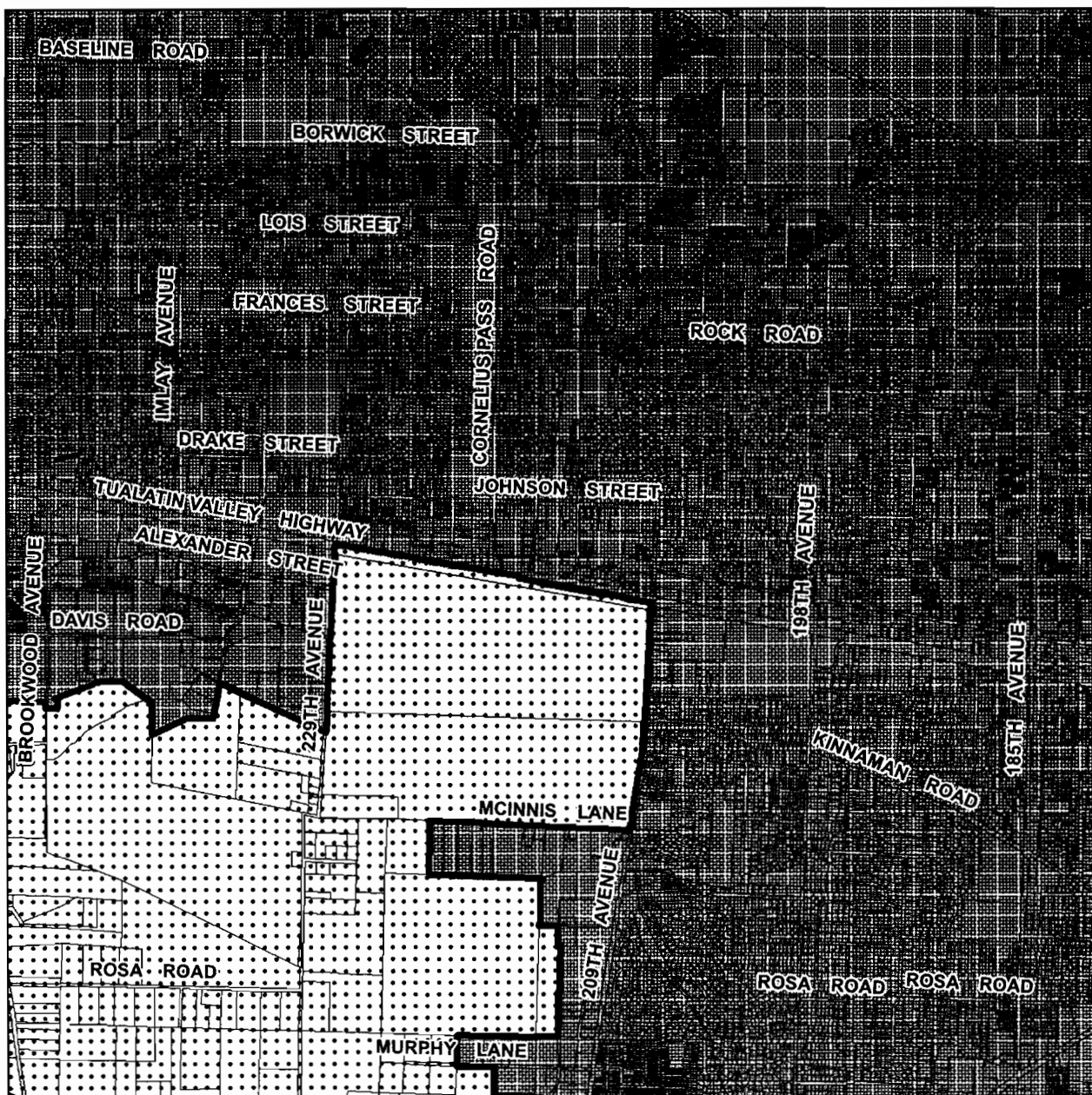
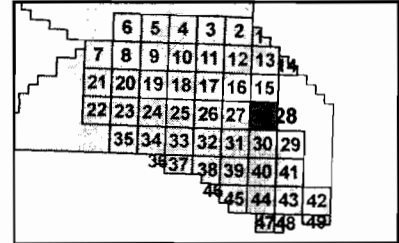
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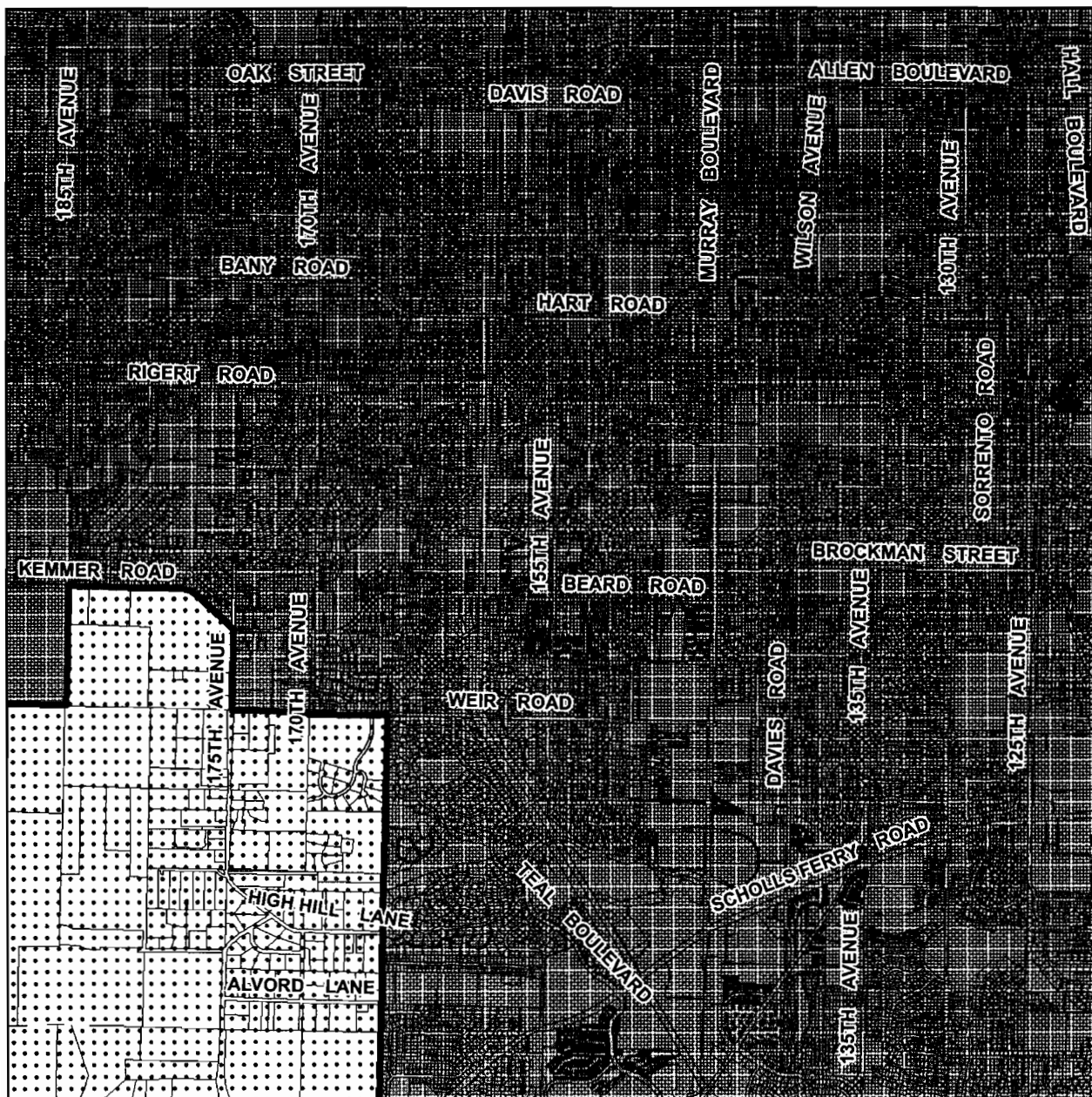
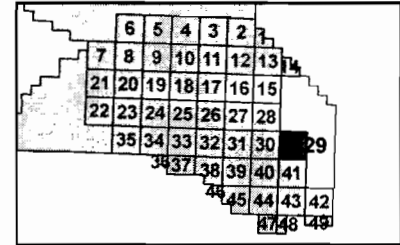
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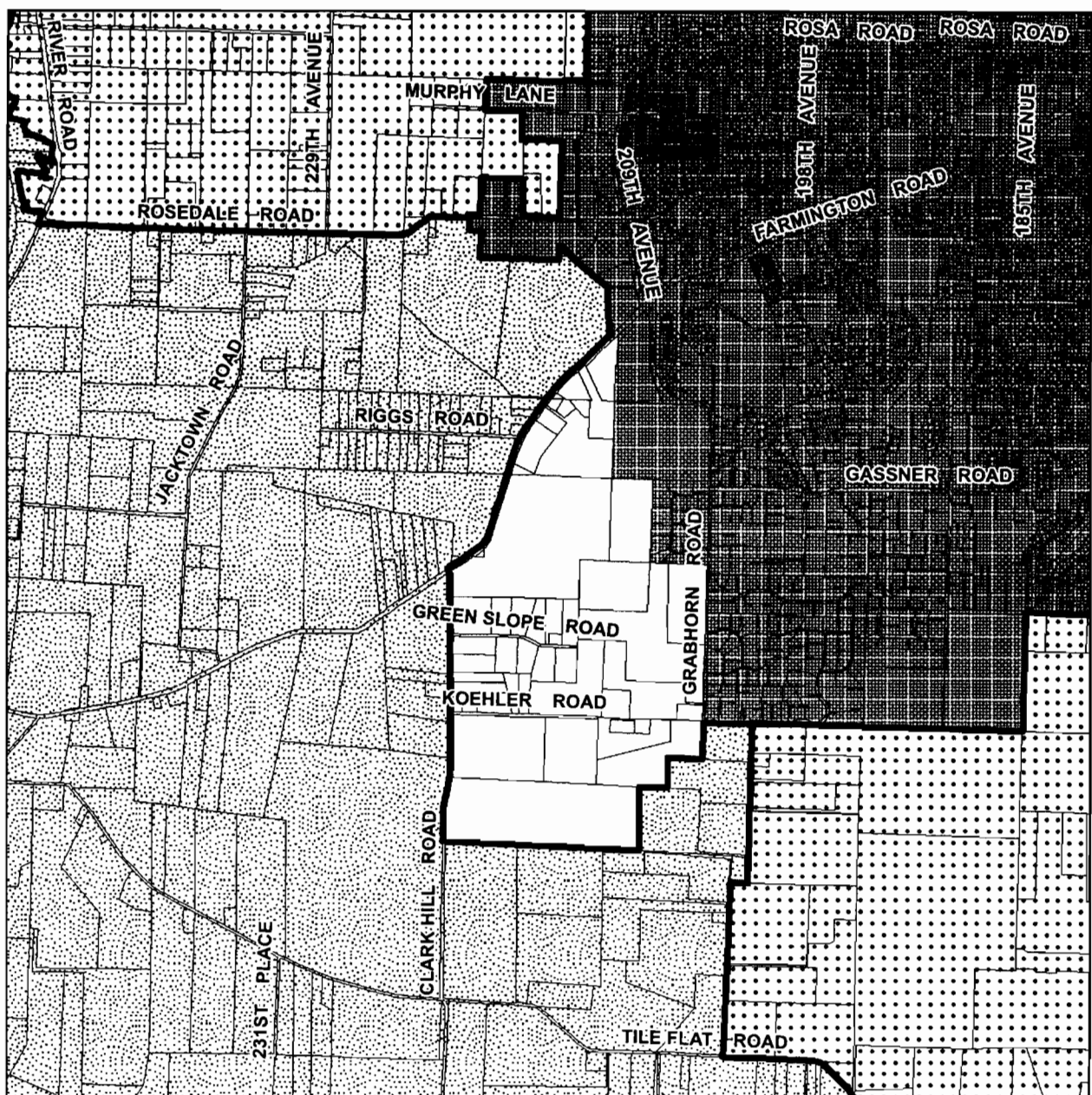
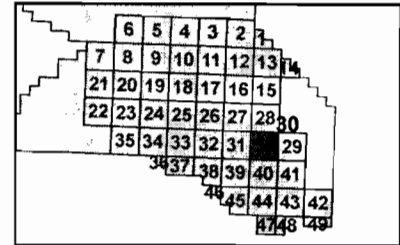
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



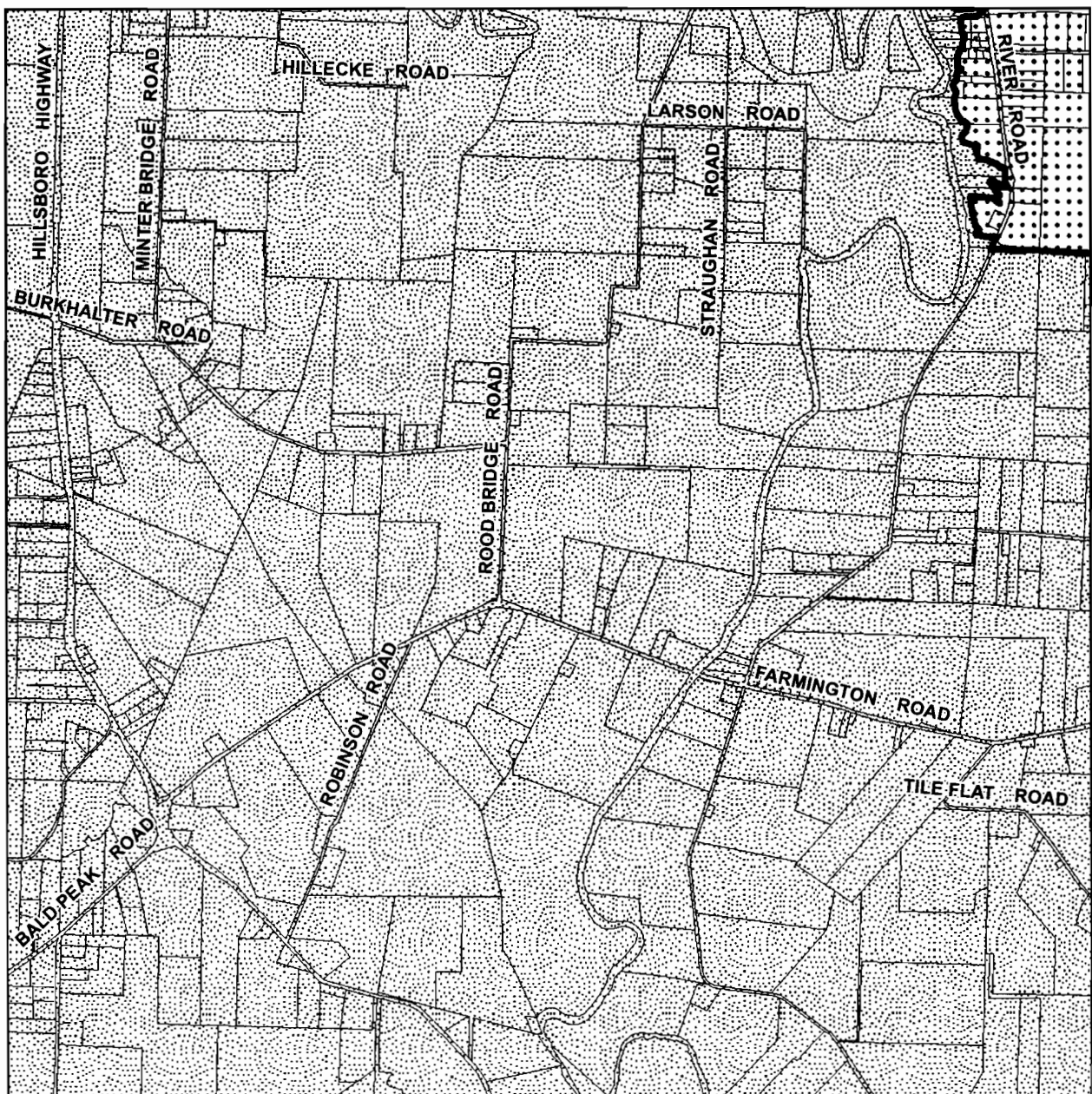
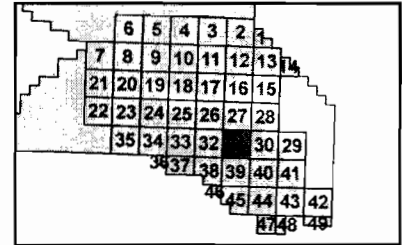
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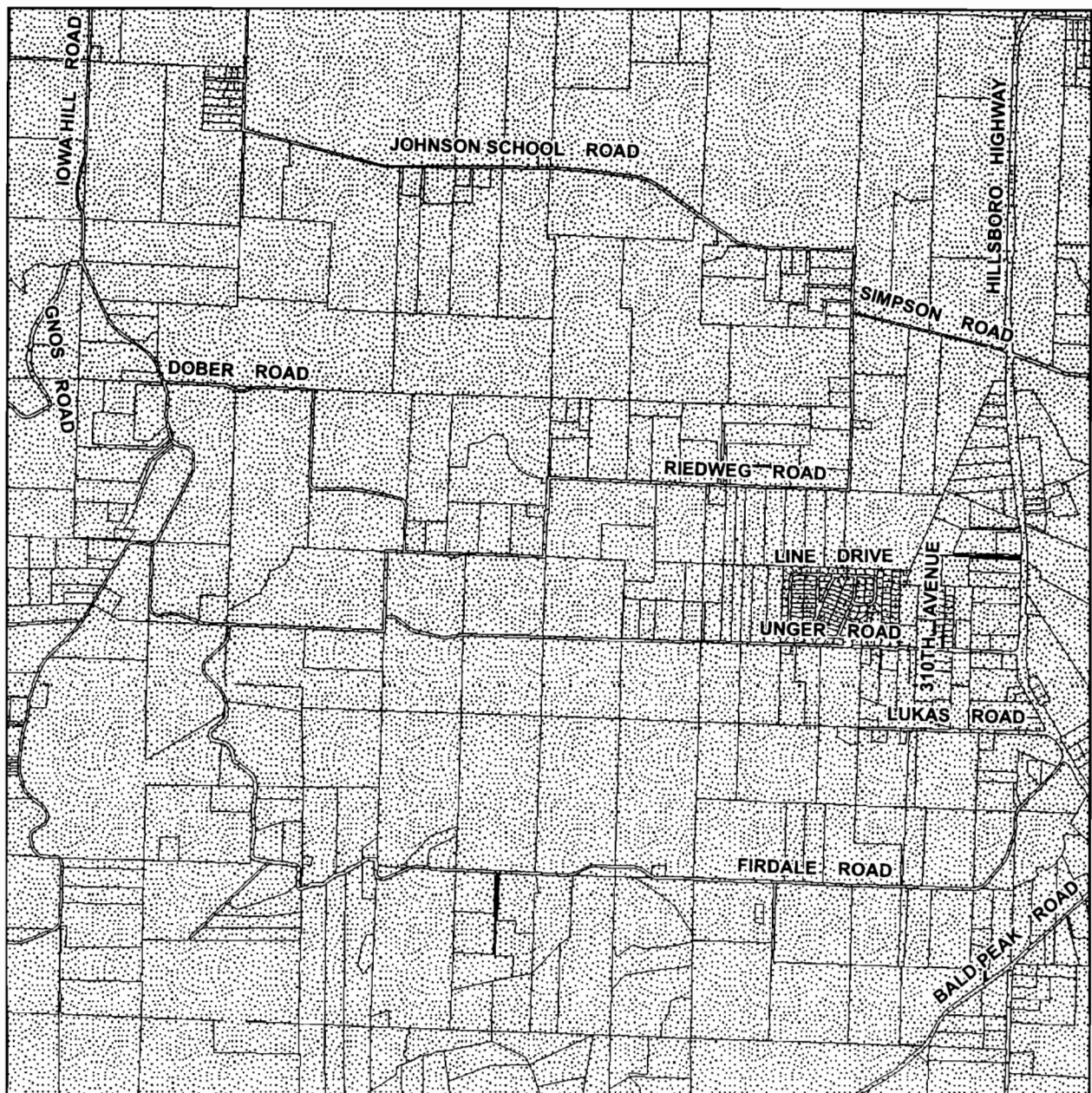
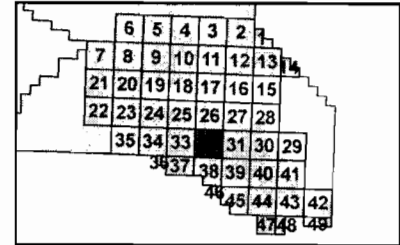
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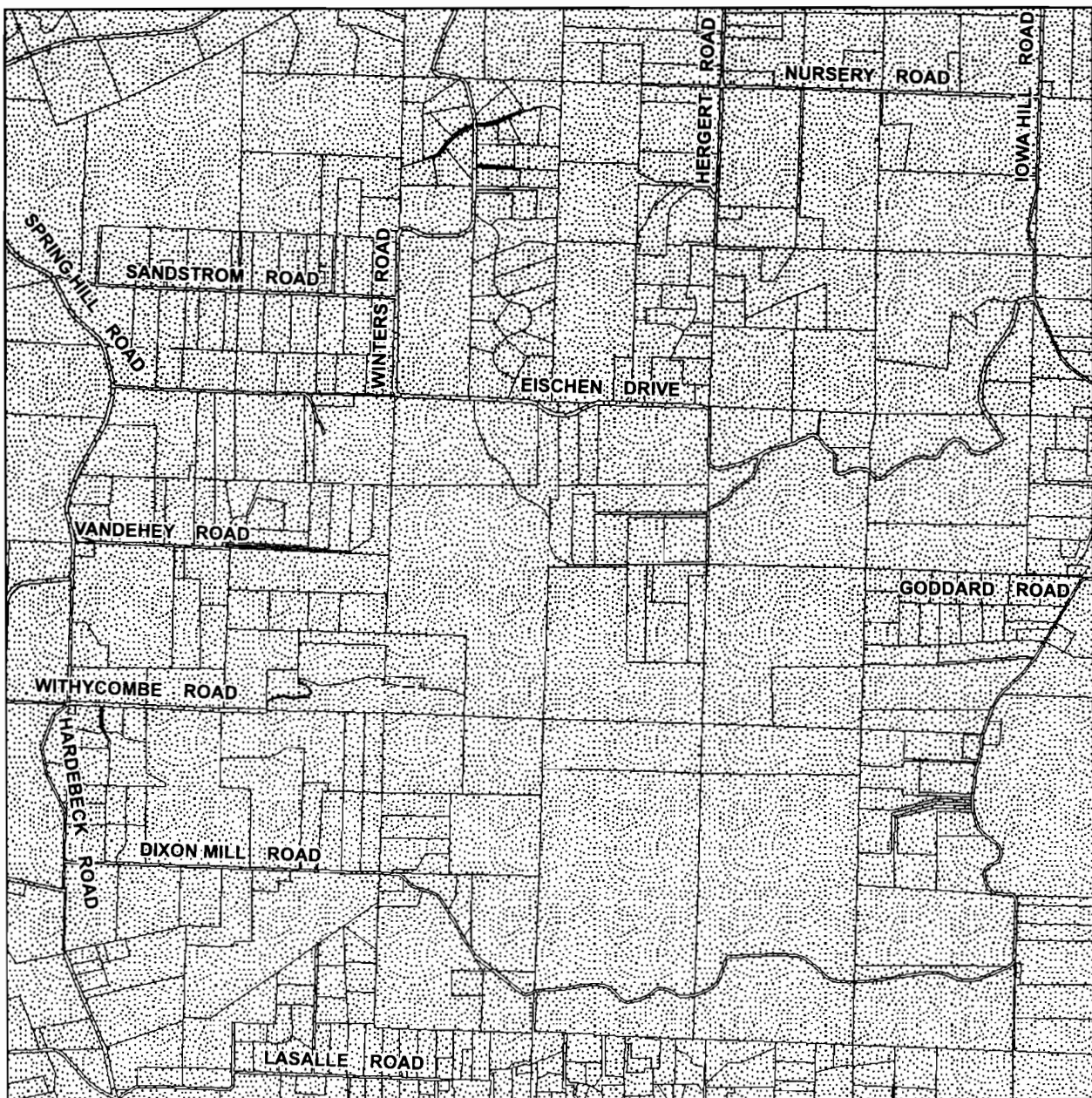
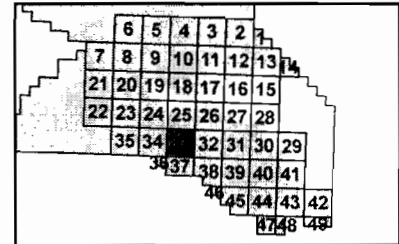
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



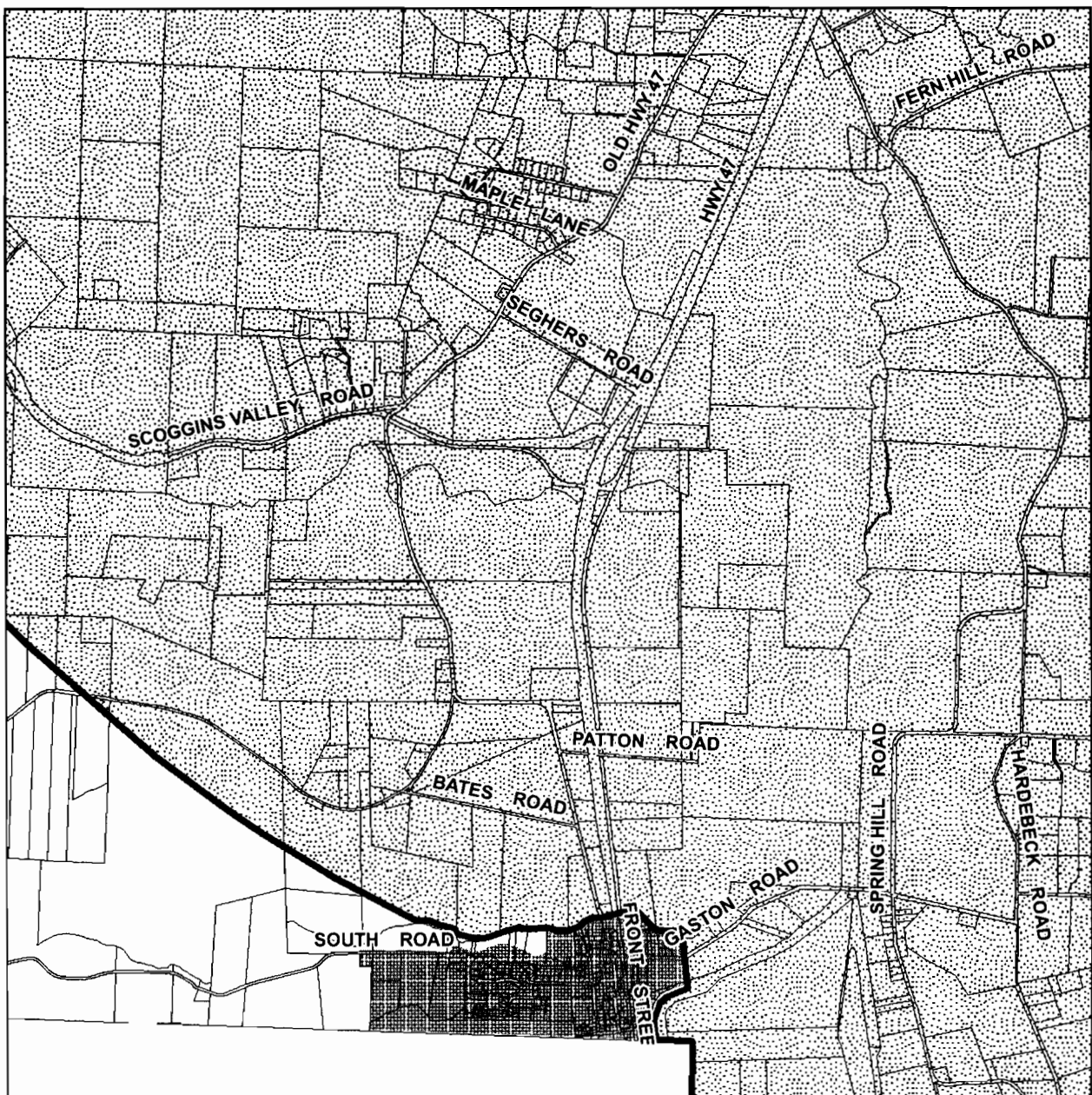
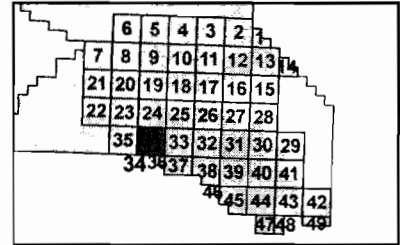
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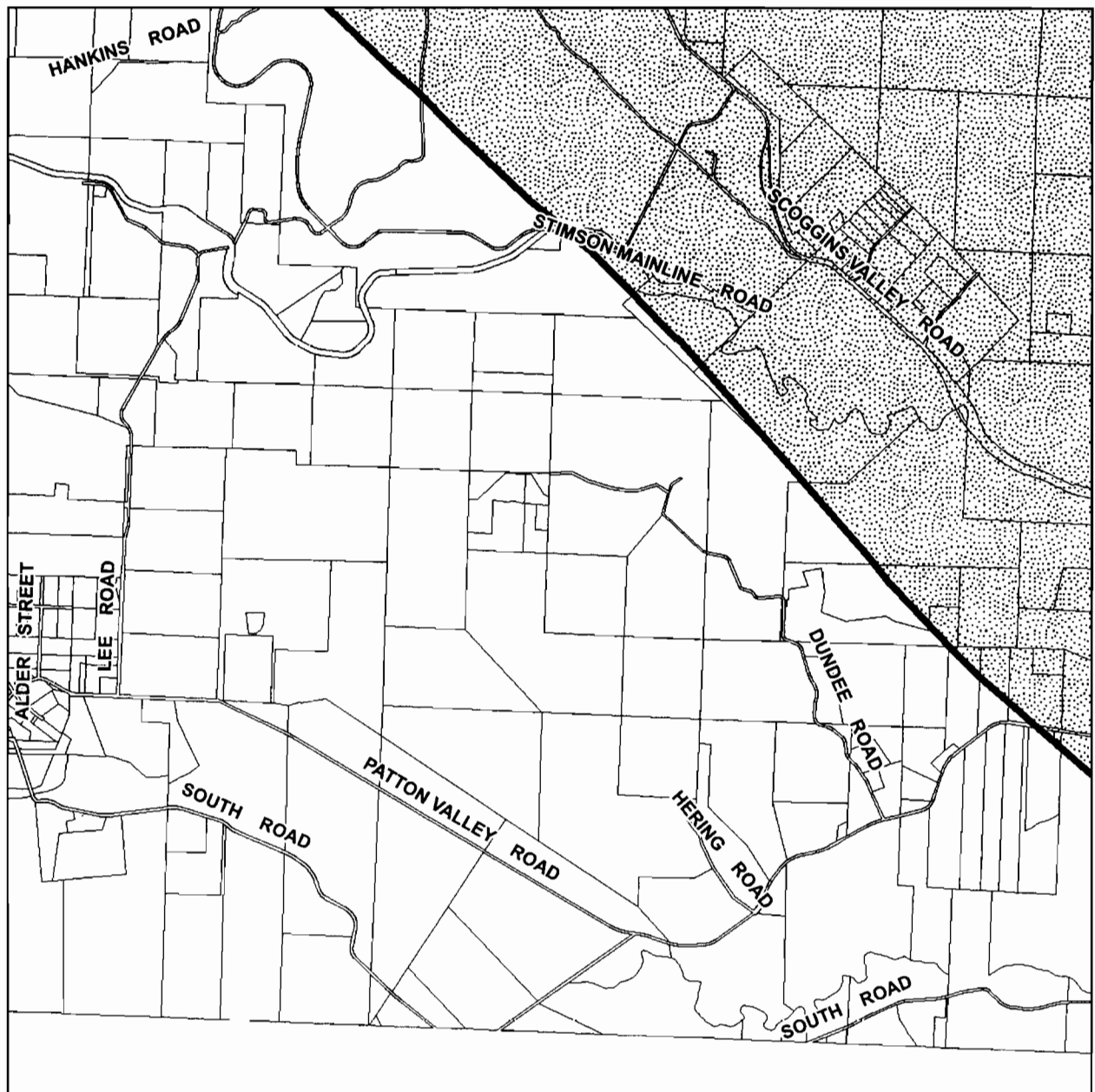
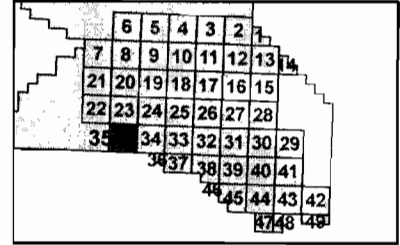
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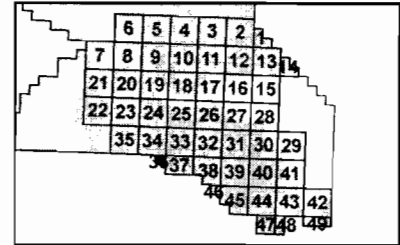
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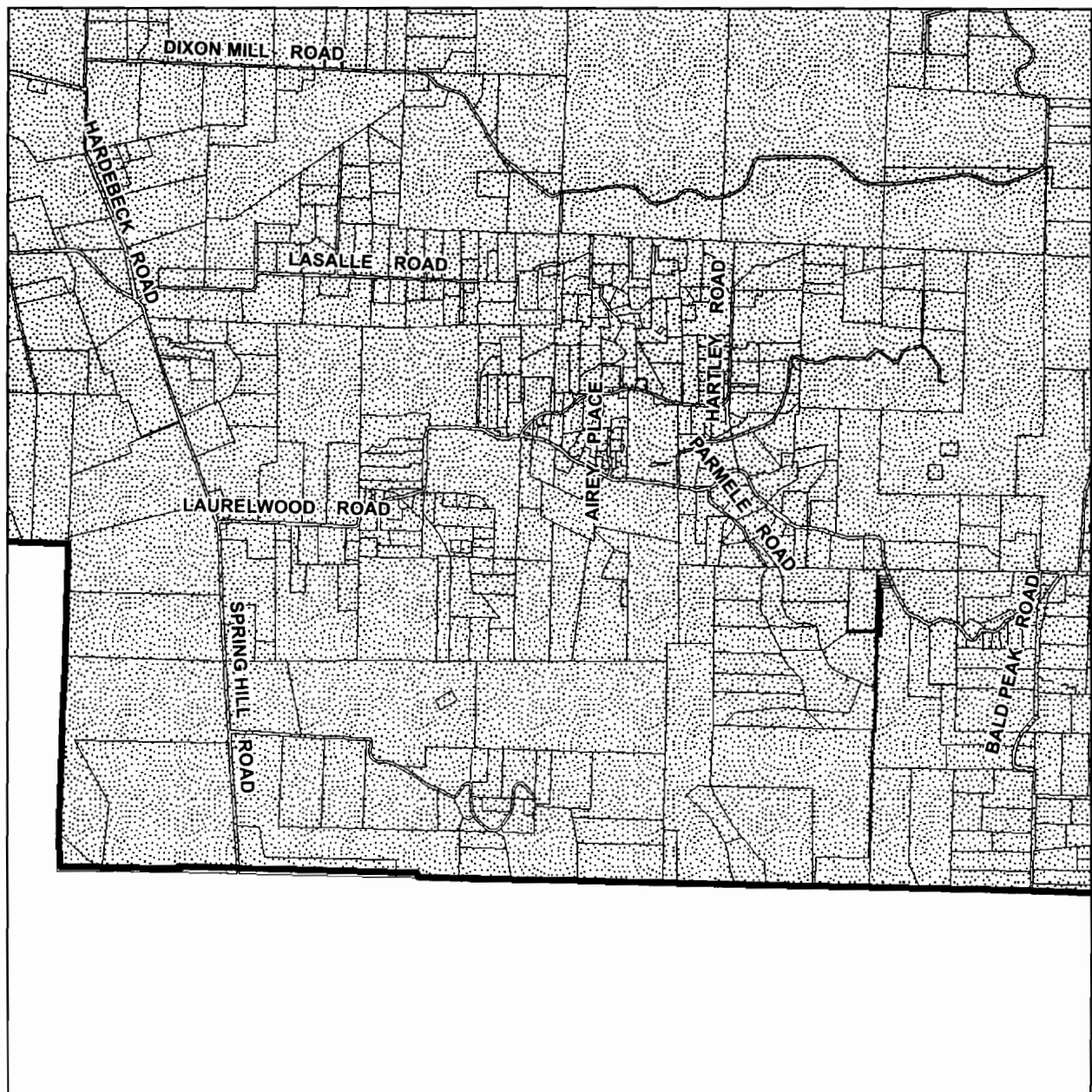
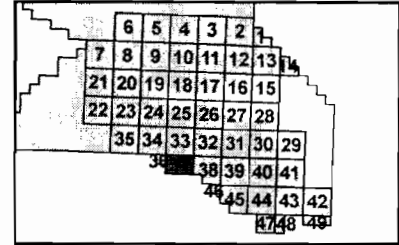
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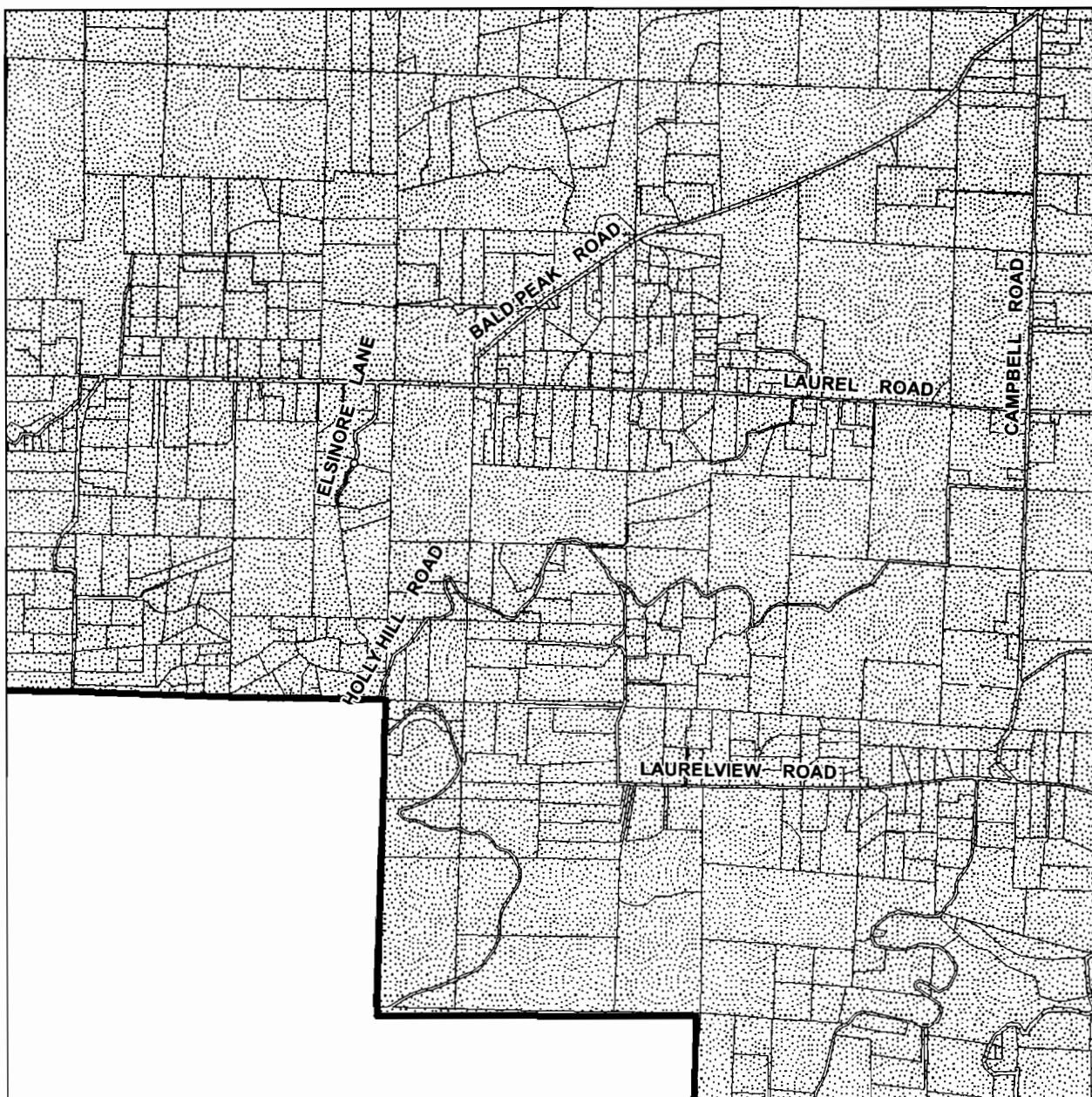
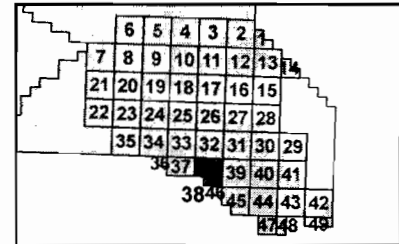


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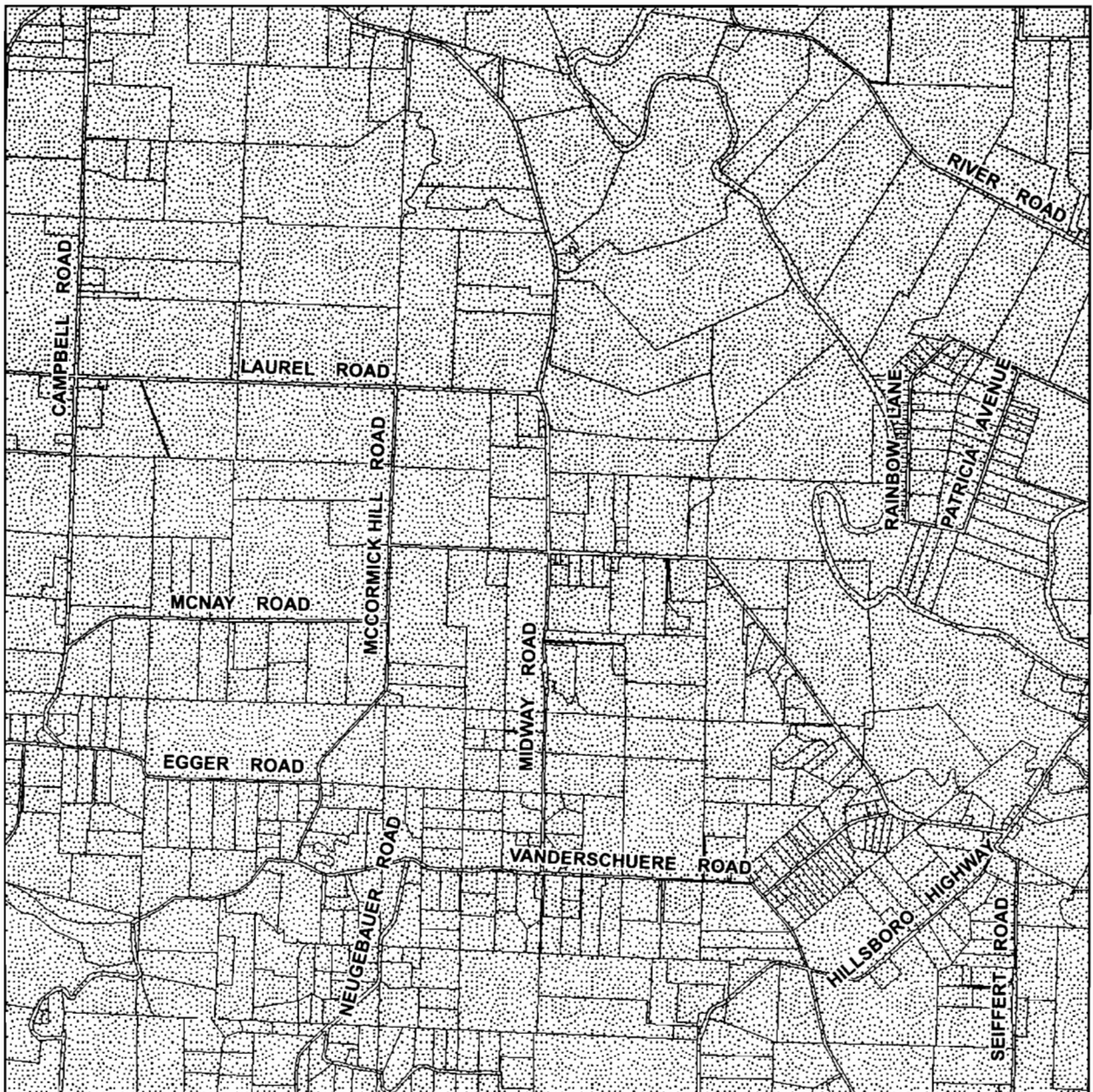
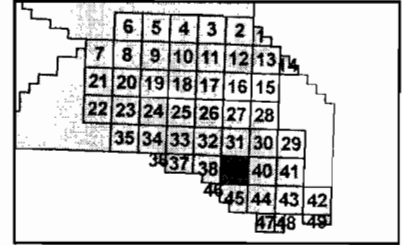


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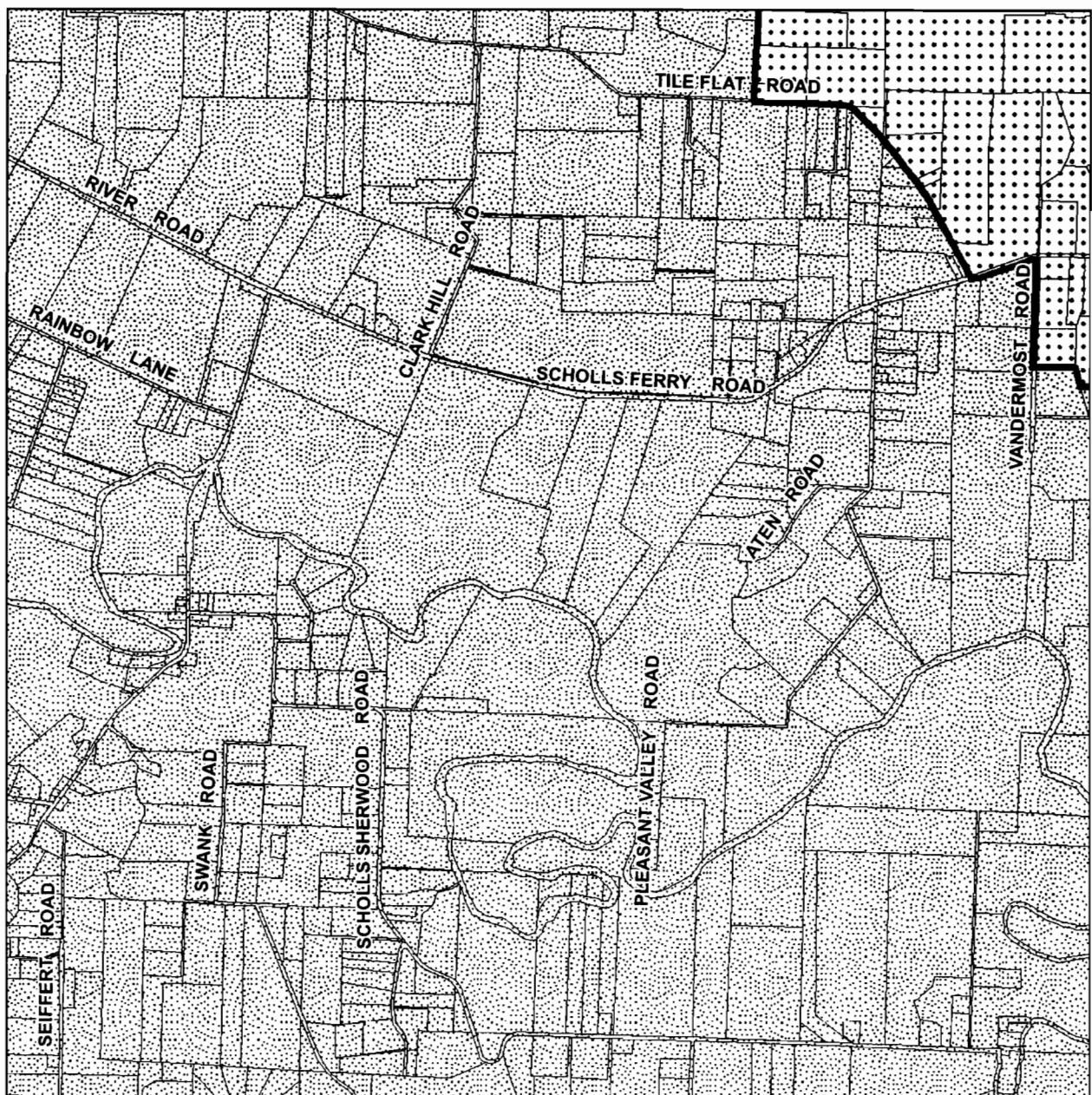
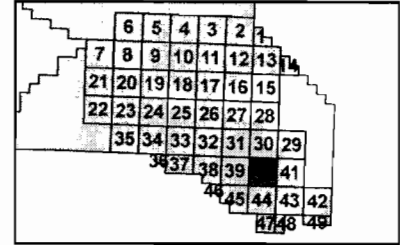
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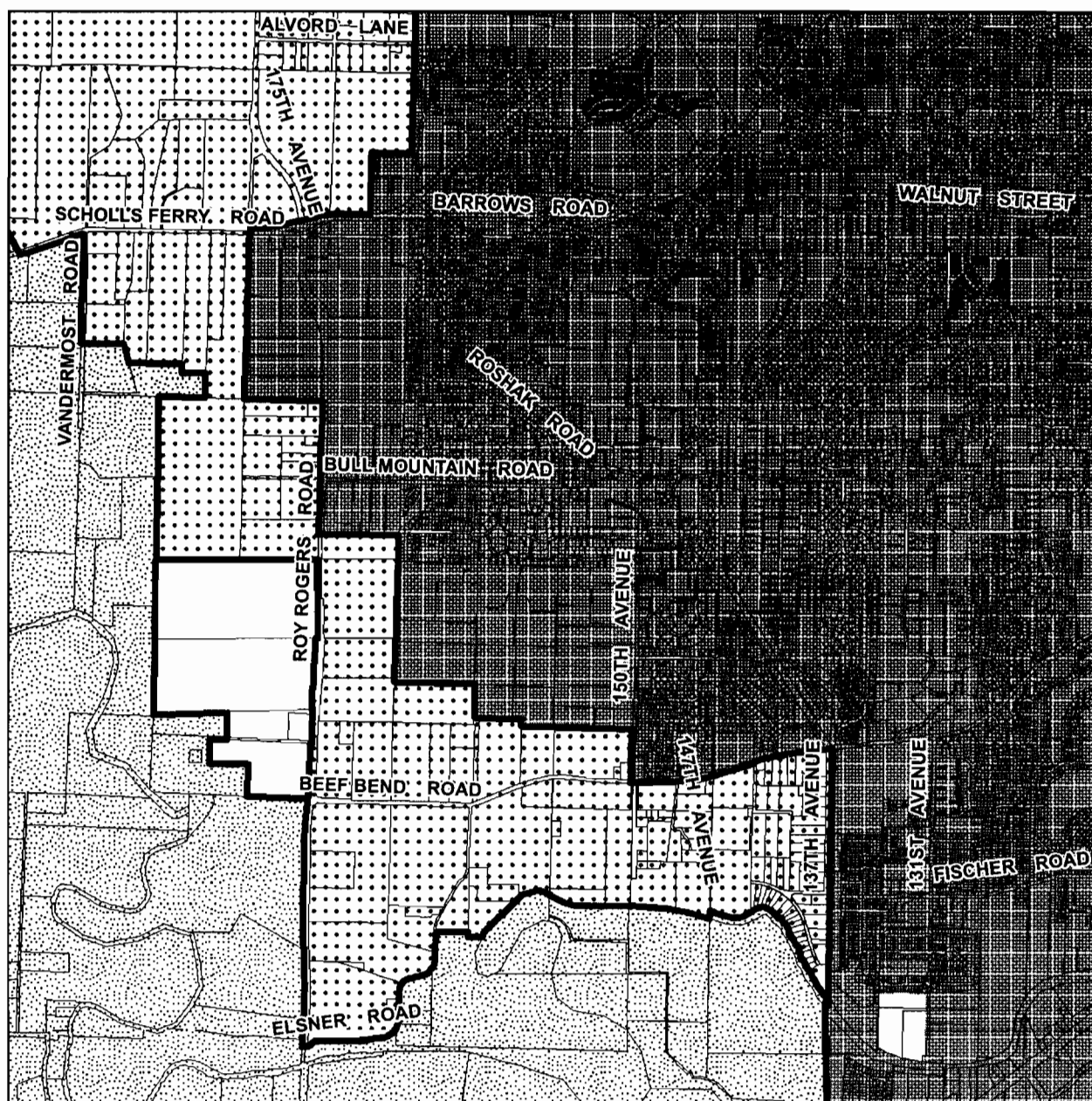
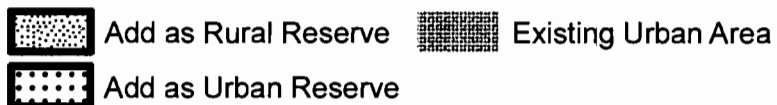
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

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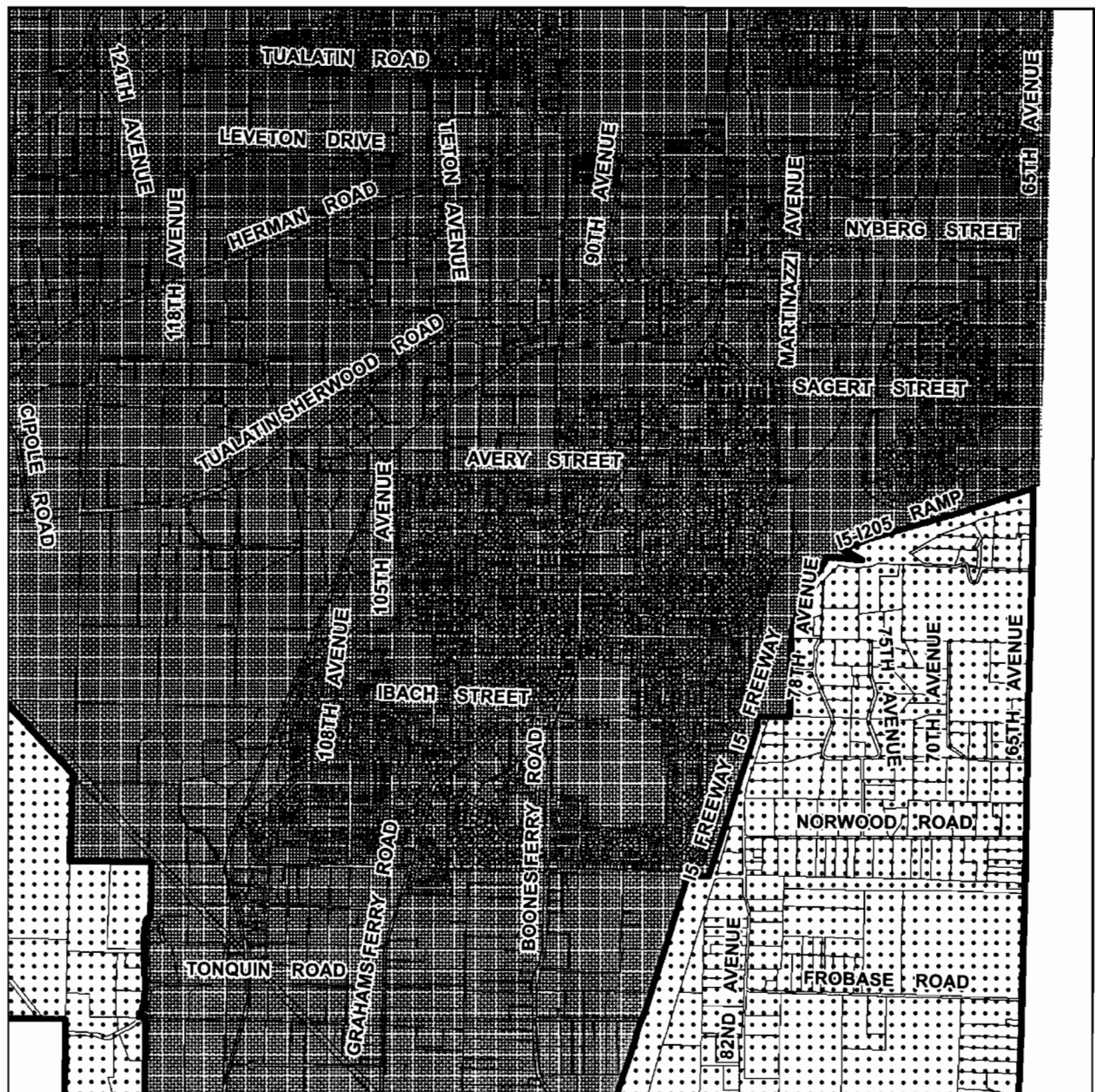
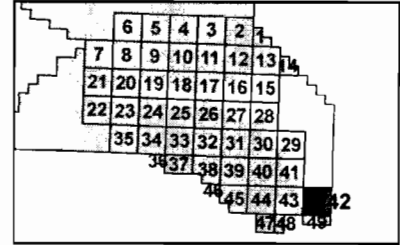
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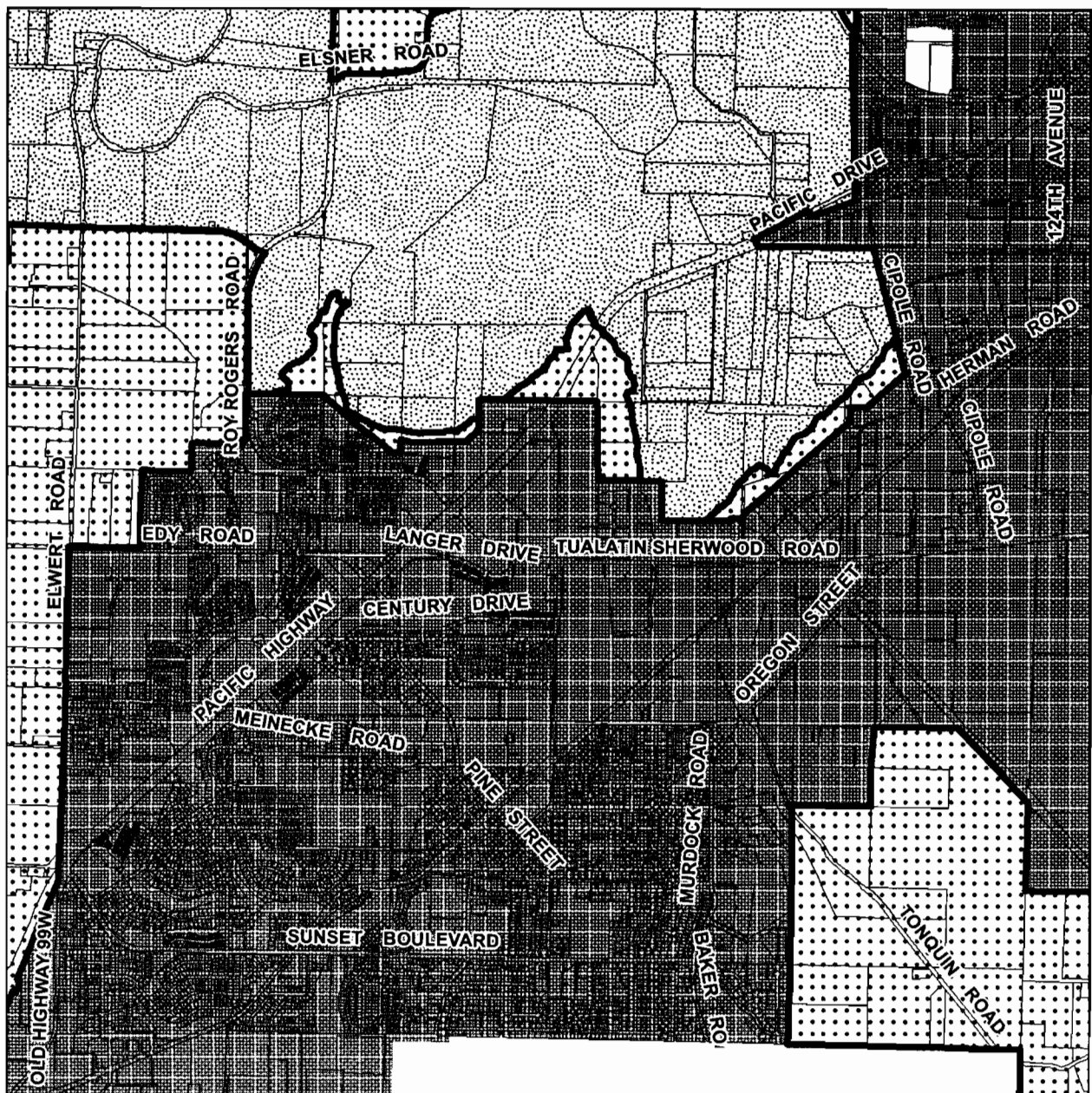
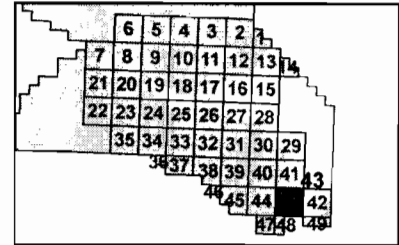
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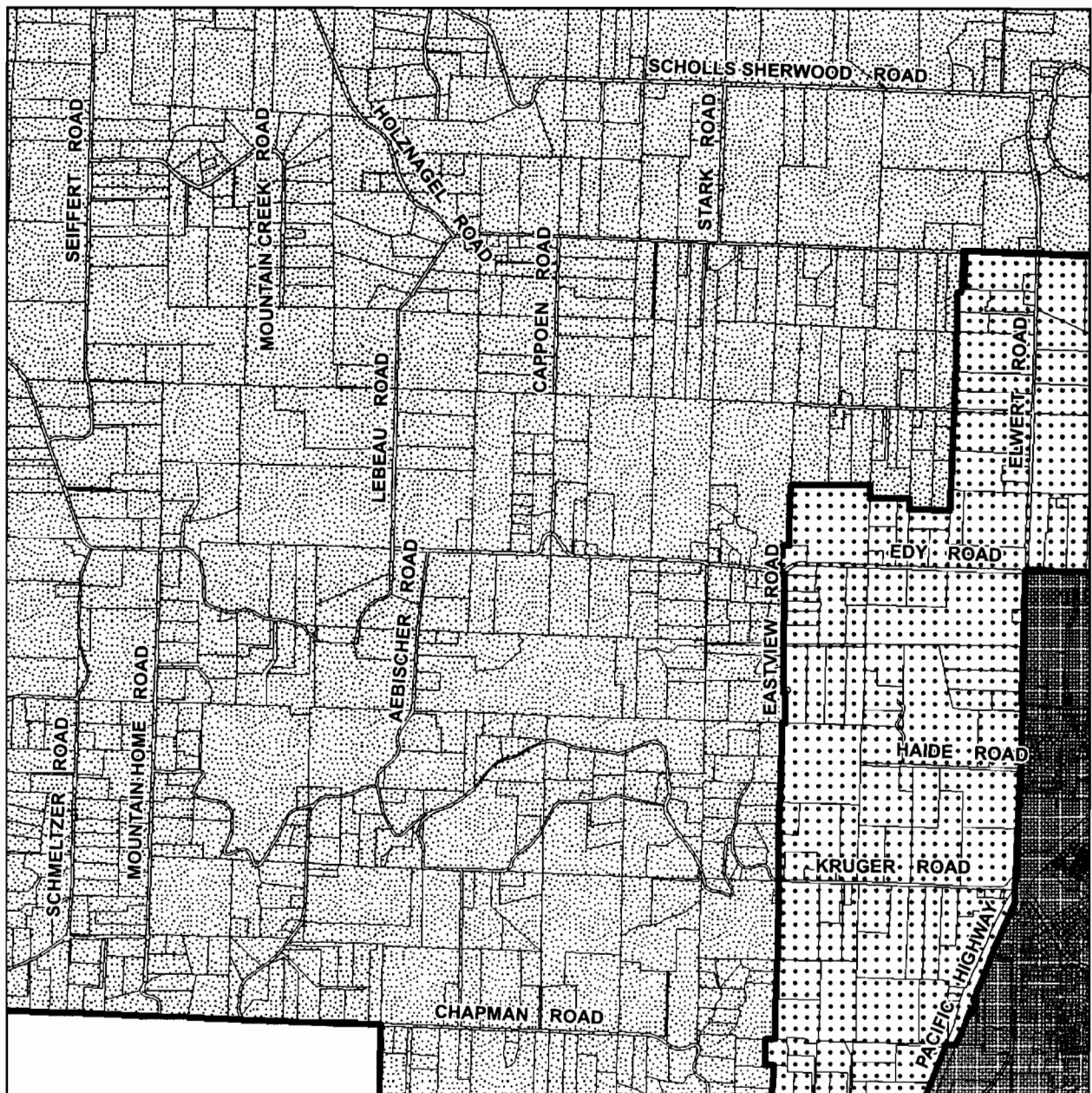
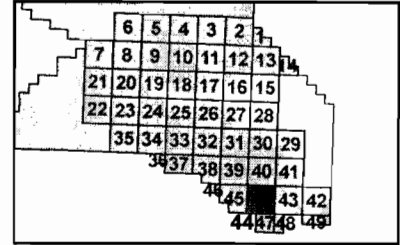
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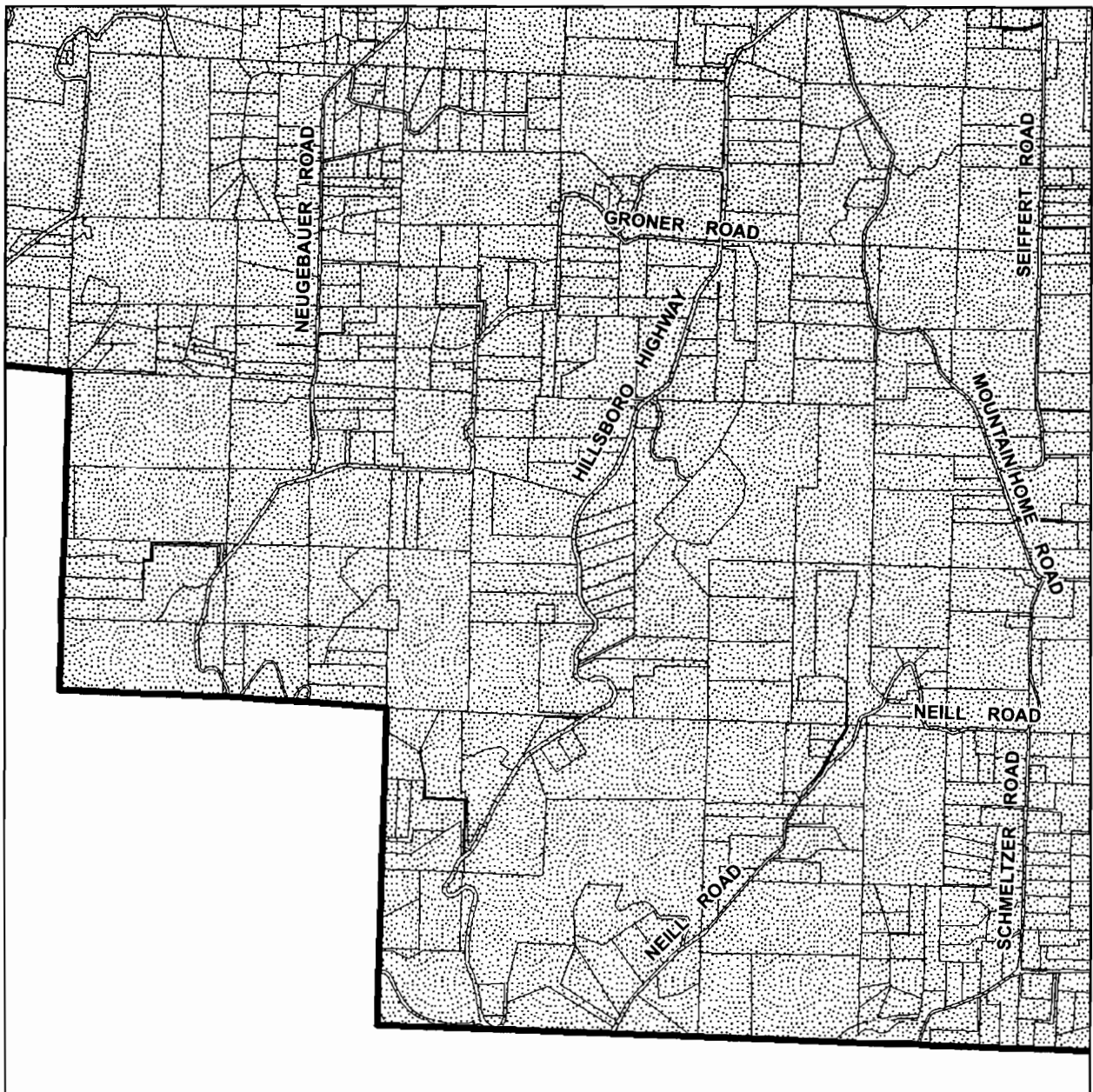
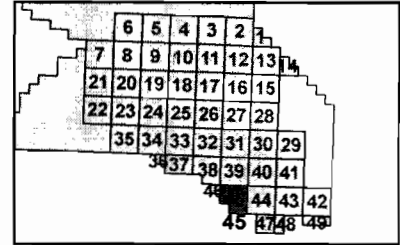
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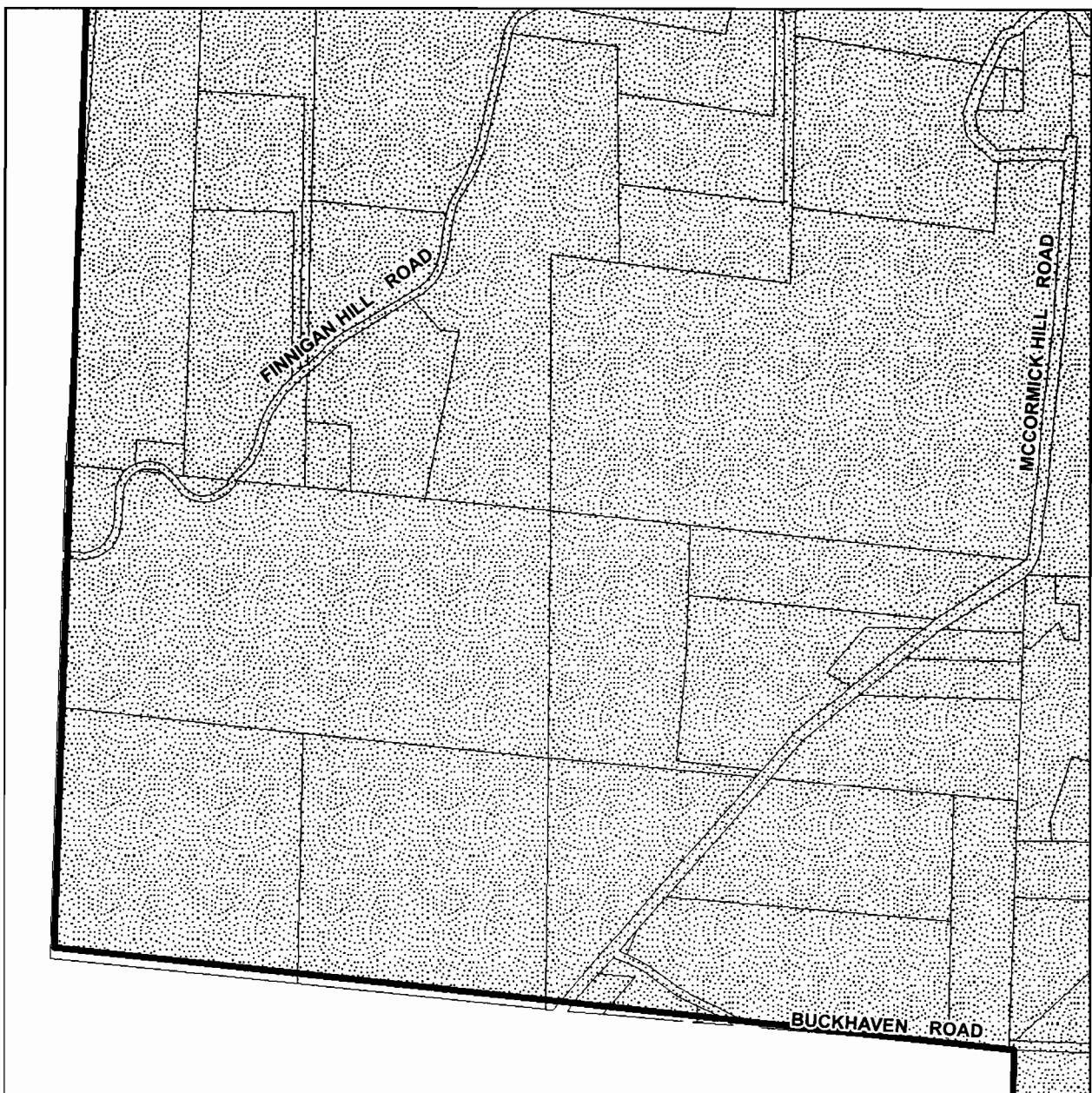
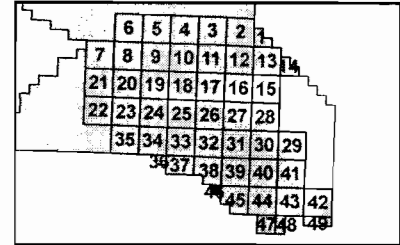
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-  Add as Urban Reserve






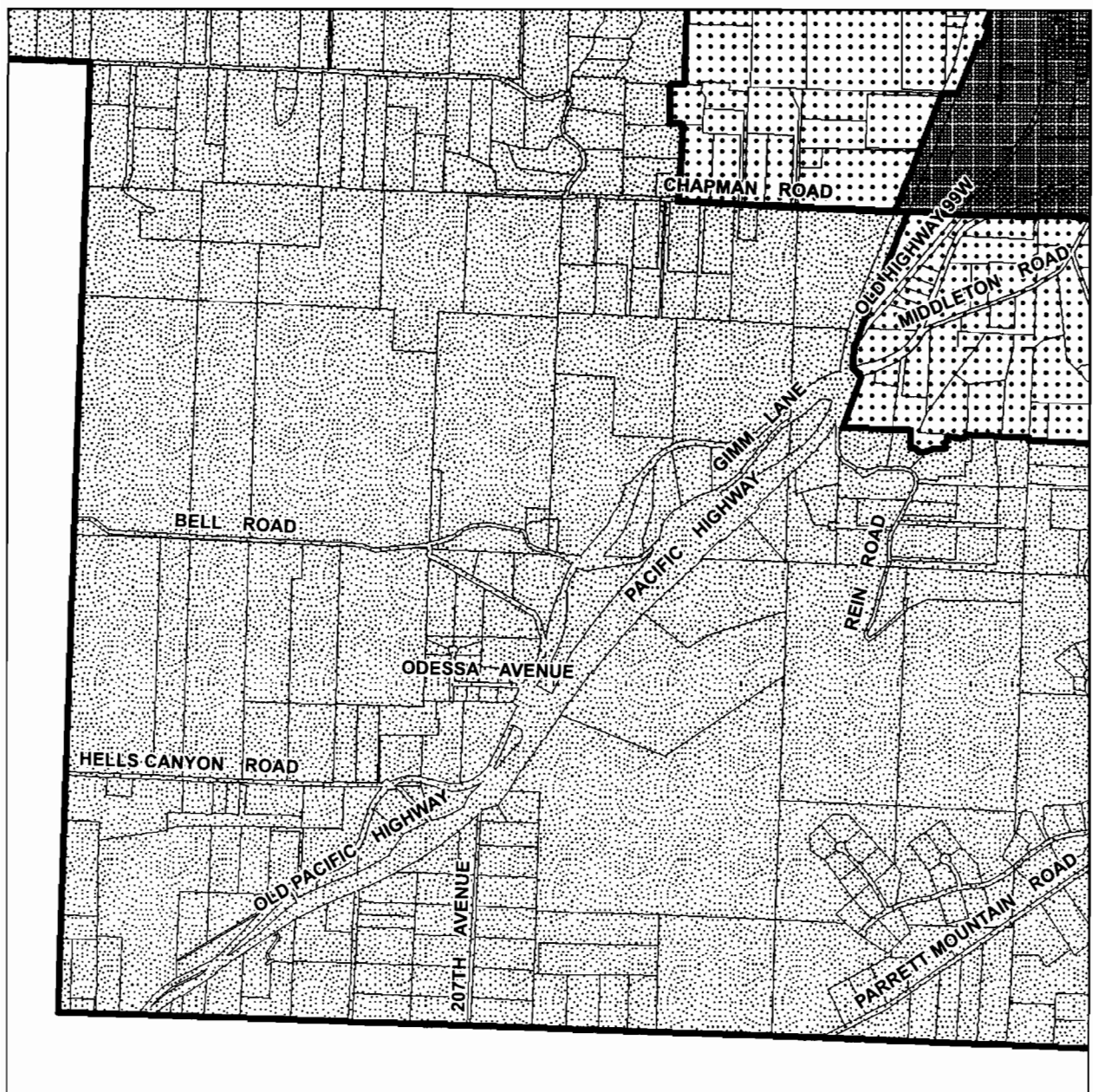
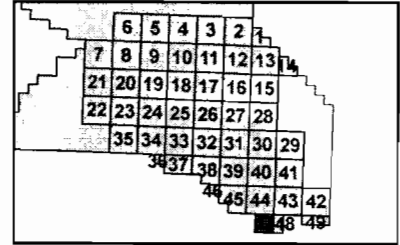
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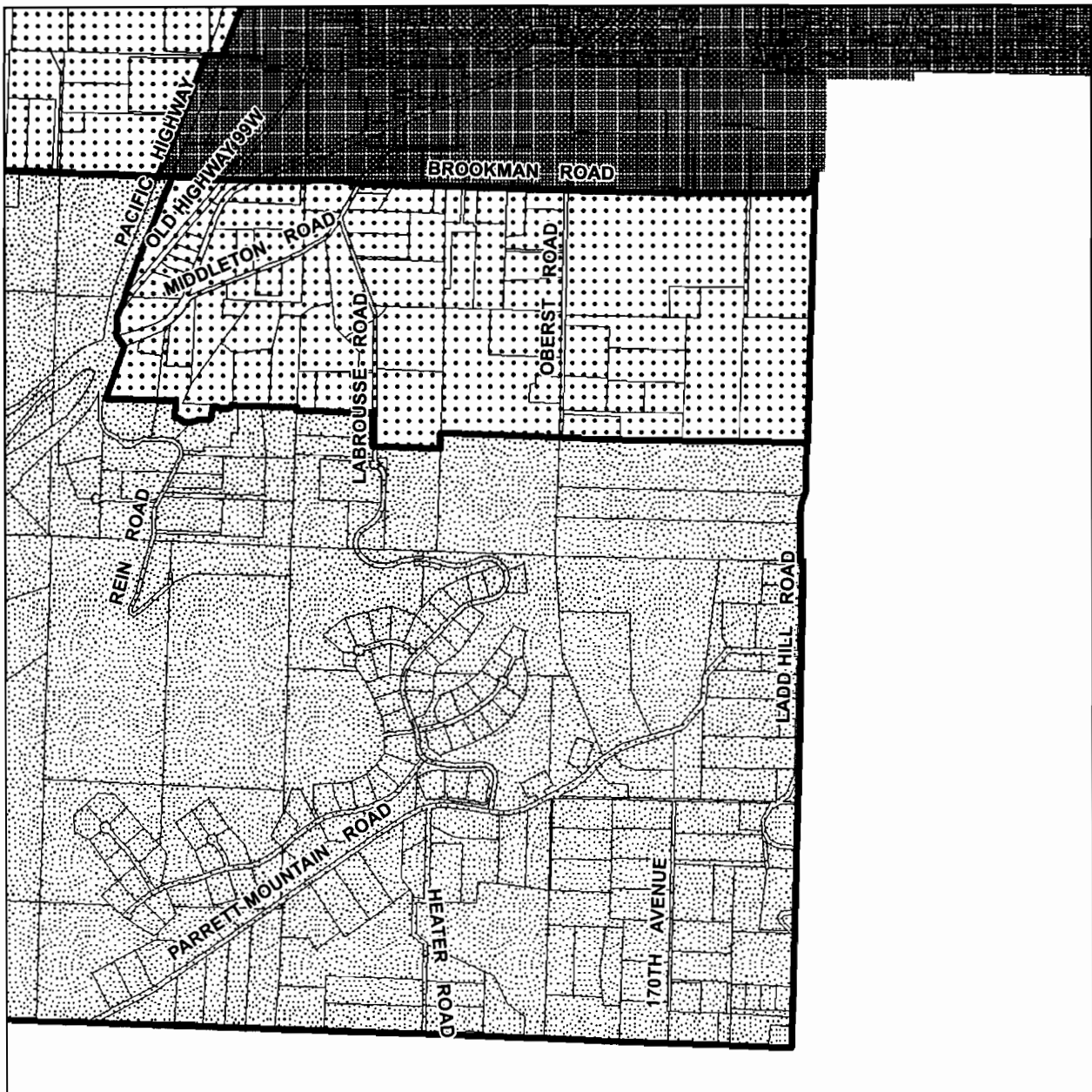
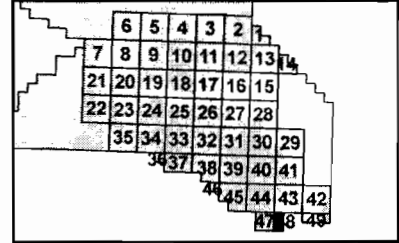
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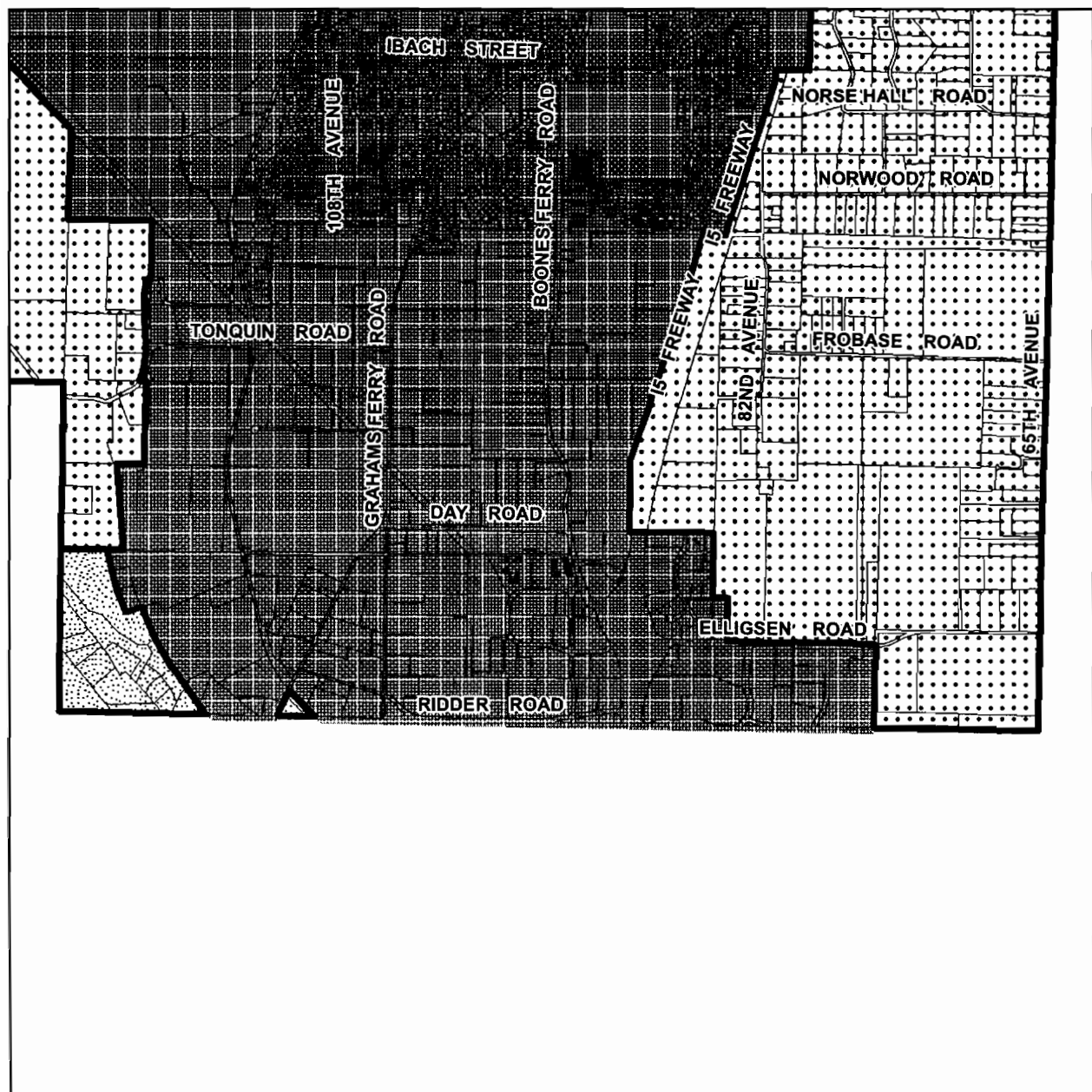
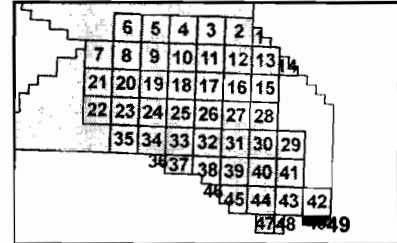
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-  Add as Rural Reserve
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-  Add as Urban Reserve



FROM

1

DLCD Notice of Proposed Amendment

THIS FORM 1 **MUST BE RECEIVED** BY DLCD AT LEAST
45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING
PER ORS 197.610, OAR 660-018-000

DATE STAMP	in person <input type="checkbox"/> electronic <input type="checkbox"/> mailed <input type="checkbox"/>
	For DLCD Use Only

Jurisdiction: **Washington County**

Date of First Evidentiary Hearing: **03/02/11**

Local File Number: **Ordinance No. 740**

Date of Final Hearing: **04/26/11**

Is this a **REVISION** to a previously submitted proposal? ☐ Yes ☒ No Date submitted: **01/12/11**

- ☒ Comprehensive Plan Text Amendment
☐ Land Use Regulation Amendment
☐ New Land Use Regulation
☐ Transportation System Plan Amendment

- ☒ Comprehensive Plan Map Amendment
☐ Zoning Map Amendment
☐ Urban Growth Boundary Amendment
☐ Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached"(limit 500 characters):

Ordinance No 740 amends the Rural/Natural Resource Plan Element of the Comprehensive Plan to adopt rural reserves and to adopt Metro's designation of urban reserves pursuant to ORS 195.137-145 and OAR 660 Division 27. These amendments are described in detail in Attachment A.

Has sufficient information been included to advise DLCD of the effect of proposal? ☒ Yes, text is included

For Map Changes: Include 8½"x11" maps of Current and Proposed designation. ☒ Yes, Maps included

Plan map changed from: **N/A**

To: **N/A**

Zone map changed from: **N/A**

To: **N/A**

Location of property (do not use Tax Lot): **N/A**

Previous density: **N/A**

New density: **N/A**

Acres involved: **N/A**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Is an exception to a statewide planning goal proposed? ☐ YES ☒ NO Goals:

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only records this information):

Oregon Department of Forestry; Oregon Department of Agriculture; Oregon Water Resources Department; Oregon Department of Transportation; Metro; Cities of Banks, Beaverton, Cornelius, Durham, Forest Grove, Hillsboro, King City, North Plains, Tigard, Tualatin, Sherwood, Wilsonville; Tualatin Valley Fire and Rescue; Washington County Fire District #2; Cornelius Rural Fire District; Forest Grove Rural Fire District; Gaston Rural Fire District; Hillsboro Fire Department; Banks Fire Protection District; Tualatin Valley Water District; Tigard Water District; Tualatin Hills Parks and Recreation District; Clean Water Services; Banks School District #13; Forest Grove School District #15; Sherwood School District #88J; Tigard School District #23J.

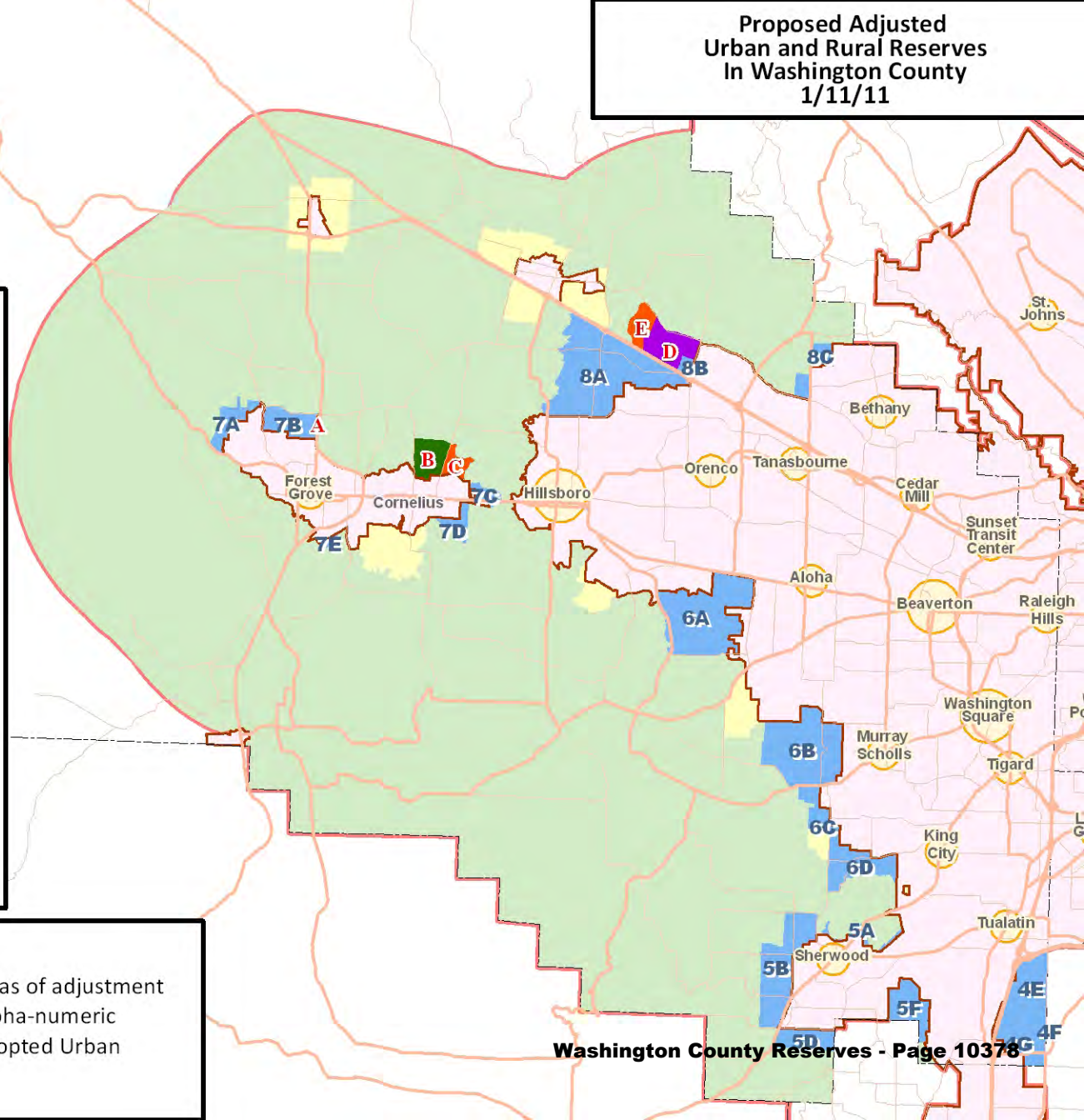
Local Contact: **Stephen Shane**
Address: **155 N. First Ave., Suite 350**
Fax Number:

Phone: **503-846-3717** Extension:
City: **Hillsboro** Zip: **97124**
E-mail Address:
Stephen_Shane@co.washington.or.us

DLCD file No. _____

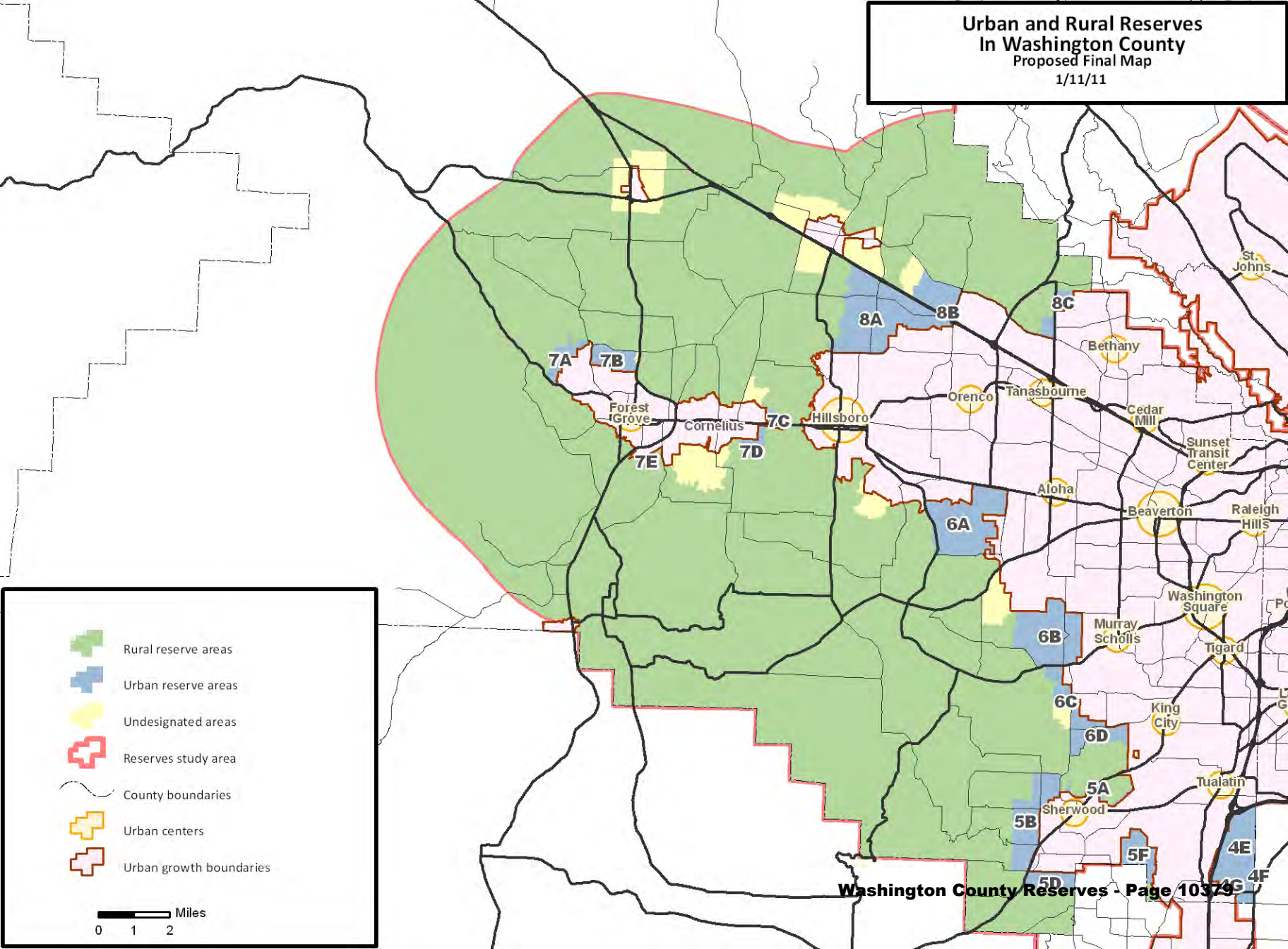
Adjustment Areas	Total Acres	Constrained Acres	Buildable Acres
Area A (Change from Urban Reserve to Undesignated) A portion of Forest Grove North, east of Council Creek The Board of County Commissioners, after reviewing LCDC's proceedings with staff, determined that using Council Creek as a boundary would be appropriate. Therefore, the Board recommended that 28 acres of Urban Reserve Area 7B on the east side of Council Creek be changed to Undesignated. The area surrounding the intersection of Purdin/Verboort/Highway 47 is also recommended for Undesignated status in order to facilitate any needed future road improvements.	28	12	16
Area B (Change from Urban Reserve to Rural Reserve) West side of former Urban Reserve Area 7I, west of Susbauer In accordance with LCDC's oral remand, the Board recommended elimination of this area featuring large lots from Urban Reserve designation.	430	106	324
Area C (Change from Urban Reserve to Undesignated) East side of former Urban Reserve Area 7I, east of Susbauer The Board has asked that this area be changed from Urban Reserve to Undesignated land. The area, designated as Tier 2 agricultural land, is appropriate for industrial uses and features many small exception land parcels as well as a strong natural boundary.	194	48	146
Area D (Change from Undesignated to Urban Reserve) North of Sunset Highway, adjacent to Urban Reserve Area 8B In an attempt to replace 652 gross acres of industrial/employment land lost from 7B and 7I, the Board proposes to change this portion of Undesignated land to Urban Reserve. The land stretches north and west of Urban Reserve Area 8B. The land provides 585 acres towards replacing the 652 acres lost in Areas 7B and 7I.	585	193	392
Area E (Change from Rural Reserve to Undesignated) North of Sunset Highway, directly west of Area D This area, previously designated Rural Reserve land, would provide an additional 290 acres of Undesignated land.	290	30	260

**Proposed Adjusted
Urban and Rural Reserves
In Washington County
1/11/11**



Note: Letters A - E on the map indicate areas of adjustment since the 6/10/10 adoption of this IGA. Alpha-numeric references (e.g. 6A) indicate previously-adopted Urban Reserves in Washington County.

Urban and Rural Reserves In Washington County Proposed Final Map 1/11/11



- Rural reserve areas
- Urban reserve areas
- Undesignated areas
- Reserves study area
- County boundaries
- Urban centers
- Urban growth boundaries

0 1 2 Miles



WASHINGTON COUNTY OREGON

COPY

January 12, 2011

Mr. Tom Hughes, Council President
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Dear Mr. Hughes:

Re: Notice of Comprehensive Plan Amendment – Ordinance No. 740

Enclosed please find a copy of proposed Ordinance No. 740, which amends Washington County's Comprehensive Plan to designate urban and rural reserves. This ordinance was also mailed to the Department of Land Conservation and Development (DLCD) on January 12, 2011. A copy of the DLCD Notice of Proposed Amendment is enclosed.

If you have any questions or concerns about the enclosed ordinance, please do not hesitate to contact Aisha Willits at (503) 846-3961 or Aisha_Willits@co.washington.or.us

Sincerely,

Stephen Shane
Associate Planner, Washington County
Long Range Planning Division

Enclosures



January 21, 2011

To: Citizen Participation Organizations and Interested Parties

From: Brent Curtis, Planning Manager
Department of Land Use & Transportation

Subject: **PROPOSED ORDINANCE NO. 740**

Enclosed for your information is a copy of proposed Ordinance No. 740. Listed below is a description of the ordinance, hearing dates, and other relevant information. If you have any questions about the ordinance, or if you would like additional information, please contact the Long Range Planning Division.

Ordinance Purpose and Summary

Ordinance No. 740 amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan. The map is amended to modify Reserves designations described in the "Key Provisions" section below. These amendments are proposed in response to the Land Conservation and Development Commission's (LCDC) oral remand of the county's original Reserves ordinance (Ordinance No. 733) in October 2010. Except for those specific changes set forth in Exhibit 1 of Ordinance No. 740, the Reserves map and applicable policy provisions adopted by Ordinance No. 733 are unchanged.

Who Is Affected

Owners of land whose property is located within a proposed rural or urban reserve.

What Land is Affected

Rural areas outside the Metro Urban Growth Boundary (UGB) and the cities of North Plains and Banks, as shown on the maps in Ordinance No. 740.

Key Provisions:

In response to LCDC's oral remand of the original Reserves ordinance, map amendments are proposed for the following areas:

- North of Forest Grove: Twenty-eight (28) acres of Urban Reserve Area 7B on the east side of Council Creek are changed to undesignated.
- North of Cornelius: Four hundred thirty (430) acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed from Urban to Rural Reserve.
- North of Cornelius: One hundred ninety four (194) acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed from Urban Reserve to undesignated.
- North of Highway 26: Five hundred eighty five (585) acres adjacent to Urban Reserve Area 8B (on the west side of NW Helvetia Road) are changed from undesignated to Urban Reserve.
- North of Highway 26: Two hundred ninety (290) acres west of the area described in the preceding bullet item are changed from Rural Reserve to undesignated.

Initial Public Hearings Time and Place

Planning Commission
1:30 PM
March 2, 2011

Board of County Commissioners
10:00 AM
March 15, 2011

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On March 15, the Board of County Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on April 14, 2011.

Rural/Natural Resource Plan Element

- Ordinance No. 740 amends Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to modify the Rural and Urban Reserves map.

How to Submit Comments

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

Stephen Shane, Associate Planner
155 North 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3717 Fax: 503-846-4412
e-mail: Stephen_Shane@co.washington.or.us

Proposed Ordinance is available at the following locations:

- Washington County Department of Land Use & Transportation
Long Range Planning Division, 155 North 1st Ave.
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- **www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm**
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

S:\PLNG\WPSHARE\2011Ord\Ord740_Reserves\Notices_Affidavits\CPO notice_Ord 740.doc



WASHINGTON COUNTY OREGON

January 21, 2011

To: Washington County Cities, Special Service Districts, and Interested Parties

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: Proposed Ordinance No. 740

The Washington County Planning Commission and the Board of County Commissioners will soon consider proposed land use Ordinance No. 740. This ordinance is available on the Washington County web site at:

www.co.washington.or.us/LUT/Divisions/LongRangePlanning/land-use-ordinances.cfm

If you would like a copy of this ordinance or additional information, please contact the Long Range Planning Division at (503) 846-3519.

The initial public hearings for this ordinance before the Planning Commission and the Board of Commissioners are listed below. The hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

Planning Commission
1:30 pm
March 2, 2011

Board of County Commissioners
10:00 am
March 15, 2011

Ordinance No. 740

Ordinance No. 740 amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan, which was originally adopted in June 2010 by Ordinance No. 733. These amendments are proposed in response to the Land Conservation and Development Commission's oral remand of Ordinance No. 733 in October 2010. Amended map areas as shown in Exhibit 1 include Urban Reserve Area 7B north of Forest Grove, (former) Urban Reserve Area 7I north of Cornelius, and land north of Highway 26 adjacent to Urban Reserve Area 8A, located west of Helvetia Road. Except for those specific changes set forth in Exhibit 1 of Ordinance No. 740, the Reserves map and applicable policy provisions originally adopted by Ordinance No. 733 are unchanged.

WPSHARE\2011ord\Ord740\notices_Affidavits\CitiesNotice_Ord740

Department of Land Use & Transportation • Long Range Planning Division
155 N. First Avenue, Suite 350-14, Hillsboro, OR 97124-3072
phone: (503) 846-3519 • fax: (503) 846-4412

PROPOSED ORD MAILING LABELS

updated 1/20/11 (LCS)

ORD 740

Joanne Rice (1)
Long Range Planning Division

Steve Franks and
Sr. Current Planning Staff (7)
MS 13

Bruce Bartlett, CPO 1
P.O. Box 91582
Portland, OR 97291-0582

Tony Couch, CPO 2/CCI Rep.
8140 SW Foxglove Place
Beaverton, OR 97008

CPO 3
Garden Home Recreation Center
7475 SW Oleson Road
Portland, OR 97223

CPO 4B
16200 SW Pacific Hwy, Ste H, Box 242
Tigard, OR 97224-3494

Kathy Stalkamp, CPO 4K
17635 131st Ave.
Tigard, OR 97224

Jim Long, CPO 4M
10730 SW 72nd Ave.
Portland, OR 97223

Terri Wilson, CPO 5
14880 SW Lowel Lane
Sherwood, OR 97140

CPO 6
P.O. Box 5607
Aloha, OR 97006

CPO 7
c/o OSU Extension Service
MS 48

CPO 8
P.O. Box 890
North Plains, OR 97133-0890

Heather Robinson, CPO 9
935 NE Birchaire Lane
Hillsboro, OR 97124

Richard Smith, CPO 10
12640 SW Clark Hill Road
Hillsboro, OR 97123

CPO 11 - Inactive
CPO 12F – Inactive
CPO 12C - Inactive
CPO 13 - Inactive
CPO 14 – Inactive

CPO 15
P.O. Box 330
Cornelius, OR 97113

CCI Steering Committee (1)
c/o OSU Extension Service
MS 48

Linda Gray (1)
OSU Extension Service
MS 48

Margot Barnett (1)
OSU Extension Service
MS 48

Tigard Public Library (1)
Attn: Technical Services
13125 SW Hall Blvd.
Tigard, OR 97223

Cedar Mill Library (1)
12505 NW Cornell Road
Portland, OR 97229-5688

Ray Valone (1)
Metro
600 NE Grand Avenue
Portland, OR 97232-2736

Marah Danielson (1)
ODOT Region 1
Planning Section
123 NW Flanders
Portland, OR 97209-4037

Community Dev./Planning Director
City of Banks
P. O. Box 428
Banks, OR 97106-0428

Community Dev./Planning Director
City of Beaverton
PO Box 4755
Beaverton, OR 97076-4755

Community Dev./Planning Director
City of Cornelius
1355 N. Barlow Street
Cornelius, OR 97113-8912

Ben Altman (Cornelius)
RKA
29515 SW Serenity Way, Apt. D
Wilsonville, OR 97070-9538

Community Dev./Planning Director
City of Durham
17160 SW Upper Boones Ferry Rd.
Durham, OR 97281

Community Development Director
City of Forest Grove
P.O. Box 326
Forest Grove, OR 97116

Community Dev./Planning Director
City of Gaston
P.O. Box 129
Gaston, OR 97119-0129

Community Dev./Planning Director
City of Hillsboro
MS 60

Community Dev./Planning Director
City of King City
15300 SW 116th
King City, OR 97224-2693

Keith Liden (King City)
Parsons Brinckerhoff Quade & Douglas
Inc.
400 SW 6th Ave., Suite 802
Portland, OR 97204

Community Dev./Planning Director
City of Lake Oswego
P.O. Box 369
Lake Oswego, OR 97034

Community Dev./Planning Director
City of North Plains
31360 NW Commercial Street
North Plains, OR 97133

Community Dev./Planning Director
City of Portland
1120 SW 5th, Rm. 1002
Portland, OR 97204-1966

Community Dev./Planning Director
City of Sherwood
22560 SW Pine Street
Sherwood, OR 97140

Community Dev./Planning Director
City of Tigard
13125 SW Hall Blvd.
Tigard, OR 97223

Community Dev./Planning Director
City of Tualatin
18880 SW Martinazzi Ave.
Tualatin, OR 97062-7092

Community Dev./Planning Director
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

Banks Fire Protection District
300 Main Street
Banks, OR 97106

Chris Asanovic, Fire Chief
Cornelius Rural Fire District
1355 N. Barlow Street
Cornelius, OR 97113-8912

Michael Kinkade, Fire Chief
Forest Grove Fire & Rescue
1919 Ash Street
P.O. Box 326
Forest Grove, OR 97116

Gaston Rural Fire District
102 E. Main Street
Gaston, OR 97119

Hillsboro Fire Department
240 S. First Street
Hillsboro, OR 97123

Mike Duyck, Fire Chief
Tualatin Valley Fire & Rescue
20665 SW Blanton Avenue
Aloha, OR 97007

Dennis England, Fire Chief
Washington Co. Fire District #2
31370 NW Commercial Street
North Plains, OR 97133

Bob Cruz
Clean Water Services
MS 10

General Manager
Raleigh Hills Water District
5010 SW Scholls Ferry Road
Portland, OR 97225

General Manager
Rivergrove Water District
17661 Pilkington Road
Lake Oswego, OR 97035

Mark Knudson, General Manager
Tualatin Valley Water District
1850 SW 170th Avenue
Beaverton, OR 97006-4211

Tigard Water District/
Tigard Water Service Area
P.O. Box 230281
Portland, OR 97281-0281

Jerry Arnold, General Manager
West Slope Water District
P. O. Box 25140
Portland, OR 97225

Jillian Detweiler
TriMet
710 NE Holladay
Portland, OR 97232

General Manager
Tualatin Hills Park & Rec. Dist.
15707 SW Walker Road
Beaverton, OR 97006

Tualatin National Wildlife Refuge
19255 SW Pacific Hwy.
Sherwood, OR 97140

Oregon Dept. of Forestry
Joe Misek, Forest Policy Analyst
2600 State Street
Salem, OR 97310

Oregon Dept. of Agriculture
Jim Johnson
635 Capitol Street, NE
Salem, OR 97301

Oregon Water Resources Dept.
Phillip Ward, Director
725 Summer Street, Suite A
Salem, OR 97301

Banks School District #13
450 S. Main Street
Banks, OR 97106

Jennifer Garland,
Facilities Planning Coordinator
Beaverton School District
16550 SW Merlo Road
Beaverton, OR 97006-5152

Bud Moore, Asst. Supt. School Support
Beaverton School District
16550 SW Merlo Road
Beaverton, OR 97006-5152

Forest Grove School District #15
1728 Main Street
Forest Grove, OR 97116

Mike Scott, Superintendent
Hillsboro School District
3083 NE 49th Place, #200
Hillsboro, OR 97124-6008

Sherwood School District #88J
23295 SW Main Street
Sherwood, OR 97140

Tigard School District #23J
6960 SW Sandburg Street
Tigard, OR 97223

Ernie Platt,
Director of Local Govt. Affairs
Home Builders Association
15555 SW Bangy Road, Suite 301
Lake Oswego, OR 97035

ANDREW SINGELAKIS (1)

GARY STOCKHOFF (1)
MS 18

GREG MILLER (1)
MS 17

DAVE SCHAMP (1)
MS 51

BRENT CURTIS (1)

ANDY BACK (1)
[Provide copy in Planning
Commission meeting packet]

PLANNING COMMISSIONERS:
(12) [Mail ordinances to
Commissioners only in PC meeting
packet on Wednesday before PC
meeting]

Board of Commissioners:
(15) MS 22
[Deliver ordinances approx. one
week before BCC meeting in Land
Use Ordinance meeting notebooks.]

BARBARA HEJTMANEK:
(1) MS 22
(Deliver in BCC Land Use Ordinance
meeting notebook)

DAN OLSEN, COUNTY COUNSEL:
(1)
(Deliver in BCC Land Use Ordinance
meeting notebook)

PLANNING LIBRARY (1)

MAILING AFFIDAVIT FOR PROPOSED LAND USE ORDINANCE Ordinance 740

I = Immediately

A = As soon as possible

P = Upon return from print

WHEN	WHO	DISTRIBUTION DATE
I	DLCD – (2) [include Form 1 Notice of Proposed Amendment]	01/12/11
I	Metro – Council President Tom Hughes with DLCD Form 1 Notice	01/12/11
I	Long Range Planning Division – Joanne Rice (1)	01/21/11
I	Current Planning Division – Steve Franks & Sr. Current Plng Staff (7)	"
I	Planning Commission [email ordinance web page link for advance notice]	"
A	CPOs (13)	"
A	CCI Steering Committee (1)	"
A	OSU Extension Service – Linda Gray (1) & Margot Barnett (1)	"
A	Cedar Mill Library (1) and Tigard Public Library (1)	"
A	City Planning Directors (17) [send memo only that describes ordinances and that they are available upon request]	"
A	Special Service Districts (15) [send memo only that describes ordinances and that they are available upon request]	"
A	Ore. Dept. of Forestry, Ore. Dept. of Agriculture, Oregon Water Resources Dept., Tualatin National Wildlife Refuge [Serv. Dist. Memo]	"
P	Metro – Ray Valone (1)	"
P	ODOT – Marah Danielson (1)	"
P	DLUT Director – Andrew Singelakis (1)	"
P	DLUT CPM – Gary Stockhoff (1)	"
P	DLUT Engineering – Greg Miller (1)	"
P	DLUT Operations – Dave Schamp (1)	"
P	Planning Division Staff [amount will vary]	"
P	Homebuilders Association – Ernie Platt [Service District memo only]	"
P	Beaverton School District – Bud Moore & Jennifer Garland [Service District memo only]	"
P	Hillsboro School District – Mike Scott [Service District memo only]	"
P	Banks School Dist., Forest Grove School Dist., Sherwood School Dist., Tigard School Dist. [Service District memo only]	"
P	Planning Library (1)	"
P	Extra copies for hearings & public [amount will vary; please see appropriate staff member]	"
P	Planning Commission (12) [must be sent prior to hearing]	02/23/11
P	Board of Commissioners (15) [must be sent prior to hearing]	03/23/11
P	CAO - Barbara Hejtmanek (1) [must be sent prior to BCC hearing]	03/23/11

- Total copies: 65 + extras; see appropriate staff member for additional copies required.
- See w\pshare\2011ord\General Info\Mailing Affidavits\Proposed Ord Mailing Lbl.2011 for mailing labels.

I, Linda Schroeder, certify the above information was mailed/distributed on the distribution days specified.

Linda Schroeder

Subscribed and sworn to before me on this 24TH day of March, 2011.



Traci Shirley
Notary Public for Oregon

My Commission expires: September 30, 2011



Important Notice To All Persons Who Own Or Have An Interest In Land In Washington County

The Washington County Planning Commission and Board of Commissioners will soon consider **Ordinance No. 740**. This ordinance proposes to amend Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to modify the Rural and Urban Reserves map in the following areas:

- *North of Forest Grove:* Twenty-eight (28) acres of Urban Reserve Area 7B on the east side of Council Creek are changed to undesignated.
- *North of Cornelius:* Four hundred thirty (430) acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed from Urban to Rural Reserve.
- *North of Cornelius:* One hundred ninety-four (194) acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed from Urban Reserve to undesignated.
- *North of Highway 26:* Five hundred eighty-five (585) acres adjacent to Urban Reserve Area 8B (on the west side of NW Helvetia Road) are changed from undesignated to Urban Reserve.
- *North of Highway 26:* Two hundred ninety (290) acres west of the area described in the preceding bullet item are changed from Rural Reserve to undesignated.

**Planning Commission Public Hearing:
1:30 PM, Wednesday, March 2, 2011**

**Initial Board of Commissioners Public Hearing:
10:00 AM, Tuesday, March 15, 2011**

The hearings will be held in the Shirley A. Huffman Auditorium of the Public Services Building, 155 North First Avenue, Hillsboro, Oregon. The Planning Commission or Board may continue hearings on this ordinance if necessary.

Additional information about this ordinance can be found at <http://www.co.washington.or.us/reserves/> or by contacting the Long Range Planning Division at:

Washington County Long Range Planning Division
Department of Land Use & Transportation
155 North First Avenue, Room 350-14
Hillsboro, OR 97124-3072
(503) 846-3519

CYBER SIDE

school are all but dashed. He can no longer be considered as an applicant. Criminal charges? Substance abuse and anger counseling? Are we getting the whole story here?

What do substance abuse and anger management have to do with Mikel's action? There has to be more. Certainly, blowing little plastic pellets through the body of a pen can be dangerous. Everyone, close your eyes! It is a childish action, true. But then, 14 years of age is not exactly an adult.

It will be interesting how this story plays out.

We were all children who have done

He too Hillsboro started his concert together talents and pull Hillsboro's I was jazz bands: The and Cen- original taste. It 6:30 p.m. I puffed begins at "The Venetian The Main St., Blue

\$12 and Gary sed at the He can online at mail at theatre.com.

all your
teeth.

Dr. Bruce Stouff

230 NE 2nd Ave. Suite B, Hillsboro 503-640-3111



Mindful eating focus of workshop at Rosesprings

On Jan. 1 each year, millions of people resolve to lose weight. Most will give up before they reach their goals.

Mindful eating is gaining attention as a new way to address this old problem.

Doreen Baldridge, a licensed "Am I Hungry? Mindful Eating" workshop facilitator in Hillsboro will offer a free introductory workshop 9-10 a.m., Saturday, Feb. 19, at Rosesprings Center for the Healing Arts, 5215 NE Elam Young Parkway, Suite A, in Hillsboro.

Mindful Eating workshops begin March 5 to teach participants to reconnect with their instinctive ability to eat when they're hungry and stop when they're full, without restrictive rules.

Participants also learn to recognize and cope with mindless and emotional eating and rediscover joy in movement.

For more information or to register, call Baldridge at 503-737-9755 or see wellbeing-wellbody.com.

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- **North of Cornelius:** One hundred ninety-four (194) acres of former Urban Reserve Area 71 east of NW Susbauer Road are changed from Urban Reserve to undesignated.
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Washington County Long Range Planning Division
Department of Land Use & Transportation
155 North First Avenue, Room 350-14
Hillsboro, OR 97124-3072
(503) 846-3519

Portland

City ranked tops in country for public transit

TriMet may be running on red ink, slashing services and having a nasty contract fight with its drivers union, but Portland is still rated the nation's best city for public transportation.

The online U.S. News magazine analyzed data from the Federal Transit Administration and the nonpartisan American Public Transportation Association to come up with its findings.

Salt Lake City ranked second, followed by New York, Boston, Minneapolis-St. Paul, San Francisco, Los Angeles, Honolulu and (tied) Denver and Austin.

According to U.S. News: "Portland's public transit provides riders with a variety of travel options, including buses, light rail, commuter rail, streetcars and an aerial tram."

U.S. News noted that the number of public transportation systems in the U.S. has increased more than sevenfold in the past 30 years, from 1,044 in 1980 to 7,700 in 2009.

And the American Public Transportation Association estimated that every dollar invested in public transportation generates four dollars in economic returns.

— Joseph Rose

Salem

State's death toll on highways drops 13%

The annual death toll on Oregon highways declined in 2010, the Oregon Department of Transportation reported.

Preliminary figures released Wednesday showed a 13 percent decrease to 325 fatalities last year, compared with 377 in 2009. Officials said the 2010 total was the lowest since 1944, which had 245 deaths.

Troy Costales, the state's transportation safety chief, said the numbers suggest drivers are paying more attention to safety.

He also said improvements in road design and traffic management techniques contributed to fewer crashes and fatalities.

Despite the overall decline in traffic deaths, Oregon pedestrian fatalities nearly doubled with 62 deaths last year, compared with 39 in 2009.

— The Associated Press

Oregon City

Person sought who left cat in locker

Investigators are looking for the person who left a cat locked in an Oregon City storage locker for an estimated two to four weeks without food or water.

The manager of Money Saver Mini Storage, 1197 Mollala Ave., heard the cat shrieking Wednesday morning and called the Oregon Humane Society, said David Lytle, a society spokesman.



OREGON HUMANE SOCIETY

A medical team from the Oregon Humane Society examines a cat found Wednesday locked in an Oregon City storage unit. Investigators said it was starving and injured, and they credited the storage site manager for summoning help to save its life.

Rescuers found the red male tabby tangled in a leash tied to a shopping cart inside the unit. The cat had head wounds, apparently from trying to escape, and appeared lifeless, Lytle said.

After emergency treatment, the cat appears to be recovering.

Investigators identified the unit renter from a receipt and are trying to find that person to learn what happened. The case could carry animal neglect charges.

— Bobby Allyn

Eugene

Man gets 20 years for shots at office

An admitted gang member who fired shots that broke windows in a congressman's office in Eugene's federal courthouse has been sentenced to 20 years in prison.

Eduardo Mendoza Jr., 29, of Springfield was sentenced Tuesday by U.S. District Judge Michael Hogan for committing felony crimes while on supervised release for a 2004 drug-trafficking conviction.

Mendoza pleaded guilty last September to being an armed career criminal and to shooting and damaging a federal courthouse.

A federal prosecutor said Mendoza was aiming at the nearby federal probation office the evening of Oct. 29, 2009.

Instead, the bullets broke windows in the office of U.S. Rep. Peter DeFazio, D-Ore. No one was inside.

— The Associated Press

Vancouver

Man arrested in two Hazel Dell assaults

The Clark County Sheriff's Office has arrested a suspect in two separate assaults on women in the Hazel Dell area.

Dshawm Carr, 21, faces accusations of rape and kidnapping, said Sgt. Duncan Hoss, a sheriff's spokesman.

One woman was confronted while walking about 10 p.m. Jan. 30 in the 9400 block of Highway 99. The suspect took her to a used car lot and raped her at knifepoint.

The second woman was attacked about 6:30 p.m. Feb. 2

while loading groceries into her vehicle at a supermarket on Highway 99. A witness scared him away.

Anyone who has information or was the victim of a similar incident is asked to call 360-397-2211, ext. 3362.

— Lara Takenaga

St. Paul

Boy allegedly made video of girls in gym

The Marion County Sheriff's Office is investigating a 14-year-old boy who allegedly hid his cell phone camera in a St. Paul High School locker room and recorded video of girls basketball players.

The recording was discovered Friday during a game after the boy started showing the video to other students, said Don Thomson, a sheriff's spokesman. One student reported it to the principal, who notified police.

The boy, a student at St. Paul Middle School, which shares the building, has been suspended.

Police and school officials met with the parents of the girls whose images were recorded. Teachers and counselors met with each class to review school policy regarding harassment.

Investigators have not said how many students were involved in the incident.

— Staff and wire reports

Aloha

Coach faces charges of online child porn

Investigators arrested a children's gymnastics coach Wednesday in Aloha on accusations involving online child pornography.

Jeremy Brandon Waldrige, 32, was jailed on counts of encouraging child sex abuse after a search of his home on Southwest Regal Court, said Sgt. David Thompson, a Washington County Sheriff's Office spokesman.

Waldrige runs Top Notch Trampoline, Tumbling and Cheerleading for children and teens. He and company members have given demonstrations in the Hillsboro School District, Thompson said.

Investigators reportedly found no evidence that Waldrige had inappropriate contact with children.

Anyone with information is asked to call 503-682-0452.

— Rebecca Woolington

Grants Pass

Man who lost part of arm testified in trial

An Oregon man who lost part of his arm in a violent encounter with a gold miner near the California border was the first to testify in an assault trial.

The Mail Tribune reported that 55-year-old Gregory Graybill described Tuesday how an off-road excursion with friends turned into a confrontation with 63-year-old Ronald Spears.

Graybill testified that Spears screamed at them to get off his mining claim and fired shotgun rounds into the air, then at him. Eight surgeries could not save the former master carpenter's right arm.

Spears is on trial in Josephine County Circuit Court in Grants Pass. That's just north of his mining claim in the Illinois River valley.

About 20 members of the Southwest Oregon Mining Association dressed in yellow shirts sat behind Spears in a show of support.

— The Associated Press

Hood River

Man flees after girl fights abduction try

The Hood River County Sheriff's Office on Wednesday

released a drawing of a man wanted in the attempted abduction of a 7-year-old girl.

The attempt took place about 6 p.m. Sunday in the Odell area, said Detective Matt English, a sheriff's spokesman. The girl was playing alone outside her house when the man tried to talk her into a small, light-colored car with a blue racing stripe down the hood.

"He tried to get her to come with her, and when she wouldn't, he grabbed her," English said.



Suspect

Drawing of man sought in attempted abduction

The girl managed to get away and yell for her mother, and the man fled. The girl had scratches and bruises.

The suspect was described as in his 20s or 30s and about 6 feet tall.

He wore a yellow shirt, blue hoodie, blue jeans with holes in the knees and camouflage stocking hat.

An artist from the Clackamas County Sheriff's Office assisted with the drawing.

Anyone with information is asked to call 541-387-7077.

— Kimberly A.C. Wilson

Vancouver

Man gets 35 years in fatal home invasion

A Vancouver man was sentenced Wednesday to 35 years in prison for a fatal shooting during a 2009 home invasion robbery.

Douglas A. Marquis, 23, pleaded guilty last month to murder and robbery charges in the death of 46-year-old Charles N. Moore.

Officers were called about 10:50 p.m. Dec. 13, 2009, to a home in the 5300 block of St. James Road. They found Moore, 46, with a gunshot wound.

The Columbian reported Marquis was one of five masked people who went to the home, following a map from Moore's ex-girlfriend. All have pleaded guilty.

— Staff and wire reports

Traffic fatalities

• Tressa Corbitt, 56, of Ontario died after her vehicle struck a fog marker and swerved off Interstate 84 about 10 miles west of Ontario, rolled into a ravine and landed on its top about 9:35 a.m. Wednesday, the Oregon State Police reported. She was using safety restraints.

• A man died after the commercial truck he was driving crashed about 8:30 p.m. Tuesday on Oregon 58 near Crescent Lake in south-central Oregon, the Oregon State Police reported. A medical condition might have caused the accident, investigators said. The man's name was withheld pending notification of family.

• Wendy Lynn Mizee, 33, of Tillamook and her 8-year-old daughter, Shelby Mizee, died when their car crossed the center line and collided head-on with a commercial truck about 3:20 p.m. Tuesday on Oregon 6 about six miles east of Tillamook, the Oregon State Police reported. The mother was wearing a seat belt, and the daughter was in a booster seat. The truck driver, Willard T. Richards, 65, of Salem, was using safety restraints and suffered minor injuries.

• Bradley E. Bouton, 52, of Vancouver died after being struck by a vehicle about 9 p.m. Friday on State Route 14 near the Columbia House exit in Vancouver, the Washington State Patrol reported. Bouton jumped out of a broken-down pickup parked on the shoulder and was hit by a car driven by Christopher M. Palaia, 42, of Vancouver. The impact threw Bouton against a second pickup, which he was hooking up to tow the first one. Palaia was wearing safety restraints and was not injured.

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- Body contouring – liposuction, thigh and arm lift, tummy tuck and mommy makeovers
- Other surgical procedures, such as skin cancer reconstruction
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Pictured: Meegan Gruber, M.D., Ph.D., plastic and reconstructive surgeon with Providence Medical Group-Bridgeport, 18040 SW Lower Boones Ferry Road, Tigard, Oregon 97140
Providence Medical Group-Sherwood, 16770 SW Edy Road, Sherwood, OR 97140

Washington County Reserves - Page 10390
Washington County
Urban & Rural Reserves Record
Page 10390

Important Notice To All Persons Who Own Or Have An Interest In Land In Washington County

The Washington County Planning Commission and Board of Commissioners will soon consider **Ordinance No. 740**. This ordinance proposes to amend Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to modify the Rural and Urban Reserves map in the following areas:

- **North of Forest Grove:** Twenty-eight (28) acres of Urban Reserve Area 7B on the east side of Council Creek are changed to undesignated.
- **North of Cornelius:** Four hundred thirty (430) acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed from Urban to Rural Reserve.
- **North of Cornelius:** One hundred ninety-four (194) acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed from Urban Reserve to undesignated.
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Additional information about this ordinance can be found at <http://www.co.washington.or.us/reserves/> or by contacting the Long Range Planning Division at:

Washington County Long Range Planning Division
Department of Land Use & Transportation
155 North First Avenue, Room 350-14
Hillsboro, OR 97124-3072
(503) 846-3519

The Oregonian

EST. 1850

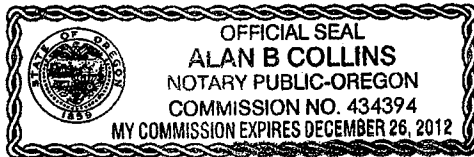
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1320 SW Broadway, Portland, OR 97201-3499

Affidavit of Publication

I, Jenni Hearn, duly sworn depose and say that I am the Principal Clerk Of The Publisher of The Oregonian, a newspaper of general circulation, as defined by ORS 193.010 and 193.020, published in the city of Portland, in Multnomah County, Oregon; that the advertisement was published without interruption in the entire and regular issue of The Oregonian or the issue on the following date(s):

2/10/2011



Jenni Hearn
Principal Clerk of the Publisher:

2-11-11

Subscribed and sworn to before me this date:

Alan B. Collins
Notary:

Ad Order Number: 0003119545

No. _____

In the _____ Court of the

State of Oregon
for the
County of Washington

Affidavit of Publication The Hillsboro Argus

Filed _____, 20____

Clerk

Deputy

From the Office of

Attorney for _____



Important Notice To All Persons Who Own Or Have An Interest In Land In Washington County

The Washington County Planning Commission and Board of Commissioners will soon consider **Ordinance No. 740**. This ordinance proposes to amend Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to modify the Rural and Urban Reserves map in the following areas:

- *North of Forest Grove:* Twenty-eight (28) acres of Urban Reserve Area 7B on the east side of Council Creek are changed to undesignated.
- *North of Cornelius:* Four hundred thirty (430) acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed from Urban to Rural Reserve.
- *North of Cornelius:* One hundred ninety-four (194) acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed from Urban Reserve to undesignated.
- *North of Highway 26:* Five hundred eighty-five (585) acres adjacent to Urban Reserve Area 8B (on the west side of NW Helvetia Road) are changed from undesignated to Urban Reserve.
- *North of Highway 26:* Two hundred ninety (290) acres west of the area described in the preceding bullet item are changed from Rural Reserve to undesignated.

Planning Commission Public Hearing:
1:30 PM, Wednesday, March 2, 2011

Initial Board of Commissioners Public Hearing:
10:00 AM, Tuesday, March 15, 2011

The hearings will be held in the Shirley A. Huffman Auditorium of the Public Services Building, 155 North First Avenue, Hillsboro, Oregon. The Planning Commission or Board may continue hearings on this ordinance if necessary.

Additional information about this ordinance can be found at <http://www.co.washington.or.us/reserves/> or by contacting the Long Range Planning Division at:

Washington County Long Range Planning Division
Department of Land Use & Transportation
155 North First Avenue, Room 350-14
Hillsboro, OR 97124-3072
(503) 846-3519

Affidavit of Publication

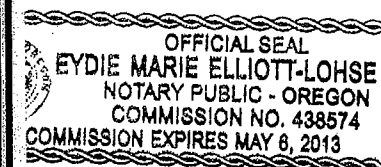
I, COUNTY OF WASHINGTON, ss.

being first duly sworn, depose and say that I
or of THE HILLSBORO ARGUS, a
circulation as defined by ORS 193.010
and published at Hillsboro, in the aforesaid
the Notice of Public Hearing,
is hereto annexed, was published in
newspaper for one insertion(s)
s):

[Signature]

I sworn to before me this 11th day

[Signature]





February 16, 2011

Individual Notice No. 2011-01

**At your request, the Long Range Planning Division is providing you with
Individual Notice No. 2011-01 which describes proposed Land Use Ordinance No. 740**

Ordinance Purpose and Summary

Ordinance No. 740 amends the Rural and Urban Reserves map in Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan. The map is amended to modify Reserves designations described in the "Key Provisions" section below. These amendments are proposed in response to the Land Conservation and Development Commission's (LCDC) oral remand of the county's original reserves ordinance (Ordinance No. 733) adopted in October 2010. Except for those specific changes set forth in Exhibit 1 of Ordinance No. 740, the Reserves map and applicable policy provisions adopted by Ordinance No. 733 are unchanged.

Who Is Affected

Owners of land whose property is located in the amended areas as shown on the attached map.

What Land Is Affected

Rural areas outside the Metro Urban Growth Boundary (UGB) and the cities of North Plains and Banks.

Key Provisions

The numbered map changes described below are also illustrated by the map on the last page of this notice.

1. *North of Forest Grove:* Twenty-eight (28) acres of Urban Reserve Area 7B on the east side of Council Creek are changed to undesignated.
2. *North of Cornelius:* Four hundred thirty (430) acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed from Urban to Rural Reserve.
3. *North of Cornelius:* One hundred ninety-four (194) acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed from Urban Reserve to undesignated.
4. *North of Highway 26:* Five hundred eighty-five (585) acres adjacent to Urban Reserve Area 8B (on the west side of NW Helvetia Road) are changed from undesignated to Urban Reserve.
5. *North of Highway 26:* Two hundred ninety (290) acres west of the area described in #4 (above) are changed from Rural Reserve to undesignated.

Initial Public Hearings Time and Place

Planning Commission
1:30 pm
March 2, 2011

Board of County Commissioners
10:00 am
March 15, 2011

Hearings will be held in the Shirley Huffman Auditorium in the Public Services Building, 155 North 1st Avenue, Hillsboro, Oregon.

On March 15, the Board of Commissioners (Board) may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on April 14, 2011.

**Rural/Natural
Resource Plan Policies
Amended**

- Policy 29, Rural and Urban Reserves

**How to Submit
Comments**

Submit oral or written testimony to the Planning Commission and/or the Board at one of the public hearings. Written testimony may be mailed or faxed to the Planning Commission or Board in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Fax: 503-846-4412

Staff Contact

Stephen Shane, Associate Planner
155 N. 1st Ave., Suite 350-14, Hillsboro, OR 97124-3072
Telephone: 503-846-3717 Fax: 503-846-4412
e-mail: Stephen_Shane@co.washington.or.us

**Proposed Ordinance
No. 740 is available at
the following locations**

- Washington County Department of Land Use & Transportation
Long Range Planning Division, 155 N. 1st Ave., Hillsboro, OR 97124-3072
Telephone: 503-846-3519
- www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

**Plan Documents
Affected by
Ordinance No. 740**

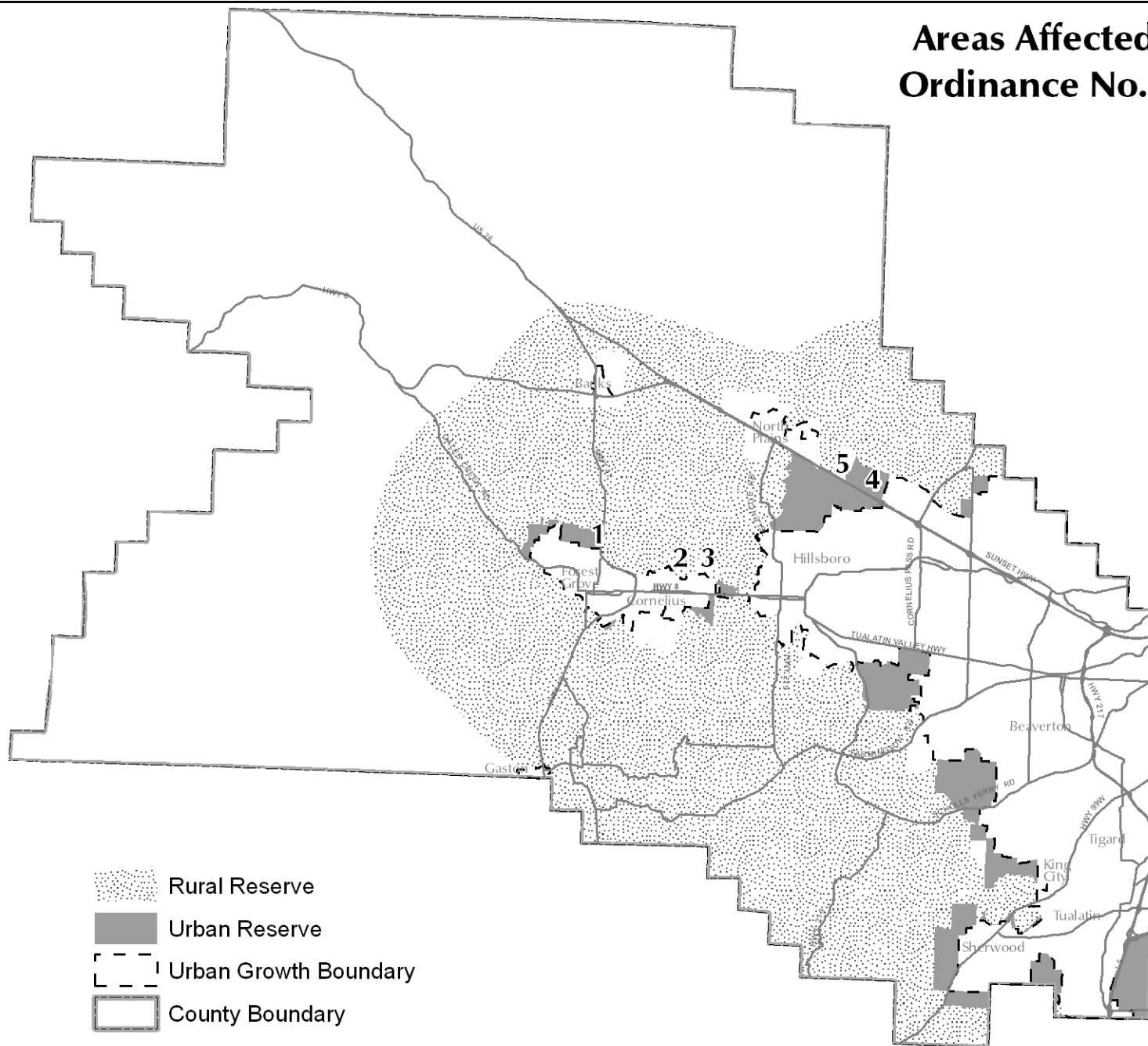
*For more information
about these plan
documents, please call the
Long Range Planning
Division at (503)
846-3519.*

WASHINGTON COUNTY COMPREHENSIVE PLAN DOCUMENTS

Comprehensive Framework Plan for the Urban Area <input type="checkbox"/>	Rural/Natural Resource Plan <input checked="" type="checkbox"/>	Exceptions Statement Document <input type="checkbox"/>
Urban Community Plans: <input type="checkbox"/>		
Community Development Code <input type="checkbox"/>	Transportation Plan <input type="checkbox"/>	Public Facility Plan <input type="checkbox"/> Urban Planning Area Agreements <input type="checkbox"/>

S:\PLNG\WPSHARE\2011Ord\Ord740_Reserves\Notices_Affidavits\Ord740_IndNotice.doc

Areas Affected by Ordinance No. 740



First Name	Last Name	Company	Address	City	State
		CPO 4M	10730 SW 72nd Avenue	Portland	OR
		KGRS LLC	12705 SW Beaverdamn Road, Suite C	Beaverton	OR
		Knopp Castro, LLC	5318 E 2nd #247	Long Beach	CA
		Mt. Richmond Forest, Inc	2330 NW Belgrave Avenue	Portland	OR
		LMP LLC	163 SW Freeman Avenue, Suite B	Hillsboro	OR
		Farm Horticultural Parkplace, LLC	8900 NW Dick Road	Hillsboro	OR
		FMR Investments, LLC	1601 NW Deerfern Street	Camas	WA
		CPO 1	PO Box 91582	Portland	OR
		CPO 2	8140 SW Foxglove Place	Beaverton	OR
		CPO 3 - Garden Home Recreation Center	7475 SW Oleson Road	Portland	OR
		Bhaktivedanta Society	10235 NW Cornelius Pass Road	Portland	OR
		CPO 4K	17635 131st Avenue	Tigard	OR
		Cascadian Nurseries	8900 NW Dick Road	Hillsboro	OR
		CPO 5	14880 SW Lowel Lane	Sherwood	OR
		CPO 6	PO Box 5607	Aloha	OR
		CPO 7 - OSU Extension Office	18640 NW Walker Road, Suite 1400	Beaverton	OR
		CPO 8	PO Box 890	North Plains	OR
		CPO 9	935 NE Birchaire Lane	Hillsboro	OR
		CPO 10	12640 SW Clark Hill Road	Hillsboro	OR
		CPO 15	PO Box 330	Cornelius	OR
		FMR Investments, LLC	1601 NW Deerfern Street	Camus	WA
		CPO 4B	16200 SW Pacific Highway, Suite H-242	Tigard	OR
Terence & Sidney	Achurch		1768 NE 65th Avenue	Hillsboro	OR
Jaime	Adams		7365 SW 187th Place	Beaverton	OR
Brian	Addington		11709 Potomac Crossing Way, #23	Fairfax	VA
Donna	Ainslie		1020 S. Webb Road	Cornelius	OR
John	Aleskus		13815 NW Milburn Street	Portland	OR
Dan	Alexander		6470 NW Dingo Drive	Portland	OR
Matt	Alford		39360 SW Laurelwood Road	Gaston	OR
Candace	Allison		16395 SW 319th Place	Hillsboro	OR
Bruce	Anderson		11205 SW Gaarde Street	Tigard	OR
Steve	Anderson		16200 SW Division	Beaverton	OR
David & Karen	Anicker		PO Box 1277	North Plains	OR

Yvonne	Arnoldi		47155 NW Strohmayer Road	Forest Grove	OR
Dianne	Arnsten		7694 SW Aldrich Court	Beaverton	OR
Joseph	Bailey		1015 Pearl Street	Eugene	OR
Robert	Bailey		7455 NW Helvetia Road	Hillsboro	OR
John	Baker		18311 SW Handley Street	Sherwood	OR
Ronald	Barbee		12240 SW Whistlers Lane	Tigard	OR
Michele	Barber		4535 NW Glencoe Road	Hillsboro	OR
Cynthia	Barber		15901 SW Tuscany Street	Tigard	OR
Gertrude	Barnard		14260 SW Tonquin Road	Sherwood	OR
Karen	Barton		13988 NW Greenwood Drive	Portland	OR
Michael	Basile		PO Box 394	North Plains	OR
Lindsay	Baska		PO Box 231	Vernonia	OR
Judith	Batchelor		761 NE Jackson School Road	Hillsboro	OR
Sharka	Becvar		8889 SW Becker Drive	Portland	OR
Brian	Beinlich		PO Box 1417	North Plains	OR
Janice	Bentley		7273 SW Winters Road	Cornelius	OR
Robert	Beranek		1457 26th Avenue	San Francisco	CA
Ralph	Bergerson		2300 Masonic Way, #123	Forest Grove	OR
John	Berkey		15446 NW Graf Street	Portland	OR
Jeff	Berkowitz		3857 SE Bentley Street	Hillsboro	OR
Bonnie	Berneck		6655 SW 90th Avenue	Portland	OR
David	Blackorby		12700 Trigger Drive	Beaverton	OR
Dahrwynn	Blakemore		PO Box 113	Beaverton	OR
I.D.	Blume		1600 Ala Moana Blvd. #1912	Honolulu	HI
Roger	Bolmeir		18240 NW Collins Road	North Plains	OR
John	Boyd		4432 SW Fern Hill Road	Forest Grove	OR
Rich	Boyer		15475 NW Pumpkin Ridge Road	North Plains	OR
Richard	Brinkman		940 SW Huntington Avenue	Portland	OR
William	Brock		24526 Heavenly Court	West Hills	CA
Jane & James	Brown		3410 Grant Street	Eugene	OR
Lyle & Dianne	Brune		47980 SW Fluke Drive	Gaston	OR
Harry	Budke		32803 SW Riedweg Road	Cornelius	OR
Robert	Bullard		1280 N Adair Street	Cornelius	OR
Brenda	Buratti		23240 NW Meier Road	Hillsboro	OR
Stephanie	Burchfield		9495 SW Taylor Street	Portland	OR
Matthew	Burns		17873 SW Pars Place	Aloha	OR
James	Burns		5840 NW Sewell Road	Hillsboro	OR

Kay	Butler		245 SW 149th Avenue	Aloha	OR
Mike & Kate	Byrnes		5430 SW Ames Way	Portland	OR
Don	Callender		6145 SW 205th Avenue	Beaverton	OR
Jennifer	Cameron		PO Box 36	Silverton	OR
James	Cannon		5410 NW 196th Place	Portland	OR
Christina	Cappola		808 NW Wheelock Place	Beaverton	OR
Debra	Carlson		33640 SW Firdale Road	Cornelius	OR
Nita	Carr		18701 SW Kemmer	Beaverton	OR
Paul	Casavant		1809 SW 16th Street #5	Redmond	OR
Koni	Cash		4900 SW Griffith Drive, Suite 133	Beaverton	OR
Marjorie	Cate		41070 SW Laurelwood Road	Gaston	OR
James	Cayton		17890 SW Elsner Road	Sherwood	OR
M.K.	Chamberlain		55575 SW Cherry Grove Drive	Gaston	OR
Eleanora	Chambers		2901 South Bayshore Drive	Coconut Grove	FL
Brandy	Chastain		30881 SW Bald Peak Road	Hillsboro	OR
Chung	Chi Lee		8440 SW Connemara Place	Beaverton	OR
Lorraine	Chittenden		10960 SW Meadowbrook Drive	Tigard	OR
Ken	Chuck		14989 SW Hillsboro Highway	Hillsboro	OR
Don & Ardith	Claeys		19813 NW Metolius Drive	Portland	OR
Madeleine	Clancy		21855 SW Eastview Road	Sherwood	OR
Jerry	Clancy		10326 SW 85th Avenue	Tigard	OR
Brian	Clare		12177 NW Blackhawk Drive	Portland	OR
Wesley	Clark		11165 SW Morgen Court	Tigard	OR
Kim	Clark	Aloha Villa	3005 NW Cumberland Road	Portland	OR
Claudia	Cloud		11285 SW Walnut Street	Tigard	OR
G.	Corsaro		17639 SW Middlesex Way	Beaverton	OR
Cindy	Cosenzo		3791 NE Brogden Street	Hillsboro	OR
Denora & Elwood	Coslett		33200 SW Bald Peak Road	Hillsboro	OR
Carolyn	Cotton		PO Box 1841	Beaverton	OR
Mary	Coucher		28001 NW Dorland Road	North Plains	OR
Helen	Cowan		7803 SE 27th Street #D501	Mercer Island	WA
Christopher	Cowell		1771 NW 143rd Avenue #34	Portland	OR
Carrie	Craft		3668 SW Anderson Road	Dilley	OR
Rex & Mary	Cray		23850 SW Delanois Place	Sherwood	OR
Agnes	Crocker		4306 SW Spratt Way #217	Beaverton	OR
Moe	Dajani		13610 SW Uplands Drive	Tigard	OR
Bennie	Daly		15596 SW Midway Road	Hillsboro	OR

Sharon	Daniels-Kyle		20821 NW Timber Road	Forest Grove	OR
Robert	Davidson		45535 NW Levi White Road	Banks	OR
Diane	Davis		PO Box 2740	Hillsboro	OR
PC	Delplanche		9095 SW Line Drive	Cornelius	OR
David	Demert		PO Box 1755	Lake Oswego	OR
Fran	Denley		6920 SW Ellingseu Road	Tualatin	OR
Patrick	Dignan		7117 SW Hunt Club Lane	Portland	OR
LaRoy	Dohn		5760 NW Toketee Drive	Portland	OR
Michael	Donovan		8080 SW Larch Street	Tigard	OR
Carole	Douglass		27745 NW Truitt Road	North Plains	OR
Karen	Downs		19220 SW Haide Road	Sherwood	OR
Timothy	Dressel		6706 234th Place	Mount Lake Terrace	WA
Kevin	Dressel		15455 SW Finis Lane	Tigard	OR
Inara	Drougas		5585 NW Tamarron Place	Portland	OR
Renee	DuBois		36505 SW Southwind Drive	Hillsboro	OR
Minh	Duong		4660 SW 170th	Aloha	OR
Cheryl	Edwards		21295 SW Mountain Home Road	Sherwood	OR
Dave & Vergene	Eischen		38660 SW Eischen Drive	Cornelius	OR
Stephen	Emory		20295 SW Hillsboro Highway	Newberg	OR
Michael	Ensign		PO Box 1653	Aptos	CA
Kathryn	Evers		13587 NW Logie Trail	Hillsboro	OR
Joanne	Fairchild		11080 SW Tonquin Loop	Sherwood	OR
Jan	Fancher		PO Box 66028	Vancouver	WA
Dale	Feik		3363 Lavina Drive	Forest Grove	OR
Darrell	Fincher		8213 SW Lori Way	Beaverton	OR
Elizabeth	Fischer		15500 SW Farmington Road	Beaverton	OR
Ruth	Fisher		13940 NW Burton	Portland	OR
Gerald	Fisher Sr.		840 SW Cornelius Pass Road	Hillsboro	OR
Bruce	Fitzwater Trust		PO Box 23623	Portland	OR
Michael	Fleming		1230 N Sweetzer Avenue #301	West Hollywood	CA
Bradford	Fletcher		01537 SW Comus Street	Portland	OR
Dierdre	Forbes		9801 SW Spring Crest Drive	Portland	OR
Joseph & Sharon	Foye		8025 SW Iowa Hill Road	Cornelius	OR
Susan	Frahler		19550 SW Kruger Road	Sherwood	OR
Ernest	France		10645 NW Lost Park Drive	Portland	OR
Jane	Frederick		13622 SW Pleasant Valley Road	Beaverton	OR
Keith	Frutiger		2664 SW Lupine Court	Hillsboro	OR

Melvin	Frye		15260 SW Jaylee Street	Beaverton	OR
Bill	Funk		19850 SW Gassner Road	Beaverton	OR
Carolyn	Ganger		1640 SW 325th Avenue	Hillsboro	OR
Liles	Garcia		20215 SW Carlin Blvd.	Aloha	OR
Audrey	Garmire		10677 Franks Road	Huntingdon	PA
Paul	Gates		37245 SW Nature Drive	Cornelius	OR
Howard	Gentzkow		PO Box 26	Banks	OR
Martha	Gerity		8620 SW 80th Avenue	Portland	OR
Ethel	Gerlach		20877 SW Kruger Road	Sherwood	OR
Bill	Gilchrist		10497 SW 175th Avenue	Beaverton	OR
Colleen	Gildersleeve		14750 SW Spring Hill Road	Gaston	OR
Paul & Doreen	Gilliam		6905 SW King Blvd.	Beaverton	OR
Pamela	Glanz		1130 SE 37th Avenue	Hillsboro	OR
Anita	Goetz		PO Box 154	Kaaawa	HI
Dean	Goodding		PO Box 998	Sherwood	OR
M. Dennis	Goode		14970 Bull Mountain Road	Tigard	OR
Bob	Goodrich		22033 NW Sellers Road	Banks	OR
Monique	Goulet		20440 SW Rosa Drive	Aloha	OR
Douglas	Graf		16400 NW Springville Road	Portland	OR
Frederick & Lindamae	Grael		21946 NW Pihl Road	Banks	OR
Alan	Green		8920 SW Rosewood Way	Portland	OR
Jan	Grumbling	Corrine Heights HOA	9682 SW Whispering Fir Drive	Beaverton	OR
Robert	Gustafson		10265 NW Kansas City Road	Forest Grove	OR
Robert	Hall		21370 SW Eastview Road	Sherwood	OR
LaWanda	Hallam		16357 SW 126th Terrace	Tigard	OR
Darleen	Hansen		1860 Willamina Avenue	Forest Grove	OR
John	Harrison		14703 NW Killin Road	Banks	OR
Harold	Hartfeil		16575 S Hattan Road	Oregon City	OR
Steven	Haugen	Pioneer Veterinary Services	33845 SW Tualatin Valley Highway	Hillsboro	OR
Edward	Hedemann		13620 SW Beef Bend Road #21	Tigard	OR
Donna	Heppell		13700 SW 114th Avenue	Tigard	OR
Rebecca	Hervey		16227 NW Fescue Court	Portland	OR
H. Wesley	Herwick		12670 NW Filbert Street	Portland	OR
Wanda	Hess		PO Box 896	North Plains	OR
Carl	Hickerson		9061 E Carol Way	Scottsdale	AZ
Bryan	Hill		1170 NE 64th Lane #1204	Hillsboro	OR
Alice	Hinds		3485 SW 91st Avenue	Portland	OR

Herb	Hirst		PO Box 220	North Plains	OR
Marcia	Hobart		2030 Elm Street #430	Forest Grove	OR
Ron	Hochstein		38100 SW Gnos Road	Cornelius	OR
Janet & Richard	Hogue		16600 NW Joscelyn Street	Beaverton	OR
Jeff	Holmes		PO Box 295	Banks	OR
Veta	Holscher		PO Box 3112	Hillsboro	OR
Russell	Homewood		200 SW 88th Avenue	Portland	OR
Kari	Honbaum		14160 SW Fern Street	Tigard	OR
John	Hooson		16735 NW Mission Oaks Drive	Beaverton	OR
Bob	Horning		21277 NW Brunswick Canyon Road	North Plains	OR
Mr. & Mrs. Frederick	Hostetler		8891 SW Hillsboro Highway	Hillsboro	OR
Paul & Joanie	Huculak		14682 NW Vance Drive	Portland	OR
Jennifer	Hulse		11401 SW 107th Place	Tigard	OR
Ann	Humberston		6050 SW Old Scholls Ferry Road	Portland	OR
Edward	Hunziker		14822 NW Logie Trail	Hillsboro	OR
Crowin	Hymes		7490 NW 212th Place	Hillsboro	OR
Francisco	Irlandez		16192 SW Cooper Lane	Tigard	OR
Faiza	Jama		3688 NW Poehler Terrace	Portland	OR
Darwin	Jansen		PO Box 151	Banks	OR
Burl	Jarrell		1900 NW Creekwood Place	Forest Grove	OR
Marilyn	Jasman		PO Box 166	Woodland	WA
David	Jay		16215 SW 319th Place	Hillsboro	OR
Tom & Mary	Jazwinski		30295 NW Evergreen Road	Hillsboro	OR
David	Jeans		17616 SW 192nd	Sherwood	OR
Mr & Mrs.	Jenkins		14225 NW Pioneer Road	Beaverton	OR
Dorothy	Jensen		20260 SW Military Lane	Beaverton	OR
Margaret	Jensen		5470 SW Murray Blvd.	Beaverton	OR
Catherine	Jette		17942 NW Andria Avenue	Portland	OR
Shelly	Johansen		57705 NW Johansen Lane	Gales Creek	OR
Alex	Johnson		3125 SW 82nd Avenue	Portland	OR
Clara	Johnson		PO Box 331	Forest Grove	OR
Shelley	Jones		13820 NW McLain Way	Portland	OR
Donald	Jones		5190 NW Neakahnne Avenue, #18	Portland	OR
Linda	Jones		10700 NW Valley Vista Road	Hillsboro	OR
Marilyn	Jones		5885 SW 152nd Avenue	Beaverton	OR
Bob	Jossy		31965 NW Beach Road	Hillsboro	OR
David	Jurasek		40607 NW Monarch Lane	Banks	OR

Sun	Kang		16293 NW Somerset Drive	Beaverton	OR
Richard	Kasper		570 10th Avenue, Space 103	Cornelius	OR
Margaret	Kehrli		9885 SW 170th Avenue	Beaverton	OR
John	Keith		6661 SW 229th Avenue	Beaverton	OR
Carol	Kelley		8644 SW Fairridge Way	Portland	OR
Donald & Hannelore	Kenner		24040 SW Durdell Drive	Sherwood	OR
Linda	Kepford	Rice Northwest Museum of Rocks & Minerals	26385 NW Groveland Drive	Hillsboro	OR
James	Kepner		15338 NW Aberdeen Drive	Portland	OR
Clara	Kielhorn		24970 SW Garden Acres	Sherwood	OR
Stewart	King		PO Box 1007	North Plains	OR
Linda	Kitchin		2465 NW 145th Avenue	Beaverton	OR
Richard	Kline		7487 SW Daisy Drive	Beaverton	OR
Cecelia	Klinkenberg		6133 SE Maple Street	Hillsboro	OR
Lou Ella	Knight		5719 NW 205th Terrace	Portland	OR
John & Nina	Knight		48285 SW Morel Lane	Forest Grove	OR
Richard & Adela	Knight		15218 SW Pleasant Valley Road	Beaverton	OR
Stan	Korinek		9700 SW Eagle Court	Beaverton	OR
Kenneth	Korngiebel		12096 NW Welsh Drive	Portland	OR
Paul & Kimla	Koziuk		23295 SW Mountain Home Road	Sherwood	OR
Thomas	Krause		3476 NW 313th Avenue	Hillsboro	OR
Kurt	Kreitzer		9805 SW Day Street	Sherwood	OR
Reta	Labrousse		25666 SW Labrousse Road	Sherwood	OR
Robert	LaDeRoure		PO Box 773	Hillsboro	OR
Virginia	Lang		10730 SW 85th Avenue	Portland	OR
Sue	Lanthrum		4875 SW 78th Avenue, #141	Portland	OR
Matthew	Larrabee		10961 NW Crystal Creek Lane	Portland	OR
Wayne	Law		14985 NW Logie Trail Road	Hillsboro	OR
Pat	Leach		1575 SE Brookwood Avenue	Hillsboro	OR
Rick	Lesniak		15125 SW Ashley Drive	Tigard	OR
Dwaine	Lott		4520 SW 198th Avenue	Aloha	OR
Ann	Lozo		2750 NW Monte Vista Terrace	Portland	OR
Diana	Ludlam		32 W 40th Street, #4-G	New York	NY
Sharlene	Ludwig		6475 SW 90th Avenue	Portland	OR
Kay	Mabry		20120 SW Scholls Ferry Road	Beaverton	OR
Adella	Macdonald		2150 Masonic Way	Forest Grove	OR
Clarann	Macherione		7627 SW Greenwood Drive	Portland	OR

Paul	Maduell		11005 SW Polsky Road	Beaverton	OR
Harold	Magnuson		29640 SW Enschede Drive	Hillsboro	OR
John & Pamela	Maher		718 Lacy Lane	Las Vegas	NV
Peter	Malen		1310 SW 181st Avenue	Beaverton	OR
Mary	Manseau		5230 NW 137th Avenue	Portland	OR
Patricia	Marco		9875 NW 316th Place	Hillsboro	OR
Sterling	Marsh		14090 SW 80th Court	Portland	OR
Bennie	Martin		17780 SW Washington Drive	Aloha	OR
Kathy & James	Mattern		10500 NW Greenview Lane	Portland	OR
Fred	Matthias		14853 SW Roy Rogers Road	Sherwood	OR
Michael & Anita	McCleskey		15590 SW April Lane	Tigard	OR
Don	McCoun		26321 SW VanderSchuere Road	Hillsboro	OR
Jeff	McKie		PO Box 91023	Portland	OR
Alan	McRobert		15030 167th Court NE	Woodinville	WA
Kathleen	Mead		15050 NW Gerrish Road	North Plains	OR
Franklin	Middleton		13790 SW Far Vista Street	Beaverton	OR
Phyllis	Middleton		1301 S 3rd Avenue, #12D	Sequim	WA
Richard	Miller		19885 SW Cappaen Road	Sherwood	OR
James	Milward		4745 SW 173rd Avenue	Aloha	OR
Don	Miner		PO Box 129	Sherwood	OR
Lara	Minor		16360 SW Hoops Court	Tigard	OR
Jake	Mintz		9849 SW Spring Crest Drive	Portland	OR
Virginia	Mitchell		7605 W Miller Hill Road	Beaverton	OR
Vern	Mock		24100 W Baseline Road	Hillsboro	OR
Sandra	Morehouse		174 NE 7th Avenue	Hillsboro	OR
Priscilla	Morehouse		7855 SW Willowmere Drive	Portland	OR
Allen & Claire	Morgan		16564 NW Vetter Drive	Portland	OR
John & Susan	Morrell		11715 NW Jericho Road	Portland	OR
Irene	Morris		8705 SW Barnes Road	Portland	OR
Michael	Moscarelli		1130 NW 91st Avenue	Portland	OR
Martha	Moyer		16638 NW Graf Street	Portland	OR
Ken	Moyle		24825 SW Daniel Road	Beaverton	OR
David	Muralt		7546 SW Joshua Place	Gaston	OR
Nancy	Myers		9855 SW Morrison Street	Portland	OR
John & Theresa	Nakai		6582 Corrine Circle	Huntington Beach	CA
Gwynneth	Neace		7800 NW 212th Place	Hillsboro	OR
Jean	Neufeld		78365 Highway 111, PMB#317	La Quinta	CA

Vu Anh	Nguyen		16163 NW Audrey Drive	Beaverton	OR
Daniel	Nichols		5050 NW 180th Terrace	Portland	OR
Edwin	Nutbrown		14365 SW Walton Street	Beaverton	OR
Lee	O'Banion		56145 NW Old Wilson River Road	Gales Creek	OR
Frankie	O'Connell		965 SW Murray Blvd.	Beaverton	OR
Patricia	Ogden		10715 SW Muirwood Drive	Portland	OR
Corrine	Oishi		3865 NW Gales Creek Road	Forest Grove	OR
John	Oleson		PO Box 203	Glenden Beach	OR
Debbie	Olson		13310 NW Jackson School Road	North Plains	OR
Wayne & Lillian	Ooley		3027 Raymond Street	Forest Grove	OR
Jack	Orchard		12878 NW Hartford Street	Portland	OR
Verlena	Orr		1907 NW Hoyt Street	Portland	OR
Thomas & Ingrid	Palm		18700 SW Hart Road	Beaverton	OR
Art & Barbara	Palmer		22755 SW Hillsboro Highway	Newberg	OR
John	Pangborn		23805 NW Dierdorff	Hillsboro	OR
Andrea	Pavlatos		3300 NW 185th, #135	Portland	OR
E.M.	Pearlman		PO Box 297	North Plains	OR
Pamela	Pederson		9090 SW Coral Street	Tigard	OR
Tim	Perri		4975 SW 65th Avenue	Portland	OR
Scott	Picker		PO Box 418	Newberg	OR
Dean	Pilkington		100 SW 195th Avenue, #120	Beaverton	OR
Ted	Pinkert		PO Box 310	Hillsboro	OR
James	Pointer, Jr.		8755 NW Irving Street	Portland	OR
Joyce	Poppert		11515 SW Hazel Brook Road	Tualatin	OR
William	Powell		18240 SW Horse Tale Drive	Beaverton	OR
Bruce	Powell		17770 SW Neugebauer Road	Hillsboro	OR
Dave & Claudia	Pratt		20825 NW Old Pass Road	Hillsboro	OR
David	Prentice		192 Augusta Circle	Waverly	IA
Norman	Preston		Box 20	Brookside	NJ
Molly	Prideaux		24305 SW Boones Ferry Road	Tualatin	OR
Craig	Prunty		19785 SW Cipole Road	Sherwood	OR
George	Pubanz		10627 NW 195th Avenue	Hillsboro	OR
David	Rabin		1595 NW 102nd Avenue	Portland	OR
Lisa	Ramsey		16430 SW Newport Place	Beaverton	OR
John	Ransom		16429 SW Leeding Lane	Tigard	OR
Patricia	Rehm		10695 NW Valley Vista Road	Hillsboro	OR
George	Reinheimer		4182 NW Gleneagles Place	Portland	OR

Barbara	Remington		6640 NW Marsh Road	Forest Grove	OR
John	Resko		1787 SE Brookwood Avenue	Hillsboro	OR
Peter	Reynolds		17092 NW Pumpkin Ridge Road	North Plains	OR
John	Richards		PO Box 4017	Beaverton	OR
Frank	Richardson		15055 Waseca Lane	Apple Valley	CA
Scott	Rickard		13890 SW Bull Mountain Road	Tigard	OR
Ed & Gale	Ritz		2095 SW Wynwood Avenue	Portland	OR
Patrick	Rockford		28630 SW Burkhalter Road	Hillsboro	OR
Lee	Rockford		12885 SW Foothill Drive	Portland	OR
Layne & Julie	Rockford		17110 SW Watercrest Court	Beaverton	OR
Leeanne	Rose		PO Box 1012	Cornelius	OR
Clarence	Rose		30101 SW Gravle Road	Hillsboro	OR
Gerritt	Rosenthal		7205 SW Norwood	Tualatin	OR
Lisa	Roskopf		51920 SW Dundee Road	Gaston	OR
Gary	Ross		11455 NW McDaniel Road	Portland	OR
Teresa	Ross		4900 SW 229th Avenue	Beaverton	OR
Robert	Ruedy		14185 SW 100th Avenue	Tigard	OR
Susan	Russell		10025 SW Allen Blvd.	Beaverton	OR
Robert	Sabbe		19803 SW Roy Rogers Road	Sherwood	OR
Deanna	Salisbury		44232 NW Breezy Lane	Forest Grove	OR
Joseph	Salta, Jr.		21180 SW Johnson Street	Aloha	OR
Marc	San Soucie		17970 NW Rapid Street	Beaverton	OR
Mrs. Teruko	Sato		9724 SE Reedway Street	Portland	OR
Patricia	Sawyer		2804 NE 40th Avenue	Portland	OR
Scott	Sayler		13317 SW Devonshire Drive	Beaverton	OR
Ronald	Schaefer, Sr.		22688 SW Kruger Road	Sherwood	OR
Stan	Schell		10001 SW 175th Avenue	Beaverton	OR
Leonard	Schiler		11800 NW Vaughn Court	Portland	OR
Donald	Schoen		7380 NW Groveland Road	Hillsboro	OR
Sally	Scholl-Brandes		16790 SW 113th Avenue	Tigard	OR
Linda	Schroeder		155 N. First Avenue, 350-14	Hillsboro	OR
Steve	Schultheis		17381 SW Kemmer Road	Beaverton	OR
Barbara	Schulties		4905 NW Kahneeta Drive	Portland	OR
Philip	Schwyhart		12720 SW Havencrest Street	Portland	OR
Gordon	Scott		PO Box 2594	Tulatin	OR
Eugene	Scratcher		60945 NW Agaard Road	Forest Grove	OR
Randy	Scurr		40967 SW Dixon Mill Road	Gaston	OR

Carl	Seaton		12303 NW Timmerman Road	Forest Grove	OR
Michael & Sue Anne	Seckova		2750 SW 325th Avenue	Hillsboro	OR
Sheryl	Selee		671 Moonbeam Way	Turlock	CA
Barbara	Sem		2225 SW Filmont Avenue	Portland	OR
Thomas	Sheridan		17780 SW 111th Avenue	Tualatin	OR
Roger	Sherman		8555 SW Garden Lane	Portland	OR
Carolyn	Shonk		3520 SW 108th Avenue	Beaverton	OR
Larry	Shuman		7655 SW Millerglen Drive	Beaverton	OR
Jean	Simson		22466 SW Nottingham Court	Sherwood	OR
James	Singer		PO Box 1413	Sherwood	OR
Mary	Sipprell		PO Box 1383	Silverton	OR
James	Skidmore		7782 SW Landau Street	Tigard	OR
Craig	Smelter		PO Box 1609	Sherwood	OR
Jeanene	Smith		9060 SW Sunstead Lane	Portland	OR
Richard	Smith		47500 NW Strohmayer Road	Forest Grove	OR
Wayne	Smith		13740 SW Willow Top Lane	Portland	OR
Sunho	So		17022 SW Tookbank Court	Portland	OR
Nancy	Southard		21788 SW Mountain Home Road	Sherwood	OR
Patricia	Sperline		23945 SW Mountain Creek Road	Sherwood	OR
Kerrie	Standler		15399 SW Burgundy Street	Portland	OR
Rhiana	Stapelmann		5829 NE Farnham Street	Hillsboro	OR
Ana	Stapp		1900 NE 3rd Street, Suite 106-183	Bend	OR
Lori	Stargrove		25665 SW Wolsborn Avenue	Hillsboro	OR
Betty	Stark		12405 SW River Road	Hillsboro	OR
Lynn	Starkman		7447 SW Herbert Road	Cornelius	OR
Gary	Stephens		15120 SW 141st Avenue	Tigard	OR
Michael	Stephenson		22855 SW Noble Street	Beaverton	OR
Norm	Stern		PO Box 705	Forest Grove	OR
Bob	Stillson		13865 SW Parmele Road	Gaston	OR
Leianne	Stinton		20280 SW Seiffert Road	Sherwood	OR
Jathan	Stitch		5150 SW 180th Avenue	Beaverton	OR
John	Stott		10800 SW Berkshire Steet	Portland	OR
Tom	Stringfield		2160 NW 107th Place	Portland	OR
Jon & Barbara	Stroud		7410 SW 76th Avenue	Portland	OR
Les	Sturgis		5495 SE Davis Court	Hillsboro	OR
Millie	Susnjara		7780 SW Cedar Street	Portland	OR
Verona	Swain		3949 NW Murtaugh Road	North Plains	OR

Sally	Swope		2085 NW 11th Avenue	Portland	OR
Craig	Thiry		17226 SW Merlo Road	Beaverton	OR
Cindy	Thomas		16811 NW Avondale Drive	Beaverton	OR
Tygh	Thompson		PO Box 2612	Hillsboro	OR
Eric	Thompson		9891 SW Spring Crest Drive	Portland	OR
Suzanne	Thompson		19585 SW Cascadia Street	Aloha	OR
Richard	Tkacyk		9620 SW Barber Blvd.	Portland	OR
David & Elaine	Todd		20050 SW Quailrun Lane	Sherwood	OR
Kristin	Tomson		11775 SW 12th Street	Beaverton	OR
Janet	Treverton		19395 SW Rosedale Court	Aloha	OR
Tien	Trinh		6265 SW Timberland Place	Beaverton	OR
Tsuru	Tuenge		30336 SW Egger Road	Hillsboro	OR
Miklos	Ugrai		2705 NW 111th Avenue	Portland	OR
Gerald	Upchurch		14992 SW Roy Rogers Road	Sherwood	OR
Pamela	Valley		3438 SE Radcliff Court	Hillsboro	OR
Pat	Van Dyke		11370 SW Berkshire Street	Portland	OR
Derrick	Van Hoeter		17075 NW Somerset Drive	Beaverton	OR
Tom & Shannon	Van Loo		26735 NW Meek Road	Hillsboro	OR
Elmer	Vanloo		55920 NW Wilson River Highway	Gales Creek	OR
Marianne	VanThillo		29762 Preston Drive	Laguna Niguel	CA
Paul	Vargo		125 NW 139th Avenue	Portland	OR
Thomas	Vincent		23870 SW Pacific Highway	Sherwood	OR
Marilyn	Wagoner		17765 SW Cooper Mountain Lane	Beaverton	OR
Louise	Waitt		9601 NW Leahy Road #201	Portland	OR
Lewis	Walker		24100 SW Rosa Road	Hillsboro	OR
Erin	Wardell		14480 SW Downing Street	Beaverton	OR
Richard	Watson		17165 NW Country Ridge Drive	Portland	OR
Jay	Weil		PO Box 28	Hillsboro	OR
Karen	Weinbender		10061 NW Valley Vista Road	Hillsboro	OR
Juliana	Wellman		PO Box 1965	Lake Oswego	OR
Bob	Welton		40250 NW Bledsoe Creek Lane	Banks	OR
Scott	Wenzel		11520 SW Grabhorn Road	Beaverton	OR
Mike & Sherrie	White		18065 NW Pumpkin Ridge Road	North Plains	OR
Richard	White		2542 NW Willamina Avenue	Forest Grove	OR
Mardy	Widman		555 NW 114th Avenue	Portland	OR
M.	Wiesel		PO Box 872	Newberg	OR
LeGrande	Williams		1280 NE Davis Court	Hillsboro	OR

Marshall	Wills		4642 NW Tumalo Court	Portland	OR
David	Wilson		24110 SW Mountain Creek Road	Sherwood	OR
Walt	Wittke		19820 SW Gassner Road	Beaverton	OR
Mike & Shannon	Wrench		4270 SW River Road	Hillsboro	OR
Dianne	Yake		30100 SW Easystreet Lane	Hillsboro	OR
Mark	Yarbrough		18008 NW Dixie Mountain Road	North Plains	OR
Robert	Young		856 SE 62nd Avenue	Hillsboro	OR
Patricia	Zandonatti		9360 Reiser Lane SE	Stayton	OR
Barbara	Zellner		21340 SW Green Slope Road	Beaverton	OR
Betty	Zuelke		2030 Tanner Creek Lane	West Linn	OR
Robert	Zurcher		Box 126	Cornelius	OR
LB	Zurcher		79-295 N Sunset Ridge Drive	LaQuinta	CA



WASHINGTON COUNTY
DEPARTMENT OF LAND USE
AND TRANSPORTATION,
PLANNING DIVISION
155 NORTH FIRST AVENUE
HILLSBORO, OREGON 97124
(503) 846-3519

**SUBJECT: INDIVIDUAL ORDINANCE
NOTICE MAILING
2011-01 (Ord 740)**

AFFIDAVIT OF MAILING

STATE OF OREGON
COUNTY OF WASHINGTON

SS

Gretchen Olson, declares as follows:

That at all times herein mentioned, she was an employee of the County of Washington; that acting for the County on the **16th** day of **February, 2011**, she did on that date, mail the attached information to the parties so designated.

Attached is a list of the parties to whom the information was sent.

I, **Gretchen Olson**, being first duly sworn depose and say that I am the party in the foregoing statement and that the same is true.

Subscribed and sworn to before me this 2nd day of **May, 2011**.



Notary Public for Oregon

APPROVED AS TO FORM

County Counsel
for Washington County, Oregon

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

(All rural CPOs
and CPOs 9, 12F,
12C, 4B, 5 & 6)

Agenda Category: Action – Land Use & Transportation

Agenda Title: CONSIDER A REVISION TO RESOLUTION AND ORDER #10-118
TO EXTEND THE DEADLINE FOR METRO'S ADOPTION OF
THE SUPPLEMENTAL INTERGOVERNMENTAL AGREEMENT
CONCERNING URBAN AND RURAL RESERVES

Presented by: Andrew Singelakis, Director

SUMMARY:

On December 14, 2010, the Board adopted a Supplemental IGA and reserves map in response to LCDC's oral remand of the county's urban and rural reserves. The resolution and order adopting the IGA indicated that if Metro did not adopt the Supplemental IGA by February 15, 2011, the agreement would become null and void.

Since December, the county and Metro have worked toward an agreement on the Supplemental IGA; however, additional time is needed. The proposed amendment is limited to changing the February deadline to March 15, 2011. No map changes are proposed.

Amend Resolution and Order #10-118 to change the date listed on line 3 of page two of the order from February 15, 2011 to March 15, 2011.

Attachment: Resolution and Order to extend Metro adoption deadline of the
Supplemental Reserves IGA

DEPARTMENT'S REQUESTED ACTION:

Approve the date change to Resolution and Order #10-118 as described above. Authorize the Chair to sign a new resolution and order memorializing the change.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

RO 11-12

Agenda Item No.	<u>4.a.</u>
Date:	<u>2/15/11</u>

IN THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

In the Matter of Amending R&O No. 10-118) RESOLUTION AND ORDER
to Extend the Deadline for Metro Adoption of)
the IGA Supplementing the Reserves IGA) No. 11-12
)

This matter having come before the Washington County Board of Commissioners at its meeting of February 15, 2011, and

It appearing to the Board that Resolution and Order No. 10-118 adopted an Intergovernmental Agreement Supplementing the Reserves IGA and Identifying Urban and Rural Reserves, subject to Metro adopting the IGA and map on or before February 15, 2011, and

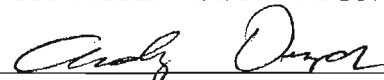
It appearing to the Board that additional time is needed to continue discussions with Metro directed toward designation of reserves, now, therefore, it is

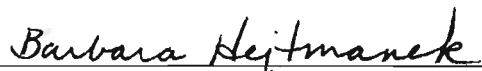
RESOLVED AND ORDERED that Resolution and Order No. 10-118 hereby is amended to extend the deadline for Metro adoption from February 15, to March 15, 2011.

DATED this 15th day of February, 2011.

	AYE	NAY	ABSENT
DUYCK	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SCHOUTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MALINOWSKI	<u>ABSTAINED</u>	<input type="checkbox"/>	<input type="checkbox"/>
ROGERS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TERRY	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON


CHAIR


RECORDING SECRETARY

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

FEBRUARY 15, 2011

CONVENED: 10:10 a.m.

BOARD OF COMMISSIONERS:

Chairman Andy Duyck
Vice Chair Roy Rogers
Commissioner Dick Schouten
Commissioner Greg Malinowski
Commissioner Bob Terry

STAFF:

Robert Davis, County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Division Manager, LUT
Gary Stockhoff, MSTIP Manager, LUT
Tom Tushner, Interim County Engineer, LUT
Peggy Linden, Program Manager, Community Development
Bill Gaffi, General Manager, CWS
Margot Barnett, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Marian Larkin, Recording Secretary
Minutes by Barbara Hejtmanek

PRESS:

Dana Tims, *The Oregonian*
Kurt Eckert, *Hillsboro Argus*

APPROVAL OF MINUTES:

December 14, 2010
January 25, 2011
February 1, 2011

1. CONSENT AGENDA

Chairman Duyck announced that item 1.f. is moved from the Consent to the Regular Agenda.

Commissioner Terry explained that he has a personal conflict with item 1.f. in that he was one of the original formers of A Child's Place and that he contributed personal

Andrew Singelakis confirmed that broader changes would come in through the Transportation System Plan update and be implemented later. He said that this ordinance is really intended to be housekeeping and to provide better graphics in the document.

Chairman Duyck commented that he appreciated that this is what the ordinance consisted of. He said that he looked through it to see whether this would add a lot of cost to the County's transportation projects and did not see that would be the case. Chairman Duyck noted that the ordinance mostly codifies standard practices.

Mr. Singelakis agreed with the Chair's assessment.

Commissioner Terry added that it appears that we are already doing some of what is in the ordinance now.

Commissioner Schouten asked if the ordinance reflects work done by Greg Miller.

Mr. Singelakis affirmed that this is the case. He announced that Greg Miller, who is retiring March 1, 2011 due to health reasons, was the primary author of this ordinance and wants it to move forward.

4. LAND USE AND TRANSPORTATION

4.a.

RO 11-12

Consider a Revision to Resolution and Order 10-118 to Extend the Deadline for Metro's Adoption of the Supplemental Intergovernmental Agreement Concerning Urban and Rural Reserves (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

Chairman Duyck offered to provide a history of this item for the benefit of new Board members. He reviewed that the Board adopted an IGA with Metro last summer and a subsequent ordinance put those changes into code. Chairman Duyck recalled that the IGA then went before LCDC, who remanded portions of it back to the County. He said that in adopting a subsequent IGA (which had a deadline of February 15, 2011), Metro had concerns about that IGA. Chairman Duyck stated that those concerns have not yet been resolved. He explained that the purpose of the extension is to give time to work with Metro to resolve them.

Brent Curtis said that the original Resolution and Order, which staff is asking the Board to amend today, was adopted by the Board on December 14, 2010. He stated that at the same time, the Board directed staff to file an ordinance which would conform our land use plan to the substance of the IGA. Mr. Curtis reported that staff has filed an ordinance and provided notice. He said that there will be a Planning Commission hearing on March 2, 2011 and a hearing before the Board on March 15, 2011.

Mr. Curtis stated that if the ultimate IGA between Metro and Washington County gets formulated in the next month, it may be different than this IGA and staff will have to

amend the IGA and engross the ordinance. He said that it is exactly parallel to what happened last year when the Board and Metro worked together to come up with Reserves.

Mr. Curtis clarified that this particular item today simply extends the deadline for the IGA from February 15 to March 15, 2011. He said that a parallel action that has already been put into motion has an ordinance going in front of the Planning Commission on March 2nd and the Board on March 15th. Mr. Curtis summarized that these all deal with Reserves and the oral remand that LCDC provided in October of last year.

Chairman Duyck asked if there is still time to engross the ordinance and meet the deadlines if the IGA is modified.

Mr. Curtis responded that staff is working with Metro on not only the substance of the IGA but also on the process. He said that depending on nuances about hearing times, locations, etc., we may end up taking a few more weeks than originally anticipated. Mr. Curtis stated that as a general matter, we believe that several extra weeks are very tolerable and would be consistent with moving the item forward to LCDC. He said that staff is continuing to explore and ensure that those options would meet LCDC's needs as well.

Chairman Duyck's understanding was that even if we adopt a new IGA and new ordinances, there is still time before LCDC takes it up—which gives us a little flexibility. He said that they are talking about doing it after the Legislative Session, which puts it sometime into August.

Mr. Curtis reviewed that the original timeframe in the original resolution had us being done with the IGA and ordinance by early April and then sending to LCDC. He said that LCDC would then have a number of months to consider it between the middle of April and early August. Mr. Curtis stated that if we happened to take several more weeks, we think that will still be consistent. He said that once the Board takes its action in terms of the IGA, both Metro and Washington County have to have similar actions; it's an IGA that has to have the singular content that both agree to. Mr. Curtis stated that we then conform our plan and Metro conforms their plan, following which we send it to LCDC. He specified that this is what LCDC evaluates. Mr. Curtis said that when we get to April and consider the land use ordinances and engross land use ordinances to conform to the ultimate agreement between Metro and Washington County, that will put in place the sentiment of Metro and Washington County (as well as the other two counties) and will go to LCDC for review. He stated that it is between now and whatever the schedule dictates in April that the Board and Metro will arrive at a response to the oral remand LCDC provided last year.

Commissioner Schouten asked when the Planning Commission meetings are held.

Brent Curtis responded that the Planning Commission typically meets twice a month; they meet in the afternoon on the first Wednesday of the month and they meet in the evening on the third Wednesday of the month.

Commissioner Schouten ascertained that the Planning Commission's meeting on March 2nd will be in the afternoon.

Mr. Curtis affirmed that the meeting has a 1:30 p.m. public hearing time on that date.

Commissioner Schouten asked if the Board will meet in the morning or evening on March 15, 2011.

Mr. Curtis replied that that will be a 10:00 a.m. meeting.

Commissioner Schouten asked how soon prior to March 2nd the public would have the ability to see the Planning Commission materials. He also wanted to know what the materials would consist of.

Mr. Curtis stated that the subject of the March 2nd Planning Commission hearing is the ordinance. He said that it conforms our land use plan to the substance of the IGA that the Board adopted on December 14, 2010. Mr. Curtis stated that the substance of the Board's hearing on March 15th is the same. He indicated that the map has been known since December 14, 2010 and is out there. Mr. Curtis remarked that the subject of today's meeting is to extend the deadline that was placed in the original amendment to the IGA, to provide another month for Metro and Washington County to work on this. He indicated that this lets Metro and Washington County see if, first, Metro agrees with the Board's original December 14th decision and, if it does not, potentially the Board could arrive at a new understanding of mutual agreement about the content of an IGA in this subsequent month.

Mr. Curtis stated that assuming the Board adopts this today, another month will be provided for Metro and Washington County to work together. He noted that we do not know exactly when that agreement will come together and felt that Chairman Duyck is in a better position to speculate about that. Mr. Curtis summarized that we do not know the substance of a decision and we cannot provide that to the public because it has not been arrived at by the parties (Metro Council and Washington County Board). He said that if it is a different map than adopted on December 14th, then staff will have to amend this IGA again in regard to substance and will have to engross Ordinance 740.

Chairman Duyck regarded the action item before the Board today as more of a courtesy to Metro. He said that we have to keep in mind that we have a new Metro Council and Metro is in the process of replacing one Councilor who has resigned. Chairman Duyck summarized that the Council is in flux and needs additional time; he felt that the Board should provide that time out of courtesy. He said that it is conceivable that, if the IGA was amended, it would come before the Board at the first meeting in March—the same

meeting where the Board would likely be taking action to engross the ordinance. Chairman Duyck observed that this does not give people a lot of time to see it but noted that we are under that time sequence that we are trying to stay on track with. He reported that the County is still talking with Metro. Chairman Duyck anticipated that Metro will probably make a proposal this week and, if it is acceptable, we will be able to roll it out to the public as soon as possible.

Commissioner Schouten stated that all indications are that Metro will not support the maps that came out of the December 14th meeting. He felt that the public is interested in seeing the new maps.

Commissioner Malinowski said he has always had concerns about the lack of public ability to help shape the decision on December 14, 2010. He admitted that people did have their say. Commissioner Malinowski's thought was that December 14th action was taken because time was of the essence as we tried to get something to Metro. He reflected that there was not time to involve the public. Commissioner Malinowski said that since it has turned out that Metro has not gotten to it, we did have more time. His concern going forward was that if Metro and the Board come to a deal, by the time we ask the public what they think, it will be a "yes or no and thanks for coming" kind of thing rather than a "okay let's shave this off and add this on". Commissioner Malinowski stated that if the public can be involved, they should be involved as we are actually cutting the maps and not just after the fact. He was not sure why we do not need to involve the public more.

Chairman Duyck summarized that the action today is whether the Board extends more time for Metro to make this decision.

It was moved to approve the date change to Resolution and Order 10-118 as described in the agenda item and to authorize the Chair to sign a new Resolution and Order memorializing the change.

Motion – Rogers

2nd – Terry

Vote – 4-0-1

(Abstain – Malinowski)

Commissioner Rogers said that it is only fair to allow Metro to look at making changes. He recognized that this has been a very difficult process. Commissioner Rogers noted that this will be the third time that the Board has seen this. He respected the Metro Councilors and their opinions. Commissioner Rogers was very much in favor of extending the time. He wondered if this is adequate time and hoped that it is.

OFFICE OF COMMUNITY DEVELOPMENT

1.f.

MO 11-24

Approve Lifeworks NW Request to Assume the CDBG Obligations of A Child's Place
Public Facility Under Modified Terms of the CDBG Project Agreement and Trust Deed

It was moved to authorize the County Administrator to execute an amendment to the 2004 CDBG Project Agreement with A Child's Place to provide that the lien and restriction on the property will expire on June 30, 2015 and to authorize the County Administrator to execute an Assignment, Assumption and Consent Agreement allowing Lifeworks NW to assume the obligations of A Child's Place under the 1994 and 2004 CDBG award, as amended.

Motion – Rogers
2nd – Schouten
Vote – 4-0

Commissioner Terry was away from the dais at time of vote.

Commissioner Schouten was delighted for another organization to come in and provide services to children—something a little different at the site—and to be able to take advantage of the unique fixtures/appliances there geared toward use by small children. He stated that this allows us to be able to maintain value and to protect the private and public investments that were made there. Commissioner Schouten was pleased that we were able to find another purchaser and provider of services there.

5. ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)

None.

6. BOARD ANNOUNCEMENTS

None.

7. ADJOURNMENT: 10:40 a.m.

Motion – Terry
2nd – Schouten
Vote – 5-0

MINUTES APPROVED THIS 1st DAY March 2011

Barbara Hejmanek
RECORDING SECRETARY

Andy Oya
CHAIRMAN



Feb. 22, 2011



On behalf of the staff and elected officials of Washington County and Metro we are pleased to report there is a new urban and rural reserves proposal that responds to the direction provided by the Land Conservation and Development Commission in October.

As you may know, the Commission voted unanimously last fall to approve urban and rural reserve designations in Clackamas and Multnomah counties, and most of the urban reserve designations in Washington County.

Two urban reserve areas were sent back to Metro and Washington County by the Commission. One was just north of Cornelius and the other was just north of Forest Grove. The Commission provided oral direction to Washington County and Metro to remove the urban reserve designation near Cornelius, and to strengthen the findings of the area near Forest Grove.

Our entire region benefits when elected and community leaders reach for and support compromise even when their strongest supporters urge a different path. When we put the region's needs ahead of any individual interest, we build on Oregon's great legacy of land use innovation and leadership created by our parents and grandparents.

To this end we are proposing targeted changes to address the Commission's direction. Our first commitment is always to the people of our region and their desire to provide long-term protection for valuable farm and forestlands, while also providing land for good jobs and homes now and in the future. Equally important, we believe this proposal thoroughly addresses all of the concerns raised by the Commission while providing certainty to farmers, businesses and working families.

If approved the proposal will result in 50 years of protection for 266,992 acres of valuable farmland, forest land and natural areas for current and future generations. The proposal also provides 28,548 acres of developable land across the region to ensure we can provide good jobs and homes for everyone now and in the future, in a way that makes the most of our existing cities and neighborhoods.

This proposal is the result of unprecedented partnerships and participation from local governments, advocacy organizations and thousands of citizens. It's a one-of-a-kind, collaborative roadmap for the effective utilization of land that no other region in the United States has achieved. But let's be clear: our work will not be done until the public has a chance to thoroughly review and comment on this important decision.

So take a look at the proposal, map and other information on [Metro's web site](#). The Metro Council and

Washington County Board of Commissioners will hold a joint hearing in Hillsboro on Tuesday, March 15, to consider your comments on this proposal and to vote on a revised reserves agreement.

If a final agreement is approved by both bodies on March 15, each would proceed to formal adoption of ordinances, findings of fact, and maps in April. At each step Metro and Washington County will provide opportunities for public testimony.

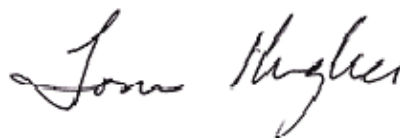
Finally, Clackamas County and Multnomah County will also need to take formal action on the overall findings for the reserves program because of the revisions required by LCDC. After formal adoption, the revised urban and rural reserves will be presented to LCDC for review.

We are proud of our work and look forward to hearing from you soon.

Sincerely,



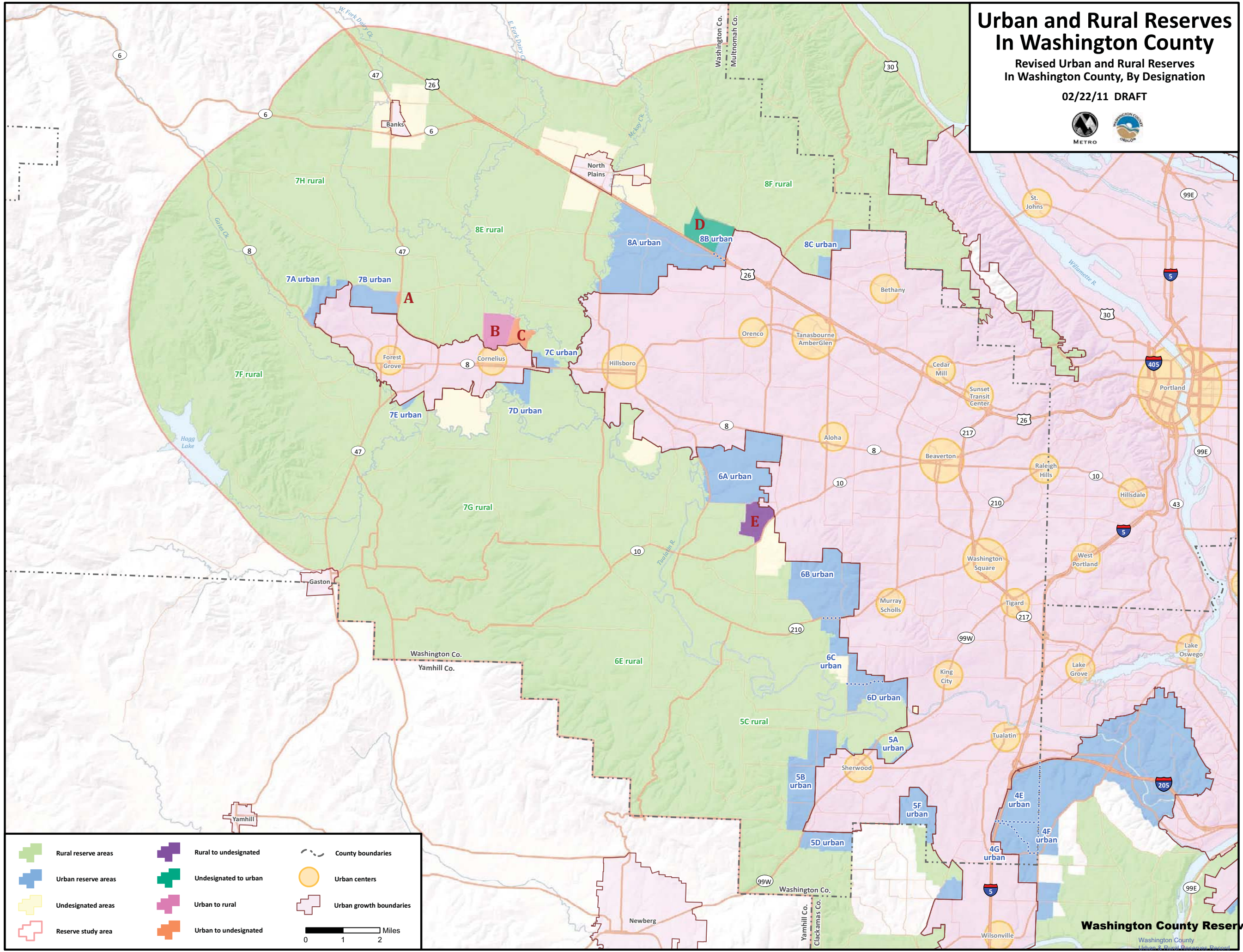
Andy Duyck
Chair,
Washington County Board of Commissioners



Tom Hughes
Metro Council President

You are receiving this message because you are subscribed to the Reserves interested parties list. If you want to update your profile or wish to be taken off the list, use the "manage your subscriptions" or "global unsubscribe" links at the end of this message.

Metro
600 NE Grand Ave.
Portland, OR 97232-2736
503-797-1700
503-797-1804 TDD
503-797-1797 fax



**Adjustments to Proposed Urban and Rural Reserves Map for Washington County
February 2011**

Adjustment Area	Total Acres
Area A – East Portion of Urban Reserve 7B Change from Urban Reserve to Undesignated These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47	28
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Area E – South of SW Rosedale Road Change from Rural Reserve to Undesignated This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road	383



MEETING NOTICE FOR THE PLANNING COMMISSION FOR WASHINGTON COUNTY

AUDITORIUM, PUBLIC SERVICES BUILDING
155 N. FIRST AVE., HILLSBORO, OR

WEDNESDAY, March 2, 2011

WORK SESSION
PUBLIC MEETING

1:00 P.M.
1:30 P.M.

Assistive Listening Devices are available for persons with impaired hearing and can be scheduled for this meeting by calling 503-846-8611 (voice) or 503-846-4598 (TDD – Telecommunications Devices for the Deaf) no later than 5:00 p.m., Monday.

The County will also upon request endeavor to arrange for the following services to be provided:

- Qualified sign language interpreters for persons with speech or hearing impairments; and
- Qualified bilingual interpreters.

Since these services must be scheduled with outside service providers, it is important to allow as much lead time as possible. Please notify the County of your need by 5:00 p.m. on the Monday preceding the meeting date (same phone numbers as listed above: (503)-846-8611 or (503)-846-4598).

SEE ATTACHED AGENDA


Brent Curtis, Planning Manager
Washington County Reserves - Page 10422

WASHINGTON COUNTY PLANNING COMMISSION

SHIRLEY HUFFMAN AUDITORIUM, PUBLIC SERVICES BUILDING

The Planning Commission welcomes your attendance and participation at these meetings. Should you wish to speak on an Agenda item, please feel free to do so. However, in fairness to others, we respectfully ask your cooperation on the following:

- Please put your name and address on the sign-in sheet located at the speakers' table in front of the Planning Commission dais. This may be done at the time you speak or before the meeting convenes.
- When you testify, please clearly state your name and complete home or business address for the record.
- Groups or organizations wishing to make a presentation are asked to designate one spokesperson in the interest of time and to avoid repetition.
- When more than one citizen is heard on any matter, please avoid repetition in your comments. Careful attention to the previous speakers' remarks will be helpful in this regard.
- If you plan to present written testimony at the hearing, please bring 15 copies for distribution to staff and Commission members.

MEETING DATES

BOARD OF COMMISSIONERS DATES

10 a.m. 1st and 3rd Tuesdays

6:30 p.m. 4th Tuesday

PLANNING COMMISSION DATES

1:30 p.m. 1st Wednesday

7:30 p.m. 3rd Wednesday

Note: Occasionally it may be necessary to cancel or add a meeting date.



**PUBLIC MEETING BEFORE THE PLANNING COMMISSION
ROOM 140
PUBLIC SERVICES BUILDING**

WEDNESDAY MARCH 2, 2011 1:00 PM

AGENDA

CHAIRMAN: MARC SAN SOUCIE
VICE-CHAIRMAN: HERBERT HIRST
COMMISSIONERS: RICK LESNIAK, VETA HOLSCHER, SCOTT RICKARD,
 MATTHEW LARRABEE, MARY MANSEAU, LILES GARCIA

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. DIRECTOR'S REPORT**
- IV. WORK SESSION**
- V. ORAL COMMUNICATIONS - AUDITORIUM - 1:30 PM**
- VI. CONSIDERATION OF MINUTES**
 - August 4, 2010
 - September 15, 2010
 - November 3, 2010
- VII. PROPOSED ORDINANCE NO. 740 - An Ordinance Amending Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to Modify the Rural and Urban Reserves Map.**
- VIII. ADJOURN**



WASHINGTON COUNTY OREGON

February 21, 2011

To: Washington County Planning Commission

From: Brent Curtis, Planning Manager *AB for BC*
Department of Land Use & Transportation

Subject: **PROPOSED LAND USE ORDINANCE NO. 740 AMENDING THE
COMPREHENSIVE PLAN TO DESIGNATE RURAL RESERVES AND
ADOPT URBAN RESERVES AS DESIGNATED BY METRO**

STAFF REPORT

For the March 2, 2011 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 PM)

I. STAFF RECOMMENDATION

Conduct the public hearing; recommend that the Board of County Commissioners (Board) hold its public hearing on Ordinance No. 740 on March 15, 2011 and consider engrossment of the ordinance to reflect any amendments that may be made through a separate process to the Metro-Washington County Reserves Supplemental Intergovernmental Agreement (IGA).

II. OVERVIEW

Proposed Ordinance No. 740 follows action by the Board to enter into a Supplemental IGA with Metro concerning amendments to the Urban and Rural Reserves map originally adopted on June 15, 2010 through A-Engrossed Ordinance No. 733. The Supplemental IGA, approved by the Board on December 14, 2010, was drafted in response to the Land Conservation and Development Commission's (LCDC) oral remand for the county and Metro to reconsider Urban Reserve designations north of the cities of Forest Grove and Cornelius. During the October 29, 2010 acknowledgement hearing, LCDC offered the county the flexibility to consider replacement Urban Reserves or additional Undesignated lands by remanding all Rural Reserves.

The Supplemental IGA included a new Reserves map that reflected modifications intended to respond to LCDC's oral remand. Concurrent with the approval of the IGA, the Board also directed staff to file a land use ordinance to reflect the changes included in the Supplemental

IGA. Ordinance No. 740 proposes to make those amendments to the Urban and Rural Reserve map in accordance with the Board's direction. Amendments to the originally adopted Reserve areas are described below in Section III, and are shown on the map included as Attachment A to this staff report. The December 14, 2010 version of the revised map is also available on the county's website at <http://www.co.washington.or.us/LUT/PlanningProjects/reserves/whats-new.cfm>

III. ANALYSIS AND SUMMARY OF PROPOSED CHANGES

In response to comments from LCDC, the county looked to the following principles to guide its work of making adjustments to Reserves designations:

Principle 1 - Replace lost Urban Reserve *gross* acres of land on an acre-for-acre basis.

Principle 2 - Attempt to replace Urban Reserve *net* acres lost on an acre-for-acre basis.

Principle 3 - Replace lost industrial/employment lands within Urban Reserves with suitable replacement industrial/employment lands.

Principle 4 - Examine opportunities to leave additional lands Undesignated.

Washington County used the substantial record of research and analysis to develop a revised Rural and Urban Reserves map that is responsive to the LCDC oral remand. The proposed map amendments included in Ordinance No. 740 reflect the replacement of reduced Urban Reserve acreage north of the city of Cornelius (lands suitable for employment) with other lands in an amount not to exceed the reduced Urban Reserve acreage and that are also suitable for employment. Urban Reserve replacement acreage is proposed for land north of Highway 26 that's currently mapped as Undesignated in the adopted Reserves map. Ordinance No. 740 also proposes to create new Undesignated areas as noted in the following table.

Ordinance No. 740 does not affect the Urban Reserve designations in Washington County that were not orally remanded by LCDC or the "Principles for Concept Planning" previously adopted relating to Urban Reserve Areas 6B and 8C. The Undesignated lands surrounding the cities of Banks and North Plains are also not affected by this ordinance.

Though LCDC has not yet provided a written final order regarding its decision, the adjustments described in the following section represent staff's proposed response to the Commission's concerns.

Once LCDC's written final order is released, the Board will have the opportunity to review all of the county's potential responses regarding the decision. By initiating adjustments to the county's Rural and Urban Reserves map now through Ordinance No. 740, the Board is not foreclosed from exercising additional options once the final order is released.

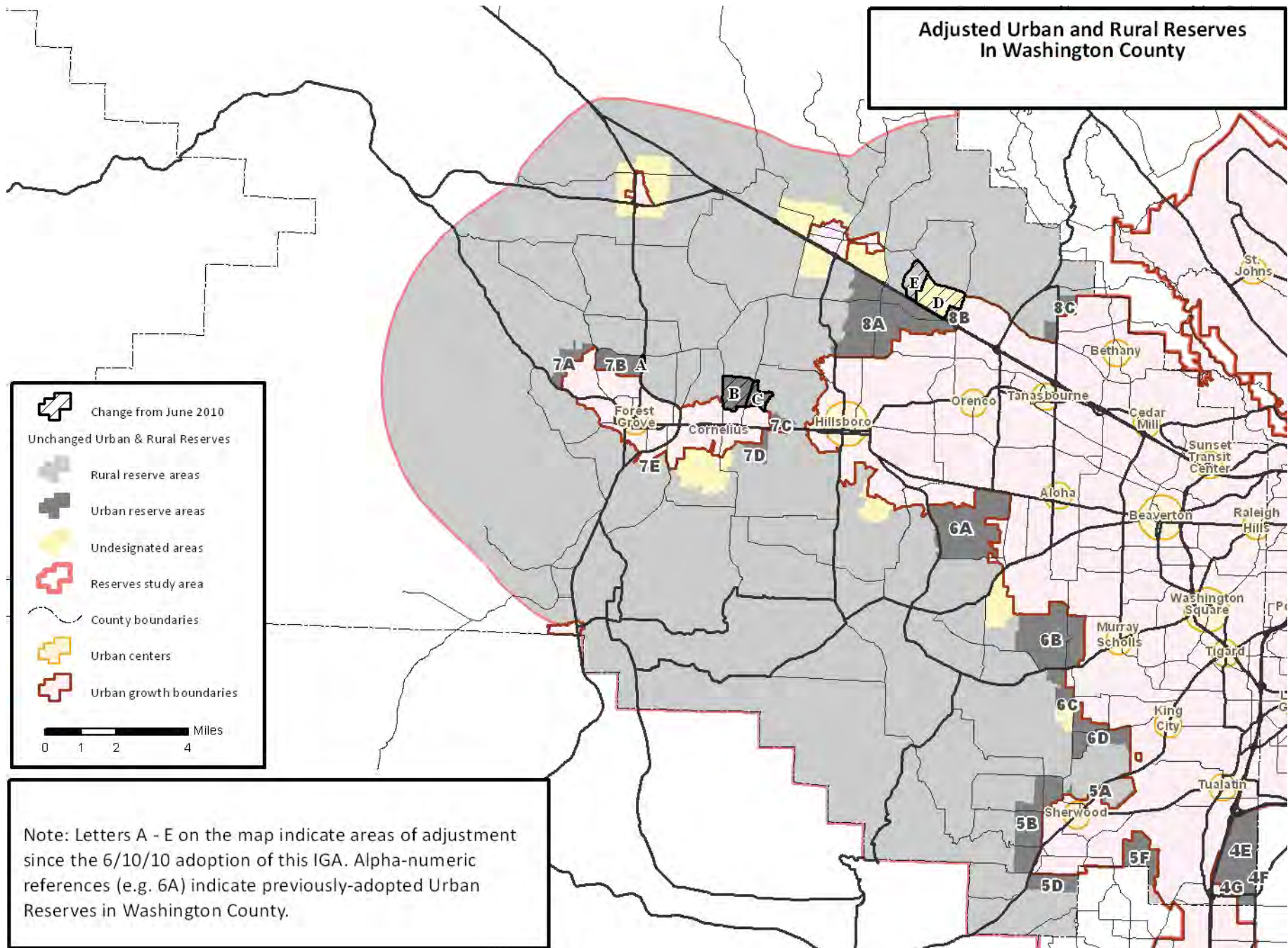
Summary of Adjustments to Reserve Areas	Total Acres	Constrained Acres	Buildable Acres
Area A (Change from Urban Reserve to Undesignated) <i>A portion of Forest Grove North, east of Council Creek</i> The Board of County Commissioners, after reviewing LCDC's proceedings with staff, determined that using Council Creek as a boundary would be appropriate. Therefore, the Board recommended that 28 acres of Urban Reserve Area 7B on the east side of Council Creek be changed to Undesignated. The area surrounding the intersection of Purdin/Verboort/Highway 47 is also recommended for Undesignated status in order to facilitate any needed future road improvements.	28	12	16
Area B (Change from Urban Reserve to Rural Reserve) <i>West side of former Urban Reserve Area 7I, west of Susbauer Road</i> In accordance with LCDC's directive, the Board recommended elimination of this area featuring large lots from Urban Reserve designation.	430	106	324
Area C (Change from Urban Reserve to Undesignated) <i>East side of former Urban Reserve Area 7I, east of Susbauer Road</i> The Board has asked that this area be changed from Urban Reserve to Undesignated land. The area, designated as Tier 2 agricultural land, is appropriate for industrial uses and features small exception land parcels as well as a strong natural boundary.	194	48	146
Area D (Change from Undesignated to Urban Reserve) <i>North of Sunset Highway, adjacent to Urban Reserve Area 8B</i> In an attempt to replace 652 gross acres of industrial/employment land lost from Areas 7B and 7I, the Board proposes to change this portion of Undesignated land to Urban Reserve. The land stretches north and west of Urban Reserve Area 8B. The land provides 585 acres towards replacing the 652 acres lost in Areas 7B and 7I.	585	193	392
Area E (Change from Rural Reserve to Undesignated) <i>North of Sunset Highway, directly west of Area D</i> This area, previously designated Rural Reserve land, would provide an additional 290 acres of Undesignated land. <i>Note: Metro's Nature in Neighborhoods data does not completely cover this area.</i>	290	30	260

The Washington County Planning Commission is scheduled to hold one public hearing on Ordinance No. 740 before providing a recommendation on the proposed Reserves map changes to the Board. The Board will consider the proposed ordinance at its meeting on March 15, 2011. Should the Board and Metro approve ordinances to modify Reserves designations, the Reserves planning process requires the adoption of a common set of findings. Findings prepared by the county and Metro, along with a combined record of proceedings, will then be sent to the Department of Conservation and Land Development in the manner of periodic review.

Ordinance Notification

Ordinance No. 740 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on January 21, 2011. A display advertisement regarding the proposed ordinance was published in *The Oregonian* on February 10, 2011 and in the *Hillsboro Argus* on February 11, 2011. Individual Notice 2011-01 describing proposed Ordinance No. 740 was mailed to 452 people on the General Notification List on February 16, 2011. A copy of this notice was also mailed to the Planning Commission at that time.

Adjusted Urban and Rural Reserves In Washington County





WASHINGTON COUNTY OREGON

February 23, 2011

To: Washington County Planning Commission

From: Brent Curtis, Planning Manager *AB for BC*
Department of Land Use & Transportation

Subject: **PROPOSED LAND USE ORDINANCE NO. 740 AMENDING THE
COMPREHENSIVE PLAN TO DESIGNATE RURAL RESERVES AND
ADOPT URBAN RESERVES AS DESIGNATED BY METRO**

ADDENDUM STAFF REPORT

For the March 2, 2011 Planning Commission Hearing
(The public hearing will begin no sooner than 1:30 PM)

Following the preparation of the February 21 Ordinance No. 740 staff report for the Planning Commission's March 2, 2011 hearing, a joint letter was released from Chairman Andy Duyck of the Washington County Board of Commissioners and Metro Council President Tom Hughes regarding Urban and Rural Reserves. The letter and an accompanying map are attached to this addendum staff report. Access the following link to view the amended map: <http://www.co.washington.or.us/LUT/PlanningProjects/reserves/whats-new.cfm>

The Reserves map amendments proposed by Chairman Duyck and President Hughes differ from Ordinance No. 740 in two areas - the proposal would remove an undesignated area of approximately 290 acres north of Highway 26 and create a new undesignated area of roughly 380 acres south of SW Rosedale Road and west of SW Farmington Road. The net changes included in this proposal (from Ordinance No. 733, adopted in 2010) result in approximately 67 fewer Urban Reserve acres, 47 additional acres of Rural Reserve land, and an increase of roughly 20 acres of undesignated land.

The Washington County Board of Commissioners intends to hold a joint hearing with the Metro Council on a revised Intergovernmental Agreement (IGA) on March 15, 2011. At its hearing on March 2, 2011, the Planning Commission may elect to consider testimony related to the Duyck/Hughes proposal as part of the consideration of Ordinance No. 740.

Should the Commission choose to accept testimony on this recent proposal, staff asks that Commissioners provide a recommendation to the Board that includes any specific changes they determine should be incorporated into an engrossment of Ordinance No. 740.



Feb. 22, 2011

On behalf of the staff and elected officials of Washington County and Metro we are pleased to report there is a new urban and rural reserves proposal that responds to the direction provided by the Land Conservation and Development Commission in October.

As you may know, the Commission voted unanimously last fall to approve urban and rural reserve designations in Clackamas and Multnomah counties, and most of the urban reserve designations in Washington County.

Two urban reserve areas were sent back to Metro and Washington County by the Commission. One was just north of Cornelius and the other was just north of Forest Grove. The Commission provided oral direction to Washington County and Metro to remove the urban reserve designation near Cornelius, and to strengthen the findings of the area near Forest Grove.

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To this end we are proposing targeted changes to address the Commission's direction. Our first commitment is always to the people of our region and their desire to provide long-term protection for valuable farm and forestlands, while also providing land for good jobs and homes now and in the future. Equally important, we believe this proposal thoroughly addresses all of the concerns raised by the Commission while providing certainty to farmers, businesses and working families.

If approved the proposal will result in 50 years of protection for 266,992 acres of valuable farmland, forest land and natural areas for current and future generations. The proposal also provides 28,548 acres of developable land across the region to ensure we can provide good jobs and homes for everyone now and in the future, in a way that makes the most of our existing cities and neighborhoods.

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to thoroughly review and comment on this important decision.

So take a look at the proposal, map and other information on [Metro's web site](#). The Metro Council and Washington County Board of Commissioners will hold a joint hearing in Hillsboro on Tuesday, March 15, to consider your comments on this proposal and to vote on a revised reserves agreement.

If a final agreement is approved by both bodies on March 15, each would proceed to formal adoption of ordinances, findings of fact, and maps in April. At each step Metro and Washington County will provide opportunities for public testimony.

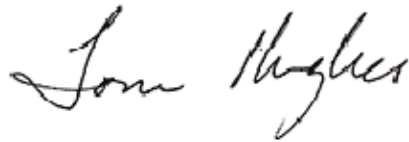
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We are proud of our work and look forward to hearing from you soon.

Sincerely,



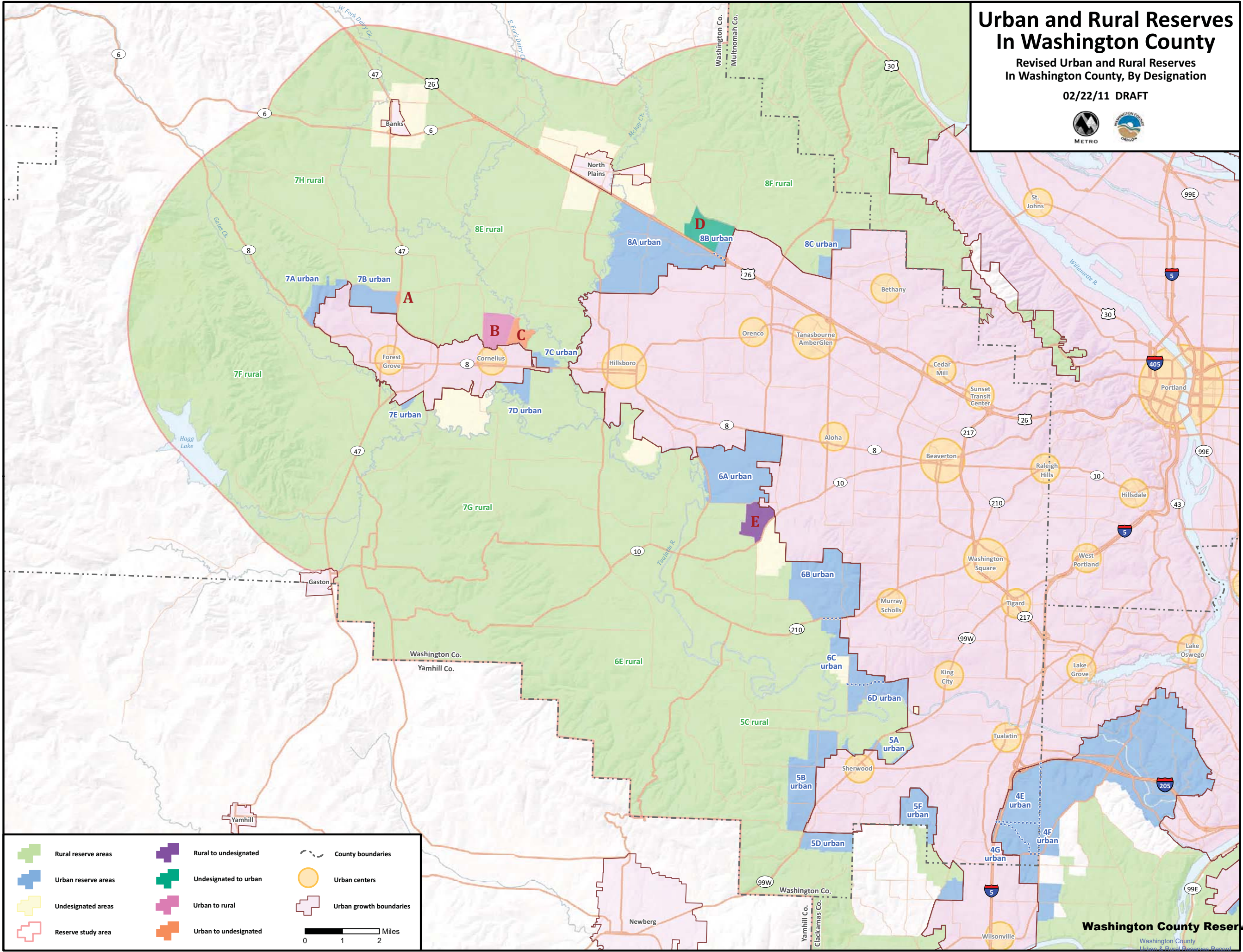
Andy Duyck
Chair,
Washington County Board of Commissioners



Tom Hughes
Metro Council President

**Adjustments to Proposed Urban and Rural Reserves Map for Washington County
February 2011**

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Washington County Planning Commission
Hearing Sign - In Sheet
March 2nd, 2011

Ordinance No. 740

PLEASE CLEARLY PRINT YOUR:

Name	Address	City	State	Zip
1. Jose Orozco	44 S. 18 th Court Planning Commission	Cornelius	OR	97113
2. Amy Scheckla-Cox	1536 S. Ivy planning Vice President	Cornelius	OR	97113
3. Jose Rivera	Centro Cultural 1110 N. Adams	Cornelius	OR	97113
4. Dan Sheldon	Sheldon Manufacturing 300 N. 26 th Ave	Cornelius	OR	97113
5. Tim Duyck	Cornelius-Schafflin Rd	Cornelius	OR	97113
6. Bill WABER	32135 NW PADGET RD	Hillsboro	OR	97124
7. Deloris Gresser	8320 SW Canyon DR.	Portland	OR	97225
8. James Young	13310 NW Bishop Rd	Hillsboro	OR	97124
9. BRIAN BEINLICH	15060 NW MASON HILL RD.	NAARNS	OR	97133
10. Allison Amabisia	1221 NE 5 th Ave	Hillsboro	OR	97124
11. Ellen Saunders	47950 NW Dimpheiser Rd	Manning	OR	97125
12. DAVID ANDERSON	1560 NW CORNELIUS SCHAFLIN RD	CORNELIUS	OR	97113
13. Cherry Amabisia	13260 NW Bishop Rd	Hillsboro	OR	97124
14. Carol Chesarek	13300 NW Germantown Rd	Portland	OR	97231
15. Jim Lubischer				
16. Tom Black				
17. Mike Barnes				
18. Linda Peters				
19. Greg M				
20.				
21.				
22.				
23.				
24.				
25.				
26.				
27.				
28.				



8900 NW Dick Rd • Hillsboro, Oregon 97124
(503) 647-9292 • Fax (503) 647-9494

RECEIVED

MAR 03 2011

Long Range Planning
Land Use & Transportation

Washington County
Long Range Planning Commission
Attn: Stephan Shane
155 N 1st Ave Suite 350-14
Hillsboro, OR 97124-3072

February 25, 2011

RE: Individual Notice 2011-01
Ordinance No 740 Policy 29
Rural and Urban Reserves

Dear Mr. Shane;

We love and want to protect prime farm land – who doesn't?

Through the years, the owners of Cascadian Nurseries has **supported the west Bethany addition**, changing the rural classification to urban on the Bendemeer area west of NW Cornelius Pass Road, north of NW West Union Road, the dividing line being NW Dick Road to the west and NW Farm Park Drive on the north, a line straight east to Holcomb Creek as a natural dividing line back into NW Cornelius Pass Road. There are several letters and photos on record with Metro, Washington County Commissioners, and Washington County Land Use since 2002.

We live in the Bethany area off Dick Road, north of West Union Road and operate a large wholesale nursery, green houses and in-ground growing nursery. We also own four homes, some of them dating back to the 1920 era. We supported the "Keep Bethany Rural" association with exception off the Long Range projection plans extending to 2060.

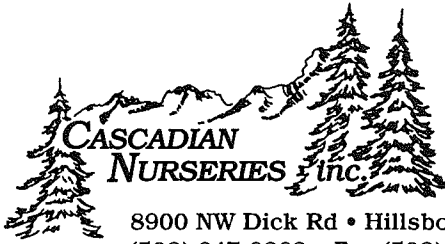
The Bendemeer housing area needs improvement; streets, septic tanks, utilities, wells need immediate repairs. The present housing community cannot afford these improvements without infill housing developments which are not allowed through the "Keep Bethany Rural" movement until 2060. The area will possibly fall into disrepair without major improvement prior to 2060.

There are two properties on NW Farm Park Drive:

1. The most westerly is known as the **Payne Emerson property**. A former foundry on eleven acres which is contaminated and needs immediate cleanup before it is considered to be prime farmland. Based on assessment data provided to us describing findings of the EPA contractor, the site was used for recycling of metals from electrical transformers, capacitors, and other electrical equipment. The primary contaminants of concern are PCBs (polychlorinated biphenyls), hazardous metals (copper, cadmium, and chromium), diesel and oil-range petroleum hydrocarbons. PCB contamination has been documented in exterior surface soil samples at up to 320-mg/kg, in interior soil and sludge samples (at up to 12,000-mg/kg), as well as in wipe samples on electrical equipment. The report indicates that significant concentrations of metals and TPH were detected in surface oils. It is unclear from the provided report whether asbestos and lead/lead based paint may also be present as potential hazardous materials.

Trees with European Artistry

www.cascadiannurseries.com • sales@cascadiannurseries.com



8900 NW Dick Rd • Hillsboro, Oregon 97124
(503) 647-9292 • Fax (503) 647-9494

2. The other property is known as **Farm Horticultural Parkplace**, which includes in this tax lot approximately **twelve acres rural industrial** classification and **four acres of graveled parking and equipment storage area** with a 1.4 acre 50' wide road from Dick Road exiting 1250' into the property. Several landscape contractors and supply operations occupy the site including a sand-gravel compost-barkdust operation.

If the rural to urban classification extends to Holcomb Creek to the East which could be a natural dividing marker in which no development is allowed 250' from the wet land borders, this will preserve the wild life; ducks, geese, fish, beavers, nutria, plants, trees, reeds and rushes all the way to Cornelius Pass Road. If some property owners would donate or sell - this includes our nursery participation to protect our wildlife environment on hundreds of acres for our future generations.

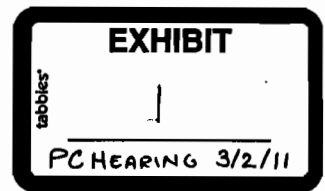
Let's talk.

Sincerely,

Alfred Meisner

Trees with European Artistry

www.cascadiannurseries.com • sales@cascadiannurseries.com



**Robert Bailey
7455 NW Helvetia Road
Hillsboro, Oregon 97124**

March 2, 2010

**Planning Commission
Washington County
Hillsboro, Oregon**

**Hearing on Ordinance 740
Soils, Hydrology, and Exposure of the Helvetia Acreage**

We have sought to educate the Washington County BOCC and the DLUT re the reserves factors and in regards to the acreage between NW Helvetia Road and NW Jackson School Road, south of NW West Union Road, and north of the Sunset Highway. This includes 585 acres and under proposed Ordinance 740, it is called Area D.

We have found agreement that these lands are relatively flat, close to Hillsboro, and relatively close to the Sunset Highway/Cornelius Pass. That is where our agreement stops. We understand that these acres have been in the development cross hairs of Hillsboro, development interests, and Washington County. They would stand to gain financial benefit from the development of these acres. While they envisage "home run" campuses similar to Intel, our research indicates that the past 15 years of development shows that this is unlikely. Smaller corporate offices are now required and with off-shore fabrication across the Pacific. But financial gain in itself is **not what the reserves factors and resulting designations are about.** **Protection of high value farmland is also part of the equation.**

We have shown that, although these acres are parcelized, these acres remain easily farmable and without conflict. Excellent profits have been made on these acres and the farmers are able to transition between crops in relation to the market. Current farming practices are "green" with perennial grass crops not requiring annual tillage, saving fuel, minimizing dust, and reducing water evaporation.

The county would have you believe that because these lands are outside of the Tualatin Valley Irrigation District, they are somehow second class to those lands that are within the district. With climate warming, they would have you believe that these acres will all but dry up. **But wait!** While the

farming approach is referred to as “dry-land” farming, these acres enjoy plentiful and natural sub-irrigation from the Tualatin Mountains to the north, with the prevailing weather pattern bringing rains from the south to the highlands of Helvetia. There is an excess of water resources that drains south to the valley floor below, causing farmers to have tiled these fields over the last century, shunting off the excess water into the creeks. We have our hydrological profile on the record before Washington County, Metro, and DLCD. You can come to my land, now, and with a shovel, strike water within 8 inches of the surface. In August and September, you can still find water draining from the farm tiling as it reaches the roadside ditches and creeks. Why obliterate these precious water resources and tiling infrastructure that build upon naturally occurring resources, and without the tremendous tax investments now being required for a new Scoggins Dam?

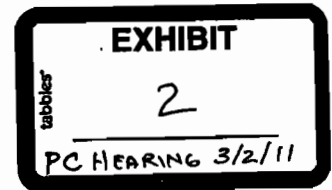
The Helvetia silt loam soils in this area are the results of the multiple “pondings” of the Tualatin Basin and approximately 10,000 years ago, during the Missoula flood processes. These are the fine top soils scoured from Idaho and Eastern Washington that went south into the Willamette Valley, and then poured into the Tualatin Valley over the Tonquin Scablands and through the Wapato gap south of Gaston. You can come to my land and dig and dig and you will not find a rock within 6 feet of the surface. In fact, the acreage between NW Helvetia Road and to NW Jackson School Road, and between the NW West Union Road and the Sunset Highway, **comprises 40 percent of the remaining class one agricultural soils in all of Washington County!** You have access to the same federal website that we do. Check for yourselves.
<http://websoilsurvey.nrcs.usda.dov/app/WebSoilSurvey.aspx>

The **farming miracle of Helvetia** results from the unique combination of excellent soils, natural and man-made slopes and drainages, excellent water resources with the Helvetia highlands acting as a catch basin for rain waters draining to the southern lowlands, the southern exposure to the sun with little shading, and the ingenuity of the generations of farmers and the Atfalati Indians who manicured the area before them. Warmth, water, soil, drainage, and ingenuity makes for excellent agricultural lands. Crops here get a **head start** every spring.

Respectfully,


Robert Bailey, for SaveHelvetia.org

To: Commissioners of Washington County, Oregon
RE: expansion of the urban growth boundary and
urban reserves
Date: 3/1/11



There are 3,143 counties, boroughs, and parishes in the United States of America. Washington County, Oregon ranks 33rd among those in gross agricultural sales. That is the top 1%! And you want to put 28,000 acres into the UGB or urban reserves. How does that make any sense at all, especially when the most dynamic part of Oregon's economy right now is agricultural sales to Asia? As a matter of fact, agriculture has always ranked in the top two industries for biggest economic work horse in Oregon.

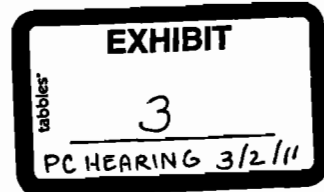
Have you looked around the areas already included inside the urban boundaries? I see empty buildings, under-developed land, trashed land that needs re-claiming. Property owners who have been paying taxes for years should not have to compete with shiny new "campus" land. Those days are over. Infill is most cost-effective and the best way to keep urban lands vibrant.

Not one more acre of farm land should be taken until every acre of urban land is used to it's maximum potential.

Sincerely,

A handwritten signature in black ink that reads "Lark Brandt".

Lark Brandt 33405 SW Cook Rd.
Hillsboro, OR 97123



Linda Peters
25440 NW Dairy Creek Rd.
North Plains, OR 97133
lindabpeters@gmail.com 503-647-2301

March 2, 2011

To: Washington County Planning Commission

Re: Ordinance 740

Today I'd like to draw your attention to the gaps and deficiencies in the public processes required by Oregon law and by common sense, leading to the proposal before you today from Chairs Tom Hughes and Andy Duyck.

Goal 1 requires citizen access to all stages of the planning process. The current stage would seem to exist entirely outside Oregon Statutes. I know of no provision for who can speak with whom about matters that have been remanded by LCDC but without a written order to refer to. The Metro and Washington County chairs have leaped into the breach, cooking up tentative agreements they'd like us all to politely accept as valid, without bothering to consult systematically with any of the communities most impacted by the deal they've cobbled up, including the City of Cornelius.

My objections to the process leading to Ordinance 733 are on record with LCDC, and still apply to Ordinance 740, its outgrowth. But in 740 and the changes proposed since it was filed, we're looking at far more egregious violations of the Goal 1, and the whole notion of open, responsive government.

Planning Commissions are intended to add a citizen-centered filter to the flow of land use proposals from staff and developers to the Board of Commissioners. You have many alternatives to simply going along with the talking points Metro and County staff have given you. Please listen carefully to the other testimony from Farm Bureau, Save Helvetia, and other opponents of adding more top-quality farmland to Hillsboro's urban reserves. Please send the Board a recommendation of conscience, rather than convenience. Just say no, and let us take the time to work out a map that actually serves the people of Washington County.

Linda Peters

Thank you. My name is Jose Orozco. I live at 44 S 18th Court, Cornelius, Oregon and also volunteer as a Cornelius Planning Commissioner.

My testimony today supplements the letter that you have from Cornelius Planning Commission Chair, Sheila Griffie, who was not able to be with us today.

Out of 26 jurisdictions in the Portland region, Cornelius was the only one denied land for job development for the next 50 years. Why?

How is Cornelius different from all the other cities in the region?

Is the land north of Cornelius better for farming than land north of Hillsboro, Forest Grove, or other Washington County cities? The record, including Washington County's own analysis of farm land, says **No**.

Has Cornelius been irresponsible in planning itself as a green, sustainable, center-oriented community? **No. We live at a higher density than the City of Portland!** We are up-to-date in state and regional required land use planning tasks. And we meet all regional goals of the 2040 Plan.

Are urban services and infrastructure insufficient for job development north of Cornelius? The record shows that the county, state, and city have already invested more than **\$20 million** across and north of Council Creek. Cornelius water, police, fire, library, and planning services are already provided north of this tributary of Dairy Creek. Are the two new bridges built by the county, state, and city to be a **connection of home and work** as we planned? Or will the new sidewalks on them lead to nowhere?

Or is the only difference between Cornelius and the other Washington County cities our socio-economic make-up? Because we are **comparatively low-to-moderate income**? Because the **majority of our residents are Hispanic**? Or is it because **we are small or lacking in enough clout** that special interest groups use our geography to make a point? (We all support farmland and smart growth.)

What are the reasons for the change of mind on Cornelius' future?

What new facts have been discovered?

Why is land approved for future jobs by the County last year disapproved for jobs this year?

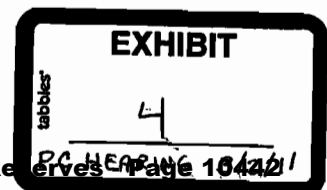
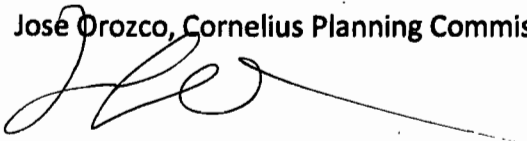
The same factors for urban and rural suitability apply in this Comprehensive Plan amendment as for the Comprehensive Plan amendment adopted last year.

As Planning Commissioners, you *should be* asking these kinds of questions.

Please approve an amendment to Ordinance 740 that's before you -- to replace *at least* 350 acres north of Cornelius for future jobs. That would be economic and social justice in Washington County, which is very much needed and supported by the record.

Thank you,

Jose Orozco, Cornelius Planning Commissioner



December 14, 2009

CPY

Washington County Board of Commissioners
Attn: Andy Ruyck - Commissioner - District 4



My wife and I have owned property north of Cornelius for over 44 years. It has been farmed, but also divided into three buildable parcels since 1969.

We would like the property to become a part of the Urban Reserve as it has the potential to be used to increase the industrial base for the City of Cornelius.

This property could develop into three building sites with present zoning, but it would seem more practical to use it as industrial rather than building houses which would later have to be replaced.

Thank you for your consideration

John Krautschid

John Krautschid

508 N.E. Birchwood Terrace

Hillsboro, Oregon 97124

Testimony supporting Urban Reserves Designation
North of Cornelius.

August 18, 2009

Washington County and Metro Regional Reserves Committees
c/o Washington County Long Range Planning
155 N First Ave., Suite 350 MS 14
Hillsboro, Oregon 97124

Testimony: Farmer Support of Urban Reserve Designation

Dear Committee:

Our extended family has been farming in Washington County for generations. We have also been active in urban communities in other vocations, as most farm families. We know the value of healthy balanced communities as well as healthy profitable agricultural business. We think that both are important and that they can exist together.

We own a number of large parcels within the area recommended as an Urban Reserve for the next fifty years on the County map. This includes acreage north of Council, Dairy and McKay Creeks. We understand that an Urban Reserve designation does not mean we have to develop urban uses at any particular time. We also understand that if our land is designated Rural Reserves that we will not be allowed to develop a non-rural use anytime in the next 50 years.

We intend to continue farming much of our land for 25 years. But beyond that, our children and future property owners may want to be part of a growing urban community. Both farming and healthy communities are important. So we support the Urban Reserve designation recommended for our land north of the Cornelius.

in the near future. We are Letha & Harry Jacobsmuhlen. We have lived and have operated a meat cutting and packaging plant at 1395 NW Susbauer Road, Cornelius 97113, for several decades. We have supported this land being included in the Urban Growth Boundary, since 1978 when it was designated as Exception Lands by Washington County.

We own over 30 acres of land that is partially urbanized with our meat packing business, but the majority of our property is zoned AF-20. The urbanized part is in Cornelius's UGB amendment area. We have farmed the vacant part of our land with field crops like, hay and have never been able to even cover our property taxes with our farm profits.

We urge Metro to approve this expansion. Our family would like to expand this industrial business before we are dead and gone. We can provide more jobs only if you approve this expansion soon. Cornelius needs the jobs now too. We support the City's application for this Urban Growth Boundary Amendment.

Thank you.

Letha & Harry Jacobsmuhlen
1395 NW Susbauer Road, Cornelius, OR 97113

Meyer, Richard

From: Phyllis Kohlmeyer [phylliskohl@comcast.net]
Sent: Monday, December 14, 2009 9:01 AM
To: Meyer, Richard
Subject: urban reserve

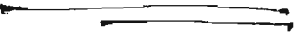
I mailed my letters, but with the Christmas mail, I'm worried about them arriving on time. Here is a copy that you may also introduce. If I need something else let me know.

Phyllis Kohlmeyer


20277 SW Roy Rogers Road

Sherwood, Oregon

December 13, 2009

To: Washington County Commissioner


REGARDING: Urban Reserve

We would like the land on Susbauer, owed by Ruth Van De Moortele placed in the Urban Reserve designation with an option to develop urban land uses in the future.

The following is a previously written letter:

July 21, 2009

Dear Kathryn Harrington,

We are writing in regard to the land owned by Ruth Van De Moortele and bordering Dairy Creek on Susbauer Road. The land is north and south of Long Road. The land does not have water rights and is a total of 97 acres. This parcel is recommended to be placed in the Urban Reserve. We would like this acreage placed in the Urban Reserve. We have no plans to sell the land. At this time we have a farmer hired to do the

farming. That will continue, but we would like to have the option to have it in the Urban Reserve at the time in the distant future when our children deal with the land.

Living in Sherwood, we have seen a community that is only a bedroom of Portland, Tigard, and other large cities with industries. Sherwood worries about the size, color, and placement of signs rather than attracting industries or small business. I think Cornelius is thinking ahead of a place to build industries and a place for their people to work in the future. We have a large flat parcel that would qualify for that purpose.

Having been raised on that farm I know how hard it can be to make a living. I worked in the fields from age 10-21. At 21 I graduated from college and had an easier life, where weather and market swings did not affect my income. At present the farm income pays the taxes, but does not begin to make a living to support our mother in a retirement home. In fact it barely pays for 1/3 of her care. The farmer has already told us not to count on any money next year. The swing in revenue makes it hard to make a budget. My mother is the owner of the land. We are the caretakers of her estate. We recently had the farm buildings removed and have turned the farmyards into fields. Burning the house and barns built in part in 1900 was very hard, but the farm did not provide money to repair and restore the time-ravished buildings. Leaving the empty buildings attracted drug dealers and shady characters. It also was an unkempt eyesore. Again the farm provides limited income. We would need to get larger with more farmland to make more money for total family support from the farm. Our father rented and farmed far more land. That is not in our plans to be farmers. We have other professions, as do our children.

In summary, please consider putting this parcel of land in the Urban Reserve for future use making it available for industrial, commercial or residential uses. We plan to farm the land until the time it is needed for future development.

Sincerely,

David and Phyllis Kohlmeyer

3277 SW Roy Rogers Road

Sherwood, Oregon 97140

David Kohlmeyer

Phyllis Kohlmeyer

August 15, 2009
1304 Sitka Ct. SW
Albany, OR 97321.

Dave Waffle, City Planner
City of Cornelius
1355 N. Barlow St.
Cornelius, OR 97113

SUBJECT: METRO BOARDS LAND USE PLANS FOR WASHINGTON COUNTY

This letter concerns the Van De Moortele farm north of Cornelius on NW Susbauer Rd. It covers 97 acres on the west side of Susbauer. Part of the farm is Dairy Creek wetlands north of Long Road bordering Dairy Creek. It has been in the Van De Moortele family for almost 100 years. It does not have irrigation rights. Currently it is being used primarily for grass seed production but has been used in the past for hays, grains, and livestock. The taxes on the property last year were \$1567.00.

It was brought to my attention that the Metro Council is in the process of making a decision concerning the zoning of this farm either to be placed in an agricultural reserve or urban reserve for a 50 year period. I wanted to give you my opinion. The Washington County Farm Bureau is affirming that ALL the farmers in the area wish their properties in the 50 year agricultural reserve. This is not true about the Van De Moortele farm, which I would prefer to have placed in the urban reserve. This allows the family to have the option of being sold at a profit or continue on as a farm. It also gives the City of Cornelius the option of increasing land available to its community for homes, industry, or business.

The zoning future of the area appears to be moving towards preserving farmlands, restoring wetlands, and having green spaces available for the public to enjoy. This has definite benefits for a community. A Tier II Objective of the Metro Council concerning Dairy Creek is to protect riparian and wetland areas, restoration and reclamation of upland habitats as well as improving water quality. If these changes include the Van De Moortele Farm it reduces the size of the farm considerably. I consider this not to be a benefit for the farm as a family business or to my 93 year old mother who is relying on income from the farm for her expenses.

On a personal note, the land under consideration for wetlands provided for me as a child a wonderful place to spend hours and hours playing. My brother and I caught pollywogs, played in the Dairy Creek, picked wild flowers, played with our dog, and played with our friends there. It was a place I wish every child and their imagination could have.

Thank you for your consideration of my opinion.

Respectfully,

Ruth Anne Van De Moortele Dean

Ruth Anne Van De Moortele Dean

RECEIVED

AUG 18 2009

City of Cornelius
City Managers Office

August 13, 2009

Metro Council
600 N.E. Grand Avenue
Portland, Oregon 97232

RE: Urban Reserve and Urban Growth Boundary Expansion Support:

The Hillsboro School District is supportive of the City of Cornelius' recommendation for Urban Reserve designation both north and south of the current Urban Growth Boundary and for immediate expansion of the Urban Growth Boundary south Cornelius. The Hillsboro School District is invested in building greater capacity and planning for future development in the Cornelius area.

Cornelius' plans to build a more complete community with urban amenities, including accessible parks, trails, schools and jobs within its boundaries are important and helpful to the School District's goals for providing top notch education to residents of Washington County. We agree with the City's vision of a healthy, livable, sustainable community that is interdependent with neighboring communities, both urban and rural.

The District currently owns 40 contiguous acres outside the UGB just east of the Cornelius city limits and south of Tualatin Valley Highway. This property was purchased as a high school site to be developed sometime within the next 3 to 6 years. With the addition of a new high school on the Cornelius property, the School District can more effectively serve the community by having a high school where our students are now located and efficiently serve additional residential neighborhoods. A new high school here will allow residents to positively affect their environment by reducing the carbon footprint that is currently generated by transporting Cornelius students to other District schools. Development of our school system is comparatively inexpensive along the west side of the Hillsboro School District.

There was no appropriate site available within the existing UGB for this needed facility. The high school site that we purchased is located on flat land with no environmental constraints, making development and extension of infrastructure efficient and cost effective. The District's plan is to develop this property and continue our partnership with the City of Cornelius in any further expansion efforts.

Respectfully,

Gustavo Balderas, Assistant Superintendent
Hillsboro School District

Hillsboro School District

OFFICE OF THE SUPERINTENDENT



3083 NE 49TH PLACE, #122
HILLSBORO, OR 97124-6006
TEL: 503-844-1500
FAX: 503-844-1781
WEB: hsd.k12.or.us

August 31, 2010

Metro Council
600 N.E. Grand Avenue
Portland, Oregon 97232

RE: City of Cornelius Urban Growth Boundary Expansion
Hillsboro School District Letter of Support

The Hillsboro School District supports of the City of Cornelius' recommendation for immediate expansion of the Urban Growth Boundary. The district is invested in building greater capacity for the existing student population, and in planning for future development in the Cornelius area.

Cornelius' plans to build a more robust community with urban amenities, including accessible parks, trails, schools, and jobs, are important and helpful to the school district's goals for providing a first-rate education to residents of Washington County. We agree with the City's vision of an affordable, walkable, sustainable community that is interdependent with both urban and rural neighboring communities. Cornelius's request for UGB expansion this year promises a balance of much needed housing and employment opportunities.

The Hillsboro School District currently owns 40 contiguous acres outside the UGB just east of the Cornelius city limits and south of Tualatin Valley Highway. This property was purchased as a high school site to be developed sometime within the next three to six years. With the addition of a new high school to serve our students on the Cornelius property, the district can more effectively serve the larger Cornelius community and reduce the carbon footprint that is currently generated by transporting Cornelius students to distant district high schools.

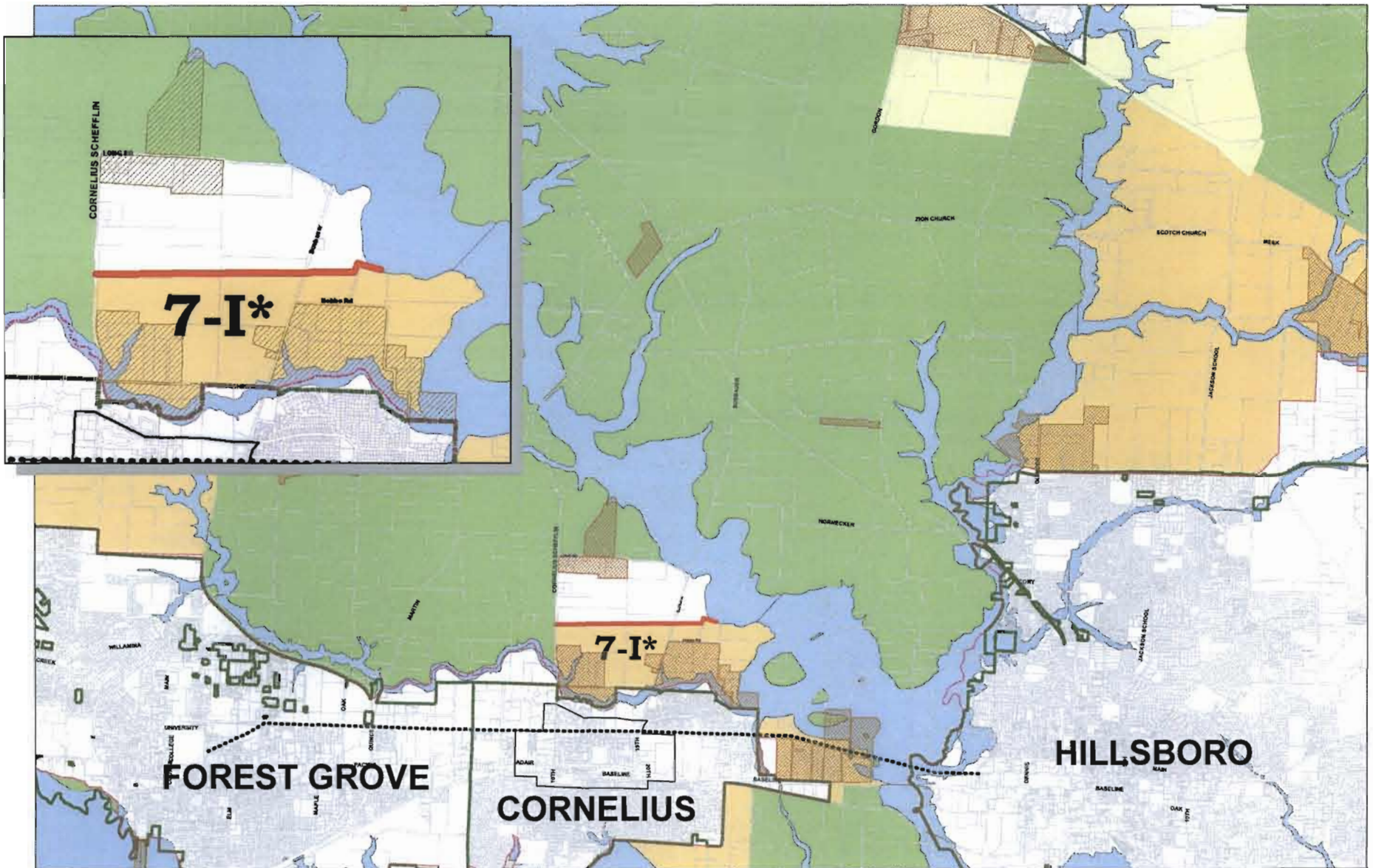
There is currently no appropriate site available within the existing UGB for this needed facility. The high school site is located on flat land with no environmental constraints, making development and extension of infrastructure efficient and cost effective. The district plans to develop this property in partnership with the City of Cornelius.

Respectfully,

Gustavo Balderas, Assistant Superintendent
Hillsboro School District

C: Washington County Board of Commissioners
City of Cornelius City Council

North Cornelius - Urban Reserve Area 7-I* (Reduced Area)



0 0.5 1 2 Miles

Legend

- Town Center
- Town Centers
- UGB
- Exception Land
- Rural reserve areas
- Urban reserve areas
- Reduced Area Boundary
- Town Center
- Future LRT



Washington County Planning Commission

Testimony on Ordinance 740, Comprehensive Plan Amendment
As it Affects the Community of Cornelius
March 2, 2011, Hillsboro, OR

EXHIBIT

6

PC HEARING 3/2/11

Mr. Chair and Planning Commissioners:

I am Jose Rivera, Executive Director of Centro Cultural. Centro Cultural is a non-profit organization whose mission is to promote education and economic development, increase cultural consciousness, respond to community needs and celebrate understanding among the diverse groups of our community, for 40 years we have served the Hispanic community in all of Washington County and are based in Cornelius.

The community of Cornelius has over a hundred twenty-year history in the Tualatin Valley. It has always had a symbiotic relationship with agriculture. It served as a base for farm to market distribution. Cornelius was a convenient urban center for the banks, implement stores, food markets and recreation needed to sustain farms, forestry and later the nursery businesses in western Washington County. It has offered housing, schools and services to farm workers as well as urban residents who wanted country living. There has been little conflict between urban Cornelius and rural life.

Because commercial agriculture so depends upon immigrant and temporary migrant labor, Cornelius' people have always been a more diverse lot than in other cities in the Portland region. As agriculture grew more productive, towns that served the industry grew too. Cornelius is now a satellite urban center within the larger Portland region that serves many industries natural to metropolitan communities. It has a 56 percent minority population and a natural need to grow along with the industries around it. But it is stuck in 30-year-old boundaries.

Agriculture and cities, Hispanic and Anglo people, can and do grow sustainably together.

The City of Cornelius is built out to its boundaries at contemporary and sustainable urban densities. In cooperation the County, Metro and property owners, the community has made the case for a reasonable amount of land for designation as Urban Reserve, specifically for future job growth. If the region does not allow some elbow room for this community, a great many people who live in Cornelius will have to continue expensive commuting long distances to jobs elsewhere. Without space for job growth, a great many people who we serve at Centro Cultural will be unemployed during the seasons they are not working in agriculture.



Selecting Cornelius out of all communities for omission of Urban Reserve land for future job growth is a serious mistake. The community that is being punished by tighter boundaries is one that has the least land to grow – needs it the most – and happens to be the only majority Hispanic community in the region. Starving the sustainable development of a minority, low-income, economically distressed community is a recipe for disaster.

The region says it wants to be a diverse sustainable place to live and work. The Cornelius community has shown a way to build that livable place and add to the regions diversity. We are not asking others to do it for us. But we need some space!

Reject this Ordinance, which takes away our future, or amend it to include at least 350 acres just north of our Town Center as Urban Reserve for jobs. Failure to do so will put a stake in the heart of this community.

Thank you,

Jose E. Rivera
Executive Director
Centro Cultural

Washington County Planning Commission

Testimony on Ordinance 740, Comprehensive Plan Amendment

As it Affects the Community of Cornelius
March 2, 2011, Hillsboro, OR

Mr. Chair and Planning Commissioners:

I am Dan Sheldon, Owner and CEO of Sheldon Manufacturing, located at 300 N 26th Avenue in Cornelius. Our business is manufacturing laboratory equipment. We produce products that are distributed all over the world.

We have heard some people say that the City of Hillsboro is the only or best place for high-technology industries to develop in Washington County. Enough people I guess to propose taking away land approved last year for Urban Reserves north of Cornelius and relocating it on farmland north of Sunset Highway. This is supposed to be the easiest response to the State's nervousness about using farmland to grow industry.

Please know that Sheldon Manufacturing is a successful high technology industry that has flourished in Cornelius for 32 years. It is a clean and green industry. I have been known to ride my bicycle 16 miles to work. We want our employees to have the opportunity to walk and bike to work too.

When we were thinking of a major expansion of our facilities several years ago, we were thwarted by the fact that the very limited suitable land in Cornelius for our development was not for sale at a reasonable price. In 2007, we joined our Chamber of Commerce speaking in favor of an addition to the Urban Growth Boundary north of Cornelius for industrial development, which approved and then disapproved later.

We would prefer to stay in this community because our trained work force is here. But we will be unable to do so if there isn't a bigger place to move to. Our hope is that space will be available when we need it. Sheldon has made two significant changes so far this year.

First we hired an international sales rep away from our largest competitor with the intention of doubling our international sales next year.

Second we purchased the assets of another company in San Antonio, Texas and will be moving those operations to Cornelius in the near future.

The City of Cornelius has been built out to its boundaries now for several years. In cooperation the County, Metro and property owners, our community has made the case for a reasonable amount of land for future urban development several times, specifically for industrial development. I do not know why, it seems to be at the last minute,

government changes its mind about this area. Washington County should not change its mind and its comprehensive plan again and take away this new life blood it approved last year.

If the region does not allow some elbow room for this community, industrial development – which means jobs – will stall in Cornelius. It really is there now. If Washington County and the region want to attract more companies like Sheldon Manufacturing to locate and expand for jobs and economic growth, there needs to be choices like small city locations, not just along Sunset Highway.

Please put some land back on the Urban Reserves map north of Cornelius, like the 350 acres shown on the City's drastically down sized request map in front of you.

Thank you.

Testimony to Washington County Planning Commission
Ordinance 740, Comprehensive Plan Amendment
Regarding Omission of Urban Reserve North of Cornelius
March 2, 2011, Hillsboro, OR

Chairman and Planning Commissioners:

I am Tim Duyck. I live at _____, Cornelius, Oregon.
For decades, our family has owned property within the Exception area just north of Cornelius that is being proposed today for a Rural Reserve designation. I understand that this County land use designation means that I cannot annex into the City of Cornelius and develop anytime in the next 50 years.

That is very different from County plans for this land over the past 30 years. In the early 1980's land up to Dairy Creek was designated by the County as Urban Reserves. Since sometime in the 1990's our land has been zoned by the County and acknowledged by the State as Exception Land (partially urbanized). Since 2004, our property has been approved and then at the last minute disapproved, because of back-room dealing, three in times – in 2004, in 2007 and now again in 2011. Under each and every public examination of the facts of Cornelius need and the suitability of this land for industrial development, our land has designated for future urban development.

My dad, Walt, and I wanted to develop our property into an industrial park with our neighbor Dave Armstrong. The action under your consideration takes away our plans for private development, makes silly the millions of dollars spent on bridge, sidewalk and other urban services and infrastructure north of Cornelius, and denies the community of Cornelius the right to grow to a sustainable balance. A decision to uphold this Comprehensive Plan Amendment will reduce the value of our property significantly.

The several Farm Bureau members who have opposed all attempts to urbanize the north edge of Cornelius do not speak for a lot of farmers and nurseryman in the area. Everyone knows this, but their personal interests are not widely know enough to stop last minute scuttling of good planning in this area.

Please keep an Urban Reserve designation north of Cornelius, at least the 350 acres the City is asking for now, which includes the Exception Areas and our property.

Thank you.

126 acres of property North of US 26 and West of Helvetia road has been in my family for over 100 years and has been farmed the entire time. This is Foundation Farmland and some of the best soil in the Willamette Valley. There is a portion of this land said to be an Indian burial site and is listed on the State Historical Preservation Office.

This property was classed as "Undesignated" until it was taken to replace property North of Council Creek and changed to "Urban Reserve" Cornelius lost, but why take mine and give it to Hillsboro?

This valuable land should be saved for farming which would also be beneficial for businesses related to agriculture, i.e seed companies, fertilizer, implement dealers etc.

Please reconsider this and designate property West of Helvetia Road and North of U.S.26 as RURAL RESERVE.

DeLoris Grossen
8320 SW Canyon Dr.
Portland, OR 97225



City of Hillsboro's Crusade for Large Lots:

Realistic Goal? Or Field of Dreams?

James C. Young • 13310 NW Bishop Road • Hillsboro, OR 97124

Hillsboro's Economic Development Strategy

- Focus on recruiting large companies - 50 to 100+ acre lots
- Want large inventory for blind inquiries
- Creates insatiable demand for large blocks of ag land
- Expand north to Helvetia foothills
- Industrialize Helvetia - "N. Hillsboro Industrial Sanctuary"

Source:
City of Hillsboro Aspirations, 12/2008
Johnson-Reid Economic Analysis, 2009

Going for the HOME RUN (Can we get another Intel?)

"...new large 'anchor companies' in the 3 industry clusters (tech, solar manufacturing and bio-pharmacy) need large (50-100) acres."

"These industry clusters need large sites (50-100 acres) in the North Hillsboro Industrial Area (including lands north of Hwy 26)."

Source: Letter from Mayor Jerry Willey, City of Hillsboro, November 17, 2009

How many large lots has Hillsboro actually needed?

In the last 30 years, *including two decades of boom growth:*

Only 1 company has built on more than 100 acres:

Intel (rebuilding on existing land)

Only 2 companies have bought more than 50 acres:

Genentech (only uses 15 acres out of 75)

SolarWorld (bought existing facilities from vacated Komatsu)

Source: Washington County Issue Paper No. 014, September 1, 2009

Companies buying 25+ acres over past 30 years in Hillsboro

Intel Hawthorne Farms	53 acres	1978
Jones Farm	115 acres	1985
Rosier Acres	330 acres	1996
Solarworld - recycled Komatsu	95 acres	1998/2008
Genentech	75 acres	2006
Synoptics	44 acres	2000
TOK America	38 acres	1992
Maxim - recycled Fujitsu	33 acres	2000
Triquint Corp	30 acres	1995
FEL	27 acres	2002
Sata Microsystems	25 acres	2000
IDT - Vantage	25 acres	1996

TOTAL: 9 COMPANIES (avg 44 acres) + Intel = 890 acres

Source: Washington County Issue Paper No. 014, September 2009
Metro Large Lot/Large employer analysis, 2009

How much industrial land is INSIDE Hillsboro's current UGB?

988 acres zoned industrial including:

- 3 sites of 100+ acres
- 3 sites of 50+ acres
- 15 sites of 25+ acres (plus departing IDT site)

Source: Vacant City Land Supply, Hillsboro Aspirations Plan, 2009

Hillsboro has an AMPLE supply of industrial land

988 acres – Vacant industrial land – inside current UGB
2,849 acres – Ordinance 733 – Urban Reserves for industrial sites
3,829 acres – Total industrial acres

Source: Vacant City Land Supply, Hillsboro Aspirations Plan, 2009
Washington County Ordinance 733, 2000

Hillsboro does NOT need another 585 acres of Urban Reserves

- Only 890 acres were used (including Intel) on lots > 25 acres over the past 30 years
- Has 3,829 acres at their disposal for employment*
- Has a 100+ year supply (annualized) WITHOUT industrializing Helvetia

*Not including an additional 2,000 acres of residential Urban Reserves in S. Hillsboro
Source: Washington County Issue Paper No. 04, September 2009

The End

is not worth the cost

Wake up from the dream and leave the fields!

Reject the additional 585 acres of Urban Reserves for Hillsboro

Hillsboro has promised all this before

Brian Beirach • 15060 NW Mason Hill Road • North Plains, OR 97133

Hillsboro's Track Record in Helvetia



- North of Hwy 26, south of West Union Road
- Cornelius Pass Road to Helvetia Road
- Next to UG proposed in Ord. 740
- 891 acres of prime Helvetia farmland
- Brought into the UGB between 1998 and 2003
- Zoned for industrial use
- Hillsboro justified it as needed for jobs

So, what has Hillsboro achieved? NO tech anchor firms

LTX Credence departed
450 jobs lost

Intel
• Stopped development on these 90 acres
• Selling adjacent land at 90% off



Demand has not materialized Buildings Lack Industrial Tenants

Childrens' play zone
in warehouse

Churches
in tech office buildings



Vacant Industrial Land

Empty fields for sale for years

Dead end roads



More Vacant Industrial Land



Destination: Nowhere

Unbuilt industrial parks



Roads to nowhere



Economic impact of Helvetia industrial area

- Helvetia industrial land is lowest in market value, payroll, and property tax revenue
- Averages less than 3 employees per acre
- Warehouses & distribution centers have low economic benefit

Sources:

- 2009 "Economic Mapping Project" sponsored by the City of Hillsboro, NAJOP, CAR/CREE/OAR, and the Oregon Economic and Community Development Department
- 2007 Helvetia Concept Plan

Comparing promises to reality

- 10 Years ago, Hillsboro pleaded that they needed Helvetia land for jobs... lots of jobs
- Valuable prime farmland was sacrificed
- Lack of demand resulted in the land being used for commercial & retail, sprawling far from urban centers
- It's no longer usable for farmland, it's not being fully used as industrial land, it's certainly not being saved for "large lot" sites

Sound familiar?

It should...

We've heard this before.

Why should we believe that Hillsboro will use the next 585 acres for "large lot sites"?

It didn't happen last time. The land was squandered for other uses.

So why should we sacrifice Helvetia's world-class farmland to Hillsboro's pursuit of a HOME RUN?

Reject the addition of more urban reserves north of Hwy. 26

The (dead) End



Seeking Solar Industry: Is Hillsboro Getting It Right?

Allison Amabile • 1221 NE 51st Ave. • Apt. 350 • Hillsboro, OR 97124

Do solar companies *really* need large lot sites?

The City of Hillsboro says:

- They need a big inventory of large lots
- They need 50 to 100 acre shovel-ready industrial sites

But are large lots what really brings companies here?

Let's look at solar, one of Hillsboro's targeted industries

Solar Companies Locating in Oregon

SolarWorld	Hillsboro	2006
Solexant	Gresham	2010
CentroSolar AG	Gresham	2010
Oregon Crystal Technologies	Gresham	2010
Ferrotec	Fairview	2010
SoloPower	Wilsonville	2011
Solaix	Portland	2006
Peak Sun Silicon	Millersburg	2007
PV Powered, Inc	Bend	2001
Sanyo Electric Group	Salem	2008
XsunX	Wood Village	Bankrupt

Tax Subsidies are the #1 reason solar companies come to Oregon

"No other state has programs like Oregon."

Solexant President and CEO Damodar Reddy, 2010

"Local and State incentives were a major driver in the company's decision to locate in Oregon."

Ferrotec President Akira Tamamura, 2010

"Solar entrepreneurs enticed by lucrative incentives...are pouring into the Oregon market..."

"The Rise of Oregon's Solar Industry"
by Ben Jackett, June 2008

Other reasons solar companies move to Oregon

- Experienced silicon workers
- Relatively cheap power
- Close to California market

NOTE: Availability of large lots is NEVER MENTIONED

Source: "Solar jobs rising in Oregon", Shelly Wood, the Oregonian, July 22, 2008

Who chooses 50+ acre greenfields?

No one.

- Most choose 25 acres or less

Solaix
Sanyo Electric Group
Ferrotec
SoloPower
Oregon Crystal Technology

- Many prefer to recycle existing buildings
SoloPower (old Nike Distribution Center)
SolarWorld (old Kumatsu manufacturing facilities)
Solaix
Ferrotec
Oregon Crystal Technology

Large lot availability is NOT the problem for Hillsboro

- Hillsboro is not attracting solar companies and land availability is NOT the reason.
- Hillsboro is focusing too much on getting HOME RUNS and STRIKING OUT by losing the small/midsize solar business to other cities.

So, does Hillsboro really need more urban reserves?

- Hillsboro has empty facilities available (IDT, Credence, etc.)
- Hillsboro has at least 1.5 million square feet of manufacturing/flex facilities available for lease NOW
- Hillsboro has 25 sites from 10 to 100 acres inside UGB
- Hillsboro has 988 acres of vacant industrial land inside UGB
- Hillsboro has 2,849 acres of industrial Urban Reserves

... NO. Reject the addition of more urban reserves north of Hwy. 26

Sources: Industrial listings (Feb. 2011); Hillsboro Aspiration Plan (12/2008)

The End

Government Subsidies

SolarWorld	Hillsboro	\$82 M Fed/\$20M OR
Solexant	Gresham	\$43 M OR
Centro Solar AG	Gresham	\$10.9 M OR
SoloPower	Wilsonville	\$40 M OR
Solaicx	Portland	\$18.2 M OR
Peak Sun Silicon	Millersburg	\$14 M OR

Washington County Planning Commission

Wednesday, March 2, 2011



Re: Cornelius Urban Reserves North of Cornelius

Planning commission Members and chair,

My name is David Armstrong.

I live at 1560 NW Cornelius Schefflin Rd., Cornelius, OR.

My 8 acres on two lots are in the area North of Cornelius being considered

I am here to support an Urban Reserve designation for the land North of Cornelius.

Did you ever have a situation where all the information available suggested a clear cut decision or direction of movement.....and yet the parties took another direction not supported by the information available? One of those times when your jaw drops from disbelief! From such a situation you wonder what was going on under the surface.....not visible.....to cause such action.

The Cornelius Northern Urban Reserves is such a situation.

We have a city Cornelius that has:

- The lowest income of any city in Metro

- The fewest jobs per capita of any city in Metro

- The longest commute to jobs of any city of Metro

- The highest level of Poverty of any city in Metro

- The highest percentage of minorities of any city in Metro

- The greatest need for local jobs and shopping of any city in Metro (low income benefits from close jobs)

The land being considered as Urban Reserves is:

- Exception Land.....the land that is supposed to be considered for development

- Not the best farm land (it is Tier 2 land)

- Actual owners (super majority) of land want the designation of Urban Reserves

- Ready for development by past infrastructure development:

 - 2 new bridges, a Sewer Trunk Line, Water / Gas at edge

 - Improved / widened roads to Hwy 26

- Broken up into small parcels.....profitable farming difficult to impossible

Note: I believe the Helvetia land fails 4 of the 5 above

Back to the Jaw dropping when you see the direction the parties are going. I submit to you that all the factual data supports an Urban Reserve designation for some land north of Cornelius.

Sowhat is the information that is not visible.....that causes this "direction of the parties" to deviate from the obvious solution? What is it?

Why would another county (Clackamas) resist any land for jobs for Corneliusin Western Washington County? Why would the leadership of Washington County.....who supposedly have a charter to strive towards making ALL cities within their Jurisdiction livable and sustainable cities.....take such an action to strip one of its cities of Job Growth potential for 50 years? Why would Metro approve the same? None of this seems to line up with the information available.....or common sense.

It is jaw dropping.

So it begs the questionwhat is it that leads to this decision? Is it back room politics? Is it one man on a crusade to stop any development on the road he lives on? Is it because someone knows

someone else on the Farm Bureau board who knew someone at LCDC? And a difficult question.....is it that there is truly prejudice towards a highly minority community? What is it?

Is there a well understood reason to exclude Cornelius from job growth opportunities for 50 years that all of you know from other discussions that have been discussed such that Cornelius does not hear the discussions? My Jaw drops every time I review the information available and consider the decisions being made.

The various leadership groups governing Cornelius from above.....have decided that Cornelius should not have any land for jobs growth in the next 50 years. No jobs growth for 50 years. None. Jaw drops again!

What will be the future of this decision? As a business owner.....what would you think about a community that had decided (or had it decided for them) that it would not grow for 50 years that it would gradually reduce services to its citizens until it eventually was absorbed by neighboring communities.

Instantly businesses that might have located in Cornelius.....will say to themselves we cannot go to Cornelius.....the prospects of a growing / thriving community just are not there. I suspect that even existing businesses will eventually say that to themselves and look for locations elsewhere.

Cornelius leaders have reported to Washington County and Metro that the city....without jobs land..... will gradually slide into inability to function. Services will gradually be reduced. Libraries. Fire protection. Police protection. City streets will inevitably begin to deteriorate. At some point Hillsboro or Washington County will have to pick up responsibility for the various city functions and infrastructure. Cornelius will blend into one city or the other and cease to exist. While that is going on, Cornelius citizens will be 2nd class citizens.

Here is the bottom line.

This decision will cause one city (out of dozens of cities) to not be able to provide its citizens with the same level of benefits as are provided to the citizens of every other Metro city. Less of everything. You can make the list. I submit to you that the slide has started as the Fire Chief retired Cornelius made at least a short term agreement with Forest Grove to have their Fire Chief serve Cornelius.

So....I believe..... this decision becomes a civil rights issue.....because government clearly makes a decision to single out ONLY one city under its jurisdiction to withhold the normal growth potential that leads to a livable healthy community . They decide that the Cornelius citizens will for 50 years have to drive farther for jobs than other citizens. That they will end up having to go to another city for library services. You can make a list of all the city government provided services that will be diminished.....as a direct result of this decision.

Again.....this is not conjecture. The City leadership has already testified that this will happen.

If you read Cornelius appeal to this commission.....they raise the justice issue. (Civil Rights Justice)

In the civil rights sense.....I believe that not providing any jobs land for Cornelius would be an UNJUST decision. It would in effectively withhold from Cornelius Citizens what you give to ALL other citizens of ALL other cities.

So....I sincerely ask you to be the leadership group who calls this decision into question.....and as a planning commission.....say to the county leadership.....to Metro leadership.....this decision to EXCLUDE Cornelius from Jobs growth for 50 years is not appropriate.....does not represent justice for the citizens of Cornelius.

Cornelius has provided a "desperate" compromise proposal of 350 acres. Note the word "desperate". Their word. The lack of justice leads to desperation! I would encourage you to support Cornelius' desperate compromise proposal.....and bring this process back to a common sense Just conclusion.

Thanks for listening,

Respectfully submitted,

David Armstrong 503-349-4219

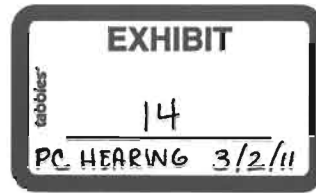
From: Cherry Amabisca
13260 NW Bishop Road
Hillsboro, OR 97124

Date: March 2, 2011

To: Chair San Soucie and Washington County Planning Commission

Re: Washington County Land Use Ordinance 740

and 290 acres of undesignated
tabbles



Today you are being asked to vote on adding 585 acres of Urban Reserves to the Helvetia area north of Hwy. 26. It's most recent label is Area D. Save Helvetia's position for the past two years has been that this large block of Foundation farmland is best designated as Rural Reserves. Extensive evidence is on record that describes why this area best fits the Rural Reserve factors and not the Urban Reserve factors.

You may not be aware of this, but nine Oregon state agencies *also* recommended that Area D be designated as rural reserves. These state agencies were the **Oregon Departments of Agriculture, Forestry, Transportation, Business Development, Fish and Wildlife, Environmental Quality, Water Resources, State Lands, and Land Conservation and Development**. On October 14, 2009, these nine state agencies issued a 21-page letter to the Reserves Steering Committee and Core Four members in which they provided recommendations for urban and rural lands throughout the region.

In this letter, which is titled "Joint State Agency Comments", they stressed that "These collective comments were not arrived at lightly, and reflect significant discussion and work to resolve competing policy interests and to provide Metro and the counties with clear, consistent recommendations."

Regarding the area north of Hwy. 26, they had this to say, "*The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a 'hard edge' to the boundary in this important agricultural region, except for area just east of the City of North Plains, which could remain 'undesignated'.*" (Page 19)

We believe that you should concur with the collective recommendations of the nine state agencies and **NOT** add these 585 acres of Urban Reserves to the north of Hwy. 26.

Respectfully,

A handwritten signature in cursive script, appearing to read "Cherry Amabisca".

Cherry Amabisca *for*

Save Helvetia

Carol Chesarek
13300 NW Germantown Road
Portland, OR 97231

March 2, 2011



Washington County Planning Commission
c/o Washington County Long Range Planning Division
155 N. First Avenue
Hillsboro, OR 97124

Re: Ordinance 740

Dear Chair San Soucie and Washington County Planning Commissioners,

Thank you for the opportunity to provide comments on the proposed Ordinance 740.

I have been following the Reserves process since the beginning, and I served on the Multnomah County Reserves Citizen Advisory Committee. I also attended the LCDC hearings on Reserves last October, including the session where the Commission decided on the oral remand.

After reviewing the staff report and addendum provided to you, I don't see how you can provide an informed and responsible recommendation based on the incomplete information provided to you by staff.

You have not been given a full description of the concerns expressed by LCDC, and the staff reports do not explain why the new recommendations will meet LCDC's expectations. LCDC found that the county's original findings were insufficient, and there is nothing in the staff report that addresses those failings for the proposed new urban reserves.

I believe, for example, that the County has misunderstood the location of the branch of Council Creek that the Commission suggested might be an appropriate boundary for the urban reserve north of Forest Grove (Area 7B). The County has also failed to show that additional findings can resolve the Commission's concerns about this area. LCDC offered the County the option of submitting additional findings to justify this urban reserve, they did not promise that those new findings would result in approval of that urban reserve.

Apparently this Commission is expected to trust that County staff can create all the right analysis and findings to justify these decisions without seeing that information, even though the County didn't get it right the first time.

I suggest that the Planning Commission not make a recommendation about Ordinance 740 until County staff provides you with a more detailed explanation of the LCDC remand, including the reasons for the remand and an explanation of why this new proposal is expected to completely resolve the issues. The cursory information provided in these staff reports is simply not adequate for you to conclude that LCDC's concerns are fully resolved.

If you choose to make a recommendation today, I suggest that you recommend eliminating the new urban reserves, and simply changing the remanded areas to undesignated. This approach would resolve the LCDC remands in the safest possible way, eliminating the possibility of another remand.

Thank you for your consideration,

A handwritten signature in cursive script, appearing to read "Carol Chesarek".

Carol Chesarek

Date: March 2, 2011

To: Washington County Commissioners, *Planning Commission*

From the outset, I would like to make it clear that I oppose designating 585 acres in Helvetia as urban reserves.

I would also like to comment on the strategy of aggressive, perpetual growth which seems to be a driving force behind far too many decisions made in this jurisdiction and to further explore the underlying assumption that all growth should be promoted.

Certainly growth has a positive dimension as anyone who has witnessed the birth and development of a child, the blossoming of a tree in preparation for setting fruit, freshly picked or home gardened fruits and vegetables swelling to their mature form. The foregoing examples are manifestations of the generous bounty of this earth and represent a process of growth that has sustained life on this planet since time immemorial. This, view, of course is predicated on having ready access to prime farmland and on providing support and encouragement to those who nurture, honor and tend the soil.

As with all things in the human realm, balance is essential, for there is a point where growth becomes excessive. In this land of abundance, we are often warned of extreme growth; that which is out of proportion to actual need. One example is the obesity epidemic which can lead to diabetes, a disease that is now threatening the health of even young children. In this instance the growth is taken to extremes, when individuals consume well beyond what the body needs for optimal functioning. Diabetes is also associated with eating processed, low nutrient foods rather than fresh picked, locally grown produce.

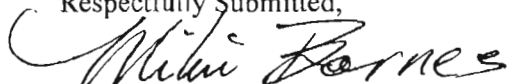
Cancer is another disease which speaks of an out of control growth process, one that has become pathological. Fortunately with the proper treatment and significant life style changes, people can sometimes survive this devastating illness.

On an environmental level, the literature on climate change has made it very clear that current growth-oriented business as usual and development practices are unsustainable and as such pose a significant threat to the very conditions on this planet that have hitherto sustained human life.

I raise these issues because the Washington County decision making process seems increasingly out of balance in its focus on corporate and industrial growth over the greater good of the community. Sometimes an individual can feel healthy only to learn through an annual check-up or routine testing that a serious disease has entered their system. This can happen as well on a collective level wherein a status quo situation that seems to have maintained itself for many years suddenly and unexpectedly becomes intolerable. We are seeing this played out on the world stage in recent weeks with uprisings in Egypt, Libya, Tunisia, and Yemen. Closer to home Wisconsin comes to mind. These situations portend a collective shift. People in mass are demanding that their voices be heard.

Along the same vein, I urge you to listen to the voice of the community; to thoroughly consider your decisions and to carefully analyze both short and long term ramifications and impacts. A paternalistic, top down approach that continues to devalue and marginalize the will of the people in favor of unnecessary and unwarranted expansion is out of step with the common good.

Respectfully Submitted,



Miki Barnes

48100 NW Dingheiser Rd.
Banks, Oregon 97106
503-324-0291



CITY OF CORNELIUS

February 24, 2011

Washington County Planning Commission
155 N First Ave., Suite 350
Hillsboro, Oregon 97124

RE: Urban Reserve for Jobs in Cornelius – Amendment to Hughes/Duyck Proposal

Dear Washington County Planning Commissioners:

In your deliberations on the new urban and rural reserves proposal on March 2nd, please consider an amendment that may bring both the City of Cornelius and Save Helvetia advocates on board for a better compromise.

Having not been invited to the compromise table during this past month, Cornelius has not had the chance to present one last desperate compromise urban reserve area for future jobs that is just half the size that was approved by Washington County and Metro last summer. All or most of this 350 acre area has been approved before for urban uses – Urban Reserve in 1982, Exception Lands in the 1990's, UGB expansion in 2004, Metro Hearings Officer decision in 2007, and Urban Reserves in 2010 – only to be reversed by politics. We present this map to you because a minimal amount of land to grow jobs over the next 50 years is a matter of survival for our community.

Cornelius – the low-income minority community that is just a twenty minute walk from here – has been held back for a decade from fair and equal opportunity to develop into a complete, healthy community. Lost in these past ten years are a major fruit processing business, a hospital, a state certified 50-acre industrial site, and business momentum – for lack of land.

Cornelius does not have enough land for jobs for most of its residents who work right now. This causes expensive commutes to Hillsboro and beyond – expensive to families, infrastructure, energy, and the environment. LCDC's misinformed verbal decision on Urban/Rural Reserves last October and the County and Metro's proposal to accept it with no challenge – leave Cornelius with no more land suitable for jobs to meet today's needs, much less for 50 years into the future.

Ordinance ~~740~~ as proposed, makes it impossible for Cornelius to achieve its plans to be whole and sustainable. It means Cornelius will be a burden to Hillsboro, Washington County and the Region. Worse, the only city in the region that is being denied land for industrial development for 50 years happens to be the only city in the region whose majority of residents are ethnic minorities and low-income. This raises serious socio-economic justice questions, which we promise to ask.

Please recommend an amendment to this Urban/Rural Reserves Map and ordinance to include a smaller Urban Reserve north of Cornelius drastically reduced from 624 acres to 350 acres, as depicted on the following map, and at least 300 fewer acres of Urban Reserve in the Helvetia area north of Sunset Highway where Helvetia representatives do not want it. With this amendment, this regional compromise will gain the support of both conservationists and socio-economic justice advocates, including the City of Cornelius. Our community deserves the opportunity to be livable and sustainable – just like every other jurisdiction in this region.

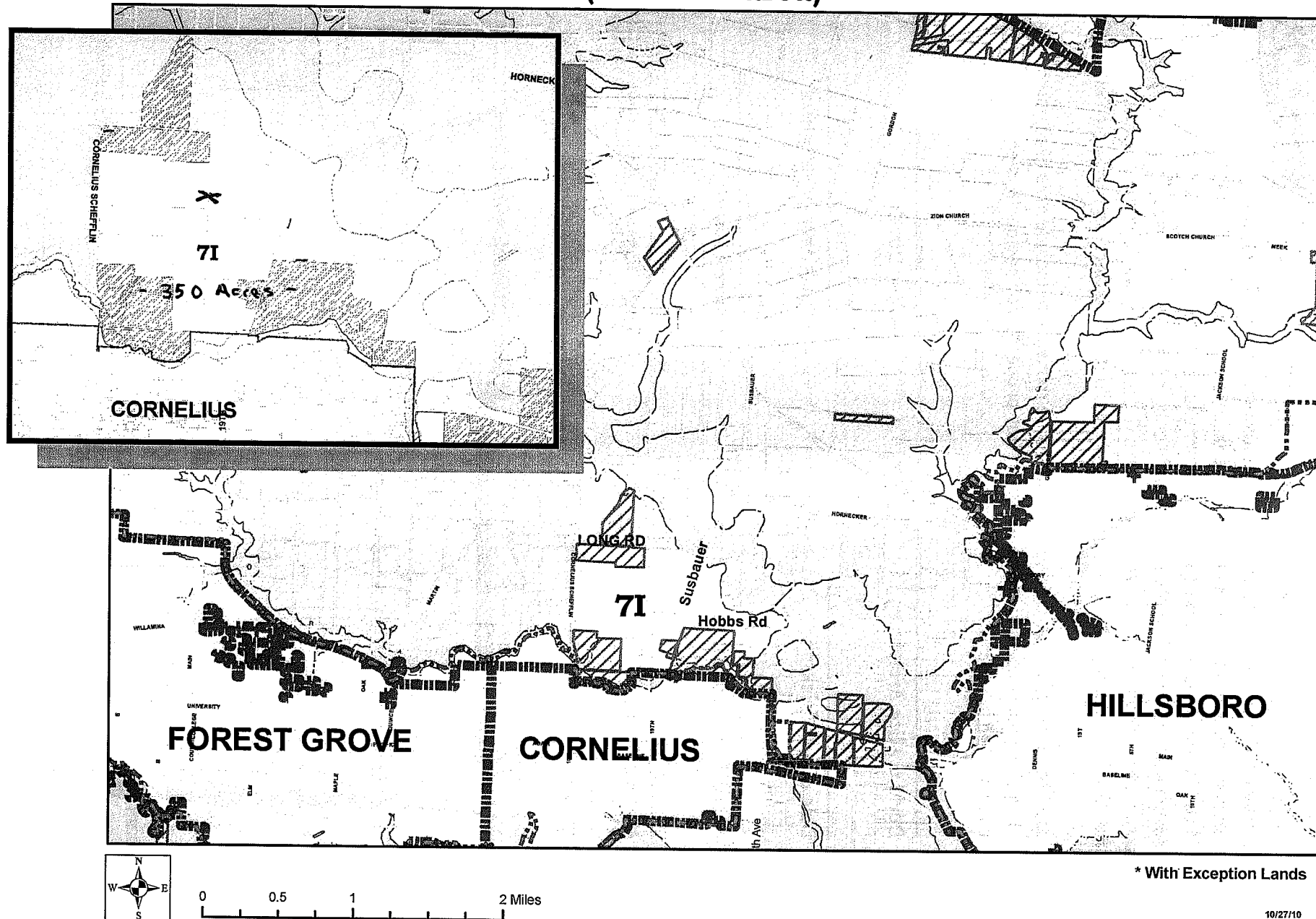
Thank you for your public service.


Sheila Griffie, Chair
Cornelius Planning Commission

North of Council Creek – Reasons for Urban Reserve & UGB Expansion

- 1. Cornelius Already Is North of Council Creek**
 - a. Four lots within the City limits already extend north of C Crk.
 - b. City water service extends 1,000 ft to 12 houses north of C Crk.
 - c. Police, Fire and Library services are provided by the City area already
- 2. Public Investment in Urban Expansion North of Council Creek = over \$20 million**
 - a. Two new bridges with urban sidewalks & utility connections over Council Creek
 - b. Arterial freight standard reconstruct of 10th Ave to Corn.Schef. Roundabout
- 3. Private Disinvestment in Agriculture is Significant**
 - a. Over 300 Acres Are Already Partially Urbanized (Designated Exception Lands)
 - b. One meat packing & retail business, located north of Creek, wants to expand.
 - c. Another 12-acre industrial park is promised by owners north of C Crk
 - d. Majority of owners of 10 acres or more report they can't profit from farming
- 4. Public Decisions Already Made to Urbanize North of Council Creek:**
 - a. 1982 Urban Reserves mapped to Dairy Creek north of Cornelius
 - b. 1980's City Limits extends 4 tax lots north of C Crk
 - c. 1990's Over 300 Acres of Exception Lands designated north of C Crk
 - d. 2004 Metro UGB decision to add 200 acres north of C Crk
(Rescinded after 14 months on appeal by 1000 Friends)
 - e. 2007 Metro Hearings Officer recommends expansion of UGB north of C Crk.
(Metro Council denies expansion on procedural grounds)
 - f. 2010 County/Metro approval of Urban Reserve designation for 624 acres
(State LCDC remands decision based on 1,000 Friends objection)
- 5. Urban Services Are Immediately Available**
 - a. Reconstructed urban standard bridges and arterials to Sunset Hwy
 - b. Clean Water Services sewer line along C Crk and sized for easy extension north
 - c. Cornelius City water service already north of C Crk and sized for extension north
 - d. Utility Master Plans & SDCs are up-to-date and capable of funding extensions
- 6. City Demonstrated Need for Employment Land**
 - a. See City's Plans and Econ. Op. Analysis to be complete, livable, green and sustainable
 - b. City needs a housing / jobs balance for opportunities to walk & bike to work, and reduce traffic congestion & pollution from unnecessary commuting, like other cities
 - c. Over 100 acres north of Council Creek fall within ½ mile of town center & future LRT, while this State named "Severely Distressed City" lacks room for half the jobs it needs
 - d. Industry north would expand an existing industrial area and related infrastructure
 - e. Efficient use of the Council Creek Trail as a home to work and recreation connector
- 7. Industrial Expansion must be Located North of Cornelius for Efficient Access** to Sub-regional Industry Clusters, Regional Services, and Larger Markets via the Sunset Hwy.
- 8. Land Here is Not the Best Agriculture Land** See Zoning Map and Wash. Co. Analysis, which shows this land as Tier 2 in comparison to Tier 1 land north of Dairy Creek & other cities
- 9. Dairy Creek Flood Plain is Better Buffer** (5-10 times wider than its tributary, Council Crk)
- 10. Super Majority Support of Large (over 10 ac.) Lot Land Owners** (19 owners)

North Cornelius Urban Reserve Area 71 (Reduced area)



* With Exception Lands

10/27/10

* All eight owners of large lots between
Cornelius - Schafflin and Susbaner Roads
support Urban Reserve designation. - Richard Meyer
confirmed 10/10

We, the owners of the property north of Cornelius depicted on the map below and whose signatures are presented below, support expansion of the Urban Growth Boundary this year, 2010. We all intend to annex into the City of Cornelius, support a Light Industrial plan and zoning designation, and participate in a City-led partnership with Business Oregon to prepare the site for State Industrial "Shovel Ready" Site Certification and State marketing internationally for industry needing large ready to build sites, as soon as the Region allows it.

Please honor the City of Cornelius request for UGB expansion to include this area and our intentions to allow purchase and development of our property for regionally significant industrial uses. Thank you.

1. _____
David & Alice Armstrong

2. _____
Walter Duyck

3. _____
Dale & Ilah Erickson

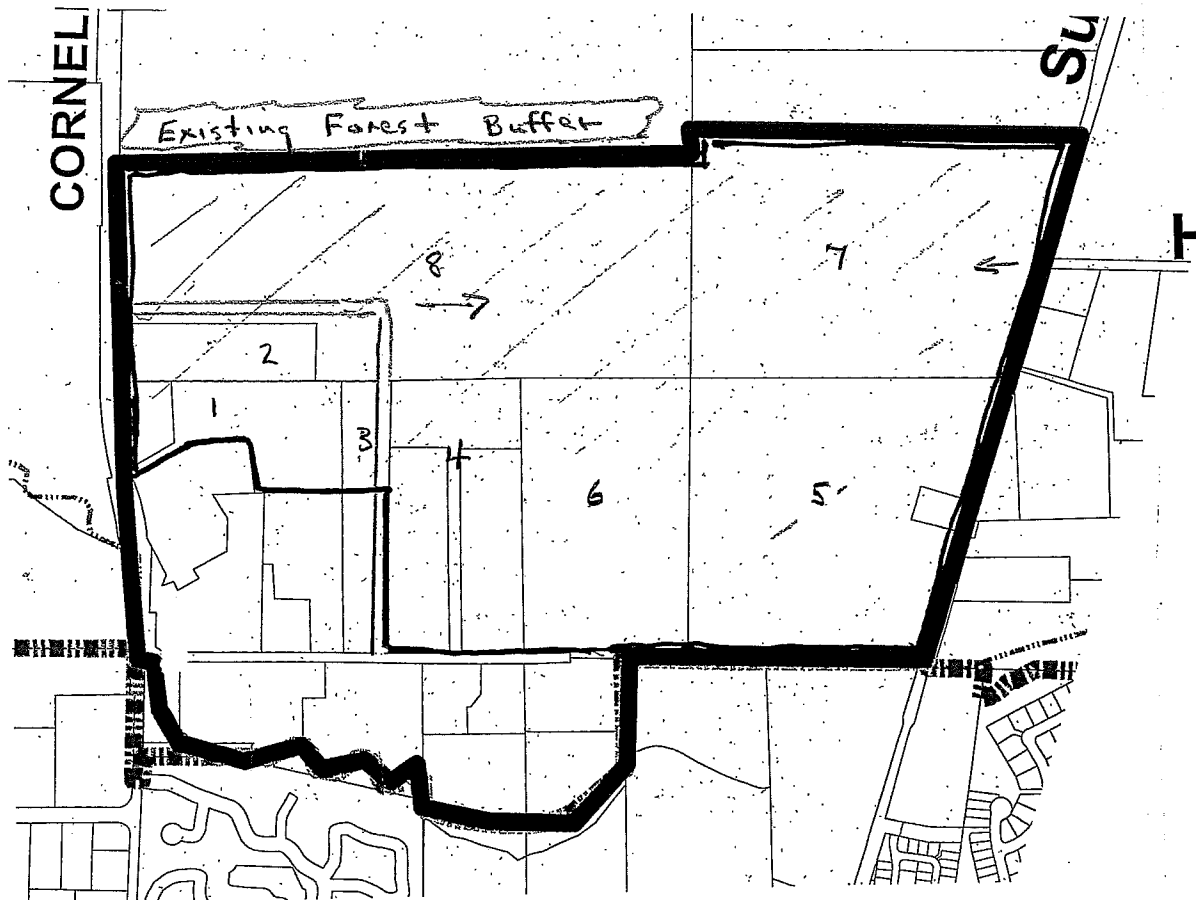
4. _____
John & Jean Krautscheid

5. _____
Harry & Letha Jacobsmuhlen

6. _____
Richard Haney

7. _____
Michael Smith

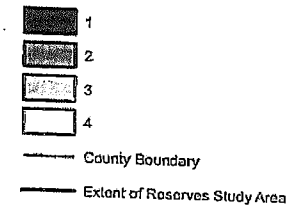
8. _____
Henry Taghon Living Trust



Washington County

Farm Analysis Tiers

DRAFT



Disclaimer

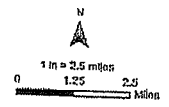
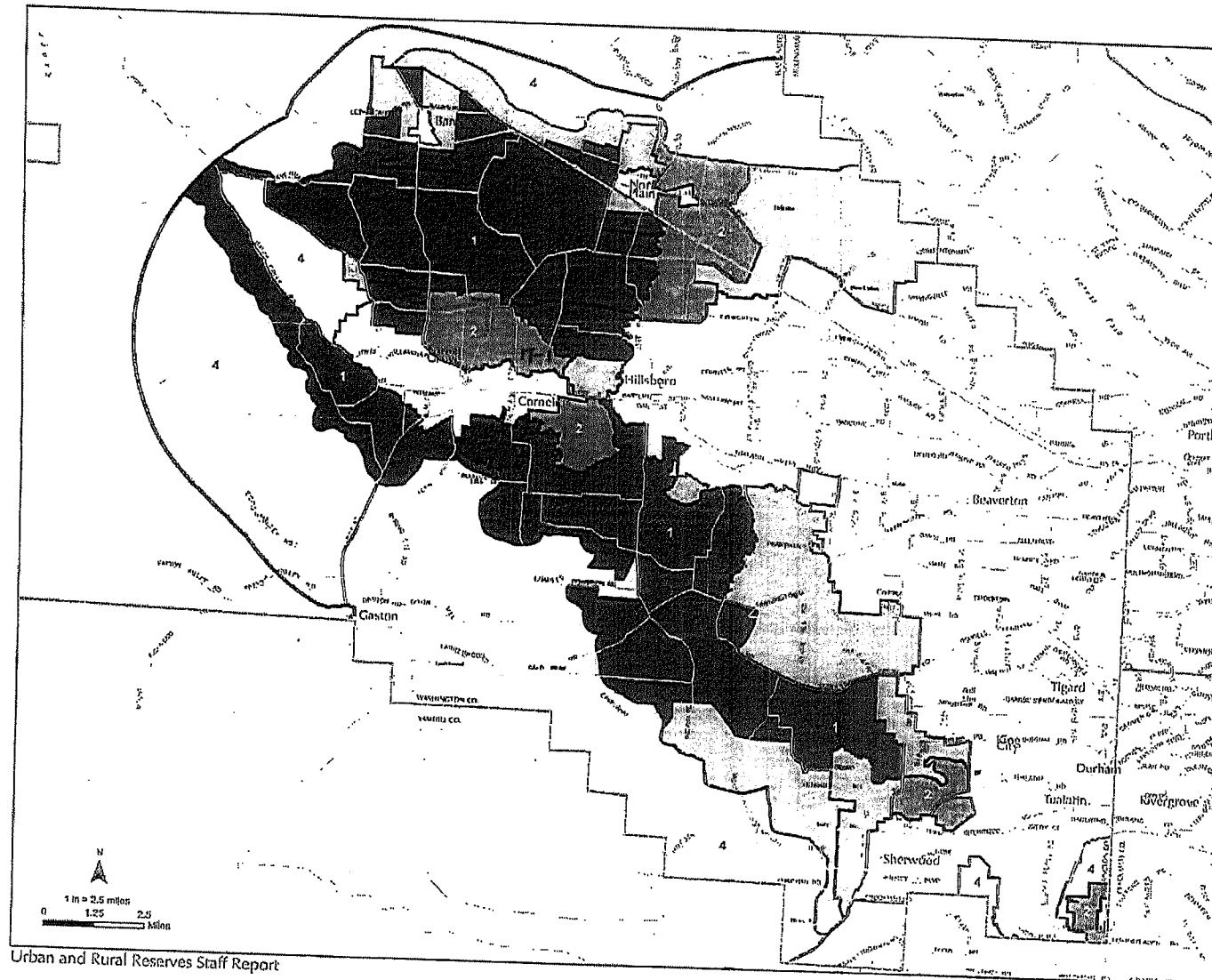
The information on this map was derived from digital databases of Washington County's Geographic Information System (GIS). While we took care in the creation of this map, however, Washington County cannot accept any responsibility for errors, omissions, or political accuracy. Therefore there are no warranties which accompany this product. Notification of any errors will be appreciated.



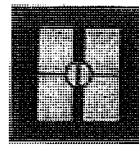
Washington County Long Range Planning Division
155 North First Avenue, Suite 350 MS 14
Hillsboro, OR 97124
ph (503) 648-3819
fax (503) 645-4412
luplan@co.washington.or.us

Map 28

August 3, 2009



Urban and Rural Reserves Staff Report



October 9, 2009

Regional Reserves Core 4 Committee
Washington County Board of Commissioners,
Regional Reserves Steering Committee
Mr. Michael Jordan, Metro Chief Operating Officer
600 NE Grand Avenue
Portland, OR 97232

Hon. Councilors, Commissioners and Committee Members:

Each of the undersigned Cities in West Washington County has its own distinct land needs and views on the overall merits of the Urban Reserves recommendations of the Chief Operating Officer (COO) set forth in the *Strategies for a Sustainable and Prosperous Region*. However, we share one common view. The recommendations do not provide and distribute enough industrial Urban Reserves to accommodate the 40-50 year land needs of the mature high tech, the emerging silicon solar manufacturing and incubating bio-pharma industry clusters already rooted in West Washington County.

We believe the Region should take the analyses provided in recently completed Economic Opportunities Analyses (EOAs) for our cities into account when making a final decision about the location and extent of industrial Urban Reserves. We also point out that the amount of land requested for these reserves by the Westside cities is roughly half the total land need for industrial uses identified in our respective EOAs. **Therefore, we respectfully urge the Reserves Steering and Core 4 Committees to recommend adjusting the COO industrial reserves recommendation to accommodate the locations and acreage amounts summarized below:**

EOA-based Industrial Cluster Land Needs	Banks	Cornelius	Forest Grove	Hillsboro	North Plains
2060 Industry Cluster Absorption	218 Ac.	737 Ac.	679 Ac.	3,433 Ac.	516 Ac.

Key Issues:

Documents describing the technical reasons that underpin this request are also attached for your reference. In sum, they identify the following issues with several findings and conclusions in the draft Employment Urban Growth Report (UGR):

- Regional industrial manufacturing growth forecast in the UGR does not include any job growth in the silicon solar manufacturing cluster because that sector was erroneously attributed to the power generation/transmission (i.e., utility) sector. This fails to recognize the significant solar manufacturing job growth projected by the State Department of Energy and others contained in the Urban Reserve record. (See, September 29, 2009 Johnson Reid Memorandum.) Moreover, the UGR does not forecast future land needs in the Region for any industry cluster, including high tech, silicon solar manufacturing and bio-pharma – a very problematic omission because of its potentially detrimental long-term State, Regional and local economic base consequences.

Note following page for Cornelius Area

October 27, 2010

MEMORANDUM

TO: Richard Whitman, Director, DLCD
 FROM: Reserves Governments
 SUBJECT: Support in the Record for Findings that Explain the Designation of Foundation Agricultural Land as Urban Reserves

As the Commission requested at its meeting on Friday, October 22, we have identified information in our respective records that support, area by area, the findings made to explain why the four governments designated Foundation Agricultural Land as urban reserves. First, we point to the pages or parts of the record to demonstrate that we applied the rural reserve factors to Urban Reserves 7B, 7I and 8A as required by 0040(11).

Second, we point to the pages or parts of the record that demonstrate Areas 7B, 7I and 8A have characteristics discussed in the findings (relatively flat; relatively large parcels; relatively easy to provide sewer, water, stormwater, transportation facilities; relatively unconstrained for industrial use; etc.) that distinguish them from area studied that are not Foundation Land.

The information below is organized by specific urban reserves.

I. Urban Reserve 8A

As initially recommended by Washington County, the North Hillsboro pre-qualified concept plan area contained 7,890 gross acres and 4,261 net developable acres (WashCo Rec. at 3115 & 3451). In contrast, the urban reserves adopted for north Hillsboro in Areas 8A and 8B contains 2,754 gross and 1,744 net developable acres (Table 1; see also WashCo Rec. at 90 & 91). This reduction has significantly reduced targeted general employment, residential and mixed uses in north Hillsboro (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for large lot industrial uses as well as housing and other uses that contribute to livable communities. This is partially the case, as the area south of Highway 26 (currently Area 8A) was envisioned primarily for employment purposes in Hillsboro's Pre-Qualified Concept Plan (WashCo Rec. at 3451). That is, expected uses within Area 8A are consistent with those depicted in the PQCP (compare Attached Map with WashCo Rec. at 3451).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 8A & 8B

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres*		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Estimated School Jobs		Target Jobs Capacity	
	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B	PQCP	8A&B
Employment/Mixed Use	774	166	-	-	619	133	-	20	-	1,061	-	-	24,750	3,183

Urban Reserve 7I - Findings for LCDC consideration but not read for Verbal Decision -

As initially recommended by Washington County, the North Cornelius pre-qualified concept plan area contained 2639 gross acres and 1319 net developable acres (Wash Co Rec. at 2388 and 2400). In contrast, the urban reserve adopted for north Cornelius in Areas 7I contains 623 gross and 453 net developable acres (Table 1; see also WashCo Rec. at 2388 and 2400). This reduction has significantly reduced targeted general employment and residential uses in north Cornelius (Table 1). Even with this reduction, as demonstrated below, these areas will provide opportunities for industrial uses as well as housing and other uses that contribute to livable communities. The area south of Dairy Creek (currently Area 7D) was envisioned primarily for employment purposes in Cornelius' Pre-Qualified Concept Plan (Wash Co Rec. at 2400). Expected uses within Area 7I are consistent with those depicted in the PQCP (compare Attached Map with Wash Co Rec. at 2400).

Table 1: Comparison of Capacity of Pre-Qualified Concept Plan (PQCP) Targets to Areas 7I

2040 Design type	Gross Acres		School/Park Acres		Net Developable Acres		Target Dwelling Units/Net Acre		Target Dwelling Unit Capacity		Target Jobs Capacity	
	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I	PQCP	7I
Outer Neighborhood	882.5	153	264	-	441	76.5	10	10	4,410	765	-	-
Industrial	1756.5	470	219	50	879	376	20	20			17,580	7520
Total	2639	623	483	50	1319	452.5	-	-	4,410	765	17,580	7520

URBAN RESERVE FACTORS

(1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments

Cornelius' Pre-Qualifying Concept Plan (PQCP) for Area 7I describes the city's infrastructure service availability (WashCo Rec. at 2389).

Major infrastructure systems are in place ready to be extended for development into this area. The water, sewer and transportation systems in and around Cornelius have regional growth capacity. Clean Water Services sanitary and storm sewer lines are located to serve north of Cornelius to Dairy Creek. (Wash Co. Rec. at 2389)

Cornelius' utility master plans and rates studies ensure development pays for extensions and maintenance of all new utilities and street improvements. (Wash Co. Rec. at 2389)

Two new bridges across Council Creek include urban amenities. Over \$21 million in recent public infrastructure investment by Cornelius, Washington county, State of Oregon and U.S. government provide extra capacity for urban expansion to north of Cornelius. (Wash Co. Rec. at 2389)

Infrastructure is planned to support growth of Cornelius, including streets & pathways, schools & institutional uses and a generous 10% for parks. The city does not allow development in the floodplain. (Wash Co. Rec. at 2389)

Area 7I was mapped by Washington County showing urban suitability for water, sewer and transportation (Wash Co Rec. at 3004-3010). Area 7I also is mapped by NAIP as constrained land for urban development and employment, based upon factors including flat land, water availability, parcelization and proximity to workers and existing industry (Wash Co Rec at 3002)

(2) Includes sufficient development capacity to support a healthy economy;

Land within 7I north of the current UGB/City limits along the improved Cornelius-Schefflin Road is suitable for employment uses because of the good connection with the rest of the urban region for industrial development. A sustainable, healthy Cornelius center is important to County, Regional and State economic health. (Wash Co Rec. at 2389.) A recent study by Johnson Reid indicated that, over the next 20 years, West Washington County will need approximately 1200 acres for large lot industrial use (e.g., 50 acres or more) (Metro Rec. at 1641; WashCo Rec. at 3208-3216). This is consistent with Metro's forecast need for 3,000 acres of industrial land region-wide over 50 years. The need for large lot industrial uses is further supported by inquiries fielded by the city's Economic Development Department between 2007 and 2009, which includes inquiries for 11 sites of 50 acres or more (Metro Rec. at 1860). The Johnson-Reid Economic Opportunity Analysis conducted for Cornelius projects demand for over 782 acres for industrial development within the next 50 years. (Wash Co. Rec. at 2450)

Metro's MPAC Employment Subcommittee recently acknowledged that "attracting and retaining traded-sector industrial companies is critical to the region's economic prosperity" (Metro Rec. at 172-178). Likewise, in their comments into the record, the State agencies emphasized "the need for an adequate supply of employment lands in the Metro urban growth boundary" noting that the region "often 'seeds' traded-sector technologies and businesses that disperse throughout the state" (WashCo Rec. at 1988-1989).

The PQCP illustrates the potential for industrial development within Area 7I. As noted above, the uses proposed for Area 7I under the PQCP have not changed. The Economic Productivity of Employment Land, Economic Mapping Pilot Project, prepared by the Oregon Business Development Department (June 2009; WashCo Rec. at 3429-3450), demonstrates the contribution of industrial uses to the economy. Economic benefits of industrial lands, such as those currently located in the area studied, include:

- Double the County average of market value/acre for industrial lands;
- Annual payroll yield of \$616,150 per net usable acre;
- Annual Property Tax Revenue of an average \$6,220/acre tax assessment land value as a result of State Measure 47/50 valuation constraints.
- Creation of high wage jobs in the existing industry clusters (pre State Employment data, the 2008, the average payroll per employee working in the three industry clusters was \$77,275.00) and each direct job in this traded sector generated 2.0-2.5 indirect jobs in the Regional/Statewide Economies (WashCo Rec. at 3126 & 3429-3450).

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the NAIOP study of urban (particularly industrial) suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. at 3002-3004). Area 7I is also suitable for urban development, particularly industrial development because of its proximity to and connections to the high tech and solar clusters of industry in western Washington County (Wash Co Rec. at 2411-13 and 2452). Urban development is also suited in Area 7I in order for Cornelius to meet all the factors of Metro's Great Communities; for example the area is within walking distance from the center of town and transit (Wash Co Rec. at 2395-2399).

(3) Can be efficiently and cost-effectively served with public school and other urban-level public facilities and services by appropriate and financially capable service providers;

Cornelius schools and utilities, including Clean Water Services, Joint Water commission, local fire districts and school districts are informed and already invested in greater capacity and planning for future development. For example, the Hillsboro School district owns a 40 acre school site southeast of the UGB and plans to build the first high school in Cornelius in 4-5 years. Also the CWS has existing and planned capacity for development of land north to Dairy Creek with its facility along Council Creek. (Wash Co. Rec. at 2389-2390)

Cornelius has an existing array of funding mechanisms, including systems development charges, construction excise taxes, and up-to-date utility rates to assure the financial capability of these urban service providers to extend and operate services to recommended areas. Expansion of urban services and infrastructure to new development will make existing facilities services more efficient and affordable with more people served by each facility. (Wash Co. Rec. at 2390)

Most importantly, new development within an expanded UGB is planned by Cornelius for a greater mix of housing options and more jobs (primarily industrial) to balance and stimulate a community whose housing stock is limited (95% low/moderate income appropriate), has 4,000 too few local family wage jobs (causing substantial long commutes that are expensive to families and environment), and is in need of more property taxes to provide basic city services (Cornelius now has half the city employees per capita as most cities in the region). (Wash Co. Rec. at 2390)

(4) 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;

Existing streets in Cornelius are being improved for multi-modal transportation with federal, state and county grants along with private development charges. Planned pedestrian/bike trail system for recreation and local commuting will replace many of the congest commutes in the region. A key light rail extension from Hillsboro to Forest Grove is on the regional table. (Wash Co. Rec. at 2390)

The City of Cornelius Transportation System Plan (TSP) identifies the need to plan and develop complementary infrastructure for pedestrians, bicycles, vehicles and transit to provide a diverse range of choices for transportation. The city has adopted Code language and design standards that require connectivity, accessibility and enhance transit service in order to implement this direction from the TSP. All City streets are required to be constructed with ADA compliant sidewalks. All City collector and

arterial streets are required to have bike lanes. The City Development code also provides incentives for developers to provide pedestrian connections from commercial structures to public transit stops. (Wash Co. Rec. at 2390) Cornelius' TSP also provides guidance for connection and development to the regional trails and greenways (Council Creek, Tualatin River and Dairy Creek) that abut or are adjacent to the City. (Wash Co. Rec. at 2390.)

(5) Can be designed to preserve and enhance natural ecological systems;

Cornelius has inventoried and determined the significant natural resources within the current City boundary. The City has also adopted protection measures for the inventoried significant natural resources within its boundary that are identified in the Cornelius Natural Resource Protection Plan. The development of our Natural Resource Protection Plan has also resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and abut the City. The implementation of this plan works hand in hand with the Tualatin Basin coordinating Committee and with Metro's Title 13. (Wash Co. Rec. at 2390-2391.)

Cornelius has adopted Clean Water Services Design and Construction standards that require the treatment of surface water from development for water quality and quantity, and that also address Title 3, Metro Functional Plan. The city completed its periodic Review Work Program in 2005. Work Program Task #3 Environmental Policies required the City of address Title 3, Metro Functional Plan. Compliance with Task #3 was approved by the State. (Wash Co. Rec. at 2391)

Cornelius has a Floodplain District Overlay zone that protects and regulated proposed development in the floodplain. The City Coordinates with Clean Water Services, Division of State Lands and US Army Corps of Engineers to restrict the uses and regulate development in the floodplain. (Wash Co. Rec. at 2391)

Cornelius has shown commitment to preservation and enhancement of ecological systems in its plans, advocacy and use parks, green space and trails, acquisition and improvement of natural areas, and in many organized park and open space planting and educational events. (Wash Co. Rec. at 2391)

All these policies, plans, zones, regulations, standards and commitments are applied to additions to the UGB and city limits by city code and now tradition. (Wash Co. Rec. at 2391)

(6) Includes sufficient land suitable for a range of housing types;

Cornelius housing is predominately low value and would be affordable if the considerable cost of transportation from having to commute to jobs out of town was not included. With more jobs available from both infill and UGB expansion, approximately 95 percent of housing stock in the city is low-moderate income appropriate. However affordable housing alone is problematic for a community. A community limited to 'starter homes' limits property tax revenue available for decent city services and housing options for a healthy diversity of people. (Wash Co. Rec. at 2391)

Because of this, it is a City goal to develop medium and even upper income level housing to provide a full range of housing options, integrate different people into local culture, and attracts healthy economic and community development. Recent housing development (2002-2007) is better quality and higher in value than the bulk of City housing, and constructs green along an outstanding stream corridor. But there is no more room currently within the UGB for any housing except some infill when higher densities become marketable. Land is necessary to provide for a full healthy range of housing options and income levels. At least 200 acres of land expansion of the UGB is needed immediately to produce an adequate mix and balance of housing options over the next ten years (at an average of 10 units/acre). Over the next 50 years, there will be the opportunity to develop a healthier diverse mix of single-family and multi-family residences (based on 10 units/net acres) located near and connected by protected stream corridors. (Wash Co. Rec. at 2391-2392)

A comparatively large number of large, flat, seismically stable parcels of land are characteristics that the both the Washington County mapping of Urban Suitability and the NAIOP study of urban suitability noted in the area north of Cornelius – 7I. (Wash Co Rec. at 3006-3009 and 3002-3004). Such land characteristics present a relatively lost cost environment for development of diverse and affordable housing. The availability of urban infrastructure referenced under Factor 1 makes housing development easier then in areas with poor infrastructure. Housing development is suitable in Area 7I both because of and to better leverage Cornelius meeting all the factors of Metro's Great Communities; for example housing in this area is would be within walking distance from the center of town, transit and local jobs if this area (Wash Co Rec. at 2395-2399).

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves

The natural landscape around the City of Cornelius is heavily influenced by the floodplains of the Tualatin River Basin, with its tributaries of Council Creek and Dairy Creek. The City of Cornelius has a floodplain district overlay zone designed to protect the public health, welfare and safety that helps preserve the wide buffer of the Dairy Creek floodplain, which ranges from .25 to .65 miles in width. (Wash Co Record at 3028). City has adopted specific protection measures for significant natural resources identified in the Natural Resource Protection Plan. When properties annex into the City our preservation measures for inventory, assessment and protection are implemented. (WashCo Record at 2392.)

Cornelius' Natural Resource Protection Plan has resulted in a new zoning overlay district, Natural Resource Overlay Zone that protects the current inventoried significant natural resources in the City. New lands brought into the City are inventoried, assessed and protection measures are established and implemented consistent with these strong Code provisions. The Natural Resource Protection Plan is a policy program that protects, conserves and helps restore the significant natural resources that are in and about the City. This helps preserve important natural landscape features in the Urban Reserve. (WashCo Record at 2391)

Cornelius believes that natural features and areas are much better protected inside the UGB than outside the UGB where there are more conflicts without protection and fewer resources with which to restore and

conserve the land. The City also believes that managed public access, like trails, to natural resources encourages outdoor education and public by-in to conservation ethics. (WashCo Record at 2392)

(8) Can be designed to avoid or minimize adverse effects on farm and forest practices and on important natural landscape features on nearby resource land, including land designated as rural reserves

Dairy Creek floodplain provides a quarter to half a mile wide buffer along the east and north of Area 7-I North of Cornelius and farmland in Rural Reserves. (Wash Co Record 2391-2392) The Dairy Creek floodplain divides Tier 2 and 1 rural lands as ranked by Washington County (Wash Co. Record 2024-2025). Council Creek is already breached by urban development. (Wash Co Record at 3004). Cornelius-Schefflin Road is the approved western boundary of 7-1 industrial land and can become an adequate buffer with the application of Cornelius City development requirements. (WashCo Record at 2392-2393)

The City Development Code currently has language that provides the City with tools to design/implement buffers and setbacks for abutting conflicting uses. The existing City Code provides for the separation of uses with greater buffer/setback protection between uses with different intensity (i.e. residential and industrial). The City currently has industrial and residential zoned/developed property that abuts rural land with existing agricultural practices. The City and its neighboring farmers currently work and live in harmony without negative impacts. (WashCo Record at 2392)

Cornelius currently has tools in its Code that require development proposals to assure compatibility and reduce impacts on use of neighboring properties (rural and urban). The Code also applies buffers, setbacks, access, traffic generation, landscaping, fencing and lighting of a site through implementation of the City design review process. These development code processes and provisions provide tools to help prevent and mitigate any conflicts with neighboring farm and forest practices. (WashCo Record at 2392)

The City Transportation System Plan (TSP) provides guidance through Chapter 8 - Motor Vehicle Plan specifically goals and strategies that effectively provide a supportive transportation network for safe public roads and streets. Street networks are coordinated with Washington County, Metro and Oregon Department of Transportation so as to have minimum impact and reduce congestion on out-of-town routes. (WashCo Record at 2392)

Cornelius has approved Master Plans for all of its utilities (water, sanitary sewer & storm water). The construction and extension of utilities in the City have been developed and sized for its current and future use. The urban utilities are provided through a network of subsurface contained transmission lines. Therefore, City water use does not affect the abutting rural water table used for farm and forest operations. Sanitary sewer and storm water is treated in urban facilities and does not adversely affect farm and forest practices or natural features. Clean Water Services sanitary and storm water lines are located in Council Creek to serve north to Dairy Creek. (WashCo Record at 2392)

Construction of a whole complete community reduces the impacts of traffic and recreation to and through farm and forest lands outside the City. (WashCo Record at 2393.) The City currently provides protection buffers and setbacks from stream corridors with the implementation of its Natural Resource Protection Plan and the Natural Resource Overlay Zone. These buffers help protect streams for water quality/quantity function and downstream use by farm and forest owners. (WashCo Record at 2393)

In Cornelius' Urban Reserve Concept planning, the City located future residential neighborhoods where broad streams and floodplains separate and offer a natural buffer between housing and rural land uses. Cornelius has located future industrial (employment) parks next to rural uses, because industrial uses are generally the most compatible urban use with rural land uses. The City has buffer requirements in its Development Code to insure industrial use compatibility with surrounding uses. (WashCo Record at 2393 and 2400)

Of the approximately 620 acres in Area 7-I, over 200 acres are designated Exception Lands by Washington County and the State of Oregon. Therefore 33% of Area 7-I has already been designated for more urban uses than rural uses. (Washington County Zoning Map). (Wash Co Record at 3021-22)

Rural Reserves Factors

(See discussion of Rural Reserves factors as applied to all three areas below.) Specific references for Urban Reserve 7I:

- Foundation Farm Land (Oregon Department of Agriculture's Agricultural Lands Inventory, *WashCo Rec* at 2996).
- Washington County Farm Lands Tiers Analysis – Tier 2, Subarea #18 - High Urbanization, Higher Productivity Rating, Physical Features help define the area, High Dwelling density (*WashCo Rec* at 2979 [table] and 3025 [map]).
- Washington County Urban Reserve Recommendation – Urban Reserve (*WashCo Rec* at 3034 [map]), adjusted by IGA (*WashCo Rec* at 7998 to 8010).

IV. Application of Urban Reserve Factors

Urban Reserve Factors: When identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB:

- (1) Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

WashCo Rec at 2961 to 2964 [text], 3006 to 3010 [maps] and 3035 to 3585 [pre-qualifying concept plans]

- (2) Includes sufficient development capacity to support a healthy economy;

WashCo Rec at 2964 to 2966 [text], 3002 [map] and 3586 to 3611 [land needs analysis]

- (3) Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

WashCo Rec at 2966 to 2968 [text] and 3006 to 3010 [maps]

(4) 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;

WashCo Rec at 2968 [text] and 3004 [map]

(5) Can be designed to preserve and enhance natural ecological systems;

WashCo Rec at 2968 [text]

(6) Includes sufficient land suitable for a range of needed housing types;

WashCo Rec at 2968 [text], 3586 to 3611 [land needs analysis] and 3035 to 3585 [pre-qualifying concept plans]

(7) Can be developed in a way that preserves important natural landscape features included in urban reserves; and

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

(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 designated as rural reserves.

WashCo Rec at 2969 [text] and 3035 to 3585 [pre-qualifying concept plans]

V. Application of Rural Reserves Factors to Washington County Urban Reserves

(1) When identifying and selecting lands for designation as rural reserves under this division, a county shall indicate which land was considered and designated in order to provide long-term protection to the agriculture and forest industries and which land was considered and designated to provide long-term protection of important natural landscape features, or both. Based on this choice, the county shall apply the appropriate factors in either section (2) or (3) of this rule, or both.

(2) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forest industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation.

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described in OAR 660-027-0040(2) or (3) as indicated by proximity to a UGB or proximity to properties with fair market values that significantly exceed agricultural values for farmland, or forestry values for forest land;

Response to 2(a)

Agriculture

Subject to urbanization: *WashCo Rec* at 2971 to 2972 [text] and 3013 [map]

Fair market value: *WashCo Rec* at 2972 [text] and 3014 [map]

Forestry

WashCo Rec at 2984 to 2985 [text]

(b) Are capable of sustaining long-term agricultural operations for agricultural land, or are capable of sustaining long-term forestry operations for forest land;

Response to 2(b)

Agriculture

WashCo Rec at 2972 to 2973 [text] and 3015 [map]

Forestry

WashCo Rec at 2985 [text]

(c) Have suitable soils where needed to sustain long-term agricultural or forestry operations and, for agricultural land, have available water where needed to sustain long-term agricultural operations; and

Response to 2(c)

Agriculture

WashCo Rec at 2973 to 2975 [text] and 2998, 3016 to 3018 [maps]

Forestry

WashCo Rec at 2985 [text]

(d) Are suitable to sustain long-term agricultural or forestry operations, taking into account:

(A) for farm land, the existence of a large block of agricultural or other resource land with a concentration or cluster of farm operations, or, for forest land, the existence of a large block of forested land with a concentration or cluster of managed woodlots;

(B) The adjacent land use pattern, including its location in relation to adjacent non-farm uses or non-forest uses, and the existence of buffers between agricultural or forest operations and non-farm or non-forest uses;

(C) The agricultural or forest land use pattern, including parcelization, tenure and ownership patterns; and

(D) The sufficiency of agricultural or forestry infrastructure in the area, whichever is applicable.

Response to 2(d)

Agriculture

WashCo Rec at 2975 [text] and 3019 to 3024 [maps]

Forestry

WashCo Rec at 2985 [text] and 3027 [map]

(3) Rural Reserve Factors: When identifying and selecting lands for designation as rural reserves intended to protect important natural landscape features, a county must consider those areas identified in Metro's February 2007 "Natural Landscape Features Inventory" and other pertinent information, and shall base its decision on consideration of whether the lands proposed for designation:

(a) Are situated in an area that is otherwise potentially subject to urbanization during the applicable period described OAR 660-027-0040(2) or (3);

Response to 3(a)

WashCo Rec at 2986 [text]

(b) Are subject to natural disasters or hazards, such as floodplains, steep slopes and areas subject to landslides;

Response to 3(b)

WashCo Rec at 2986 [text]

(c) Are important fish, plant or wildlife habitat;

Response to 3(c)

WashCo Rec at 2986 [text]

(d) Are necessary to protect water quality or water quantity, such as streams, wetlands and riparian areas;

Response to 3(d)

WashCo Rec at 2987 [text]

(e) Provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands;

Response to 3(e)

WashCo Rec at 2987 [text]

(f) Can serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses

Response to 3(f)

WashCo Rec at 2987 [text]

(g) Provide for separation between cities; and

Response to 3(g)

WashCo Rec at 2987 [text]

(h) Provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

Response to 3(h)

WashCo Rec at 2987 [text] and 3030 [map]

VI. EVIDENCE OF REGIONAL BALANCING

The Washington County Board of Commissioners considerations for urban and rural reserves included:

- December 15, 2009 Public Hearing including presentation and discussion of David Bragdon/ Carl Hosticka Proposed Urban and Rural Reserves, December 8, 2009 (*Washington County Record Pages 7598 – 7620*)
- February 23, 2010 Public Meeting (*Washington County Record Pages 8011 – 8021*)

These discussions lead to further considerations of a succession of maps including:

- Robert Liberty/Rod Park map, December 12, 2009 (*Metro Record Page X*)
- Agriculture and Natural Resources Coalition Proposed Reserves Areas map, January 11, 2010 (*Metro Record Page X*)
- Core 4 Urban and Rural Reserve Proposal for Public Comment map, December 16, 2009 (*Metro Record Page X*)
- Core 4 Reserves Recommendations map, February 16, 2010 (*Metro Record Page X*)
- Urban and Rural Reserves in Washington County map, Exhibit A to Intergovernmental Agreement between Metro and Washington County, February 18, 2010 (*Washington County Record Page 8009*)

In North Hillsboro (Area 8A)

The following citations reflect the acknowledgement for the area north of Hillsboro. The Core 4 first supported consideration of this area in September, 2009 and continued that support through the final IGA.

This area was initially referred to as UR-C in discussions prior to mid-November, 2009. It was then referred to as UR-A in discussions through January, 2010 and finally referred to as Area 8A in successive discussions.

Originally agreed to by Core 4, as an "Area of Agreement"

- Core 4 Meeting Summary, September 30, 2009 meeting, Page 3 (*Metro Record Page X*)
- Issue Summaries for Areas For Further Discussion, October 8, 2009, Page 2 (*Metro Record Page X*)

COO Report, September 15, 2009, Pages 25 – 26 (*Metro Record Page X*)

Continued Core 4 agreement, "Areas of Preliminary Agreement"

- Memo to Reserves Steering Committee, October 12, 2009, Page 2 (*Metro Record Page X*)
- "Proposed Areas of Preliminary Agreement", November 19, 2009, Page 1 (*Metro Record Page X*)
- Core 4 Reserves Status, "Urban Reserve Proposal for Public Comment", January 11, 2010 Page 2 of 4 (*Metro Record Page X*)

North of Forest Grove (Area 7B)

This area was successively referred to as UR-4, UR-B and finally Area 7B

Acknowledged in the COO Report, September 15, 2009, Page 24 (*Metro Record Page X*)

- "The identified employment area south of Forest Grove should be considered for an urban reserve as well as land south of NW Purdin Road and east of NW Thatcher Road."

Core 4 Reserves Status, "Urban Reserve Proposal for Public Comment", January 11, 2010 Page 2 of 4 (*Metro Record Page X*)

North of City of Cornelius (Area 7I)

This area was successively referred to as UR-3B, UR-C, 7C and finally Area 7I

Core 4 Reserves Status, "Urban Reserve Proposal for Public Comment", January 11, 2010 Page 2 of 4 referred to as Area 7C (*Metro Record Page X*)

VI. Why didn't we use more conflicted or important land and less foundation farm land?

1) The only conflicted lands that were not designated as urban reserves in Washington County are the northwestern portions of the David Hill subarea and the southern portions of the Parrett Mountain subarea.

The northwestern portion of David Hill was highly ranked for forestry [WC Rec. pg. 3027] and did not score well in the County's urban suitability mapping [WC Rec. pg. 2997], nor did it score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost (WC Rec. pg. 3009) and transportation system lane cost [WC Rec. pg. 3010].

Significant area of the portion of the Parrett Mountain subarea in Washington County not in an urban reserve did not score well in the region's assessments of suitability for water service [WC Rec. pg. 3006], sewer service (Moderate – Difficult) [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009], transportation system cost [WC Rec. pg. 3010], it also didn't rank highly under the County's urban suitability mapping. Portions of this area were also highly ranked for forestry [WC Rec. Pg. 3027].

2) There are three blocks of important farm land in Washington County; much of the Chehalem Mountains subarea, a portion of the Bethany/West Multnomah subarea, and a small portion of the East Wilsonville subarea.

All of the East Wilsonville subarea in Washington County was included the urban reserves east of I-5 (4E, 4F & 4G).

The northeast portion of urban reserve area 8C (Bethany West) was designated as an urban reserve. The area north of the urban reserve and existing UGB has more sloped land that is less suitable for development [WC Rec. pg. 3002].

The largest block of important farm land in Washington County is the Chehalem Mountains subarea. An urban reserve designation was adopted on the southeast portion of this area near the city of Sherwood (part of 5B). The area not designated urban reserve ranked low to moderate in suitability assessments for water service [WC Rec. pg. 3006], sewer service [WC Rec. pg. 3007], transportation connectivity [WC Rec. pg. 3008], transportation added lane cost [WC Rec. pg. 3009] and transportation system cost [WC Rec. pg. 3010]. This area also contains sloped land that is less suitable for development [WC Rec. pg. 3002] and did not score well under the County's urban suitability mapping [WC Rec. pg. 2997]. The Chehalem Mountains had multiple values for natural features; they were identified as Significant Natural Landscape Features [WC Rec. pg 3028], contain the headwaters for several streams [WC Rec. pg. 3029] and serve as a sense of place with an elevation over 350 feet [WC Rec. pg. 3029].



WASHINGTON COUNTY PLANNING COMMISSION MINUTES OF WEDNESDAY, MARCH 2, 2011

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER: 1:04 P.M. Room 140, Public Services Building

The meeting was called to order by Chair San Soucie

II. ROLL CALL

Planning Commission (PC) members present: Marc San Soucie, Veta Holscher, Likes Garcia, Rick Lesniak, Matthew Larrabee, and Mary Manseau. Scott Rickard and Herb Hirst's absences were excused.

Staff present: Brent Curtis, Paul Schaefer, Aisha Willits, Stephen Shane, Brian Haines, Steve Kelly, Connie McCracken, and Gretchen Olson; Long Range Planning. Dan Olsen; County Counsel. Steve Franks; Current Planning. Phillip Bransford; County Administrators Office.

III. DIRECTOR'S REPORT

Mr. Curtis gave a brief directors report, updating the PC on the amended staff report for Ordinance No. 740. He then passed out a letter of testimony from Cascadian Nurseries that was received after the meeting packets had been mailed.

Mr. Curtis updated the PC on a question that had come up at the Joint Dinner regarding the terms of the Planning Commission. He said staff looked into the reasoning for the staggered terms and there is no explanation for it. Historically it has always been that way so that the members of the Commission do not all leave at once.

IV. WORK SESSION

There was a brief discussion regarding the terms of the Planning Commissioners.

Chair San Soucie asked if it was appropriate that the PC come up with a letter addressed to the Board of County Commissioners (BCC) regarding items that they would like to see on the 2011 Work Program. Mr. Curtis replied yes, a letter may be drafted but it has to be presented by the PC and not by staff.

Commissioner Manseau asked why the PC was mentioned in the 2009/2010 Transportation Development Tax report when they were not involved in the process. Mr. Curtis said he would have to look into it and provide a response at the next meeting.

There being no further discussions, the work session was adjourned, 1:17 p.m.

V. ORAL COMMUNICATIONS - 1:32 p.m.

There was no one present who wished to testify on a non-agenda item.

VI. CONSIDERATION OF MINUTES

There were three sets of minutes to consider, August 4, 2010, September 15, 2010, and November 3, 2010. There were no suggested modifications to the minutes. Commissioner Manseau made the motion to approve all three sets of minutes as submitted, with Commissioner Garcia seconding the motion.

Vote: 6 - 0

VII. PROPOSED ORDINANCE NO. 740 - An Ordinance Amending Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to Modify the Rural and Urban Reserves Map.

Mr. Curtis presented a brief staff report. He gave a history of the reserves process to date, ending with the oral remand from LCDC and the creation of Ordinance No. 740. There was an addendum staff report that contains a different map with changes to the urban and rural reserves created by Metro Council President Hughes and BCC Chair Duyck. Chair San Soucie asked if the changes between Ordinance No. 733 and 740 were just the map changes, not text changes. Mr. Curtis replied yes, just changes to the map. There was a brief discussion of the timeline of the process.

Jose Orozco, 44 S. 18th Court, Cornelius, OR 97113; a Planning Commissioner for the city of Cornelius, said of the 26 regions in the Portland area, Cornelius was the only area denied any urban reserves for the next fifty years, why is this he questioned. He called into question if the remand was because of the socio-economic make up of Cornelius. He urged the PC to replace at least 350 acres north of Cornelius as urban reserves.

Amy Scheckla-Cox, 1536 S. Ivy, Cornelius, OR 97113; gave a brief history of the reserves process between the county and Cornelius. She stated she was also a member of the Planning Commission for the city of Cornelius. She questioned why the remand was made when Cornelius desperately needs the land in order to grow and prosper as a city. She also urged the PC to approve the 350 acres north of Cornelius as urban reserves.

Jose Rivera, 1110 N. Adair, Cornelius, OR 97113; said he was the Executive Director of Centro Cultural, a non profit organization that promotes education and economic development in the Hispanic community of Cornelius. He strongly urged the PC to recommend to the BCC the urban designation for the 350 acres north of Cornelius.

Dan Sheldon, 300 N. 26th Avenue, Cornelius, OR 97113; owns Sheldon Manufacturing in Cornelius. He said he would like to expand his laboratory manufacturing business; however there is no land in Cornelius to be able to do that. He echoed the sentiments of both Cornelius Planning Commissioners and urged the PC to approve the urban designation for the 350 acres north of Cornelius; so that the city can grow and flourish.

Tim Duyck, Cornelius-Schefflin Road, Cornelius, OR 97113; gave a brief history of his family property, stating he and his family would like to develop their land as industrial land. He pleaded with the PC to keep the urban reserve designation north of Cornelius, or at least the 350 acres that the city is asking for.

Bill Waibel, 32185 NW Padgent Road, Hillsboro, OR 97124; reminded the PC that he spoke at the hearing for Ordinance No. 733. He requested that the PC approve all of the Bendemere area be approved as urban reserve.

Chair San Soucie stated the PC last year did include that as a recommendation to the BCC, however they felt differently and chose not to include that area in the final proposal to Metro.

DeLoris Grossen, 8320 SW Canyon Drive, Portland, OR 97225; said she owns 126 acres of land north of highway 26 and west of Helvetia Road. The land has been in her family for over 100 years and has been farmed the entire time. She said she does not want her land taken from her and does not want to be urbanized. She pleaded with the PC to not take her land.

Chair San Soucie informed Ms. Grossen that this process in no way takes her land from her or her family. This process simply designates the land as either urban reserves or rural reserves, giving the opportunity for the land owners to either sell and be developed or keep their land as they wish.

James Young, 13310 NW Bishop Road, Hillsboro, OR 97123; gave a brief power point presentation that outlined Hillsboro's land that is available for industrial use. He asked the PC to deny the request for 585 acres of urban reserve as it was not needed due to the abundant land already in the area.

Brian Beinlich, 15060 NW Mason Hill Road, North Plains, OR 97133; gave a power point presentation that showed some of the vacant land that is available for the city of Hillsboro to use for industrial growth. He said there was no need for Hillsboro to have an additional 585 acres when there was already plenty of land sitting vacant and available for businesses to develop and use. He asked the PC to not include the 585 acres of urban reserve in their recommendation to the BCC.

Allison Amabisca, 1221 NE 51st Avenue, Hillsboro, OR 97124; presented a brief power point on the possible solar industry that the city of Hillsboro is striving for. She noted that there had already been other solar companies in Hillsboro and there is plenty of vacant land within the city limits. She stressed there is no need for an additional 585 acres of urban reserve for Hillsboro. Ms. Amabisca asked the PC to recommend denial of the additional acreage for urban reserve.

Dave Armstrong, 1560 NW Cornelius Schefflin Road, Cornelius, OR 97113; stated he was here to support the urban reserve designation for north of Cornelius. He said he owns 8 acres on two lots in the area being considered. He asked the PC to please recommend approval of the urban reserve designation for the 350 acres north of Cornelius.

Cherry Amabisca, 13260 NW Bishop Road, Hillsboro, OR 97124; said she was here representing the group Save Helvetia. For the past two years the group has fought to keep the Helvetia area as rural reserve because of its foundation farmland. She said her group believes that the 585 acres north of Highway 26 should be rural reserves not urban. She asked the PC to please recommend to the BCC to designate areas D and E as rural reserves. Ms. Amabisca also turned in a letter of testimony for Robert Bailey, who could not attend the hearing.

Carol Chesarek, 13300 NW Germantown Road, Portland, OR 97231; believes that there is no way that the PC can make an informed and responsible recommendation based on the incomplete information provided to the PC by staff. The full description of the concerns from

LCDC have not been fully expressed to the PC by staff. Ms. Chesarek suggested that if a recommendation must be made today, that the PC recommend eliminating the new urban reserves and changing the remanded areas to undesignated.

Tom Black, 870 NW Garibaldi Street, Hillsboro, OR 97124; asked the PC to not just be a rubber stamp and to really consider their recommendation as it is going to shape the next fifty years. He said he believes the political aspect has taken over the process, not the good of the people.

Miki Barnes, 48100 NW Dingheiser Road, Banks, OR 97106; stated she opposes the designation of 585 acres in Helvetia as urban reserves. She raised the issue that the decision making process seems to be increasingly out of balance in its focus on corporate and industrial growth over the greater good of the community. She believes the PC should recommend that the 585 acres in Helvetia be designated as rural reserve.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, OR 97133; said she wanted to draw attention to the gaps and deficiencies in the public processes required by Oregon law and by common sense in the proposal of the Duyck/Hughes map. She said she believes that there has been a violation of the Goal 1 and the entire notion of open, responsive government. She asked the PC to send the BCC a recommendation of conscience, rather than convenience.

Greg Malinowski, 13450 NW Springville Road, Portland, OR 97229; stated he was before the PC as a private citizen. He expressed his support for all of those that had spoken today. He thanked the PC for their service.

Commissioner Manseau asked Mr. Curtis if there were findings to support the recommendation of 350 acres north of Cornelius to be designated as urban reserves. Mr. Curtis replied that both Washington County and Metro believed that they had the findings in the original map which was larger than the 350 acres being suggested now. The first set of findings will support the urban reserves designation as well.

The PC deliberated on various options for a recommendation. After a lengthy discussion, Commissioner Larrabee made the motion to recommend adoption of Ordinance 740 with the recommended change that it include area 7-1* (as shown in the map provided by Cornelius) as an urban reserve, the area north of that as rural reserve and to designated areas D and E to be undesignated. Commissioner Garcia seconded the motion. **Vote: 5 - 1 (Manseau)**

VIII. ADJOURN: 4:25 P.M.

There being no further business to come before the Planning Commission, the meeting was adjourned.

Marc San Soucie
Chairman, Washington County
Planning Commission

Andrew Singelakis
Secretary, Washington County
Planning Commission

Minutes approved this _____ day of _____, 2011

Submitted by Gretchen Olson

AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

(All rural CPOs
and CPOs 9,
12F, 12C, 4B,
5, & 6)

Agenda Category: Action - Land Use & Transportation

Agenda Title: **CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES**

Presented by: Andrew Singelakis, Director

SUMMARY:

On May 25, 2010, the Board entered into an Intergovernmental Agreement (IGA) with Metro that set forth the process for adopting Urban and Rural Reserves in Washington County in accordance with Administrative Rule 660-027. Map and text amendments to the Comprehensive Plan were addressed through Ordinance No. 733. Metro and the county submitted their consolidated findings for acknowledgement to the Land Conservation and Development Commission (LCDC) on June 23, 2010.

On October 29, 2010, LCDC remanded a portion of the county's proposed Urban and Rural Reserves designations. The oral remand included Urban Reserves north of Cornelius and Forest Grove, as well as all Rural Reserves to allow the county flexibility when considering replacement of lost Urban Reserve lands. In response to the remand decision, the Board adopted a Supplemental IGA and Reserves map on December 14, 2010.

The December 2010 Supplemental IGA and its accompanying draft map were the basis for discussions with Metro representatives and guided the filing of a new land use ordinance authorized by the Board to address the LCDC remand decision.

(continued)

Attachment: Proposed Urban and Rural Reserves Adjustment Areas map

DEPARTMENT'S REQUESTED ACTION:

Approve the Resolution and Order to adopt the Supplemental Reserves IGA with Metro and authorize the Chair to execute the Supplemental IGA, conditioned on the Metro Council approving the Supplemental IGA at the joint public meeting held on March 15, 2011.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

Agenda Item No.	A.1.
Date:	03/15/11

**CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT
BETWEEN WASHINGTON COUNTY AND METRO CONCERNING URBAN AND
RURAL RESERVES**

Page 2

At its March 15, 2011 meeting, the Board is scheduled to hold a joint public meeting with the Metro Council to consider the most recent proposed map to respond to the LCDC remand. The proposed Reserves map makes five changes to the Reserves map adopted by the Board in June 2010:

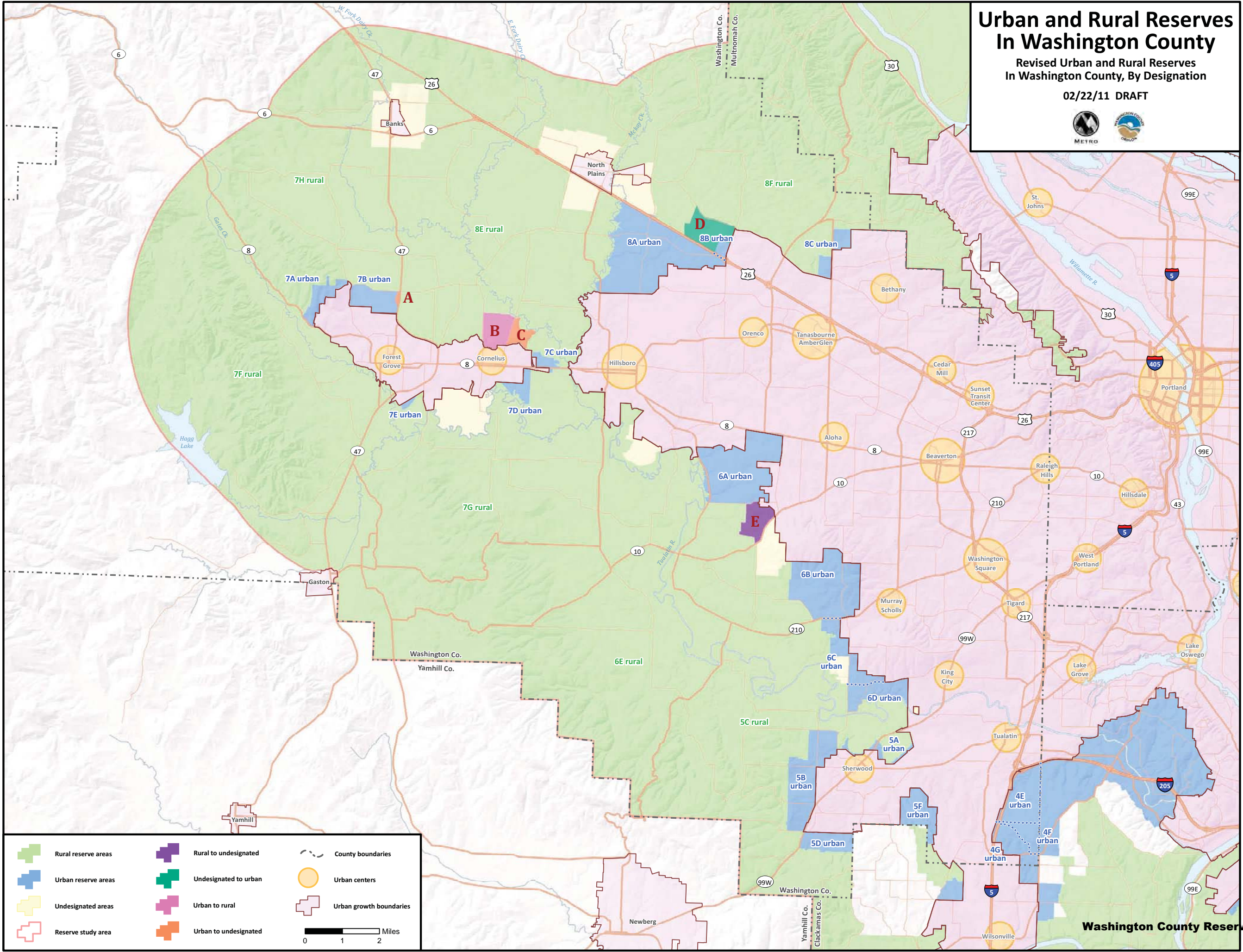
- *North of Forest Grove:* 28 acres on the east side of Council Creek are changed from Urban Reserve to Undesignated.
- *North of Cornelius:* 430 acres of former Urban Reserve Area 7I west of NW Susbauer Road are changed to Rural Reserve.
- *North of Cornelius:* 194 acres of former Urban Reserve Area 7I east of NW Susbauer Road are changed to Undesignated.
- *North of Highway 26:* 585 acres adjacent to Urban Reserve Area 8B (on the west side of Helvetia Road) are changed from Undesignated to Urban Reserve.
- *South of Hillsboro:* 383 acres west of SW 209th Avenue and north of SW Farmington Road are changed from Rural Reserve to Undesignated.

In addition to the above map amendments, staff requests that certain text revisions be made to the expected completion date of the ordinance process and to the projected date that Metro and the county submit their consolidated findings to LCDC, as indicated in the original IGA between the county and Metro.

The Board's action on the Supplemental IGA is not a public hearing, but the Board has elected to take public comment on the proposal. Adoption of the Supplemental IGA is done by resolution and order and is not a land use decision. Staff recommends that all IGA comments be entered into the record at the public hearing for Ordinance No. 740, which will follow the Board's and Metro Council's decision on the proposed Supplemental IGA.

The resolution and order, Supplemental IGA, the final proposed Urban and Rural Reserves Adjustment Areas map and the Adjustment Area matrix will be included with the staff report, which will be provided to the Board and the Board's clerk prior to the meeting. These materials will also be posted on the following web link:

<http://www.co.washington.or.us/Reserves/>



WASHINGTON COUNTY

Inter-Department Correspondence

March 15, 2011

TO: Recording Division

FROM: Barbara Hejzmanek

SUBJECT: **RESOLUTION AND ORDER 11-15
CONSIDER A REVISION TO THE SUPPLEMENTAL
INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING
URBAN AND RURAL RESERVES**

At the Metro Council - Board Joint Meeting on March 15, 2011, the Board approved the Resolution and Order to adopt the Supplemental Reserves IGA with Metro and authorized the Chair to execute the Supplemental IGA, to include an updated Exhibit A map that made the following changes to the IGA map adopted by the Board in May 2010:

Reserves Adjustment Area A, located north of Forest Grove – Changed 28 acres east of Council Creek from Urban Reserve to Undesignated.

Reserves Adjustment Areas B and C, located north of Cornelius – Changed approximately 360 acres in the southern portion of former Urban Reserve 71 to Undesignated; changed the remaining 260 acres located in the northern portion of the former Urban Reserve area to Rural Reserve (the boundary follows the line illustrated on the “Draft Community – Farmland Compromise” map submitted by the City of Cornelius at the hearing on March 15).

Reserves Adjustment Area D, located north of Highway 26 near Helvetia Road – Changed approximately 352 acres bounded on the west by Groveland Road, on the north by West Union Road, on the east by Helvetia Road and on the south by Highway 26 from Undesignated to Urban Reserve.

Reserves Area E, located northwest of the intersection of 209th Avenue and Farmington Road – Changed approximately 383 acres from Rural Reserve to Undesignated.

In addition to the map amendments described above, Exhibit B to the Supplemental IGA adopted a table detailing the location and acreage of the adjustment areas. Within the IGA itself, certain text revisions were made to reflect the expected completion date of the ordinance processes by Washington County and Metro and the projected date that the two agencies intend to submit their consolidated findings to LCDC.

The motion also included authority for the Manager of Long Range Planning to prepare the map and submit it to the Chair for review in order to ensure that it is consistent with the motion.

RO 11-15


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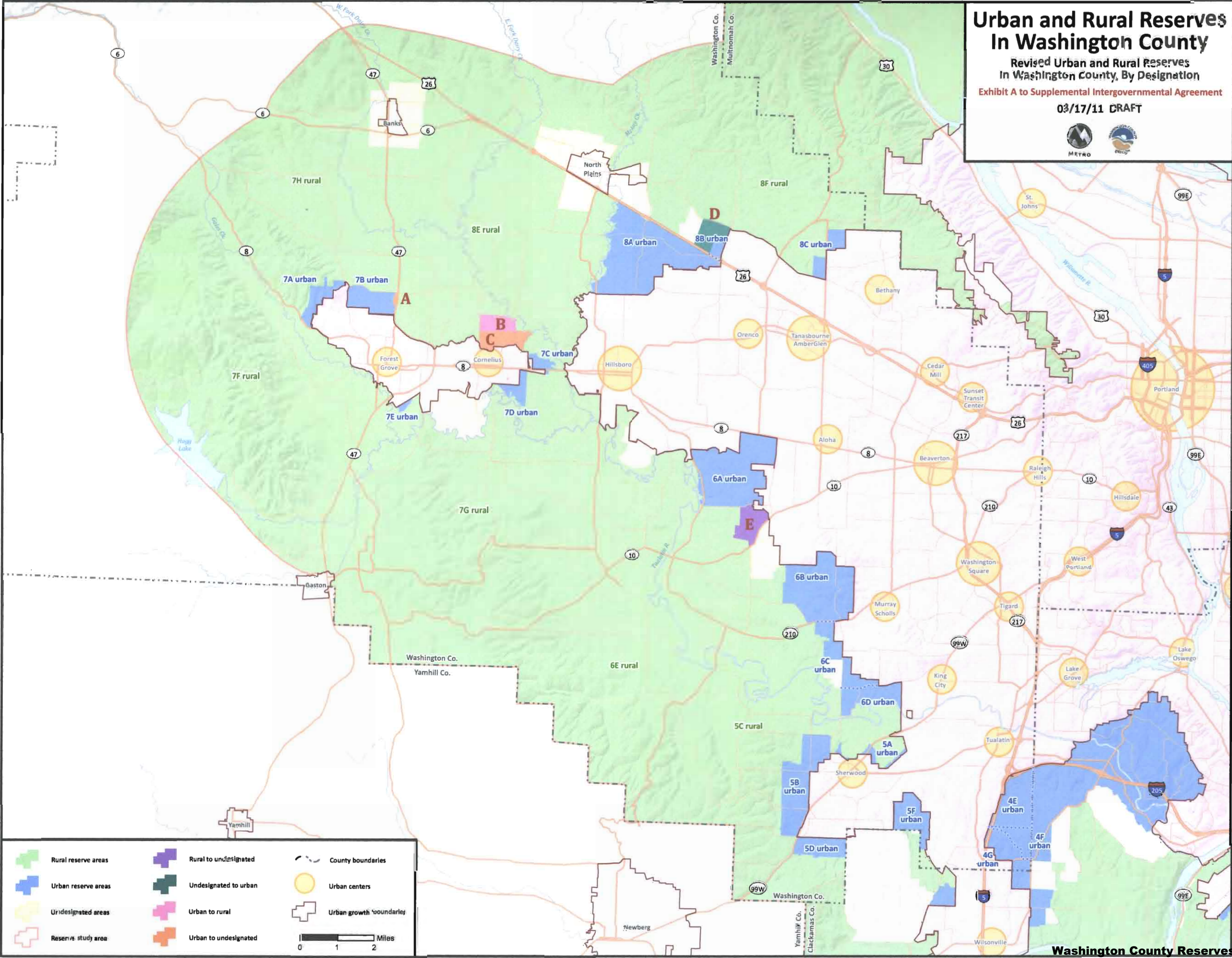
Urban and Rural Reserves In Washington County

Revised Urban and Rural Reserves
In Washington County, By Designation

Exhibit A to Supplemental Intergovernmental Agreement

03/17/11 DRAFT





**Exhibit B to Supplemental Intergovernmental Agreement
between Metro and Washington County**

**Adjustments to Proposed Urban and Rural Reserves Map for Washington County
March 2011**

Adjustment Area	Total Acres
Area A – Urban Reserve 7B Change from Urban Reserve to Undesignated These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47	28
Area B – North Portion of Former Urban Reserve 7I Change from Urban Reserve to Rural Reserve This portion of former urban reserve 7I is north of undesignated Area C noted below, south of NW Long Road, extending from NW Cornelius-Schefflin Road to just east of NW Susbauer Road	263
Area C – South Portion of Former Urban Reserve 7I Change from Urban Reserve to Undesignated This portion of former urban reserve 7I is located north of the City of Cornelius and south of the general location of NW Hobbs Road, between NW Cornelius-Schefflin Road and the floodplain of Dairy Creek	360
Area D – Adjacent to Urban Reserve 8B Change from Undesignated to Urban Reserve This area is north of Highway 26, south of NW West Union Road and east of NW Groveland Road	352
Area E – South of SW Rosedale Road Change from Rural Reserve to Undesignated This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road	383

OK
AD

1 IN THE BOARD OF COUNTY COMMISSIONERS

2 FOR WASHINGTON COUNTY, OREGON

3 In the Matter of Adopting an) RESOLUTION AND ORDER
4 Intergovernmental Agreement)
5 Supplementing the Reserves IGA and) No. 11-15
6 Identifying Urban and Rural Reserves in)
7 Washington County)

8 This matter having come before the Washington County Board at its regularly scheduled
9 meeting on March 15, 2011; and

10 It appearing to the Board that an intergovernmental agreement identifying urban and rural
11 reserves ("Reserves IGA") was entered into with Metro pursuant to ORS 195.141 and 190.003 to
12 190.110 on March 2, 2010 and amended on May 25, 2010; and

13 It appearing to the Board that the Land Conservation and Development Commission on
14 October 29, 2010 orally remanded certain designated reserves; and

15 It appearing to the Board that a joint public meeting was held with the Metro Council on
16 March 15, 2011 to receive public comment and vote on proposed amendments to the Urban and
17 Rural Reserves Map to respond to the oral remand, subject to a final decision by ordinance after
18 public hearings; and

19 It appearing that the IGA supplementing the Reserves IGA, as attached hereto includes all
20 of the necessary elements; now, therefore, it is

21 ///

22 ///

///

1 RESOLVED AND ORDERED that the Supplemental Intergovernmental Agreement to
2 Adopt Urban and Rural Reserves on Remand attached hereto is hereby approved.

3 DATED this 15th day of March, 2011.

4
5 BOARD OF COUNTY COMMISSIONERS
FOR WASHINGTON COUNTY, OREGON

	AYE	NAY	ABSENT
6 DUYCK	<u>✓</u>	<u> </u>	<u> </u>
7 SCHOUTEN	<u> </u>	<u>✓</u>	<u> </u>
8 MALINOWSKI	<u> </u>	<u>✓</u>	<u> </u>
9 ROGERS	<u>✓</u>	<u> </u>	<u> </u>
TERRY	<u>✓</u>	<u> </u>	<u> </u>

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CHAIR


RECORDING SECRETARY

**Supplemental Intergovernmental Agreement
Between Metro and Washington County
To Adopt Urban and Rural Reserves On Remand**

This Agreement is entered into by and between Metro and Washington County pursuant to ORS 195.141 and 190.003 to 190.110 for the purpose of addressing the pending Land Conservation and Development Commission remand of certain Urban Reserves and the Rural Reserves, all in Washington County.

WHEREAS, Washington County and Metro entered into an Intergovernmental Agreement, executed February 23, and March 2, 2010, respectively, with the amendment executed May 25 and June 10, 2010, respectively, that set forth tasks and a process for designating urban and rural reserves pursuant to ORS 195.137 to 195.145 and implementing Administrative Rules (hereafter “Reserves IGA”); and

WHEREAS, Washington County and Metro, together with Clackamas and Multnomah Counties, adopted ordinances designating urban and rural reserves; and

WHEREAS, the Land Conservation and Development Commission, on October 29, 2010, orally remanded two Urban Reserves in Washington County and, at the request of Washington County and Metro, all Washington County Rural Reserves to allow flexibility in re-designation of Urban Reserves in response to the remand;

WHEREAS, Washington County and Metro desire to supplement the prior Reserves IGA to set forth tasks and a process for adopting Urban and Rural Reserves on remand;

NOW, THEREFORE, Metro and Washington County agree as follows:

AGREEMENT


- A. Except as otherwise provided herein, the Metro policies previously adopted and applied to the designation of Urban Reserves shall apply to the consideration and designation of Urban Reserves on remand.
- B. Except as otherwise provided herein, the Washington County policies previously adopted and applied to the designation of Rural Reserves shall apply to the consideration and designation of Rural Reserves on remand.
- C. Washington County and Metro approve the map entitled “Revised Urban and Rural Reserves”, dated March 15, 2011 and incorporated herein as Exhibit ‘A’, setting forth the designations proposed to be adopted by ordinance by Washington County and Metro.


- D. This IGA is limited to addressing the LCDC oral remand and shall apply only to the revised designations depicted on Exhibit 'A' and described in Exhibit 'B', together with the Rural Reserve areas depicted on Exhibit 'A.'
- E. Washington County and Metro agree to follow this process for adoption of the ordinances that will carry out the designation of Rural and Urban Reserves on remand:
1. Each government will hold at least one public hearing on its ordinance prior to its adoption.
 2. Each government shall consult with Clackamas and Multnomah Counties prior to adopting ordinances containing a final designation of Urban and Rural Reserves in Washington County.
 3. Metro and Washington County will take final action on their respective ordinances no later than April 30, 2011. Metro and Washington County will adopt a common set of findings, conclusions and reasons that explain their designations of Urban Reserves and Rural Reserves as part of their ordinances adopting the reserves.
 4. Should Metro or Washington County decide that it is necessary to amend its respective ordinance to vary from the Exhibit 'A' map as a result of the public hearings process, it shall continue the ordinance and propose an amendment to the other party to this Agreement. The parties shall consult and make reasonable good faith efforts to reach a consensus on the amendment.
 5. On or before May 13, 2011, Washington County and Metro will submit their ordinances and supporting documents to LCDC in the manner of periodic review.
- F. Metro and Washington County acknowledge that the LCDC remand order has not been issued. Further, Washington County reserves the right to appeal all or any part of the LCDC remand order. Other parties to the LCDC reserves decision may appeal. Accordingly, up to the date of adoption of the ordinances described in sections D and E of this agreement, Metro or Washington County shall be entitled to initiate good faith negotiations with the other party hereto regarding any amendments to, or termination of, this Agreement as may be prudent in light of the LCDC remand order or any appeal. After 30 days, either Metro or Washington County may provide 10 days written notice of termination of this Agreement and the Reserves IGA to the other.
- G. Minor revisions to the boundaries between Urban Reserves and undesignated land at the concept planning stage may be considered as provided in the Reserves IGA.

H. Unless terminated earlier as provided in Section F, this Agreement terminates on December 31, 2060.

WASHINGTON COUNTY

METRO


Andy Duyck
Chair, Washington County
Board of Commissioners


Tom Hughes
Metro Council President


Dated: 3-15-11

Dated: 3-15-11

Approved as to form:

Approved as to form:


Dan Olsen
Washington County Counsel

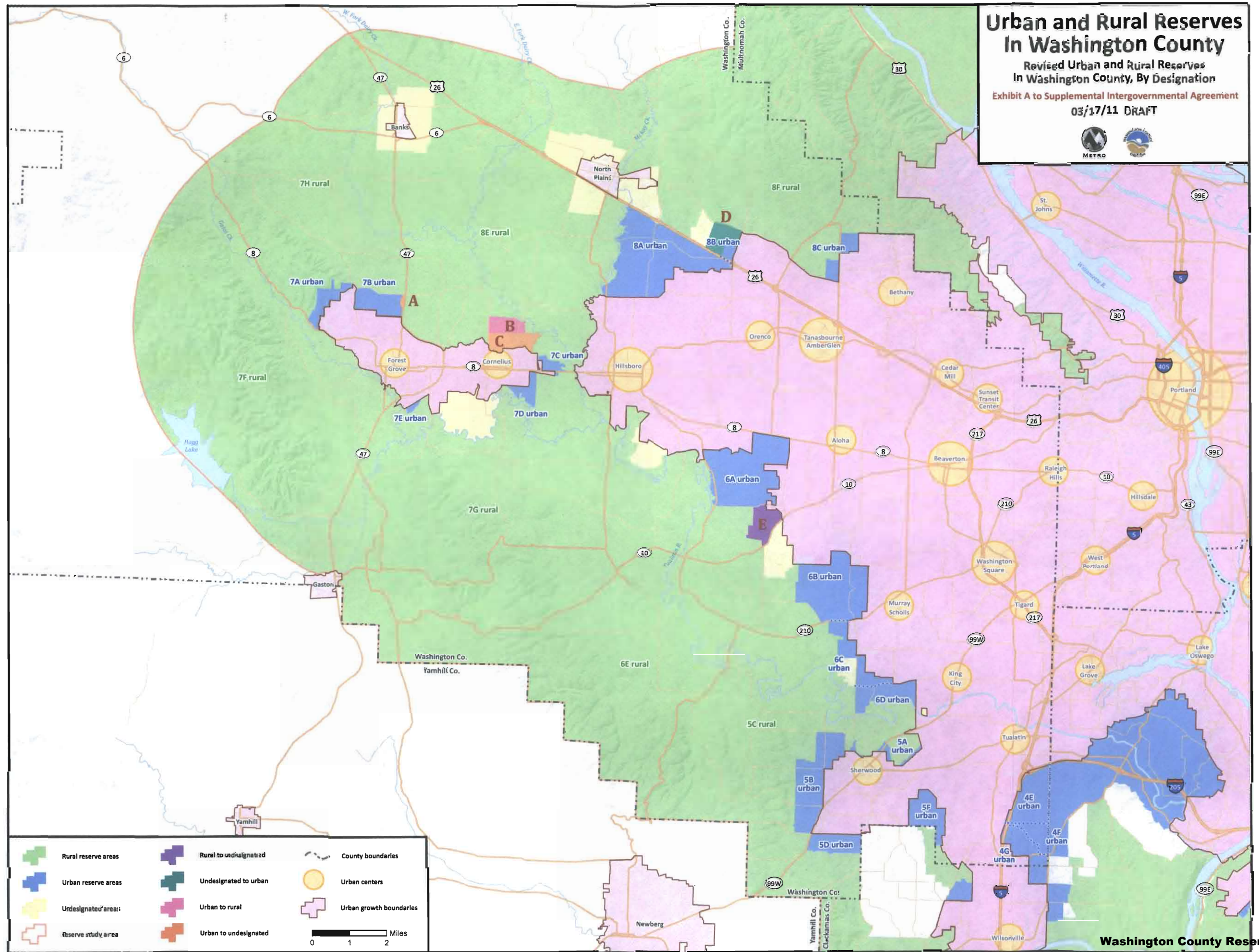

Allison Kean Campbell
~~Deputy~~ Metro Attorney
Acting

Urban and Rural Reserves In Washington County

Revised Urban and Rural Reserves
In Washington County, By Designation

Exhibit A to Supplemental Intergovernmental Agreement
03/17/11 DRAFT



**Exhibit B to Supplemental Intergovernmental Agreement
between Metro and Washington County**

**Adjustments to Proposed Urban and Rural Reserves Map for Washington County
March 2011**

Adjustment Area	Total Acres
Area A – Urban Reserve 7B Change from Urban Reserve to Undesignated These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47	28
Area B – North Portion of Former Urban Reserve 7I Change from Urban Reserve to Rural Reserve This portion of former urban reserve 7I is north of undesignated Area C noted below, south of NW Long Road, extending from NW Cornelius-Schefflin Road to just east of NW Susbauer Road	263
Area C – South Portion of Former Urban Reserve 7I Change from Urban Reserve to Undesignated This portion of former urban reserve 7I is located north of the City of Cornelius and south of the general location of NW Hobbs Road, between NW Cornelius-Schefflin Road and the floodplain of Dairy Creek	360
Area D – Adjacent to Urban Reserve 8B Change from Undesignated to Urban Reserve This area is north of Highway 26, south of NW West Union Road and east of NW Groveland Road	352
Area E – South of SW Rosedale Road Change from Rural Reserve to Undesignated This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road	383



WASHINGTON COUNTY OREGON

March 9, 2011

To: Washington County Board of Commissioners & Metro Councilors

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: **CONSIDERATION OF A SUPPLEMENT TO THE URBAN AND RURAL RESERVES INTERGOVERNMENTAL AGREEMENT BETWEEN METRO AND WASHINGTON COUNTY RELATING TO AN ORAL REMAND BY THE LAND CONSERVATION AND DEVELOPMENT COMMISSION**

STAFF REPORT

For the March 15, 2011 Joint Board of Commissioners – Metro Council Hearing
(The public hearing will begin no sooner than 10:00 AM)

I. STAFF RECOMMENDATION

Take public comments during the joint Board – Metro Council hearing and consider adoption of a Supplement to the Urban and Rural Reserves Intergovernmental Agreement (IGA) regarding the Reserves Remand (provided in your packets following this staff report). At the conclusion of Metro's public hearing on the IGA, adopt the Supplemental IGA and authorize the Board Chair to sign and execute the IGA.

II. OVERVIEW

Following the June 2010 adoption of Urban and Rural Reserves in Washington County by the Board and Metro, a consolidated record and findings were provided to the Department of Land Conservation and Development in accordance with Oregon Administrative Rule 660-027 relating to Reserves. In late October 2010, the Land Conservation and Development Commission (LCDC) considered the regional Reserves decision and largely agreed with Metro and the three counties regarding its designation of Urban and Rural Reserves.

In Washington County, however, two areas were orally remanded by LCDC:

- 1) Urban Reserve Area 7B, located north of Forest Grove, was remanded for additional findings for the area north of Council Creek.

2) Originally designated as an Urban Reserve, Area 7I located north of Cornelius was rejected outright by LCDC.

The oral LCDC remand offered the county the opportunity to consider replacement Urban Reserves and/or providing additional Undesignated lands by remanding all Rural Reserves.

The Board adopted a Supplemental IGA in December 2010 which included a map showing adjustments to the adopted Reserves areas in the county. Upon Metro's receipt of that IGA and map, the incoming Board Chair and incoming Metro Council President began discussing the remand response to LCDC, and those discussions led to a joint letter and proposed map issued by the Chair and President on February 22, 2011.

The proposed map developed by Washington County Board Chair Andy Duyck and Metro Council President Tom Hughes will be the subject of discussion at the joint public hearing between both governments on March 15, 2011. Though IGAs are typically considered action items and are not public hearings, public comments will be taken on the proposed map developed by Chair Duyck and President Hughes. Comment time limits will be three minutes for individuals and 12 minutes for representatives of a group.

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AGENDA

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category:	Public Hearing – First Reading and First Public Hearing	(All rural
	Land Use & Transportation; County Counsel	CPOs and CPOs 9, 12F, 12C, 4B, 5, & 6)
Agenda Title:	PROPOSED ORDINANCE NO. 740 - AN ORDINANCE AMENDING POLICY 29 OF THE RURAL/NATURAL RESOURCE PLAN TO MODIFY THE RURAL AND URBAN RESERVES MAP	
Presented by:	Andrew Singelakis, Director; Dan Olsen, County Counsel	

SUMMARY:

On June 15, 2010 your Board adopted A-Engrossed Ordinance No. 733, which amended the Rural/Natural Resource Plan and the Comprehensive Framework Plan for the Urban Area to reflect the designation of Urban and Rural Reserves. The county and Metro subsequently submitted consolidated Reserve findings to the Land Conservation and Development Commission (LCDC) for acknowledgement on June 23, 2010.

On October 29, 2010 LCDC issued an oral remand of two Urban Reserve areas and all of the Rural Reserve areas in Washington County. Urban Reserve Area 7I north of Cornelius was rejected outright as an Urban Reserve and findings for Urban Reserve Area 7B north of Forest Grove were remanded for additional documentation. All Rural Reserve areas were remanded at Metro and county request, to allow the county flexibility when considering replacement of lost Urban Reserve lands. Discussion of replacement Urban Reserve acreage between county and Metro representatives has been on-going since the October remand date, and in December 2010, the Board adopted a Supplemental Reserves IGA map that responded to the LCDC remand. That map formed the basis for the filing of Ordinance No. 740.

(continued)

DEPARTMENT'S REQUESTED ACTION:

Read Ordinance No. 740 by title only and conduct the first public hearing. At the conclusion of testimony, continue the hearing to March 29, 2011.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

100-601000

Agenda Item No.	5.b.
Date:	03/15/11

On March 2, 2011, the Planning Commission conducted a public hearing for this ordinance. The Commission took testimony on the ordinance and voted to recommend to the Board that they engross the ordinance to make two changes: 1) include approximately 350 acres of former Urban Reserve area 7I north of Cornelius as Urban Reserve, with the balance of the Reserve changed to Rural Reserve; and 2) change the 585-acre area north of Highway 26 in the Helvetia area from Urban Reserve to Undesignated. The Planning Commission's recommendation will be included in the staff report, which will be provided to the Board and the Board's clerk prior to the March 15th hearing.

Proposed Ordinance No. 740 is posted on the county's land use ordinance web page at the following link. The staff report will also be posted at this link prior to the hearing.

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2011-land-use-ordinances.cfm>

Consistent with Board policy about public testimony, testimony about the ordinance is limited to 3 minutes for individuals and 12 minutes for a representative of a group. Staff recommends that the Board include in the record for Ordinance No. 740 all written and oral testimony presented during public comment on the Supplemental IGA.



WASHINGTON COUNTY OREGON

March 9, 2011

To: Washington County Board of Commissioners

From: Brent Curtis, Planning Manager *BC*
Department of Land Use & Transportation

Subject: **PROPOSED LAND USE ORDINANCE NO. 740 AMENDING THE
COMPREHENSIVE PLAN TO MODIFY THE RURAL AND URBAN
RESERVES MAP**

STAFF REPORT

For the March 15, 2011 Board of County Commissioners Hearing
(The public hearing will begin no sooner than 10:00 AM)

I. STAFF RECOMMENDATION

Open the public hearing on Ordinance No. 740 and accept all comments provided on the Washington County – Metro Intergovernmental Agreement (IGA) into the record for the ordinance. Conduct the public hearing; at the conclusion of testimony, continue the public hearing to March 29, 2011.

II. PLANNING COMMISSION RECOMMENDATION

The Planning Commission held a public hearing on Ordinance No. 740 on March 2, 2011. Several citizens provided written and oral testimony on the ordinance; the written testimony is included in the Board notebooks for this ordinance. At the conclusion of public testimony, the Commission closed the public hearing on the ordinance and voted 5 -1 to recommend that the Board of County Commissioners adopt Ordinance No. 740 with the following amendments:

- Change the designation of approximately 350 acres north of the city of Cornelius (land included within a proposed Urban Reserve identified as “7-I*” during testimony provided to the Planning Commission) to Urban Reserve.
- Change the Urban Reserve designation for approximately 585 acres of land north of Highway 26 and west of Helvetia Road to Undesignated.

A map illustrating the Planning Commission's recommendation is provided with this staff report as **Attachment A**.

III. ANALYSIS AND SUMMARY OF PROPOSED CHANGES

Proposed Ordinance No. 740 follows action by the Board to enter into a Supplemental IGA with Metro concerning amendments to the Urban and Rural Reserves map originally adopted on June 15, 2010 through A-Engrossed Ordinance No. 733. The Supplemental IGA, approved by the Board on December 14, 2010, was drafted in response to the Land Conservation and Development Commission's (LCDC) oral remand for the county and Metro to reconsider Urban Reserve designations north of the cities of Forest Grove and Cornelius. During the October 29, 2010 acknowledgement hearing, LCDC offered the county the flexibility to consider replacement Urban Reserves or additional Undesignated lands by remanding all Rural Reserves.

The Supplemental IGA included a new Reserves map that reflected modifications intended to respond to LCDC's oral remand. Concurrent with its approval of the IGA, the Board also directed staff to file a land use ordinance to reflect the changes included in the Supplemental IGA. Ordinance No. 740 proposes to make those amendments to the Urban and Rural Reserve map in accordance with the Board's direction.

Amendments to the originally adopted Reserve areas formed the basis for filing of Ordinance No. 740. Following the adoption of the December 2010 IGA, the incoming Board Chair and Metro Council President began discussing the remand response to LCDC, and those discussions led to a joint letter and proposed map issued by the Chair and President on February 22, 2011.

The proposed adjustments to the Reserves map developed by Washington County Board Chair Andy Duyck and Metro Council President Tom Hughes (included as **Attachment B** to this staff report) will be the subject of discussion at the joint public hearing between both governments on March 15, 2011. Though IGAs are typically considered action items and are not public hearings, public comments will be taken on the proposed map developed by Chair Duyck and President Hughes. Staff recommends that comments received during the discussion on the Supplemental IGA be incorporated into the record for Ordinance No. 740 during the Board's public hearing on March 15, 2011. In addition, public testimony on the ordinance will be accepted in accordance with the following timelines: three minutes for individuals and 12 minutes for representatives of a group.

The proposal from Chair Duyck and President Hughes includes the adjustments shown in the table below. These adjustments have been included in the draft Supplemental IGA to be considered by the Board and the Metro Council during the joint public hearing on March 15. In the event that the IGA is approved by the Board and Council, conforming amendments to Ordinance No. 740 will be prepared and presented to the Board during its next hearing on the ordinance, scheduled for March 29, 2011.

**Proposed Adjustments to the Urban and Rural Reserves Map for Washington County
March 2011**

Adjustment Area	Total Acres
Area A – Urban Reserve 7B Change from Urban Reserve to Undesignated These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47	28
Area B – West Portion of Former Urban Reserve 7I Change from Urban Reserve to Rural Reserve This portion of former urban reserve 7I is south of NW Long Road between NW Susbauer Road and NW Cornelius-Schefflin Road	426
Area C – East Portion of Former Urban Reserve 7I Change from Urban Reserve to Undesignated This portion of former urban reserve 7I is east of NW Susbauer Road and includes the area around NW Hobbs Road	197
Area D – Adjacent to Urban Reserve 8B Change from Undesignated to Urban Reserve This area is north of Highway 26, south of NW West Union Road and includes land on both sides of NW Groveland Road	585
Area E – South of SW Rosedale Road Change from Rural Reserve to Undesignated This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road	383

Ordinance Notification

Ordinance No. 740 and an accompanying summary were mailed to citizen participation organizations (CPOs) and interested parties on January 21, 2011. A display advertisement regarding the proposed ordinance was published in *The Oregonian* on February 10, 2011 and in the *Hillsboro Argus* on February 11, 2011. Individual Notice 2011-01 describing proposed Ordinance No. 740 was mailed to 452 people on the General Notification List on February 16, 2011. A copy of this notice was also mailed to the Planning Commission at that time.

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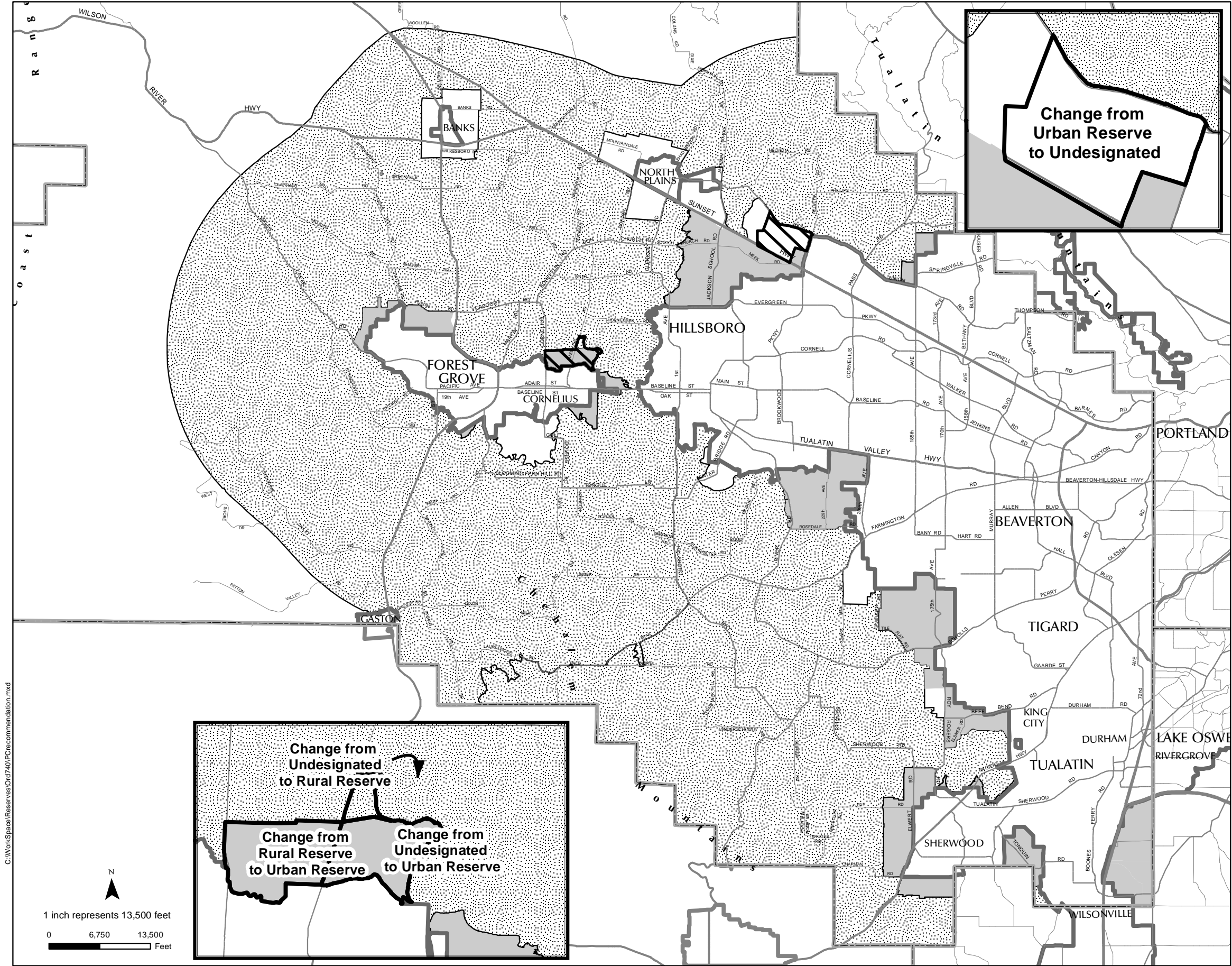
Urban and Rural Reserves

Planning Commission Recommendation on Proposed Ord. No. 740

- Planning Commission Change Area
- Reserve Designation
- Urban Reserve
- Rural Reserve

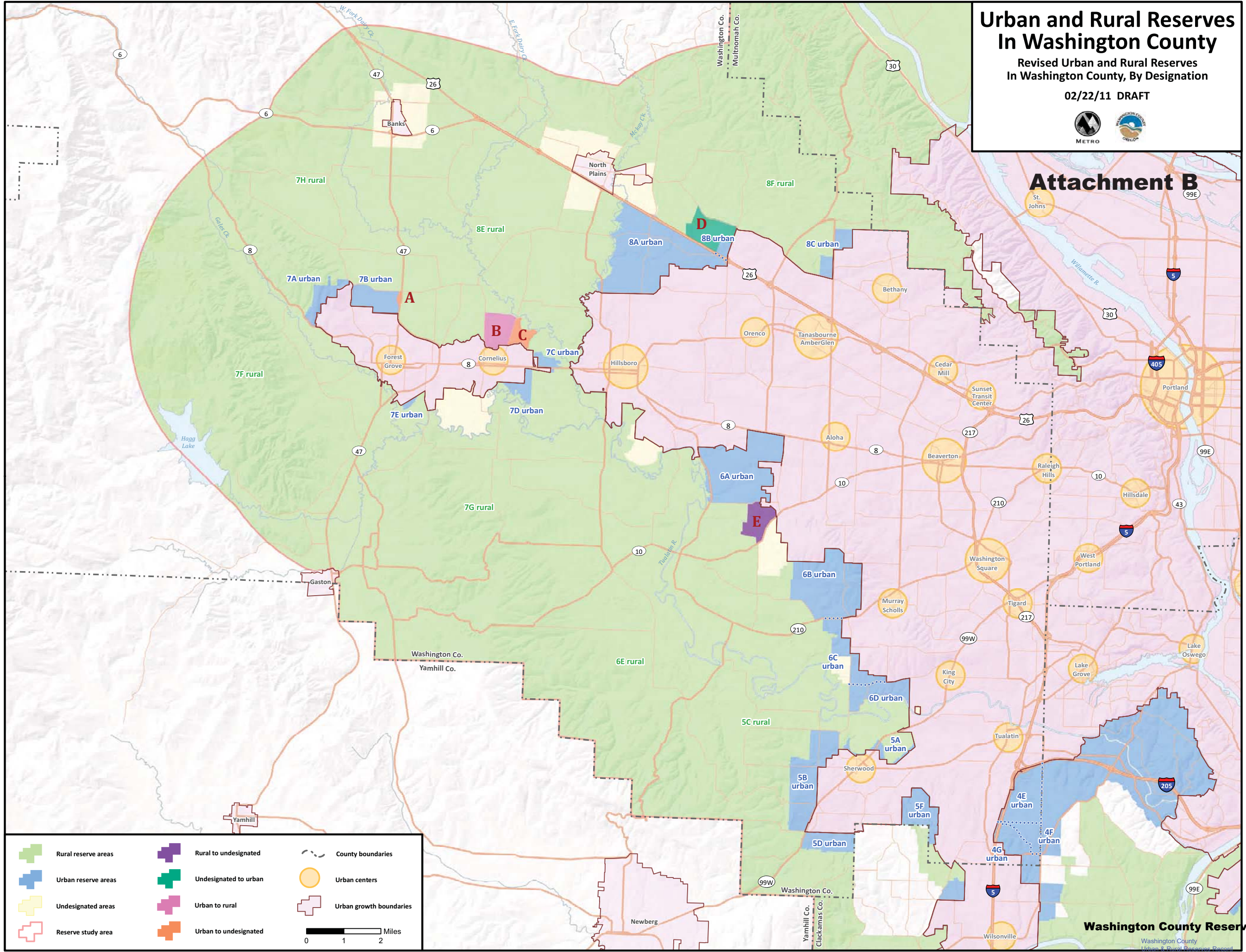
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Care was taken in the mapping but there are no warranties for this product. However, notification of any errors will be appreciated.

Department of Land Use and Transportation
Long Range Planning Division



C:\WorkSpace\Reserves\Ord740\PCRecommendation.mxd

Attachment B



MINUTES

METRO COUNCIL AND BOARD OF COMMISSIONERS JOINT HEARING

MARCH 15, 2011

CONVENED: 10:15 a.m.

BOARD OF COMMISSIONERS:

Chairman Andy Duyck
Vice Chair Roy Rogers
Commissioner Dick Schouten
Commissioner Greg Malinowski
Commissioner Bob Terry

METRO COUNCILORS:

Council President Tom Hughes
Councilor Shirley Craddick
Councilor Carlotta Collette
Councilor Carl Hosticka
Councilor Kathryn Harrington
Councilor Rex Burkholder
Councilor Barbara Roberts

COUNTY STAFF:

Robert Davis, County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Division Manager, LUT
Andy Back, Principal Planner, LUT
Bill Gaffi, General Manager, CWS
Margot Barnett, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Barbara Hejzmanek, Recording Secretary

METRO STAFF:

John Williams
Richard Benner
Alison Kean Campbell
Tim O'Brien

PRESS:

Dana Tims, *The Oregonian*
Kurt Eckert, *Hillsboro Argus*

A.1. ACTION – LAND USE AND TRANSPORTATION

RO 11-15

Consider a Revision to the Supplemental Intergovernmental Agreement between Washington County and Metro Concerning Urban and Rural Reserves (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

Roll of both governing bodies was called.

Chair Duyck indicated that the first order of business today is the consideration of an intergovernmental agreement between Washington County and Metro concerning urban and rural reserves. He mentioned that although this is not a public hearing for Washington County, the County does have guidelines for holding a public hearing for Ordinance 740—a companion piece to this—later in this meeting. Chair Duyck said that

the Board is holding a joint meeting with Metro Council so that the Board hears what Metro hears. He announced that all of today's testimony will be rolled into the record for Ordinance 740 later in the meeting.

Chair Duyck stated that Metro's practice *does* involve conducting a public hearing about the reserves agreement today. He proposed that Council President Hughes conduct the public hearing on the reserves IGA. In addition, Chair Duyck proposed that the Board allow any testimony during Metro's public hearing on the IGA to also be made a part of the record for the county's Ordinance 740. He said that by taking this approach, we can economize the public's time.

Hearing no objections from his Council relative to the process outlined by Chair Duyck, Council President Hughes was ready to proceed as described.

Chair Duyck asked those wishing to speak today to sign in and for written testimony to be submitted to the Board Clerk.

Council President Hughes opened the public hearing and asked for a joint staff report.

Brent Curtis, Planning Manager for Washington County, reviewed that the three counties of the region and Metro adopted a series of IGA's and conforming land use ordinances that provided for a proposal for rural reserves and urban reserves last year and submitted them to LCDC for review. He recalled that that review occurred in October over a couple of hearings and ultimately LCDC found that the proposal was acceptable for the vast majority of the regional proposal for urban and rural reserves and met the requirements of the law. Mr. Curtis specified that this was particularly true for the urban and rural reserves for Clackamas and Multnomah counties. He stated that for the most part, LCDC found that Washington County's proposal met the requirements of the law and was consistent with the planning requirements laid out by the State, with several exceptions. Mr. Curtis said that these exceptions were primarily in the Forest Grove – Cornelius area. He reported that LCDC provided an oral remand to the region to look at two areas specifically:

1. The area north of Cornelius. There was an original proposal of 623 acres north of Cornelius that was proposed to be urban reserves. LCDC found that that original proposal was not acceptable and they remanded it for further action by the region.
2. An area north of Forest Grove. LCDC was concerned that this 508 acres have better analysis and findings of fact about Council Creek—where exactly Council Creek was, how it helped organize urban reserve designations and how it would affect other designations.

Mr. Curtis summarized that the oral remand found fault with two areas in Washington County but not with a substantial amount of the other areas in Washington County that were proposed as urban or rural reserves. He said that the Commission provided the opportunity for Metro and Washington County to look at these two areas and allow the

bodies to propose replacement of lost urban reserves with other areas. Mr. Curtis stated that the Commission also provided the opportunity for the region (Metro and Washington County) to think again about undesignated lands. He said that those two opportunities are reflected in the fact that they sent back the entirety of the rural reserves to provide that flexibility.

Mr. Curtis said that since that time, there has been a lot of discussion between the two governments on an informal basis about how to respond to the oral remand. He stated that recently, Council President Hughes and Chair Duyck worked together to come up with a proposal for consideration by the Metro Council and the Washington County Board (and the other two governments in the end) as a response to that. Mr. Curtis said that the Duyck-Hughes Proposal is represented by a map, which was displayed to the Council, Board and audience. He identified the following areas on the map:

- Area A: the area north of Forest Grove
- Area B and C: the area north of Cornelius
- Area D: the Helvetia area
- Area E: Rosedale Road south of South Hillsboro

Area A:

Mr. Curtis said that the issue north of Forest Grove was about Council Creek, its location and how it organized things in regard to reserves. He reported that there was an emerging consensus from LCDC that Council Creek was an important entity for organizing things and it was important to be north of Council Creek as a differentiation point. Mr. Curtis said that what is interesting about Forest Grove is that there is another east/west drainage area. He stated that Council Creek runs north and south. Mr. Curtis said that the original 500-acre area is, in the main, left as urban reserves and he showed on the map 28 acres of undesignated lands east of Council Creek (this uses Council Creek as the buffer).

Area B and C:

Mr. Curtis identified this as north of Cornelius. He recalled that this area was originally recommended and was in front of LCDC as urban reserve. Mr. Curtis reviewed that LCDC rejected that designation. He said that the Duyck-Hughes Proposal recommends that the area that is west of Susbauer Road (approximately 430 acres) be designated as rural reserve. Mr. Curtis stated that the area east of Susbauer Road is recommended undesignated in this proposal. He pointed out on the map the distinct boundaries of Dairy Creek, existing exception areas and the fact that it is differentiated from the area to the west, which has larger lots.

Area D:

John Williams, Deputy Director, Planning and Development Department, Metro, identified this as a new urban reserve of 585 acres. He said that this is land north of Highway 26, south of NW West Union Road and west of NW Helvetia Road that was previously undesignated area. Mr. Williams reported that the proposal is to convert this to urban reserves. He said that the land is flat topographically, adjacent to significant transportation facilities and provides a suitable alternative for employment or housing uses in the future to make up for the previously identified urban reserve area north of Cornelius. Mr. Williams stated that as part of the discussion through the reserves process, there was quite a bit of discussion from leaders in Hillsboro and Washington County that they have the willingness and financial capacity to provide essential services to this area someday, should the region need this land.

Area E:

Mr. Williams described this as a 383-acre undesignated area proposed south of SW Rosedale Road and north of SW Farmington Road adjacent to the South Hillsboro urban reserve area. He recalled that this land was previously in front of the Commission as rural reserve but is proposed on this map as undesignated land to provide additional flexibility if it is ever needed for urban development south of Hillsboro and near Beaverton.

Mr. Williams reported that the total acreage in Washington County would be 13,745 acres of urban reserve and 151,372 acres of rural reserve. He said that this would contribute to a regional total of 28,476 acres of urban reserve and 266,791 acres of rural reserve regionally.

Speaking to the process, Mr. Williams stated that today's discussion regards a proposed Intergovernmental Agreement between Metro and Washington County, which would adopt the changes described. He said that if that is adopted today, each jurisdiction would move forward to adopt the reserves designation formally as was previously done. Mr. Williams stated that if we move forward today, the following additional hearings will occur:

Washington County	March 29, 2011	Evening hearing
	April 19, 2011	Day hearing
	April 26, 2011	Evening hearing
Metro Council	April 14, 2011	First reading of ordinance
	April 21, 2011	Second reading and public hearing

Mr. Williams asked Metro Councilors to adopt a revised Resolution today, which has been revised to specify the April 21st hearing date. He said that Multnomah and Clackamas counties will be taking action to adopt findings of fact and total acreages

reflecting the decision made today. (Those actions would be taken in April.) Mr. Williams stated that a package would then be submitted jointly to the State in May. His understanding was that if we are able to get that package down as soon as possible in early May after we have all completed adoption ordinances and action, the Commission would be able to hear this in August of 2011. Mr. Williams indicated that the urban and rural reserve decision is the baseline from which the Metro Council would be making an Urban Growth Boundary decision in 2011. He said that if the Council so moves to make an Urban Growth Boundary expansion, the areas used would be urban reserves—including possibly some shown on the map here today.

Relative to Area A, Councilor Hosticka understood that the logic for not going to rural reserve in the yellow area on the map has to do with transportation improvements.

Brent Curtis explained that because this is an IGA and then we have to convert it to land use, we are still doing the updated analysis. He said that the way the County has worked in the past is to work very closely with adjacent cities. Mr. Curtis pointed out that Verboort Road, Purdin Road and Highway 47 make up an important area. He said it is important to think ahead about the transportation improvements that would be needed for all kinds of purposes. Mr. Curtis stated that because Highway 47 is a state highway, it has a degree of importance to the state as well. He said that undesignated land provides a degree of opportunity to envision and move forward, if roadway/intersection improvements are needed there.

Councilor Hosticka asked how this proposal differs from what was submitted to LCDC in terms of additions or subtractions to urban and rural reserves.

Mr. Williams replied that it is very similar in acreage to the previous proposal. He said that the answer is complicated because the totals have changed a little due to work that Washington County staff has done with Metro mapping staff to adjust tax lot acreages. Mr. Williams reported that the new proposal contains 43 more acres of rural reserve and 67 acres less of urban reserve. He explained that if you look at the totals countywide, you won't see those numbers exactly because the GIS data numbers are a little different.

Councilor Collette wanted to know why it is recommended that Area C be undesignated.

Brent Curtis observed that this is a fine and an important point. He believed that LCDC said that it cannot be urban reserve. Mr. Curtis noted that this left us with the options of undesignated and rural. He said that the Commission spoke about replacing urban reserve lost in this area and about providing an opportunity to Metro and Washington County about more undesignated lands. Mr. Curtis stated that those points were what began to suggest looking at this area in a finer sense in order to understand what was going on there and also looking to the notion of risk management going forward. He said that this contributed to the proposal in front of us today: the larger area to the west as rural reserve (which clearly responds to the LCDC oral remand) and the area to the east

which has the smaller lots, the exception areas, as undesignated (that responds to the opportunity to look again at undesignated lands and the broader context of the issues associated with the City of Cornelius).

Councilor Collette asked if some of that land is exception land and not defined as foundation farmland.

Mr. Curtis responded that he believes that all of it is foundation farmland. He was aware that part of it is exception lands. Mr. Curtis explained that exception lands were originally established in the original acknowledgement. He said that in Washington County, there are two ways to get exception lands: reasons exception or developed and committed. Mr. Curtis clarified that there are no reasons exceptions on EFU land in Washington County; there is only developed and committed. He said that was a reflection in the early 1980's of the fact that there are a bunch of small lots, different ownerships that were managed in different kinds of ways and they qualified as built and committed exceptions too—Goal 3. Mr. Curtis stated that foundation land came much later in the process and that broad regional analysis did not look at lot by lot kinds of considerations. He said that it is not easy, therefore, to compare the conclusions. Mr. Curtis stated that it is important that the urban and rural reserve system that we are trying to put into place replaces an old system that is very dependent on exception lands. He said that that old system—in the absence of urban reserves—would go to exception lands first.

Councilor Burkholder asked if there was guidance in the rule about what undesignated actually was intended to be.

John Williams replied that in the rules, the purpose of urban reserves is described and the purpose of rural reserves is described. He acknowledged that there has been a lot of discussion about undesignated lands and different rationales for making land undesignated. However, Mr. Williams said that we are working with the factors for the urban reserves and the rural reserves; the undesignated lands are the other areas.

Brent Curtis stated that there is clearly a relationship between need for urban land in the long term and urban reserve designations. He said that there is no such requirement for rural reserves. Mr. Curtis went on to say that there is no minimum standard for rural reserves, there is no need for rural land; there is only the requirement that if you designate urban reserves, you must designate *some* rural reserves. He stated that interpreting all of those things means that there is an absence of real direction in the law and in the administrative rule about undesignated. Mr. Curtis said that a lot of people have thought about what undesignated means and the kinds of opportunities it could legally and rightfully assume under the existing structure.

Commissioner Schouten commented that another way to look at undesignated land is land that will continue to have the status that it does today.

Commissioner Malinowski referenced a comment earlier about the necessity of putting Area A as undesignated due to road improvements. He said that he used to drive through EFU land on Cornelius-Schefflin a lot and noted that a lot of improvements have been made on that road. Commissioner Malinowski therefore did not see how making that rural reserve would preclude the traffic improvements along it.

Brent Curtis observed that Cornelius-Schefflin is further to the east and recognized that there have been county improvements on it. He said that one of the things that came along with urban and rural reserves was a set of provisions that you cannot take a plan amendment if you are rural reserve or urban reserve. Mr. Curtis stated that in almost all cases when you do an intersection improvement, you have to amend the plan because the improvement goes outside of the right-of-way. He explained that when land is urban reserve or rural reserve, we cannot make the plan amendment to effectuate the roadway improvement. Mr. Curtis clarified that that same set of provisions does not apply to undesignated lands; adjustments can be made under the Transportation Planning Rule to make an improvement there. He said that the Cornelius-Schefflin improvements that were made were done way before we had an urban reserve/rural reserve construct and this 'no plan amendment' proviso.

Commissioner Rogers noted that during the Planning Commission hearing, there was a slight variation on the map that is before Metro and the Board today. He asked staff to describe this further.

Brent Curtis reviewed that the Planning Commission recently met regarding an item considering Ordinance 740. (This is on the Board's agenda later today.) He said that Ordinance 740 conforms to and gets its substance from the IGA that the Washington County Board adopted in mid-December. Mr. Curtis clarified that this is not the IGA proposal that is front of Metro and the Board now; nor is Ordinance 740. He said that because IGA's and conforming land uses go together, at least for the Board, these matters are relevant. Mr. Curtis recalled that the Planning Commission had Ordinance 740 in front of them but they also had the benefit of the Duyck-Hughes Proposal, the map and the letter. He reported that the Planning Commission also took a substantial amount of public testimony from people in the area of Cornelius. Mr. Curtis said that those people offered up a map solution to what is Area B and C. He stated that they identified Area 7I*. Mr. Curtis said that Area 7I is the mapping nomenclature for what went to LCDC; the asterisk means that it is an adjustment proposed by the City of Cornelius. He indicated that it is approximately a 350-acre piece that goes across Area B and C and leaves that boundary above the 350 acres rural reserves and has the line below it as urban reserves. Mr. Curtis stated that the Planning Commission also made an adjustment in Area D: they proposed to adjust it to undesignated. He mentioned that the entire packet of information on Ordinance 740 from the Planning Commission hearing is in the packet today, including the Cornelius proposal.

Councilor Hosticka wished to correct Commissioner Schouten's statements about undesignated. His own understanding is that under current law, if the Metro Council is

looking to expand the Urban Growth Boundary, we go to urban reserves first and then exception land. Councilor Hosticka said that if an area was exception land as an undesignated, it now goes to second place—not first place—behind urban reserves. He thought that there is a change by adopting this whole thing in how we would treat lands that are in the undesignated category from how we would treat them absent urban and rural reserves.

Brent Curtis agreed that from a growth management point of view, Councilor Hosticka is exactly right. He said that from a day to day management point of view, the zoning remains exactly the same and it is managed in that kind of way on a day to day basis. Mr. Curtis stated that those two finer points are a good explanation of where you are left there.

Council President Hughes said that in the undesignated area where plan amendments are still allowed, you could have some changes in what is allowed under the zoning, whereas in urban and rural reserves, no change would be allowed until the urban is brought into the Urban Growth Boundary and essentially annexed into a city or taken into the county.

Mr. Curtis stated that, in general, that is a fair characterization. He explained, though, that it is extremely difficult to get a plan amendment to change any kind of provision outside the Urban Growth Boundary. Mr. Curtis said that while theoretically you can still ask for a plan amendment in undesignated, it is very, very difficult to get that plan amendment.

Councilor Harrington clarified that State land use laws and all of the county particulars apply to a plan amendment for a piece of rural property that is not in an urban reserve or a rural reserve. She said that you are dealing with a steep curve there and added that it is similar to what exists today in that if a property owner wants to do something on a piece of rural land, they have to go through a complex process dealing with the state land use laws. Councilor Harrington commented that that level of complexity will continue to exist.

Commissioner Schouten asked if it would be necessary to turn a piece first into urban reserve before it can go into the Urban Growth Boundary or if it can go directly from undesignated inside the Urban Growth Boundary lines in a situation where you have something undesignated and at some point we look to include it inside the Urban Growth Boundary lines because everything else has been exhausted.

John Williams responded with his opinion that it could go directly from undesignated inside the Urban Growth Boundary if you followed the priority statute that has been discussed.

Dick Benner, Metro Attorney, stated that in the priority statute, first priority for expanding the Urban Growth Boundary, we go to urban reserves (if we have them) first.

He said that if there is some reason that we cannot meet that need in the urban reserves that we have (and that would be a very difficult demonstration to make), then you can turn to land that is not designated urban reserve. Mr. Benner clarified that if you do that, you go to exception land first.

Council President Hughes stated that that refers to urban reserves anywhere in the region and emphasized that we look at this as a region.

Dick Benner agreed with Council President Hughes' assessment. He said that if you have urban reserves anywhere and you are thinking about adding to the UGB in a part of the region, you have to show that the urban reserves—wherever they are in the region—cannot satisfy that need.

Councilor Craddick asked if the lands we are looking at modifying are foundation or exception lands. She specifically inquired if Area D is exception or foundation land.

John Williams replied that these are all foundation lands. He said that there may be pockets of exception land in some of the foundation land. Mr. Williams reviewed that the foundation land is a designation created by the Oregon Department of Agriculture in a study that was done predating the urban and rural reserves work.

Councilor Craddick wanted to know what percent of the total acreage for all of the Metro region is urban reserves in growth over the next 40 years if we bring in all these lands according to this proposal. She asked about the percent change if we expanded totally into our urban reserves that we are looking at today to add to the rest of the urban reserves over the next 40 years.

John Williams replied that it would be about an 11% addition to the existing Urban Growth Boundary.

Commissioner Malinowski said that we are taking up more than half of the original foundation lands in Washington County already for urban uses.

Brent Curtis did not believe that to be true. He stated that we are taking some foundation lands but that it is not half of the foundation lands. Mr. Curtis clarified that virtually all of Washington County is foundation lands. He did not think we are taking close to half and maybe not even close to one-quarter.

Commissioner Malinowski was counting the footprint of Beaverton and Tigard. He said that he is not saying that we divide the existing pie in half; rather, he is referring to the original pie.

Mr. Curtis observed that that is a different question. He said that foundation lands are mapped outside of the pre-existing Urban Growth Boundary. Mr. Curtis stated that this would not include an assessment of the soils that have already been built over.

Commissioner Malinowski recalled that back when we did exception land, we assumed that five to ten acre lots simply were not viable as a farm and that there was no way to make a living on them. He thought that it is pretty well accepted that five to ten acre lots—even though we may call them exception—could be a very viable farm.

Mr. Curtis noted that this goes back to a 1980's analysis. He reviewed that there was—and continues to be—debate about how much land it takes to generate a farm income to support a family. Mr. Curtis said that it is all dependent upon the crops you grow and the kind of attributes that are available to assist in farming—the soils, the water, and other inputs. He stated that that debate probably will go on in Oregon forever as what is the viable average or minimum size for a farm. Mr. Curtis remarked that this is not what the question was when we addressed exception lands. He recalled that the original Goal 3 said that we have to save and designate as preserving for farm use Classes 1 through 4; virtually all of Washington County was Classes 1 through 4. Mr. Curtis explained that the areas that were exceptions did not have anything to do under the law with the viability of making an income. He stated that what it had to do with was identification of lots or uses or patterns of lots and patterns of uses that made it impracticable for those to be actually preserved and operated as farms for the long term. Mr. Curtis stated that they were built and committed exceptions to the underlying soil requirement. He said that that was what the original inquiry was; it did not have to do with farm incomes. Mr. Curtis stated that later, farm incomes came in when the State decided to look at how you provide housing to farmers. He said that you can have some pretty dramatic incomes on some pretty small parcels but those tend to be the exception. Mr. Curtis stated that for other crops, you need very large parcels to generate incomes.

Commissioner Malinowski remarked that we have moved past the point where we knew for sure that five acres was useless for a farm.

Mr. Curtis said that as a practical, but not legal, matter, most people would not accept five acres as being a zone that would protect farmland going forward.

Commissioner Malinowski said that we should not necessarily say that these are useless.

Mr. Curtis agreed that many farms operate on small acreages.

Council President Hughes opened the public hearing and set forth the time limits as three minutes for individuals and twelve minutes for groups.

Dan Sheldon, Owner and CEO, Sheldon Manufacturing, 300 N. 26th Avenue, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He stated that his firm produces laboratory equipment that is distributed all over the world. Mr. Sheldon said that his company is a successful, high technology, clean and green industry that has flourished in Cornelius for 32 years. He related that he has sometimes driven his bicycle 16 miles to work and wants his employees to have the opportunity to walk and ride bikes also. Mr. Sheldon said that when thinking of a major expansion several years

ago, he was thwarted by the fact that there was very limited suitable land in Cornelius for development and that it was not for sale at a reasonable price. He stated that in 2007, he joined the Chamber of Commerce speaking in favor of addition to Urban Growth Boundary north of Cornelius for industrial development, which was approved and then disapproved later. Mr. Sheldon preferred to stay in the community because his trained workforce is here but said he will be unable to do so if there is not a bigger place to move. His hope was that a space would be available when needed. Mr. Sheldon reported that his firm has made two significant changes so far this year: 1) It hired an international sales rep away from its largest competitor with the intention of doubling international sales in the coming year and 2) It purchased the assets of another company in San Antonio, Texas and will move those operations to Cornelius in the near future. He stated that the City of Cornelius has been built out to its boundaries for several years. Mr. Sheldon said that in cooperation with the County, Metro and property owners, the case has been made for a reasonable amount of land for future urban development—specifically industrial development. He did not know why the government changes its mind about these areas at the last minute. Mr. Sheldon did not want Washington County to change its mind in its Comprehensive Plan again and take away the new life blood that was approved last year. He said that if the region does not allow some room for this community, industrial development (which means jobs) will stall in Cornelius. Mr. Sheldon stated that if Washington County and the region want to attract more companies like Sheldon Manufacturing to locate and expand for jobs and economic growth, there need to be choices like small city locations, not just along Sunset Highway. He asked that land be put back on the urban reserve map north of Cornelius, like the 350 acres shown on the city's drastically-downsized request map.

Commissioner Malinowski asked what size lot Mr. Sheldon is looking for.

Mr. Sheldon responded that he presently has about 50,000 square feet with about five acres and that he hopes to double that.

Commissioner Malinowski felt that Mr. Sheldon may receive phone calls by tonight.

Councilor Collette recalled that some Councilors or Board members toured Mr. Sheldon's facility last year. She wondered if Mr. Sheldon has had a chance to look at the lands around Cornelius that were brought into the urban reserves last year. Councilor Collette asked if any of this works for his business.

Mr. Sheldon said he has not looked at that lately.

Councilor Collette stated that she would love to see Mr. Sheldon stay in Cornelius and grow there.

Jerry Willey, Mayor, City of Hillsboro, 150 E. Main, Hillsboro, Oregon, related that the City of Hillsboro is in support of the Hughes-Duyck map and of the work that has gone on for three years. He felt it is important to try to envision what we want to accomplish

in making the greatest place over the next 40 or 50 years. Mayor Willey recalled that when he moved here in 1983, the City of Hillsboro had 27,000 people and was suffering through an economic downturn. However, he said that the City of Hillsboro was still working on developing the city of the future. Mayor Willey stated that the only way you do that is with opportunity, land and know where you need to plan. He said that we need to identify in this process where we are going to be able to plan for future growth. Mayor Willey acknowledged that it is difficult to envision a 50-year snapshot but said that from 1983 to now, the City of Hillsboro has spent an inordinate amount of time trying to make sure we plan for livability as well as employment opportunities. He spoke in favor of focusing on visionary planning today. Mayor Willey said that this is not about Hillsboro but rather about the state, employment opportunities for the region, raising the family wage, and having employment land as well as livability and sustainability.

Denzil Scheller, 253 E. Main Street, Hillsboro, Oregon, represented the Board of the Hillsboro Chamber of Commerce. He reported that the Hillsboro Chamber supports this proposal. He said that planning for a 50-year horizon has been a daunting task. Mr. Scheller stated that it is extremely important to ensure that we have hit our mark as accurately as possible. He said that we are focusing today on 585 acres of land for urban reserves, which is less than the original proposal by about 67 acres. Mr. Scheller stated that the Hillsboro Chamber has participated in and supported the process all along the way. He said that supporting business—whether industry or agriculture—was the goal; he believed that this has been achieved with the latest proposal. Mr. Scheller stated that we knew at the beginning that a perfect map could not be drawn and that negotiations would be necessary. He encouraged support of this proposal as expediently as possible.

Steve Bobosky, 21393 NW West Union Road, Hillsboro, Oregon, utilized a PowerPoint presentation, which may be found in the Meeting File and which included a map of his property. He indicated that he is located in the Bendemeer neighborhood, which is the exception area subject to Goals 3 and 4. Mr. Bobosky said that the entire Bendemeer neighborhood has been designated as rural reserve. He stated that he is across the street from property owned by Intel. He described Bendemeer as a residential neighborhood with over 60 homes of about one acre each. Mr. Bobosky pointed on his map to industrial areas, one of which has allegedly been contaminated with PCB. He said that Bendemeer is adjacent to Cornelius Pass Road, which is a 5-lane road, and is across the street from potential Intel growth. Mr. Bobosky claimed that Washington County Board of Commissioners made a blatant mistake designating this land as rural reserve and asked that this be fixed. He believed that this should be urban reserve or at least undesignated. Mr. Bobosky said that if the land is not being farmed, then we should not protect it as rural reserve.

Councilor Harrington understood that Bendemeer is one of many rural residential neighborhoods that are encompassed by the foundation farmland designation from the Oregon Department of Agriculture. She noted that the area Mr. Bobosky suggests be changed in terms of designation goes just north of Bendemeer Road. Councilor Harrington said that just north of there, where Mr. Bobosky cites marginal soils, she is

familiar with a Community Supported Agriculture (CSA) site that has a thriving business on those marginal soils. She stated that Mr. Bobosky's designation of marginal soils does not match the information we have through the Oregon Department of Agriculture.

Mr. Bobosky responded that he received that information from the farmer who farms those soils. Regarding the CSA, he did not know how far this is from the contaminated soil but did know that he would not eat food from there.

Councilor Harrington established that Mr. Bobosky does not know if it is or if it is not.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. He said that the reserves process was supposed to achieve a balance of urban and rural reserves across the region. Mr. Rayhawk stated that when the other two counties pulled out of the joint process, they were effectively stating that Washington County's requests were not in balance. He said that after the original IGA, the County came back with a request for more land in urban reserves—including the Peterkort property. Mr. Rayhawk stated that the latter may open the door for many claimants in other counties due to fairness to get themselves into urban reserves. He referenced reports today of a cougar killing a horse and attacking three others in Aloha. Mr. Rayhawk recalled seeing a cougar two weeks ago just west of his horse stables. He said that if it is the same cougar, it will have passed by Peterkort on the wild animal highway called Abbey Creek and Rock Creek. Mr. Rayhawk provided his opinion that Peterkort is not a good place to put a small suburb with children and pets. He said that staff's explanation suggests that widening Cornelius Pass Road to Highway 30 is going to be difficult since it is all in rural reserves; he wished to see this issue addressed. Mr. Rayhawk recommended that Metro, in order to protect the careful decisions of the other two counties, request that Washington County withdraw all of its late additions, including the recent ones, and the area rejected by LCDC. He said that this will guarantee acceptance by LCDC and it will allow the final results to be defensible as balanced for the region. Mr. Rayhawk stated that otherwise, you are handing legal victories to those who place their personal interests above the common good.

Councilor Harrington gathered that Mr. Rayhawk is opposed to the current proposal that is on the table and he assured her that that is the case.

Phil Duyck, 36600 NW Long Road, Cornelius, Oregon, submitted written testimony on behalf of the Friends of Council Creek, which may be found in the Meeting File. This testimony asked that all farmland north of Council Creek be designated as rural reserves. He testified that the value of this foundation farmland benefits the local and regional economy through agriculture commodities. Mr. Duyck placed a pair of boots filled with dried flowers, chaffs of wheat and oats on the testimony table and identified these as a farmer's boots. He stated that the wheat is from the last harvest the farmer made. Mr. Duyck said the boots are those of a dairy farmer too. He stated that the boots belong to a farmer who started with a small family farm 54 years ago and successfully grew the farm

to its 153 acres north of Cornelius, where it is in operation today. Mr. Duyck recited history of this particular farm and farmer. He said these boots were on the feet of the farmer on a day in December, 2009, where he was found dead wearing the boots. Mr. Duyck shared that these are his Dad's boots. He said that the family's lives are reflected in this farmland. Mr. Duyck stated that it would be a great honor in knowing that this family farm can one day achieve a century farm status—a farm operated by the same family for 100 years. He said that this can be achieved with a decision to place the lands north of the City of Cornelius in rural reserve for the next 50 years.

Councilor Collette thanked Mr. Duyck for sharing his story. She asked if he is in the area north of Cornelius in Area B (proposed for rural) or C (proposed for undesignated).

Mr. Duyck responded that he is located in Area B.

Sheila Griffie, Chair, Cornelius Planning Commission, 3012 N. Holladay Drive, Cornelius, Oregon, distributed a handout, which may be found in the Meeting File. She mentioned that she also serves on the Economic Development Commission in Cornelius, on the Board of Directors for Centro Cultural and is Professor of Marketing at Pacific University. Ms. Griffie recalled that last summer, Metro and Washington County reviewed staff findings and approved an urban reserve that met Cornelius' needs for the next 50 years. She said that between then and now, something was lost in translation. Ms. Griffie believed that things changed dramatically and not for the better. She questioned why that happened. Ms. Griffie stated that Cornelius is small and different demographically from its neighbors. She said that it is well documented that the city is among the poorest in Washington County. She described Cornelius as a low income, minority community that sits between Hillsboro and Forest Grove. Ms. Griffie alleged that Cornelius has been held back for a decade in terms of fair and equal opportunity to develop a healthy community economically and sustainably. She said that in the last 10 years, a major fruit processing business, a hospital, a 50-acre industrial site and business momentum were lost—all for the lack of land. Ms. Griffie referenced testimony today from Dan Sheldon, that Cornelius is at risk of losing his operation as he expands. Given this history, she concluded that Cornelius does not matter in the grand scheme of things. Ms. Griffie stated that Cornelius does not have enough land for jobs for most of its residents who work right now. She said that this causes expensive commutes to Hillsboro and beyond, which is expensive for families and a burden on infrastructure, energy and the environment. Ms. Griffie stated that LCDC's misinformed verbal decision on the urban and rural reserves last October and the County's and Metro's proposal to accept it with no challenge leaves Cornelius with no more land suitable for jobs to meet today's needs—much less 50 years in the future. She said that Ordinance 740 and the IGA as proposed make it impossible for Cornelius to achieve its plans to be whole and sustainable. Ms. Griffie stated that it means that Cornelius will be a burden to Hillsboro, Washington County and the region. She said that by accepting the amendment, this decision will show that viability, employability and sustainability in Cornelius do not matter. Ms. Griffie asked that the compromise be considered and that a decision be made that works not only for Washington County but also for Cornelius.

Councilor Hosticka was a little confused about what Ms. Griffie was proposing.

Ms. Griffie asked that Metro and the Board seriously consider the draft Community Farmland compromise as an alternative to the Hughes-Duyck Proposal.

Commissioner Rogers asked for further clarification.

Ms. Griffie said that her preference is the City of Cornelius' Planning Commission Proposal.

Council President Hughes said that in addition to that proposal for adding back the land in Cornelius, the Planning Commission Proposal also returned the land north of 26 to undesignated.

Ms. Griffie indicated that she supports that as well.

Councilor Collette asked if the land proposed for urban reserves around Cornelius would be suitable for industrial expansion. She understood that there is at least one 60-acre former farm parcel in Cornelius that was designated for industrial that has not been developed. Councilor Collette asked if any of this is developable.

Ms. Griffie replied that the land designated to the south in the City of Cornelius' long range plan is looked at as residential because the city is constricted now both in terms of residential and industrial land. She has not looked at the 60-acre plot but as neither a realtor nor an industrial planner, thought that it would be difficult for her to determine if it is suitable.

Chair Duyck referenced the map called the "Community Farmland Compromise" and asked if it is a compromise between a community and farmland or if it brings different groups that represent farmland to the table to see this as a compromise.

Ms. Griffie hoped that it would be amenable as a compromise to both groups and, in addition, be of benefit to the City of Cornelius.

Chair Duyck gathered that this has not been vetted through any farmland groups yet.

Ms. Griffie responded that there have been discussions. Her hope was that they would not *oppose* it, particularly when it comes to the border of the Council Creek issues. Ms. Griffie did not expect that they would wholeheartedly applaud it but she also hoped that they would not block it.

Chair Duyck's effort to clarify this was because he knew that some might read into this that it has already been vetted and that the farmland community buys into it.

Commissioner Malinowski asked about the 60-acre undeveloped parcel in the community and asked if it is being held for residential.

Ms. Griffie said that to the south, there is an area in the long range plan that has been designated as residential and that there are some issues in terms of topography which would make it not suitable for industrial. She did not have any comments on the 60-acre parcel.

Commissioner Malinowski said that he used to work for a company that was next door to what was then Merix. He recalled that there are a couple of industrial sites on that side of Forest Grove, which is close to the City of Cornelius line. Commissioner Malinowski stated that one of those buildings has been vacant for a number of years. He noted that Cornelius changed its downtown commercial area and moved it off to the Walmart side; he thought that most of their commercial activity is happening there.

Ms. Griffie disagreed. She stated that the Walmart is at the western edge of the community. Ms. Griffie said that as you drive into Cornelius now, you will see at 19th/20th the gateway area (Walgreens and a number of other stores). She clarified that Cornelius did not move its downtown to Walmart.

Commissioner Malinowski recalled when downtown was around Grande Foods.

Ms. Griffie said that Grande Foods has been a casualty of both the recession and the opening of the big store. She stated that the City of Cornelius has a main street plan and is looking at that area as a town center. Ms. Griffie remarked that the improvements made by the Oregon Department of Transportation have really enhanced that area with sidewalks, lighting and benches.

Commissioner Malinowski said that his concern is that Cornelius has an opportunity with vacant lots scattered throughout the city for placement of upscale industrial sites.

Ms. Griffie replied that as staff has talked to different operations that are considering Cornelius, the size of the areas that they are looking for are such that there are really only two areas of new buildable parcels and they are not 60 acres in one particular area that are buildable. She concluded that they are looking for more sizable lots than what is currently available.

Commissioner Malinowski was concerned that there are more opportunities out there right now to get lots than there are people who want to buy them.

Ms. Griffie responded that this is a 50-year plan, not just the next two or three years.

Councilor Harrington indicated that she and Council President Hughes just received the Draft Community – Farmland Compromise information today. She said that it will go into the official record and that she has asked staff to make copies so that everyone will have the benefit of the information for the remainder of today’s meeting. Councilor Harrington observed that through the course of this testimony, there was an assertion that there is a 60-acre property within the existing Urban Growth Boundary. She did not know that Planning Commission members are the right folks for living and breathing the zoning map and the current status of lots. Councilor Harrington thought that questions about that might best be posed to the City of Cornelius staff, who live and breathe those details as opposed to volunteers who serve on Planning Commissions, Economic Development Commissions, etc.

Council President Hughes noted that Richard Meyer is on the list to speak later.

Councilor Harrington requested of her colleagues that they keep their minds open. She observed that we have heard an assertion or assumption but have not fact checked that yet.

Amy Scheckla-Cox, Vice Chair, Cornelius Planning Commission, 1536 S. Ivy Street, Cornelius, Oregon, envisioned the proposal as taking away land that has been planned, zoned and prepared with taxpayer dollars for future industrial development north of Cornelius—which needs this modest space to build a sustainable community. She said that the land just north of Cornelius has been planned for future urbanization for 30 years. Ms. Scheckla-Cox stated that it has been approved for urban expansion and taken away five times:

- 1983: The land between Cornelius and Dairy Creek was approved and mapped by Washington County as an urban reserve.
- 1990’s: Approximately 200 acres of this land was zoned by the County and acknowledged by the State as exception land to recognize the suburban development north of Cornelius. Cornelius has annexed property, provided water and other urban services north of Council Creek for over 20 years.
- 2004: Metro approved and mapped 200 acres of land north of Cornelius as Urban Growth Boundary expansion with Washington County support and unanimous support of MPAC. Eighteen months later, Cornelius was shocked to see the UGB taken away at the last minute by a Farm Bureau appeal. Ms. Scheckla-Cox was on the City Council at that time.
- 2007: Cornelius was given permission by Metro to apply for an amendment to the Regional Urban Growth Boundary mid-cycle. Metro’s Hearings Officer approved a UGB expansion north of Cornelius. When the Hearings Officer recommended approval to the Metro Council, the Council voted to deny the expansion after last minute testimony by the Farm Bureau because they did not want to encourage cities to apply for UGB expansions mid-cycle after all.
- 2010: Washington County and Metro approved an urban reserve designation for land north of Cornelius (about 624 acres)—the only land suitable for future

industrial growth. In October, after last minute privileged testimony from the Farm Bureau, an uninformed LCDC Commissioner decided to selectively remand the regional reserves agreement to omit the land north of Cornelius. The community does not know why and cannot object or appeal because no written order has been released. Four months later, there is no written order with findings. Cornelius believes that LCDC's oral decisions and the split vote were never followed by a written order because of their misinformed decision.

Ms. Scheckla-Cox asked that the amendment be considered, which includes 350 acres nearest Cornelius' northern city limits. She said that Cornelius needs the jobs and the room to grow businesses such as Sheldon Manufacturing. Ms. Scheckla-Cox stated that Cornelius has been waiting 30 years and cannot wait another 50.

Jose Orozco, 44 S. 18th Court, Cornelius, Oregon, indicated that he volunteers as a Cornelius Planning Commissioner. He spoke in support of the Community – Farmland Compromise. Mr. Orozco said that out of 26 jurisdictions in the Portland region, Cornelius was the only one denied land for job development for the next 50 years. He questioned if the land north of Cornelius is better for farming than other cities and concluded that the record shows that it is not. Mr. Orozco asked if Cornelius has been irresponsible in planning itself as a green, sustainable, center-oriented community and presented statements supporting that that is not the case. He questioned if urban services and infrastructure are insufficient for job development north of Cornelius and said that the record shows that the county, city and state have already invested more than \$20 million across and north of Council Creek. Mr. Orozco added that Cornelius water, police, fire, library and planning services are already provided north of the tributary at Dairy Creek. He asked if the two new bridges built by the county, state and city will be a connection of home and work or if the new sidewalks will lead to nowhere. Mr. Orozco wanted to know if the only difference between Cornelius and the other Washington County cities is socioeconomic makeup. He observed that the majority of Cornelius' residents are Hispanic. Mr. Orozco also noted that Cornelius is small and lacking in clout; he wondered if special interest groups use geography to make a point. He asked about the reasons for the change of mind on Cornelius' future and what new facts have been discovered. Mr. Orozco questioned why land approved for future jobs by the County last year were disapproved for jobs this year. He said that elected officials should be asking these questions. Mr. Orozco asked for approval of an amendment to Ordinance 740 to reflect maps in the Community – Farmland Compromise. He said that this would be economic and social justice in Washington County and the region.

Larry Jacobsmuhlen, 1395 NW Susbauer Road, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He appeared on behalf of his mother and father, who reside at the address above, and the rest of his family. Mr. Jacobsmuhlen said that his mother and father have testified many times since 1978 in favor of including their 30 acres in the Urban Growth Boundary. He recalled that back then, this area was designated urban reserve. Mr. Jacobsmuhlen stated that four generations of his family have conducted business just north of Council Creek. He said that they are one of the

few places that process beef and pork in western Oregon and that there is plenty of demand for this. Mr. Jacobsmuhlen stated that they cannot expand unless they are within an urban area with urban services. He expressed support for construction of urban standard roads, bridges and utilities that can serve this area. Mr. Jacobsmuhlen reported that his family has counted on the opportunity of urban development. He said that the majority of their 30 acres is zoned AF-20 but they have never been able to cover property taxes with farm profits. Mr. Jacobsmuhlen testified that a rural reserve designation would starve his business. He urged Washington County and Metro to designate the area north of Council Creek as urban reserve and then to bring it into the Urban Growth Boundary. Mr. Jacobsmuhlen said that his neighbors (Duycks, Finnegans, Krautscheids, Haney's and Smiths) agree. He related that his father has said that he would like to expand his industrial business before he is dead and gone. Mr. Jacobsmuhlen said that Cornelius needs the jobs also. He supported a designation of urban reserve north of Cornelius and said that this is very important to his family.

Councilor Collette asked if Mr. Jacobsmuhlen's family property is within the area the City of Cornelius is calling the Community – Farmland Compromise area.

Mr. Jacobsmuhlen responded in the affirmative. He said that it is in the southern part of Area B, along Council Creek.

Tim Duyck, 1640 NW Cornelius-Schefflin Road, Cornelius, Oregon, provided this address of the family property. He shared that his dad, Walt Duyck, lived there until his death last November. Mr. Duyck said that his family has owned property within the exception area just north of Cornelius for decades, which is today being proposed for rural reserve designation. He understood that this means that he cannot annex into the city limits of Cornelius or develop any time in the next 50 years. Mr. Duyck said that he and his dad wanted to develop their property into an industrial park with neighbor Dave Armstrong. He stated that today's action takes away their plans for private development and "makes silly" the millions of dollars spent on bridge, sidewalk, and other urban services infrastructure north of Cornelius and denies the community of Cornelius the right to grow to a sustainable balance. Mr. Duyck said that a decision to uphold this comprehensive plan amendment will reduce the value of his property significantly. He alleged that the several Farm Bureau members who have opposed all attempts to urbanize the north edge of Cornelius do not speak for a lot of farmers and nurserymen in the area. Mr. Duyck felt that the Farm Bureau's personal interests are loud enough to stop good planning at the last minute. He said that his property has a new road on the north edge, which makes him not like farming there anymore. Mr. Duyck referenced earlier Duyck testimony and said that both they and he can have what they want today. He commented that he does not see Walmart as a bad thing for the city. Mr. Duyck related that his fruit gets sold at Walmart all over the country. Letter from Tim Duyck may be found in the Meeting File.

Commissioner Terry asked if Mr. Duyck has ever seen Council Creek outside its banks with water.

Mr. Duyck replied that he lived next to Council Creek as a child up to age 18 and knows all about that Creek. He did not want to talk down about it because he likes water but characterized it as a really—expletive—creek. Mr. Duyck thought that it was someone on the Farm Bureau who decided years ago that Council Creek was a pretty special border not to cross. He regarded this as a border that does not let Cornelius grow any more.

In response to applause at various times in today's hearing, Council President Hughes asked that the audience express agreement with a person's testimony by a show of hands.

Councilor Craddick asked if Mr. Duyck supports the Community – Farmland Compromise.

Mr. Duyck responded that he does regard that as a real fair compromise. He reiterated that it is necessary to set a border beyond Council Creek to extend for another 50 years.

Councilor Collette asked if Hobbs Road would be the proposed boundary.

Mr. Duyck replied that Hobbs is on one side and there is no existing road now on the other side.

Jonathan Schlueter, Executive Director, Westside Economic Alliance, 10220 SW Nimbus Avenue, Portland, Oregon, submitted a handout, which may be found in the Meeting File. He reviewed that for 25 years of his career, he advocated for the food processing industry and for the grain industry of the Pacific Northwest. Mr. Schlueter made the point that Washington County is home to some of the best agriculture in the world and is also the center of some of the best technology and manufacturing in the world. He said that when this process began three years ago, it was with the promise that we would find a bold new approach, balance and would choose urban areas that would allow for orderly urban development. Mr. Schlueter stated that at no time did we say that we would ban urban growth. He said that this is important because we have pared down the search area from 104,000 acres initially in Washington County, later to 61,000, later to 31,000, and finally to 13,500 that the Board unanimously supported and Metro supported 5-2 before introducing this to LCDC. Mr. Schlueter stated that LCDC generally agreed with the 28,000 acres as being the need for this region over the next 50 years but took exception to a few pieces of the puzzle. He said that the Commissioners and Councilors have 87,000 constituents who are currently unemployed. Mr. Schlueter stated that we have to provide every opportunity that we can to put our region back to work. He recalled that last month, President Obama challenged America to double our exports in the next three years. Mr. Schlueter reviewed that three weeks ago, Governor Kitzhaber spoke of the need to fast-track industrial sites in Oregon to allow for urban growth opportunities in our region. He said that the question for the Board and Metro is whether we allow ourselves those opportunities and whether we are there to answer the challenges of our national and state leaders. Mr. Schlueter had considerable doubt about that and about whether we will

be able to supply the employment needs of our region. He said that if all of the urban areas identified are urbanized over the next 50 years, it represents an 11% growth in our Urban Growth Boundary while we welcome 70% increase in our regional population. Mr. Schlueter stated that even by Metro's analysis, if we accept the 13,500 acres assigned to Washington County for urban reserves, it represents a 2% consumption of our agricultural areas over 50 years time. He regarded that as a fair compromise for those who make a living from agriculture.

Don Schoen, 7380 NW Groveland Road, Hillsboro, Oregon, submitted written testimony, which may be found in the Meeting File. He said that he is in favor of saving farmland and is against Ordinance 740. Mr. Schoen is a second generation farmer who farms 30 acres of hazelnuts adjacent to Area B on the west side of Helvetia Road—an area being considered for urban reserves. He reported that his family has farmed this foundation farmland since 1952 and that the land is Class I and II soils throughout. Mr. Schoen thought that by now, each Commissioner and Councilor should know why it is important to protect our prime farmland for now and the future. He felt that past testimony in this regard has fallen on deaf ears. Mr. Schoen asked for an examination of the planning decisions of the 1980's and 1990's. He saw many buildings empty today and thousands of square feet in industrial buildings sitting idle. Mr. Schoen agreed that Intel is a success but pointed out all of the other empty buildings. He asked if there is an ongoing effort to infill these buildings. With the economy in its present condition, Mr. Schoen questioned if there are any companies buying land to build on and locate industrial zone in the area. He said that empty industrial buildings show him that they are the result of poor planning by both developers and planners. In his lifetime, Mr. Schoen has seen agricultural land disappear. He said that we have to have the best use of our farmland because it is going away at a record pace. Mr. Schoen stated that in his hazelnut industry, he competes on the world market for the sale of his products. He reported that last year, his co-op sent 62% of the hazelnut crop to China. Mr. Schoen mentioned local products that contain his hazelnuts as well. He said that two Commissioners with farming backgrounds have been elected to the current Board. Mr. Schoen voted for them because he thought they would help the farmers and agricultural base in Washington County. He was disappointed because he did not see this happening. Mr. Schoen took pride in attending monthly CPO 8 meetings, where everyone has a voice. He believed that decisions are made with no input from the CPOs. Mr. Schoen asked the Board to start listening to the citizens whom they represent. He said he would regard that as a true democracy.

Councilor Harrington observed that Mr. Schoen lives on Groveland Road and yet his testimony speaks to Area B. She wondered if he meant Area D.

Mr. Schoen responded that he did mean D and that his property is inside Area D.

Councilor Harrington stated that designating Area D as urban reserve gives it the potential for future urbanization. She clarified that it does not change his right to

continue farming of any type. Councilor Harrington recognized that she is not in his shoes, however. She asked his perspective on the impact of making that property urban reserve over the next five or ten years.

Mr. Schoen replied that that would have a lot of impact because the property across the way from him is already marked off in ten-acre plots.

Councilor Harrington said that right now, those ten-acre plots are not inside the Urban Growth Boundary and until any of those properties are inside the Urban Growth Boundary, the current zoning continues for agricultural use.

Glenna Grossen, 8320 SW Canyon Drive, Portland, Oregon, was accompanied by her mother, DeLoris Grossen. Due to an eye injection, DeLoris asked her daughter to read her testimony into the record. (Written testimony from DeLoris Grossen may be found in the Meeting File.) Ms. Glenna Grossen questioned how changing Area D from undesignated to urban reserve benefits Cornelius. She said that several property owners north of Cornelius desire to be urban reserve, providing Cornelius with the much needed space for industrial expansion. Ms. Grossen stated that the replacement of 652 acres with the previously undesignated 585 acres in Helvetia and giving it to Hillsboro seems ridiculous because there are several parcels east of Helvetia Road that could add to Hillsboro's industrial area, where there are other industrial businesses. She said that the 585 acres contain foundation land and some of the best soil in the Willamette Valley. Ms. Grossen indicated that there is a site claimed to be an Indian burial ground, which is listed at the State Historical Preservation office. She said that 126 acres of this property have been in the family for over 100 years, being farmed continually with plans for family members to continue this practice in the future. Ms. Grossen questioned why a person's livelihood should be destroyed and why various small businesses should be affected, such as seed companies, fertilizer, implement dealers, storage facilities and other ag-related businesses by including this land as urban reserve. She said that the buffer between urban and rural reserve should be Helvetia Road and U.S. 26. Ms. Grossen asked that these facts be considered and that the 585 acres be designated west of Helvetia Road and north of Highway 26 as rural reserve property.

Commissioner Schouten asked if the Grossen's property is located in Area D and was informed that it is.

Commissioner Malinowski asked if the Grossens would be more or less likely to plant new orchards or expand a filbert orchard, for example, if their property was urban reserve.

Ms. Grossen said that they would make new investments if the property was rural reserve. She stated that they would not want to upgrade the tractors, combines and all sorts of equipment when they do not know how soon the land will be paved over.

Commissioner Terry ascertained from the Grossens that they are field cropping now and will continue with field crops. He reasoned that the Grossens would not plant filberts because they would pose a risk due to the time it would take for them to mature.

Chair Duyck wished to speak to the use of the term “pave it over”. He said that we do not have the power to do anything to the Grossen property. Chair Duyck stated that if the Grossens wished to continue to farm, they could choose to buy equipment based on what they want. He said that by making this property urban reserves, it does not change what the Grossens are able to do on their property at all.

Ms. Grossen used the example of Intel, which requires a clean environment. She said that you cannot have farmers tilling the soil, raising dust, and combines shaking the ground around a business like Intel.

Commissioner Terry disagreed. He said that these things are currently done around Intel.

Council President Hughes was aware that there is property next to Intel that is being farmed now inside the Urban Growth Boundary.

Commissioner Schouten heard the speaker say that urban reserves do stop her from doing what she has been doing because capital investments are not likely to be made if this property is designated urban reserves.

Burl Jarrell, 2900 NW Creekwood Place, Forest Grove, Oregon, recalled that he and his grandson were told two years ago that they did not have to worry about anything for 50 years. He related that two weeks ago, he received a letter from the City of Forest Grove saying that he is in the Urban Growth Boundary. Mr. Jarrell thought that happened fairly quickly. He stated that he has 35 acres in forest (not Christmas trees) and wants to keep it as it is. Mr. Jarrell thought he should have been in on this before being included. He said that his land is hilly and that there have been two significant slides on his property. Mr. Jarrell has never seen anyone from the City of Forest Grove checking on his land.

Council President Hughes thought that Mr. Jarrell would find that the property he is describing is being included in the urban reserve and not the Urban Growth Boundary. He would have thought that Mr. Jarrell would have received notice along the way.

Mr. Jarrell asked if it is legal to be put into something without any correspondence.

Chair Duyck stated that because the reserves are not considered a land use action, there probably was not a notice going out. He pointed out that it would have had to go out to everyone in the entire county because reserves could have been identified anywhere in the county. Chair Duyck said that this action itself is not a land use action and so does not require the notification.

Mr. Jarrell stated that it does change the nomenclature of his land for planning.

Chair Duyck explained that the definition of reserves is areas that would be looked at when Metro deems the expansion of the boundary to be necessary. He said that this in itself does not change the designation of the land.

Mr. Jarrell said that it would change what he would do with his property. He questioned if anyone would plant a forest on urban reserve land.

Chair Duyck responded that he could but whether he would or not is strictly up to him and what he intends to do with his property in the future. He reiterated that this action does not change what you can or cannot do on your property. Chair Duyck observed that many in the room likely think that development should occur up off the valley floor where you cannot farm while others believe it should be down on the valley floor away from landslide areas.

Councilor Harrington remarked that during the four year process of going through the data analysis and the proposal discussion, there were many different public notices that were sent to homes. She recalled that thousands of post cards were sent by Washington County to property owners among the different areas. Councilor Harrington added that there were also postings in local newspapers and the various cities posted information through their packets. She said that this illustrates how difficult it is to get everyone's attention in a complex program like this. Councilor Harrington suggested that Mr. Jarrell call the City of Forest Grove and ask them to sit down with him so that he can get better informed.

Bill Waibel, 32185 NW Padgett Road, Hillsboro, Oregon, submitted testimony, which may be found in the Meeting File. He said that he has property on West Union between Dick Road and industrial/contaminated sites shown earlier by Steve Bobosky. Mr. Waibel wanted that property to be designated as urban reserve because it is surrounded on three sides by exception land. He said that this property is next to the current City of Hillsboro limits and near the transportation corridors to the major freeways and cities. Mr. Waibel stated that the property is also in the Bendemeer Road area, next to multiple small lots in West Union. He said that the east side is bounded by an abandoned railway that has the same potential as the Stubb Stewart Park.

Tom VanderZanden, 15903 NW Logie Trail, Hillsboro, Oregon, represented Jin Park and the 125 acres he owns on the corner of West Union Road and 185th Avenue. He wished to make an appeal to make certain that in the process of determining urban and rural reserves that other policies of Metro and Washington County do not conflict with the urban or rural designations and thereby render some of the properties designated urban reserve undevelopable. Mr. VanderZanden wanted to explain by example. He said that the properties adjacent to 185th Avenue and north of West Union Road (typically referred to as the Jin Park and Peterkort properties) are inside the previously adopted urban reserves boundary. Mr. VanderZander stated that these properties have been identified by Clean Water Services as the best place to locate the sewer line serving North Bethany. He said that the North Bethany Comprehensive Plan, funded jointly by Metro,

Washington County and the development community, is now complete. Mr. VanderZanden stated that the County is proceeding with the formation of a County Service District to provide \$13 million in road financing in May of this year. He said that passage of this measure will then allow development to occur in North Bethany. Mr. VanderZanden stated that the Jin Park property is also greatly affected by crucial road improvements needed to better serve North Bethany and the urban reserve areas. He said that the widening of 185th Avenue and West Union Road and the extension of Springville Road through Mr. Park's property are important area-wide improvements needed for North Bethany and the existing urban community. Mr. VanderZanden said that all of these improvements can be more easily permitted and constructed at a lower cost should Mr. Park's property be included inside the UGB and ultimately annexed to a city. He stated that currently, Washington County and Metro have, or are considering, policies that make annexation to a city a prerequisite for inclusion in the UGB. Mr. VanderZanden said that the closest city to this urban reserve area is Hillsboro. He stated that at this point, there has been no provision for adding additional urban reserves, such as north of West Union Road, that would provide a connection to the City of Hillsboro. Given this dilemma, Mr. VanderZanden asked:

- Either additional property north of West Union Road be added to the urban reserve to facilitate a connection to Hillsboro, or
- That these orphaned (no connection to an existing city) properties be treated the same as North Bethany and be allowed in the UGB under county jurisdiction.

Mr. VanderZanden stated that the reserves process should provide a reasonable path to annexation or properties that have no clear path to annexation should be exempted from policies that require annexation prior to inclusion in the UGB.

Councilor Craddick had Mr. VanderZanden point out the subject of his testimony on a map.

Commissioner Malinowski said that if Hillsboro annexed the Rock Creek area, they would have a connection to that property.

Mr. VanderZanden agreed but said that the difficulty is that annexing existing urban areas has proven to be extremely difficult. He did not know of any current proposed legislative change that would make it easier to annex currently developed areas into cities

Commissioner Rogers clarified that there is not anyone on the dais today who can annex anything. He observed that we are not members of any city council and so are not able to do that.

Mr. VanderZanden said that he was referring to the fact that the people on the dais do pass policies and are responsible for policies that require that. He warned that this may prove some urban reserves to be kind of orphaned pieces of property.

Commissioner Schouten asked for further clarification on the map.

Mr. VanderZanden responded that both properties are affected by the same issue. He was particularly concerned about the lower one to the west of 185th (Jin Park property). Mr.

VanderZanden said that it abuts 40 acres of Metro property on the west edge and the creek on the north edge. He stated that if we have a problem about a city in this area, and we do, it is a very large problem that includes virtually all of the property north of the Sunset. Mr. VanderZanden said that you can save the county money and process time by including in the UGB to allow these improvements to go ahead in a more simple and more cost effective fashion and still deal with the larger annexation issue that affects all of the properties north of the Sunset Highway.

The Farm Bureau presentation was made by the following speakers:

Bob VanderZanden, 8065 NW Jackson School Road, Hillsboro, Oregon
Dave Vanasche, 36130 NW Wren Road, Cornelius, Oregon
Larry Duyck, 34203 NW Mountaindale Road, North Plains, Oregon
David Tonges, 16895 NW Walker Road, Beaverton, Oregon

A copy of the Farm Bureau PowerPoint may be found in the Meeting File. Presentation included, but was not limited to, the following:

- The Farm Bureau opposed the IGA before Metro and the Board.
- A review of the reserves process in Clackamas, Multnomah and Washington counties was given. Clackamas and Multnomah outcome: LCDC approved the Clackamas and Multnomah Counties reserves. Washington County outcome: LCDC remanded Washington County rural reserves and urban reserves north of Council Creek.
- State Agencies letter was considered a reasonable approach toward reserves, including that it protected large blocks of agricultural land and proposed reasonable urban reserves for both agriculture and industry. Letter was re-issued in January, 2011. Farm Bureau liked the State letter.
- Farm Bureau displayed on maps areas important to its members. These included north of Hillsboro, north of Forest Grove, north of Cornelius, Council Creek area.
- Farm Bureau believes strongly in buffers. Some reasons buffers are needed include dust, noise, pesticides, slow-moving farm vehicles, odors, and bees.
- The best edges are broad floodplains, rivers, freeways, tall cliffs, smaller streams, rural residential areas and the worst are roads, power lines and property lines.
- Council Creek makes a good edge for the following reasons: 1) It is 1300' to 2600' wide; 2) It is a natural, permanent divider; 3) There is urban use to the south; and 4) There is foundation agricultural land to the north.

- Highway 26 makes a good edge for the following reasons: 1) It is 225' wide; 2) It is a permanent divider; 3) Urban use is proposed to the south; 4) Foundation agricultural land is located to the north; and 5) Compare to West Union Road (35' wide) or property lines (1' wide).
- Waibel Creek makes a good edge because 1) It is 280' wide; and 2) It is a natural, permanent divider.
- A list of urban reserve and undesignated lands that go beyond what the Farm Bureau considers excellent boundaries and beyond what State agencies recommended was given: 2,293 acres of urban reserves and 512 acres of undesignated.
- A slide listed reasons why urban reserves are bad for high value farmland and, similarly, another slide enumerated why undesignated is bad for high value farmland.

Larry Duyck spoke of a piece of property that, before the process is finished, has already been attacked by speculators. He felt certain that Commissioner Terry has also been contacted by speculators or real estate agents.

Commissioner Terry commented that he has not been contacted so far but acknowledged that it could happen in the future.

Bob VanderZanden continued on with the PowerPoint slides:

- Photographs were shown of vacant industrial land in Hillsboro.
- A lot of land is being farmed inside the Urban Growth Boundary and it is prepared for industrial uses.
- In the Hillsboro area, there are about 2,500 acres of vacant industrial land inside the current UGB.
- In the Hillsboro area, there are about 2,849 acres from Ordinance 733 (urban reserves for industrial sites).
- In the Hillsboro area, there are over 1,000,000 square feet vacant commercial office space.
- In the Hillsboro area, there are 1,500,000 square feet of vacant manufacturing/warehouse land.
- There is plenty of land on the market already.
- Photographs were shown of vacant industrial land in Cornelius.
- Cornelius' Land Supply: 137 acres in Area 7C urban reserves; 211 acres in Area 7D urban reserves; 137 acres in Holliday Street vacant land; and 25 acres of land adjacent to Fred Meyer. Total 510 acres of available land in Cornelius when city itself exists at 1,070 acres.
- Farm Bureau is not opposed to Areas 7C and 7D even though 7C is very good land.

- Bait and switch refers to using industrial land to get land inside an Urban Growth Boundary and then switching it to some other use at a later date. This is a big issue for agriculturalists because it is easy to get industrial land and more difficult to get other types of land.
- Forest Grove is talking about converting 135 acres of their land to Orenco-style development.
- Hillsboro years ago did the Helvetia expansion area and turned it into commercial and retail.
- Cornelius has taken 50 acres north of Fred Meyer that was originally zoned industrial and converted it to residential. Dave Vanasche said that Sheldon Industries is located within one block of the area that was converted from industrial in Cornelius to residential. He stated that the St. Mary's property was originally planned for industrial and now it is residential.

Councilor Harrington said that the information on the urban reserve going for \$3.3 million has been assessed by the real estate market professional, Clint Currin. She asked if the value that is being placed on that same acreage at \$8,000 an acre and a \$3,000 acre is the actual market value for that current rural zoning from a market professional or if it is a general value used.

Larry Duyck responded that this is based upon on what farm land has been selling for and recent sales.

In response to a question posed by Commissioner Terry, Dave Vanasche verified that he and his co-speakers officially represent the Farm Bureau today. He said that they represent Keith Fishback, the President, because he could not be here today, and the rest of the Farm Bureau Board.

Larry Duyck said that relative to the property east of Area 7D, where Chair Duyck's father owns property in the area, there was talk of not taking it in because the land won't be developed anyway. He noted that then DeLoris Grossen is told that she does not have to develop it. Mr. Duyck said, "Shame on you".

Chair Duyck noted that Larry Duyck was leaving out some very critical details. He said that a lot of his decision there had to do with transportation infrastructure. Chair Duyck recalled that Forest Grove taxpayers, because they had so much industrial traffic travelling through their downtown, were expected to foot a very expensive bill for a bypass. His intent was not to repeat the same mistakes in Cornelius.

Larry Duyck replied that he was repeating what he was told.

Dave Vanasche stated that in Forest Grove, there is presently no buffer along Purdin Road. He said that the Farm Bureau proposes rural reserves north of Council Creek and not the little strip that is undesignated at the present time. Mr. Vanasche stated that if

there is a rulemaking issue with the intersection of Purdin Road and Highway 47, we should work together and create a circle of undesignated so that the intersection can be improved if that is an issue.

Commissioner Malinowski did not know if Commissioner Terry would be willing to put a bunch of infrastructure on his ground in the Urban Growth Boundary or if the fact that it is urban reserve might prevent him from doing that.

Commissioner Terry clarified that it currently is a nursery site and has a large retail nursery on it. He said that it is doing very well and will stay there. Commissioner Terry stated that way before this was considered to be urban reserve area, he had purchased land alongside his existing farm to replace that land. He explained that he planned ahead for that purpose. Commissioner Terry went on to say that it currently does have infrastructure on it and that he has continued to support that infrastructure and will until the day it is sold.

Commissioner Malinowski said that in making decisions about where he farms, he tries to figure out where the zoning is. He has heard speakers told that they can just keep farming and do not have to sell. However, Commissioner Malinowski said that if we rezoned land around Intel for townhouse development for the next 40 years and told Intel not to worry because their land could stay industrial as long as they owned it, he guessed that Intel would still have a fit.

A Farm Bureau speaker said that he cannot keep farming when he is surrounded by development.

Commissioner Schouten observed that it is funny how some speakers have described 26 as a transportation access point for development but that the Farm Bureau has pointed out that it serves as a very hard boundary between urban and rural areas.

A Farm Bureau speaker commented that it is definitely not ideal but that we cannot make it go away.

Councilor Hosticka was confused by some of these discussions. He noted that we have heard testimony that a toxic industrial waste dump is foundation farmland, that land that is exception is actually being farmed in large blocks, that land inside the UGB is being farmed, etc. Councilor Hosticka said that it is confusing to sort out just what is what out there. He thought that the most accurate thing he can say is that it is impossible to make generalizations.

Commissioner Rogers brought up a process matter. He thought that some people might be getting hungry and asked if a break was contemplated.

Councilor Roberts asked someone from the Farm Bureau to respond to the Draft Community – Farmland Compromise.

The response was that the Farm Bureau has not met about this. He noted that it was sent to the Farm Bureau and their meeting is scheduled for tonight to discuss it. From a historical perspective, the Farm Bureau will likely not support it.

Council President Hughes announced a one-half hour break for lunch.

LUNCH RECESS: 12:55 p.m.

RECONVENE: 1:35 p.m.

David Armstrong, 1560 NW Cornelius-Schefflin Road, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He indicated that his land is in Area B on the north side of Cornelius. Mr. Armstrong said he has owned this land since 1986 but there is no water on it and he has never farmed it. He identified it as exception land. Mr. Armstrong could not understand the decision to eliminate Cornelius' northern urban reserves area. He reviewed the following facts about Cornelius:

- It has the lowest income of any city in Metro.
- It has the highest level of poverty of any city in Metro.
- It has the fewest jobs per capita of any city in Metro.
- It has the longest commute to jobs of any city in Metro.
- It has the highest percentage of minorities of any city in Metro.
- It has the greatest need for local jobs of any city in Metro.

Mr. Armstrong commented about land being considered for urban reserves:

- Much exception land is contained within that boundary.
- It is not the best farmland (Tier 2 land).
- Majority of owners want to be designated urban reserves.
- It is ready for development by past infrastructure development: new bridges, widened road system, sewer trunk line on south side, etc.
- It is broken into small parcels where profitable farming is difficult, if not impossible.

Mr. Armstrong stated that all of the factual data supports an urban reserve designation for some land north of Cornelius. He said that a decision to totally exclude Cornelius from land for jobs is jaw-dropping. Mr. Armstrong questioned what causes parties to deviate from the obvious solution. He said it seems as if we don't have a good plan if it strips 100% of the land needed for job growth from any city. Mr. Armstrong thought it would be common sense that every city would be provided sufficient jobs land to be viable. He therefore questioned whether back room politics or one man on a crusade to stop any development on the road he lives on and using the Farm Bureau to get his way is leading to this decision. Mr. Armstrong asked if someone knows someone at LCDC or if there is truly prejudice toward a highly minority populated community. He asked for consideration of whether to exclude Cornelius for any growth for 50 years.

Commissioner Schouten said that you can agree or disagree with previous speakers who at least made arguments that speak to the need for rural reserves. He asked if Mr. Armstrong is saying—or not—that there are some civil rights issues here. Commissioner Schouten was uncomfortable when this speaker seems to suggest that we have issues with the people in Cornelius because of the large Hispanic community. He did not think this is right.

Mr. Armstrong responded that in his mind, this is a very good question, whether or not this is what anyone wants to hear. He said that if an action is taken that strips a city of the opportunity to have job growth, and there has been testimony from the leaders of the City of Cornelius saying that will happen, the city is going to slip into financial non-viability. Mr. Armstrong stated that with time, library services, fire, police, etc. will be reduced. He said the civil rights question might be if one group of people is being denied what is provided for others.

Harvey Kempema, Dogwood Street, Old Orenco, Hillsboro, Oregon, testified that he owns a 56-acre farm just north of Cornelius, which is considered foundation farmland. He related that he gets \$25 per acre to lease the land because it is floodplain (39 acres floodplain, 11 acres hillside and the land around the home). Mr. Kempema wondered why places like his own that cannot produce much at all are considered foundation farmland. He did not care what the soil types are; it is just poor land. Mr. Kempema wished everyone would take this into account. He agreed with David Armstrong's testimony relative to why there is an activism toward not growing to the north because of one person on Susbauer Road leading the Farm Bureau. Mr. Kempema said that you reap what you sow. He stated that Dave Vanasche wrote in the newspaper that it would save the county money if people would quit opposing what the Farm Bureau suggests. Mr. Kempema thought they could blame themselves for the costs to the cities and counties for their activism. He said he has been in the real estate business for 35 years and saw clients in the beginning lose their property because zoning made them not buildable. Mr. Kempema was still bothered that no reparation has been done for those people. He noted that Measure 39 did not give them back what they had lost in their property. To this day, Mr. Kempema has a distaste for land use.

James Young, 13310 NW Bishop Road, Hillsboro, Oregon, stated that he is from the Helvetia area. A copy of his PowerPoint may be found in the Meeting File. He wished to refute some of the goals in terms of Hillsboro's crusade for large lots. Mr. Young said that Hillsboro has been focusing on large lots—50 to 100+ acres—for numerous reasons. He stated that the goal is large anchor companies in tech, solar or bio. Mr. Young said that if you look at the actual usage over the last 30 years, only one company has built on more than 100 acres (Intel) and is rebuilding on the same land at this point; only two companies have bought more than 50 acres (Genentech and SolarWorld). He displayed a slide listing companies that bought 35+ acres over the past 30 years in Hillsboro. Mr. Young summarized the 30 year total: 9 companies (392 acres) + Intel (498 acres) = 890 acres. He concluded that Hillsboro has an ample supply of industrial land and cited statistics to support his claim. Mr. Young stated that Hillsboro does not need another 585

acres of urban reserves, in part because it has a 100+ year supply (annualized) without industrializing Helvetia. He said that the end-to-be is not worth the cost of tearing up the fields. Mr. Young suggested rejecting the additional acreage in Helvetia and giving it back to Cornelius.

Commissioner Schouten assumed that Mr. Young is referring to Parcel D with the 585 acre figure.

Mr. Young confirmed that this is true.

Commissioner Schouten indicated that Ordinance 733 is the current ordinance and the one that may be superseded by the work that we do today.

Mr. Young stated that that is where the numbers in his PowerPoint came from.

Commissioner Terry asked how far south Helvetia goes now.

Mr. Young replied that he is here for the manufacturing and usage details. He did not know what Cornelius has except for what he has heard here today.

Councilor Roberts hears over and over the number 2,500 vacant industrial acres in Hillsboro. She asked if that number includes what one would think of as acreage that is in industrial campuses for businesses like Intel. Councilor Roberts wanted to know if that is being included in the 2,500 acres or if it is exclusive of the campuses.

Mr. Young replied that it does include some of the campuses.

Greg Mecklem, 12995 NW Bishop Road, Hillsboro, Oregon, narrated a PowerPoint presentation, a copy of which may be found in the Meeting File. He stated that placing foundation farmlands in urban reserves does have an impact, creates a price speculation bubble, and drives existing farmers into mortgage crises. Mr. Mecklem referenced a front page article in last week's *Capitol Press* speaking to a national concern of entering into another farm crisis, such as existed in the 1970's and 1980's, due to a price speculation bubble. Today, he wished to focus on protecting Washington County's remaining Class I soils and about how the current proposed plan does not do that adequately. Mr. Mecklem stated that not all soils are created equal. He said that the National Resource Conservation Service has developed soil capability classes, which indicate the productivity of soil. Mr. Mecklem reported that the highest Class I soils remain productive, irrespective of whether irrigation is used. He said that it is important to protect these soils in an area of water shortages, especially with the need for food security and the advent of peak oil. Mr. Mecklem showed a chart depicting soil capability classes:

- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations.

- Class III soils have severe limitations.
- Class IV soils have very severe limitations.

Mr. Mecklem said that from there on down, the soils are basically not useful for agriculture. He reiterated that it is essential to protect Class I soils. Mr. Mecklem showed a series of maps that included:

- Washington County soils overview
- Helvetia Sunset Corridor, South Cornelius and Sherwood have concentrated Class I soils.
- Much of the area in the Helvetia Sunset Corridor is already paved over or reserved for urban use.
- Tech District – greater than 20% Class I soils
- Helvetia – Sunset Class I Soil District
- Proposed Urban Reserves – Area D. This should have rural reserve protection.
- Examples of areas protected under rural reserves

Mr. Mecklem summarized that the Helvetia – Sunset Class I Soil District contains over 50% of the remaining Class I soils in Washington County, outside of urbanized areas. He said that much of it is slated for development under urban reserves or remains unprotected and it needs to be protected. Mr. Mecklem supported protecting north of Waibel Creek and the area north of the Sunset in the proposed Area D (Helvetia area). He said that the land north of Waibel Creek is about 8% to 10% Class I and the land south of Waibel Creek is 0% Class I. Mr. Mecklem thought this would be a good area to look at for industrial growth. He showed an area north of Cornelius that has 78% Class II soil—good agriculture ground, in his opinion.

Commissioner Terry asked which is the better and worse of the area north by West Union and the area in Cornelius based on soil classes.

Mr. Mecklem replied that the area north of the Sunset is about 84% Class I plus Class II. He added that the area north of Cornelius is about 76% Class II.

Commissioner Terry wanted to know if the Cornelius area would be the more likely of the two to be used for farming.

Mr. Mecklem said he would probably select the 84% area, objectively.

Commissioner Terry asked where Helvetia begins and ends.

Mr. Mecklem referenced Wikipedia, which says that the Rock Museum along the Sunset is in Helvetia. He said that looking at the land for sale signs along the Sunset, Helvetia extends to Highway 26.

Commissioner Terry believed that many people would dispute that but he thanked Mr. Mecklem.

Commissioner Malinowski asked for an estimate of how much we have already given in terms of Class I soils.

Mr. Mecklem did not know the answer to that. He said that he added up the entire non-urbanized areas of Washington County for Class I and Class II soils and it looked like there was about 3,000 to 3,100 acres of Class I soils in non-urbanized areas. Mr. Mecklem specified that about 1,600 to 1,700 acres of that is in one specific area of the Helvetia – Sunset Corridor. He stated that another area of high concentration of Class I soil is around Blooming south of Cornelius and then some in Sherwood.

Commissioner Malinowski shared that his farm contains Class III soils and that when irrigated, a lot of that becomes Class II.

Mr. Mecklem mentioned that one of his slides showed the area around North Plains that is currently undesignated. He said that a lot of it is 20% to 30% Class I soils and also high Class II soils. Mr. Mecklem stated that there is an area along the east border of North Plains where they may wish to expand in the future because the soils are a little lower class there. He said that it is too bad that we could not look at areas around some of the outlying towns like North Plains when we were looking for urban growth land.

Council President Hughes noted that Mr. Mecklem made reference to the Helvetia – Sunset area and asked how far west that goes.

Mr. Mecklem responded that it proceeds to Jackson School Road.

Council President Hughes said it looked like there was a substantial amount of Class I soil west of North Plains and also in the Blooming area.

Mr. Mecklem stated that when he talks about the Helvetia – Sunset Corridor Class I Soil District, it extends to Dersham Road and north and south of the freeway. He added that a lot of the Class I soils around North Plains are currently in undesignated areas.

Commissioner Terry observed that there are soils called “Helvetia soil” and asked if this is what the speaker is referring to.

Mr. Mecklem responded in the negative. He clarified that Helvetia soils are found all over the county.

Faun Hosey, 13515 NW Jackson Quarry Road, Hillsboro, Oregon, was here to defend Area D as rural reserves. Copy of Ms. Hosey’s PowerPoint may be found in the Meeting File. She related that she has made a personal investment in the solar industry and said that her energy panels generate about half the electricity that she uses. Ms. Hosey stated

that Hillsboro offers a selection of sites to attract the industry. She reported that eleven solar companies have located in our region and questioned what brought them here. Ms. Hosey said that three claimed tax incentives as their #1 reason. She stated that companies gave other reasons but not one mentioned solar shovel-ready sites. Ms. Hosey went on to say that half built on 25 acres or less and half chose to recycle existing buildings. She introduced the idea that it might be that a selection of large lots is not what is required for the industry. Ms. Hosey said that Hillsboro also offers millions of square feet of empty manufacturing and commercial space for lease as well as vacant industrial land both inside the UGB and in already approved urban reserves. She stated that over 5,000 acres is a hundred year supply and more is not needed. Ms. Hosey said that we must think far beyond 50 years. She stated that we already have enough land inside ready to be developed. Ms. Hosey reviewed that her ancestors came to Forest Grove in 1847 for the legendary farmland. She said that half of farmable land has already disappeared. Ms. Hosey stated that forecasts show that within 50 years, productive land will be a worldwide scarcity—which means that our growing population will need farmland even more than now. She said that we will need both energy and food independence. Ms. Hosey asked that farmland be protected with rural reserves so that our future does not become the end. She requested support of the State Agencies position.

Commissioner Schouten viewed this as a whole issue for the three counties.

Ms. Hosey agreed. She clarified that she is not suggesting that Area D be returned to rural reserves but that urban should be placed somewhere else. Ms. Hosey believed that there is too much urban now. She stated that we need to redesign our urban areas so we can use them more efficiently and recognize the value of our farmland. Ms. Hosey said that farmland like we have in the Tualatin Valley does not occur everywhere in the world and it should be protected and respected.

Chair Duyck clarified that Area D is now undesignated.

Ms. Hosey said that Area D is proposed to be urban and she suggested that it be rural.

Commissioner Schouten assumed that the speaker would prefer undesignated as opposed to urban even though that is not her first choice.

Ms. Hosey replied that rural is her first choice and urban is not acceptable.

Analene Waterman, 25360 NW West Union Road, Hillsboro, Oregon, indicated that the family farm that she owns with her mother and sisters is located at this address. She clarified that this area is called West Union—not Helvetia. Ms. Waterman said that Oregon is in dire economic straits and the farmland and businesses in the area are all viable. She stated that changing this designation does not change any of that. Ms. Waterman said that her family's land was farmed for three generations but there was not enough income to sustain three families. Therefore, she related that family members have had to find other occupations to feed the farm with finances. Ms. Waterman's

family has chosen to lease the farm out and plans to continue to lease it out as a farm. Written testimony submitted by Ms. Waterman may be found in the Meeting File.

Alayne Bryan, 26290 NW Meek Road, Hillsboro, Oregon, testified that her family owns two farms in Oregon. She said that her parents farmed in West Union for over 65 years and added that she is speaking on behalf of other family members too. Ms. Bryan expressed support for the Hughes-Duyck Proposal. She stated that she has 225 acres within Area D (north of Highway 26) and prefers a designation rather than remaining undesignated because that allows the family to continue with a business plan into the future. Ms. Bryan emphasized that we are talking about a 50-year plan. She could not imagine Helvetia being paved over in the next ten years. Ms. Bryan stated that we already have rural and urban areas working side by side; we have CSA's, vineyards, Farmers Markets, and some large fields being farmed in the area. Her thought was that if they do attract a large business, because there are large pieces of property, that would be very good for Oregon and future generations. Ms. Bryan wanted to ensure that future generations have family wage jobs to survive here. She said that if these large companies bring in large numbers of employees, they will support the smaller businesses such as the vineyards, Farmers Markets, etc. Ms. Bryan favored compromise and asked that a decision be made so that we can move on and stop wasting taxpayer money.

Paula Adams, 1724 Ash, Forest Grove, Oregon, thought that often, someone who does not have a direct financial stake in what is decided in a meeting like this is dismissed. She identified herself as one of those. Ms. Adams said that she is a resident in Old Town and is not a farmer, not in real estate and not a developer. She stated that she cares a great deal about what we do with our land. Ms. Adams said that she is part of the great majority who voted for Measure 49. She has lived in this small town for 30 years and has always heard "we have to grow or we will die". Ms. Adams stated that the town has not grown in 25 years and it is a vital, wonderful town. She said that she grew up in southern California and has to disagree when she hears "we do not have a snapshot of 50 years ahead" because she knows exactly what it can look like. Ms. Adams stated that you used to be able to tell where her town ended—by the orange groves—but no longer. She said that when that is gone, it is gone for good; you do not make more farmland. Ms. Adams noted that we keep hearing about the projected influx of population into this area. She did not dispute that a lot of people would like to come. However, Ms. Adams questioned the assumption that we have to accommodate them. She said that there will come a point where we cannot, when there is no more room. Ms. Adams recommended we stop while we still have some quality here and farmland that will be desperately needed. She opposed Ordinance 740 and asked that we keep the area above Highway 26 and the buffer along it as rural reserve.

Pam Gates, 27007 NW West Union Road, Hillsboro, Oregon, narrated a PowerPoint, a copy of which may be found in the Meeting File. She said she is married to a fourth generation farmer on both sides of his family; his family has owned and operated two century farms. Ms. Gates indicated that the farm she and her husband live on is 310 acres. Her topic today was Helvetia's high value farms. She said these produce traded

sector crops, which create wealth for Washington County and Oregon. Ms. Gates stated that they produce grass seed, 100% of which is shipped outside of Oregon and 20% exported globally. She added that 100% of the grass straw and wheat is exported globally and 96% of clover seed is shipped outside of Oregon. Ms. Gates reported that Helvetia has very good soils and one of the best grass/clover yields in the world. She said that Pacific Rim countries prefer our wheat due to optimum protein content caused by the soils and moisture. Ms. Gates said that the grass, clover and wheat are not irrigated. She stated that hazelnuts are also grown in Helvetia, of which 98% are shipped outside of Oregon and 65% are exported globally. Ms. Gates reported that Helvetia's Christmas tree farms supply about 5,000 trees annually to homes and 20% of trees are shipped outside of Oregon. She said that 50% of Helvetia's nursery stock is exported outside of Oregon and 12% exported globally. Ms. Gates stated that Helvetia has dairy, camelid and beef ranches and produces milk that is sold locally to Darigold. She said that Helvetia soils are superb Class I, II, III soils; 40% of the remaining Class I soils are in Washington County. Ms. Gates stated that the farmers have provided careful stewardship of the soils for over 150 years. She described farmers' long term investments in the soils, all in an effort to enhance crops. Ms. Gates said that one long term investment has been field drainage (field tiling). She explained that farmers have installed subsurface drainage systems (125 years of continuous capital investment) in an extensive, interdependent system that crosses farms and parcels. Ms. Gates said that this reduces "wet feet" for crops. She stated that severing or disturbing these tiles can cause flooding. Ms. Gates urged preservation of Helvetia's farming community, its Class I soils and to have rural reserves in Area D.

Matt Furrow, 25877 NW West Union Road, Hillsboro, Oregon, mentioned that he farms approximately 250 acres. He specified that 100 acres of the most valuable land is just off the north corner of Area D. Mr. Furrow said that he has quite a bit of experience farming next to urban areas and has had problems with that. He supported farms as a great natural resource. Mr. Furrow stated that Highway 26 would be a better buffer than just West Union Road. He feared for his farm if the boundary is West Union Road now and then in 50 years becomes his farm. Mr. Furrow spoke of other farmers who have lost their land due to condemnation.

Cherry Amabisca, 13260 NW Bishop Road, Hillsboro, Oregon, wished to verify that the Board and Metro received Greg Mecklem's color PowerPoint soils presentation. She represented Save Helvetia and clarified that this group has been consistent over the last two years in advocating for rural reserves north of Highway 26 (which includes the greater Helvetia area) and still feels that way. Ms. Amabisca said that Save Helvetia also endorsed the State Agencies letter; these appear to be sound recommendations about farmland and urban land throughout the whole region. She reviewed that the State Agencies letter recommends rural reserve north of Highway 26, north of Waibel Creek and north of Council Creek as well. Ms. Amabisca said that according to the U.S. Department of Agriculture, Oregon land and agriculture declined by 1.3 million acres in the ten years from 1997 to 2007. She stated that in the five years from 2002 to 2007, the pace accelerated—almost doubling the rate from the first five years. Ms. Amabisca noted

that this trend echoes a disturbing national trend documented by the Natural Resources Conservation Service: more than 40 million acres of farms and forests in the U.S. were lost to development in the 25 years from 1982 to 2007. She observed that this represents an area the size of Illinois and New Jersey combined. Ms. Amabisca asked that the soils, usage, and long-term sustainable 150-year tradition of farming north of Highway 26 be looked at and that urban and undesignated designations be rejected in favor of a designation of rural reserves because it really deserves to be the latter.

Chair Duyck asked if Ms. Amabisca had any statistics specific to Washington County about the consumption of farmland. He noted that she was talking about national consumption.

Ms. Amabisca replied that she did not prepare that.

Council President Hughes mentioned the million dollar figure from Ms. Amabisca's testimony.

Ms. Amabisca cited 1.3 million from the U.S. Department of Agriculture.

Council President Hughes said that there are 265,000 acres in the Urban Growth Boundary in the tri-county area. He stated that in the last ten years, we have expanded 13,000 acres—most of it out in Damascas. Council President Hughes asked Ms. Amabisca if she agrees that much of that loss has therefore not been in Washington County.

Ms. Amabisca could not respond without doing research.

Chair Duyck said that while Ms. Amabisca's figures may be right nationally and even statewide, it is entirely different in the Portland-Metro region because of our unique land use system here and how we treat it. He thought that Metro has done a tremendous job in containing the growth and he did not see the proposed plan today as any massive sprawl over a 50-year period. Chair Duyck was listening for a balance between the protection of farmland and telling us where we can adequately grow over 50 years. He heard Ms. Amabisca say that Save Helvetia opposed it in Helvetia, all the way to Waibel Creek and clear over in Cornelius (which is not Helvetia). Chair Duyck observed that this essentially means no growth if we can't go anywhere and it doesn't even allow the flexibility of good planning.

Ms. Amabisca said that nowhere in LCDC oral remand, or in any law or Administrative Rules, did it say that you had to replace the Cornelius land (the 600 acres). She stated that we still have 28,000 acres in urban reserves for the region. Ms. Amabisca admitted that it is a radical idea—not replacing it—but it is an option that should be on the table.

Chair Duyck stated that the statistics quoted by Ms. Amabisca are regional. He said that in Washington County, we have multiple cities that have specific needs. Chair Duyck

stated that we have kept it to a minimum of only about 13,000 acres, which only represents about a 2% to 3% consumption of farmland over a 50-year period. He said that if you extrapolate that out, it is going to take thousands of years to use up our farmland.

Ms. Amabisca responded that if you look at the available industrial land within Hillsboro's UGB, for instance, they have a 90-year availability. She said that if you look at the 2.5 million available square feet of flex R&D manufacturing, that is what most small businesses go into: 40,000 or 50,000 square feet in an industrial park. Ms. Amabisca remarked that we have a huge availability right now in Washington County and certainly Hillsboro, which is what she looked at when she did the research, of number of acres not being used. She thought that we need to balance the 30-year usage of 900 acres by the ten largest companies in Hillsboro. Ms. Amabisca questioned why we need another 585 when Hillsboro already has 2,800 in urban reserves for employment plus another 2,000 for residential. She spoke of the need to look at the logic of that.

Commissioner Schouten said that he does not see however we define Helvetia as really all that relevant. He stated that Ms. Amabisca is coming from Helvetia and speaking about areas where she lives but also areas not too far away from her. Commissioner Schouten believed that everyone has the right to speak on all areas that are still basically in contention. He said that if, in fact, this whole plan hangs together, then surely what goes on in Forest Grove, Cornelius, the Helvetia area north of 26, and West Union complex are all related. Commissioner Schouten stated that the information about what goes on locally as opposed to nationally is yet additional information that could be useful. However, he thought that the point Ms. Amabisca was making about the national loss of farmland points out the pressing greater value of what we are doing here, given that elsewhere there has been a great deal of loss of farmland. Commissioner Schouten observed that looking back 40-50 years in time, we have certainly seen vast areas of what had formerly been farmland in the Hillsboro/Beaverton/Tigard/Sherwood, etc. areas that are now urban and suburban development. He commented that we have seen significant suburbization and urbanization of this county.

Bob Clay, Bureau of Planning and Sustainability, City of Portland, 1900 SW 4th Avenue, Portland, Oregon, appeared today on behalf of Mayor Sam Adams and Commissioner Amanda Fritz. (Written testimony signed by Mayor Adams and Commissioner Fritz may be found in the Meeting File.) Mr. Clay said that as the City of Portland's representatives to Metro, Mayor Adams and Commissioner Fritz have actively participated in the region's reserves process and decisions for the past several years. He urged the Metro Council and the Washington County Board to take a conservative and cautious approach in responding to LCDC's preliminary decision and direction—particularly with respect to Urban Reserve 7I. Mr. Clay asked that urban reserve designations not be removed, as LCDC determined in their preliminary decision, and that they not be replaced with additional land elsewhere in Washington County. He urged the Board and Metro to

reduce the level of controversy surrounding the proposal while maintaining future flexibility to make adjustments if needed. Mr. Clay recommended this course of action for the following reasons:

- There is no compelling need to replace these urban reserves on a one for one basis. There is an adequate 50-year supply as a result of conforming with the LCDC decision. See testimony for a table identifying where the midpoint of the middle one-third of the 50-year land need occurs.
- Handout points out the role of the agricultural economy. An Oregon State University study is cited showing the growing contribution proportionate to the state and the regional economy
- The LCDC preliminary proposed designations would be more in line with the recommendations of the October 14, 2009 combined "State Agency letter". This remains a touchstone in terms of separating urban land and rural designations. Their collective recommendations are sound and the safest approach.
- That approach is the most defensible going forward.

Mr. Clay said that the City of Portland believes that this narrow approach is the best opportunity to bring greater certainty to both the reserves process and the upcoming UGB decisions. He stated that the city believes that it is a wise course because it reduces the scope of a legal appeal and the likelihood that an appeal will prevail at a time when the next UGB decision will need to be made based on urban reserve decisions. Mr. Clay reiterated that this approach will have the best chance of success and securing a lasting reserves agreement for the region. He related that Mayor Adams and Commissioner Fritz thank Metro and the Board for the hard work deliberating this matter.

Commissioner Rogers asked for clarification whether Mayor Adams and Commissioner Fritz are going to participate in some sort of legal action.

Mr. Clay responded that the city is aware of the potential for additional litigation. He said that in their judgment, to reach closure with the preliminary decision of LCDC is the wisest course moving forward. Mr. Clay reported that the City of Portland does not have any expressed interest in seeking litigation.

Councilor Hosticka recognized that we are always very careful about whom we are speaking for. He noticed that Mr. Clay said he is speaking on behalf of Mayor Adams and Commissioner Fritz. Councilor Hosticka asked if the City Council as a whole considered this issue and made any recommendation.

Mr. Clay responded in the negative. He clarified that he is speaking on behalf of Mayor Sam Adams and Commissioner Amanda Fritz, who are the two representatives representing the city and themselves. Mr. Clay explained that they are delegated by the Council in that role to represent the city before the Metropolitan Policy Advisory Committee, where they both sit, as well as JPACT.

Council President Hughes asked if Mayor Adams and Commissioner Fritz have any suggestion for a solution that is likely not to have lawsuits.

Mr. Clay replied that their suggestion is that this is the best opportunity going forward with the least amount of risk.

Council President Hughes commented that this is not exactly the legal advice Metro has received.

Councilor Hosticka noted that Metro Councilors have tried to make it clear when they are speaking on behalf of the Council and when they are expressing personal opinions. He observed that the written testimony submitted by Mr. Clay is written on the City of Portland letterhead. However, Councilor Hosticka announced that he would take this as the testimony from those two Councilors.

Commissioner Malinowski wondered if, when we are told that the Chair of the Clackamas and Multnomah County Commissions have okayed the deal on the proposed map, that means they are speaking for the whole commissions or just for themselves as Chairs of those commissions.

Council President Hughes did not recall ever seeing that and so did not understand the reference.

Commissioner Malinowski saw this in the newspaper.

Chair Duyck clarified that they had been contacted but that there is no official correspondence that endorses this.

Council President Hughes added that they had their own decision-making process and it will run its course.

Councilor Harrington remarked that you cannot believe everything you read in the paper.

Neal Knight, Mayor, City of Cornelius, 310 S. 16th, Cornelius, Oregon, thanked the people who supported the City of Cornelius the first time around. He said that there are a lot of things Richard Meyer and he do not agree on but this is one of the things on which they are in complete alignment. Mayor Knight asked for something to help get a balance on the land in Cornelius. He said that the city does not really have any industrial land because almost all of the industrial belongs to one person in small pieces spread out through an area—hard for a bigger company to do anything with. Mayor Knight offered to take people around Cornelius to show what the city has. He stated that if there cannot be support for Cornelius on this, then he would ask that we at least let LCDC know that if they are willing to change their mind, Metro and the Board are willing to support it.

Commissioner Terry commented that out of all of the communities in the western part of District 4, he has heard from and talked to all of them on this issue except for the City of Cornelius. He has talked to Mayor Knight but has heard from no one else in the city. Commissioner Terry asked how he is supposed to look out for this city when the city does not reach out to those who represent it.

Chair Duyck came to the defense of the City of Cornelius. He said that as the former Commissioner for District 4, he believed that they are probably making their comments to him. Chair Duyck speculated that they have not yet made the transition yet to Commissioner Terry as the District 4 Commissioner.

Mayor Knight felt sure that this will change.

Commissioner Rogers acknowledged receipt of a letter with map from the City of Cornelius, which may be found in the Meeting File.

Richard Meyer, Development and Operations Director, City of Cornelius, 1355 N. Barlow, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He noted that the LCDC decision has been called a preliminary/verbal/oral decision. Mr. Meyer appealed to the Board and Metro to see that as the City of Cornelius has viewed it, namely, as not really a decision unless we get it in writing with findings, facts, and reasons. He said that much of the city's wrestling with this major change to its urban reserve boundary has been without direction because the city has no reasons to react to. Mr. Meyer recalled that three verbal reasons were given during the last 20 minutes of testimony in the October LCDC meeting:

- There is too much floodplain.
- This is the best of the best farmland.
- It was a protrusion into foundation farmland.

Mr. Meyer said that an unspoken myth is the idea of Council Creek as a buffer for the city. He stated that the record these bodies had before them when they approved the area north of Council Creek contradicts each of these verbal reasons. Mr. Meyer said that with two maps, the city could have shown that the area, rather than a protrusion into all green, is tucked back in the very wide (five to ten times as wide) Dairy Creek floodplain in the City of Cornelius in an acute right angle rather than sticking out into what appeared on the map they were looking at as all green. He stated that it does not include Dairy Creek floodplain anymore; he guessed they were using old information. Mr. Meyer said it included very little floodplain. He recalled that it was in the newspaper the next day that it was a national treasure. Mr. Meyer went on to say that Washington County's own study described this as Tier 2—not Tier 1. He said that there is no Class I soil that Mr. Mecklem was talking about. Mr. Meyer concluded that this clearly was not the best of the best. He stated that the City of Cornelius thinks that these things being contradicted by the record was the reason why LCDC put off finalizing a decision. Mr. Meyer indicated that the City of Cornelius has talked to several of the Board/Metro about how to

get a reconsideration before LCDC. He noted that this is what is happening: the Board and Metro are putting together a package that will be reconsidered. Mr. Meyer said that a compromise that shows us flattened out (almost half of what had been approved last year) would be acceptable to them, along with getting the people of Helvetia off their back.

Councilor Harrington asked Mr. Meyer to speak to earlier testimony that within the existing Urban Growth Boundary, there is at least a 60-acre parcel of industrialized land.

Mr. Meyer responded that that is one of many numbers that have been floating around and that are totally wrong. He thought that people are thinking of the 65 acres that were brought into the Urban Growth Boundary instead of what the city wanted several years ago. Mr. Meyer said that of that 65 acres, only 22 are buildable. He stated that Metro and Washington County staffs know that. Mr. Meyer clarified that 20 happen to be owned by a person who does not want to develop or be part of a city in his lifetime. He said that this added 22 acres to what was 52 vacant buildable acres suitable for industrial expansion within our city limits. Mr. Meyer stated that if you count that 22, the city has a total of 74 acres of vacant industrial-suited land—74 acres for 50 years if Cornelius does not get some more to the north. He heard a reference to 50 acres of something north of Fred Meyer and clarified that there are 25 acres around Fred Meyer that are for the most part vacant or under-developed and that are owned by Tom Moyer. Mr. Meyer said that he only leases land; he does not sell land.

Councilor Burkholder asked the speaker to describe the northern boundary and the issue of having a hard edge to an urban rural area.

Mr. Meyer replied that there is not a creek unless you went up to Dairy Creek, which is where they were originally. He said that once the city compromises down from there, the city has to pick a road. Mr. Meyer stated that there are very strong buffer requirements for industrial areas in the code.

Councilor Burkholder asked if there is an existing road there.

Mr. Meyer responded that there is not. He said that it is tax lots just to the north of Hobbs Road.

Commissioner Terry heard that if the city got some land north of Council Creek, it is in its ordinances that it would put in a buffer that would designate where the industrial lands would be.

Mr. Meyer said that that is correct and that it is required by the developer. He stated that the city would accept conditions. Mr. Meyer said that there is no natural boundary there except as Dairy Creek and that is an eastern and northeastern natural boundary.

As to the buffers, Commissioner Schouten said that that is the current policy but pointed out that elections come and go, as do other staff, and majorities shift and change. He stated that we cannot necessarily make a decision based on what the current local laws may be because they are always subject to change.

Mr. Meyer remarked that that is the limit and beauty of local governance, i.e., that things can be changed. He said that we either build or require a buffer to put in as a city (or require of developers) or we don't have any room to grow. Mr. Meyer added that that is the only land suitable for industry; south is not because the utilities are not there, it is low land, etc. He summarized that the land there is only suitable for residential and maybe some spot neighborhood commercial, a school, etc. Mr. Meyer stated that north is legitimately the only land suitable for industry. He said that Council Creek is not a boundary now; if that is a boundary for 50 years, it stops growth there within six blocks of the future light rail station.

Councilor Collette asked how the parcel proposed by the Planning Commission relates to the parcel that came before us in 2007 and earlier in 2004.

Mr. Meyer responded that it is essentially the same parcel of land. He said it goes up to the edge of the tax lots rather than cutting them in half.

Councilor Collette recalled that we said last year during the reserves process that a 50 year rural reserve designation makes a very good, hard edge. She said that whether or not there is a road or a creek there, a rural reserve up against an urban reserve is a pretty firm edge.

Mr. Meyer said that because the city wants this to be successful for everybody, the city designated it rural development when it would have been better planning to have undesignated there.

Councilor Roberts reviewed Don Sheldon's testimony and observed that it was as if there had never been a discussion with him by city staff relative to what might be there that would be helpful to him. She was concerned about this communication issue. Councilor Roberts stated that she heard that land had been turned into housing areas and was not available for industrial use.

Mr. Meyer responded to the latter issue first. He said that this is a cruel bait and switch accusation that has come up in hearings, namely, that the city changed land from industrial to residential. Mr. Meyer stated that the Boundary Commission, just before Metro took it over, recommended that Cornelius change the zoning from industrial to residential to meet housing goals. As to the Sheldon Manufacturing need, he said that Cornelius has worked with him. Mr. Meyer stated that off and on, Mr. Sheldon has been interested in expanding but, because he is a bike rider and wants to be on a path, he is waiting for the Council Creek Trail to go through. He reported that Cornelius actually

lost a food processing business to Woodburn because they did not have a 20 acre site. Mr. Meyer said that they lose good companies when they want to grow if they do not have breathable space.

Robert Bailey, 7455 NW Helvetia Road, Hillsboro, Oregon, submitted written testimony, which may be found in the Meeting File. He said that he represents Save Helvetia. Mr. Bailey stated that making the greatest place requires using some of the best standards. He said that, fortunately, Oregon has some of those standards for government transparency. Mr. Bailey stated that under Oregon's Public Records and Meeting law, elected officials' deliberations are to be public with some exceptions. He said that under Oregon's Government Ethics standards and law, elected officials are to disclose conflicts of interest in public. Mr. Bailey went on to say that Washington County Personnel Policies encourage the disclosure of possible conflicts due to family relations, economic interests or other benefits. He said that the perception arises in that we often come to hearings with decisions appearing to be ready-made and with no evidence of anybody declaring conflict, that Washington County has no conflict. Mr. Bailey stated that a Judge in a Lane County case recently found several county commissioners engaged in illegal and secret deliberations that were scripting their votes prior to coming to a hearing. He said that from a citizen perspective, it looks complicated as we come to these hearings. Mr. Bailey remarked that we never hear any conflict of interest except this morning, he heard that somebody had property that was on the table and somebody's relative had property that was on the table. He asked to be assured today that the decisions are without conflict and that the votes and deliberations will truly take place in public.

Councilor Terry clarified that the land he has is not in conflict today or under discussion today or on the table today.

Commissioner Schouten asked for an attorney to speak about the fact that this is a legislative matter as opposed to a quasi-judicial one, which means that as long as we are not running afoul of quorum issues, people do have the ability to do negotiations and discuss with constituents as long as they are not doing so within a quorum piece.

Dan Olsen confirmed that this is a legislative process and so the quasi-judicial rules do not apply. He explained that there is no such thing, for example, as an ex parte contact in this type of proceeding because it is legislative. Mr. Olsen reported that the courts have recognized that the Board's job is to go out into the community or have the community make contact to discuss these types of major policy issues. He said it should be noted that the State Ethics laws continue to apply. Mr. Olsen stated that in this type of proceeding, however, where you have this many properties at issue, there is an exception under the Ethics laws for a class exception, which provides that if you are a member of a many-party class, you or your relatives are being affected in the same manner as persons otherwise in the class and this is not considered a conflict. He explained that, for example, you could not vote on whether to place a tax measure on the ballot because technically you are personally financially affected by whether that passes or not. Mr. Olsen said that it is generally, however, prudent to disclose conflicts. He stated that the

property referenced by Commissioner Terry earlier was part of the property that was made urban in the prior ordinance and is not being impacted in any way by this IGA or ordinance; this was prior to his term on the Board. However, Mr. Olsen understood that Commissioner Terry is prepared to disclose, once we get to the ordinance, even though it is technically probably not necessary. Given the size of this, he knew that other people may have relatives and may choose to disclose but he said that his opinion is that this is optional because of the class exemption. Mr. Olsen said that in terms of the Public Meetings law, attorneys around the state are struggling with that decision and there is not unanimity. He stated that it is clear, however, that that was one Judge's opinion about the Public Meetings laws and is not consistent with the long-standing advice of the Attorney General that a public meeting occurs when you have a quorum meeting together and does not occur when individual commissioners may, for example, discuss an item.

Alison Kean Campbell, Acting Metro Attorney, agreed with Mr. Olsen. She said that in this hearing now where public testimony is being accepted, the Board/Metro are not making a decision but rather hearing from the public. However, Ms. Kean Campbell stated that when the Board/Metro move into the position of actually voting, Ethics laws state that if the Board/Metro will personally have an economic benefit from a vote they make, then that is an actual conflict that they must declare. She said that if it is a potential economic interest that will be obtained from the vote, they must declare and can then still vote. Ms. Kean Campbell stated that with respect to the class categories, she agreed that we are all within or outside of the Urban Growth Boundary and so are all somewhat affected by them. However, she said that if a Metro/Board member's particular property is at issue, then that would be a situation where they need to ask whether they would get an actual economic benefit from the way they vote; if they would, that would be an actual conflict where they would declare and not vote. Ms. Kean Campbell stated that if it is just a potential and is with respect to a Metro/Board member's particular property and not just part of a class, then it is a potential conflict that they declare and then can vote.

Council President Hughes understood that conflict of interest applies to personal pecuniary profit to a member of one's household and does not apply to extended family.

Ms. Kean Campbell responded that it does apply to relatives—not whole extended relatives but a pretty big group. She listed certain relatives to whom this would apply.

Councilor Harrington thanked Mr. Olsen for joining a group for lunch today. She said that since several Metro Councilors were present as well as several Board members, she wanted to be sure that legal counsel was in the room to witness that they did not talk about this program at all but rather all sorts of other world affairs.

Commissioner Schouten assumed that there is no appellate case law that deals with the issue of the case where people in less than a quorum are discussing things. He said that we have an AG opinion and a Circuit Court Judge decision and that is it.

Ms. Kean Campbell stated that that is the rule in Lane County right now and added that there is not a Court of Appeals decision on that.

Ms. Kean Campbell said that it is always best to be cautious.

Mary Kyle McCurdy, Policy Director, 1000 Friends of Oregon , 534 SW 3rd Avenue, Portland, Oregon, reviewed that 1000 Friends has participated in every step of the urban and rural reserves process, from the crafting of the original legislation to the rule making to the Reserves Steering Committee. She said that 1000 Friends did so for the same basic objectives underlying this concept:

- To bring long-term certainty through rural reserves for protection of farm, forest and natural resource areas for the long-term protection of large blocks of land with the characteristics necessary to maintain their viability.
- To provide greater certainty for commerce, other industries, other private landowners and providers of public services by determining the more and less likely locations of future expansion of urban growth boundaries and urban development.

Ms. McCurdy said that the statute specifically emphasizes the protection of key lands with important characteristics for farm, forest and natural resources. She stated that, in contrast, for urban reserves, the statute focuses on the certainty of knowing where future urbanization will take place but it does not specify that those lands have any particular inherent qualities. Ms. Kyle McCurdy said that the statute and rule also talk about balancing between urban and rural reserves region-wide. She related that 1000 Friends believes that the proposal fails to meet the requirements of protecting specific key farm, forest and natural areas and it fails to meet the balancing requirement, when viewed in Washington County or region-wide. Ms. Kyle McCurdy stated that it also fails to meet the explicit requirements of LCDC and its directive. She believed that the Board/Metro have two viable options:

- Follow the directive of LCDC and remove all the lands north of Council Creek from urban reserves and re-designate them as rural reserves north of Cornelius and Forest Grove; or
- Follow the directive of the State Agency letter and designate those same areas as rural reserves and trim back the Area 8A (Evergreen area) to Waibel Creek and Meek Road.

Ms. Kyle McCurdy said that while 1000 Friends has advocated for a designation more similar to the State Agency letter, both options have been offered and seem the clearest path to moving the decision on. She stated that 1000 Friends does not believe that the proposal will do that and it will lead to protracted hearings and appeals for the following reasons:

Areas North of Council Creek

- LCDC has found that the area above Cornelius does not qualify as urban reserves and sent it back with a variety of comments all in the same vein, namely, that it is foundation farmland, that the creek and floodplain provide an excellent barrier between urban and rural uses, and it is “gateway to a huge amount of foundation farmland”.
- Council Creek and the area north of it also qualify as rural reserves for natural resource reasons. None of the discussion would lead to a decision that it qualifies as undesignated; it qualifies as rural reserves for agricultural and natural resource reasons
- Splitting the area between the two designations, in the opinion of 1000 Friends, is not responsive to the direction from LCDC. This does not leave Cornelius without many options, contrary to some previous remarks. There are still 350 acres of urban reserves to the east of Cornelius that is along their transportation corridors, including the planned high capacity corridor. There are currently 175 vacant acres of land inside the City of Cornelius, including 55.88 acres to the north of Cornelius that was brought into the Urban Growth Boundary almost seven years ago by Metro for the explicit purpose of industrial use. That has not been annexed into the city yet. That was requested by the city for industrial use. (The City of Cornelius’ information regarding that is attached to Ms. Kyle McCurdy’s testimony.)

Ms. Kyle McCurdy clarified that the LCDC discussion was entirely about the east/west branch of Council Creek. In fact, she said that it was a City of Forest Grove person at the LCDC Commission that clarified that it was about 240 acres north of that east/west branch of Council Creek that was in discussion as to whether or not it qualified as rural reserves or urban reserves. Ms. Kyle McCurdy said that that was sent back by LCDC for reconsideration—not the 28 acres that is before the Board/Metro now. She reported that comments were made by LCDC that really the only boundary that made sense there was the east/west corridor of Council Creek.

Ms. Kyle McCurdy stated that there have been a lot of statements about “the one that got away”—the industry that did not come here because it could not find a large lot in western Washington County. She asked that we not lose the one that is already here. Ms. Kyle McCurdy said that the only industry with the 100-year-plus track record of using large lots and with investors (farmers) who are now looking to purchase and lease additional lots is agriculture. Ms. Kyle McCurdy stated that agriculture provides one out of eight jobs in this state, it is 15% of the state’s economy and it is growing. She said that the only industrial sector that grew during the recent recession was food processing; Multnomah County is #1 in that. Ms. Kyle McCurdy stated that it relies on large lots to process that food. She said that Washington County is #6 in the state on a relatively

small amount of land in agricultural production. Ms. Kyle McCurdy urged the Board/Metro not to lose what we already have, something that is not going to leave this area, that is not going to be outsourced, and we are not going to lose those jobs.

Commissioner Schouten was looking at the factors for designation of land as rural reserves. He asked the speaker to comment on what paragraphs relate to the areas north of Cornelius, Forest Grove and maybe even the area north of 26, Area D.

Mary Kyle McCurdy responded that the factors that go into a rural reserve designation explicitly contemplate that it might include exception areas. She acknowledged that there have been some questions about that. Ms. Kyle McCurdy said that this is because exception areas are areas that have already been found to be compatible with rural uses and there is agriculture going on in a lot of those exception areas and also agriculture-related industry. She wanted to be clear that rural reserves can include and were contemplated to include exception areas because rural reserve designations and the criteria do not look just at the soils; that is the old way of expanding urban growth boundaries. Ms. Kyle McCurdy said that the trade-off here was that urban reserves and eventually UGB's could get to go on some of the best soils but we were going to look at agriculture in a larger area. She stated that we were looking at these relationships: the criteria talks about if the area is suitable to sustain long-term agricultural operations, taking into account the existence of a large block of agricultural lands, taking into account its relationship to the lands around it, to the infrastructure, the workforce, and the lands around it. Ms. Kyle McCurdy said that that is why the area of Council Creek—as long as she has been in her current position since 1990—has been consistently called out to be the boundary in Washington County for agricultural and urban boundary. She stated that Class I soils are relatively scarce in Oregon; Class II and III are far more prevalent and wine grapes are grown on Class IV, V and VI slopes. Ms. Kyle McCurdy said that it is the quality—not the quantity—of the land and the soil classification can grow some very high value crops. She suggested looking at high value soils, another USDA term that takes into account all of that.

Councilor Hosticka asked the speaker to comment on Area D and how it meets urban reserve criteria as well as Area E.

Ms. Kyle McCurdy indicated that her written testimony (which may be found in the Meeting File) covers these areas. Relative to Area E, she reviewed that that area was designated originally as rural reserves and is now proposed as undesignated and is south of Rosedale Road. Ms. Kyle McCurdy stated that the existing urban reserve (in the blue area on the map) represents already an enormous compromise on the part of the agricultural community. She said that the agricultural community and the Department of Agriculture had originally suggested that the urban reserves south of Hillsboro go to Butternut Creek but added that the decision of the Metro Council and Washington County Commission was to go south to Rosedale Road. Ms. Kyle McCurdy reported that except for the St. Mary's site, the rest of it is foundation farmland. She said that there was already a compromise built in there to go south of Butternut Creek to Rosedale Road

in the State Agency letter. Ms. Kyle McCurdy stated that when the LCDC decision was made last fall, the agricultural community did not object to going south of Butternut Creek to Rosedale Road; they knew that compromises had to be made and they did not object to the entire Evergreen area coming in either. She recalled that they did not want to go north of 26 in Helvetia (which at the time was rural reserves or undesignated) and north of Council Creek. Ms. Kyle McCurdy said that the addition of Area E as undesignated is a new issue. She did not recall it being the subject of discussion. Ms. Kyle McCurdy noted that Metro and the Board have already found that it meets the rural reserve criteria. She said that the addition of that plus the undesignated that is already on the map is a large swath of potential urban reserve and undesignated lands that 1000 Friends will have to re-examine to see if that whole area threatens the block of agricultural lands in the whole historic farming area of Scholls. This made her anxious and certainly provided reason to look at this area again.

Councilor Hosticka clarified that he was not asking the political question but rather the legal question. He recalled that it was originally proposed as urban in Washington County's very early designations. Councilor Hosticka wanted to know if, in Ms. Kyle McCurdy's judgment, this meets criteria for urban enough that it would not be automatically made rural.

Ms. Kyle McCurdy replied that Metro and Washington County already found that this qualifies as rural reserve because they designated it as that.

Councilor Hosticka pointed out that a lot of land qualifies under both characteristics. He said that Metro Council and the Board are here to make the political judgments about whether or not it is more appropriate for the community to designate it one way or another. Because Mary Kyle McCurdy is a lawyer and spends a lot of time litigating these things, he requested her advice on this. Councilor Hosticka also wanted to know if LCDC heard everything that Metro/Board has heard today or if there is something they did not hear when they made their judgments.

Ms. Kyle McCurdy responded that it is her belief that LCDC has heard all of this.

Commissioner Schouten asked the speaker if she has any comments about Area D.

Ms. Kyle McCurdy said that relative to the area north of 26, 1,000 Friends of Oregon has consistently opposed going with urban reserves in that area (585 acres that are being proposed to go from undesignated to rural reserve). She noted that there has been quite a bit of testimony as to the agricultural activities in that area: it is foundation farmland, it crosses Helvetia Road and 26—which while they are not natural buffers, they are as good a buffer as we can get in that area between agricultural and urban uses. Ms. Kyle McCurdy said that there has been some discussion about making up acre for acre; she thought that this is the wrong way to look at it. She stated that the whole issue of regional urban and rural reserves is looking at the quality—not the quantity—of the land.

Ms. Kyle McCurdy stated that LCDC did not say to make up the acres. She said that we can look region-wide—not just in Washington County—if there is some need to make up some of those acres.

Chair Duyck did not know that that is correct. He reviewed that LCDC remanded all of Washington County's rural reserves, clearly with the intent that we could make them up. Chair Duyck clarified that LCDC did not say that we *had* to but it was clearly implied that we could (whether we should is debatable). He wondered how we would make them up in another county if they accepted theirs in total.

Mary Kyle McCurdy replied that the decision at the end of the day still has to meet the balancing requirement region-wide between urban and rural reserves. She said that when this goes back to Metro, Metro has to ensure that what they are adopting, and what Clackamas and Multnomah County will also have to sign onto, meets that balancing requirement. Ms. Kyle McCurdy stated that we do not have a written decision yet.

Chair Duyck understood that Metro would have to ignore the fact that LCDC has accepted the reserves in Multnomah and Clackamas County and go back and re-open the process in one of those counties if we were to make it up there. He asked if his understanding is correct.

Ms. Kyle McCurdy replied that she spent Sunday re-listening to LCDC's deliberations; she was not sure it was that clear.

Dick Benner understood the question to be if we could find replacement urban reserves for the loss of north of Cornelius in one of the other two counties, given the fact that LCDC has essentially given its oral approval to urban and rural reserves in the other two counties. He thought that the region could decide to find additional urban reserves in one of the other two counties but said that it would have to follow the process that we have followed from the beginning and that has to be done by agreement of the counties that are involved. Mr. Benner said that this would mean going back to one or both of the other counties, as Metro has worked with Washington County, to reconsider the urban and rural reserves in at least one county or perhaps both counties. He thought that it would be inaccurate to say that because LCDC has given its oral approval to the reserves in the other two counties, you cannot do that. Mr. Benner believed that the better way of looking at this is that it is a periodic review process and LCDC has not entered an order on the reserves in the other two counties—meaning that that is closed up and now subject to litigation. He said that instead, it has remained open. Mr. Benner stated that you could do it but you have to follow the same process that has gotten you to this point with the other counties.

Mary Kyle McCurdy wished to clarify that she is not advocating doing that. However, she stated that there is a balancing requirement and law to meet at the end of the day.

Chair Duyck told Mr. Benner that that is the way he understood it, namely, that we would have to step back and go through another process with the other counties if we wanted to go that route.

Council President Hughes had a question about the balancing requirement. He asked what are the criteria used to determine whether the balance is adequate in either direction.

Ms. Kyle McCurdy responded that you have to look at the letter of the law, which is quoted in her testimony, that you are protecting large blocks of agricultural land for their long-term viability; the objective of this division is the balance and designation of urban and rural reserves that in its entirety best achieves livable communities, the viability and vitality of the agriculture and forest industries and protection of important landscape features that define the region for its residents.

Council President Hughes said that it seems as if relative to applying the letter of the law, the letters combined are pretty vague standards. He was not sure that they are clear and objective standards that LCDC always holds local governments to. Council President Hughes asked what factors should be considered to determine whether you had balanced enough farmland to save the vitality of the farming community, with enough urban land to make sure that there is an adequate supply of housing and industrial land.

Mary Kyle McCurdy said she would look to the rural reserve criteria, which are pretty specific. She stated that the Oregon Department of Agriculture's designation of foundation farmlands provided the basis for those criteria and that the urban and rural reserves statutes and rules state that if you designate as rural reserves any land that has been previously found to be foundation land, that automatically qualifies as rural reserves and automatically meets the criteria for being rural reserves. Ms. Kyle McCurdy said that there is a heightened level given to those foundation farmlands because they have already been found to be in large blocks that are necessary for the vitality and viability of long-term agricultural use. She stated that there are also urban reserve criteria. Ms. Kyle McCurdy said that there is definitely recognition that in some areas, some lands are going to meet both. She said that this is where Metro/Board have some discretion and flexibility. Ms. Kyle McCurdy stated that they need to look at it in the great context of the whole region, including the vacant lands inside the existing Urban Growth Boundary, which has not received as much attention, in terms of seeing the long-term need for urban and rural reserves.

Council President Hughes disagreed with the last comment but said that could be debated at another time.

Councilor Harrington asked Dick Benner to remind the Board/Metro—relative to the joint findings that were submitted to LCDC last year—what was the precedent action and how we spoke to balancing.

Dick Benner said that the thing that can be dismissed right off the bat is that the language does not intend to talk about balance in terms of acres of this versus acres of that. He stated that, instead, it is talking about balance between the two sets of objectives; that is what the program is looking for. Mr. Benner said that we are trying to reconcile two things that come into conflict: we are trying to protect our best agricultural lands and we are trying to find a land base for highly efficient compact mixed-use, pedestrian-friendly, transit-supportive development and these like the same land. He summarized that they like flat land and they like large parcels. Mr. Benner said that when this language was added during the rule-making and thoroughly discussed (first by a work group chaired by an LCDC commissioner and then by the Commission itself), there was much scratching of heads over how we will know, when this matter gets to LCDC, whether it meets this balance. He stated that it was acknowledged at that time that it is a matter of judgment and that the first judgment are the judgments made by the four local governments and what they submit to the agency. Mr. Benner said that the agency's job is to look at the exercise of that judgment and ask the question, "Are the urban reserves here going to be of sufficient supply and of the right nature in order for there to be this type of compact community and is there going to be enough of the best agricultural land designated rural reserve or left undesignated so that that key industry remains viable?" He indicated that those two questions have to be reconciled and that is what the agency was doing back in October of 2010 and they are going to have to do it again. Mr. Benner said that there is no clear answer and it is a matter of judgment. He thought that the agency recognizes that if it looks at something that looks like a pretty good balance, they will approve it.

Councilor Hosticka asked what LCDC actually said and how they go about saying it. He said that he has served most of his time in an environment where motions are made by bodies, they are voted on and that is what the body intended. Councilor Hosticka wondered if that same thing applies to LCDC and if he could learn the content of the motion that was made and that was voted on.

Dick Benner replied that as Councilor Hosticka knows, there is no written decision. He said that if there was a written decision and the agency began to work on it, he did not know that the agency has decided that it will not enter a written decision or if they are still working on it.

Councilor Hosticka believed that the Commission did take a vote on a motion.

Mr. Benner affirmed that the Commission did take a vote on a motion and added that the motion was very fundamental, very basic. He said that it did not have a highly articulated set of explanations for the vote. Mr. Benner stated that it was to remand 7I and do not bring it back to the agency as urban reserve, with general reasons stated. He said that with respect to 7B, north of Forest Grove, it was not quite as precise. What Mr. Benner took from it was that the Commission wanted the governments once again to look at the record, reconsider the designation in light of the factors and come back with the same thing or something different. He reiterated that the direction was not as clear as it was with 7I. Mr. Benner said that the Commission was ready to acknowledge the Washington

County rural reserves but at the meeting, as they were coming to terms with the implications of the remand of the two urban reserves, they recognized that they might have to reconsider some of the rural reserve designations to look for new places for urban reserves, if that is what the governments wanted to do. He stated that they therefore asked the agency to also remand the rural reserves.

Councilor Hosticka asked if Mr. Benner thinks that the proposal before us complies with the intent of the formal action of LCDC.

Mr. Benner responded that it will be seen by the Commission as a better application of the factors.

Commissioner Schouten brought up the balancing of the factors for designation of the land as urban reserves with the factors found in the State of Oregon regulations regarding factors for designation of rural reserves. He asked for legal comments on whether there is any significance to the fact that in the factors for designation of land as urban reserves, the last one does also say that "it can be designed to avoid or minimize adverse effects on farm and forest practice and adverse effects on important natural landscape features or nearby land, including land designated as rural reserves". Commissioner Schouten said that this is somewhat similar to language found in the rural reserves factors in the following section. He asked if this is significant in terms of the balancing that we need to do.

Dick Benner thought that what was contemplated by that is in the selection of an area as urban reserve, if you are looking, for example, at 500 acres and at property lines, is if there is a way to configure it that would—when it is urbanized—be less likely to conflict with agricultural practices on the other side of the line. He said that if you cast off this 50 acres that causes you to retreat to a creek with a buffer as opposed to a lot line on the other side of the creek, maybe it would be wise to retreat that 50 acres because then it would be easier to urbanize the remainder without conflicting with farm practices on the other side. Mr. Benner stated that this is the kind of reasoning and analysis that that factor contemplates.

Mary Kyle McCurdy said that there has been testimony from the State agencies and from the Oregon Department of Agriculture about the importance of buffers and that is what that is getting to, in part, namely the issue of buffers between agricultural lands and urban lands. She stated that you also see in the Rule that the rural reserves are designed to protect natural resources that form significant landscape features and in many cases, those are the same thing: a natural resource that provides a significant landscape feature that defines the region is also a good buffer. Ms. Kyle McCurdy summarized that that is what that particular criteria is getting at.

Commissioner Schouten said that you look at all of the things that point to something being urban reserves. However, he noted that you still have to avoid or minimize adverse effects on nearby farm and forest practices.

Mary Kyle McCurdy agreed that that is a particularly difficult criteria to meet when you have a country road as the boundary or, even more difficult, if it is a lot line.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, Oregon, did not bring written testimony today but said that she may follow up with some before the record is closed. She also let the Board know that Miki Barnes had to leave and so won't be speaking today. (Written testimony from Ms. Barnes may be found in the Meeting File.) Ms. Peters wished to make observations about context and process. She said that had Washington County chosen (as did Clackamas and Multnomah County) to form Advisory Committees for the reserve process that included a lot of stakeholders, we might have avoided a marathon meeting like this at the end because a lot of what is being argued today is stuff that should have been better understood among all of the parties from early on. Ms. Peters stated that if there had been people in those meetings who represented something other than cities and their aspirations, had there been serious consideration of what kind of farmland needs there might have been, we would not be sitting here hearing that there was no established need for farmland. She said that the whole idea of designating foundation farmland was to establish where those blocks of farmland are that are productive and that are intact and that can be assumed as needs. Ms. Peters stated that there might also have been someone in those groups who would remember that when we first established an Urban Growth Boundary in this area, the key idea for making it viable was that we were going to hold tight boundaries and that we were going to make strategic investments in renewing our urban areas so that there were always adequate supplies of employment land and employment places; that there was always an adequate supply of residential areas; that there was always an adequate supply of diversified possibilities for how we would get around in our neighborhoods and between our town centers, etc. She said that somehow, we have arrived at this point with people still honestly believing that if you cannot grow out, you cannot survive. Ms. Peters remarked that her heart goes out to Cornelius. She recalled that she was the former District 4 Commissioner before Andy Duyck and Bob Terry; she remembers working with the people of Cornelius to get them to understand the importance of doing the planning inside their own community to try to keep it renewing and livable. Ms. Peters observed that Cornelius has had many challenges over the years that she seriously doubts will be improved very much by eating up their northern edge farmland. She wished that we had brought people around the table representing Cornelius, the farm interests, 1,000 Friends, and Helvetia with good facilitation and good technology earlier in the process. Ms. Peters summarized that we have a process that did not produce what anyone is terribly happy with now. She supported a lot of what was heard from the Farm Bureau, Save Helvetia and others who think that it is a very smart idea to pay attention to what the State Agency letter said and to make decisions accordingly. Ms. Peters thought that this is probably the best way to minimize the necessity for a lot of lengthy litigation.

Councilor Hosticka noted that Ms. Peters talks about foundation farmland and how that should trump everything and then about the process. He asked what kind of open process was used to decide what was foundation farmland.

Ms. Peters responded that it was a technical report that came from the Department of Agriculture, which seems entirely appropriate.

Council President Hughes commented that he and Councilor Hosticka both attended a meeting where Mr. Johnson ruled out the technical report and there seemed to be a lot of talk about areas that did not have much farm value but were good for buffers. He said that a farmer could make money if he sells his land for an urban use, he can make money being a buffer but that denies him the ability to use his land to make anything out of it at all. Council President Hughes stated that he thought that Jim overreached just a bit and Councilor Hosticka is correct that there was no push back. He recalled that we did go away from soil types (the basic criteria was soil types) to less definitive criteria and there was never much of a chance to discuss that.

Commissioner Schouten thought that Ms. Peters' criticism was directed less at Metro Council's process and had to do more specifically with Washington County's process.

Ms. Peters affirmed that that is the case. She said that some of what is going on today could have been resolved way earlier in the process had more than one viewpoint been used as a basis for making the initial analysis.

Commissioner Schouten asked for an even more specific response.

Ms. Peters said that her specific observation is that it was a committee that did not represent all of the stakeholders and therefore the real issues that might have been resolved early in the process have carried on clear until now. She stated that the Board and Metro are setting a good example of civility, patience and appreciative listening at today's long hearing.

Councilor Collette clarified that this is not an urban growth decision but rather an urban reserve decision. She proposed that the Urban Growth Boundary decision have more the flavor described by Ms. Peters—more of an opportunity to have a conversation. Councilor Collette said that part of what we tried to design with the capacity ordinance last fall was having more of a conversation around what makes a complete community before we bring something inside the UGB. She stated that whether or not that process last year feels savory or unsavory to Ms. Peters, we still have an opportunity to build better processes into the future.

Ms. Peters agreed with that and certainly hoped that we do.

Commissioner Schouten asked if we are talking about something that occurred not a year ago but more like about two years ago, when our prior Chair served on a group.

As to whether it makes a difference that this is a 50 year timeframe and that a reserve does not necessarily have to interfere with the way you are using it, Ms. Peters found that disingenuous in that it would not be designated urban reserve unless there was an

intention to urbanize it. She said that you do not want to be designating things that people are determined to hang onto as farms in perpetuity through their families. Ms. Peters stated that that is just a practical matter. She recognized that the Board/Metro has had plenty of experience with trying to urbanize places that people were not going to quit farming and added that this is some of what has been a problem in Cornelius.

Carol Chesarek, 13300 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. She said that she has been following the reserves process since before Senate Bill 1011 was drafted, that she served on the Multnomah County Reserves Citizen Advisory Committee, and that she attended all of the LCDC hearings in October. Ms. Chesarek stated that under Senate Bill 1011, Metro Council is responsible for designating urban reserves. She recalled that last year, Washington County persuaded Metro to approve a set of urban reserves that did not conform to the reserves rules. Ms. Chesarek stated that Metro expected that decision to be accepted but it did not follow the rules and LCDC remanded chunks even while they approved the designated reserves in both Multnomah and Clackamas counties. She observed that today, Metro Council is considering a repeat of last year's mistake that ignores clear guidance from LCDC. Ms. Chesarek hoped that Metro would not do that because she was afraid that that would put the entire regional reserves process at risk. She said that four years of work, thousands of staff hours across the region, countless taxpayer dollars can all go down the drain if these changes are approved. Ms. Chesarek stated that that risk can be avoided by taking the City of Portland's suggestion (which she would second) to simply change the remanded areas to undesignated. She said that undesignated lands are still available to become urban reserves later if we truly need them. Ms. Chesarek stated that DLCD has studied the productivity of urban reserves on prime farmland in other parts of the state and found that productivity of that farmland diminished after being placed in urban reserves. She said that it did not go to zero but it was noticeably diminished. Ms. Chesarek stated that it is probably hard to sell that urban reserve land to another farmer who wants to continue farming. She said that if we create urban reserves that are bigger than needed, this will be doing harm. Ms. Chesarek added that there is no evidence that that same trend won't happen here even though we might like to think it would be different. She stated that Areas A and B north of Forest Grove in this proposal would create a 28-acre finger of foundation farmland that is going to be isolated when the adjacent intersection on Highway 47 is expanded with all of the things that are going to be required to serve the proposed urban development there. Ms. Chesarek thought that that change insults LCDC's intention, which was to create a meaningful urban/rural buffer using Council Creek. She reported that LCDC also liked using Highway 26 as a buffer between urban and rural areas but Washington County proposes stepping across that and instead using a minor road and lot lines—repeating the same mistakes that were made in the original urban reserve north of Cornelius. Ms. Chesarek said that she attached for reference a graph that shows the middle third of the 50-year COO forecast; it shows that even if you take out these remanded urban reserves, you are still well above the midpoint—635 acres above the midpoint—in the 50-year forecast. She stated that another page of her submittal shows how the 50-year forecast relates to the 40-year forecast, which is the forecast everyone favored using when we

started this process a couple of years ago because we did not think we had a lot of confidence in our ability to protect 50 years out. Ms. Chesarek was not sure our confidence is any higher today. She urged the Board/Metro to leave the remanded areas undesignated.

Councilor Harrington was aware that Carol Chesarek has been a very involved fellow traveler in this process. She recalled seeing her at all of the CORE 4 meetings. Councilor Harrington asked Ms. Chesarek to expand on the part of her submittal that talks about her wondering if Washington County's true goal is to kill the reserves process.

Ms. Chesarek replied that she wonders that because she sat and listened to the discussion at LCDC and thought it was very clear, relative to the area north of Forest Grove, for example, that they intended a branch of Council Creek to serve as a buffer between urban and rural uses if you are going to do something there. She said that they also left the option of keeping the whole thing urban but doing a better job of justifying it. Ms. Chesarek stated that when you carve out a 28-acre finger of land and say that you are meeting the intent of their decision by using this branch of Council Creek and it will buffer the urban land from this undesignated area, that should insult LCDC if brought back to them. She said that that kind of approach to this makes her wonder if there is something else going on that hasn't been shared publicly. Ms. Chesarek hoped that that is not the case but said that she has a hard time really understanding this proposal because it seems that much at odds with the direction she heard from LCDC.

Councilor Harrington wondered if, given that Ms. Chesarek's testimony has suggested that we take the area north of Cornelius and make all of that undesignated, she thinks that the proposal with B and C pokes LCDC in the eye, so to speak. She noted that Ms. Chesarek is really focusing on the area north of Forest Grove.

Ms. Chesarek responded that the area north of Forest Grove, Area D north of Highway 26 and the area north of Cornelius should all be rural reserves, in her opinion. Regarding the area north of Cornelius, where there is some rural reserve and some undesignated, should not be offensive to LCDC, based on the discussion that she heard.

Councilor Craddick understood that Ms. Chesarek is proposing that Area A become undesignated, leave Area B and C as proposed, Area D as undesignated, and Area E as undesignated.

Ms. Chesarek's proposal was to divide Area A, using the east/west tributary to Council Creek; the area north of that tributary would be undesignated and the area south could stay urban. She had no comment on Area B and C. Ms. Chesarek would leave Area D as undesignated. She did not know enough about Area E to really have an opinion one way or the other.

John VanGrunsvan, 614 E. Main Street, Hillsboro, Oregon, said that he owns property in Area 7C. He stated that the Farm Bureau indicated that properties east of Cornelius had a considerable amount of foundation farmland. Mr. VanGrunsvan did not know where that foundation farmland is. He described this as a highly urbanized area with city water. Mr. VanGrunsvan said that down the road, Metro will be making a decision on including this in the Urban Growth Boundary. He stated that the vacant farmland in Hillsboro does have value. Mr. VanGrunsvan said that when you see a 70-acre piece of ground that is zoned industrial, that land is creating jobs sitting there vacant. He said that if the 800 acres previously discussed were the only 800 acres, then they would not have been buying that stuff for \$3 to \$8 per square foot; they would have been spending \$38 per square foot and they would not have been there because they would have gone overseas or to another state. Mr. VanGrunsvan reiterated that those lands that are sitting there vacant that are zoned industrial have a value and are creating jobs. He observed that a lot of it is vacant now because we are in a down-trend. Mr. VanGrunsvan said that there are a lot of small manufacturers here that are earning a living on the coattails of Intel and other large companies.

Commissioner Schouten understood that there is potential value in the vacant land if it is realized in market value. He asked what other jobs are there when the land is sitting vacant, aside from real estate agents, who have jobs spending a certain amount of time marketing those parcels.

John VanGrunsvan responded that by virtue of being there, there is an opportunity and this keeps the price of land down. He said that you can dilute the value of the land in a manner by the amount of it. Mr. VanGrunsvan stated that if you take half of the industrial land out and re-zone it to something else, there will be less jobs and land is going to be more expensive for industrial development. He summarized that it is supply and demand.

Walt Betschart, 18171 NW Sellers Road, Banks, Oregon, said that he bought this property in 1974. He remarked that a lot of people affected cannot attend these daytime hearings because they are working. Mr. Betschart testified that an evening joint meeting on this issue several years ago was well attended but hardly any of the public who signed up had a chance to speak. He said that those who got to speak were cut back to a minute and the meeting adjourned at 10:30 p.m. Mr. Betschart stated that prior to that date, he had become aware of Cornelius' desire to change a developed and committed area of homes on Hobbs Road to industrial and Metro was considering bringing it into their growth boundary. He said that his mother had received a three page letter printed on both sides but no map. Mr. Betschart mentioned that his mother still resides on the southeast side of Cornelius. He stated that the proposed area is on the northeast side. Mr. Betschart carefully read the description of the area between Schefflin and Susbauer Roads and Spiesschaert Road and did not attend the Cornelius City and Metro joint hearing. He said that right after that, he noticed signs in people's yards that said, "Say to Metro: This is our Home" and found out that Hobbs Road was also included in the proposed industrial change with more homes affected in one-third larger area. Mr.

Betschart later saw a newspaper article saying that if you had not testified at the joint Cornelius meeting, you had another chance at Metro in Portland. He reported that he signed up to speak there but, along with four others, he was denied because he had not spoken in Cornelius. Mr. Betschart recalled arguing with a member of Metro's legal staff. He said he was willing to settle for telling Metro Council about defective notice that the legal staff claimed was an oversight but was told "no" and that the legal staff would inform the Council at the end of testimony. Mr. Betschart claimed that the legal staff "soft pedaled" and so he himself did it for him. He said that Metro's own investigator on this issue, when pressed by Metro Council, admitted that he determined that there was plenty of industrial land in Cornelius for expansion in the foreseeable future and the affected expansion was not really needed. Mr. Betschart reviewed that the Council voted down the inclusion of the proposed Cornelius expansion that day. He said that in the developed and committed areas along Spiesschaert and Hobbs Roads, the value of people's homes will be destroyed by a change to industrial zoning since the area of inclusion expanded dramatically. Mr. Betschart stated that LCDC rejected that and now the proposed area is downsized. He said that it appears that since the industrial designation did not fly, probably because it was not needed for this area, that now Metro and Washington County hope to come back with a non-specific label to get it past LCDC and once it gets approved change it to industrial later maybe. Mr. Betschart stated that the vague label "urban reserve" is almost as bad as the ambiguous label of undesignated. He said that the majority of neighbors affected here feel that the area is better suited for housing in the future. Mr. Betschart stated that owners of property south of Cornelius would welcome industrial zoning and the Farm Bureau would not have any opposition, unlike areas north of Cornelius. He said that there are relatively few residences and a cannery already exists there. Mr. Betschart indicated that there is a sewage treatment plant to the west. He stated that transportation access could be through Fern Hill and Highway 47. Mr. Betschart said that the 50-year plan appears to be so that the city, county and Metro do not have to hold more public hearings in the near future and listen to citizens whose property is affected by changes. He stated that it also ties up the property and puts it in limbo with no plan changes allowed by property owners during what could last 50 years. Mr. Betschart said that some of the former industrial use buildings in the Sunset Corridor changed to churches years ago and he did not know that that is an appropriate use.

Councilor Harrington wished to explore Mr. Betschart's statement that he had come to a Metro Council hearing and had not been given the opportunity to speak. She was puzzled because every person that signed up and turned in a card was given the opportunity to testify, in her recollection. Councilor Harrington wanted to know if any Metro Councilor or staffer believes otherwise.

Mr. Betschart believed that she was there that day and reiterated that he and four others were not allowed to continue.

Councilor Harrington asked if the speaker is referring to a meeting before the Metro Council or before the Land Conservation Development Commission.

Mr. Betschart responded that it was Metro Council in Portland about four years ago.

Councilor Harrington clarified that this might not have been on urban and rural reserves; it was dealing with a UGB expansion request, a major amendment request, where Metro Council had a presentation from a Hearings Officer. She explained that the only people who had standing to speak that day were people who had participated in the process for that UGB expansion. Councilor Harrington said that this is an entirely different project and program altogether.

Brian Beinlich, 15060 NW Mason Hill Road, North Plains, Oregon, narrated a PowerPoint, which may be found in the Meeting File. He intended to talk about things the public has heard before, such as why Hillsboro—with support by the County—says that they need more world class farmland for jobs and industry. Mr. Beinlich stated that the Helvetia expansion area was brought into the Urban Growth Boundary between 1998 and 2002. He showed a slide that this is an area bounded by Cornelius Pass Road, West Union Road, Helvetia Road and Highway 26 on the south. Mr. Beinlich specified that there are two sections:

- 642 acres brought in in 1998
- 249 acres in the northwest corner brought in in 2002. This has yet to be annexed by the city.

Mr. Beinlich showed a slide of land zoned as industrial, which was justified as needed for jobs. He stated that the tech anchor firms have not materialized. Mr. Beinlich said that because this demand has not appeared, the landlords needed to do something with all of these empty buildings so they built them up with non-industrial uses. His objection was that these do draw out consumers far away from urban centers, which exacerbates the problem of sprawl. Mr. Beinlich said that other land has not been developed at all. He stated that land bought by speculators sits empty. Mr. Beinlich reported that at the present time, there are 150 acres in 50 acre and smaller lots listed for sale in this area. He added that to Intel's 92 acres and the 252 acres that have not yet been annexed to equal 492 acres. Mr. Beinlich stated that the result is an industrial wasteland. His photos showed examples of un-built industrial parks as well as roads and sidewalks that lead nowhere. He turned to the topic of the economic impact of the industrial area. Mr. Beinlich said that according to Hillsboro's own economic mapping project, Helvetia's industrial land is lowest in market value, payroll and property tax revenue. He said that the employment average is less than three employees per acre. Mr. Beinlich stated that warehouses and distribution centers do not employ many people and have low economic benefit. He compared what was promised with reality:

- We needed more land for lots of jobs.
- We sacrificed prime farmland.
- The lack of demand resulted in the land being used for commercial and retail, the bait and switch.

- The land is now not usable for farmland, it is not really being fully used for industrial land and it is certainly no longer being saved for large lot sites.

Mr. Beinlich said that this should sound familiar; these justifications can be found in Ordinance 733 and 740. He questioned why we should believe that Hillsboro would use the next 585 acres for large lot sites; that did not happen last time but rather the land was squandered for other uses. Mr. Beinlich asked why we should sacrifice more of Helvetia's world-class farmland to Hillsboro's pursuit of a home run. He viewed this as a failed plan and as a dead end.

Chair Duyck noted that the premise of Mr. Beinlich's presentation is that we "screwed up" last time and so why repeat that. He asked if Genentech and SolarWorld are "screw-ups". Chair Duyck's recall was that Hillsboro's pieces created a lot of jobs.

Mr. Beinlich said his testimony specifically talks about the area north of Highway 26 which was brought in in the quest for large lot industrial jobs. He stated that Genentech and SolarWorld are not in that parcel.

Council President Hughes stated that without the property that was brought in, Beaverton Foods would be in Kansas City today. He maintained that there have been some wins; they have been singles rather than home runs. Council President Hughes said that there has been use of that land for a variety of industrial uses. He stated that being suitably located close to 26, it is suitable for warehousing and distribution, which is an industrial use that we don't get much of out here but still has its value.

Mr. Beinlich replied that there are lots of buildings that are empty and lands that are empty. He said that there are commercial and retail operations there which pull consumers away from the city centers and into what is supposed to be industrial land.

Council President Hughes set forth the following process:

- Each Metro Councilor will comment.
- The public hearing will be closed.
- The County will convene its meeting, take action on its ordinance and adjourn.
- Metro Council will convene and take preliminary action on its ordinance.

Chair Duyck clarified that we will not be taking action on the ordinance but rather on the IGA. He said that the reason the Board invites Metro Council to testify while the record is still open is because the Board of Commissioners intends to use this record when it hears Ordinance 740.

A question was asked to clarify if a Board member may not talk if he wants to but rather must listen only during this first period.

Council President Hughes responded that the Board will have to wait for its discussion.

Chair Duyck explained that it was the intent that Metro Councilors would be testifying similar to anyone who sat before the Board/Metro today. He said that if any member of the Board wished to ask questions, he could do so. However, Chair Duyck stated that the Board would save its deliberations for later. He said that there is one other factor: we are trying to keep it very clean. Chair Duyck noted that we have two separate Boards here, both of which have requirements. He did not want to mix up the deliberations.

Alison Kean Campbell went over the process. She said that Metro Council will now be offering their opinions, as part of the public testimony portion of the Board's hearing. Ms. Kean Campbell stated that just as Metro Councilors and the Board have been questioning other testimony providers, the Board can question Metro. She said that when each Metro Councilor who would like to speak has spoken, then the Board will begin deliberations, during which only they will talk to one another. Ms. Kean Campbell stated that the Board will then vote and then Metro Council will deliberate. She clarified that Metro Council will not need to have public testimony from the Board members because they will have just been discussing. Ms. Kean Campbell stated that Metro Council will then vote.

Councilor Collette clarified that this is not Metro Council's deliberation; it is not Metro Council commenting on their vote. Rather, she said that it is Metro Council commenting to, questioning or recommending to the Board of Commissioners.

Ms. Kean Campbell said that that is correct. She stated that the Metro Council deliberations will follow after the County has voted.

Council President Hughes summarized some of his thinking. He said that part of what drives him on this decision was the discussion at the Economic Summit in December, where they called out the fact that we are currently at 91% of per capita income compared to the rest of the country. Council President Hughes observed that that is a decline over the last ten years from about 102% above the national average to below the national average. He said that even though the economic difficulties that we have gone through have seemed like they are pretty much the same as everybody else in the country has gone through, they really are somewhat unique. Council President Hughes stated that we have had a uniquely decaying manufacturing element to our economy and unfortunately that issue has to be addressed. He noted that there has been testimony today that would suggest that it is not a question of not having enough land; he agreed on the short term. Council President stated that it is because we do not have enough demand and the economy has helped with that. He talked about his experience while still Mayor of the City of Hillsboro and before the economy went south and shared what we hope happens when the economy turns around. Council President Hughes said that at one point in time, just the Economic Development team with the City of Hillsboro was handling seven different companies—each of which were looking for 100 acre sites. He recalled that at that point in time, we had three sites available in the City of Hillsboro and one was iffy in that it had about 20 owners that all would have to be brought together in order to assemble the property. Council President Hughes recalled that Hillsboro was showing it

anyway and there was interest anyway but said it would have been difficult to figure out how to pull all those people together. He stated that in an economic robust period, there are companies looking for 100 acre sites and, in a robust economy or not, this region does not have a lot of 100 acre sites. Council President Hughes said that as the economy began to erode, we began to see a shift *from* a demand for bare land sites because most companies—particularly in the solar industry—were looking for sites where they could build a factory that was specific to their process—to companies looking for existing facilities that were empty. He related that SolarWorld took the Komatsu building, a 400,000 square foot building with more than 60 acres surrounding that building and enough land for them to realize their plan to double the size of that facility. Council President Hughes said that there are no more 60 acre sites with 400,000 square foot buildings that were built for clean tech anywhere in the region. He stated that LSI (solar company) in Gresham has attracted a lot of attention; it is looking at an existing building larger than any building that exists empty in the City of Hillsboro. Council President Hughes said for all of the talk about all the land that is available and how many vacancies there are in the flex space and commercial buildings in Hillsboro, when the economy turns around, there will not be enough. He stated that that will be a problem for us if we hope to climb out of this recession. Council President Hughes said that one of the things we noted after the December meeting was that if we are going to grow to at least the national average by 2020 (which was the goal that was set for us then), then we will have to grow at the rate of 25,000 jobs a year each year between now and 2020 and those jobs are going to have to be worth \$80,000 a year. He pointed out that those kinds of jobs require anchor tenants and large lots. Council President Hughes said that the reality is that regardless of all of the pointing to where there appear to be large lots, most of them are owned by a company that is land banking them; we have taken that into account when we look at economic growth, we have accounted for how large Intel can grow, we are looking now for sites to grow somebody else. He stated that listening to the Cornelius discussion was déjà vu and he knew that the Cornelius folks know that he has been supportive of Cornelius every time they have made their proposal. Council President Hughes thought that we have a shot at the recommendation that has been made clearing the LCDC hurdle. He did not think we have that shot if we include even the compromise Cornelius package. Council President Hughes did not think we can go back to LCDC and say you made a mistake (even though he believes that they did) and you need to fix it. He thought that LCDC would simply send it back to us and at that point, we will be unable to complete Washington County's portion of any discussion around Urban Growth Boundary in this cycle. Council President Hughes regarded the impact on farmland as an important part of the balancing act. He referenced Area D, which is located on a short stretch of road that is developable because both sides would be in the Urban Growth Boundary, is on an interchange that has already had money appropriated to improve it, is on a highway that is about to have major improvement from Cornelius Pass. Council President Hughes stated that there is no impact on the farm community by traffic out of that area; there will be impact on Helvetia Road but it will be the same as the impact of the Standring property coming in and the development of the property to the east side of that property. He said that it is hard to say that 26 should be a buffer when we are already substantially north of 26. Council President Hughes stated that it is

even hard to say that Helvetia and 26 ought to be a buffer when we already have been acknowledged by LCDC with an urban reserve north of 26, west of Helvetia Road at that interchange that is proposed to be fixed. He said that we are already beyond that buffer and on land that was originally acknowledged by LCDC as undesignated. Council President Hughes recognized that legal staff has relayed that LCDC said that the Cornelius site was not suitable for urban reserve; therefore, making part of it undesignated would appear to not run us afoul of LCDC. He reviewed that what they said about Forest Grove was that you can do it but you need to have better findings. Council President Hughes went on to say that LCDC specifically, at Metro's suggestion, did not acknowledge the rural reserves with the intention that the land that was being taken out of urban reserve north of Cornelius would be replaced someplace else. It seemed to him that the intent of LCDC's decision has been met by what has become the Hughes-Duyck Proposal. Council President Hughes thought that Washington County did as good a job but it is simply that the land here is more contentious than it was in Clackamas County and he said that where that is not true—Stafford Triangle, for example—remains just as contentious as this discussion. He summarized that it has nothing to do with the quality of the hearing or the process. Council President Hughes urged the Board to accept the proposal before it.

Councilor Burkholder posed a process question: is it notification of intent or possible intent to amend that becomes of interest to the County Commission and how do we have that discussion?

Chair Duyck believed that at this point, Metro Councilors are giving testimony like anyone else and giving the Board an indication of what direction Metro would like to go. He said that if the Board is inclined to amend based on that, he assumed that we could amend and then it would come to Metro for adoption of the same thing. Chair Duyck called legal counsel forward because this raised a question in his mind about what happens if Metro does not want to adopt it.

Dan Olsen replied that part of the purpose of structuring it such that the Board of County Commissioners could have the benefit of comments or testimony from the Metro Councilors was to help inform them as to where the Metro Council might be inclined to go before the Board of County Commissioners makes its decision. However, he said that if, for some reason, the Board was to choose a particular outcome and then the Metro Council was to choose a different outcome, there are two possible ways to deal with that:

- The Board of County Commissioners, under its rules, could move to reconsider its decision today and do so today or it could move to reconsider and continue it for a week or two.
- Under the IGA, there is a process for resolving disagreements among the parties.

Councilor Hosticka favored going with the procedure that has been suggested. However, he proposed that at the end of the vote on the County Commission, they recess instead of adjourn until Metro Council has acted and then they can take the opportunity to reconsider if there is a different point of view.

Dick Benner agreed with Councilor Burkholder that it is good to get it out on the table so that the bodies can gauge each other's reactions to it. He agreed with Mr. Olsen relative to reconciling a difference tonight. Mr. Benner recalled that in the last process that led to the final decisions last time, there was an agreement between Metro and Washington County in February. He said that you knew that you were going to have later hearings on ordinances to implement the agreement and you knew that you would hear public testimony and you knew therefore that you might have a change of mind or might learn something in the period of time between the IGA and the ordinance. Mr. Benner noted that you in fact decided to make some changes. He said that this simply meant that you had to get back together and come to an agreement, which occurred in the spring of 2010. Mr. Benner stated that if you can't get there tonight, you still have the opportunity to come back together and get to agreement. He indicated that you don't necessarily have to have another joint meeting.

Councilor Burkholder used the metaphor of the House and Senate. He said that if you have a disagreement on the legislation that comes out, you have a conference committee and try to resolve it. Councilor Burkholder wanted to make sure that we recognize the sovereignty of each of these groups, that we do have the right and responsibility to make decisions based on our analysis and responsibilities. He wished to make clear that we are not ignoring the fact that we have to analyze this from our perspectives. Councilor Burkholder said that this proposal is something that we have a judgment on, based on our various viewpoints. He stated that his concern will echo his position last time on the previous IGA with Washington County and then the whole urban rural reserves process. Councilor Burkholder voiced a major concern, namely, that we complete this project successfully. He looked at what happened with the hearing before LCDC and their response to the proposal put forth followed a script that he thought would happen: because the proposal north of Cornelius had its various challenges, it did get remanded and here we are again. Councilor Burkholder referenced Area D, which he thought may engender the same kinds of concerns and therefore face the same response from LCDC; then we would be back again in the process of trying to choose to go ahead with it once again (which will really affect the schedule for urban growth management decision-making process) and puts us at a lot of risk. He wondered if we are, by adding this change north of Highway 26, putting at risk this whole process. Councilor Burkholder recognized that there is no answer to this, just as before, when we put it before LCDC. He recalled that some at that time had concerns about what was put forward and he has similar concerns with this. Councilor Burkholder believed that it raises red flags similar to the Cornelius proposal before and could put in jeopardy the whole process. He wanted to have this completed and the 40- to 50-year reserves put in place so that we can actually act on that and plan based on that. Councilor Burkholder felt that we should amend this proposal in that one way (and possibly in other ways) to avoid that risk of losing the

whole deal. He noted that it was undesignated before and that seemed to be successful and was accepted. Therefore, Councilor Burkholder regarded that as sufficient for himself.

Councilor Collette said that she has a similar issue. She stated that when LCDC first remanded Cornelius, many on the Metro Council favored just taking it out and being done. Councilor Collette recognized that Washington County has aspirations that go beyond that and she voiced respect for the process and for what Washington County is trying to accomplish. She said that she may agree with Councilor Burkholder on taking out Area D and keeping it undesignated but her issue is actually with the area above Cornelius. Councilor Collette stated that it looks like “you split the baby vertically rather than horizontally” and the Planning Commission split it horizontally. She understood that LCDC specifically said to not come back with an urban designation above Cornelius. Councilor Collette proposed an amendment to the Hughes-Duyck Proposal: the Community and Farmland Compromise lower section below Hobbs Road be undesignated and the section above be rural reserve. She believed that this would give Cornelius a little bit more opportunity; undesignated does not change what it is right now but at least it does not shut the door the way a 50-year rural reserve decision would. Councilor Collette said that it still allows about 350 acres of undesignated for potential future growth and coincidentally is the compromise she was hoping to get in the reserves process the last time around. She summarized that this might give Cornelius a little more future opportunity.

Councilor Craddick reviewed that when she ran for office, she ran on the notion that we need more jobs in our region. Her value system is as a strong environmentalist and she supports the idea that the whole purpose of the urban rural reserves process was to protect farmland, forest land and natural areas and then to be able to have some assurance and certainty that we know where we are going to do urban development in the future. Councilor Craddick had hoped that testimony today would help with her ambivalence today but said that it has not helped a lot. She explained that ambivalence is not where you cannot make a decision but it is where you have your foot planted on both sides of the line. Councilor Craddick stated that one compromise might be to designate more of the lands in this proposed IGA as undesignated as opposed to urban. She said that this would not tie up Area D above Highway 26 for 50 years but would be land that could possibly become an urban area once other areas have filled out. Councilor Craddick said that she would also consider a proposal regarding the area above Cornelius; she did not know enough about the lands to give any detail. She supported a larger portion of these urban lands being converted to undesignated. Councilor Craddick believed that that is the best of both worlds in that it does not tie up the land for 50 years but it does not make it immediately urban reserve and allows the agriculture community to move forward with plans, knowing that they will not have immediate encroachment on their land.

Councilor Harrington stated her understanding of Councilor Craddick’s proposal that Area D would remain undesignated, as opposed to urban reserve, and that the area north of Cornelius would entertain Councilor Collette’s suggestion.

Councilor Hosticka wished that everyone had stayed to the end of the meeting so that they could see that Councilors and Board are deliberating out in the open and that this discussion is taking on a level of seriousness that brings credit to both institutions. He said that it seems that the closer you get to the end, the longer you fight about less and less. Councilor Hosticka said that if he adds up all the land that people have testified about today and compares it to the amount of land that is designated in this process, you are talking about less than three-tenths of one percent of all of the land. He stated that in that context, it will not destroy the world whichever way we go. Councilor Hosticka said that the thing that is the most difficult about this is that we are talking about land that is good for both urban and rural purposes. He stated that people can make the argument on any one of these pieces of land as to why it should be urban or why it should be rural and they have good arguments to make. After years of working on this, Councilor Hosticka was skeptical of claims that the farm economy will collapse if we designate a certain area urban or that the manufacturing economy will be severely hindered if we designate other parts of this as rural. He went back to why we are doing this in the first place. Councilor Hosticka noted that it has been said that we are doing this in order to give agriculture a certain amount of certainty about how they can plan by designating areas that will not be considered for urbanization for the next 50 years. He thought that this is the most significant thing we are doing because at the last long hearing, every acre that bounded the Urban Growth Boundary was in play. Councilor Hosticka said that the other part of that was that once we moved the line, we had no idea of what was going to happen. He stated that the other intent of this process was to signal to those people who were in areas of urban reserves that someday that land might be urbanized. Councilor Hosticka said that he is flexible on what will bring us to a conclusion because he thinks the big pieces are in place. He argued in favor of keeping flexibility in the process and said that keeping higher levels of undesignated land is probably the wisest course in the long run.

Councilor Harrington thanked everyone who testified today for their input. She thought it illustrates the difficulty of this regional program, given the various preferences. Councilor Harrington said that what the market will bear is also in the mix and pointed out that this can change over the course of time. She stated that all of the views are the reality that led us all to try a new method. Councilor Harrington believed that going backwards is worse than our problem-solving for how we move forward. She did not see any at the table being heroes today—individually or collectively; rather, she saw it as an opportunity for us to problem-solve. Councilor Harrington hoped that we would problem-solve going forward and not backward. She heard today that a designation one way or the other could change farming ability and about what certainty the future can or cannot provide. Councilor Harrington said that the problem before us today is to try and find a solution to the direct remand from LCDC. She stated that we have one proposal which she has individual thoughts about but emphasized that she remains flexible. The outcome that Councilor Harrington wanted is for us to have a joint agreement that is acceptable to us. She said that as she looks forward into the future, she hopes that we can successfully complete this program because the challenges that we face moving forward for how we can better utilize the land in the existing Urban Growth Boundary are more difficult than what this regional urban and reserve program was all about. Councilor

Harrington explained that it has been a long program because we had to create all kinds of new information and data that we didn't have before and we tried new methods to collaborate with one another, include additional stakeholders and as we move forward, we will take those learnings with us. She hoped that, on that journey of the future, we will continue to do so together. Councilor Harrington said that we have work to do to work toward more economic prosperity, more community vitality, less environmental impact and to forestall and reduce the growing inequity that we have in our region. She stated that we have a resource constrained region and we must work together productively. Councilor Harrington hoped that the Board could embrace amendments because amending the proposal on the table is still very workable and acceptable.

Councilor Roberts said that the longer land use is in place in the state, the more difficult our decisions become. She stated that as time goes on, we have less flexibility, more people, changing economies and all the things that make land use more difficult. Councilor Roberts regarded today's proposal as a perfect example. She thought that the decisions are more difficult for Clackamas and Washington counties because unlike Multnomah County, those two counties still have a great deal of agricultural land, of active farming, and an economy based on that as well as a changing economic climate. Councilor Roberts said that an asset that we have and can use when things become more difficult is flexibility. She stated that most of us will not be here in 50 years and so we are making decisions for the future for children and grandchildren. Councilor Roberts therefore wanted to see some flexibility when we make these decisions. She said that that is what the undesignated designation does, namely, to give some flexibility. Looking at Area D, Councilor Roberts encouraged people to stay there farming but she did not want to lock it up in such a way that that is the only alternative we have economically for the future of this county. She stated that as we look at these designations to not only meet the requirements that LCDC laid on the table for both governments, we also need to look at ourselves as the writer of that future and how we come to a place where the designations that we choose and bring forward to LCDC are the ones that give the flexibility economically and socially for this region. Councilor Roberts hoped that we are able to look at that and end up with success for both of these governments and long term for the people of this county and the state.

Metro Public Hearing is Closed

Chair Duyck thanked everyone who testified today. He was aware that many in the audience have been through numerous hearings over the last three or four years and have been with us every step of the way through this process. Chair Duyck said that these people know as well as we do how difficult it is to get consensus on anything.

Commissioner Schouten observed that he did not hear any sort of motion or conclusions from Metro.

Chair Duyck explained that that is because the Board of Commissioners will be doing that first.

Washington County Board of Commissioner Deliberations Begin

Chair Duyck stated that Metro, the Board and the public have inherited a very difficult task. He thought that we should keep track of the ultimate goal, i.e., the ultimate protection of the majority of our farmland and a viable agriculture industry. Chair Duyck believed that we are so close now that that is exactly what we will achieve. He saw some choices available to us:

- We could ask for reconsideration. It is doubtful if this will get a consensus. It is doubtful that we would get a different answer if we ask for reconsideration. LCDC has been very consistent in their response every time Cornelius has wanted to go north.
- We could also do some sort of amendment that would include the Cornelius Community Farmland Compromise. Chair Duyck would prefer this because he believes that we made the right decision the first time when Metro and Washington County voted for a map that was then sent before LCDC. It was a very well thought out decision but evidently LCDC disagreed. LCDC was very clear giving us the option to replace that land; otherwise, they would not have put the rural reserves back into play in Washington County. We chose to replace that land. We believe, for economic vitality, that it is very important that we do. We had some very specific criteria under which we would replace that land: we would try to keep it acre for acre but we would not exceed the acreage that we had presented the first time to try to reduce controversy. We also thought that we would replace it like for like, meaning if we take industrial land or land that was planned for industrial north of Cornelius, we would try to choose land that could be used for industrial elsewhere. That seemed like a logical compromise.

However, Chair Duyck noted that it seems that nothing that is put out there can get a consensus; it gets support but not a consensus. He recognized that we are a very diverse region and county. Chair Duyck said that at some point we have to ask ourselves if having a reserves plan—as imperfect as it may be—is better than not having a reserves plan. He still believed that it is. Chair Duyck stated that if a majority of the Council and Board pass the map that he thinks they will, then that will get us close enough to where we will have reserves, as imperfect as they will be. He supported the Hughes-Duyck map as the one that can move us forward. Chair Duyck emphasized that we have to move forward; if we don't, we go back to the old way which he did not think anyone would agree is a better way.

Based on what he heard from the Metro Councilors' discussion, Commissioner Schouten said that some changes to Area D will have to be made in order to go forward.

Commissioner Malinowski thanked Councilor Harrington for her role on CORE 4 and for being a chief lightning rod for a lot of this.

Councilor Harrington remarked that it has been an honor to serve the region.

Commissioner Malinowski said that he, too, is interested in a compromise. He stated that undesignated does give us the opportunity—in case we wrongly guess low on urban reserves—to go back and take another look at that and make adjustments. Commissioner Malinowski said that if it turns out that we were not wrong, that is good too. He did not think that you necessarily need a bigger footprint to grow but you do need innovation, change and opportunity. Commissioner Malinowski personally would recommend looking at the Council Creek east/west line in Area A, perhaps look at the Cornelius Community Map, and make the area north of the creek in A as undesignated and the area south of Hobbs Road as undesignated. He said that this gives those areas the chance to prove their point at a later date. Commissioner Malinowski stated that his first preference for Area D is not undesignated but said that if it keeps the door open and leads to a compromise, he can go with that. He reviewed that Area E is undesignated.

Commissioner Malinowski said that we want to get this done soon and this might provide an opportunity to get it done soon and approved. He stated that as soon Metro gets ready to move the Urban Growth Boundary, they will receive—under the older map—28,000 acres worth of requests that want to happen right now. Commissioner Malinowski said that if we don't replace those urban areas, there will still be 27,500 people demanding that now is the time to add their ground to the Urban Growth Boundary.

Commissioner Terry mentioned that he has been pretty quiet today, listening to all of the comments made. He said that he has studied everything that has been sent to him. Commissioner Terry noted that most of this land is in District 4 (his district) and so he has been very intent as to what he hears from people who reside there since it will affect them the most. He said that he has heard nothing directly from the people north of Highway 26 and nothing directly (other than the Mayor) from Cornelius. Therefore, Commissioner Terry has to rely on what he hears from everybody else in the district. He feels that the footprint is a very important issue. Commissioner Terry agreed with testimony today from both the current and former Mayors of Hillsboro that we do need to add some additional area as urban. He was concerned that we do have a future after our current recession. Commissioner Terry recalled that we went through a recession in the 1970's and 1980's and still had growth in our county and particularly in District 4. He heard today at Worksession that the majority of the new county's population has gone into District 4. Commissioner Terry believed that we must recognize those things and pay heed to them. Regarding the 28-acre parcel north of Forest Grove, he supported that and said that this has to do with a possible roundabout there and some mitigation area. Commissioner Terry noted that 50 years is a long time and he knows that the western region will see the largest growth. He believed that existing areas that are available should be filled in first. Commissioner Terry thought that the empty buildings will fill up rather quickly as the economy gets going again. As a farmer who owns large acres of land, he recognized the concerns. Commissioner Terry did not think the undesignated area provides the comfort that everybody thinks. He said that when you are looking at a combine that costs almost \$200,000 and other expensive farm equipment or specialty crops, undesignated may not provide the comfort that you think you might need when

you are making those kinds of investments. Relative to the area north of Cornelius, Commissioner Terry did not believe LCDC will change their mind on the clear message they sent. He thought that this is most unfortunate because Cornelius does need that north end to grow. Commissioner Terry agreed with a speaker that Council Creek is not much of a creek and so felt it unfortunate to use it as a boundary for Cornelius. He supported the Hughes-Duyck Proposal.

Commissioner Schouten heard that we need to make some changes in Area D to undesignated, at a minimum, which is one of the most problematic areas for himself as well. He said that it is not so much the quantity that is the issue; it is, among other things, what we need to do to avoid or minimize adverse effects on farm and forest practices and rural reserve areas. Commissioner Schouten stated that the piece that sticks out north of 26 raises that issue in a substantial way. He said that whether or not there is area north of 26 that is already in the Urban Growth Boundary line is not that critical because that is an area east deeper into the Urban Growth Boundary line. Commissioner Schouten stated that as we go further west, we can see that Highway 26 could potentially be a very strong line between urban and rural. He indicated that there will be a lot of urban areas added. Commissioner Schouten stated that the whole Area 8A will go to Hillsboro in the future. He was not sure how to split the area north of Cornelius. Commissioner Schouten thought Susbauer Road makes a more compelling boundary under the current Hughes-Duyck Proposal than does Council Creek but he retained flexibility in that area. He did not support seeking any urban reserves in the area north of Cornelius due to the clear message from LCDC. Commissioner Schouten observed that significant intrusion north of Cornelius in terms of urban development would clearly have very adverse effect on a key area for farm/forest practices and for rural reserves. He was not a big supporter of Area E being undesignated but said that he had more problems in the past with 6B. Commissioner Schouten reiterated that we cannot leave Area D as urban. He did not see any reason why we have to have a one-for-one swap. Commissioner Schouten thought that we are well within the range of possible areas that we need to include into the urban reserve based on past work from Michael Jordan and others. He stated that the impact of making the area north of 26 in Area D urban reserve on significant farm and forest practices all around that area is a negative one. Commissioner Schouten wanted to avoid that as much as avoiding urban reserves north of Cornelius.

Commissioner Rogers thanked the citizens for coming out today to share their visions. He appreciated the decorum with which the Metro Councilors conducted themselves today also. Commissioner Rogers was less concerned about being wrong and more concerned about being thoughtful in the process. He said that people were very good about studying materials and really looking at long-range implications. Commissioner Rogers noted that not many of us will be around in 50 years to see the outcome of this. He hoped that they would realize that Metro and the Board were thoughtful and took positions based on values and how they perceived the vision and tried to come to a consensus. Commissioner Rogers thought that the Planning Commission did a good job and had it right. He said that, unfortunately, the Hughes-Duyck Proposal is not what he wants to do today. Commissioner Rogers stated that Cornelius had a bad deal in this. He

said that he originally supported all of their proposals because he thought that was the right thing to do. Commissioner Rogers was willing to go with the 7I* if it was possible. He said that he has never thought that we should go north of 26. Commissioner Rogers thought that Area D should have some undesignated land. He wanted to get to the place where we could help out Cornelius a little bit and make Area D undesignated.

Chair Duyck agreed with Commissioner Rogers about Cornelius. He asked if Commissioner Rogers is talking about providing undesignated for Cornelius because the current proposal does that, as does the Planning Commission's proposal. Chair Duyck noted that one has a vertical division and one has a horizontal division but both have undesignated.

Commissioner Rogers responded that it is urban reserve, as proposed in 7I.

Chair Duyck ascertained that Commissioner Rogers is proposing to actually have an urban designation north of Cornelius. He was not hearing Metro Councilors say they are willing to go to that degree.

Commissioner Schouten commented that sometimes it is more important to be worried about perfection and try to avoid mistakes than to make sure that you get something timely done. He said that at some time he learned that it is better to write a good legal brief than a perfect brief that is filed too late.

It was moved to take the Hughes-Duyck Proposal and adopt it with the change that Area D be designated as rural reserve.

Motion - Schouten

2nd – Malinowski

Vote – 1-4

Nay – Duyck, Rogers, Terry, Malinowski

The motion failed.

Commissioner Malinowski said that this is his preference. He stated that he knows what it is like to be in an undesignated area, where every time somebody gets a dream of making money off your property, you get dragged into it again. Commissioner Malinowski's concern was that there has been a case made for flexibility. He said that this would be a chance to have a safety gap there. Commissioner Malinowski stated that if Metro Council makes it clear that they are not going to take off into the undesignated the first opportunity they get, that there will be some surety there. He said that this tells people like himself who are not ready to be chopped up yet to go ahead and make farming work regardless of what the future officially bodes. Despite the fact that this is his preference, Commissioner Malinowski did not think there is enough support on the Board or Metro Council to pass this.

It was moved to adopt the Hughes-Duyck Proposal with respect to Area A, and then to adopt the Community Farmland Compromise Map (7I*) put forth by the City of Cornelius, with the following designations: 7I* - approximately 350 acres that make up the southern portion of former UR 7I – urban reserve; the balance of former UR 7I (approximately 260 acres) – rural reserve; Area D – change from urban reserve to undesignated.

Motion – Rogers

2nd – Duyck

Vote – Motion and second withdrawn following discussion

Chair Duyck seconded the motion for purposes of discussion. He reserved the right to reconsider this if it is not acceptable to his colleagues. Chair Duyck noted that Commissioner Rogers is taking a gamble by asking LCDC to take another look at something that is important to Washington County. He noted that this does resolve the issue north of Highway 26: it removes those acres and makes them undesignated again. Chair Duyck was willing to take this step with the intent of possibly reconsidering later.

Commissioner Rogers said that his motion solves the problem. He observed that we all feel that Cornelius has to have some destiny and this allows that. Commissioner Rogers stated that the fertile land and soil up north resonated with him.

Commissioner Terry wished to comment on making the area north of 26 undesignated. He stated that the County and State have spent a lot of money putting in the infrastructure that is already there. Commissioner Terry thought that we are throwing that away if we designate it undesignated; it does not give the people who own the land up there long term agriculture. He said that taking the Cornelius area and throwing it back to LCDC—as much as he would like to see urban reserve there—seems contrary to what LCDC directed. Commissioner Terry stated that Cornelius probably should have been down at the LCDC hearings. He could not support the motion.

Commissioner Schouten commented that Highway 26 is not necessarily throwing away our transportation investment. He said that in this area, it serves as a very good boundary. Commissioner Schouten stated that Highway 26 has many functions but one is not to provide additional sprawl at on and off ramps as you are going northwest on Highway 26. He was also concerned about having urban reserves in any area north of the City of Cornelius due to the suspected response by LCDC. Commissioner Schouten said that under the Hughes-Duyck Proposal, there will be an opportunity for some flexibility by allowing Area C to be undesignated. He stated that we can accommodate the City of Cornelius that way without running some real risks with LCDC.

Commissioner Malinowski shared Commissioner Schouten's concern. He said that he would be just as happy to have Area D designated as a rural reserve and apologized to Commissioner Schouten for not voting that way earlier. Commissioner Malinowski

stated that if we send this back to LCDC with any amount of urban north of Cornelius, they will kick it back. He said that an undesignated strip in there would provide Cornelius the option to make a good case. Commissioner Malinowski recognized that Cornelius needs something but he was not sure that another piece of bare ground north of town is it.

Commissioner Schouten asked if Commissioner Rogers would consider an amendment to make the 7I area according to the compromise map undesignated rather than urban reserves.

As the second to the motion, Chair Duyck could not support that amendment.

Commissioner Rogers withdrew his motion and Chair Duyck withdrew his second.

It was moved to accept the Duyck-Hughes Proposal.

Motion – Terry

2nd – Duyck

Vote – 2-3

Nay – Rogers, Schouten, Malinowski

The motion failed.

Commissioner Schouten had issues with making the area north of 26 in Area D as urban reserves.

Commissioner Rogers had the same concern. He was less concerned about the urban reserve portion because of his belief that this will likely be changed again in ten years. Commissioner Rogers said that we are giving up urban reserves and nothing is coming back.

Chair Duyck felt strongly that those urban reserves must be replaced. However, he said that the current motion on the floor does as good as we can for the City of Cornelius, which is undesignated. Chair Duyck went on to say that it still replaces the urban designation on the land north of 26.

Commissioner Rogers did not know that we gain anything by putting urban area up north.

Commissioner Schouten said that the Board has received clear signals from Metro Council with respect to where they are on Area D.

Chair Duyck strongly felt that urban reserve land has to be replaced. He knew that this is not necessarily an acre for acre issue when looking at the entire reserves. However, Chair Duyck stated that Washington County has gone through a series of screens over a four year period and has accommodated every reduction in urban reserves and every

increase in rural reserves that we have been asked to do. He said that we are at the point now where it is a matter of if we have control to figure out where we grow and how we grow or if we do not. Chair Duyck stated that if we do not, then we should have ceded our authority to make this decision to someone else many years ago and saved ourselves a lot of money. He agreed with the Metro Councilors on maximum flexibility. Chair Duyck said the urban reserves must be replaced somewhere.

Commissioner Schouten stated that there is nothing that says we have to do that one for one. He said that what is more important from a legal standpoint is the impact we are having on farm and forest practices. Commissioner Schouten thought that there are some real issues about the impact of farm and forest practices, or rural reserves, if we don't at least put Area D into an undesignated category. He was okay with the Duyck-Hughes Proposal designation for Area B and C or said that we could do a split along the Hobbs Road east/west axis. Commissioner Schouten did not see this as that we are being pushed back and losing space. He stated that we can ultimately decide or not decide.

Chair Duyck suggested keeping in mind that Area D was always undesignated and so this is a change from what we had previously. He said that it is a change for less acreage because we won't be replacing anything north of Cornelius. Chair Duyck stated that this does limit our options because it is still not determined what undesignated means—whether that is truly land that you eventually urbanize or not. He did not think anyone can say for certain that that is what it means. Chair Duyck concluded that we are precluding our options by keeping the land undesignated.

Commissioner Schouten stated that we had a detailed discussion with legal counsel at some point as to what undesignated means, what that means in terms of its order of being used and as a practical matter that probably will not play a major role in undesignated because you would have to take all of the urban reserves in other parts of the region before you could urbanize undesignated land.

Commissioner Terry stood by the motion as made based on the fact that we had consensus with the Metro Council and with the Commissioners last year and we have not made that many changes, other than what LCDC has required us to do. He added that LCDC was clear about the area above Cornelius. Commissioner Terry said that the big change is that area north of 26. He stated that we heard from both the current and former Mayor from Hillsboro on the need for growth in that area. Commissioner Terry said that we have put the infrastructure in there—both the transportation and otherwise. He felt that that area is ripe to go and provides additional opportunity for the county.

Commissioner Schouten commented that leaving it undesignated still allows for some level of flexibility. He said that very significant areas have been added to urban reserves in 8A.

Commissioner Malinowski reviewed that Commissioner Rogers' previous motion was to make Area D undesignated and then make the area closest to Council Creek urban.

Commissioner Rogers did not think the Duyck-Hughes Proposal is the right thing to do on Area D but he did not think we should give up urban reserves.

Following failure of the motion, Commissioner Terry asked Commissioner Malinowski how he would feel about doing a similar thing to Area D as was proposed in what is now Area B and C and make part of that undesignated and part urban.

Commissioner Rogers proposed a brief recess and stated that it would be helpful to hear the Metro Council deliberations.

BOARD RECESS: 5:59 p.m.

METRO RECESS: 5:59 p.m.

METRO RECONVENES: 6:10 p.m.

Council President Hughes reconvened the meeting of Metro Council for consideration of the IGA.

It was moved to accept the Hughes-Duyck Proposal map with the following changes:

- Above Cornelius, change Area B and C to the Planning Commission's version 7I* being undesignated and the area above it, 7I, as rural.
- Area D is left as undesignated

Motion – Collette

2nd – Burkholder

Vote – 7-0

Councilor Hosticka said we have heard that the area north of Cornelius is primarily for industrial purposes—the type that we cannot predict today what might show up. He stated that these large lot industrial recruitments are usually episodic and do not happen very often. Councilor Hosticka asked if we could move into these undesignated areas in a rather expeditious fashion if we happened to come across a specified need of that type and we found that it could not be accommodated within our existing Urban Growth Boundary or our existing urban reserves.

Dick Benner responded that this would be possible if you can demonstrate that you cannot satisfy a need. He was talking about the priorities that are listed in the statute that tell which land to bring into the UGB first. Mr. Benner said that if you have a need to expand the Urban Growth Boundary and you look in your urban reserves and you cannot find land to satisfy that need, then you next look to the land that is not designated urban reserve; you cannot go to the rural reserves and so your attention focuses on the undesignated lands.

Council President Hughes recalled that there was some testimony earlier on that said that with the old system, every five years as we contemplated the Urban Growth Boundary expansion, literally every property in the region got considered for inclusion in the Urban Growth Boundary. He stated that it seems as if the process changed so that in this process, we would look first and exclusively to the urban reserves and only if we couldn't find either appropriate land or enough appropriate land in the urban reserves would we even look at the undesignated, unless—as Councilor Hosticka said—there was some special circumstance. Council President Hughes stated that even for the people who are undesignated, we are buying them the idea that we have 28,000 acres of urban reserve that we would have to look at as the first and primary place to expand the Urban Growth Boundary.

Dick Benner agreed with that assessment. He added that, over time, that number gets drawn down.

Councilor Hosticka said that that gives him a little more comfort in supporting this. He stated that the testimony he has heard regarding the need for industrial land is basically that we have some 2,500 acres already within the UGB in this area. Councilor Hosticka said that we are designating a very large portion in Area 8A north of Hillsboro for expansion in the Hillsboro area and we would only contemplate seeing development in Area D if there was a unique set of circumstances that couldn't be either accommodated in the UGB or in the urban reserves. He did not think anybody could predict the likelihood of that. Councilor Hosticka said that, alternately, it could be done north of Cornelius. He divulged that he, along with some of his colleagues, has voted to make areas north of Cornelius urban and so he does not have any particular heartburn over the Community Farmland Proposal except to think that it is not very likely that that would get us to a conclusion by being adopted by LCDC. Councilor Hosticka regarded Councilor Collette's motion as a very good compromise in that it is unlikely that those areas that are undesignated north of Highway 26 would see development in the future but it is possible if there is a special case.

Councilor Harrington said that as we are problem-solving here, she carries—as do her colleagues—the experience of the regional program. She agreed with Councilor Hosticka's comments on this latest motion and proposal. Councilor Harrington stated that it is unfortunate—given the amount of time and energy that the region spent looking at the great community's factors and all the local aspirations—that LCDC did not agree with the full proposal. She believed that this motion acknowledges that feedback from LCDC and is a positive step forward for us to bring this to closure so that we can move on with the challenges ahead. Councilor Harrington thanked Councilor Collette for the motion and said that she can support it.

Councilor Burkholder wished to follow up on the question of how special needs are handled. He said that not all members were on the Metro Council when we actually did this—the land that became the Genentech site. Councilor Burkholder recalled that Council President Hughes was the Mayor of the City of Hillsboro at the time. He

reviewed that there was a demonstrated need and we were successfully going through the process to be able to say we are going to jump the queue in the sense that here is an area with special characteristics and special companies we are pursuing. Councilor Burkholder said that in our short history (the last ten years), we have been able to say that if something unique comes along, we are actually able to respond to that within the structure that we have. He wanted everyone to remember that we have actually done this before in recent history.

Councilor Collette said that she would deeply love to be able to designate the area north of Cornelius to the line that we have described as urban. Her sense was that LCDC would toss that right back at us and her hope was that by this motion, we are at least providing some flexibility. Councilor Collette said that people will likely appeal no matter what is done and perhaps LCDC will regard that as a really good appeal. She stated that that would be a really good outcome. However, Councilor Collette did not want to send a package to LCDC again that will fail. She also felt that LCDC would look with some concern at anything that goes above Highway 26 as an urban reserve. Councilor Collette recalled that LCDC said that as part of their conversation but did not make as strong a statement about that as about Cornelius. She regarded her motion as a good compromise and said that it does give us the undesignated land in Washington County that they did say that they wanted to see more of to provide future flexibility. Councilor Collette hoped that it gives Cornelius a chance.

Council President Hughes thought that there was good reason and good justification for making the land north of Highway 26 as urban. He believed that we are at a point where we do not want to break the process on a few hundred acres. Council President Hughes said that undesignated allows future growth in that area as the need is justified. He thought that it would be justified. Council President Hughes could live with that and could support the motion as one that is likely to move this process forward.

METRO RECESS: 6:22 p.m.

BOARD RECONVENES: 6:22 p.m.

Chair Duyck explained that staff has been standing by all day to assist the Board with disposition of regular business. The Board therefore elected to act on portions of its agenda packet at this time.

1. CONSENT AGENDA

APPROVAL OF MINUTES:

March 1, 2011

Chair Duyck announced the award of bid on item 1.i. on the Consent Agenda to Eagle Elsner, Inc. in the amount of \$332,190.00.

It was moved to adopt the Consent Agenda, as modified.

Motion – Schouten

2nd – Rogers

Vote – 5-0

CLEAN WATER SERVICES

1.a.

CWS MO 11-31

Appoint Budget Committee Members

1.b.

CWS MO 11-32

Approve Clean Water Services' Application for Brand Name or Mark Designation
Allowing Allen-Bradley Programmable Logic Controller Components to be Designated
in the Construction Specifications for the North Plains Pump Station Relocation Project
No. 6387 (CPO 8) (Approved Under Consent Agenda)

1.c.

CWS MO 11-33

Approve Clean Water Services' Application for Brand Name or Mark Designation
Allowing Flygt N-Impeller Style Submersible Pumps to be Designated in the
Construction Specifications for the North Plains Pump Station Relocation Project No.
6387 (CPO 8) (Approved Under Consent Agenda)

1.d.

CWS MO 11-34

Approve Clean Water Services' Application for Brand Name or Mark Designation
Allowing Vent-O-Mat Combined Air Release/Vacuum Valves to be Designated in the
Construction Specifications for the North Bethany Pump Station Relocation Project (CPO
8) (Approved Under Consent Agenda)

1.e.

CWS MO 11-35

Approve Intergovernmental Agreement with the Cities of Lake Oswego and Tualatin
Regarding Sewer Treatment Services (CPO 5) (Approved Under Consent Agenda)

LAND USE AND TRANSPORTATION

1.f.

MO 11-48

Approve Bid Award, Execute Contract and Authorize Road Closure for the Brookwood
Avenue – Tualatin Valley Highway to East Main Street Project (CPO 9) (Approved
Under Consent Agenda)

1.g.

RO 11-16

Approve Declaration of Necessity and Protective Rent Payments for Right-of-Way Acquisition for the Scholls Ferry Road/River Road Intersection Improvement Project (CPO 10) (Approved Under Consent Agenda)

1.h.

RO 11-17

Approve Declaration of Necessity and Protective Rent Payments for Right-of-Way Acquisition for the Rosedale Road and Jacktown Road Culvert Replacement Projects (CPO 10) (Approved Under Consent Agenda)

1.i.

MO 11-49

Approve Bid Award and Authorize Execution of Contract for the 2011 Pavement Excavation and Repair and Crack Seal Projects (All CPOs) (Approved Under Consent Agenda)

1.j.

MO 11-50

Approve Metro-County Agreement for Construction Excise Tax Grant to Fund the First Phase of the Aloha-Reedville Study (CPO 6, 7) (Approved Under Consent Agenda)

1.k.

RO 11-18

Approve Feasibility Report; Establish Local Improvement District (LID); and Set Public Hearing for NW Hahn and NW Davidson Roads (CPO 8) (Approved Under Consent Agenda)

ASSESSMENT AND TAXATION

1.l.

MO 11-51

Appoint County Official to Report Current Commissioner District Population Figures (Approved Under Consent Agenda)

COMMUNITY CORRECTIONS

1.m.

MO 11-52

Amend Agreement with State Department of Corrections – Implementing State Funding Reductions for the 2009-11 Biennium (Approved Under Consent Agenda)

1.n.

MO 11-53

Amend Agreement with State of Oregon (Formerly Oregon State Police) Byrne Jag
Offender Re-Entry Grant (Approved Under Consent Agenda)

COUNTY ADMINISTRATIVE OFFICE

1.o.

MO 11-54

Adopt the 2011-12 Budget Policy (Approved Under Consent Agenda)

COUNTY COUNSEL

1.p.

MO 11-55

County Counsel Recruitment Procedures (Approved Under Consent Agenda)

HOUSING SERVICES

1.q.

MO 11-56

Approve FY 2010 Supportive Housing Program Grant Agreement – Homeless
Management Information System (HMIS) (Approved Under Consent Agenda)

SHERIFF'S OFFICE

1.r.

MO 11-57

Approve Option to Extend Contract Term for Cashless Commissary Services with
Swanson Services Corporation (Approved Under Consent Agenda)

1.s.

MO 11-58

Approve Amendment to Contract with State Marine Board for the Sheriff's Office
(Approved Under Consent Agenda)

SUPPORT SERVICES

1.t.

MO 11-59

Accept Bid/Award Purchase Order for Digital-to-Film Conversion Unit for Assessment
and Taxation (Approved Under Consent Agenda)

1.u.

MO 11-60

Approve Agreement with Portland Habilitation Center for Janitorial Services (Approved Under Consent Agenda)

1.v.

MO 11-61

Grant Waiver/Authorize Contracts for Interpreting Services (Approved Under Consent Agenda)

1.w.

RO 11-19

Amend the 2010-2011 Washington County Position and Salary Report Increasing the Number of Positions by .50 FTE and Increasing Appropriations by \$150,000 within the Health and Human Services Department, Aging Services Unit (Approved Under Consent Agenda)

3. PROCLAMATION

3.a.

MO 11-42

Proclaim March 2011 as Developmental Disabilities Awareness Month in Washington County

The Board waived reading of the proclamation.

It was moved to proclaim March 2011 as “Developmental Disabilities Awareness Month” in Washington County.

Motion- Rogers

2nd – Terry

Vote – 5-0

4. BOARDS AND COMMISSIONS

4.a.

MO 11-43

Announce Vacancies on the Civil Service Commission

Chair Duyck announced vacancies on the Civil Service Commission. He invited interested persons to apply for the three vacancies.

4.b.

MO 11-44

Appoint Members to the Housing Advisory Committee

It was moved to make the following appointment to the Housing Advisory Committee for a one-year term expiring March 31, 2012:

- Carol Gakin, Elderly/Minority Representative

It was further moved to make the following appointments to the Housing Advisory Committee for three year terms expiring March 31, 2014:

- Peter Hainley, Agricultural/Farm Worker Community
- Ronald Lehr, Member-At-Large
- Renee Bruce, Social Service Organization

Motion – Rogers

2nd – Schouten

Vote – 5-0

4.c.

MO 11-45

Appoint Members to the County, ESPD and URMD Budget Committees

There was a motion to make the following appointments to the County Budget Committees:

- Barbara Brennan
- John Cook
- Scott Nelson

Motion – Rogers

2nd – Schouten

Vote – 5-0

It was moved to appoint Lori Manthey-Waldo to the ESPD and URMD Budget Committees.

Motion – Malinowski

2nd – Schouten

Vote – 5-0

Board Returns to Consideration of Urban Rural Reserves IGA (Agenda Item A.1)

Commissioner Rogers appreciated hearing the Metro Councilors' discussion. He said that their motion was very similar to the one he tried to get approved. Commissioner Rogers was still struggling with the fact that we added no urban reserves but rather just took them away. He said that it would have been much nicer if 7I* had been an urban reserve; he added that if LCDC says no, then we can come back and re-designate it.

Chair Duyck pointed out that we have to move forward one way or another and asked for a motion.

It was moved to adopt the Hughes-Duyck Proposal except for the following:

- Change the area known as 7I* on the Community Farmland Compromise Map to undesignated.
- Designate the balance of Area 7I as rural reserves.
- Retain Area D as undesignated land.

Motion – Schouten

2nd – Malinowski

Vote – 2-3

Nay – Rogers, Duyck, Terry

The motion failed.

Commissioner Terry had a problem with this motion not having any urban reserve designation. His understanding was that there was a chance that LCDC might accept urban reserve around Cornelius this time around. Commissioner Terry was unsure if the undesignated could be circumvented and brought into the reserve.

Commissioner Malinowski felt more comfortable about the future of this because of 8A, which is a large area of flat, reasonably good land that is going to be available for industrial.

Commissioner Schouten said that when we looked at the Duyck-Hughes Map, it did not show any urban reserves north of Cornelius; it showed undesignated and rural reserves but on a north/south axis as opposed to east/west. He stated that under the original Duyck-Hughes Map, there was no urban areas that were set for Cornelius; there would be some flexibility in the undesignated piece. Commissioner Schouten said that Area D had been undesignated under our prior ordinance.

It was moved to adopt the Duyck-Hughes Proposal except that:

- North of Cornelius, we would use the Community Farmland Compromise except that the south portion would be undesignated; the northern portion would be changed to rural reserve. (The Cornelius piece would be split the same way it is in the Community Farmland Compromise but instead of urban reserve as requested, it would be undesignated.)

Motion – Terry

2nd – Rogers

Vote – 3-2

Nay – Schouten, Malinowski

Commissioner Terry wished to borrow from Councilor Collette's motion to deal with the Cornelius area.

Commissioner Rogers asked if this is the same proposal that we originally had.

Commissioner Terry responded that it is not. He explained that instead of going north and south on Cornelius, he is going east and west.

Chair Duyck recalled that Commissioner Rogers had proposed urban reserve north of Cornelius and Area D as undesignated. He said that Commissioner Terry is making the same proposal—only making Area D as urban reserves.

Commissioner Rogers said that he does not like going north of 26 and never has. He stated that he likes having some urban reserves around Cornelius but does not like losing the urban reserve acreage. Commissioner Rogers was reluctantly willing to support Commissioner Terry's motion.

Commissioner Malinowski stated that there would be no urban reserve north of Cornelius but we are still going to try and do Area D as an urban reserve.

Commissioner Schouten said that this is not any movement at all from where we started with the Duyck-Hughes Map. He did not regard this as a compromise.

BOARD RECESS: 6:37 p.m.

METRO RECONVENES: 6:37 p.m.

The Metro Council was now in session again in order to consider the Washington County Commission proposal.

It was moved to reconsider the previous approval of the Supplemental Reserves IGA.

Motion – Hosticka

2nd – Harrington

Vote – 7-0

It was moved to:

- Divide Area D above Highway 26, making the area east of Groveland as urban and the area west of Groveland undesignated.
- Leave the rest of the motion as adopted by Washington County.

Motion – Collette

2nd – Harrington

Vote – 6-1

Nay – Craddick

Councilor Harrington asked if staff has an idea of what the acreage amount might be.

Council President Hughes replied that it is 265 acres.

Councilor Roberts asked which portion contains the 265 acres and was informed that it is the eastern portion.

Council President Hughes explained that the eastern portion would be urban and it would be undesignated to the west of Groveland Road.

Councilor Hosticka pointed out the difference between the original Hughes-Duyck Proposal and the Farmland Compromise Proposal north of Cornelius in numbers. He said that the Hughes-Duyck Proposal proposed 426 acres going to rural; the Farmland Community Proposal proposed 274 going to rural. Councilor Hosticka stated that the Hughes-Duyck Proposal proposed 197 acres going undesignated while the Farmland Community Proposal proposed 350 acres going undesignated. He summarized that the proposal before us shows a lot more undesignated north of Cornelius in acreage and he agreed that it is a better configuration of acreage.

Councilor Craddick addressed Washington County. She could see that it is very important to the Commissioners that they have some urban designation in this remand going back to LCDC. Councilor Craddick did not understand how critical that is. She said that as we have talked about the role that undesignated land can play, she has seen that there are opportunities and options available in an undesignated designation to allow land to be urbanized if need is shown. Councilor Craddick was not convinced that we have to have an urban designation in this proposal that goes back to LCDC. She felt that the undesignated areas are satisfactory. Councilor Craddick recognized that the Metro Council has been discussing the intent to focus on the industrial land replenishment

process this next year. She related that Metro Councilors fully support that notion and putting the process together. Councilor Craddick said that if there is concern that they will miss opportunities by having land undesignated as opposed to urban, she was not convinced that that is going to be a concern. She could not therefore support this motion but expressed support for the previous Metro motion.

Councilor Burkholder said that his concern about this is the same as he had before. He was concerned that this will again get us a remand and we will be back in August, which will make it difficult to continue the process. Councilor Burkholder understood the desire to make sure that we don't limit good growth but noted that there are quite a bit of other urban reserves in Washington County that were designated that we are all very supportive of. He looked for a successful ending to this process. Councilor Burkholder said that we might all agree on something we can compromise on but then we still have to run it through LCDC successfully.

Councilor Hosticka could reluctantly support this proposal if it gets us to an agreement. He said that designating this area urban or undesignated probably does not make a huge amount of difference in terms of what the future of that area is going to be because the market and Metro Council will decide where things are going to go. Councilor Hosticka did not see a chance that we are going to get into this area any time in the near future.

Councilor Harrington respected her colleagues' concerns for changing any portion of Area D to urban reserve. She recalled a lot of discussion back in 2009 and 2010 over this area and that it was with reluctance for many that Area D was defined as undesignated. Councilor Harrington said that ultimately, we were accepting of Area D in that state as part of the regional proposal in dealing with the uncertainty of the future. She stated that she respects the fact that some of her colleagues are struggling with making any portion of that as urban reserve; she could identify with that struggle. Councilor Harrington reminded herself that we do not have a regional urban and rural reserves program without one another. She recognized that she does not get to make this decision or a proposal to LCDC by herself. Councilor Harrington acknowledged that she does so as a member of the Metro Council and the Metro Council does so in association with its three county partners. She said that as such, respecting the work that has been put in to date, all of the public testimony, and the fact that we continue to be on this journey with one another, she can support this proposal for Area D, with the portion east of Groveland Road as urban reserves.

Councilor Collette said that she completely agrees with making this motion with deep reluctance. She did not want to cross Highway 26 and hoped that we do not cross Highway 26 as we develop unless we have a great opportunity to provide some great jobs and/or a great community up there. Councilor Collette stated that this is a decision that the region makes together and noted that there are a lot more decisions that the region

needs to make together. She said that in the interest in finding a place where we can all feel some level of comfort but not total satisfaction, she has put forward this motion as a compromise.

As to whether LCDC would accept this, Council President Hughes said that it is more likely with this proposal than the original proposal because it is a smaller parcel. He reminded everyone that LCDC specifically said “no” to Cornelius but then went out of their way to say that you can add back the acreage. Council President Hughes said that we went through the process as we have contemplated this of looking around the county as to where that replenishment would take place and it began to be pretty obvious that this was the place. He did not think that LCDC will have an issue with it; he thinks they will see this as a minimal expansion in an area that they already thinks makes some sense since the infrastructure is already nearby. Council President Hughes said that this year during the work program, Metro will consider how to replenish particularly large lot industrial as it begins to be used. His guess was that that program will never include a replenishment program that says move from undesignated into the Urban Growth Boundary. Council President Hughes thought it will be a replenishment program for the Urban Growth Boundary—not for the urban reserves. He agreed with Councilor Burkholder that we jumped the shute on the Evergreen property because we knew there would be some action on that property but noted that it took three years from the time that property came in until it was ready to market to Genentech. Council President Hughes summarized that it took three years to go from Urban Growth Boundary to being annexed into the City’s Master Plan and ready to go. He said that when you are looking at being nimble, adding the additional step of saying it has to go from undesignated to urban reserve and urban reserve to Urban Growth Boundary adds at least two to three years to the process and it doesn’t do us much good. Council President Hughes stated that if we are going to do it, it is more useful to have it available so that it at least is in the urban reserves so that as we look toward replenishment of large lot industrial, we can look to this site eventually where we can do that. He did not think we can do that unless that portion is in urban reserve.

Councilor Collette clarified that in making this motion, Groveland Road was not an arbitrary border. She said that she has studied this map a lot. Councilor Collette stated that there is a considerable amount of natural resource value to the west of Groveland Road that she has been concerned about all along. She said that this is her reason for trying to provide a little extra protection for it.

METRO RECESS: 6:54 P.M.

BOARD RECONVENES: 6:54 P.M.

Chair Duyck said that Councilor Collette made a reasonable compromise. He stated his belief that it is more important that we have reserves than that this thing falls apart. Chair Duyck expressed appreciation for the remarks made by Councilor Harrington having to do with the fact that none of us get to put together and propose a plan alone; rather, we do

this together. He recognized that this has been a hard-fought compromise and said that if a motion was made to accept the Metro Council's recommendation, he would support it.

It was moved to accept Metro Council's most recent motion.

Motion – Rogers

2nd – Terry

Vote – 3-2

Nay – Schouten, Malinowski

The motion included the authority for the Manager of Long Range Planning to prepare the map and submit it to the Chair for review in order to ensure that it is consistent with the motion.

Commissioner Rogers did not like the urban reserve north of 26 and he said he would have loved to have the 350 acres of urban reserve next to Cornelius. He said that should LCDC decide that this is not the appropriate action, he hoped they would revisit the Cornelius piece and place the urban reserve there where it should be. Commissioner Rogers could reluctantly support the motion in the spirit of compromise.

Commissioner Malinowski could not support the motion.

Commissioner Schouten, too, could not support the motion.

Dan Olsen suggested that the motion include the authority for the Manager of Long Range Planning to prepare the map and submit it to the Chair for review in order to ensure that it is consistent with the motion.

Councilor Harrington asked if either Metro Council or the Board need a motion to accept the IGA today with the map as defined or if the votes for the maps were also votes to approve the IGA.

Dick Benner advised Metro Council to take a motion to adopt the Resolution. He said that the wording of the Resolution does not change and the wording of the IGA does not change; it is the map that will be adjusted. Mr. Benner explained that by adopting the Resolution and the vote indicating where Metro Councilors want the map to be instructs staff as to what to do.

Dan Olsen stated that it is just the same for the Board of County Commissioners.

It was moved to approve the Resolution and Order to adopt the Supplemental Reserves IGA with Metro and the map as proposed in the discussion with the Groveland Road demarcation.

Motion – Rogers

2nd – Terry

Vote – 3-2

Nay – Schouten, Malinowski

BOARD RECESS: 6:58 P.M.

METRO RECONVENES: 6:58 P.M.

It was moved to adopt Resolution #11-4245 with the map as proposed as well as with the revised date of April 21, 2011 in item 3.b. as resolved.

Motion – Harrington

2nd – Hosticka

Vote – 6-1

Nay – Craddick

Councilor Craddick thanked Chair Duyck and Council President Hughes for putting together a proposal for deliberation today. She could not support the final motion but did support the process used today.

Chair Duyck thanked all the Metro Councilors for coming out today and for their professionalism. He observed that there was speculation about whether there were backroom deals. Chair Duyck felt that this process shows that there were no backroom deals or consensus on a lot of things.

METRO ADJOURNS: 7:00 P.M.

BOARD RECONVENES: 7:06 P.M.

The Board reconvened to complete consideration of the remainder of today's agenda items.

5. PUBLIC HEARING – LAND USE AND TRANSPORTATION

5.b.

MO 11-47

Proposed Ordinance No. 740 – an Ordinance Amending Policy 29 of the Rural/Natural Resource Plan to Modify the Rural and Urban Reserves Map (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

There was a motion to read Ordinance No. 740 by title only.

Motion – Malinowski

2nd – Rogers

Vote – 4-0

(Schouten away at time of vote)

Dan Olsen read the proposed ordinance by title.

Brent Curtis stated that Ordinance 740 is the ordinance that is a companion to the IGA for urban and rural reserves that the Board adopted on December 14, 2010. He said that the purpose of Ordinance 740 is to carry out the changes to the land use plan that the Board would agree to with Metro. Mr. Curtis clarified that the December 14th IGA was not the subject or the decision that the Board just got done making. He said that nonetheless the ordinance stands as ready and available to be the vehicle to engross that would include the changes to the IGA that were just made. Mr. Curtis indicated that this is a public hearing and was aware that at least one person wishes to speak to the Board, even though all testimony on the IGA was included in the record for Ordinance 740. He said that per the Board's previous direction, the Board has created an evening public hearing on March 29, 2011. Mr. Curtis recommended that the Board conduct the public hearing today and continue it to March 29th. He said that staff, on March 29th, will prepare not only the IGA decision that the Board and Metro just made, but also the items for the Board to consider for an order for engrossment on the 29th that would allow for notice and two subsequent public hearings in the latter part of April.

The public hearing was opened.

Richard Meyer, Development and Operations Director, City of Cornelius, 1355 N. Barlow, Cornelius, Oregon, thanked the two Commissioners who stood up for Cornelius in the earlier discussion. He said that the decision just made is absolutely necessary and the whole community feels it is necessary to have some urban reserves north. That being the case, Mr. Meyer stated that Cornelius is going to have to challenge the decision. He mentioned that twelve pages (2388 – 2400) were presented to the Washington County Planning Commission and wanted to be sure that those were in the record. Mr. Meyer said that these explain how Cornelius urban reserves met the factors defined by state law. He stated that a lot of weight was given to the thought that LCDC would not accept any urban reserves north of Cornelius. Mr. Meyer regarded that as a flaw. He recalled that there was a 4-2 split vote in favor of Cornelius that changed due to last minute testimony, which the record contradicts; in the last 15 minutes the vote was 4-2 against Cornelius. Mr. Meyer said that given the fact that LCDC has not written the order, it was not a real remand and there is enough doubt that LCDC would probably take whatever Metro and the County come back to them with. He stated that they are desperate for the whole project to be finished too. Mr. Meyer did not see any legal basis for this Comprehensive Plan amendment. He said that it is a major change for the Cornelius community. Mr. Meyer stated that in the current Comprehensive Plan, Cornelius is mapped as urban

reserve for 624 acres. He said that the Comprehensive Plan is being changed to reduce that to no urban reserves. Mr. Meyer stated that that will take some changing of findings because all the findings in the record show the suitability for urban reserves. He said that Cornelius has not seen any of these reasons in writing and so will challenge on that basis. Mr. Meyer questioned how there can be a remand without any legal basis; he did not see something unwritten constituting a decision. He said that there was no process like you usually get in a land use process in Oregon to challenge the reasons for their decision.

Mr. Meyer stated that having the Board make decisions based on that preliminary decision means that the only way Cornelius can challenge is with this first step with the Comprehensive Plan.

Chair Duyck assured Mr. Meyer that the Board would not take this personally. He pointed out that we all heard in today's hearing how contentious this all is.

Commissioner Schouten stated his strong belief in the right of legal appeal.

Dan Olsen wanted the record to be clear that the entire record from the IGA testimony, including written exhibits, is introduced into this record formally. He explained that part of the idea was to assure people that they did not need to testify twice and to make sure that the record in this ordinance is complete.

It was moved to continue this public hearing to March 29, 2011 and to include the testimony from the Metro hearing into this record, as just stated by County Counsel.

Motion – Rogers

2nd – Terry

Vote – 5-0

5.a.

RO 11-20

Consider the Proposed Formation of a County Special District (North Bethany County Service District) – Casefile WA-0111 (CPO 7)

Andy Back stated that this item regards the formation of the North Bethany County Service District, which is the final piece of the puzzle for the financial package for the transportation for North Bethany. He recommended that the Board conduct the second public hearing and, at the conclusion of the public testimony, adopt the Resolution and Order that is included in the packet. Mr. Back explained that this Resolution and Order approves the District formation, it adopts the findings in support of the Board's decision, it establishes the permanent rate limit of \$1.25 per thousand, it calls for an election at the May 17, 2011 election and it adopts a ballot title and explanatory statement.

Commissioner Schouten asked if the Board can add a clause that indicates Board support for looking for some funding for the proposed library/community service building. He

noted that the Board has had some discussions about trying to fund that outside of the confines of the special district. Commissioner Schouten wanted the record to reflect that the Board is also very interested in figuring out a way to fund the purchase of that one acre property.

Chair Duyck asked if it would suffice if the Board stated on the record that it is interested in doing that or if a motion is needed.

Commissioner Schouten responded that either one would suffice.

Dan Olsen preferred to have it stated clearly on the record—for the Commissioners to indicate support of that—but to not have it be part of the formal motion. He said that the motions laid out for the Board by staff are the ones specified under the statute.

The public hearing was opened.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. He said that Washington County has a \$2 billion infrastructure deficit with 250 projects—many involving safety. Mr. Rayhawk stated that with the available \$32 million from MSTIP, it will take over 60 years to do these projects. He said that knowing that there are dangerous areas all over the county, he signed up to testify at the meeting about Bethany Blvd. to advocate spending only enough to fix the safety issues. Mr. Rayhawk's submittal is a more detailed version of that. He said that a key is that it would cost less than one-third of the planned five-lane widening and less than even the gold-plated three-lane project that staff presented. Mr. Rayhawk stated that the Bethany Blvd. project is the third of three MSTIP-funded projects just north of the Sunset Highway with total funding of \$31.8 million. He said that each of the projects could be viewed as about one third for safety and two thirds to handle a huge increase in traffic coming from the north: more than 2,400 cars per two online traffic studies. Mr. Rayhawk stated that \$20 million of the above is for North Bethany. He said that it has been assumed that North Bethany commuters would be commuting toward new high-tech jobs and manufacturing jobs in the west. Mr. Rayhawk stated that as has become evident, Washington County has been losing both kinds of jobs since 2000 with a current net loss of 16,000 high-tech jobs. He said that the traffic studies assume that a large percentage of North Bethany and Arbor Oaks will be commuting south. Mr. Rayhawk stated that the North Bethany funding plan includes \$10 million MSTIP funds to build nearby streets. He said that 185th is to be widened north of Westview High School for \$5.5 million. Mr. Rayhawk stated that this totals over \$35 million of MSTIP funds for improvements to support North Bethany. He said that this is just over a year of MSTIP funds. Mr. Rayhawk stated that all of the other 250 projects involving both congestion and safety will be delayed on the average by over a year. He said that a first-order estimate of the impact is that one year's worth of injuries and deaths will be caused by the delay. Mr. Rayhawk stated that a better estimate would be 10% higher to account for North Bethany increasing the infrastructure deficit. He said that for the safety of people, he asked the Board to stop over-committing MSTIP

funds for the benefit of a private land deal. Mr. Rayhawk stated that Arbor Oaks was brought into the UGB at the same time as North Bethany. He said it was not planned in conjunction with North Bethany. Mr. Rayhawk stated that as a result, there is a grade school on Joss Avenue, which is not large enough to handle traffic from R-24 housing in the northwest corner. He said that for the safety of children, such housing should not be approved until Road A is extended to 185th. Mr. Rayhawk requested that this be added to the Bethany funding plan now. He said that West Bull Mountain will also not be able to fund fixing the roads between it and where the jobs are. Mr. Rayhawk stated that both of these projects should be put on the back burner until housing prices get back to where the projects can pay enough to avoid increasing the infrastructure deficit.

The public hearing was closed.

It was moved to issue a decision to approve the proposed formation (WA-0111) and adopt findings in support of the Board's decision.

Motion – Rogers
2nd – Terry
Vote – 5-0

It was moved to adopt a permanent rate limit of \$1.25, call for an election and adopt ballot title and explanatory statement.

Motion – Schouten
2nd – Terry
Vote – 5-0

Chair Duyck expressed support for what Commissioner Schouten proposed relative to finding another direction but ultimately purchasing an acre or so of land to be used for community function.

Commissioner Schouten said that this could be parks system development charges, the county's opportunity fund, local share of Metro greenspaces that we are entitled to, or perhaps other funding sources to make that purchase. He stated that this is clean and separate from this particular item.

Commissioner Malinowski appreciated this solution.

6. ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, recalled that at the February 22, 2011 meeting regarding Bethany Blvd., 3not5 witnesses discussed the futility of widening Bethany Blvd. due to the bottlenecks of the bridge and the onramp. He remarked that the real bottleneck is the tunnel. Mr. Rayhawk said that only so many cars can get through the tunnel per hour at rush hour. He stated that no amount of

spending on this side of the west hills can fix it. Mr. Rayhawk said that if you widen the eastbound Sunset Highway to 25 lanes from Glencoe to the tunnel, widen every onramp including 217, and every bridge over the highway to ten lanes, it will not change the average commute time. He stated that traffic entering the east-bound tunnel slows to below 15 mph during rush hour. Mr. Rayhawk said that a simple analysis shows each extra car getting on the freeway ahead of you will add just under a tenth of a second to your daily commute. He stated that in 2010, 75,000 Washington County citizens got on the freeway west of 185th to commute east, most of whom are constituents of Commissioner Terry. Mr. Rayhawk calculated that 75,000 times a little less than a tenth of a second is a little less than 7,500 seconds but added this up to 250 commutes a year for a total of 394 hours per year. He said that the traffic studies done for Bethany Blvd. and Saltzman predict an increase of 2,400 cars coming south. Mr. Rayhawk stated that the study used for the Murray, Cornell, 143rd widening completed in 2009 is not online. He assumed that it would bring an increase to 3,000 cars. Mr. Rayhawk said that to keep the math simple, he was going to assume only 2,500 cars will commute to Portland. He stated that assuming a linear build-out of the source of these cars over 25 years, we get 100 new cars after year one, 200 total after two years and on up to 2,500 by year 25. Mr. Rayhawk stated that 100 cars times 394 hours is 39,400 hours a year increase the first year. He said that it would be almost 80,000 the second year and 985,000 hours after year 25. Mr. Rayhawk stated that the accumulated delay over 25 years will be 12.8 million hour. He said that 12.8 million hours at \$30 per hour represents a waste of \$384 million of citizens' times. Mr. Rayhawk clarified that this is just for the western commuters in the morning. He said that there will be more delays for commuters getting on at Cornell, Murray, Cedar Hills and Highway 217, including constituents of Commissioners Schouten and Rogers. Mr. Rayhawk stated that 217 will be bad enough that more south county commuters will switch to I-5, which also can handle only so many cars. He said that the cumulative cost for all of the citizens that commute to Portland in the morning will be more than \$500 million. Mr. Rayhawk stated that the impact over 25 years for morning and evening commutes will approach \$1 billion. He said that most of the 2,500 cars will be coming from homes in North Bethany and Arbor Oaks. Mr. Rayhawk stated that there is no conceivable source of 2,500 cars anywhere else above the freeway. He said that the full build-out of North Bethany and Arbor Oaks will have a significant negative impact on every Washington County citizen that commutes to and from Portland.

7. BOARD ANNOUNCEMENTS

Chair Duyck announced that there will be no Board meeting next week. He indicated that the next meeting will be an evening meeting on March 29, 2011.

8. ADJOURNMENT: 7:30 p.m.

Motion – Rogers
2nd – Schouten
Vote – 5-0

MINUTES APPROVED THIS 3 DAY May 2011

Barbara Hejmanek
RECORDING SECRETARY

Chris Ouel
CHAIRMAN

Washington County
Board of
Commissioners

March 15th, 2011

Testimony
Sign – In Sheets

①

DATE: MARCH 15, 2011

ITEM A.1. ON WASHINGTON COUNTY BOARD AGENDA

CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES

SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD, PLEASE SIGN BELOW

NAME

ADDRESS

✓ DAP Sheldon ~~Dave Duffie / Richard Meyer City of Cornelius~~ #740
Sonathan Schlueter Westside Economic Alliance PO #740
✓ Denzil Scheller ~~Jerry Willey City of Hillsboro~~
~~Deanna Radem Hillsboro Chamber of Commerce~~
~~Robert Bailey 155 NW Helvetia Rd, Helvetia~~
~~Denzil Scheller Hillsboro Chamber of Commerce~~
✓ Philip Duyck 36600 NW LONG RD Cornelius
✓ Steve Boback 21393 NW West Union Rd Hillsboro, OR
✓ JOE RAYHAWK 15248 NW GERMANTOWN ROAD PTL 97231
✓ Shaila Griffie 3012 N. Holladay Cornelius
✓ Amy Scheckla-Cox 1536 S. Ivy Cornelius
✓ Jose Orozco, 44 S. 18th Ct. Cornelius
✓ Larry Jacobsmullen, 1395 NW Sustainer Rd, Corvallis
✓ Sonathan Dan Sheldon, Business at 300 N 26th Ave, Corvallis
✓ Jose Revira, Centro Cultural, 110 N. Adair, Corvallis
✓ Tim Duyck, 1640 NW Cornelius-Schofta Rd, Cornelius
✓ Don Schoten 7380 NW GRAVELAND RD. HILLSBORO OR 97124
✓ Deloris Grossen 8320 SW Canyon Dr, Clatskanie, OR 97141
✓ Burk Jarrell 2900 N.W. CRACKWOOD PL FL.

B/L

2

DATE: MARCH 15, 2011

ITEM A.1. ON WASHINGTON COUNTY BOARD AGENDA

CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES
SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD, PLEASE SIGN BELOW

NAME

ADDRESS

- ✓ BILL WAINEL 32185 NW PAUGET RD Hillsboro OR
- ~~Art DUMMER 26860 N.W. SCHMIDT HILL Gales Creek, O. 97117~~
- ✓ Tom VanderZanden 15903 N.W. Logic Trail Hillsboro 97124
- ✓ Bob VanderZanden 8065 NW Jackson School Rd Hillsboro WCFB
- ✓ Dave Vanasche WCFB
- ✓ Dave Tongas WCFB
- ✓ Larry Dungeck WCFB
- JEFF BACHRACH 921 SW WASHINGTON, POX 97205
- ✓ Dave Armstrong 1560 NW Connelley-Schiff Rd, Connelley
- ✓ HARVEY KEMPENITZ OREGON
- James Young 13310 NW Bishop Rd HB, 97124
- ✓ BRIAN BENLICH 15060 NW MASON HILL NP, 97133
- ✓ Faun Hosey 13515 NW Jackson Quarry HB 97124
- ✓ Analene Waterman 25360 NW West Union Rd 97124
- ✓ Hayne Bryan 26290 NW Meek Rd Hillsboro 97124

DATE: MARCH 15, 2011

ITEM A.1. ON WASHINGTON COUNTY BOARD AGENDA

CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES
SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD, PLEASE SIGN BELOW

NAME

ADDRESS

✓ Paula Adams 1724 Ash, Forest Grove, OR

Pam Gatz 27007 NW West Union Rd Hillsboro

✓ Matt Furrow 25877 NW West Union Rd Hillsboro

✓ Cherry Amabisea 13260 NW Bishop Rd Hillsboro

Brian Ben ✓ Greg Mecklen 12995 NW Bishop Hillsboro

Jenny Jarrell Butn / family on David Hill Urban

✓ Bob Chen City of Portland 1900 SW 4th Ave 1000, PDX, OR Reserve

✓ Neal D. Knight 310 S. 16th Cornelius 97113, 97210

✓ Richard Meigs 1400 N Barlow, Cornelius

DATE: MARCH 15, 2011

ITEM A.1. ON WASHINGTON COUNTY BOARD AGENDA

CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES
SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD, PLEASE SIGN BELOW

NAME

ADDRESS

- ✓ Mary Kyle McCurdy 534 SW 3rd Ave Suite 308 PDX 97204
- ✓ Karen Morley 7455 NW Helvetia Rd Helvetia 97120
- ✓ Linda Peters 25440 NW Dairy Ck. Rd., N. Plains OR 97133
- ✓ Mike Barnes 48100 NW Dinghies Rd Bunch 97106
- ✓ Carol Chesarek 13300 NW Germantown Rd, Portland 97231

DATE: MARCH 15, 2011

ITEM A.1. ON WASHINGTON COUNTY BOARD AGENDA

*CONSIDER A SUPPLEMENT TO THE INTERGOVERNMENTAL AGREEMENT BETWEEN
WASHINGTON COUNTY AND METRO CONCERNING URBAN AND RURAL RESERVES*

SIGN-IN SHEET

IF YOU WISH TO MAKE STATEMENTS TO THE BOARD, PLEASE SIGN BELOW

NAME

ADDRESS

John Van Gennep 614 E MAIN ST. / Hillsboro

INDIVIDUAL SIGN-IN FORM

IF YOU WISH TO ADDRESS THE BOARD
AND WERE UNABLE TO SIGN IN PRIOR TO THE MEETING,
PLEASE CLEARLY PRINT YOUR NAME, ADDRESS AND
TOPIC YOU WISH TO DISCUSS ON THIS SHEET.

PLEASE GIVE THIS FORM TO THE CLERK OF THE BOARD,
LOCATED AT THE DESK TO THE LEFT OF THE DAIS.

THANK YOU.

PLEASE PRINT CLEARLY.

DATE: 3/15/11

FIRST NAME	LAST NAME
BRIAN	BEINLICH

ADDRESS:

STREET	CITY	ZIP
15060 NW MASON HILL RD	NORTH PLAINS	97133

STATE YOUR TOPIC:

RESERVES

Washington County
Board of
Commissioners
&
Metro
Joint Hearing

March 15th, 2011

Metro Received
Testimony



Metro | Memo

Date: March 14, 2011
To: Metro Councilors and Washington County Commissioners
From: Ken Ray, senior public affairs coordinator
Re: Public comment on revised urban and rural reserves proposal

This memo summarizes public comment received by Metro on the revised urban and rural reserves proposal for Washington County, for your review and consideration in advance of the public hearing to be held in Hillsboro on Tuesday, March 15.

Since the announcement of the revised proposal by Council President Hughes and Chairman Duyck on Feb. 22, both Metro and Washington County have promoted citizen comment opportunities, primarily through attendance at the March 15 hearing, submitting written comments via e-mail to reserves@oregonmetro.gov, calling 503-813-7577 to leave a voice-mail message, or by contacting Metro Councilors and Washington County Commissioners directly. Information was presented on both Metro's and Washington County's reserve web pages, through Metro's online newsfeed, and through public meetings and other means.

Comments summarized in this memo were received between Feb. 22 and 5 p.m. on March 11. These comments were submitted via e-mail and phone, mostly to the reserves e-mail account and the designated phone line, respectively. Attached is a two-page table of contents that summarizes the comments received by Metro during this period. Copies of the e-mail messages, letters and other written materials referenced in the attached table are included in Metro's reserves public record and may be provided to you and members of the public upon request.

We received 27 comments from 29 individuals or organizations, most of which were submitted between March 8 and 11. The majority of the comments can be summarized as:

- Support for proposed rural reserve designation for Area B (west portion of previous Urban Reserve 7I) and concern for proposed undesignated land in Area C
- Opposition to designation of land north of Hwy. 26 in the Helvetia area as urban reserve
- Concerns whether additional urban land is needed, both near Cornelius and in Washington County generally
- Concerns that currently proposed undesignated Area E (formerly a proposed rural reserve) be retained as a rural reserve, though comment was also received in support of designating Area E as an urban reserve

Please contact me if you have any questions about this memo or would like to receive more information about the comments summarized here. Thank you.

URBAN AND RURAL RESERVES
Respondent Metro's Record
TABLE OF CONTENTS

Date	Phone/ Email	Public Comment	From	Contact Information
2/22/2011	Phone	Owens land in area 7C - wants to talk to Councilor Harrington.	John Van Grunsven	614 E Main St Hillsboro OR, 503-648-5070
2/22/2011	Phone	Request for information on public hearing process.	Tara, 1000 Friends	503-497-1000
2/25/2011	Phone	Request for information on public hearing process.	Kendra	503-228-5380
2/28/2011	Phone	Request for status of a particular property.	Anwar Bashar	22520 SW Rosedale Rd, Beaverton OR, 503-643-4000
3/2/2011	Email	Opposed to changes to the urban and rural reserve designations by Washington County, specifically quantity of land designated urban and opposition to proposal to change land north of hwy 26 from undesignated to urban reserve; includes letter.	Jim Labbe, Audubon Society of Portland	jlabbe@urbanfauna.org
3/5/2011	Email	Opposed to inclusion of Cornelius farmland in an urban reserve	Dee Jackson	jacksoncdhsw@gmail.com
3/8/2011	Email	Affirms comments of letters submitted by nine Oregon state agencies on October 14, 2009 and on January 22, 2010. Of particular concern are Areas C (designate as rural reserve), D (designate as rural reserve) and E (designate as rural reserve. Includes several attachments.	Jim Johnson, Oregon Department of Agriculture	jjohnson@oda.state.or.us
3/8/2011	Email	Opposed to changing rural reserves south of Hillsboro to undesignated; local roads cannot support it.	Michele Whitaker	michelewhittaker@gmail.com
3/8/2011	Email	Supports designating Area E as an urban reserve.	Anwar Bashar & Michael O. Johnson, BJ Rosedale Farms LLC	ab@bj-co.com
3/9/2011	Email	Opposed to inclusion land north of Cornelius farmland in an urban reserve.	Theresa and Steve Hunker	hunkerwaydown@wildblue.net
3/9/2011	Email	Opposed to inclusion land north of Cornelius farmland in an urban reserve.	Janet Park	tjhunker@gmail.com
3/9/2011	Email	Opposed to all urban reserve proposals considered in locations north of Cornelius; make use of land inside city limits.	Karen E. Jackson	k72jackson@gmail.com
3/9/2011	Phone	Request for status of a particular property.	Carol Gile	cghomeappraisers@yahoo.com, 503-449-5582
3/10/2011	Email	Opposed to all urban reserve proposals considered for locations north of Cornelius; The City of Cornelius should make use of land inside city limits.	Phil Duyck	c/o piper9436@hotmail.com
3/10/2011	Email	Supports DLCD decision that land north of Council Creek and especially near Cornelius not be designated as a urban reserve.	Melissa J. Jacobsen	1650 NW Susbauer Rd, Cornelius OR 97113 meljojac@hotmail.com
3/10/2011	Email	Frustrated with the public process - electeds' minds are made up. Supports DLCD decision that land north of Council Creek and especially near Cornelius not be designated as a urban reserve.	Melissa J. Jacobsen	1650 NW Susbauer Rd, Cornelius OR 97113 meljojac@hotmail.com

URBAN AND RURAL RESERVES
Respondent Metro's Record
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Date	Phone/ Email	Public Comment	From	Contact Information
3/10/2011	Email	Urges Washington County Board of Commissioners to reject proposed ordinance 740. Keep Area B of Reserve 71 (7I) in rural reserve.	Lorretta Krautscheid	krautsch@up.edu, 503-574-2353
3/11/2011	Email	Increase riparian protection on all land regardless of reserves designation.	Dave Pell	david.pell@oregonzoo.org, 503-226-1561 x5543
3/11/2011	Email	Questions undesignated designation. Says that Cornelius has made questionable development choices in the past and that Cornelius is a farming community. Main goal should be to protect productive farmland.	Virgil Hockett and Beth Zetter	1260 NW Susbauer Rd, Cornelius OR 97113 sheyennend@frontier.com
3/11/2011	Email	Opposed to including land in north Cornelius in an urban reserve or in undesignated; place land in a rural reserve.	William Evans	arfarmland@gmail.com
3/11/2011	Email	Opposed to land north of Cornelius and in the Helvetia area being designated as urban reserves. No urban additions should be added to the map previously submitted to LCDC.	Nathalie L. Darcy	9355 SW Brooks Bend Pl, Portland OR 97223 fannocat@msn.com
3/11/2011	Email	Supports rural reserve designation for Area B, the west portion of the proposed rural reserve area 71 north of Cornelius.	Mike and Debbie Duyck, Mike and Debbie's Produce	2330 NW Cornelius-Schefflin Rd, Cornelius OR 97113, 503-359-4739
3/11/2011	Email	Owner of 153 acres of property directly north of Cornelius is opposed to urban reserve designation and requests that land north of Cornelius be designated rural reserve.	Ethel J. Duyck	2125 NW Cornelius-Schefflin Rd, Cornelius OR, edethell@hotmail.com
3/11/2011	Email	Opposed to urban reserve designation north of Council Creek in Cornelius OR and requests that current urban reserve boundaries be maintained.	Joe Duyck	duyckjo@juno.com
3/11/2011	Email	Supports having property north of Cornelius designated as rural reserve; "the state's Land Conservation and Development Commission has already ruled against the City of Cornelius and the Metro Council in 2010 declaring our property as foundation agricultural land."	Joe Strasburg	C/O sanhan22@hotmail.com
3/11/2011	Email	Letter submitted on behalf of property owners in the "L" contained in Area 9B, requesting that Metro and Washington County not approve the proposed IGA and instead to re-consider this decision in a manner that conforms with the OR State Legislature's statutory mandate, etc.	Kendra S. Meinert Hodson, The James Law Group	1501 SW Taylor St, Portland OR 97205, khodson@jameslawgroup.com
3/11/2011	Phone	Opposed to urban designation on his property near Cornelius; has lived there for 46.5 years, says land is prime farmland that deserves a rural reserve designation. Cornelius needs to make better use of land they already have.	Charles F. Kutyk?	1675 NW Hobbs Rd, Cornelius OR 503-648-1391

Laura Dawson-Bodner

From: Ina Zucker on behalf of Carlotta Collette
Sent: Friday, March 04, 2011 12:39 PM
To: Laura Dawson-Bodner
Subject: FW: Audubon Society of Portland Testimony to Washington County Planning Commission on Rural and Urban Reserves
Attachments: 3.2.10PAS_lettertoWashingtonCountyPlanningCommission.pdf

Reserves comments

-----Original Message-----

From: jlabbe@urbanfauna.org [mailto:jlabbe@urbanfauna.org]
Sent: Wednesday, March 02, 2011 3:43 PM
To: jlabbe@urbanfauna.org
Subject: Audubon Society of Portland Testimony to Washington County Planning Commission on Rural and Urban Reserves

Washington County Planning Commission
Public Services Building
155 N First Ave
Hillsboro, OR 97124-3072

March 2, 2011

Dear Chair San Soucie and Planning Commission,

Audubon Society of Portland has actively participated in the rural and urban reserve planning over the past four years with representatives serving on the state rulemaking committee and Reserves Steering Committee.

We have commented at numerous decision points representing our 12,000 members in the Portland-Metro region and including over 3,500 in Washington County.

We are writing to express our concern and opposition to the proposed changes to the urban and rural reserve designations by Washington County in response to the LCDC partial remand last October. We remain concerned by the quantity of land being designated urban reserve and believe the existing proposed urban reserves are unnecessary to meet future urbanization needs and pose unacceptable impacts on the rural environment and economy including wildlife and water quality. We therefore believe the size of urban reserves should be reduced not expanded. We are also very concerned about the ecological impacts of the new urban reserves designated north of Highway 26 (Area D on the 2/22/11 map). We specifically request that you reject the proposal to change land north of Highway 26 from undesignated to urban reserve.

Since Washington County first proposed urban reserves, we have questioned the need for and wisdom of designating such expansive urban reserves in Washington County. Throughout this process the political pressure and short-term economic interests for designating more urban reserves has overridden the compelling fiscal, economic and ecological arguments for a more conservative approach to expanding the region's urban footprint. The limited funds for urban planning and infrastructure should compel us to apply limited resources strategically in existing urban areas first and smaller urban reserves second. This will result in more efficient land use, lower environmental impacts, and the more compact, walkable communities called for in the 2040 plan and supported by the Regional Infrastructure Analysis and the Community Investment Strategy. The expansive urban reserves proposed in Washington County would spread limited public infrastructure and planning dollars over more land. The lack of

public infrastructure funding for recent UGB expansion areas like North Bethany are indicative of a problem that will be exacerbated by the expansive urban reserves proposed in Washington County.

A more conservative approach to future urbanization will also reduce green-house gas emissions, support the agricultural economy, and decrease social and geographic inequities in the region. The limited resources to urbanize new lands also constrain capacity to adequately and effectively conserve and enhancement of natural resources and green infrastructure in new urban areas. The region's track record to plan and develop new urban areas in a fashion that protects and restores ecological systems is unproven. As much as possible, we should focus on urbanizing existing UGB expansion areas in an ecologically sustainable fashion before we consider urbanizing new lands on the edge. The designation of urban reserves has already put forested areas at greater risk to clear-cutting in Clackamas County. These factors need to be given greater weight in urban reserve decisions and support designating fewer acres of land urban reserve.

We recommend and request that Washington County and Metro eliminate the 1,100 acres urban reserve remanded by LCDC, reduce the land-supply horizon to less than 50 years as allowed by state law, and propose no new urban reserves in Washington County. The 624-acre urban reserve north of Cornelius and the 508-acre urban reserve north of Forest Grove represent a small fraction of the over 28,000 acres of urban reserves (13,884 in Washington County) proposed by Metro and the Counties. By Metro's own projections, 1,100 additional acres would not be needed over the next 40 years. Indeed, Metro and Washington County could and- we believe- should eliminate additional urban reserves by adopting a 40-year rather than 50-year planning horizon for rural and urban reserves. Reducing the planning horizon also accounts for the uncertainties inherent in long-term planning by allowing for changes sooner rather than locking the region into a fixed future based upon today's economy.

We also are very concerned about the potential ecological impacts of designating foundation farmland north of Highway 26 as a new urban reserve (Area D on the 2/22/11 map). Additional urbanization north of Highway 26 will certainly increase traffic on Germantown and Cornelius Pass roads over the long-term. This could substantially increase the environmental impacts to Forest Park and to the important wildlife corridor connecting the Tualatin Mountains to the Oregon Coast Range. The impacts to both important natural landscape features and foundation farmland are why an unprecedented coalition of environmental and conservation groups including Audubon Society of Portland and the Farmm Bureau advocated that most lands north of Highway 26 be designated rural reserve. We request that Washington County eliminate new proposed urban reserves north of Highway 26 and designate these lands rural reserve.

Thank you for your consideration.

Sincerely,

Jim Labbe
Urban Conservationist
Audubon Society of Portland
5151 NW Cornell Rd.
Portland, OR 97210



Washington County Planning Commission
Public Services Building
155 N First Ave
Hillsboro, OR 97124-3072

March 2, 2011

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President
Pat Campbell

Vice President
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Peter Paquet

Josh Cerra
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Barb Hill
David Mandell
Bob Liddell
Karen O'Connor Kruse
Claire Puchy
Dan Rohlf
Lee Savinar
Ron Spencer

Board Member
Emeritus
Dave Marshall

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Thank you for your consideration.

Sincerely,



Jim Labbe
Urban Conservationist
Audubon Society of Portland
5151 NW Cornell Rd.
Portland, OR 97210

¹ "Stumptown in Stafford," The West Linn Tidings, Oct 28, 2010.

Laura Dawson-Bodner

From: Dee Jackson [jacksoncdhsw@gmail.com]
Sent: Saturday, March 05, 2011 3:21 PM
To: 'reserves@oregonmetro.gov.'; Reserves
Subject: FARMLAND-URBAN GROWTH DEVELOPMENT

To Whom it may concern:

PLEASE DO NOT include Cornelius Farmland in the Urban growth Boundary reserve. We love our community, and the beauty of the farmland, and crops that the farmers provide for us in Washington county. We support the farmers! We do not support the Urban growth boundary! Without the local farmers, and farmland we will not have the fresh produce available to us in our stores, markets, and homes. Please let the farmers keep their farm land!!

Thank you!

Washington County Resident

Laura Dawson-Bodner

From: Jim Johnson [jjohnson@oda.state.or.us]
Sent: Tuesday, March 08, 2011 2:35 PM
To: Reserves; Tom Hughes; andy_duyck@co.washington.or.us
Cc: Richard Whitman; Katy Coba; Jennifer Donnelly; Anne Debbaut; John Williams
Subject: ODA Comments on Reserves
Attachments: MetroWACoLetter.pdf; ATT00001..htm; Joint Agency Letter to Core 4 01-22-10.pdf; ATT00002..htm; RSC Final Consolidated State Agency Comments w Letterhead and Signatures 10-14-09.pdf; ATT00003..htm; TiceEmail.pdf; ATT00004..htm; MeaselesMemo.pdf; ATT00005..htm

Importance: High

President Hughes and Chair Duyck

Attached please find a letter and associated attachments providing comments from Director Katy Coba relating to the proposed Reserves Map dated February 22, 2011. Please enter these comments into the record and proceedings dealing with this issue.

Paper/hard copies of these documents will be forward via mail.

Thank you for the opportunity to provide these comments. Should you have any questions, please contact Jim Johnson as indicated below.

Jim Johnson
Land Use and Water Planning Coordinator
Oregon Department of Agriculture
Natural Resources Division
635 Capitol Street NE
Salem, Oregon 97301

Telephone: (503)986-4706
Fax: (503)986-4730
email: jjohnson@oda.state.or.us
<http://egov.oregon.gov/ODA/>



Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture

Office of the Director
635 Capitol Street NE
Salem, OR 97301-2532
(503) 986-4552
FAX: (503) 986-4750



March 8, 2011

Metro President Tom Hughes
600 NE Grand Avenue
Portland, Oregon 97232

Washington County Commission Chair Andy Duyck
155 North First Avenue, MS-21
Hillsboro, Oregon 97124

Dear President Hughes and Chair Duyck:

This letter is provided by the Oregon Department of Agriculture (ODA) in response to the proposed rural and urban reserves map released on February 22, 2011 by the Metro Council President and the Chairman of the Washington County Board of Commissioners for Washington County. We offer the following comments for your consideration.

By letter dated October 14, 2009 (see attached), the nine Oregon state agencies involved in the rural and urban reserves planning efforts as members of the Reserves Steering Committee submitted coordinated state comments to that committee. In a letter dated January 22, 2010 (see attached), the same state agencies reaffirmed their comments to the Core 4 in response to deliberations related to the designations of reserves. We would like to again reaffirm those comments, especially as they relate to the February 22 referenced above.

Three of the proposed adjustment areas are of particular concern.

Area C, located north of Council Creek in the Cornelius area, proposes to change 194 acres from urban reserve to "undesignated" status. This area was recommended for designation as rural reserve by the state agencies in previous comments. We continue to support and recommend designation of these lands as a rural reserve. This area is Foundation Agricultural Land and meets all the factors in the law for the designation of rural reserves. We also remained concerned that any protrusion north into this core agricultural area will put the agricultural integrity of the area at risk.

Area D, located north of U.S. Highway 26 and west of Helvetia Road, proposes to change 585 acres from "undesignated" status to urban reserve. This area was specifically called out in the state agency comments dated October 14, 2009.

The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a "hard edge" to the boundary in this important agricultural region, except for an area just east of the City of North Plains, which could remain "undesignated." In addition, the land south of Highway 26 in the vicinity of North Plains should be designated rural reserve (rather than current proposal as "undesignated") in order to steer urbanization for North Plains north of Highway 26.

We continue to support the agencies recommendation that this important agricultural area be designated rural reserve.

The last area, Area E, located south of SW Rosedale Road, would change the designation of 383 acres from rural reserve to urban reserve. This area was recommended for designation (concurrence with the COO recommendation) as rural reserve by the state agencies.

We had commented in the state agency letter that Butternut Creek and the golf course located in the area would provide a good buffer between the urban area and agricultural lands. The majority of the agencies agreed with the COO recommendation (south to Rosedale Road). The agencies pointed out that Foundation Agricultural Lands are located in the southwestern portion of the area and recommended that these lands should be included only if necessary to meet regional needs. The proposed addition to this area would cross Rosedale Road and further protrude out into the Foundation Agricultural Lands located in this area.

Finally, we would like to reiterate our past general comments about the analysis conducted by Washington County as it relates to the capability and suitability of lands for agriculture. We first provided comments to the county in an email to Jim Tice dated November 19, 2008 (see attached). In the later state agency letters, our concerns were again discussed.

The factors in OAR 660-027-0060(d)(A)-(C) need to be more carefully considered in determining the location of rural reserves. With respect to irrigation, there seems to be too much reliance on whether or not lands are located within irrigation districts. Many high-value crops are grown in the region without irrigation. Irrigation typically is not needed for several key crops (grass seed, legume seeds, hay, grapes once established, etc.). We also note that Washington County ranks lands within water-restricted areas lower. Agricultural lands with water rights in these areas should be protected (not identified for urbanization) since they have a supply of water, and additional supplies will not likely be available. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This inventory appears to devalue most of the agricultural lands that ODA determined to be Foundation Agricultural Lands (e.g., such lands are shown as 5.99-6.76 on the county's scale). These lands are the heart of Washington County agriculture. This inventory should not be used to evaluate lands for agricultural value. A separate measure of forestry and a separate measure of natural features could be combined to determine where they overlap, but each characteristic should not be used to measure the value of another.

It appears that Washington County has given greater weight to viticulture lands when compared to other agricultural lands. This tends to devalue the bulk of the county's non-viticulture agricultural land base located in the Tualatin Valley. ODA strongly agrees that viticulture lands are an important part of the region's agriculture base. However, they do not provide the wider range of options for agriculture as do lands on the valley floor, and viticulture products do not rank higher in total value than other products grown in the county, such as nursery products, seed crops, fruits and nuts.

Washington County indicates in its report that areas of high parcelization were rated comparatively low for agricultural value, and that areas where a majority of tax lots are less than 35 acres are considered "parcelized." This 35-acre threshold is not a reasonable standard for parcelization and does not reflect the nature of farms comprised of constituent parcels and the practice of renting and leasing lands. Furthermore, the county states that it uses residential dwelling density as an indicator. This is problematic, as this analysis makes no distinction between farm dwellings and nonfarm dwellings. (See state agency letter dated October 14, 2009).

Much of the county analysis related to agricultural capability depends on a report done by an OSU Extension soil scientist (*Agricultural Productivity Ratings for Soils of the Willamette Valley*, J. Herbert Huddleston). This report provides an alternative method to characterize the relative fertility of soils in the Willamette Valley as an alternative to the agricultural capability system developed by the USDA Natural Resources Service that is commonly used in NRCS soil surveys, including the Washington County Soil Survey. Washington County staff has indicated their reliance on this report due in great part to the their contention that the county soil survey is outdated.

The reference by county staff to the "published soil survey" in their testimony, both written and oral, in effect relates to the "paper survey" which refers to soils conditions in 1975 and later 1982. If this document was indeed the source for data used in soil capability analysis, we would agree that it is "outdated."

It is important to note that the "official" soil survey for Washington County (and most others) is now found electronically on the Internet. Electronic soil surveys are the source for most spatial analysis relating to soils used involving geographic information systems. The USDA NRCS Soil Survey Geographic (SSURGO) database for Washington County was the source of soils data used by ODA to conduct all analysis related to soils. Since 1982, this database has been updated numerous times by the NRCS. According to the most recent meta data information from SSURGO, the Washington County Soil Survey has received several updates since 2000, the most recent in 2010.

ODA staff has reviewed the Huddleston report. We would point out that the report is not dated, however cover notes within the report indicate that research on the subject began in 1976, making some of the assumptions about crop diversity and value rather dated. Data currently available within the official Washington County Soil Survey would be a much better source for data relating to agricultural capability. For further detailed analysis of this report see the attached memo from Paul Measeles, ODA hydrologist and a registered geologist to Jim Johnson, ODA Land Use Water Planning Coordinator.

Thank you for the opportunity to comment.

Sincerely,



Katy Coba
Director

Cc: Richard Whitman

Attachments: Letter to Core 4 dated January 22, 2010
Letter to the Regional Reserves Steering Committee dated October 14, 2009
Email from Jim Johnson to Jim Tice dated November 19, 2008
Memo from Paul Measeles to Jim Johnson dated November 19, 2010



Oregon
Department
of Agriculture



Oregon Land Conservation
and Development



DEQ

State of Oregon
Department of
Environmental
Quality

January 22, 2010

Metro Councilor Kathryn Harrington
600 NE Grand Avenue
Portland, OR 97232

Washington County Commission Chair Tom Brian
155 North First Avenue, MS-21
Hillsboro, OR 97124

Clackamas County Commissioner Charlotte Lehan
2051 Kaen Road
Oregon City, OR 97045

Multnomah County Commissioner Jeff Cogen
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214

Dear Core 4 Members:

On October 14, 2009, the nine Oregon state agencies involved in the urban and rural reserves planning effort as members of the Reserves Steering Committee submitted coordinated state comments to that committee. Today, we are writing to reaffirm our earlier comments, and to go formally on record before the Core 4 as it deliberates to a decision. Each of the undersigned state agencies asks that the attached comments be made a part of the Core 4's record.

The state agencies note that the proposed reserves maps that are currently being circulated for public comment differ in some respects from the agencies' collective recommendations. We wish to reaffirm our prior comments, while recognizing that they are general in nature and did not provide specific lines on a map. We also want to emphasize that the Core 4 decisions are not only critical to the region's economic growth, but have a direct impact on the entire economy of this state.

Finally, we wish to note our collective understanding that Metro and the counties intend that contemporaneously with the designation of reserves, Metro will be adopting amendments to its Urban Growth Functional Plan that will provide an important framework for future decisions about the circumstances under which lands within urban reserves will be added to the Metro urban growth boundary. In particular, we understand that the Functional Plan will require concept planning as a precondition to inclusion in the urban growth boundary, and that this planning will inform decision makers (public and private) about the projected costs and means of financing urban development as these lands are added to the region's urban area. We believe that it is extremely important that the Functional Plan amendments be adopted contemporaneously with the reserve designations, and ask that the region continue to coordinate with state agencies (as well as districts) on this important aspect of long-range planning for the region.

Thank you for the opportunity to comment. Please place this letter, as well as the attached letter dated October 14, 2009 into the record for the Core 4 proceedings.

Sincerely,



Richard Whitman, Director
Oregon Department of Land Conservation and Development



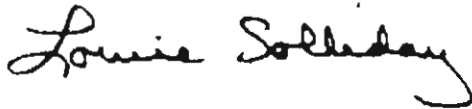
Katy Coba, Director
Oregon Department of Agriculture



Tim McCabe, Director
Oregon Business Development Department



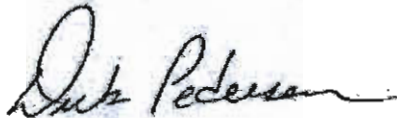
Marvin Brown, Director
Oregon Department of Forestry



Louise Solliday, Director
Oregon Department of State Lands



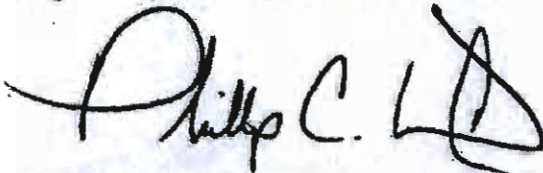
Matt Garrett, Director
Oregon Department of Transportation



Dick Pedersen, Director
Oregon Department of Environmental Quality



Jeff Boechler
Watershed District Manager
North Willamette Watershed
Oregon Department of Fish and Wildlife



Phil Ward, Director
Oregon Water Resources Department

Attachment: Letter to Reserves Steering Committee, 10/14/09
cc. Mark Ellsworth



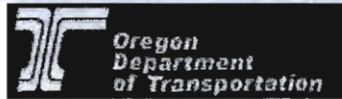
**business
oregon**
where business grows



Oregon
Department
of Agriculture



**Oregon Land Conservation
and Development**



State of Oregon
Department of
Environmental
Quality

October 14, 2009

Metro Regional Reserves Steering Committee
Core Four
600 NE Grand Avenue
Portland, OR 97232

Re: State Agency Comments on Urban and Rural Reserves

Dear Reserves Steering Committee and Core Four Members:

The Oregon Departments of Agriculture, Forestry, Transportation, Business Development, Fish and Wildlife, Environmental Quality, Water Resources, State Lands, and Land Conservation and Development are pleased to provide the Reserves Steering Committee and the Core Four with our collective comments on the region's tentative proposals for urban and rural reserve designations. The region's ground-breaking effort to envision its long-term future management of urban and rural lands is an exciting experiment that is illustrating new ways to build great communities and lay the foundation for sustainable agriculture, forest management and natural resources protection.

In developing these comments, it is important to note that we are responding to preliminary recommendations from each of the three counties and from Metro staff. The counties and Metro have yet to make final decisions concerning either the amount or location of urban or rural reserves. We all appreciate the substantial work that has gone into this important effort, including countless hours of public involvement, and we recognize that the final product will continue to be refined and to evolve over the next few months.

The state agency comments focus on *state-level* interests in how the Portland Metro region will accommodate the projected 1.3 to 2.1 million additional people that will live and work in this area over the next fifty years. Other members of the Steering Committee, appropriately, will focus on regional and local considerations. Metro and the three counties will need to consider all three levels of interests in reaching their final decisions about urban and rural reserves.

Finally, each of the nine state agencies represented in the Reserves Steering Committee has a particular set of responsibilities and duties. These collective comments were not arrived at lightly, and reflect significant discussion and work to resolve competing policy interests and to provide Metro and the counties with clear, consistent recommendations. We have appreciated the opportunity to participate with others from the outset as you work to guide the region's long-term future.

I. General Comments

This section of the agencies' collective comments contains two parts: (A) our suggestions for key additional information or interim decisions that should be developed before final decisions are made; and (B) our high-level, policy-oriented comments that are not related to specific areas or locations.

A. Additional Information

The reserves effort has generated a substantial amount of analysis and information for decision-makers. Nevertheless, the agencies recommend that Metro and the counties develop or clarify the answers to certain key questions before making final decisions regarding urban and rural reserves.

1. Clarify What Period of Time Reserves Are Being Established For

Urban reserves must be designed to provide a supply of land needed for population and employment over a forty to fifty-year period. Rural reserves are protected from urban development for a period equal to the period used for urban reserves. Metro and the counties need to clarify what period they are planning for. There are important policy questions associated with this choice, and the agencies' recommendation on this question is provided below at page 3.

2. Identify the Major Variables that Lead to Differing Estimates of Urban Land Need

Metro and Washington County each have produced different estimates of urban land need over the next fifty years. Although we believe that the Metro COO and

Washington County estimates of land need are not all that far apart, we also believe that it would help the transparency of decision-making for Metro and/or Washington County staff to identify the major factors that lead to differing estimates of land need. In addition, Metro should clarify the assumptions used regarding housing and employment density in urban reserve areas. Clackamas and Multnomah Counties should also participate publicly in addressing the question of overall urban land need for the region.

3. Transportation Modeling

The counties and the Metro COO have used different methodologies to analyze transportation system feasibility and cost, making comparisons among the jurisdictions difficult to evaluate. The agencies strongly encourage Metro to do transportation modeling for proposed urban reserve areas, to analyze the performance of existing state highways and county and city transportation facilities, both within the existing UGB and outside the UGB in the Urban Reserve Study Areas. This would help identify significant problem areas and make adjustments in the final locational decisions for urban reserves. Metro and the Reserves Transportation Working Group performed an analysis of the feasibility and relative cost of developing a complete urban transportation system in the various candidate Urban Reserve Areas, but this analysis did not consider the capacity of existing rural facilities, nor the impact of additional growth on facilities within the current UGB.¹

4. Constrained Water Supply

Do the areas being proposed for future growth have the water supply capacity to support the proposed urbanization given likely competing environmental requirements, including the recovery of threatened and endangered fish species? One of the considerations in determining where regional growth should be encouraged is the long-term carrying capacity of different parts of the region in terms of water supply. This includes the sources of water (surface and ground water) and the infrastructure to provide the water. Do the likely service providers for the proposed new urban reserves have the ability to meet the projected water need/demand over the next 50 years without having to seek additional sources or volumes of water? Increased urban development creates demand for water use which commonly results in political pressure to "compromise" the instream water needs of fish to meet societal and economic demands for water. However, many of the streams currently supporting listed salmonid populations are already over-allocated, don't meet water quality standards, or have very limited supplies of available water for future appropriation. There are differences

¹ To substitute for transportation modeling, ODOT conducted a simplified method to identify specific areas of concern. We identified facilities, both outside and inside the current UGB, that are experiencing and/or are forecast to experience capacity, safety, and/or geometric problems *without* any additional urban growth. Then we identified order of magnitude relative costs and feasibility of overcoming those existing problems. Presumably, if a transportation facility is already forecast to have capacity deficiencies, then plan amendments allowing additional urban growth relying on that facility would result in additional congestion and safety problems that will lead to the need for mitigation or create costs for the state and/or for local jurisdictions.

between different parts of the region in terms of the possible availability of additional water.

B. General High-Level Policy-Oriented Comments

1. The Time Frame for Urban and Rural Reserves

The state agencies strongly support using the lower end of the planning period authorized for reserves – e.g. forty years. We are facing a time of extraordinary uncertainty in how our communities and industries will evolve. A receding demographic peak, rapid globalization, immigration, climate change, and changes in energy pricing all may require that we be able to adapt more rapidly than we have in the past in terms of how we live, work and travel. Reserves require a balancing between the advantages of providing long-term certainty (for landowners, local governments, public and private investment) and the disadvantages of inflexibility if conditions change in unexpected ways.

Given the global and local uncertainties facing us (as reflected, in part, by the large ranges in Metro's population and employment forecasts) we believe the region should strike a balance that tends toward the risk management/flexibility end of the scale rather than locking up most of the lands on the periphery of the UGB for fifty years. An additional reason to plan for uncertainty is that this is the first time any government in the state (or nation) has set this type of long-term constraint on how it will manage surrounding lands. One way of providing for some flexibility is to set reserves for a forty-year period, and simultaneously plan to revisit whether additional reserves should be designated well before that forty-year period expires (a twenty or twenty-five year "check-in").

2. The Amount of Urban Reserves

The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.

State law requires that Metro demonstrate that lands within the existing UGB cannot accommodate housing and employment needs before the UGB is expanded, even if the expansion is onto urban reserves. As a factual matter, almost all population and employment growth in the region in recent years has occurred on lands within the existing UGB (and not on lands recently added to the UGB). With the challenge of financing infrastructure likely to increase, national demographic trends that point toward an increasing emphasis on mixed-use land use patterns tied closely to alternate

transportation modes and cultural amenities, and the need to move toward settlement patterns that reduce greenhouse gas emissions by reducing automobile travel, the agencies support Metro's emphasis on redevelopment and infill.

State law allows for additional urban and rural reserves to be designated in the future if it turns out that the rate of absorption of land outside of the UGB is higher than expected. The converse is not true; once lands are designated as rural reserves they must remain in that status. Similarly, once lands are designated as urban reserves they are unlikely to be managed for the long-term investments needed for working farm or forest operations. All of these considerations counsel for Metro and the counties to designate an amount of urban (and rural reserves) toward the lower end of the range in which they have policy discretion.²

3. The Importance of Adequate Employment Lands

At the same time that the agencies encourage Metro and the counties to work toward the lower end of the range for the overall amount of urban reserves, we also wish to emphasize the need for an adequate supply of employment lands in the Metro *urban growth boundary*. The Metro region often 'seeds' traded-sector technologies and businesses that disperse throughout the state. Assuring that there is enough diversity in sites for such users to provide for varying needs (infrastructure, site specific characteristics, utilities, access to labor force, clustering near like employers, and market choice), is important to the long-term economic health of not only the region, but the entire state.

4. Spillover Effects

While the agencies believe the amount of urban reserves recommended by the Metro COO is (or can be made) sufficient to accommodate long-term population and employment growth, we also wish to emphasize that great care is needed to assure that the region continues to capture at least the same share of population and employment growth in the larger seven-county surrounding area that it has historically (that appears to be the assumption in the 50-year forecasts being used by Metro). That care translates into a long-term commitment to fund and manage efficient urban growth within the existing regional UGB and any lands added to the UGB. If the region fails to take the measures needed to accommodate growth, population and employment will overflow into surrounding areas (primarily Clark County and the I-5 South Corridor), that would put tremendous pressure on transportation infrastructure and likely move neighboring cities further toward a bedroom-community character (a result that is undesirable for many different reasons).

² We recognize that the range recommended by the COO already is below the amount identified by Washington County.

Spillover effects are already taking place and putting pressure on the transportation infrastructure due to urban growth expansions in areas that were ill-suited to urban growth (Damascus being the most prominent example). OBDD is concerned that the metro area will lack in large-lot industrial properties if the low end of the COO urban reserves is adopted. These factors could lead to significant spillover and undermine the regional UGB along with the significant infrastructure investments in the region.

5. The Amount of Rural Reserves

The state agencies believe that too much land is proposed as rural reserves in the current, preliminary, recommendations from the counties. Rural reserves are intended "**** to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization." Rural reserves are appropriate for lands that are under threat of urbanization. They prevent urban-density development, but they do not provide additional protection for natural resources, and they should not be applied to agricultural or forest lands that have a low likelihood of urban development. In general, the approach used by Clackamas County is consistent with how the agencies believe rural reserve designations should be used (to "steer" urban development away from or toward particular areas, rather than as a blanket treatment of everything that is not an urban reserve).

6. Equity and Efficiency Concerns in Deciding Where and How the Region Will Grow (Population and Employment)

Metro has a responsibility to allocate land needs by geographic area within the region to meet long term needs for population and employment. We understand that this responsibility is complicated by the reserves process. Metro and the counties should first achieve consensus on how much lands the region will need for population and employment, and then (separately) decide how those lands should be allocated between the three counties. In making these regional-scale decisions, Metro and the counties need to keep both housing equity (Goal 10) and employment (Goal 9) considerations (including the aspirations of individual communities) in mind as well as fiscal equity and environmental justice in determining how to distribute urban reserve areas across the region.

Each county should address housing equity and employment considerations by having some reconciliation of the supply and demand for housing and employment uses as part of their submitted analysis. Metro has done this on a macro level, but should supply the counties with the adequate tools to address these issues on a sub-regional basis.

A related concern is that different parts of the region will grow at different rates. If the differences are substantial and sustained, Metro and the counties should anticipate revisiting reserve designations in twenty to twenty-five years to adjust reserve designations and policies to respond to such trends and to correct regional imbalances.

7. Measures to Implement Urban Reserves

The agencies appreciate Metro's formulation of clear "Strategies for a Sustainable and Prosperous Region." We strongly support the concepts of "making the most of what we have" and setting higher thresholds for serviceability of lands prior to their inclusion within the Urban Growth Boundary (UGB). ODOT requests that preparation of Interchange Area Management Plans (IAMP) be an integral part of any Concept Plans for Urban Reserve areas that encompass existing rural interchanges (or that generate a need for a new interchange). ODEQ urges municipalities to consider adopting or expanding current regional watershed plans to guide development in environmentally sustainable ways, and minimize impacts on streams and rivers.

8. Minimizing the Transportation-Related Costs of Growth

The Regional Transportation Planning process has shown that even within the current Metro UGB, transportation needs far outweigh ODOT's and local jurisdictions' ability to fund them. It is important that the amount of urban reserves be limited to only the amount that is necessary, and that these lands be located strategically so as to:

- a. Maximize efficient use of existing and planned state and local transportation facilities,
- b. Reduce reliance on state highways by maximizing the ability to provide for a well-connected multi-modal local transportation network, and
- c. Minimize the need for additional highway improvements.

9. Assuring that New Development Will Support State and Local Transportation Systems

Metro, the cities and the counties should assure that they collectively have mechanisms in place to assure that new development will contribute to local systems and state highway improvements that are needed to serve the new development. This includes bringing the existing highways up to urban standards, adding bike lanes and sidewalks, improving geometric and safety deficiencies, grade-separating intersections on expressways, widening arterials to 4 lanes plus turn lanes, and widening freeways to 6 lanes plus auxiliary lanes.

10. The Cost of Redevelopment and Infill

High density urban redevelopment and infill will not be inexpensive. Public infrastructure and development costs for South Waterfront's first phase totaled \$195 million with an estimated price tag of another \$145 million for its second phase. Metro has indicated that urban renewal and other funding mechanisms (TIF's, assessments) will be needed to meet objectives for accommodating growth within the existing UGB. Brownfield redevelopment funding and related partnerships are also available resources to communities. The agencies are supportive of redevelopment and infill, but the costs

associated with refill can be substantial and should be weighed against the costs of expanding into the urban reserves. Metro and the counties are required to adopt measures to implement urban reserves; these measures should include provisions to assure that infrastructure requirements and costs (and cost allocations) are detailed *before* lands are included in the regional UGB so that clear market signals are sent, and so that land prices appropriately reflect the costs of development. Required planning for infrastructure, public facilities and environmental protection before these areas are brought into the UGB will also help assure that only those lands that can add significantly to the regions' ability to accommodate population or employment needs are added to the UGB.

11. Urban Reserves That Include Wetlands and Other Aquatic Resources

Metro, the counties, and property owners should understand that urban reserve designations will not allow development involving wetlands or other waters to avoid state (Removal-Fill Law) and/or federal (Clean Water Act Section 404) wetland/waterway requirements to analyze practicable alternatives to avoid and minimize impacts to wetlands/waters. An urban reserve designation does not assure that the lands are developable. A cursory review by DSL staff indicates that up to 15 percent of the proposed Washington County urban reserve land is on mapped hydric (wetland) soils. While such mapping is certainly not definitive for the presence of jurisdictional wetlands and other waters, it does suggest that a sizeable portion of the urban reserve land will be subject to future discretionary reviews by DSL and the Army Corps of Engineers that may result in approval or denial of specific developments. Developments that are allowed in such areas will be subject to compensatory mitigation that may have the effect of further reducing the net developable land yielded from particular urban reserves.

The agencies encourage the counties and Metro to be explicit in their documentation and public outreach as to how important natural resource features that are included in urban reserves will remain protected for the future. This comment is not intended to advocate for less urban or more rural designations, rather, it is offered to make clear that not all urban reserves will be developable.

12. The Economic Importance of Rural Reserves for Forestlands

One purpose of the reserves process is to retain large blocks of forestlands in forest use so that future Oregonians, including urban residents, will continue to benefit from the wide range of environmental, economic, and social values forests provide. The demand for forest ecosystem services (specifically: recreation, carbon sequestration, passive-use values such as biodiversity, and water quality) is often constrained by the availability of healthy forest environments that support or provide these services. Maintaining and enhancing Oregon's forests' non-commodity contributions to state and local economies, communities, and Oregon's quality-of-life are very important to all Oregonians and recognized as important nationally. However, these values are often

taken for granted because they are not generally traded in markets. As such, they have no "price" and are therefore seemingly provided for free. Caution is needed in the Metro reserves process not to overlook or underestimate forest ecosystem service values.

As urban growth boundaries move closer to wildland forests and mixed forest and agricultural lands, there may be accelerated pressure outside the UGB for the in-filling of structures. Such outcomes can result in disincentives for continued investments in forest management and should be minimized whenever possible. Dividing the forest into smaller parcels and adding dwellings (with or without urbanization) can displace wildlife through habitat fragmentation, increase conflicts between residential and commercial forestry uses, decrease incentives to encourage forest land retention (such as forest land tax status), increase the cost of fire protection, incentivize further development pressure by an increasing disparity between forest land development property values versus timber values, and reduce the economic benefits of commercial timber production. Rural reserves should be considered as a tool to avoid this type of "halo" effect.³

II. Comments on the Location of Urban and Rural Reserves

The Metro Chief Operating officer's recommendations on urban reserves divided the region into 14 geographic areas. After providing general comments about the location of urban and rural reserves, the agencies are providing area-specific comments organized to correspond to those 14 areas. In a final section, the agencies also provide comments concerning lands that should remain with their existing rural designations (and not be designated as either an urban or a rural reserve).

A. General Comments on the Location of Urban Reserves

1. General Comments on the Location of Urban Reserves: Transportation Issues

It is important to designate urban reserves that can be designed to provide a complete local/regional multimodal transportation system and where the state highways either have the capacity to serve additional trips, are already planned to be improved, and/or are not excessively expensive to upgrade to urban standards in a manner consistent with the RTP Systems Development and Systems Design Concepts.

³ ODF encourages Metro and the counties to more carefully consider the economic contributions of the forest products sector to the region's economy and the potential effects of future development and urbanization on the viability of the forest products sector.

ODOT's analysis shows that the highways least suitable to accommodate additional trips and most expensive to improve, are I-5 South, especially the segment from OR 217 to south of the Willamette River, and I-205, especially the segment from the Stafford Interchange to the Sunrise/OR 212/OR 224. Both I-5 and I-205 require corridor refinement plans to identify feasible solutions. Because of the presence of the Willamette River and the lack of bridge connections other than the I-5 Boone Bridge, it would be extremely difficult and expensive to provide a network of local multimodal transportation system connections between areas south of the Willamette River and the rest of the urban area.

A significant difference between I-5 and I-205 is that I-5 is already 6 lanes and thus is considered "complete" by RTP standards, whereas I-205 South is 4 lanes and hence the planned (but not funded) facility calls for widening to 6 lanes.

US 26 West is constrained by congestion at the I-405 tunnel and the limited opportunities and large potential costs to improve that segment, but the costs of widening US 26 to 6 lanes and reconstructing a number of interchanges and overpasses at the edge of the current UGB are smaller than the costs of improving I-5 and I-205.

TV Highway is already at 5 lanes and congested. Access management has proven to be difficult to implement, and opportunities to build a local network to reduce reliance on the highway are limited due to the presence of the railroad in close proximity.

OR 213 and OR 212 are both forecast to fail to meet the Oregon Highway Plan mobility standards even when widened to 5-lanes. Topography and the presence of natural resources limit opportunities to build a complete local transportation network in the area served by OR 213. The City of Damascus is in the process of developing a complete multimodal transportation system plan for the area now served primarily by OR 212.

2. General Comments on the Location of Urban Reserves: Floodplains and Stream Corridors

One significant locational issue for the counties and Metro is whether urban reserves should include floodplain areas and larger stream corridors. Some of the proposed urban reserves in Washington County include relatively large floodplain areas (e.g. along the Tualatin River, lower Dairy Creek, etc.). Clackamas County generally has worked to place larger stream corridors within rural reserves.

As a general matter, the state agencies believe that larger floodplain areas that are on the periphery of the urban area should *not* be included in urban reserves and that, instead, they should be used as a natural boundary between urban and rural areas to the extent possible. Although some development in floodplains may be possible, the overall amount of development likely to occur in floodplains does not justify their inclusion in urban reserves.

Washington County and Clackamas County appear to have taken very different approaches toward certain stream corridors. In Washington County, the preliminary urban reserves overlay or abut several current or potential salmonid-bearing streams such as Tualatin River, McKay Creek, Dairy Creek, Storey Creek and Rock Creek. In Clackamas County, the preliminary designation map generally recommends important stream corridors for rural designation (e.g., Clackamas River, Clear Creek, and Abernathy Creek). These differing approaches may lead to some confusion as to what the region's intent is regarding future stream/riparian area protections. The state agencies recommend the counties agree on a consistent approach that makes it clear to the public that important stream corridors will be protected.

3. General Comments on the Location of Urban Reserves: Water Supply Issues

The state requests that an analysis of water supply capacity be completed for each proposed urban reserve prior to its inclusion with an urban growth boundary to determine if urban development will conflict with resource protection or water supply issues. The analysis would include an assessment of the following factors:

- a. Identification of the current water service provider who will provide water to the new urban area;
- b. The total supply of water currently available to that service provider (i.e. currently available through certified/proven water rights);
- c. Of the total amount of water currently available, the amount of water currently unused by the provider that could be directed to serve the new urban area;
- d. Based on the size of the area and projected population and commercial/industrial development, how much water is projected to be needed to serve the area when it is fully developed;
- e. If a deficit exists between the current water available (per existing water rights) and the projected total water demand when the area is fully developed, where does the service provider envision the additional water will be obtained?
- f. Identification of potential impacts to the quality of current drinking water supplies (such as the Clackamas River) in proposed Urban Reserves.

The current analysis of "service capacity" seems to be largely focused on whether site characteristics (e.g. topography) allow for the physical infrastructure to be put in place to service an area. It does not appear that an analysis has been completed yet to determine if the water is available to meet the needs of the additional urban growth being proposed for these areas over the very long-term.

4. General Comments on the Location of Urban Reserves: Impacts to Regional Water Quality

Urban Reserves are proposed in several water quality limited watersheds, such as the Tualatin and Clackamas Rivers. Urbanization will have multiple negative impacts to the

water quality of streams and rivers. Increased sanitary wastewater discharges will have an impact on the receiving rivers, and the location and nature of the discharges can substantially alter the nature of these impacts. Increases in impervious surfaces create stormwater runoff that can impact water bodies through an increase in pollutants and changes to stream flows. In addition, the conversion of former agricultural lands can mobilize legacy herbicides and pesticides in soils, sending these toxics in the watershed into streams, rivers, and other aquatic resources. New discharges requiring a permit will need to be coordinated in advance with ODEQ. These potential effects can be greatly mitigated through coordinated implementation of watershed plans and permits.

5. General Comments on the Location of Urban Reserves: Suitability for Industrial Development

Generally, to meet the regions' needs for long-term needs for industrial development, urban reserves should include lands that have:

- Clustering potential with competing and complimentary industries
- Multi-modal potential (rail/port)
- Good access to labor force
- Minimal slopes (10% max)
- Superior utility infrastructure (electric, water, gas, telecom)
- Access to major interstates, with I-5 being the most desirable
- Adequate Market Choice.

B. General Comments on the Location of Rural Reserves

1. General Comments on the Location of Rural Reserves: Threat of Urbanization

Regardless of whether their purpose is to protect agriculture lands, forest lands, or important natural features, rural reserves are not designed (or intended) to protect these lands from all threats -- rather rural reserves are to protect these lands from *urbanization*. Proximity of land to the UGB is a measure of the degree to which lands are "subject to urbanization." Many of the areas identified by the counties as potential rural reserves are detached from the UGB, and in some instances (particularly in Washington County) are located a great distance away. These lands are not threatened with future urban development, and should not be designated as rural reserves. Rural reserves are not a tool to be used to supplement or replace existing tools that are either in place or that are available to counties to "protect" rural lands from rural residential development and other rural uses that may conflict with agriculture, forestry, or natural resources. Proximity to major transportation corridors, interchanges, known "aspirations" and past actions further informs the analysis of areas "subject to urbanization".

Washington County appears to be using the "subject to urbanization" factor to downgrade the importance of protecting some agricultural lands. This has led to a band of agricultural lands located around cities in Washington County being rated lower for protection as rural reserves. The ODA mapping of foundation and important agricultural lands took into account the implications of urbanization on the long-term viability of agricultural land. A great deal of foundation land shares an edge with an existing UGB. This was not accidental, such lands were reviewed and determined to be viable as agricultural lands over the long term with appropriate protection.

It is somewhat puzzling to observe how Washington and Clackamas County are applying the threat of urbanization factor to reserves. Washington County has designated most rural lands within the study area that are not proposed as urban reserves as rural reserves beyond three miles from the existing Metro UGB.

The agencies believe that the Clackamas County approach is generally more appropriate unless there is a specific showing of threat or urbanization for an area beyond three miles from the existing UGB or some other specific reason to use a rural reserve to guide the pattern of urbanization in a neighboring community (e.g., lands south of Estacada, across the Clackamas River).

At the same time, intact forestlands in the Gales Creek Canyon area northwest of Forest Grove, the Chehalem Mountains area, and the area northwest of Forest Park should be protected from urbanization through rural reserve designations. Urbanization in these areas would create environmental and economic conflicts.

2. General Comments on the Location of Rural Reserves: Factors

At times counties have indicated that the rural reserve factors in OAR 660-027-0060 are a "guide" for where rural reserves should be located. The counties and Metro need to be careful to base their decisions on the factors set forth in state statute and rule. These are not "guides" that can be considered along with other policy preferences. While there is much weighing and balancing involved in determining the appropriate designations, the factors set forth in rule can't be skirted in order to achieve other desired policies.

3. General Comments on the Location of Rural Reserves: Blocks and Patterns of Agricultural Lands

The factors in OAR 660-027-0060(d)(A)-(C) need to be more carefully considered in determining the location of rural reserves. With respect to irrigation, there seems to be too much reliance on whether or not lands are located within irrigation districts. Many high-value crops are grown in the region without irrigation. Irrigation typically is not needed for several key crops (grass seed, legume seeds, hay, grapes once established, etc.). We also note that Washington County ranks lands within water-restricted areas lower. Agricultural lands with water rights in these areas should be protected (not

identified for urbanization) since they have a supply of water, and additional supplies will not likely be available. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This inventory appears to devalue most of the agricultural lands that ODA determined to be Foundation Agricultural Lands (e.g., such lands are shown as 5.99-6.76 on the county's scale). These lands are the heart of Washington County agriculture. This inventory should not be used to evaluate lands for agricultural value. A separate measure of forestry and a separate measure of natural features could be combined to determine where they overlap, but each characteristic should not be used to measure the value of another.

It appears that Washington County has given greater weight to viticulture lands when compared to other agricultural lands. This tends to devalue the bulk of the county's non-viticulture agricultural land base located in the Tualatin Valley. ODA strongly agrees that viticulture lands are an important part of the region's agriculture base. However, they do not provide the wider range of options for agriculture as do lands on the valley floor, and viticulture products do not rank higher in total value than other products grown in the county, such as nursery products, seed crops, fruits and nuts.

Washington County indicates in its report that areas of high parcelization were rated comparatively low for agricultural value, and that areas where a majority of tax lots are less than 35 acres are considered "parcelized." This 35-acre threshold is not a reasonable standard for parcelization and does not reflect the nature of farms comprised of constituent parcels and the practice of renting and leasing lands. Furthermore, the county states that it uses residential dwelling density as an indicator. This is problematic, as this analysis makes no distinction between farm dwellings and nonfarm dwellings.

4. General Comments on the Location of Rural Reserves: Blocks and Patterns of Forest Lands

ODF's spatial analyses focused on identifying forest lands within the reserves scoping area and highlighting forested areas still retaining "wildland" forest character (defined as forestlands with fewer than five existing structures per square mile) and "mixed forest and agricultural" lands (defined as intermixed forest and agricultural lands with fewer than nine existing structures per square mile). Long term retention of these two classes of forest land are viewed by the Department of Forestry as critical to maintaining forest environmental benefits such as wildlife habitat, water quality, and carbon sequestration and to maintain economically viable private ownership of productive commercial forest lands. Commercial forest land management may be more sensitive to the market signals provided by reserve designations due to the long rotation/investment periods involved. As a result, it may be more appropriate to include forest lands further from existing urban growth boundaries where there is already some evidence of large-lot residential conversion in order to send a clear market signal.

5. General Comments on the Location of Rural Reserves: Most Recent Data

Metro staff recently provided a presentation to the MURR Steering Committee concerning recent changes in the Natural Resources Inventory to incorporate new data layers and improve the accuracy of data. The agencies recommend that the counties utilize these data in making their final proposals for rural reserves.

C. General Comments on the Location of Rural Lands (Lands Not Designated as Urban or Rural Reserves)

Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next forty years, or (conversely) that are not subject to a threat of urbanization. In addition, it is appropriate to assure that neighboring cities not within the Metro boundary each have some undesignated rural lands at their periphery in order to allow them to determine the location and extent of future urbanization.

D. Specific Comments on Proposed Reserves, By Area

1. Clackanomah and East Multnomah County Areas

The state agencies generally support the recommendations of Multnomah County for rural reserves in the East County area, except that they should generally be limited to areas within three miles of the existing UGB unless there is a specific threat of urbanization that they are responding to. The area around Barlow High School (south of Lustad Road to 302nd) could be included in an urban reserve or left with its existing rural zoning due to existing development patterns. Similarly, to align with Clackamas County, the area west of 287th (perhaps including land on both sides of that roadway) could be included in an urban reserve or left with its existing plan and zone designations.

In the Clackamas County portion of this area, the state agencies support the Metro Chief Operating Officer's (COO's) recommendation and the county's preliminary recommendations for both urban and rural reserves. This is one of the four areas in the region with lands closest to existing and planned transportation investments with superior access to labor force. At the Boring interchange on US 26 East ("Heidi's Corner"), an interchange area management plan (IAMP) will be needed to maintain separation between Sandy and the Metro UGB, and to ensure that urban development does not spill across US 26 to the east or south.

Finally, development in the East Buttes area (west of SE 272nd Ave) should be precluded or otherwise conditioned to protect the values of this natural feature.

2. Damascus

The state agencies support both the county's and the COO's recommendations for this area. In particular, lands that are already within the City of Damascus should be included within urban reserves. However, the agencies also support leaving Noyer Creek and Deep Creek as rural reserves. It is important to note that OR 212 is forecast to fail to meet mobility standards even when widened to 5-lanes. Topography, infrastructure costs, and the presence of natural resources limit opportunities to add significant housing or employment capacity in this area.

For the area included within an urban reserve, there are a number of natural features that should be protected during urban development. Specifically, special consideration should be provided to protect the values and functions of Richardson Creek, Noyer Creek and Deep Creek where these features exist within the urban reserve.

3. Oregon City

The state agencies generally support the COO recommendations (including Henrici Road). The bench lands located along the southern Oregon City UGB should be included as urban reserves. The Northeast Oregon City subarea (Forsythe/Holcomb) should be included *only* if needed to reach overall regional housing land targets or regional balance. It is important to note that OR 213 is forecast to fail to meet mobility standards even when widened to 5-lanes.

Urban development should be excluded from Newell Creek Canyon to protect this important natural feature.

4. Stafford Area

The state agencies support the COO's recommendations for the Stafford area, specifically including the recommendation to increase the amount of urban reserves relative to the initial recommendation from Clackamas County (the agencies would tend to include even more lands than the COO appears to recommend). This is one of the four areas in the region with lands closest to existing and planned transportation investments, and with superior access to the regional labor force (if I-205 is widened, or HCT is extended along I-205). As a result, it is particularly well-suited for long-term employment purposes. A larger area is recommended for inclusion recognizing the significant transportation costs (widening I-205 to six lanes, interchange improvements) that would be required in the long term. North of I-205, carefully-designed conditions should be included to protect the areas within the Tualatin River floodplain (and significant associated drainages, e.g. Wilson Creek) for their natural resource and wildlife values.

The vicinity of the Stafford interchange on I-205 should be included within the UGB only if an interchange area management plan (IAMP) is developed. Any new Town Center

or Station Community designations consider the barrier effect of the freeway itself, and reduce reliance on the freeway and the freeway interchange for internal circulation and short trips. Concept Plan(s) should provide for internal multimodal circulation and connectivity within the concept plan area, within any proposed new mixed use centers, and to the existing Town Centers of Wilsonville, Tualatin, West Linn, and Lake Oswego.

5. East Wilsonville

The state agencies support the recommendations of the Metro COO regarding urban reserves and rural reserves in this area.

6. South and West Wilsonville/South Sherwood

South Wilsonville

ODOT, ODA, DLCD, OWRD, DEQ, ODFW, and DSL support the preliminary recommendation from Clackamas County to designate lands south of the Willamette River (French Prairie) as a rural reserve. The reasons for a rural reserve designation include: threat of urbanization, high suitability for agriculture, very significant transportation limitations (Boone Bridge capacity and no alternate river crossing, poor multimodal connectivity), poor suitability for urbanization (services and distance to existing population), and concerns about encouraging urban development moving south along I-5 into prime agricultural lands.

Oregon Business Development Department supports leaving the portion of the French Prairie area along I-5 and Highway 99 undesignated, to provide more flexibility in the event that additional large employment sites are needed in the region over the long term.

West Wilsonville/South Sherwood (Clackamas County)

The agencies support the COO recommendations for this area (both for urban and rural reserves).

West Wilsonville/South Sherwood (Washington County)

The agencies support the COO recommendations for this area (urban reserves). There are significant transportation issues associated with this area over the long term (Highway 99W and Tualatin-Sherwood Road) that will limit its ability to provide significant employment opportunities until resolved.

7. West Sherwood

Generally, the state agencies do not support including the areas due west of King City suggested as urban reserves in the COO and Washington County recommendations.

Generally the areas west of Sherwood suggested as urban reserve by the COO and Washington County should not be included, except for the southern portion of this area west of Highway 99 bisected by Kruger Road. Specifically, Tualatin River floodplain and riparian habitat north of SW Lambeau Road, west of SW Roy Rogers Road, and east of SW Elwert Road should be included in the adjacent rural reserve proposed north of the Tualatin River.

The areas described above should be "undesignated" rural lands.

Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization. Lands along Highway 99, southwest of Sherwood, should be included in rural reserves.

8. Bull Mountain

The state agencies support the COO's recommendations for this area. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

9. Cooper Mountain

The state agencies support the COO's recommendations for this area. Due west of the Murray Hill Center, only the eastern portion of the proposed urban reserves area south of Weir Road should be included as an urban reserve. The remainder of the lands should be designated as rural reserves. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

10. South Hillsboro

ODOT, Oregon Business Development Department, DLCD, OWRD, DEQ, ODFW, and DSL agree with the recommendations of Washington County and the Metro COO for this area, although foundation agricultural lands in the southwestern portion should be included only in the event necessary to meet regional needs.

ODA supports designating the portion of this area located south of Butternut Creek as a Rural Reserve. As pointed out in the analysis provided in the ODA report to Metro, Butternut Creek and the adjacent golf course would provide a good edge and buffer between the urban area and a large area of foundation agricultural land. Urbanization beyond this "buffer" presents serious issues relating to the long-term integrity of the larger agricultural area located south of the current urban growth boundary (see *Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January 2007, page 48).

11. Cornelius/Forest Grove

The state agencies generally concur with the COO recommendations for this area. Urban reserves should provide a (limited) long-term land supply for both the cities of Cornelius and Forest Grove. For Cornelius, there are lands to the south and southeast of the city that are outside of the 100-year floodplain that are appropriate for an urban reserve designation. In addition, the area between Hillsboro and Cornelius, north of Baseline/Tualatin Valley Hwy and east of Susbauer, should be included as well.

For Forest Grove, the area bounded by Thatcher, Purdin and Highway 47 should be studied further for possible designation as an urban reserve.

Intact forestlands in the Gales Creek Canyon area northwest of Forest Grove should be protected from urbanization through rural reserve designations where subject to the threat of urbanization (generally within three miles of the existing UGB). Lands within the Tualatin River (and associated streams) floodplain also should be used as a natural boundary, and designated as a rural reserves where there is threat of urbanization, along with lands to the north of Council Creek, and lands to the south of Forest Grove along Highway 47.

Rural reserves for areas here that are a significant distance from the existing UGB don't appear to meet the factors in the rule for designation of rural reserves (except along Highway 47), and generally there is too much land designated as rural reserves in this area.

12. North Hillsboro

The state agencies agree that (with one exception) most of the area north of Highway 26 should not be designated as an urban reserve.⁴ One exception is the area to the northwest of the Shute Road interchange (where additional transportation investments are anticipated). An Interchange Area Management Plan (IAMP) should be prepared during concept planning and adopted at the time this land is considered for inclusion in the UGB to ensure that surrounding land uses are preserved for the intended industrial use, based on the capacity of the interchange.

The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a "hard edge" to the boundary in this important agricultural region, except for area just east of the City of North Plains, which could remain "undesigned". In addition, the land south of Highway 26 in the vicinity of North Plains should be designated rural reserve (rather than current proposal as "undesigned") in order to steer urbanization for North Plains north of Highway 26.

⁴ Business Oregon supports a larger urban reserve designation in this area as needed to support long-term economic growth in key industries that are crucial to the state's economy.

The areas south of Highway 26 in the triangular shaped area bordered on the south by (approximately) Meek Road (and then by Waibel Creek further to the west) should be designated rural reserve to form a hard edge to that region, primarily due to significant agriculture lands and in part to reflect the fact that the Jackson School Road interchange and the road itself are designed to handle only rural levels of traffic.

The agencies agree that the area south of the triangle described above (i.e., north of Evergreen to Meek Road and then Waibel Creek extending McKay Creek to the west) should be urban reserve, as recommended by the County and the COO (and as identified in Hillsboro's concept plan), primarily to provide additional employment lands in this part of the region. However, the floodplain and riparian habitats associated with McKay Creek and Waibel Creek should receive protection during urban development.

13. Cornelius Pass

The agencies concur with the Metro COO's recommendations for this area.

14. West Multnomah County

The agencies agree with COO recommendations for this area. Agricultural and forest lands that are under threat of urbanization and that have high wildlife habitat value (including Sauvie Island and non-industrial forest lands linking Forest Park to larger blocks of wildland forest to the northwest as a wildlife migration corridor) should be designated as rural reserves. It is in the best interests of the state, Metro, the affected counties and urban residents to provide these landowners with economic incentives to continue investing in forest management rather than converting these lands to non-forest uses.

The corridor between the Multnomah Channel and Highway 30 is currently recommended as "undesignated." The rationale against rural reserve designation is, in part, the extent of wetlands and potential flooding that likely limits the footprint of development. The agencies are concerned that even with these development limitations, because of the proximity to Highway 30, there is a high long-term threat of urbanization. At the same time, the substantial aquatic habitat values and transportation access concerns suggest that this area be designated as a rural reserve.

Thank you for this opportunity to help Metro and the three Metro area counties determine how and where its residents will live and work during the next forty to fifty years. Our collective goal is to assure that the region's future is a sustainable one that best achieves livable communities, and that assures the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

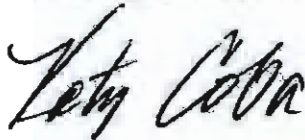
Sincerely,



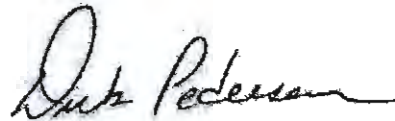
Richard Whitman
Director
Oregon Department of Land
Conservation and Development



Matt Garrett
Director
Oregon Department of Transportation



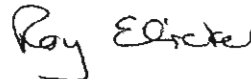
Katy Coba
Director
Oregon Department of Agriculture



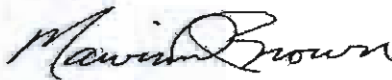
Dick Pedersen
Director
Oregon Department of Environmental
Quality



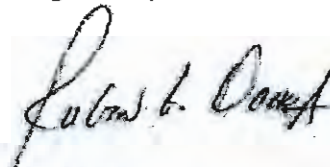
Tim McCabe
Director
Oregon Business Development
Department



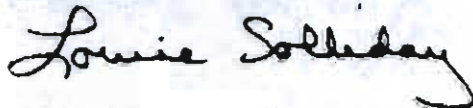
Roy Elicker
Director
Oregon Department of Fish and Wildlife



Marvin Brown
Director
Oregon Department of Forestry



Ruben Ochoa
Water Policy Analyst
Oregon Water Resources Department



Louise Solliday
Director
Oregon Department of State Lands

From: Jim Johnson <jjohnson@oda.state.or.us>
Subject: Rural Reserves Mapping
Date: November 19, 2008 3:42:29 PM PST
To: Jim Tice <Jim_Tice@co.washington.or.us>
Cc: Katy Coba <kcoba@oda.state.or.us>, Brent Curtis <Brent_Curtis@co.washington.or.us>, Doug McLain <dougmc@co.clackamas.or.us>, Chuck Beasley <charles.beasley@co.multnomah.or.us>, kathryn.harrington@oregonmetro.gov, John Williams <John.Williams@oregonmetro.gov>, Robin McArthur <mcarthurr@metro.dst.or.us>, Richard Benner <Richard.Benner@oregonmetro.gov>, David Morman <David.A.Morman@state.or.us>, Bill Ferber <william.e.ferber@wrd.state.or.us>

Jim

As promised, here are some of my initial thoughts about the mapping Washington County is conducting for Rural Reserves as it relates to agricultural lands. For your consideration:

1. First and foremost, I would say that using GIS to apply and overlay data related to the RR factors is an excellent process. However, I am not convinced that that a process that places weights on list of "values" (factors) is a good methodology to use when dealing with an industry as diverse as agriculture. This is especially the case in the northern Willamette Valley where the number of crops, type of operations and the number of agricultural practices is quite extensive. Having said this, I provide comment on your factors and weighting below.
2. In the Washington County memo (Oct. 30) explaining the county's GIS Suitability Mapping Project, it states that the RR factors in OAR 660-027-0060 are a "guide" for designating RRs. This is not how I understand the law. The statute states that the county and Metro "SHALL base the designation [of rural reserves] on consideration of factors, including, but not limited to...." and then lists the factors. The rule states: "...the county SHALL apply the appropriate factors in either section (2) [ag/forest] or (3) [natural resources] of this rule, or both." OAR 660-027-0060(1).
3. Therefore, while the county may be able to look at other factors, and I would support this in some cases (see below), I believe those other factors cannot be used to undermine the listed factors. It is also important to note that the rule & statute appear to give equal weight to all the listed factors. You may wish to discuss this with Dick Benner.
4. Proximity to the UGB is used as a measurement of "subject to urbanization." After reviewing your mapping which uses concentric circles around UGBs, I would remark that this is too simple a tool. Not all lands located within the first (or any) ring should be considered as equal. Proximity to major transportation corridors, interchanges and known "aspirations" and past actions should further inform the analysis of this factor. For example, the recent mapping/planning of the City of Hillsboro, past attempts such as the City of Cornelius' to include lands north of Council Creek and the "demand" for industrial lands near major transportation routes render the subject lands more subject to urbanization than other lands located within the same ring. In some cases, this would equate to lands in further out rings being more subject to urbanization than many lands located in the first ring.

Perhaps more important, this factor should be used to determine which agricultural lands should be

protected. It appears from your mapping that the county is using this as a limitation on agricultural lands resulting in a lower value for those lands located closer to an UGB. That appears to be the sole reason as to why a band of agricultural lands located around the county UGBs is rated at a lesser value. The ODA work took into account the implications of urbanization on long-term viability. A great deal of Foundation Land shares an edge with an UGB. What your proximity measure should indicate is not a lesser agriculture value but a higher need for protection. You may wish to review some of our discussion about edges, buffers and compatibility.

5. Another factor used in the county analysis is the ODA mapping (Foundation, Important, Conflicted). Many of the additional factors that the county maps are duplicative to those we used. Isn't this double counting a factor? And why some of the ODA factors, not all of them, used? Of specific concern:
 - a. The lack of any additional measure/weight to the existence of or blocking of agricultural/forest lands. This is in fact a factor listed in OAR 660-027-0060(d)(A)-(C).
 - b. Irrigation. Too much reliance on whether or not lands are located within the Tualatin Valley Irrigation District (TVID) and it's associated infrastructure. Many high-value crops are grown in the region without irrigation. In a future situation where need is established and other lesser land is not available for urbanization and it gets down to deciding between one tract of agricultural land and another, then we should look at such elements. There are many examples of irrigated land in the areas the county has identified with a lesser value such as northwest and north of North Plains and in the Jackson School Road area. There are also many areas located within the TVID boundary that are not irrigated.
 - c. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This factor appears to devalue most of the agricultural lands ODA determined to be Foundation Lands (they show as 5.99-6.76 on your scale). These lands are the heart of Washington County agriculture. This factor should not be used to evaluate lands for agricultural value. A separate measure of agriculture, a separate measure of forestry and a separate measure of natural features could be combined to see where they overlap but each should not be involved in a measure of the others value.
 - d. Viticulture lands. Why the greater weight when compared to other agricultural lands? Again, this tends to devalue the bulk of the county's agricultural land base located in the Tualatin Valley. I would be the first to agree that these lands are an important part of the regions agriculture base. But they do not provide the wider range of options for agriculture as do the valley floor and they do not rank higher in total value than other products grown in the county such as nursery and

I will continue to evaluate the rural reserves work and also take a look at the urban reserves. If I come up with more thoughts, I will forward to you. Please contact me should you have any questions.

Jim

Jim Johnson
Land Use and Water Planning Coordinator
Oregon Department of Agriculture
Natural Resources Division

635 Capitol Street NE
Salem, Oregon 97301

Telephone: (503)986-4706

Fax: (503)986-4730

email: jjohnson@oda.state.or.us

<http://ecov.oregon.gov/ODA/>

MEMO

Date: November 17, 2010
To: Jim Johnson, Land and Water Planning Coordinator
Oregon Department of Agriculture
From: Paul Measeles, Hydrologist
Oregon Department of Agriculture
Re: Comments on "Agricultural Productivity Ratings for Soils of the Willamette Valley" A Paper Authored by J. Herbert Huddleston, Extension Soil Specialist, Oregon State University

In this paper Huddleston develops a novel method to characterize the relative fertility of soils in the Willamette Valley as an alternative to the NRCS (nee SCS) method currently in wide use. Though I couldn't find a publishing date for this paper, cover notes indicate that research on the subject began in 1976, making some of the assumptions about crop diversity and value rather dated.

The introduction includes statements that demonstrate the paper's outmoded assumptions. In it the author states that little yield data for crops exists to show the value of production by soil type. Since this paper was written the NRCS has greatly expanded its data on crop yields in the Willamette, and additional information on crop values per acre by county are included in the Oregon Agripedia, published by the Oregon Department of Agriculture. By inference with the county, the economic value of crops can be attributed to soil type.

The method of evaluating and ranking soil type described is interesting, and may provide a useful alternative to the NRCS methods for some uses. However, there are many assumptions made in application of the method that are not valid for certain crop types and agricultural practices that are now common in the Willamette. These crops include wine grapes, container nursery plants, and Christmas trees. None of these crops require NRCS class I or II soils for production, but the soils they typically are planted in would not be given high productivity ratings using the subject method.

In the discussion of the "Amendments" adjustments to soil productivity I'd say the author is using too broad a category. Some crops need very little amendments, while some require large amounts irregardless of "native productivity." A common example of this is corn compared to perennial grass seed. Corn for silage typically needs relatively large inputs of nitrogen and phosphorus, while perennial grass seed normally needs less than 100 pounds of N per acre, and little to no phosphorus. Both of these crops can be grown on similar soils. The same is true for comparisons between hazelnuts and peppermint, and there are many other examples. This fact can drastically change how productive a soil is

for a given crop. I realize that Huddleston intended for the productivity ratings to reflect how diverse the crop types could be for each soil type, but I don't see this reflected in the corrections made for amendments at all.

In addition, there's no mention of how the uses of cold frames, hoop houses, greenhouses, and other growing structures increase the productivity of soil. A case in point for this example is Gathering Together Farm, located in Bento County between Philomath and Corvallis. This is an organic farm of about 45 acres, yet in 2009 their gross income exceeded \$1,000,000. As far as I know they are located on primarily on Dayton soils, classified by this paper as having a productivity value of 63 with amendments, drainage improvement, and irrigation. This is a moderate ranking. However, gathering Together Farms is one of the most profitable organic farms in the nation, and much of it is due to their wide use of hoop houses to improve soil warmth and protection from rainfall, two elements not addressed by this soil classification method. As mentioned previously, container nurseries also would not be addressed by this method of soil productivity rating for many of the same reasons.

Besides these concerns, Huddleston himself states on page 12 that "[P]roductivity ratings by themselves cannot and should not be used as the sole basis for management decisions."

Submitted By:



Paul Measeles, R.G.
Hydrologist



From: Michele Whittaker [michelehwhittaker@gmail.com]
Sent: Tuesday, March 08, 2011 10:59 AM
To: Reserves
Subject: Objection to Proposed Change to South Hillsboro Rural Reserves

Hello,

I had previously objected to the urban reserve designation you adopted for the South Hillsboro area, **but my objection** was unanswered. Perhaps it was lost.

In any event, I am opposed to your changing more rural reserves south of Hillsboro to undesignated.

Washington County traffic **cannot** support additional urban growth south of TV Highway. The traffic is already miserable through the area, and most of us are already sorry we bought south of TV Highway.

There is no money to do a major expansion of TV Highway which is what would be needed to support the additional growth that you're already proposing. TV Highway would need to have overpasses installed at all major intersections to make driving through the area bearable. It's already impossible to get from South Hillsboro to downtown Portland or anywhere else in the Metro area without spending most of the time sitting at traffic lights.

Please don't add more acres to the already congested area.

I am baffled why this area is getting designated for urban reserves when transportation clearly cannot support it.

If it's like every other growth project, the houses will come and the roads will not - despite promises to the contrary. Look what a mess driving in Washington County is now. Think how much worse it will get when you add all the houses south of TV Highway.

Thanks,

Michele Whittaker

Laura Dawson-Bodner

From: Anwar Bashar [ab@bj-co.com]
Sent: Tuesday, March 08, 2011 4:15 PM
To: Reserves
Cc: moj@bj-co.com
Subject: AREA E TO URBAN DESIGNATION
Attachments: PUBLIC COMMENTS FOR MARCH 15,2011 MEETING--- ARGUMENTS IN FAVOR OF INCLUSION OF AREA E TO URBAN DESIGNATION

Importance: High

To the Metro Council and Washington County Board of Commissioners:

Attached please find arguments in favor of considering AREA E TO URBAN DESIGNATION .

4970 SW Griffith Drive, Suite 200
Beaverton, OR 97005
p:503 643-4000
f:503 643-4444

March 6, 2011

To the: Members of Metro Council and Washington County Board of Commissioners (Public Comments for March 15, 2011 hearing)

From: BJ Rosedale, Farms, LLC(owners of land parcel at 22520 SW Rosedale Rd, Beaverton, OR 97007)

SUBJECT: ARGUMENTS IN FAVOR OF DESIGNATING AREA E TO URBAN

Ladies/Gentlemen: We own land in AREA E (METRO EXHIBIT ATTACHED). Metro is proposing a change from rural to undesignated in area E. Prior to this we have not provided any written or oral input in the decision making process but feel compelled now to add our observations for your consideration. We respectfully request that area E should be considered by the Commission for inclusion in URBAN RESERVES for the following valid reasons:

- 1. Area E land is contiguous to existing urban growth and was part of the study of South Hillsboro Development Plan. There is no natural barrier separating urban from rural. SW FARMINGTON ROAD NOT SW ROSEDALE RD APPEARS TO BE A NATURAL BARRIER BETWEEN URBAN AND RURAL.**
- 2. Farming Area E is difficult as it is already surrounded by development and borders SW Riggs Road which already has multiple small lots with housing. There is limited access for farm machinery.**
- 6. We are aware that there are several measure 49 claims filed in this area to potentially further break up the parcels.**
- 7. Prior public and farming community direct input has not been against area E being designated urban compared with all the controversy and farming community/ public /LCDC opposition to designating farm lands to urban in Helvetia , Cornelius and other farmlands north of HWY 26.**
- 8. Due to this long recession, for the next few years States/Cities and Counties will likely experience financial difficulties in funding public improvements. Why**

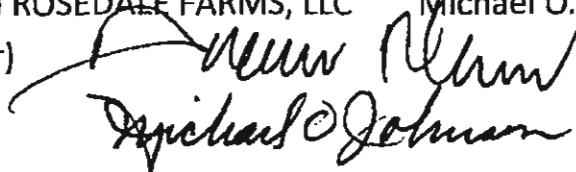
select lands far from existing urban growth areas which will be more expensive to develop? This has already been experienced in Happy Valley.

9. From the outset we were told that METRO was established to achieve balanced growth and not create uncontrolled urban sprawl like in LA. We were told how **uncontrolled urban sprawl leads to inner City decay** and that a tight development circle around core downtown Portland makes the core area vibrant and strong. But looking at the proposed expansion in distant Cornelius or Helvetia compared to area E seems contrary to the basic premise of controlling urban sprawl. Given what gas prices cost what is the incentive for residents of far outlying areas to go downtown Portland for jobs/shopping/or operas.

10. Finally it is extensively documented in the entire urban reserve decision process/study that the public, farming community, LCDC are strongly opposed to expansion in Cornelius and Helvetia farmlands because it has an established highly productive farming community with rich fertile foundation farm land. Why submit to pressures from special interest groups and go against public opinion and the farming community directly affected by again proposing to carve out extensive productive foundation farmland from Cornelius and Helvetia for urban growth?

AREA E IS THE LOGICAL ALTERNATIVE AREA FOR THE COMMISSION'S CONSIDERATION FOR URBAN RESERVES DESIGNATION. IT HAS FAR LESS PRODUCTIVE FARM LAND; MORE EXISTING HOUSES ON SMALL LOTS COMPARED TO HELVETIA AND CORNELIUS; AREA E WILL BE FAR LESS EXPENSIVE TO DEVELOP AND CONNECT TO EXISTING MASS TRANSIT AS IT IS ALREADY NEARLY SURROUNDED BY URBAN GROWTH AND IS CLOSER TO MULTIPLE FREEWAYS (217 AND I-5); MAJOR ARTERIALS LIKE HILLSBORO HWY AND SW FARMINGTON ROAD AND CORE DOWNTOWN PORTLAND.

Sincerely, BJ ROSEDALE FARMS, LLC Michael O. Johnson (owner) and Anwar Bashar(owner)

Handwritten signatures of Michael O. Johnson and Anwar Bashar. The signature of Michael O. Johnson is written in cursive and includes a circled 'O'. The signature of Anwar Bashar is also in cursive.

**Adjustments to Proposed Urban and Rural Reserves Map for Washington County
February 2011**

Adjustment Area	Total Acres
Area A – East Portion of Urban Reserve 7B Change from Urban Reserve to Undesignated These 28 acres are located between Council Creek and Highway 47 in the vicinity of the intersection of NW Purdin Road/NW Verboort Road and Highway 47	28
Area B – West Portion of Former Urban Reserve 7I Change from Urban Reserve to Rural Reserve This portion of former urban reserve 7I is south of NW Long Road between NW Susbauer Road and NW Cornelius-Schefflin Road	430
Area C – East Portion of Former Urban Reserve 7I Change from Urban Reserve to Undesignated This portion of former urban reserve 7I is east of NW Susbauer Road and includes the area around NW Hobbs Road	194
Area D – Adjacent to Urban Reserve 8B Change from Undesignated to Urban Reserve This area is north of Highway 26, south of NW West Union Road and includes land on both sides of NW Groveland Road	585
Area E – South of SW Rosedale Road Change from Rural Reserve to Undesignated This area is south of SW Rosedale Road, west of SW Farmington Road and includes the parcels along SW Riggs Road	383

From: Steve & Theresa [hunkerwaydown@wildblue.net]
Sent: Wednesday, March 09, 2011 5:36 PM
To: Reserves
Subject: NO CORNELIUS FARMLAND in the URBAN RESERVES

3/9/11

Commissioners and Metro Council:

RE: CORNELIUS URBAN RESERVE PROPOSAL

I am against the proposal to add the land North of Cornelius into the proposed Urban Reserve Proposal. This issue has been debated NUMEROUS times over the past 2+ years and it is time once and for all to put it to rest. Think of all the time and money this has wasted.

What we know about this land North of Cornelius is that it is PRIME FARMLAND OWNED by people who make their livelihood by Farming it.

The crops raised support the local economy from the Farm implement, seed, fertilizer, TVID, PGE, Gasoline used in the tractors/combines, etc etc. to the Day Laborers and teenagers who are employed by the farms to help harvest. Cornelius wants JOBS and Cornelius wants INDUSTRY???? Last time I looked it up AGRICULTURE was an industry. In addition here are more facts:

Oregon Ag & the Economy

- Oregon is a specialty crop state with more than 220 recognized commodities.
- Oregon's agriculture industry accounts for nearly \$18 billion in direct sales and \$25.8 billion in overall sales, accounting for 10.6% of the state's total sales, according to a 2008 OSU study.
- Oregon's agriculture industry directly or indirectly supports about 214,500 full- or part-time jobs in production, processing, transportation, input industries, and marketing, making up 10.1% of total positions in the state, according to a 2008 OSU study.
- Oregon's farmers spend nearly \$3.4 billion a year to run their businesses and are vital to the survival of Oregon's rural and urban communities.

Labor: Agriculture employs nearly 214,500 workers in production, processing, transportation, input industries, and marketing. Labor is the largest single cost to Oregon's agricultural producers, consuming more than \$700 million of the more than \$3 billion in input costs per year.

How can you argue that FARMING is not an industry and doesn't employ people?

Bottom line here is this.....you reap what you sow! PLEASE DO NOT include the Cornelius property inside the Urban Reserves. Once this farmland is gone you can NEVER get it back. It is one of our last resources. First the Indians and now the farmers? What happened to our property rights and our heritage?

Respectfully,

Theresa & Steve Hunker

5160 NW Cornelius-Schefflin Road

Cornelius, OR 97113

Laura Dawson-Bodner

From: Theresa Hunker [thunker@gmail.com]
Sent: Wednesday, March 09, 2011 6:41 PM
To: Reserves
Subject: NO CORNELIUS LAND IN THE URBAN RESERVES

I am against the URBAN RESERVE PROPOSAL to add the land north of Cornelius. There is simply no foundation to support taking our FARMLAND for industry to support the City. The City was founded In 1845, **Benjamin Cornelius emigrated to Oregon with his family, travelling with Joseph Meek. The Cornelius family settled on the Tualatin Plains, near what is now North Plains. The same year, Benjamin Q. Tucker and Solomon Emerick staked land claims and established farms on the land that would eventually become Cornelius.**

Cornelius is a "Family Town" we are not HILLSBORO and that is why we LIKE IT! Not everyone wants to live and raise their Children in a metropolis.

What is more disturbing is the CITY OF CORNELIUS government officials who have continued to MANIPULATE surrounding leaders into believing that the City will DIE if we don't get this ground. The City of Cornelius will continue to prosper the way it is and has been. Quite frankly I am appalled by the manipulative tales city leaders have spread like the quote below by City Manager David Waffle as seen in the News Times this week:

Waffle and the city's development and operations manager, Richard Meyer, told the city council on Monday night they were working on putting together a plan that could bring a unified voice to the March 15 meeting on Tuesday, with the hope of winning the votes of the county and Metro, which would signal a push back against LCDC's remand.

"Cornelius is a poor Hispanic community that really needs jobs and why are we being kicked out, we don't have the clout that others have because of our socioeconomic status, and that's not fair," Waffle said.

Waffle should check his stats as I did from the Government website below:

Cornelius Ethnicity Statistics

White6,951African American110Hispanic or Latino3,609Asian163American Indian or Alaska Native212Hawaiian / Pacific Islander57Other2,570

These are the current demographics: 10,063 White, AA, Indian, Hawaiian and Other and only 1/3 Hispanic. And for being POOR??? The median income for a household in the city was \$45,959, and the median income for a family was \$49,456. Males had a median income of \$32,164 versus \$25,207 for females. The per capita income for the city was \$15,290. About 10.8% of families were below the poverty line.

In this economy we are a little poorer than we were in the past. To LABEL a COMMUNITY as POOR and HISPANIC is OFFENSIVE!!!!

DON'T BE BAFFLED BY WAFFLE or any of the City of Cornelius (leaders???) Make sure you do your homework before making the decision to take precious farmland out of production forever.

Sincerely,

Janet Park

Laura Dawson-Bodner

From: Karen Jackson [k72jackson@gmail.com]
Sent: Wednesday, March 09, 2011 9:06 PM
To: Reserves
Subject: Cornelius Expansion Urban Reserve Proposal

3/9/2011

Re: Cornelius Expansion Urban Reserve Proposal

Dear Commissioners:

I wish to express my opposition to ALL Urban Reserve proposals considered in locations north of Cornelius. It is never a good fit or outcome to have residential and/or business growth take place next to neighboring farmlands. Once encroached upon, there is no going back or reversal of the negative impacts it places upon the open land and those who depend on it for their livelihood.

My opposition to these proposals is simply and solely with respect to land owners (farmers and those alike) who are increasingly being squeezed out in demand for their property. In some cases encouraged that they should sell out and make a lot of money on the land to be divided up into subdivisions. Sadly, this results in a loss of quality farm land and family generation "farmers". Why should States continually subject their citizens to buy produce from Mexico and other foreign countries when we can have it all right here? Why continue to grow residential and industrial infrastructures beyond our needs? If it is allowed, when will it ever end? It frustrates me greatly to see urban sprawl expand into the wrong areas and beyond its needs. If this is truly an opportunity for City Planners to listen and work with communities to the development of a fair and conducive plan, I request that all those involved please take in consideration the points of view addressed by the American Farmland Trust. <http://www.farmland.org/programs/protection/default.asp>

In closing, I urge City Of Cornelius to diligently re- evaluate their ideas and take a closer look at what is already available within city limits to develop. Making use of land inside city limits would not only make economical sense, but it would also help to improve areas of Cornelius that are unsightly. In my everyday travels within the town of Cornelius I see countless run down homes and abandoned commercial buildings on large plots of land that could use being condemned and rebuilt upon. Why not propose improving and rehabilitating open land and dysfunctional buildings worthy of tear down into the future growth plans; not farmable land that is irreplaceable along with its generational farmers who reside among much of the land within these proposed areas of urban reserve.

Thank you for your considerations,

Karen E. Jackson

Laura Dawson-Bodner

From: piper kuzak [piper9436@hotmail.com]
Sent: Thursday, March 10, 2011 4:46 PM
To: Reserves
Subject: RE: Cornelius UGBR

March 10, 2011

To Washington County Board of Commissioners, Washington County Panning Commission and Oregon Metro Reserves Committee.

In regards to the ongoing request of the City of Cornelius wanting to acquire lands North of the city for future Industrial use, I stand with the Oregon Farm Bureau, LCDC, and the Friends of Oregon in opposition.

Our farmlands are disappearing and will never be brought back. When we lose the land, the Agriculture Industry that built this country suffers. We lose the individuals that farm the land and the businesses that support them. In Cornelius alone Coastal Farms, Fischer Implement, Wilco Farm Stores (2 outlets) serve the needs of the farming community.

Council Creek now serves as the buffer zone between the urban and rural communities for the City of Cornelius. There are 2 Dairy operations North of the City with many head of livestock that should not be subjected to stress caused by increased traffic, noises and odors unfamiliar to them caused by industrial pursuits. My family dairy farm would suffer from the fact that the dairy buildings are on the West side of Schefflin road (out of the UGR) but the land supporting the dairy is on the East side (in the UGR).

Schefflin road was recently rebuilt with a new bridge, and widened shoulders. We were told it would greatly improve safety moving farm equipment from field to field. It has done that and made the road safer for farm operations as well as the public usage. The City of Cornelius at a meeting I attended, claim the road as the door to expansion Northward. I think that door should not be opened as an aerial view of Cornelius shows many spaces available for industry within the city.

Cornelius should revitalize its inner core by tearing down derelict buildings and making better use of the land within it's boundaries. Having watched Cornelius grow during my lifetime of 50 years, it appears there has never been a consistent direction of where the growth should occur. When Haney trucking was in operation in the 70's the industrial area started to materialize on the East side of the city. Western States Fire Apparatus was building firetrucks in the center of town (now empty) and the CC Ruth and company Feed Mill was West of town. (also gone) . Then Stewart Stiles built a huge trucking facility Northwest of town (now empty).

Cornelius says it needs industry to create jobs for its citizens but I personally feel this is an attempt at getting more ground to build houses. I would urge you to say no to the City of Cornelius Northward expansion.

Sincerely
Phil Duyck

From: Reserves@oregonmetro.gov
To: piper9436@hotmail.com
Date: Thu, 10 Mar 2011 08:13:47 -0800
Subject: RE: Cornelius UGBR

I could not open your attachment. Please resend.

From: piper kuzak [<mailto:piper9436@hotmail.com>]
Sent: Tuesday, March 08, 2011 8:56 PM
To: Reserves
Subject: Cornelius UGBR

Laura Dawson-Bodner

From: melissa.jacobsen [meljojac@hotmail.com]
Sent: Thursday, March 10, 2011 5:50 PM
To: Reserves
Subject: Land use north of Cornelius

Dear President Hughes, Metro Councilors, and Washington County Board of Commissioners,

My neighbors and I are stunned and dismayed that you powers-that-be won't accept the decision by the Land Conservation and Development Commission last October that the land north of Cornelius be taken off the table for urban development. With so many groups strongly advising against paving over foundation farmland and keeping Council Creek as a natural boundary between urban and rural, why do you insist otherwise?

The LCDC; the Metro Policy Advisory Committee; Metro's land-use attorney, Michael Jordan; Mary Kyle McCurdy, attorney for 1000 Friends of Oregon; the Washington County Farm Bureau; and, my neighborhood group, Friends of Council Creek have all presented testimony against designating the area north of Council Creek, especially in Cornelius, as an Urban Reserve. It needs to be labeled as a Rural Reserve, protecting valuable farmland from development for at least 50 years.

I live north of Council Creek, east of Susbauer Road, south of Hobbs Road. Some business owners in Cornelius are pushing to have this particular parcel be "undesigned." That's just as bad, if not worse, than the Urban Reserve designation. It would put us in limbo, with a cloud of uncertainty about our futures hanging over us. My neighbors in the parcel have signed several petitions I've circulated over the years in our bid to save our land, our way of life. We maintain that Cornelius needs to focus on cleaning up and fully utilizing land that is already zoned for development before encroaching on ours.

Please do not vote to ruin the beautiful panoramic vistas provided by the valuable, historic, foundation farmland. The rural way of life needs to be protected and preserved. To pave it over for a factory would ruin the area forever. Please don't cave to the demands of the business community; the cost is too high. Please do the right thing...SAVE FARMLAND and stop urban sprawl.

Thank you for your consideration.

Sincerely,

Melissa J. Jacobsen
1650 NW Susbauer Rd.
Cornelius, OR 97113

Laura Dawson-Bodner

From: melissa.jacobsen [meljojac@hotmail.com]
Sent: Thursday, March 10, 2011 6:14 PM
To: Reserves
Subject: Land use north of Cornelius

Dear President Hughes, Metro Councilors, and Washington County Board of Commissioners,

My neighbors and I are stunned and dismayed that you powers-that-be won't accept the decision by the Land Conservation and Development Commission last October that the land north of Cornelius be taken off the table for urban development. With so many groups strongly advising against paving over foundation farmland and keeping Council Creek as a natural boundary between urban and rural, why do you insist otherwise?

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Most of us have given up on going to meetings as it seems as though our input doesn't matter--that your minds are made up. These public hearings are simply a necessary (bothersome) formality to you, it seems. What we say goes in one ear and out the other for most of you, we believe. To say we're frustrated with the whole process would be a huge understatement. But that doesn't mean we aren't passionate about protecting our land, because, trust me, we are.

Please do not vote to ruin the beautiful panoramic vistas provided by the valuable, historic, foundation farmland. The rural way of life needs to be protected and preserved. To pave it over for a factory would ruin the area forever. Please don't cave to the demands of the business community; the cost is too high. Please do the right thing...SAVE FARMLAND and stop urban sprawl.

Thank you for your consideration.

Sincerely,

Melissa J. Jacobsen
1650 NW Susbauer Rd.
Cornelius, OR 97113

Laura Dawson-Bodner

From: Krautscheid, Lorretta [krautsch@up.edu]
Sent: Thursday, March 10, 2011 9:35 PM
To: Reserves
Subject: Proposed Ordinance No. 740

March 8, 2011

TO: Washington County Board of Commissioners

RE: Proposed Ordinance No. 740 – An ordinance amending policy 29 of the rural/natural resource plan to modify the rural and urban reserve map

I am writing to urge the Washington County Board of Commissioners to reject the proposed ordinance No. 740. Specifically, I am supporting a rural reserve designation for Area B, the west portion of the proposed Reserve Area 71 north of Cornelius. I acknowledge that on December 2010, the Board adopted a Supplemental Reserve Intergovernmental Agreement (IGA) designating Area B of Reserve 71 as a rural reserve and support a full and documented adoption of this IGA.

The geographic location of this property is crucial for the ecosystem of the area. A portion of Area B located north of Spiesschaert Road is a wetland. Indigenous wildlife including deer, elk, Canadian geese, wood ducks, and quail rely on this rural reserve. Currently, this wildlife is comfortably cohabitating within the farming operations.

The property in Area B of Reserve 71 is without question high value farm land (Land Conservation and Development Commission, June 23, 2010). The property described in this letter meets the criteria described by the United State Department of Agriculture (USDA, 2005) for sustainable agricultural land. Irrigation infrastructure by the Tualatin Valley Irrigation District has been established on the acreage immediately north of Spiesschaert Road. This irrigation infrastructure substantially increases the high value of the farm land secondary to the unlimited possibilities for crop production. For example, this property produces abundant food sources for both local and national consumption without depleting the earth's resources or polluting the environment. In addition, the property in Reserve 71 further sustains social values associated with the heart of rural America; i.e. this property promotes local jobs, instills strong work ethics, and supports a good quality of life for the surrounding community.

Compelling justification for designating this valuable farm land as urban reserve does not exist. A review of arguments that support an urban designation do not provide substantial evidence to support the need. For example, no public data is readily available that describes current or projected resource utilization of surrounding housing, libraries, parks, and businesses. Instead, citizens are left questioning if the current available resources in surrounding cities are or are not meeting the current and projected needs of the population.

Again, I urge the Washington County Commissioners to keep Area B of Reserve 71 in rural reserve. Please contact me directly with questions or comments.

Sincerely,

Lorretta Krautscheid
503-574-2353

Laura Dawson-Bodner

From: David Pell
Sent: Friday, March 11, 2011 7:44 AM
To: Reserves
Subject: reserves and riparian areas

Howdy,

It would be nice to see increased riparian protection on all land regardless of designation.

This link gives a brief summary of the values of riparian buffers.

<http://www.kingcounty.gov/environment/animalsAndPlants/salmon-and-trout/riparian-vegetation.aspx>

Thanks,
Dave Pell
Oregon Zoo Horticulture
Gardener I
503-226-1561 X5543

A society is defined not only by what it creates, but by what it refuses to destroy. *-John Sawhill*

Laura Dawson-Bodner

From: sheyennend@frontier.com
Sent: Friday, March 11, 2011 8:44 AM
To: Reserves
Subject: Metro Feedback to proposed WA County Land Use Changes

Importance: High

3/11/11

Dear Metro & WA County Commissioners:

We live on the east side of Susbauer Rd. Our property (1.98 acres) has just been changed and rated as "undesigned." We are pleased it has been removed from the light industrial urban development since it would not have been a good industrial area. Many families live here and their homes would be uprooted. However, we still appear to be in the urban growth boundary area. Could you please advise what an "undesigned" area means in Metro terms & how that changes our status in the proposed urban growth plan? Our property has a creek running through it, & a good portion of the lower area is considered flood plain.

We understand Cornelius's desire to expand, but having lived at our location since 1976, it appears to us that the City of Cornelius has had many opportunities to develop in the past & has made some questionable choices. There are many vacant business locations along Highway 8, which runs through the City. They used to be vibrant businesses. A piece of property behind Fred Meyer still is undeveloped. The property across the railroad tracks went in as residential. It would have been an ideal area for light industrial, since it is close to Susbauer Road and only 5 miles from the freeway. There is a huge light industrial area in Hillsboro from where employees could work. Cornelius is a farming community. It should stay that way & support its farmers.

We are concerned because decisions are being made about our property; yet we have no ability to vote for a Metro representative. We are also concerned about the use of prime farm land in the past for developmental purposes. When do we say "enough development is enough?" When do we say, our capacity for population growth has been reached? If our prime farm land is removed for people and housing, from where will our food supply come? One of our main goals should be to protect our productive farm land.

Thank you for the chance to speak.

Sincerely,

Virgil Hockett
Beth Zetter
1260 NW Susbauer Rd
Cornelius, OR 97113

Laura Dawson-Bodner

From: w e [arfarmland@gmail.com]
Sent: Friday, March 11, 2011 3:23 PM
To: Reserves
Subject: Rural Reserves Letter
Attachments: Rural Reserves.pdf

Washington County Commissioners,

attached is my letter of opposition to include land in North Cornelius into the Urban/Undesignated Reserves.

Thank you for reviewing my letter,
William Evans
Cornelius, OR

March 10, 2011

Re: Opposition to Inclusion of Land in North Cornelius in Urban/Undesignated Reserves

Dear Washington County Commissioners,

As a life-long citizen of Washington County and current resident in the Cornelius community, I strongly oppose the March 2, 2011, recommendation of the Washington County Planning Commission whereby they seek to add property north of Cornelius in the Urban Reserves, demonstrating their total disregard for LCDC's remanded decision removing the Cornelius property from Urban Reserves.

Most specifically, I petition that the property north of Cornelius be placed in Rural Reserves for the preservation of the economic stimulus provided by local agri-business operations and to sustaining the livability of our community.

I strongly oppose any recommendation or decision to include property north of Cornelius in Urban/Undesignated Reserves for the following reasons:

- The farmland north of Cornelius is premium topsoil that produces food that feeds our local citizens, addressing food-security concerns being raised by communities across our nation. In addition, the agri-business commodities produced on this land have a positive local, as well as national economic impact.
- Farms north of Cornelius provide employment opportunities for local residents. There appears to be little to no mention in media stories of the employment opportunities that exist within the agri-business community.
- Council Creek functions as a natural buffer zone between the incompatible land uses of residential and agri-business operations. To include land north of Cornelius will remove that natural buffer zone, impacting the agri-business operations that occur within rural areas.
- Urbanization is a threat to many natural habitat and species. This portion of the county is rich with wildlife and native plant species.
- The city (Cornelius) has and continues to address local funding issues. Providing land is not going to fix these economic issues faced by the city, as the city lacks underlying capacity to develop the urban infrastructure. A better location for urban growth would be placed in adjoining city(s) that have proven planning and capacity to develop streets, utilities, and bring in businesses that stimulate the economy.
- The city lacks cost efficient water, sewer and utility services to support business growth. The cost for water in Cornelius is much greater than the cost in Hillsboro or other jurisdictions. Why would a business want to locate in a city that has high utility costs?
- An ideal location for Urban Reserves would be located near a transportation corridor for freight transportation and a commuter rail to support employee transportation needs. Cornelius is not in a position to access these resources as efficiently as other proposed Urban Reserve sites.
- Lastly, the City had an opportunity to develop the lands north of the railroad tracks between N 19 Avenue and N Hobbs Road; however, they chose to develop this into housing.

For these and many other reasons, I would petition the Board to move forward with the proposed plan to conform to the LCDC ruling in removing the Cornelius property from the Urban Reserves, and recommend this property be placed in the Rural Reserves to sustain the eco-friendly agri-businesses that have and continue to reside on this land during the past century. Thank you for your consideration.

Respectfully,



William Evans
Cornelius, Oregon

Laura Dawson-Bodner

From: Nathalie Darcy [fannocat@msn.com]
Sent: Friday, March 11, 2011 4:01 PM
To: Reserves
Subject: Comments for joint hearing
Attachments: reserves letter 3-11.pdf

Please see attached

Nathalie L Darcy
9355 SW Brooks Bend Lane
Portland OR 97223
503-452-4320
fannocat@msn.com

9355 SW Brooks Bend Pl
Portland OR 97223

March 11, 2011

Washington County Board of Commissioners
Metro Council

Re: Washington County Urban and Reserves

I cannot support the designation of farmland north of Cornelius and in the Helvetia area as urban reserves. I ask that the County Commission and Metro Council thoughtfully consider the State Agency letters of October 14, 2009 and January 20, 2010 along with the Oregon Department of Agriculture letter of March 8, 2011. While these documents are only a few items in a very large record, I believe they should be given considerable deference, considering their source.

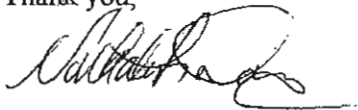
Based on my read of those documents, it is quite clear that Areas C and D are not appropriate for urban reserves and would constitute an intrusion into valuable, irreplaceable foundation farmland.

Area C meets all the factors for rural reserves. The proposed projection of an urban node into foundation farmland places the remaining farmland at risk of declining integrity.

Area D should not be designated urban as it this would constitute an urban intrusion into an agricultural area that otherwise has a "hard edge". Highway 26 currently separates Area C from urban areas to the south. In removing this separation and allowing urban north of 26, one of the goals of the reserves process, to properly segregate urban and rural uses, is defeated.

I urge Washington County and Metro to remedy the findings for Forest Grove's reserves but to not adopt Areas C and D. Rather, I urge that no other urban additions be made to the map previously submitted to LCDC.

Thank you,



Nathalie L. Darcy

Laura Dawson-Bodner

From: Mike,Debbie Duyck [duyckfarm@juno.com]
Sent: Friday, March 11, 2011 4:04 PM
To: Reserves
Subject: Washington County rural reserves

To: The Metro Council and the Board of County Commissioners,

We are supporting a rural reserve designation for Area B, the west portion of the proposed Reserve Area 71 north of Cornelius.

Mike and I have a small dairy farm operation, we grow all the feed for our animals. We also have a fresh market produce business which feeds many people in Washington County.

The rural reserve designation assures us that we can continue to produce milk, and grow food for people, and that our family may be able to do the same in years to come.

Thanks for all the work that you have done on this matter. Please feel free to contact us with further questions.

Sincerely,

Mike & Debbie Duyck
Mike & Debbie's Produce
2330 NW Cornelius-Schefflin Rd
Cornelius, Oregon 97113
503-359-4739

Laura Dawson-Bodner

From: ethel duyck [edethell@hotmail.com]
Sent: Friday, March 11, 2011 4:19 PM
To: Reserves
Subject: Washington County Urban and Rural Reserve
Attachments: Oppose Cornelius Urban Reserve.pdf

Please accept this letter regarding my concern of the property located in North Cornelius being considered for Urban Reserve discussion by the County on March 15, 2011.

Thank you.

Ethel Duyck

March 10, 2011

Re: Opposition to Urban Reserves in North Cornelius

Dear Washington County Board of Commissioners,

As the property owner of **153 acres located directly north of Cornelius** and within the area being considered for Urban Reserves, I write in opposition of Urban Reserves and **request the Board designate the property north of Cornelius as Rural Reserves.**

This property is currently supporting a dairy operation, produces grain crops, and is a vital fresh fruit and vegetable farmer market that draws customers from not only Washington County, but customers who drive here from other metro counties and the coast to purchase quality products.

Our family farm has been supported by three generations and employs local residents to support the farm operation. Our farm will continue to be a business serving the needs of our local community and providing employment opportunities for many decades should your Board protect this property from developers with a decision to designate the land north of Cornelius as Rural Reserves.

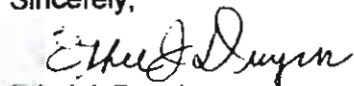
As the city of Cornelius has expanded over the years, our farm operation has experienced the challenges with operating a business near a community that doesn't understand farm operation activities, the dust created while planting and harvesting crops, the occasional odor created while maintaining dairy animal waste, etc. There needs to be a buffer zone that provides for residential/industrial livability and farm operation. We have that buffer zone currently with Council Creek – retain this natural buffer zone through a decision of Rural Reserves.

In the preliminary Urban/Rural Reserves, my farm was split in half with the dairy animals and barns on the westside of Cornelius-Schefflin Road (designated Rural Reserve) and the land that supports the dairy operation on the eastside of Cornelius-Schefflin Road (designated Urban Reserve). We could not operate a dairy without the land to support the dairy animals. Placing all land north of Cornelius in Rural Reserves would prevent the impact from this inept planning process.

I read in the newspaper that the city of Cornelius is seeking 350 acres north of Cornelius in their latest proposal to the Washington County Planning Commission (March 2, 2011). I would like to go on record that the city of Cornelius has never contacted me regarding their efforts to place my land within their long-range Urban Reserve plan. This is unfortunate - as I would have explained to them that they would not acquire my 153 acres, as our family intends to keep the farm in operation for future generations. This leaves a deficit of land in their master plan, and the overall planning needs of the county.

Thank you for your support in protecting family farms through your decision to designate the land north of Cornelius as Rural Reserves.

Sincerely,



Ethel J. Duyck
2125 NW Cornelius-Schefflin Road
Cornelius, Oregon

Laura Dawson-Bodner

From: duyckjo@juno.com
Sent: Friday, March 11, 2011 4:19 PM
To: Reserves
Subject: urban reserves
Attachments: urban reserve.pdf

Please see the attached document

Thanks

Joe Duyck

March 11, 2011

Metro Council and Washington County Board of Commissioners

I am writing in support of maintaining the current urban reserve boundaries that exist north of Council Creek in Cornelius Oregon. The first reason is that as a prospective 4th generation farmer in Washington County it is hard to make future plans. Having watched the growth of the city for the last 20 years it is hard to understand why more land is needed for the city. Over the past year my family has worked extremely hard to establish a very strong business growing fresh fruits and vegetables and marketing them at our local farm stand. If this expansion were to occur it will encompass over half the land that we currently use to produce these products, and our Market Stand. With the ever tightening profit margins it is impossible to uproot a business and try and have it succeed. We realized how hard any major change can be on a business this past year when the road was closed for an entire summer for construction. If the reserves are moved beyond their current borders this will cause many problems for our farm. The biggest is as this land is developed conflict will arise between agriculture and development.

Secondly the Council Creek Boundary provides a clean border separating the city limits and the rural reserves. This boundary makes it possible to carry on day to day farm activities that sometimes occur well after dark. As more development occurs and more people move up against rural areas the ability to farm becomes very difficult. From complaints of dust to noise most people will say they want to live in the country but once they do they can't stop complaining about it. If the property being proposed for the urban reserve was all owned by one person it wouldn't be a problem they could decide how quickly the development should occur. But since it is owned by many, as parcels are sold it makes it extremely difficult for the ones who want to keep farming.

There are many more arguments that can be made for maintaining the current borders and not expanding them, but I will end with this, it seems the issue for this area is a continuing one of debate. Why keep arguing over the same property. Please keep the borders the same since this issue has already been discussed to death.

Sincerely,

Joe Duyck

Laura Dawson-Bodner

From: Sandra Hanson [sanhan22@hotmail.com]
Sent: Friday, March 11, 2011 4:31 PM
To: Reserves
Subject: Reserve Zoning

To: The Metro Council and Washington Count Planning Commission,

My name is Joe Strasburg, and I live at 1495 NW Hobbs Rd. East of Susbauer Rd North of Cornelius. I have lived at this address since 1998, and have seen a lot of acreage adjacent to Industrial Property turned into houses and retail Property. While at the same time the Cornelius City Council keeps saying, we need more Industrial property.

As a land owner, why should I give up my property rights because of the City's poor planning decisions. Also the states Land Conservation and Development Commission has already ruled against the City of Cornelius and the Metro Council in 2010 declaring our property as foundation Agricultural land. I and most of my neighbors wish to have our property Zoned Rural Reserve.

Please include this in the public comment report that will be provided to Metro Councillors and Washington County Commissioners.

Sincerely

Joe Strasburg

Laura Dawson-Bodner

From: Kendra Hodson [khodson@jameslawgroup.com]
Sent: Friday, March 11, 2011 2:52 PM
To: Reserves; cao@co.washington.or.us
Cc: Hank Skade; Robert Burnham; Dan Cooper; chip.lazenby@multco.us; Chris James
Subject: Submission in connection with March 15 Joint Hearing
Attachments: LT Metro & Wash Cnty icw 3 15 11 hrg FINAL PDF.pdf

Dear Council Representatives and Commissioners:

Attached is a letter on behalf of the owners of property within the "L" contained in Area 9b, submitted in connection with the joint hearing between Washington County and Metro Council scheduled for March 15, 2011. We intend that this letter should be part of the record considered prior to any vote on the resolution relating to the proposed Intergovernmental Agreement concerning the reserve designations.

If you have any questions or cannot access the document, please contact us immediately. Additionally, we would appreciate it if you could let us know if we need to bring additional hard copies of the submission to the hearing.

Thank you,

Kendra S. Meinert Hodson
The James Law Group, LLC | 1501 SW Taylor Street, Suite 200 | Portland, OR 97205
T: 503.228.5380 | F: 503.228.5381 | www.jameslawgroup.com

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ATTORNEYS:

CHRISTOPHER JAMES
CHARLES MARR
KENDRA S. JOHNSON

ATTORNEYS

* ADVERTISING ATTORNEYS ONLY *

March 11, 2011

VIA ELECTRONIC MAIL

Metro Council
600 NE Grand Avenue
Portland, Oregon 97232
reserves@oregonmetro.gov

Washington County Board of Commissioners
County Administrative Office
155 North First Avenue
Suite 300
Hillsboro, Oregon 97214
cao@co.washington.or.us

Re: March 15, 2011 Joint Hearing to Consider a Revision to the Supplemental Intergovernmental Agreement concerning Urban and Rural Reserves

Dear Council Representatives and Commissioners:

This letter is submitted on behalf of certain owners of property contained within the "L" in Area 9B, to supplement the previous objections submitted by and on behalf of these property owners both individually and as a group. These property owners object to the designation process that allows newly proposed "urban reserves" in areas that are designated as farmland by the Department of Agriculture and the Farm Bureau, and are actively utilized for farming, while the designation of the "L" as rural reserve is scheduled to be approved by the LCDC. As discussed herein and in our previous submissions, the inequitable treatment of the "L" exemplifies the inherent flaws in the reserve designation system, the manner in which the Oregon Administrative Rules were applied to this project, and in the Rules themselves. We do not intend to repeat matters previously supplied in our objections to LCDC or our letter of November 17, 2010 to Steven Shipsey, Esq., which has been circulated to the state agencies involved in the

reserve designation process.¹ We now object to a process involving conclusionary factual findings, before any legal order of remand, and without standards or any ability to challenge error, the very core of *bona fide* agency action. We preserve the record with respect to the errors of the reserve designation process.

Under LCDC's supervision, through the promulgated rules, the relevant counties and Metro were entrusted by statutory mandate to provide a framework to identify the property interests that are likely to be impacted, assess the likely degree of the impact on identified property, and to assess whether alternative actions are available that would achieve an underlying lawful governmental objective and would have a lesser economic impact. ORS 197.040(1)(b)². The statute is obligatory. A delegation does not suspend its operation. The rules are only valid to the extent that they are consistent with both the applicable statutes and land use planning goals. Wetherell v. Douglas County, 342 Or. 666, 676, 160 P.3d 614 (2007) (citing City of West Linn v. LCDC, 200 Or.App. 269, 275-76, 113 P.3d 935 (2005), *rev. denied* 339 Or. 610 (2005)). The statutory mandate preempts the rules, and the local governments are bound by the statute, regardless of the rule. See Wetherell, 342 Or. at 682 (holding that LCDC may not require a local government to make land use decisions utilizing standards that do not comply with statutory definitions, and invalidating an OAR that precluded consideration of factors that were appropriate under the statute). Thus, Metro and Washington County are obligated to perform the assessment and balancing set forth in ORS 197.040 regardless of the language of the OARs. See Jordan v. Douglas County, LUBA No. 2001-045 (Or. LUBA, 2001) (A local government's decision will be reversed or remanded if it fails to follow applicable statutes and procedures.)

Washington County and Metro's proposed IGA utterly lacks any compliance with ORS 197.040. Facially, it does not compare the proposed solution to other solutions region-wide. It is constitutionally invalid because it does not treat similar land similarly. This project was not undertaken with the requisite impartiality, and the result – proposed urban reserves in areas described as the best farmland in the world while other land, admitted by all to be conflicted, not feasibly tillable, and abutting an already urbanized city, is unduly burdened with a rural reserve designation that means fifty years of nonuse – is preposterous.

¹ The objections submitted at the local level by the property owners, the objections submitted in connection with the October 2010 hearing before the LCDC by the property owners and by this law firm, and our November 17, 2010 letter to Steven Shipsey are incorporated herein by reference.

² ORS 197.040(1) further incorporates the overarching principle of equity set forth in ORS 197.010 and requires that the Commission shall adopt rules that it considers necessary to carry out the land use statutory mandate, including, in relevant part, mandating that the Commission:


- “(C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;
- (D) Assess the likely degree of economic impact on identified property and economic interests; and
- (E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact.” (Emphasis added.)

The anticipated response, that Washington County had to look only within its own borders for land suitable for urban reserve, is contradicted by the basic premise of the statutory model. The reserves are intended to be a region-wide planning tool, and limiting the analysis to a politically delineated area improperly ignores the express mandate of the statute and the federal and state constitutions. Applying the criteria in different ways and **weighing them differently** based upon the land's location in relation to the county line violates both the letter and the spirit of the applicable OARs and ORS 197.

Our clients, as well as the other landowners and citizens of the Portland metropolitan area, deserve a fair and constitutional land use process by which the state's interests are balanced against the economic impact of the governmental actions and decisions made based upon the legislative mandate and appropriately crafted rules, and by which these decisions are made and applied in an equitable, nonpolitical manner. Despite this fundamental constitutional right, our clients have been ignored, marginalized, and their land subjected to arbitrary application of the reserve factors in a manner to which no other land in the reserve designation project was subjected. With each review, and each abdication of responsibility, one can only conclude that this is a willful disregard of constitutional rights.

We respectfully request that Metro and Washington County vote not to approve the proposed Intergovernmental Agreement to Re-Designate Urban Reserves in the County and instead reconsider this decision in a manner that conforms with the Oregon State Legislature's statutory mandate and the constitutional principles of equal protection and due process. Metro's decision to select optimal farmland for urban reserves instead of available exception land that meets all the criteria for "first priority" under OAR 660-021-0030(3)(a) has already been remanded by the Commission. Metro has the opportunity to correct this inequitable use of the urban reserve designation. Further, Metro should recognize and apply, formally and fairly, the required tests of the applicable statutes and constitutions. It is the agency who must impose this responsibility across political subdivisions.

Respectfully submitted,



Christopher James

Cc: Dan Cooper, Esq. (via electronic mail)
Henry Lazenby, Jr., Esq. (via electronic mail)
Mr. Robert Burnham (via electronic mail)
Hank Skade, Esq. (via electronic mail)

From: Doug Bingham [doug@easystreet.net]
Sent: Sunday, March 13, 2011 10:22 PM
To: Reserves
Subject: Comments on land designations

I am in favor of strong boundaries and would hope that the new Undesignated areas would be changed to Rural Reserve. The Undesignated designation looks strangely like future Urban Reserve, which is inappropriate. It would be easier on everyone if the policy would be adopted that if the land in question is high quality farmland, then it is OFF THE TABLE. Then people could get busy being creative with the appropriate land.

Along this line (and I know this is not up for discussion), the high quality farm field at the intersection of Roy Rodgers and Sherwood-Scholls roads should be designated Rural Reserve (5B).

Douglas B. Bingham

Laura Dawson-Bodner

From: Deb [kapferd@upwardaccess.com]
Sent: Monday, March 14, 2011 10:10 AM
To: Reserves
Subject: Proposed Urban Rural Designations

Greetings

This is to state that I am opposed to moving prime farm land in Helvetica into the urban growth boundary. Growth can become unsustainable. Consider what is happening in Japan. We need to hold onto precious farm lands to feed people. Local is truly best.

Thank you for considering my opinion.

Deborah Kapfer
31838 SW Laurel Rd
Hillsboro, OR 97123

Washington County
Board of
Commissioners
&
Metro
Joint Hearing

March 15th, 2011

Washington County
Received Testimony



CITY OF CORNELIUS

March 10, 2011

Commissioner Dick Schouten
Washington County Board of Commissioners
155 N First Avenue, Ste. 300
Hillsboro, OR 97124-3072

Dear Commissioner Schouten,

Here is a simple and positive way to tie a bow around Urban and Rural Reserves and be done.

Please review the enclosed Community - Farmland Compromise Map of Rural and Urban Reserves in Washington County. This map is the result of discussions among both farming advocates and community advocates of 50-Year Reserves in Washington County. Our community's hope, even expectation, is that broad and diverse support for this compromise will be voiced in the next several days prior to joint meeting of Metro and Washington County on March 15th.

We are glad that Chair Andy Duyck of the Washington County Board of Commissioners and President Tom Hughes of the Metro Council proposed a map of Reserves in response to the oral decision by LCDC last October. We believe that LCDC was misinformed when they voted to selectively remand Regional Reserves for omission of land north of Cornelius. But with no written final order that express the facts upon which the LCDC decision was based, our community had no opportunity to show the record that counters the verbal reasons given by the Commission.

The "Hughes-Duyck" proposal before the Washington County Planning Commission last week and the Metro Council and Washington County Board next week gives us that chance to make our case. The proposal on the table omits all 625 acres of Urban Reserve land north of Cornelius that was approved by the County and Metro last summer and instead, locates 585 acres of Urban Reserve north of Highway 26 on Helvetia farmland. This was simple and put both Cornelius and farmland protection interests to work in common cause to perfect a final proposal.

The Community - Farmland Compromise (three logical map changes) begins with a drastic cut-back to 350 acres of Urban Reserve land flattened along the north of Cornelius where much of the land is already Exception Land. It relocates 274 acres of Urban Reserve land adjacent Rosedale and Farmington Road, where there is support from all stakeholders, and so the County retains roughly the same number of Urban Reserve acres as approved last summer. It shows zero (instead of 585) acres of Urban Reserves north of Sunset Highway on better Helvetia farmland.

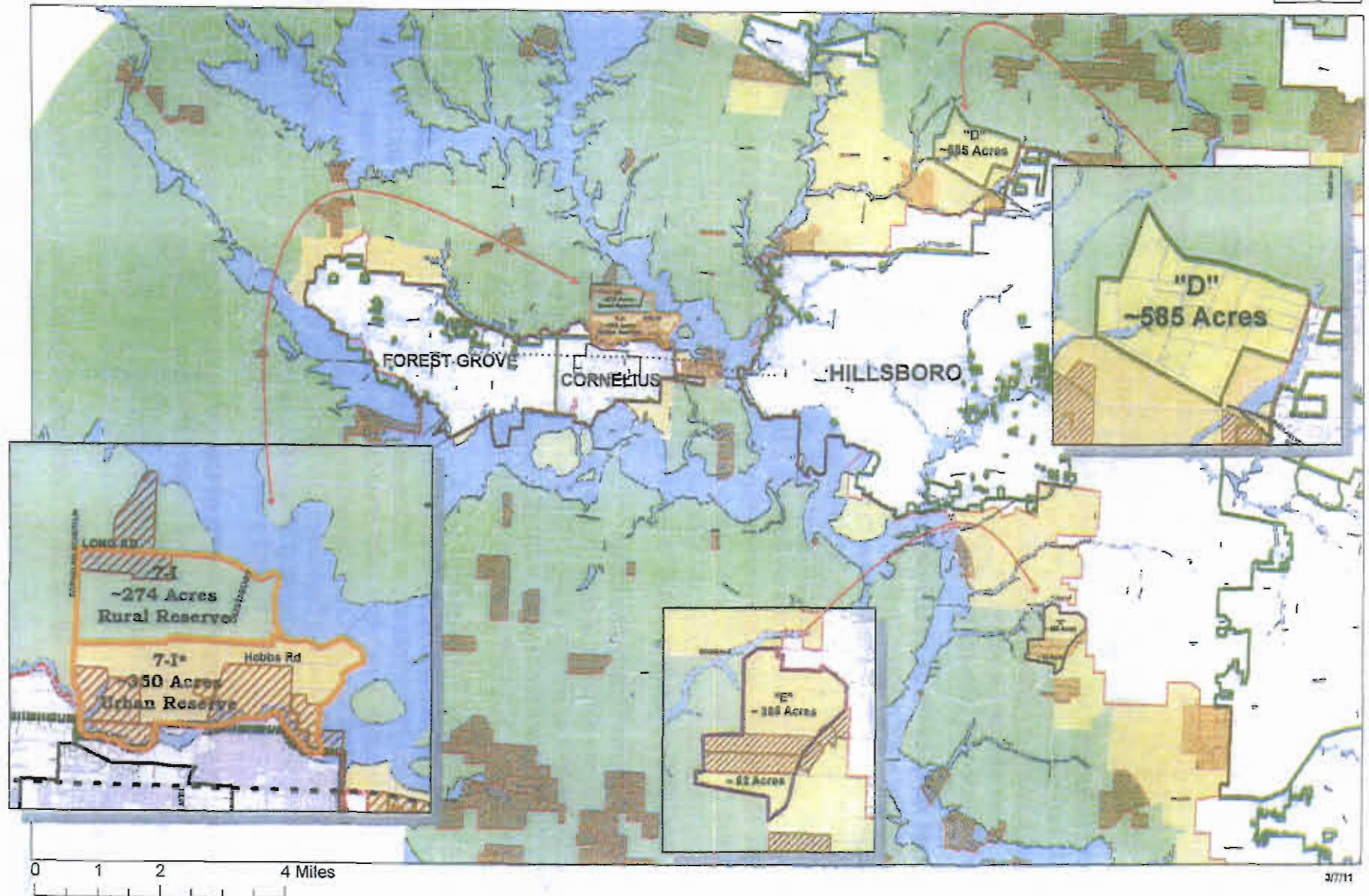
We believe that this refinement is the fairest and most acceptable Washington County Reserves Map to the different people and interests in this County, Region and finally to LCDC and the courts.

Thank you for your best consideration.

City of Cornelius Council and Planning Commission



Draft Community - Farmland Compromise



Net acreage difference between Ord. 733 and Compromise
 -17 Urban Reserve Acres
 - 73 Rural Reserve Acres
 + 90 Undesignated Acres

- Legend**
- Area "7-1" to Rural and Urban
 - Area "D" to Undesignated
 - Area "E" to Urban and Undesignated
 - Rural Reserve areas
 - Urban Reserve areas
 - Undesignated
 - Exception Land
 - UGB
 - Town Center
 - Future LRT



CITY OF CORNELIUS

February 24, 2011

Washington County Planning Commission
155 N First Ave., Suite 350
Hillsboro, Oregon 97124

RE: Urban Reserve for Jobs in Cornelius – Amendment to Hughes/Duyck Proposal

Dear Washington County Planning Commissioners:

In your deliberations on the new urban and rural reserves proposal on March 2nd, please consider an amendment that may bring both the City of Cornelius and Save Helvetia advocates on board for a better compromise.

Having not been invited to the compromise table during this past month, Cornelius has not had the chance to present one last desperate compromise urban reserve area for future jobs that is just half the size that was approved by Washington County and Metro last summer. All or most of this 350 acre area has been approved before for urban uses – Urban Reserve in 1982, Exception Lands in the 1990's, UGB expansion in 2004, Metro Hearings Officer decision in 2007, and Urban Reserves in 2010 – only to be reversed by politics. We present this map to you because a minimal amount of land to grow jobs over the next 50 years is a matter of survival for our community.

Cornelius – the low-income minority community that is just a twenty minute walk from here – has been held back for a decade from fair and equal opportunity to develop into a complete, healthy community. Lost in these past ten years are a major fruit processing business, a hospital, a state certified 50-acre industrial site, and business momentum – for lack of land.

Cornelius does not have enough land for jobs for most of its residents who work right now. This causes expensive commutes to Hillsboro and beyond – expensive to families, infrastructure, energy, and the environment. LCDC's misinformed verbal decision on Urban/Rural Reserves last October and the County and Metro's proposal to accept it with no challenge – leave Cornelius with no more land suitable for jobs to meet today's needs, much less for 50 years into the future.

Ordinance 740 as proposed, makes it impossible for Cornelius to achieve its plans to be whole and sustainable. It means Cornelius will be a burden to Hillsboro, Washington County and the Region. Worse, the only city in the region that is being denied land for industrial development for 50 years happens to be the only city in the region whose majority of residents are ethnic minorities and low-income. This raises serious socio-economic justice questions, which we promise to ask.

Please recommend an amendment to this Urban/Rural Reserves Map and ordinance to include a smaller Urban Reserve north of Cornelius drastically reduced from 624 acres to 350 acres, as depicted on the following map, and at least 300 fewer acres of Urban Reserve in the Helvetia area north of Sunset Highway where Helvetia representatives do not want it. With this amendment, this regional compromise will gain the support of both conservationists and socio-economic justice advocates, including the City of Cornelius. Our community deserves the opportunity to be livable and sustainable – just like every other jurisdiction in this region.

Thank you for your public service.


Sheila Griffie, Chair
Cornelius Planning Commission



Oregon

John A. Kitzhaber, MD, Governor

Department of Agriculture

Office of the Director

635 Capitol Street NE

Salem, OR 97301-2532

(503) 986-4552

FAX: (503) 986-4750

RECEIVED

MAR 11 2011

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE



March 8, 2011

Metro President Tom Hughes
600 NE Grand Avenue
Portland, Oregon 97232

Washington County Commission Chair Andy Duyck
155 North First Avenue, MS-21
Hillsboro, Oregon 97124

Dear President Hughes and Chair Duyck:

This letter is provided by the Oregon Department of Agriculture (ODA) in response to the proposed rural and urban reserves map released on February 22, 2011 by the Metro Council President and the Chairman of the Washington County Board of Commissioners for Washington County. We offer the following comments for your consideration.

By letter dated October 14, 2009 (see attached), the nine Oregon state agencies involved in the rural and urban reserves planning efforts as members of the Reserves Steering Committee submitted coordinated state comments to that committee. In a letter dated January 22, 2010 (see attached), the same state agencies reaffirmed their comments to the Core 4 in response to deliberations related to the designations of reserves. We would like to again reaffirm those comments, especially as they relate to the February 22 referenced above.

Three of the proposed adjustment areas are of particular concern.

Area C, located north of Council Creek in the Cornelius area, proposes to change 194 acres from urban reserve to "undesigned" status. This area was recommended for designation as rural reserve by the state agencies in previous comments. We continue to support and recommend designation of these lands as a rural reserve. This area is Foundation Agricultural Land and meets all the factors in the law for the designation of rural reserves. We also remained concerned that any protrusion north into this core agricultural area will put the agricultural integrity of the area at risk.

Area D, located north of U.S. Highway 26 and west of Helvetia Road, proposes to change 585 acres from "undesigned" status to urban reserve. This area was specifically called out in the state agency comments dated October 14, 2009.

The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a "hard edge" to the boundary in this important agricultural region, except for an area just east of the City of North Plains, which could remain "undesigned." In addition, the land south of Highway 26 in the vicinity of North Plains should be designated rural reserve (rather than current proposal as "undesigned") in order to steer urbanization for North Plains north of Highway 26.

We continue to support the agencies recommendation that this important agricultural area be designated rural reserve.

The last area, Area E, located south of SW Rosedale Road, would change the designation of 383 acres from rural reserve to urban reserve. This area was recommended for designation (concurrence with the COO recommendation) as rural reserve by the state agencies.

We had commented in the state agency letter that Butternut Creek and the golf course located in the area would provide a good buffer between the urban area and agricultural lands. The majority of the agencies agreed with the COO recommendation (south to Rosedale Road). The agencies pointed out that Foundation Agricultural Lands are located in the southwestern portion of the area and recommended that these lands should be included only if necessary to meet regional needs. The proposed addition to this area would cross Rosedale Road and further protrude out into the Foundation Agricultural Lands located in this area.

Finally, we would like to reiterate our past general comments about the analysis conducted by Washington County as it relates to the capability and suitability of lands for agriculture. We first provided comments to the county in an email to Jim Tice dated November 19, 2008 (see attached). In the later state agency letters, our concerns were again discussed.

The factors in OAR 660-027-0060(d)(A)-(C) need to be more carefully considered in determining the location of rural reserves. With respect to irrigation, there seems to be too much reliance on whether or not lands are located within irrigation districts. Many high-value crops are grown in the region without irrigation. Irrigation typically is not needed for several key crops (grass seed, legume seeds, hay, grapes once established, etc.). We also note that Washington County ranks lands within water-restricted areas lower. Agricultural lands with water rights in these areas should be protected (not identified for urbanization) since they have a supply of water, and additional supplies will not likely be available. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This inventory appears to devalue most of the agricultural lands that ODA determined to be Foundation Agricultural Lands (e.g., such lands are shown as 5.99-6.76 on the county's scale). These lands are the heart of Washington County agriculture. This inventory should not be used to evaluate lands for agricultural value. A separate measure of forestry and a separate measure of natural features could be combined to determine where they overlap, but each characteristic should not be used to measure the value of another.

It appears that Washington County has given greater weight to viticulture lands when compared to other agricultural lands. This tends to devalue the bulk of the county's non-viticulture agricultural land base located in the Tualatin Valley. ODA strongly agrees that viticulture lands are an important part of the region's agriculture base. However, they do not provide the wider range of options for agriculture as do lands on the valley floor, and viticulture products do not rank higher in total value than other products grown in the county, such as nursery products, seed crops, fruits and nuts.

Washington County indicates in its report that areas of high parcelization were rated comparatively low for agricultural value, and that areas where a majority of tax lots are less than 35 acres are considered "parcelized." This 35-acre threshold is not a reasonable standard for parcelization and does not reflect the nature of farms comprised of constituent parcels and the practice of renting and leasing lands. Furthermore, the county states that it uses residential dwelling density as an indicator. This is problematic, as this analysis makes no distinction between farm dwellings and nonfarm dwellings. (See state agency letter dated October 14, 2009).

Much of the county analysis related to agricultural capability depends on a report done by an OSU Extension soil scientist (*Agricultural Productivity Ratings for Soils of the Willamette Valley*, J. Herbert Huddleston). This report provides an alternative method to characterize the relative fertility of soils in the Willamette Valley as an alternative to the agricultural capability system developed by the USDA Natural Resources Service that is commonly used in NRCS soil surveys, including the Washington County Soil Survey. Washington County staff has indicated their reliance on this report due in great part to their contention that the county soil survey is outdated.


The reference by county staff to the "published soil survey" in their testimony, both written and oral, in effect relates to the "paper survey" which refers to soils conditions in 1975 and later 1982. If this document was indeed the source for data used in soil capability analysis, we would agree that it is "outdated."

It is important to note that the "official" soil survey for Washington County (and most others) is now found electronically on the Internet. Electronic soil surveys are the source for most spatial analysis relating to soils used involving geographic information systems. The USDA NRCS Soil Survey Geographic (SSURGO) database for Washington County was the source of soils data used by ODA to conduct all analysis related to soils. Since 1982, this database has been updated numerous times by the NRCS. According to the most recent meta data information from SSURGO, the Washington County Soil Survey has received several updates since 2000, the most recent in 2010.

ODA staff has reviewed the Huddleston report. We would point out that the report is not dated, however cover notes within the report indicate that research on the subject began in 1976, making some of the assumptions about crop diversity and value rather dated. Data currently available within the official Washington County Soil Survey would be a much better source for data relating to agricultural capability. For further detailed analysis of this report see the attached memo from Paul Measeles, ODA hydrologist and a registered geologist to Jim Johnson, ODA Land Use Water Planning Coordinator.

Thank you for the opportunity to comment.

Sincerely,



Katy Coba
Director

Cc: Richard Whitman

Attachments: Letter to Core 4 dated January 22, 2010
Letter to the Regional Reserves Steering Committee dated October 14, 2009
Email from Jim Johnson to Jim Tice dated November 19, 2008
Memo from Paul Measeles to Jim Johnson dated November 19, 2010

MEMO

Date: November 17, 2010
To: Jim Johnson, Land and Water Planning Coordinator
Oregon Department of Agriculture
From: Paul Measeles, Hydrologist
Oregon Department of Agriculture
Re: Comments on "Agricultural Productivity Ratings for Soils of the Willamette Valley" A Paper Authored by J. Herbert Huddleston, Extension Soil Specialist, Oregon State University

In this paper Huddleston develops a novel method to characterize the relative fertility of soils in the Willamette Valley as an alternative to the NRCS (nee SCS) method currently in wide use. Though I couldn't find a publishing date for this paper, cover notes indicate that research on the subject began in 1976, making some of the assumptions about crop diversity and value rather dated.

The introduction includes statements that demonstrate the paper's outmoded assumptions. In it the author states that little yield data for crops exists to show the value of production by soil type. Since this paper was written the NRCS has greatly expanded its data on crop yields in the Willamette, and additional information on crop values per acre by county are included in the Oregon Agripedia, published by the Oregon Department of Agriculture. By inference with the county, the economic value of crops can be attributed to soil type.

The method of evaluating and ranking soil type described is interesting, and may provide a useful alternative to the NRCS methods for some uses. However, there are many assumptions made in application of the method that are not valid for certain crop types and agricultural practices that are now common in the Willamette. These crops include wine grapes, container nursery plants, and Christmas trees. None of these crops require NRCS class I or II soils for production, but the soils they typically are planted in would not be given high productivity ratings using the subject method.

In the discussion of the "Amendments" adjustments to soil productivity I'd say the author is using too broad a category. Some crops need very little amendments, while some require large amounts regardless of "native productivity." A common example of this is corn compared to perennial grass seed. Corn for silage typically needs relatively large inputs of nitrogen and phosphorus, while perennial grass seed normally needs less than 100 pounds of N per acre, and little to no phosphorus. Both of these crops can be grown on similar soils. The same is true for comparisons between hazelnuts and peppermint, and there are many other examples. This fact can drastically change how productive a soil is

for a given crop. I realize that Huddleston intended for the productivity ratings to reflect how diverse the crop types could be for each soil type, but I don't see this reflected in the corrections made for amendments at all.

In addition, there's no mention of how the uses of cold frames, hoop houses, greenhouses, and other growing structures increase the productivity of soil. A case in point for this example is Gathering Together Farm, located in Bento County between Philomath and Corvallis. This is an organic farm of about 45 acres, yet in 2009 their gross income exceeded \$1,000,000. As far as I know they are located on primarily on Dayton soils, classified by this paper as having a productivity value of 63 with amendments, drainage improvement, and irrigation. This is a moderate ranking. However, gathering Together Farms is one of the most profitable organic farms in the nation, and much of it is due to their wide use of hoop houses to improve soil warmth and protection from rainfall, two elements not addressed by this soil classification method. As mentioned previously, container nurseries also would not be addressed by this method of soil productivity rating for many of the same reasons.

Besides these concerns, Huddleston himself states on page 12 that "[P]roductivity ratings by themselves cannot and should not be used as the sole basis for management decisions."

Submitted By:



Paul Measeles, R.G.
Hydrologist



From: Jim Johnson <jjohnson@oda.state.or.us>
Subject: Rural Reserves Mapping
Date: November 19, 2008 3:42:29 PM PST
To: Jim Tice <Jim_Tice@co.washington.or.us>
Cc: Katy Coba <kcoba@oda.state.or.us>, Brent Curtis <Brent_Curtis@co.washington.or.us>, Doug McLain <dougmc@co.clackamas.or.us>, Chuck Beasley <charles.beasley@co.multnomah.or.us>, kathryn.harrington@oregonmetro.gov, John Williams <John.Williams@oregonmetro.gov>, Robin McArthur <mcarthurr@metro.dst.or.us>, Richard Benner <Richard.Benner@oregonmetro.gov>, David Morman <David.A.Morman@state.or.us>, Bill Ferber <william.e.ferber@wrđ.state.or.us>

Jim

As promised, here are some of my initial thoughts about the mapping Washington County is conducting for Rural Reserves as it relates to agricultural lands. For your consideration:

1. First and foremost, I would say that using GIS to apply and overlay data related to the RR factors is an excellent process. However, I am not convinced that a process that places weights on list of "values" (factors) is a good methodology to use when dealing with an industry as diverse as agriculture. This is especially the case in the northern Willamette Valley where the number of crops, type of operations and the number of agricultural practices is quite extensive. Having said this, I provide comment on your factors and weighting below.
2. In the Washington County memo (Oct. 30) explaining the county's GIS Suitability Mapping Project, it states that the RR factors in OAR 660-027-0060 are a "guide" for designating RRs. This is not how I understand the law. The statute states that the county and Metro "SHALL base the designation [of rural reserves] on consideration of factors, including, but not limited to...." and then lists the factors. The rule states: "...the county SHALL apply the appropriate factors in either section (2) [ag/forest] or (3) [natural resources] of this rule, or both." OAR 660-027-0060(1).
3. Therefore, while the county may be able to look at other factors, and I would support this in some cases (see below), I believe those other factors cannot be used to undermine the listed factors. It is also important to note that the rule & statute appear to give equal weight to all the listed factors. You may wish to discuss this with Dick Benner.
4. Proximity to the UGB is used as a measurement of "subject to urbanization." After reviewing your mapping which uses concentric circles around UGBs, I would remark that this is too simple a tool. Not all lands located within the first (or any) ring should be considered as equal. Proximity to major transportation corridors, interchanges and known "aspirations" and past actions should further inform the analysis of this factor. For example, the recent mapping/planning of the City of Hillsboro, past attempts such as the City of Cornelius' to include lands north of Council Creek and the "demand" for industrial lands near major transportation routes render the subject lands more subject to urbanization than other lands located within the same ring. In some cases, this would equate to lands in further out rings being more subject to urbanization than many lands located in the first ring.

Perhaps more important, this factor should be used to determine which agricultural lands should be

protected. It appears from your mapping that the county is using this as a limitation on agricultural lands resulting in a lower value for those lands located closer to an UGB. That appears to be the sole reason as to why a band of agricultural lands located around the county UGBs is rated at a lesser value. The ODA work took into account the implications of urbanization on long-term viability. A great deal of Foundation Land shares an edge with an UGB. What your proximity measure should indicate is not a lesser agriculture value but a higher need for protection. You may wish to review some of our discussion about edges, buffers and compatibility.

5. Another factor used in the county analysis is the ODA mapping (Foundation, Important, Conflicted). Many of the additional factors that the county maps are duplicative to those we used. Isn't this double counting a factor? And why some of the ODA factors, not all of them, used? Of specific concern:

- a. The lack of any additional measure/weight to the existence of or blocking of agricultural/forest lands. This is in fact a factor listed in OAR 660-027-0060(d)(A)-(C).
- b. Irrigation. Too much reliance on whether or not lands are located within the Tualatin Valley Irrigation District (TVID) and its associated infrastructure. Many high-value crops are grown in the region without irrigation. In a future situation where need is established and other lesser land is not available for urbanization and it gets down to deciding between one tract of agricultural land and another, then we should look at such elements. There are many examples of irrigated land in the areas the county has identified with a lesser value such as northwest and north of North Plains and in the Jackson School Road area. There are also many areas located within the TVID boundary that are not irrigated.
- c. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This factor appears to devalue most of the agricultural lands ODA determined to be Foundation Lands (they show as 5.99-6.76 on your scale). These lands are the heart of Washington County agriculture. This factor should not be used to evaluate lands for agricultural value. A separate measure of agriculture, a separate measure of forestry and a separate measure of natural features could be combined to see where they overlap but each should not be involved in a measure of the others value.
- d. Viticulture lands. Why the greater weight when compared to other agricultural lands? Again, this tends to devalue the bulk of the county's agricultural land base located in the Tualatin Valley. I would be the first to agree that these lands are an important part of the regions agriculture base. But they do not provide the wider range of options for agriculture as do the valley floor and they do not rank higher in total value than other products grown in the county such as nursery and

I will continue to evaluate the rural reserves work and also take a look at the urban reserves. If I come up with more thoughts, I will forward to you. Please contact me should you have any questions.

Jim

Jim Johnson
Land Use and Water Planning Coordinator
Oregon Department of Agriculture
Natural Resources Division

635 Capitol Street NE
Salem, Oregon 97301

Telephone: (503)986-4706
Fax: (503)986-4730
email: jjohnson@oda.state.or.us
<http://ecgov.oregon.gov/ODA/>



Oregon
Department
of Agriculture



Oregon Land Conservation
and Development



January 22, 2010

Metro Councilor Kathryn Harrington
600 NE Grand Avenue
Portland, OR 97232

Washington County Commission Chair Tom Brian
155 North First Avenue, MS-21
Hillsboro, OR 97124

Clackamas County Commissioner Charlotte Lehan
2051 Kaen Road
Oregon City, OR 97045

Multnomah County Commissioner Jeff Cogen
501 SE Hawthorne Blvd, Suite 600
Portland, OR 97214

Dear Core 4 Members:

On October 14, 2009, the nine Oregon state agencies involved in the urban and rural reserves planning effort as members of the Reserves Steering Committee submitted coordinated state comments to that committee. Today, we are writing to reaffirm our earlier comments, and to go formally on record before the Core 4 as it deliberates to a decision. Each of the undersigned state agencies asks that the attached comments be made a part of the Core 4's record.

The state agencies note that the proposed reserves maps that are currently being circulated for public comment differ in some respects from the agencies' collective recommendations. We wish to reaffirm our prior comments, while recognizing that they are general in nature and did not provide specific lines on a map. We also want to emphasize that the Core 4 decisions are not only critical to the region's economic growth, but have a direct impact on the entire economy of this state.

Finally, we wish to note our collective understanding that Metro and the counties intend that contemporaneously with the designation of reserves, Metro will be adopting amendments to its Urban Growth Functional Plan that will provide an important framework for future decisions about the circumstances under which lands within urban reserves will be added to the Metro urban growth boundary. In particular, we understand that the Functional Plan will require concept planning as a precondition to inclusion in the urban growth boundary, and that this planning will inform decision makers (public and private) about the projected costs and means of financing urban development as these lands are added to the region's urban area. We believe that it is extremely important that the Functional Plan amendments be adopted contemporaneously with the reserve designations, and ask that the region continue to coordinate with state agencies (as well as districts) on this important aspect of long-range planning for the region.

Thank you for the opportunity to comment. Please place this letter, as well as the attached letter dated October 14, 2009 into the record for the Core 4 proceedings.

Sincerely,



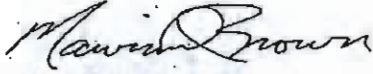
Richard Whitman, Director
Oregon Department of Land Conservation and Development



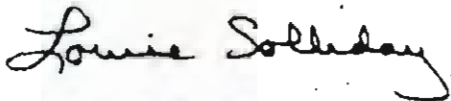
Katy Coba, Director
Oregon Department of Agriculture



Tim McCabe, Director
Oregon Business Development Department



Marvin Brown, Director
Oregon Department of Forestry




Louise Solliday, Director
Oregon Department of State Lands



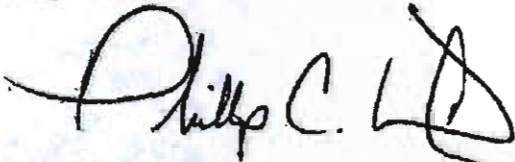
Matt Garrett, Director
Oregon Department of Transportation



Dick Pedersen, Director
Oregon Department of Environmental Quality



Jeff Boechler
Watershed District Manager
North Willamette Watershed
Oregon Department of Fish and Wildlife



Phil Ward, Director
Oregon Water Resources Department

Attachment: Letter to Reserves Steering Committee, 10/14/09
cc. Mark Ellsworth



business
oregon
where business grows



Oregon
Department
of Agriculture



Oregon Land Conservation
and Development



October 14, 2009

Metro Regional Reserves Steering Committee
Core Four
600 NE Grand Avenue
Portland, OR 97232

Re: State Agency Comments on Urban and Rural Reserves

Dear Reserves Steering Committee and Core Four Members:

The Oregon Departments of Agriculture, Forestry, Transportation, Business Development, Fish and Wildlife, Environmental Quality, Water Resources, State Lands, and Land Conservation and Development are pleased to provide the Reserves Steering Committee and the Core Four with our collective comments on the region's tentative proposals for urban and rural reserve designations. The region's ground-breaking effort to envision its long-term future management of urban and rural lands is an exciting experiment that is illustrating new ways to build great communities and lay the foundation for sustainable agriculture, forest management and natural resources protection.

In developing these comments, it is important to note that we are responding to preliminary recommendations from each of the three counties and from Metro staff. The counties and Metro have yet to make final decisions concerning either the amount or location of urban or rural reserves. We all appreciate the substantial work that has gone into this important effort, including countless hours of public involvement, and we recognize that the final product will continue to be refined and to evolve over the next few months.

The state agency comments focus on *state-level* interests in how the Portland Metro region will accommodate the projected 1.3 to 2.1 million additional people that will live and work in this area over the next fifty years. Other members of the Steering Committee, appropriately, will focus on regional and local considerations. Metro and the three counties will need to consider all three levels of interests in reaching their final decisions about urban and rural reserves.

Finally, each of the nine state agencies represented in the Reserves Steering Committee has a particular set of responsibilities and duties. These collective comments were not arrived at lightly, and reflect significant discussion and work to resolve competing policy interests and to provide Metro and the counties with clear, consistent recommendations. We have appreciated the opportunity to participate with others from the outset as you work to guide the region's long-term future.

I. General Comments

This section of the agencies' collective comments contains two parts: (A) our suggestions for key additional information or interim decisions that should be developed before final decisions are made; and (B) our high-level, policy-oriented comments that are not related to specific areas or locations.

A. Additional Information

The reserves effort has generated a substantial amount of analysis and information for decision-makers. Nevertheless, the agencies recommend that Metro and the counties develop or clarify the answers to certain key questions before making final decisions regarding urban and rural reserves.

1. Clarify What Period of Time Reserves Are Being Established For

Urban reserves must be designed to provide a supply of land needed for population and employment over a forty to fifty-year period. Rural reserves are protected from urban development for a period equal to the period used for urban reserves. Metro and the counties need to clarify what period they are planning for. There are important policy questions associated with this choice, and the agencies' recommendation on this question is provided below at page 3.

2. Identify the Major Variables that Lead to Differing Estimates of Urban Land Need

Metro and Washington County each have produced different estimates of urban land need over the next fifty years. Although we believe that the Metro COO and

Washington County estimates of land need are not all that far apart, we also believe that it would help the transparency of decision-making for Metro and/or Washington County staff to identify the major factors that lead to differing estimates of land need. In addition, Metro should clarify the assumptions used regarding housing and employment density in urban reserve areas. Clackamas and Multnomah Counties should also participate publicly in addressing the question of overall urban land need for the region.

3. Transportation Modeling

The counties and the Metro COO have used different methodologies to analyze transportation system feasibility and cost, making comparisons among the jurisdictions difficult to evaluate. The agencies strongly encourage Metro to do transportation modeling for proposed urban reserve areas, to analyze the performance of existing state highways and county and city transportation facilities, both within the existing UGB and outside the UGB in the Urban Reserve Study Areas. This would help identify significant problem areas and make adjustments in the final locational decisions for urban reserves. Metro and the Reserves Transportation Working Group performed an analysis of the feasibility and relative cost of developing a complete urban transportation system in the various candidate Urban Reserve Areas, but this analysis did not consider the capacity of existing rural facilities, nor the impact of additional growth on facilities within the current UGB.¹

4. Constrained Water Supply

Do the areas being proposed for future growth have the water supply capacity to support the proposed urbanization given likely competing environmental requirements, including the recovery of threatened and endangered fish species? One of the considerations in determining where regional growth should be encouraged is the long-term carrying capacity of different parts of the region in terms of water supply. This includes the sources of water (surface and ground water) and the infrastructure to provide the water. Do the likely service providers for the proposed new urban reserves have the ability to meet the projected water need/demand over the next 50 years without having to seek additional sources or volumes of water? Increased urban development creates demand for water use which commonly results in political pressure to "compromise" the instream water needs of fish to meet societal and economic demands for water. However, many of the streams currently supporting listed salmonid populations are already over-allocated, don't meet water quality standards, or have very limited supplies of available water for future appropriation. There are differences

¹ To substitute for transportation modeling, ODOT conducted a simplified method to identify specific areas of concern. We identified facilities, both outside and inside the current UGB, that are experiencing and/or are forecast to experience capacity, safety, and/or geometric problems *without* any additional urban growth. Then we identified order of magnitude relative costs and feasibility of overcoming those existing problems. Presumably, if a transportation facility is already forecast to have capacity deficiencies, then plan amendments allowing additional urban growth relying on that facility would result in additional congestion and safety problems that will lead to the need for mitigation or create costs for the state and/or for local jurisdictions.

between different parts of the region in terms of the possible availability of additional water.

B. General High-Level Policy-Oriented Comments

1. The Time Frame for Urban and Rural Reserves

The state agencies strongly support using the lower end of the planning period authorized for reserves – e.g. forty years. We are facing a time of extraordinary uncertainty in how our communities and industries will evolve. A receding demographic peak, rapid globalization, immigration, climate change, and changes in energy pricing all may require that we be able to adapt more rapidly than we have in the past in terms of how we live, work and travel. Reserves require a balancing between the advantages of providing long-term certainty (for landowners, local governments, public and private investment) and the disadvantages of inflexibility if conditions change in unexpected ways.

Given the global and local uncertainties facing us (as reflected, in part, by the large ranges in Metro's population and employment forecasts) we believe the region should strike a balance that tends toward the risk management/flexibility end of the scale rather than locking up most of the lands on the periphery of the UGB for fifty years. An additional reason to plan for uncertainty is that this is the first time any government in the state (or nation) has set this type of long-term constraint on how it will manage surrounding lands. One way of providing for some flexibility is to set reserves for a forty-year period, and simultaneously plan to revisit whether additional reserves should be designated well before that forty-year period expires (a twenty or twenty-five year "check-in").

2. The Amount of Urban Reserves

The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.

State law requires that Metro demonstrate that lands within the existing UGB cannot accommodate housing and employment needs before the UGB is expanded, even if the expansion is onto urban reserves. As a factual matter, almost all population and employment growth in the region in recent years has occurred on lands within the existing UGB (and not on lands recently added to the UGB). With the challenge of financing infrastructure likely to increase, national demographic trends that point toward an increasing emphasis on mixed-use land use patterns tied closely to alternate

transportation modes and cultural amenities, and the need to move toward settlement patterns that reduce greenhouse gas emissions by reducing automobile travel, the agencies support Metro's emphasis on redevelopment and infill.

State law allows for additional urban and rural reserves to be designated in the future if it turns out that the rate of absorption of land outside of the UGB is higher than expected. The converse is not true: once lands are designated as rural reserves they must remain in that status. Similarly, once lands are designated as urban reserves they are unlikely to be managed for the long-term investments needed for working farm or forest operations. All of these considerations counsel for Metro and the counties to designate an amount of urban (and rural reserves) toward the lower end of the range in which they have policy discretion.²

3. The Importance of Adequate Employment Lands

At the same time that the agencies encourage Metro and the counties to work toward the lower end of the range for the overall amount of urban reserves, we also wish to emphasize the need for an adequate supply of employment lands in the Metro *urban growth boundary*. The Metro region often 'seeds' traded-sector technologies and businesses that disperse throughout the state. Assuring that there is enough diversity in sites for such users to provide for varying needs (infrastructure, site specific characteristics, utilities, access to labor force, clustering near like employers, and market choice), is important to the long-term economic health of not only the region, but the entire state.

4. Spillover Effects

While the agencies believe the amount of urban reserves recommended by the Metro COO is (or can be made) sufficient to accommodate long-term population and employment growth, we also wish to emphasize that great care is needed to assure that the region continues to capture at least the same share of population and employment growth in the larger seven-county surrounding area that it has historically (that appears to be the assumption in the 50-year forecasts being used by Metro). That care translates into a long-term commitment to fund and manage efficient urban growth within the existing regional UGB and any lands added to the UGB. If the region fails to take the measures needed to accommodate growth, population and employment will overflow into surrounding areas (primarily Clark County and the I-5 South Corridor), that would put tremendous pressure on transportation infrastructure and likely move neighboring cities further toward a bedroom-community character (a result that is undesirable for many different reasons).

² We recognize that the range recommended by the COO already is below the amount identified by Washington County.

Spillover effects are already taking place and putting pressure on the transportation infrastructure due to urban growth expansions in areas that were ill-suited to urban growth (Damascus being the most prominent example). OBDD is concerned that the metro area will lack in large-lot industrial properties if the low end of the COO urban reserves is adopted. These factors could lead to significant spillover and undermine the regional UGB along with the significant infrastructure investments in the region.

5. The Amount of Rural Reserves

The state agencies believe that too much land is proposed as rural reserves in the current, preliminary, recommendations from the counties. Rural reserves are intended " * * * to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization." Rural reserves are appropriate for lands that are under threat of urbanization. They prevent urban-density development, but they do not provide additional protection for natural resources, and they should not be applied to agricultural or forest lands that have a low likelihood of urban development. In general, the approach used by Clackamas County is consistent with how the agencies believe rural reserve designations should be used (to "steer" urban development away from or toward particular areas, rather than as a blanket treatment of everything that is not an urban reserve).

6. Equity and Efficiency Concerns in Deciding Where and How the Region Will Grow (Population and Employment)

Metro has a responsibility to allocate land needs by geographic area within the region to meet long term needs for population and employment. We understand that this responsibility is complicated by the reserves process. Metro and the counties should first achieve consensus on how much lands the region will need for population and employment, and then (separately) decide how those lands should be allocated between the three counties. In making these regional-scale decisions, Metro and the counties need to keep both housing equity (Goal 10) and employment (Goal 9) considerations (including the aspirations of individual communities) in mind as well as fiscal equity and environmental justice in determining how to distribute urban reserve areas across the region.

Each county should address housing equity and employment considerations by having some reconciliation of the supply and demand for housing and employment uses as part of their submitted analysis. Metro has done this on a macro level, but should supply the counties with the adequate tools to address these issues on a sub-regional basis.

A related concern is that different parts of the region will grow at different rates. If the differences are substantial and sustained, Metro and the counties should anticipate revisiting reserve designations in twenty to twenty-five years to adjust reserve designations and policies to respond to such trends and to correct regional imbalances.

7. Measures to Implement Urban Reserves

The agencies appreciate Metro's formulation of clear "Strategies for a Sustainable and Prosperous Region." We strongly support the concepts of "making the most of what we have" and setting higher thresholds for serviceability of lands prior to their inclusion within the Urban Growth Boundary (UGB). ODOT requests that preparation of Interchange Area Management Plans (IAMP) be an integral part of any Concept Plans for Urban Reserve areas that encompass existing rural interchanges (or that generate a need for a new interchange). ODEQ urges municipalities to consider adopting or expanding current regional watershed plans to guide development in environmentally sustainable ways, and minimize impacts on streams and rivers.

8. Minimizing the Transportation-Related Costs of Growth

The Regional Transportation Planning process has shown that even within the current Metro UGB, transportation needs far outweigh ODOT's and local jurisdictions' ability to fund them. It is important that the amount of urban reserves be limited to only the amount that is necessary, and that these lands be located strategically so as to:

- a. Maximize efficient use of existing and planned state and local transportation facilities,
- b. Reduce reliance on state highways by maximizing the ability to provide for a well-connected multi-modal local transportation network, and
- c. Minimize the need for additional highway improvements.

9. Assuring that New Development Will Support State and Local Transportation Systems

Metro, the cities and the counties should assure that they collectively have mechanisms in place to assure that new development will contribute to local systems and state highway improvements that are needed to serve the new development. This includes bringing the existing highways up to urban standards, adding bike lanes and sidewalks, improving geometric and safety deficiencies, grade-separating intersections on expressways, widening arterials to 4 lanes plus turn lanes, and widening freeways to 6 lanes plus auxiliary lanes.

10. The Cost of Redevelopment and Infill

High density urban redevelopment and infill will not be inexpensive. Public infrastructure and development costs for South Waterfront's first phase totaled \$195 million with an estimated price tag of another \$145 million for its second phase. Metro has indicated that urban renewal and other funding mechanisms (TIF's, assessments) will be needed to meet objectives for accommodating growth within the existing UGB. Brownfield redevelopment funding and related partnerships are also available resources to communities. The agencies are supportive of redevelopment and infill, but the costs

associated with refill can be substantial and should be weighed against the costs of expanding into the urban reserves. Metro and the counties are required to adopt measures to implement urban reserves; these measures should include provisions to assure that infrastructure requirements and costs (and cost allocations) are detailed *before* lands are included in the regional UGB so that clear market signals are sent, and so that land prices appropriately reflect the costs of development. Required planning for infrastructure, public facilities and environmental protection before these areas are brought into the UGB will also help assure that only those lands that can add significantly to the regions' ability to accommodate population or employment needs are added to the UGB.

11. Urban Reserves That Include Wetlands and Other Aquatic Resources

Metro, the counties, and property owners should understand that urban reserve designations will not allow development involving wetlands or other waters to avoid state (Removal-Fill Law) and/or federal (Clean Water Act Section 404) wetland/waterway requirements to analyze practicable alternatives to avoid and minimize impacts to wetlands/waters. An urban reserve designation does not assure that the lands are developable. A cursory review by DSL staff indicates that up to 15 percent of the proposed Washington County urban reserve land is on mapped hydric (wetland) soils. While such mapping is certainly not definitive for the presence of jurisdictional wetlands and other waters, it does suggest that a sizeable portion of the urban reserve land will be subject to future discretionary reviews by DSL and the Army Corps of Engineers that may result in approval or denial of specific developments. Developments that are allowed in such areas will be subject to compensatory mitigation that may have the effect of further reducing the net developable land yielded from particular urban reserves.

The agencies encourage the counties and Metro to be explicit in their documentation and public outreach as to how important natural resource features that are included in urban reserves will remain protected for the future. This comment is not intended to advocate for less urban or more rural designations, rather, it is offered to make clear that not all urban reserves will be developable.

12. The Economic Importance of Rural Reserves for Forestlands

One purpose of the reserves process is to retain large blocks of forestlands in forest use so that future Oregonians, including urban residents, will continue to benefit from the wide range of environmental, economic, and social values forests provide. The demand for forest ecosystem services (specifically: recreation, carbon sequestration, passive-use values such as biodiversity, and water quality) is often constrained by the availability of healthy forest environments that support or provide these services. Maintaining and enhancing Oregon's forests' non-commodity contributions to state and local economies, communities, and Oregon's quality-of-life are very important to all Oregonians and recognized as important nationally. However, these values are often

taken for granted because they are not generally traded in markets. As such, they have no "price" and are therefore seemingly provided for free. Caution is needed in the Metro reserves process not to overlook or underestimate forest ecosystem service values.

As urban growth boundaries move closer to wildland forests and mixed forest and agricultural lands, there may be accelerated pressure outside the UGB for the in-filling of structures. Such outcomes can result in disincentives for continued investments in forest management and should be minimized whenever possible. Dividing the forest into smaller parcels and adding dwellings (with or without urbanization) can displace wildlife through habitat fragmentation, increase conflicts between residential and commercial forestry uses, decrease incentives to encourage forest land retention (such as forest land tax status), increase the cost of fire protection, incentivize further development pressure by an increasing disparity between forest land development property values versus timber values, and reduce the economic benefits of commercial timber production. Rural reserves should be considered as a tool to avoid this type of "halo" effect.³

II. Comments on the Location of Urban and Rural Reserves

The Metro Chief Operating officer's recommendations on urban reserves divided the region into 14 geographic areas. After providing general comments about the location of urban and rural reserves, the agencies are providing area-specific comments organized to correspond to those 14 areas. In a final section, the agencies also provide comments concerning lands that should remain with their existing rural designations (and not be designated as either an urban or a rural reserve).

A. General Comments on the Location of Urban Reserves

1. General Comments on the Location of Urban Reserves: Transportation Issues

It is important to designate urban reserves that can be designed to provide a complete local/regional multimodal transportation system and where the state highways either have the capacity to serve additional trips, are already planned to be improved, and/or are not excessively expensive to upgrade to urban standards in a manner consistent with the RTP Systems Development and Systems Design Concepts.

³ ODF encourages Metro and the counties to more carefully consider the economic contributions of the forest products sector to the region's economy and the potential effects of future development and urbanization on the viability of the forest products sector.

ODOT's analysis shows that the highways least suitable to accommodate additional trips and most expensive to improve, are I-5 South, especially the segment from OR 217 to south of the Willamette River, and I-205, especially the segment from the Stafford Interchange to the Sunrise/OR 212/OR 224. Both I-5 and I-205 require corridor refinement plans to identify feasible solutions. Because of the presence of the Willamette River and the lack of bridge connections other than the I-5 Boone Bridge, it would be extremely difficult and expensive to provide a network of local multimodal transportation system connections between areas south of the Willamette River and the rest of the urban area.

A significant difference between I-5 and I-205 is that I-5 is already 6 lanes and thus is considered "complete" by RTP standards, whereas I-205 South is 4 lanes and hence the planned (but not funded) facility calls for widening to 6 lanes.

US 26 West is constrained by congestion at the I-405 tunnel and the limited opportunities and large potential costs to improve that segment, but the costs of widening US 26 to 6 lanes and reconstructing a number of interchanges and overpasses at the edge of the current UGB are smaller than the costs of improving I-5 and I-205.

TV Highway is already at 5 lanes and congested. Access management has proven to be difficult to implement, and opportunities to build a local network to reduce reliance on the highway are limited due to the presence of the railroad in close proximity.

OR 213 and OR 212 are both forecast to fail to meet the Oregon Highway Plan mobility standards even when widened to 5-lanes. Topography and the presence of natural resources limit opportunities to build a complete local transportation network in the area served by OR 213. The City of Damascus is in the process of developing a complete multimodal transportation system plan for the area now served primarily by OR 212.

2. General Comments on the Location of Urban Reserves: Floodplains and Stream Corridors

One significant locational issue for the counties and Metro is whether urban reserves should include floodplain areas and larger stream corridors. Some of the proposed urban reserves in Washington County include relatively large floodplain areas (e.g. along the Tualatin River, lower Dairy Creek, etc.). Clackamas County generally has worked to place larger stream corridors within rural reserves.

As a general matter, the state agencies believe that larger floodplain areas that are on the periphery of the urban area should *not* be included in urban reserves and that, instead, they should be used as a natural boundary between urban and rural areas to the extent possible. Although some development in floodplains may be possible, the overall amount of development likely to occur in floodplains does not justify their inclusion in urban reserves.

Washington County and Clackamas County appear to have taken very different approaches toward certain stream corridors. In Washington County, the preliminary urban reserves overlay or abut several current or potential salmonid-bearing streams such as Tualatin River, McKay Creek, Dairy Creek, Storey Creek and Rock Creek. In Clackamas County, the preliminary designation map generally recommends important stream corridors for rural designation (e.g., Clackamas River, Clear Creek, and Abernathy Creek). These differing approaches may lead to some confusion as to what the region's intent is regarding future stream/riparian area protections. The state agencies recommend the counties agree on a consistent approach that makes it clear to the public that important stream corridors will be protected.

3. General Comments on the Location of Urban Reserves: Water Supply Issues

The state requests that an analysis of water supply capacity be completed for each proposed urban reserve prior to its inclusion with an urban growth boundary to determine if urban development will conflict with resource protection or water supply issues. The analysis would include an assessment of the following factors:

- a. Identification of the current water service provider who will provide water to the new urban area;
- b. The total supply of water currently available to that service provider (i.e. currently available through certified/proven water rights);
- c. Of the total amount of water currently available, the amount of water currently unused by the provider that could be directed to serve the new urban area;
- d. Based on the size of the area and projected population and commercial/industrial development, how much water is projected to be needed to serve the area when it is fully developed;
- e. If a deficit exists between the current water available (per existing water rights) and the projected total water demand when the area is fully developed, where does the service provider envision the additional water will be obtained?
- f. Identification of potential impacts to the quality of current drinking water supplies (such as the Clackamas River) in proposed Urban Reserves.

The current analysis of "service capacity" seems to be largely focused on whether site characteristics (e.g. topography) allow for the physical infrastructure to be put in place to service an area. It does not appear that an analysis has been completed yet to determine if the water is available to meet the needs of the additional urban growth being proposed for these areas over the very long-term.

4. General Comments on the Location of Urban Reserves: Impacts to Regional Water Quality

Urban Reserves are proposed in several water quality limited watersheds, such as the Tualatin and Clackamas Rivers. Urbanization will have multiple negative impacts to the

water quality of streams and rivers. Increased sanitary wastewater discharges will have an impact on the receiving rivers, and the location and nature of the discharges can substantially alter the nature of these impacts. Increases in impervious surfaces create stormwater runoff that can impact water bodies through an increase in pollutants and changes to stream flows. In addition, the conversion of former agricultural lands can mobilize legacy herbicides and pesticides in soils, sending these toxics in the watershed into streams, rivers, and other aquatic resources. New discharges requiring a permit will need to be coordinated in advance with ODEQ. These potential effects can be greatly mitigated through coordinated implementation of watershed plans and permits.

5. General Comments on the Location of Urban Reserves: Suitability for Industrial Development

Generally, to meet the regions' needs for long-term needs for industrial development, urban reserves should include lands that have:

- Clustering potential with competing and complimentary industries
- Multi-modal potential (rail/port)
- Good access to labor force
- Minimal slopes (10% max)
- Superior utility infrastructure (electric, water, gas, telecom)
- Access to major interstates, with I-5 being the most desirable
- Adequate Market Choice.

B. General Comments on the Location of Rural Reserves

1. General Comments on the Location of Rural Reserves: Threat of Urbanization

Regardless of whether their purpose is to protect agriculture lands, forest lands, or important natural features, rural reserves are not designed (or intended) to protect these lands from all threats – rather rural reserves are to protect these lands from *urbanization*. Proximity of land to the UGB is a measure of the degree to which lands are “subject to urbanization.” Many of the areas identified by the counties as potential rural reserves are detached from the UGB, and in some instances (particularly in Washington County) are located a great distance away. These lands are not threatened with future urban development, and should not be designated as rural reserves. Rural reserves are not a tool to be used to supplement or replace existing tools that are either in place or that are available to counties to “protect” rural lands from rural residential development and other rural uses that may conflict with agriculture, forestry, or natural resources. Proximity to major transportation corridors, interchanges, known “aspirations” and past actions further informs the analysis of areas “subject to urbanization”.

Washington County appears to be using the "subject to urbanization" factor to downgrade the importance of protecting some agricultural lands. This has led to a band of agricultural lands located around cities in Washington County being rated lower for protection as rural reserves. The ODA mapping of foundation and important agricultural lands took into account the implications of urbanization on the long-term viability of agricultural land. A great deal of foundation land shares an edge with an existing UGB. This was not accidental, such lands were reviewed and determined to be viable as agricultural lands over the long term with appropriate protection.

It is somewhat puzzling to observe how Washington and Clackamas County are applying the threat of urbanization factor to reserves. Washington County has designated most rural lands within the study area that are not proposed as urban reserves as rural reserves beyond three miles from the existing Metro UGB.

The agencies believe that the Clackamas County approach is generally more appropriate unless there is a specific showing of threat or urbanization for an area beyond three miles from the existing UGB or some other specific reason to use a rural reserve to guide the pattern of urbanization in a neighboring community (e.g., lands south of Estacada, across the Clackamas River).

At the same time, intact forestlands in the Gales Creek Canyon area northwest of Forest Grove, the Chehalem Mountains area, and the area northwest of Forest Park should be protected from urbanization through rural reserve designations. Urbanization in these areas would create environmental and economic conflicts.

2. General Comments on the Location of Rural Reserves: Factors

At times counties have indicated that the rural reserve factors in OAR 660-027-0060 are a "guide" for where rural reserves should be located. The counties and Metro need to be careful to base their decisions on the factors set forth in state statute and rule. These are not "guides" that can be considered along with other policy preferences. While there is much weighing and balancing involved in determining the appropriate designations, the factors set forth in rule can't be skirted in order to achieve other desired policies.

3. General Comments on the Location of Rural Reserves: Blocks and Patterns of Agricultural Lands

The factors in OAR 660-027-0060(d)(A)-(C) need to be more carefully considered in determining the location of rural reserves. With respect to irrigation, there seems to be too much reliance on whether or not lands are located within irrigation districts. Many high-value crops are grown in the region without irrigation. Irrigation typically is not needed for several key crops (grass seed, legume seeds, hay, grapes once established, etc.). We also note that Washington County ranks lands within water-restricted areas lower. Agricultural lands with water rights in these areas should be protected (not

identified for urbanization) since they have a supply of water, and additional supplies will not likely be available. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This inventory appears to devalue most of the agricultural lands that ODA determined to be Foundation Agricultural Lands (e.g., such lands are shown as 5.99-6.76 on the county's scale). These lands are the heart of Washington County agriculture. This inventory should not be used to evaluate lands for agricultural value. A separate measure of forestry and a separate measure of natural features could be combined to determine where they overlap, but each characteristic should not be used to measure the value of another.

It appears that Washington County has given greater weight to viticulture lands when compared to other agricultural lands. This tends to devalue the bulk of the county's non-viticulture agricultural land base located in the Tualatin Valley. ODA strongly agrees that viticulture lands are an important part of the region's agriculture base. However, they do not provide the wider range of options for agriculture as do lands on the valley floor, and viticulture products do not rank higher in total value than other products grown in the county, such as nursery products, seed crops, fruits and nuts.

Washington County indicates in its report that areas of high parcelization were rated comparatively low for agricultural value, and that areas where a majority of tax lots are less than 35 acres are considered "parcelized." This 35-acre threshold is not a reasonable standard for parcelization and does not reflect the nature of farms comprised of constituent parcels and the practice of renting and leasing lands. Furthermore, the county states that it uses residential dwelling density as an indicator. This is problematic, as this analysis makes no distinction between farm dwellings and nonfarm dwellings.

4. General Comments on the Location of Rural Reserves: Blocks and Patterns of Forest Lands

ODF's spatial analyses focused on identifying forest lands within the reserves scoping area and highlighting forested areas still retaining "wildland" forest character (defined as forestlands with fewer than five existing structures per square mile) and "mixed forest and agricultural" lands (defined as intermixed forest and agricultural lands with fewer than nine existing structures per square mile). Long term retention of these two classes of forest land are viewed by the Department of Forestry as critical to maintaining forest environmental benefits such as wildlife habitat, water quality, and carbon sequestration and to maintain economically viable private ownership of productive commercial forest lands. Commercial forest land management may be more sensitive to the market signals provided by reserve designations due to the long rotation/investment periods involved. As a result, it may be more appropriate to include forest lands further from existing urban growth boundaries where there is already some evidence of large-lot residential conversion in order to send a clear market signal.

5. General Comments on the Location of Rural Reserves: Most Recent Data

Metro staff recently provided a presentation to the MURR Steering Committee concerning recent changes in the Natural Resources Inventory to incorporate new data layers and improve the accuracy of data. The agencies recommend that the counties utilize these data in making their final proposals for rural reserves.

C. General Comments on the Location of Rural Lands (Lands Not Designated as Urban or Rural Reserves)

Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next forty years, or (conversely) that are not subject to a threat of urbanization. In addition, it is appropriate to assure that neighboring cities not within the Metro boundary each have some undesignated rural lands at their periphery in order to allow them to determine the location and extent of future urbanization.

D. Specific Comments on Proposed Reserves, By Area

1. Clackanomah and East Multnomah County Areas

The state agencies generally support the recommendations of Multnomah County for rural reserves in the East County area, except that they should generally be limited to areas within three miles of the existing UGB unless there is a specific threat of urbanization that they are responding to. The area around Barlow High School (south of Lustad Road to 302nd) could be included in an urban reserve or left with its existing rural zoning due to existing development patterns. Similarly, to align with Clackamas County, the area west of 287th (perhaps including land on both sides of that roadway) could be included in an urban reserve or left with its existing plan and zone designations.

In the Clackamas County portion of this area, the state agencies support the Metro Chief Operating Officer's (COO's) recommendation and the county's preliminary recommendations for both urban and rural reserves. This is one of the four areas in the region with lands closest to existing and planned transportation investments with superior access to labor force. At the Boring interchange on US 26 East ("Heidi's Corner"), an interchange area management plan (IAMP) will be needed to maintain separation between Sandy and the Metro UGB, and to ensure that urban development does not spill across US 26 to the east or south.

Finally, development in the East Buttes area (west of SE 272nd Ave) should be precluded or otherwise conditioned to protect the values of this natural feature.

2. Damascus

The state agencies support both the county's and the COO's recommendations for this area. In particular, lands that are already within the City of Damascus should be included within urban reserves. However, the agencies also support leaving Noyer Creek and Deep Creek as rural reserves. It is important to note that OR 212 is forecast to fail to meet mobility standards even when widened to 5-lanes. Topography, infrastructure costs, and the presence of natural resources limit opportunities to add significant housing or employment capacity in this area.

For the area included within an urban reserve, there are a number of natural features that should be protected during urban development. Specifically, special consideration should be provided to protect the values and functions of Richardson Creek, Noyer Creek and Deep Creek where these features exist within the urban reserve.

3. Oregon City

The state agencies generally support the COO recommendations (including Henrici Road). The bench lands located along the southern Oregon City UGB should be included as urban reserves. The Northeast Oregon City subarea (Forsythe/Holcomb) should be included *only* if needed to reach overall regional housing land targets or regional balance. It is important to note that OR 213 is forecast to fail to meet mobility standards even when widened to 5-lanes.

Urban development should be excluded from Newell Creek Canyon to protect this important natural feature.

4. Stafford Area

The state agencies support the COO's recommendations for the Stafford area, specifically including the recommendation to increase the amount of urban reserves relative to the initial recommendation from Clackamas County (the agencies would tend to include even more lands than the COO appears to recommend). This is one of the four areas in the region with lands closest to existing and planned transportation investments, and with superior access to the regional labor force (if I-205 is widened, or HCT is extended along I-205). As a result, it is particularly well-suited for long-term employment purposes. A larger area is recommended for inclusion recognizing the significant transportation costs (widening I-205 to six lanes, interchange improvements) that would be required in the long term. North of I-205, carefully-designed conditions should be included to protect the areas within the Tualatin River floodplain (and significant associated drainages, e.g. Wilson Creek) for their natural resource and wildlife values.

The vicinity of the Stafford interchange on I-205 should be included within the UGB only if an interchange area management plan (IAMP) is developed. Any new Town Center

or Station Community designations consider the barrier effect of the freeway itself, and reduce reliance on the freeway and the freeway interchange for internal circulation and short trips. Concept Plan(s) should provide for internal multimodal circulation and connectivity within the concept plan area, within any proposed new mixed use centers, and to the existing Town Centers of Wilsonville, Tualatin, West Linn, and Lake Oswego.

5. East Wilsonville

The state agencies support the recommendations of the Metro COO regarding urban reserves and rural reserves in this area.

6. South and West Wilsonville/South Sherwood

South Wilsonville

ODOT, ODA, DLCD, OWRD, DEQ, ODFW, and DSL support the preliminary recommendation from Clackamas County to designate lands south of the Willamette River (French Prairie) as a rural reserve. The reasons for a rural reserve designation include: threat of urbanization, high suitability for agriculture, very significant transportation limitations (Boone Bridge capacity and no alternate river crossing, poor multimodal connectivity), poor suitability for urbanization (services and distance to existing population), and concerns about encouraging urban development moving south along I-5 into prime agricultural lands.

Oregon Business Development Department supports leaving the portion of the French Prairie area along I-5 and Highway 99 undesignated, to provide more flexibility in the event that additional large employment sites are needed in the region over the long term.

West Wilsonville/South Sherwood (Clackamas County)

The agencies support the COO recommendations for this area (both for urban and rural reserves).

West Wilsonville/South Sherwood (Washington County)

The agencies support the COO recommendations for this area (urban reserves). There are significant transportation issues associated with this area over the long term (Highway 99W and Tualatin-Sherwood Road) that will limit its ability to provide significant employment opportunities until resolved.

7. West Sherwood

Generally, the state agencies do not support including the areas due west of King City suggested as urban reserves in the COO and Washington County recommendations.

Generally the areas west of Sherwood suggested as urban reserve by the COO and Washington County should not be included, except for the southern portion of this area west of Highway 99 bisected by Kruger Road. Specifically, Tualatin River floodplain and riparian habitat north of SW Lambeau Road, west of SW Roy Rogers Road, and east of SW Elwert Road should be included in the adjacent rural reserve proposed north of the Tualatin River.

The areas described above should be "undesignated" rural lands.

Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization. Lands along Highway 99, southwest of Sherwood, should be included in rural reserves.

8. Bull Mountain

The state agencies support the COO's recommendations for this area. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

9. Cooper Mountain

The state agencies support the COO's recommendations for this area. Due west of the Murray Hill Center, only the eastern portion of the proposed urban reserves area south of Weir Road should be included as an urban reserve. The remainder of the lands should be designated as rural reserves. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

10. South Hillsboro

ODOT, Oregon Business Development Department, DLCD, OWRD, DEQ, ODFW, and DSL agree with the recommendations of Washington County and the Metro COO for this area, although foundation agricultural lands in the southwestern portion should be included only in the event necessary to meet regional needs.

ODA supports designating the portion of this area located south of Butternut Creek as a Rural Reserve. As pointed out in the analysis provided in the ODA report to Metro, Butternut Creek and the adjacent golf course would provide a good edge and buffer between the urban area and a large area of foundation agricultural land. Urbanization beyond this "buffer" presents serious issues relating to the long-term integrity of the larger agricultural area located south of the current urban growth boundary (see *Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January 2007, page 48).

11. Cornelius/Forest Grove

The state agencies generally concur with the COO recommendations for this area. Urban reserves should provide a (limited) long-term land supply for both the cities of Cornelius and Forest Grove. For Cornelius, there are lands to the south and southeast of the city that are outside of the 100-year floodplain that are appropriate for an urban reserve designation. In addition, the area between Hillsboro and Cornelius, north of Baseline/Tualatin Valley Hwy and east of Susbauer, should be included as well.

For Forest Grove, the area bounded by Thatcher, Purdin and Highway 47 should be studied further for possible designation as an urban reserve.

Intact forestlands in the Gales Creek Canyon area northwest of Forest Grove should be protected from urbanization through rural reserve designations where subject to the threat of urbanization (generally within three miles of the existing UGB). Lands within the Tualatin River (and associated streams) floodplain also should be used as a natural boundary, and designated as a rural reserves where there is threat of urbanization, along with lands to the north of Council Creek, and lands to the south of Forest Grove along Highway 47.

Rural reserves for areas here that are a significant distance from the existing UGB don't appear to meet the factors in the rule for designation of rural reserves (except along Highway 47), and generally there is too much land designated as rural reserves in this area.

12. North Hillsboro

The state agencies agree that (with one exception) most of the area north of Highway 26 should not be designated as an urban reserve.⁴ One exception is the area to the northwest of the Shute Road interchange (where additional transportation investments are anticipated). An Interchange Area Management Plan (IAMP) should be prepared during concept planning and adopted at the time this land is considered for inclusion in the UGB to ensure that surrounding land uses are preserved for the intended industrial use, based on the capacity of the interchange.

The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a "hard edge" to the boundary in this important agricultural region, except for area just east of the City of North Plains, which could remain "undesigned". In addition, the land south of Highway 26 in the vicinity of North Plains should be designated rural reserve (rather than current proposal as "undesigned") in order to steer urbanization for North Plains north of Highway 26.

⁴ Business Oregon supports a larger urban reserve designation in this area as needed to support long-term economic growth in key industries that are crucial to the state's economy.

The areas south of Highway 26 in the triangular shaped area bordered on the south by (approximately) Meek Road (and then by Waibel Creek further to the west) should be designated rural reserve to form a hard edge to that region, primarily due to significant agriculture lands and in part to reflect the fact that the Jackson School Road interchange and the road itself are designed to handle only rural levels of traffic.

The agencies agree that the area south of the triangle described above (i.e., north of Evergreen to Meek Road and then Waibel Creek extending McKay Creek to the west) should be urban reserve, as recommended by the County and the COO (and as identified in Hillsboro's concept plan), primarily to provide additional employment lands in this part of the region. However, the floodplain and riparian habitats associated with McKay Creek and Waibel Creek should receive protection during urban development.

13. Cornelius Pass

The agencies concur with the Metro COO's recommendations for this area.

14. West Multnomah County

The agencies agree with COO recommendations for this area. Agricultural and forest lands that are under threat of urbanization and that have high wildlife habitat value (including Sauvie Island and non-industrial forest lands linking Forest Park to larger blocks of wildland forest to the northwest as a wildlife migration corridor) should be designated as rural reserves. It is in the best interests of the state, Metro, the affected counties and urban residents to provide these landowners with economic incentives to continue investing in forest management rather than converting these lands to non-forest uses.

The corridor between the Multnomah Channel and Highway 30 is currently recommended as "undesigned." The rationale against rural reserve designation is, in part, the extent of wetlands and potential flooding that likely limits the footprint of development. The agencies are concerned that even with these development limitations, because of the proximity to Highway 30, there is a high long-term threat of urbanization. At the same time, the substantial aquatic habitat values and transportation access concerns suggest that this area be designated as a rural reserve.

Thank you for this opportunity to help Metro and the three Metro area counties determine how and where its residents will live and work during the next forty to fifty years. Our collective goal is to assure that the region's future is a sustainable one that best achieves livable communities, and that assures the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Sincerely,



Richard Whitman
Director
Oregon Department of Land
Conservation and Development



Matt Garrett
Director
Oregon Department of Transportation



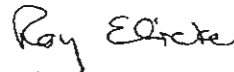
Katy Coba
Director
Oregon Department of Agriculture



Dick Pedersen
Director
Oregon Department of Environmental
Quality



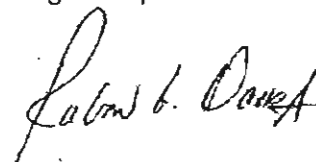
Tim McCabe
Director
Oregon Business Development
Department



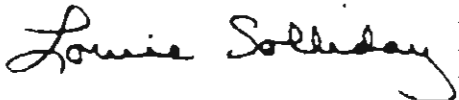
Roy Elicker
Director
Oregon Department of Fish and Wildlife



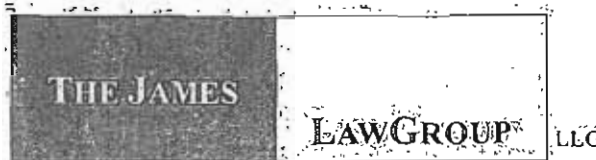
Marvin Brown
Director
Oregon Department of Forestry



Ruben Ochoa
Water Policy Analyst
Oregon Water Resources Department



Louise Solliday
Director
Oregon Department of State Lands



ATTORNEYS
CHRISTOPHER JAMES
CHARLES MARR
KENDRA S. HODSON
ATTORNEYS AT LAW
1501 SW TAYLOR STREET, SUITE 200, PORTLAND, OREGON 97205

ATTORNEYS



March 11, 2011

VIA ELECTRONIC MAIL

Metro Council
600 NE Grand Avenue
Portland, Oregon 97232
reserves@oregonmetro.gov

Washington County Board of Commissioners
County Administrative Office
155 North First Avenue
Suite 300
Hillsboro, Oregon 97214
cao@co.washington.or.us

RECEIVED

MAR 11 2011

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

Re: March 15, 2011 Joint Hearing to Consider a Revision to the Supplemental Intergovernmental Agreement concerning Urban and Rural Reserves

Dear Council Representatives and Commissioners:

This letter is submitted on behalf of certain owners of property contained within the "L" in Area 9B, to supplement the previous objections submitted by and on behalf of these property owners both individually and as a group. These property owners object to the designation process that allows newly proposed "urban reserves" in areas that are designated as farmland by the Department of Agriculture and the Farm Bureau, and are actively utilized for farming, while the designation of the "L" as rural reserve is scheduled to be approved by the LCDC. As discussed herein and in our previous submissions, the inequitable treatment of the "L" exemplifies the inherent flaws in the reserve designation system, the manner in which the Oregon Administrative Rules were applied to this project, and in the Rules themselves. We do not intend to repeat matters previously supplied in our objections to LCDC or our letter of November 17, 2010 to Steven Shipsey, Esq., which has been circulated to the state agencies involved in the

reserve designation process.¹ We now object to a process involving conclusionary factual findings, before any legal order of remand, and without standards or any ability to challenge error, the very core of *bona fide* agency action. We preserve the record with respect to the errors of the reserve designation process.

Under LCDC's supervision, through the promulgated rules, the relevant counties and Metro were entrusted by statutory mandate to provide a framework to identify the property interests that are likely to be impacted, assess the likely degree of the impact on identified property, and to assess whether alternative actions are available that would achieve an underlying lawful governmental objective and would have a lesser economic impact. ORS 197.040(1)(b)². The statute is obligatory. A delegation does not suspend its operation. The rules are only valid to the extent that they are consistent with both the applicable statutes and land use planning goals. Wetherell v. Douglas County, 342 Or. 666, 676, 160 P.3d 614 (2007) (citing City of West Linn v. LCDC, 200 Or.App. 269, 275-76, 113 P.3d 935 (2005), *rev. denied* 339 Or. 610 (2005)). The statutory mandate preempts the rules, and the local governments are bound by the statute, regardless of the rule. See Wetherell, 342 Or. at 682 (holding that LCDC may not require a local government to make land use decisions utilizing standards that do not comply with statutory definitions, and invalidating an OAR that precluded consideration of factors that were appropriate under the statute). Thus, Metro and Washington County are obligated to perform the assessment and balancing set forth in ORS 197.040 regardless of the language of the OARs. See Jordan v. Douglas County, LUBA No. 2001-045 (Or. LUBA, 2001) (A local government's decision will be reversed or remanded if it fails to follow applicable statutes and procedures.)

Washington County and Metro's proposed IGA utterly lacks any compliance with ORS 197.040. Facially, it does not compare the proposed solution to other solutions region-wide. It is constitutionally invalid because it does not treat similar land similarly. This project was not undertaken with the requisite impartiality, and the result – proposed urban reserves in areas described as the best farmland in the world while other land, admitted by all to be conflicted, not feasibly tillable, and abutting an already urbanized city, is unduly burdened with a rural reserve designation that means fifty years of nonuse – is preposterous.

¹ The objections submitted at the local level by the property owners, the objections submitted in connection with the October 2010 hearing before the LCDC by the property owners and by this law firm, and our November 17, 2010 letter to Steven Shipsey are incorporated herein by reference.

² ORS 197.040(1) further incorporates the overarching principle of equity set forth in ORS 197.010 and requires that the Commission shall adopt rules that it considers necessary to carry out the land use statutory mandate, including, in relevant part, mandating that the Commission:

- “(C) Assess what economic and property interests will be, or are likely to be, affected by the proposed rule;
- (D) Assess the likely degree of economic impact on identified property and economic interests; and
- (E) Assess whether alternative actions are available that would achieve the underlying lawful governmental objective and would have a lesser economic impact.” (Emphasis added.)

The anticipated response, that Washington County had to look only within its own borders for land suitable for urban reserve, is contradicted by the basic premise of the statutory model. The reserves are intended to be a region-wide planning tool, and limiting the analysis to a politically delineated area improperly ignores the express mandate of the statute and the federal and state constitutions. Applying the criteria in different ways and weighing them differently based upon the land's location in relation to the county line violates both the letter and the spirit of the applicable OARs and ORS 197.

Our clients, as well as the other landowners and citizens of the Portland metropolitan area, deserve a fair and constitutional land use process by which the state's interests are balanced against the economic impact of the governmental actions and decisions made based upon the legislative mandate and appropriately crafted rules, and by which these decisions are made and applied in an equitable, nonpolitical manner. Despite this fundamental constitutional right, our clients have been ignored, marginalized, and their land subjected to arbitrary application of the reserve factors in a manner to which no other land in the reserve designation project was subjected. With each review and each abdication of responsibility, one can only conclude that this is a willful disregard of constitutional rights.

We respectfully request that Metro and Washington County vote not to approve the proposed Intergovernmental Agreement to Re-Designate Urban Reserves in the County and instead reconsider this decision in a manner that conforms with the Oregon State Legislature's statutory mandate and the constitutional principles of equal protection and due process. Metro's decision to select optimal farmland for urban reserves instead of available exception land that meets all the criteria for "first priority" under OAR 660-021-0030(3)(a) has already been remanded by the Commission. Metro has the opportunity to correct this inequitable use of the urban reserve designation. Further, Metro should recognize and apply, formally and fairly, the required tests of the applicable statutes and constitutions. It is the agency who must impose this responsibility across political subdivisions.

Respectfully submitted,



Christopher James

Cc: Dan Cooper, Esq. (via electronic mail)
Henry Lazenby, Jr., Esq. (via electronic mail)
Mr. Robert Burnham (via electronic mail)
Hank Skade, Esq. (via electronic mail)

March 9, 2011

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MAR 11 2011

Long Range Planning
Land Use & Transportation

Washington County Board of Commissioners:

My family and I support changing undesignated property north of Highway 26 to urban reserve. I am ninety-three and have lived here all my life. My husband and I bought our land and farmed it for more than sixty-five years. I continue to reside on my 225 acre farm north of Highway 26 and south of West Union Road. We knew the day would come when large tracts of land would be used for the expansion of businesses and industrial growth in the area. My husband and I planned accordingly and purchased a second farm in another area of Oregon far from urban growth.

My family is fourth generation farmers and business people in Oregon and is in agreement that it is time for this land to be reserved for businesses to expand and come to the area with family wage jobs for future generations, including my grandchildren and great grandchildren.

To those who would oppose the urban designation, I say **compromise**. If I have learned anything in ninety-three years, it's that to get something you give something. Agriculture will not disappear from the area but farms will be smaller and products will change to support the local community. We already see this with farmers markets, community gardens, nurseries and vineyards in the area. For those who want to continue to farm, that is still an option under the urban designation. A change from undesignated to urban reserve would provide my family with more choices and a timeline for our business plan.

Thank you for your time and work on this important plan.

Ann Marie Leppin

Alayne Bryan

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MAR 11 2011

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE



Washington County Commission
Public Services Building
155 N First Ave
Hillsboro, OR 97124-3072

RECEIVED

MAR 14 2011

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

March 14, 2011

Dear Chair Duyck and Commissioners,

Audubon Society of Portland has actively participated in the rural and urban reserve planning over the past three years having served on the Reserves Steering Committee and commented at numerous decision points. We represent over 12,000 members in the Portland-Metro region and over 3,500 members in Washington County.

We are writing to express our concern and opposition to the proposed changes to the urban and rural reserve designations by Washington County in response to the LCDRC partial remand last October. We remain concerned by the quantity of land being designated urban reserve and believe the existing proposed urban reserves are unnecessary to meet future urbanization needs, pose unacceptable impacts on the rural environment and economy including wildlife and water quality, and therefore should be reduced not expanded. We are also very concerned about the ecological impacts of the new urban reserves designated north of Highway 26 (Area D on the 2/22/11 map). We specifically request that you reject the proposal to change land north of Highway 26 from undesignated to urban reserve.

Since Washington County first proposed urban reserves, we have questioned the need for and wisdom of designating such expansive urban reserves in Washington County. Throughout this process the political pressure and short-term economic interests for designating more urban reserves has marginalized the compelling fiscal, economic and ecological arguments for a more conservative approach to expanding the region's urban footprint. The limited funds for urban planning and infrastructure should compel us to apply limited resources strategically in existing urban areas first and smaller urban reserves second. This will result in more efficient land use, lower environmental impacts, and the more compact, walkable communities called for in the 2040 plan and supported by the Regional Infrastructure Analysis and the Community Investment Strategy. The expansive urban reserves proposed in Washington County would spread limited public infrastructure and planning dollars over more land. The lack of public infrastructure funding for recent UGB expansion areas like North Bethany are indicative of a problem that will be exacerbated by the expansive urban reserves proposed in Washington County.

A more conservative approach to future urbanization will also reduce green-house gas emissions, support the agricultural economy, and decrease social and geographic inequities in the region. The limited resources to urbanize new lands also constrain capacity to adequately and effectively conserve and enhancement of natural resources and green infrastructure in new urban areas. Moreover, the region's track record to plan and develop new urban areas in a fashion that protects and restores ecological systems is unproven. As much as possible, we should focus on urbanizing existing UGB expansion areas in an ecologically

President
Pat Campbell

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Claire Puchy
Dan Rohlf
Lee Savinar
Ron Spencer

Board Member
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Dave Marshall

sustainable fashion before we consider urbanizing new lands on the edge. Already the designation of urban reserves has led to clear-cutting of forested areas. Urban reserves have already put forested areas at greater risk to clear-cutting in Clackamas County.¹ These factors need to be given greater weight in urban reserve decisions; support designating fewer acres of land urban reserve.

We recommend and request that Washington County and Metro eliminate the 1,100 acres urban reserve remanded by LCDC, reduce the land-supply horizon to less than 50 years as allowed by state law, and propose no new urban reserves in Washington County. The 624-acre urban reserve north of Cornelius and the 508-acre urban reserve north of Forest Grove represent a small fraction of the over 28,000 acres of urban reserves (13,884 in Washington County) proposed by Metro and the Counties. By Metro's own projections, 1,100 additional acres would not be needed over the next 40 years. Indeed, Metro and Washington County could and- we believe- should eliminate additional urban reserves by adopting a 40-year rather than 50-year planning horizon for rural and urban reserves. Reducing the planning horizon also accounts for the uncertainties inherent in long-term planning by allowing for changes sooner rather than locking the region into a fixed future based upon today's economy.

We also are very concerned about the potential ecological impacts of designating new land north of Highway 26 as urban reserves (Area D on the 2/22/11 map). Additional urbanization north of Highway 26 will certainly increase traffic on Germantown and Cornelius Pass roads over the long-term. This could substantially increase the environmental impacts to Forest Park and to the important wildlife corridor connecting the Tualatin Mountains to the Oregon Coast Range. We request that Washington County eliminate new urban reserves north of Highway 26.

Thank you for your consideration.

Sincerely,



Jim Labbe
Urban Conservationist
Audubon Society of Portland
5151 NW Cornell Rd.
Portland, OR 97210



Bob Sallinger
Conservation Director
Audubon Society of Portland
5151 NW Cornell Rd.
Portland, OR 97210

¹ "Stumptown in Stafford," The West Linn Tidings, Oct 28, 2010.

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MAR 14 2011

FAX TRANSMITTAL

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

From: Matthew Larrabee
10961 NW Crystal Creek Lane
Portland, Oregon 97229

Date: 3.14.2011

To: Wash. Co. Board of Commissioners

Fax: 503.846.4545

Subject: Urban Reserves

No. of Pages (excluding cover): 1

Please enter the following letter to the Board into the public record relative to the 3.15.2011 hearing on proposed Ordinance No. 740.

Thank you.

Matthew Larrabee
10961 NW Crystal Creek Lane
Portland Oregon 97229

March 12, 2011

Subject: Economic Opportunity, Equitability, and Urban Reserve Land for Cornelius

To the Washington County Board of Commissioners:

Representatives from the city of Cornelius recently gave testimony to the Washington County Planning Commission. They made a reasoned and impassioned case for the restoration of the Urban Reserve designation on land north of Cornelius. As a Planning Commissioner and as a private citizen, I have come to the conclusion that theirs is a righteous cause.

One of the speakers, a young architect and a Cornelius planning commissioner, recounted the decades-long pursuit of expansion land by Cornelius. Five times promised the chance to expand. Five times thwarted.

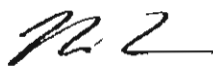
During a years-long process, the County agreed to provide an Urban Reserve to the north of Cornelius. It was a reasonable plan that achieved balance among competing interests. Shouldn't the Board of Commissioners stand up for local self-determination? Or should we bow to a non-elected state commission that has acceded to the wishes of influential special interests? Do we need to be reminded that the DLCDD has not even issued a written opinion in this matter? That their oral opinion might be at variance with the findings of their staff?

To deny the Urban Reserve to Cornelius is to consign it to the status of a bedroom community; it is to reduce its chances to prosper and grow with the rest of the county. Is this equitable? Aren't they also taxpayers who deserve an equal opportunity?

A large area north of Hillsboro, much of it good farm land with Type I and II soils, as good as the land near Cornelius, has been designated Urban Reserve. I applaud the opportunity that it provides for economic growth. Why should the smaller and less influential town of Cornelius be denied similar opportunities? Should they be hemmed in by a green curtain of farmland while their neighbors are allowed to prosper?

Finally, if the County Planning Commission is expected to "rubber stamp" the most important planning decision of a generation, then I propose that we just rename the body the "Rubber Stamp Committee." Instead of demeaning the citizen-volunteers of the Planning Commission in the local newspaper, I would urge the Board of Commissioners to consider the reasons for our 5-1 vote to restore Cornelius its share of the bounty.

Respectfully submitted,


Matthew Larrabee
Washington County Planning Commissioner

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MAR 15 2011

WASHINGTON COUNTY
BOARD OF COMMISSIONERS OFFICE

3-14-2011

In Reference to the Upcoming Meeting Regarding Urban Reserve Boundary North of Hwy 26, 3-15-11

I and my family are in agreement with the proposed changes from Undesignated Reserves, into Urban Reserves. The family farm has been operated for four generations. The current farm, at 200 areas, is leased and not being farmed directly by my family, nor will it be. Our current plan for the farm has been impacted by our unknown status regarding undesignated reserves. As a family, we determined that our current operation as a wheat, straw and grain grower is not sustainable as a business and cannot generate enough income for the entire family. Therefore, we will continue to lease the farm.

We support the Urban Reserve designation because it affords us more options for our business planning. The property is currently adjacent to the existing UGB and is readily adaptable for infrastructure development. Current transportation systems, US 26, West Union Rd and Groveland Rd are situated on the boundaries of the property. The expansion of available industrial land for business development and jobs within our county appears to be a better use of this resource.

The property is entirely owned by one family, the Leppin family, which consists of myself, sisters and mother. As one of the original homestead families in the West Union/Helvetia area, we have observed significant changes in the property surrounding our farm. Residential development, very small gentleman farms and nursery operations have expanded greatly. The majority of people that have small properties do not and have never used farming as their main livelihood. The type of farming that my family has done for a living is no longer practical without a significant change in operation, equipment and methods. My mother is 93 years old and lives on the farm. The family has decided that such a change in operation is not feasible.

Many of the letters voiced in opposition to the change of zoning, request that the farm land and open spaces offer a relaxing environment for their hectic lives. They base the loss of farmland on an emotional appeal. The hard truth is that most of these people have never had to make a living solely from farming. They have no basis to justify the local economic impact of less farmland. They also do not see that while, taking away their rights to "walk and ride" through the open spaces is not acceptable, it is acceptable to take away the right of the private property owner to determine the best use of their land and planning for their business. There is no other business currently that has to deal with this level of interference by others. There are many options available for the property that still offer very sustainable uses, but provide higher economic return for the area. Larger parcels of land are required to attract industry that provides jobs.

Sincerely,

Analene Leppin Waterman

25360 NW West Union Rd, Hillsboro, Or. 97124

Title: Input to Metro Council and Washington County Board of County Commissioners
RE: Supplement to the IGA Concerning Urban and Rural Reserves, Item A-1.
Author: Joe Rayhawk
Date: March 15, 2011

My name is Joe Rayhawk. I live at 15248 NW Germantown Road, Portland, 97231.

I have read all of the Objections filed with LCDC.

I am in awe at the quality of arguments on all sides and the frightening level of legal talent about to be deployed.

The Reserves process was supposed achieve a balance of Urban and Rural Reserves across the region.

When the other two counties pulled out of the joint process, they were effectively stating that Washington County was asking for too many acres of Urban Reserves.

I believe that LCDC was correct in remanding the first version of the IGA, but wrong in stating that the county's process was balanced and so you should pick land somewhere else to make up for the remand.

Earlier after the original IGA, the county came back with a request for more land, almost all Urban Reserves and including the Peterkort Property. The request was approved by Metro with great reluctance.

It is obvious from the record that the decision was not based on the Reserves Factors. This included the swing vote changing after a closed door meeting between one councilor and the President of Metro and the sitting chairman and chairman-elect of Washington County. The fact that this process was not public might be a very interesting issue for a court. It certainly was offensive to the many ordinary citizens that had put in hundreds if not thousands of hours into the public process.

I am not sure that any of Metro councilor who voted to approve Peterkort want to defend their vote in a court-of-law why they ignored the factors that led to thousands of other acres being designated as Rural Reserves. Especially when those courts are likely to be in Multnomah and Clackamas County.

I recommend that Metro, in order to protect the careful decisions of the other two counties, request that Washington County withdraw all of its late additions including the recent one and the area remanded by LCDC. This will guarantee acceptance by LCDC. It will allow the final results to be defensible as balanced for the region. Otherwise, you are handing legal victories to those who place their personal interests among the common good.

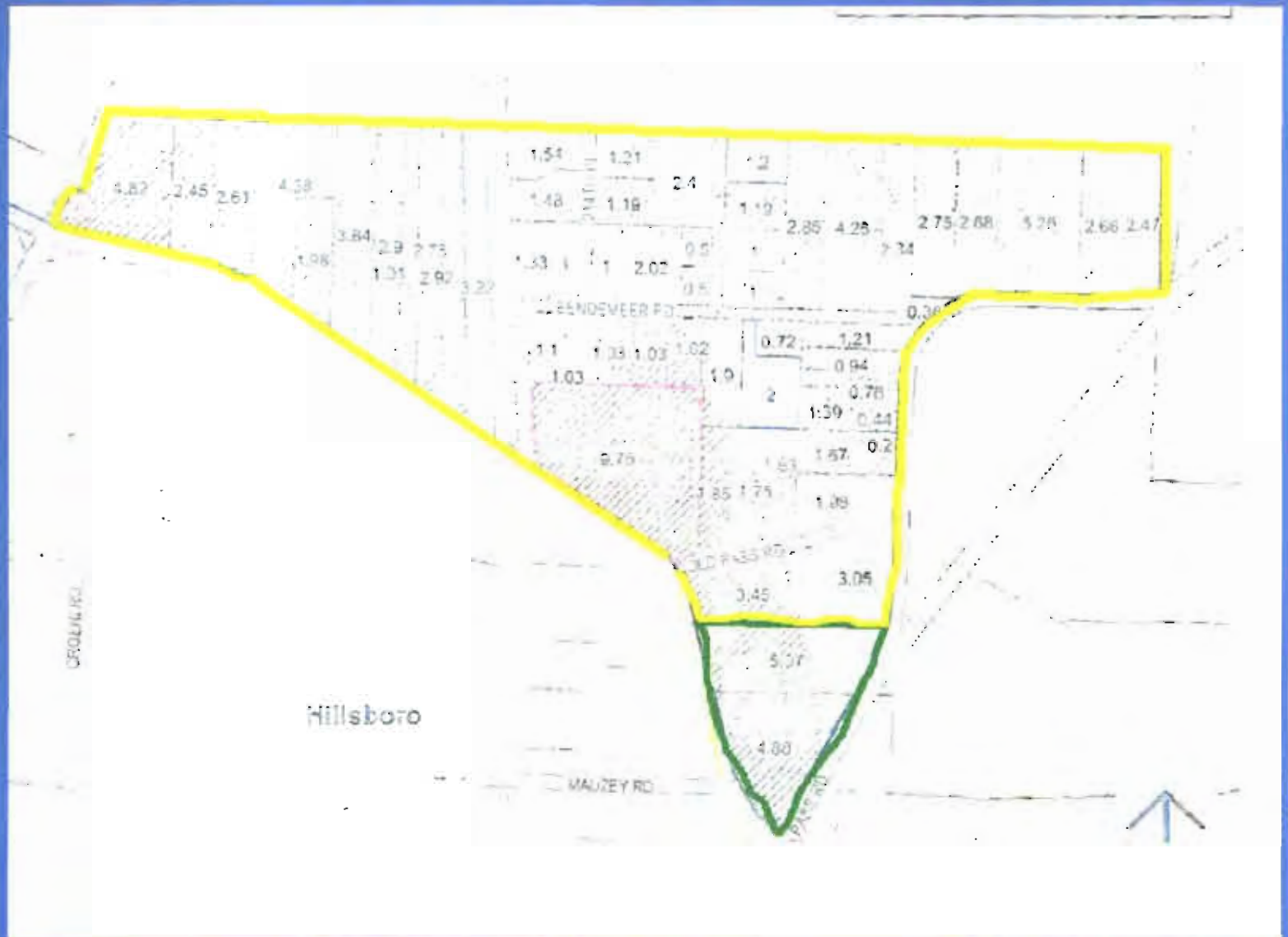
The assumptions about growth used during this process have proven to be optimistic.

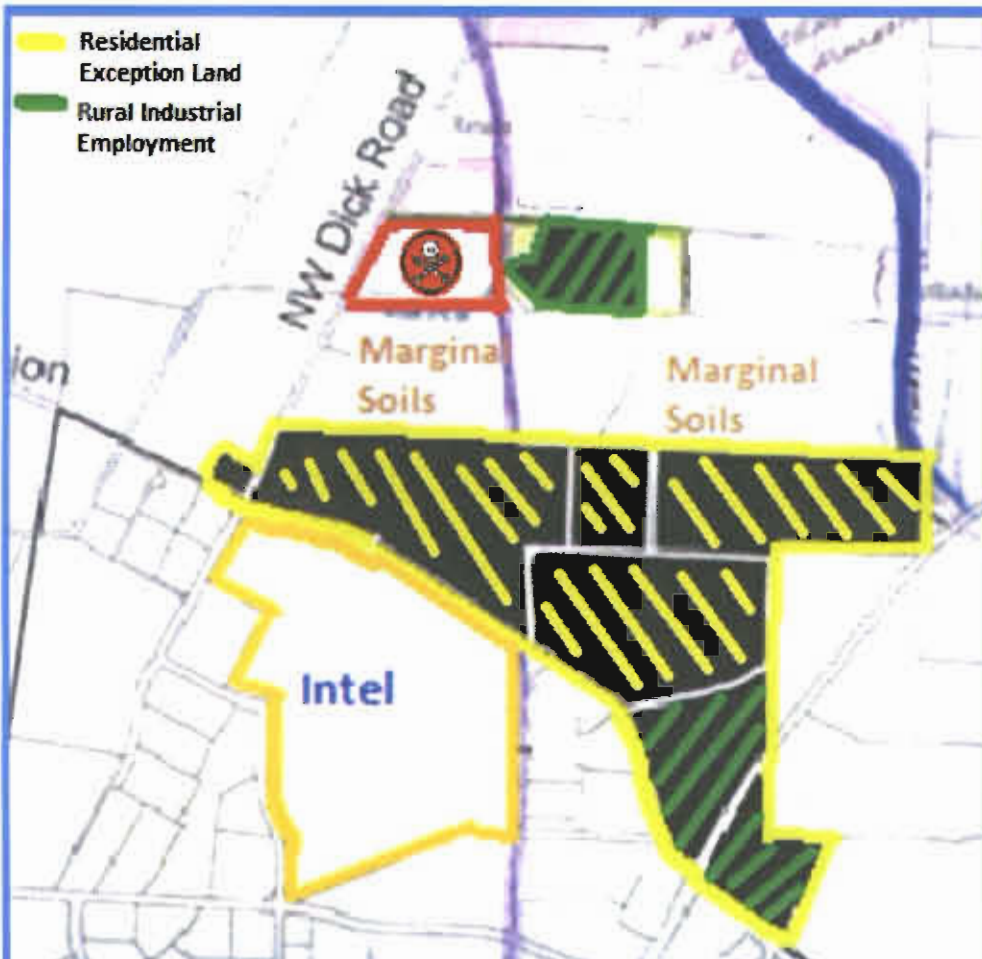
In particular, Washington County has not been a growth county for high-tech jobs or manufacturing since 2000.

A re-evaluation with actual data might show that the region has put too much land into Urban Reserves.

I do not think anyone wants to go back the drawing board.

Washington County Reserves - Page 10742







9.76 acre subject property – surrounded by residential neighborhood and industrial (Intel)
Planned Intel subsidiary SpectaWatt 20 acre site, cancelled and land for sale.
 Greater Bendemeer Residential Neighborhood
 PGE Electrical SubStation

March 14, 2011

Washington County, Oregon
Hillsboro, Oregon

Re: 27.62 acres, designated on Washington County tax records as 1N214B-00191, North of West Union Rd, and East of Dick Road.

We wish to submit the following statement for the record for the March 15th, 2011 meeting of the Washington County/Metro meeting:

We want to have the above referenced property to be designated in the "Urban Reserve", because the property is surrounded on 3 sides by "exceptions Land". The property is next to the current Hillsboro City limits, and near the transportation corridors to the major freeways and cities.

The property is in the Bendemeer Road area, and next to multiple small lots in West Union. The East side is bounded by an abandoned railroad that has the same potential as the Stubb Stewart Park.

I have also submitted a map attachment of the area, and a text indicating the suitability of this property and the surrounding area for development.

A Google Map designating the tax lot we wish to have included in the UGB is included.

Respectively submitted:

William Waibel



March 14, 2001

Re: Greater Bethany Reserve Discussion Areas.

Included: Map – Greater Bethany Reserve Discussion Areas

Text – Following, Below

TEXT:

This attachment focuses on the area **North of US26**, and provides detail to outline the context that was used to develop the proposal. There is additional emphasis given to this area because we believe that utilization of this proposal has the potential of truly “**Completing a Community**” in neighborhoods, services, and employment, while still keeping it seamlessly connected to the existing UGB.

- Creating the “natural buffer” as described below, provides significant protection to adjacent farmland and thereby allows for agricultural development to occur to the north that provides an opportunity for a range of diverse products including food, wine and others that can easily serve the urban community. These products offer destination opportunities, similar to Sauvie Island that provide for a compatible rather than conflicting integration of agricultural amenities to the urban environment.
- Natural buffers will similarly preserve the habitat associated with the “landscape” as well as wildlife migration features to the north, east and west that can assure long term destination opportunities with ease of access to trails and the like.
- The proposed boundary sets a clear separation from the City of North Plains. This demarcation recognizes the community of North Plains as an agriculture service community described in the Jim Johnson’s work detailing what makes such a community viable.

- The potential expanded employment sites provide the necessary space for diversity of future employment that would complement what currently exists at PCC (Rock Creek), the industrial area west of Cornelius Pass, and the service area of the Bethany town center. It also leverages the existing infrastructure already found at the St. Vincent Medical Center and the adjacent regional transportation node.
- The proposed boundary provides for a governance option on the north edge of the UGB that does not currently exist. This boundary helps address the challenges raised by Washington County's Urbanization Forum on how to best to "govern" these politically separate, but socially and economically connected areas.

The following description is best facilitated by using the attached map, beginning on the West and working East.

- 585 acres west of, but NOT including the Standring property, would be classified as Rural Reserve. It would be replaced with 633 acres of land north of West Union and both east and west of Cornelius Pass Road:
 1. Comparative to what was replaced; this land is adjacent to the existing Hillsboro Employment Zone and adjacent to the existing Urban Growth Boundary.
 2. It allows for double loading of West Union Road and would remove the requirement for a extraterritorial annexation to effectively utilize full development of West Union Road to meet capacity needs. It provides a fiscal attribute by including those lands north of West Union for assisting in those transportation improvements.
 3. It assists with the idea of utilizing Jacobson Road to connect both employment and residential lands to improvements at the Helvetia interchange.
 4. It allows utilization of the Helvetia Interchange by inclusion of the Standring property, without objection.
 5. It utilizes existing or contemplated sewer services from adjacent development and/or planning areas.

6. It is adjacent to the City of Hillsboro and provides a discussion platform to address the challenges faced by Washington County's "Urbanization Forum" agreement for city annexation of any area prior to development. Such a dialogue could include participants of not only Washington County and the City of Hillsboro – but also Beaverton and even Portland.
 7. Although portions of this site include exception land (hashed) they are such that they could eventually be converted for development. Similar challenges occur in the North Hillsboro Urban Reserve Zone. Utilization of such lands also removes the conundrum of how serviceable exception land could be ignored, when it is considered "first" under the current statutes for a 20 year land inventory.
 8. Provides for a natural buffer by delineation of Holcomb Creek (a tributary of Rock Creek). The northerly boundary connects to that natural buffer and to the west to include an existing developed industrial property and an existing PCB repository. The proposed boundary would then go south along Dick Road to intersect at West Union.
 9. Future consideration could be given for the addition of these future urban areas to the service district, currently being proposed for North Bethany, which could help to support the transportation, Sewer, water and other essential service infrastructure needs of these areas.
 10. This area connects with Metro owned Property adjacent to the Jin Park site, located at the NW corner of 185th and West Union Road. Given the proposed sewer development through the Jin Park site for North Bethany, there would be additional opportunity to leverage this "work" for other future expansion areas.
- The Washington County land to the east is generally uncontested Urban Reserve or already in the UGB, and continues from the above described "natural buffer" along a connected watershed to the East.
 - East of this is what has become known as the "L" in Multnomah County but more appropriately should be referred to as East Bethany. The group's proposal identifies a topographic and natural resource edge with a combination of slopes in excess of 25% and the Abbey Creek corridor. This logical buffer separates the most sensitive natural landscape features from

lands that are currently adjacent to developed and/or planned urban areas, and are themselves, easily urbanizable.

1. East Bethany is proposed as Urban by the group for two critical reasons:
 - a. First, the inclusion of "conflicted" farmland in Multnomah County is regarded as essential for the acceptance of "foundation" farmland as Urban in Washington County. The group regards inclusion of high quality urbanizable land on the north edge as the best defense against conversion of "foundation" farmland in relatively nearby areas.
 - b. Second, the designation of East Bethany as Rural is regarded as entirely incongruous with the inclusion of Stafford Triangle as Urban. East Bethany is easier to serve, more proximate to urban services and urban centers, and is situated on landscapes much more appropriate for urbanization. Re-designating East Bethany as Urban makes the inclusion of the Stafford Triangle consistent with the applicable rules for urban designation.
2. Inclusion of East Bethany as Urban creates an unparalleled opportunity for the region to build on the efficiencies provided by the newly adopted (October 2010) North Bethany Comprehensive plan. The full range of urban facilities provided via the North Bethany Plan can be more fully utilized with an Urban designation of East Bethany.
3. East Bethany offers excellent proximity to a full range of urban attractions. Portland Community College and the Bethany Town Center are both within walking distance. Tanasbourne Town Center and the region's growing job centers are very close by.
4. Tri-Met currently provides 15 minute headway service to the PCC campus on Springville Rd.
5. Adding East Bethany provides the region with an urban delineation defined by natural boundaries (25% and greater slopes and drainage corridor boundaries) rather than by political boundaries.

6. Consistent with North Bethany, this natural boundary can in turn be used as a regional opportunity to connect urban spaces by a trail system along the urban/rural boundary.
7. Tualatin Valley Water District has recently purchased 8 acres of property above the 480 ft. contour along Springville Rd. in Multnomah County for the purpose of serving North Bethany. This same site can provide effective service to the East Bethany area. Additionally, should East Bethany not be designated Urban, provision of water service to North Bethany will be substantially more difficult for it will require the extension of an urban water main through Rural designated land.

Seeking Solar Industry: Is Hillsboro Getting It Right?

Faun Hosey • 13515 NW Jackson Quarry Rd. • Hillsboro, OR 97124
March 15, 2011



Do solar companies *really* need large lot sites?

The City of Hillsboro says:

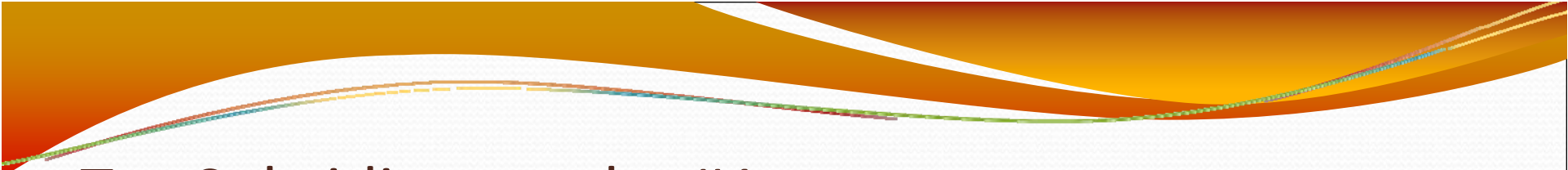
- They need a big inventory of large lots
- They need 50 to 100 acre shovel-ready industrial sites

But are large lots what really brings companies here?

Let's look at solar, one of Hillsboro's targeted industries

Solar Companies Locating in Oregon

SolarWorld	Hillsboro	2006
Solexant	Gresham	2010
CentroSolar AG	Gresham	2010
Oregon Crystal Technologies	Gresham	2010
Ferrotec	Fairview	2010
SoloPower	Wilsonville	2011
Solaicx	Portland	2006
Peak Sun Silicon	Millersburg	2007
PV Powered, Inc	Bend	2001
Sanyo Electric Group	Salem	2008
XsunX	Wood Village	Bankrupt



Tax Subsidies are the #1 reason solar companies come to Oregon

“No other state has programs like Oregon.”

Solexant President and CEO Damonder Reddy, 2010

“Local and State incentives were a major driver in the
company’s decision to locate in Oregon.”

Ferrotec President Akira Tamamura, 2010

“Solar entrepreneurs enticed by lucrative
incentives...are pouring into the Oregon market...”

“The Rise of Oregon’s Solar Industry”
by Ben Jacket, June 2008

Government Subsidies

SolarWorld	Hillsboro	\$82M (Fed) + \$20M (OR)
Solexant	Gresham	\$43M (OR)
Centro Solar AG	Gresham	\$10.9M (OR)
SoloPower	Wilsonville	\$40M (OR)
Solaicx	Portland	\$18.2M (OR)
Peak Sun Silicon	Millersburg	\$14M (OR)



Other reasons solar companies move to Oregon

- Experienced silicon workers
- Relatively cheap power
- Close to California market

NOTE: Availability of large lots is NEVER MENTIONED

Source: “Solar jobs rising in Oregon”, Shelby Wood, the Oregonian, July 22, 2008

Who chooses 50+ acre greenfields?

No one.

- Most choose 25 acres or less
 - Solaicx
 - Sanyo Electric Group
 - Ferrotec
 - SoloPower
 - Oregon Crystal Technology
- Many prefer to recycle existing buildings
 - SoloPower (old Nike Distribution Center)
 - SolarWorld (old Kumatsu manufacturing facilities)
 - Solaicx
 - Ferrotec
 - Oregon Crystal Technology



Large lot availability is NOT the problem for Hillsboro

- Hillsboro is not attracting solar companies and land availability is NOT the reason.
- Hillsboro is focusing too much on getting **HOME RUNS** and **STRIKING OUT** by losing the small/midsize solar business to other cities.

So, does Hillsboro really need more urban reserves?

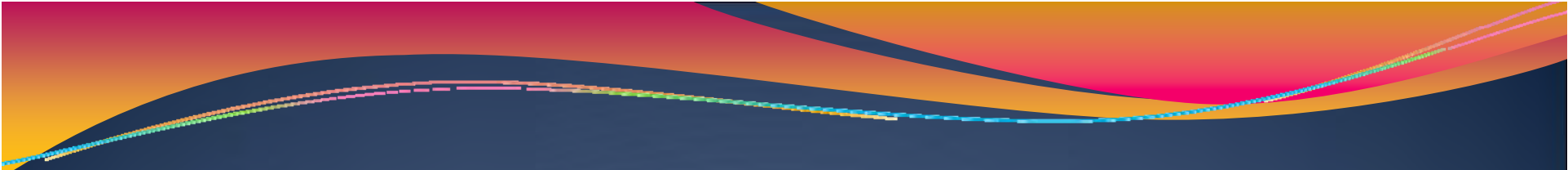
- Hillsboro has empty facilities available (IDT, Credence, etc.)
- Hillsboro has at least 1.5 million square feet of manufacturing/flex facilities available for lease NOW
- Hillsboro has at least 1.0 million square feet of commercial office space available for lease NOW
- Hillsboro has ≈2500 acres of vacant industrial land inside UGB
- Hillsboro has 2,849 acres of industrial Urban Reserves

... NO. Reject the addition of more urban reserves north of Hwy. 26

Sources: LoopNet listings (Feb. 2011), Hillsboro Aspiration Plan (12/2008)

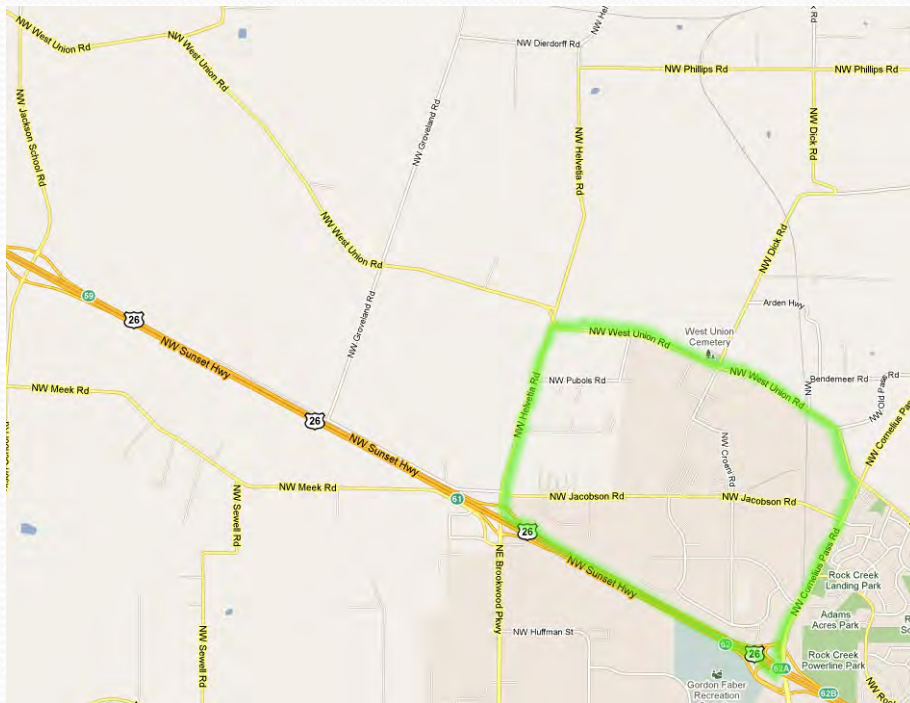


The End



Hillsboro has promised all this before

Brian Beinlich • 15060 NW Mason Hill Road • North Plains, OR 97133
March 15, 2011



- North of Hwy 26, south of West Union Road
- Cornelius Pass Road to Helvetia Road
- Next to UR proposed in Ord. 740
- 891 acres of prime Helvetia farmland
- Brought into the UGB between 1998 and 2002
- Zoned for industrial use
- Hillsboro justified it as needed for jobs

So, what has Hillsboro achieved?

NO tech anchor firms

LTX Credence departed
450 jobs lost



Intel

- Stopped development on these 92 acres
- Selling adjacent land at 50% off



Demand has not materialized

Buildings Lack Industrial Tenants

Childrens' play zone
in warehouse



Churches
in tech office buildings



Vacant Industrial Land

Empty fields for sale for years



Dead end roads



More Vacant Industrial Land



Destination: Nowhere

Unbuilt industrial parks



Roads to nowhere





Economic impact of Helvetia industrial area

- Helvetia industrial land is lowest in market value, payroll, and property tax revenue
- Averages less than 3 employees per acre
- Warehouses & distribution centers have low economic benefit

Sources:

- 2009 “Economic Mapping Project” sponsored by the City of Hillsboro, NAIOP, CAR/CREE/OAR, and the Oregon Economic and Community Development Department
- 2007 Helvetia Concept Plan



Comparing promises to reality

- 10 Years ago, Hillsboro pleaded that they needed Helvetia land for jobs... lots of jobs
- Valuable prime farmland was sacrificed
- Lack of demand resulted in the land being used for commercial & retail, sprawling far from urban centers
- It's no longer usable for farmland, it's not being fully used as industrial land, it's certainly not being saved for "large lot" sites

Sound familiar?



It should... We've heard this before.

Why should we believe that Hillsboro will use the *next* 585 acres for “large lot sites”?

It didn't happen last time. The land was squandered for other uses.

So why should we sacrifice Helvetia's world-class farmland to Hillsboro's pursuit of a **HOME RUN**?

Reject the addition of more urban reserves north of Hwy. 26

The (dead) End



City of Hillsboro's Crusade for Large Lots:

Realistic Goal? Or Field of Dreams?

James C. Young • 13310 NW Bishop Road • Hillsboro, OR 97124
March 15, 2011



Hillsboro's Economic Development Strategy

- Focus on recruiting large companies – 50 to 100+ acre lots
- Want large inventory for blind inquiries
- Creates insatiable demand for large blocks of ag land
- Expand north to Helvetia foothills
- Industrialize Helvetia - “ N. Hillsboro Industrial Sanctuary”

Source:

City of Hillsboro Aspirations, 12/2008

Johnson-Reid Economic Analysis, 2009



Going for the HOME RUN (Can we get another Intel?)

“...new large ‘anchor companies’ in the 3 industry clusters (tech, solar manufacturing and bio-pharmacy) need large (50-100) acres.”

“These industry clusters need large sites (50-100 acres) in the North Hillsboro Industrial Area (including lands north of Hwy 26).”

Source: Letter from Mayor Jerry Willey, City of Hillsboro, November 17, 2009



How many large lots has Hillsboro actually needed?

In the last 30 years, *including two decades of boom growth*:

Only 1 company has built on more than 100 acres:

Intel (rebuilding on existing land)

Only 2 companies have bought more than 50 acres:

Genentech (only uses 15 acres out of 75)

SolarWorld (bought existing facilities from vacated Komatsu)

Source: Washington County Issue Paper No. 04, September 1, 2009

Companies buying 25+ acres over past 30 years in Hillsboro

Intel: Hawthorne Farms	53 acres	1978
Jones Farm	115 acres	1985
Ronler Acres	330 acres	1996
Solarworld – recycled Komatsu	95 acres	1996/2008
Genentech	75 acres	2006
Synopsys	44 acres	2000
TOK America	38 acres	1992
Maxim – recycled Fujitsu	33 acres	2000
Triquint Corp	30 acres	1995
FEI	27 acres	2002
Sun Microsystems	25 acres	2000
IDT – Vacating	<u>25 acres</u>	1996

30-year total: 9 companies (392 acres) + Intel (498 acres) = 890 acres

Source: Washington County Issue Paper No. 041, September 2009
Metro Large Lot/Large employer Analysis, 2009



Hillsboro has an AMPLE supply of industrial land

- ≈2,500 acres of vacant industrial land inside current UGB
- 2,849 acres from Ordinance 733 (Urban Reserves for industrial sites)
- 1.0 million square feet vacant commercial office space
- 1.5 million square feet of vacant manufacturing / flex / R&D / warehouse space

Sources: LoopNet listings (Feb. 2011), Hillsboro Aspiration Plan (12/2008), Evergreen Concept plan, Helvetia Concept plan (2007), WaCo Ord. 733 (2010)



Hillsboro does NOT need another 585 acres of Urban Reserves

- Only 890 acres were used (including Intel) on lots > 25 acres over the past 30 years
- Has 3,829 acres at their disposal for employment*
- Has a 100+ year supply (annualized) WITHOUT industrializing Helvetia

*Not including an additional 2,000 acres of residential Urban Reserves in S. Hillsboro

Source: Washington County Issue Paper No. 04, September 2009

The End is not worth the cost

Wake up from the dream and leave the fields!

Reject the additional 585 acres of Urban Reserves for Hillsboro

Washington County Reserves

Breaches the Best Buffers

Harms High Value Farms



Washington County Farm Bureau

March 15, 2011



Clackamas and Multnomah Counties

- Established citizen advisory committees in reserves process
- Clackamas County citizens committee – a balanced approach
 - 7 city representatives
 - 7 citizen representatives (CPO and hamlets)
 - 7 stakeholders
 - (3 agricultural, 1 forestry, 2 business, and 1 environmental)
- County staff collaborated with citizen advisory committees

The outcome:

LCDC approved the Clackamas and Multnomah Counties Reserves



Washington County

- RCC (Reserves Coordinating Committee) decided quantity and location of reserves

Excluded citizens

Included 12 mayors (who all wanted expansion via urban reserves)

Farm Bureau fought for one vote – always outvoted by cities

- Consequence of flawed process:

Citizens formed a grass-roots group (Save Helvetia)

Garnered region-wide support for rural reserves north of Hwy 26

Campaign generated over 1400 letters, emails, petition

Citizens aged 10-87 participated in over 40 hearings

Nominated for Bus Project's best Citizen-Driven Campaign Award '09

Nominated for DLCD Citizen Advisory Committee STAR 2010 Award

The outcome:

LCDC remanded Washington County rural reserves
and urban reserves north of Council Creek


State Agencies Letter – A Reasonable Approach to Reserves



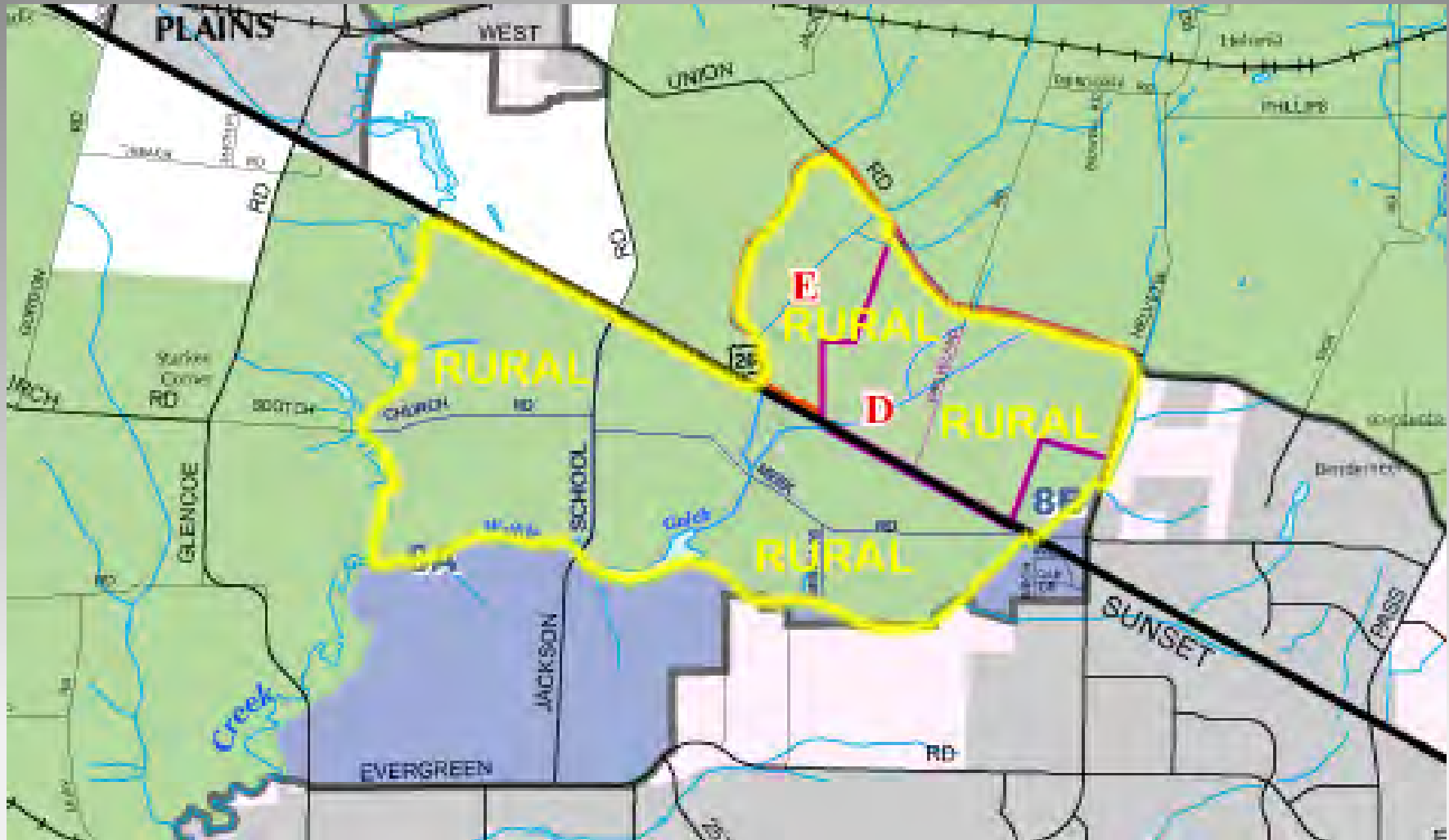


State Agencies Letter – A Reasonable Approach Toward Reserves

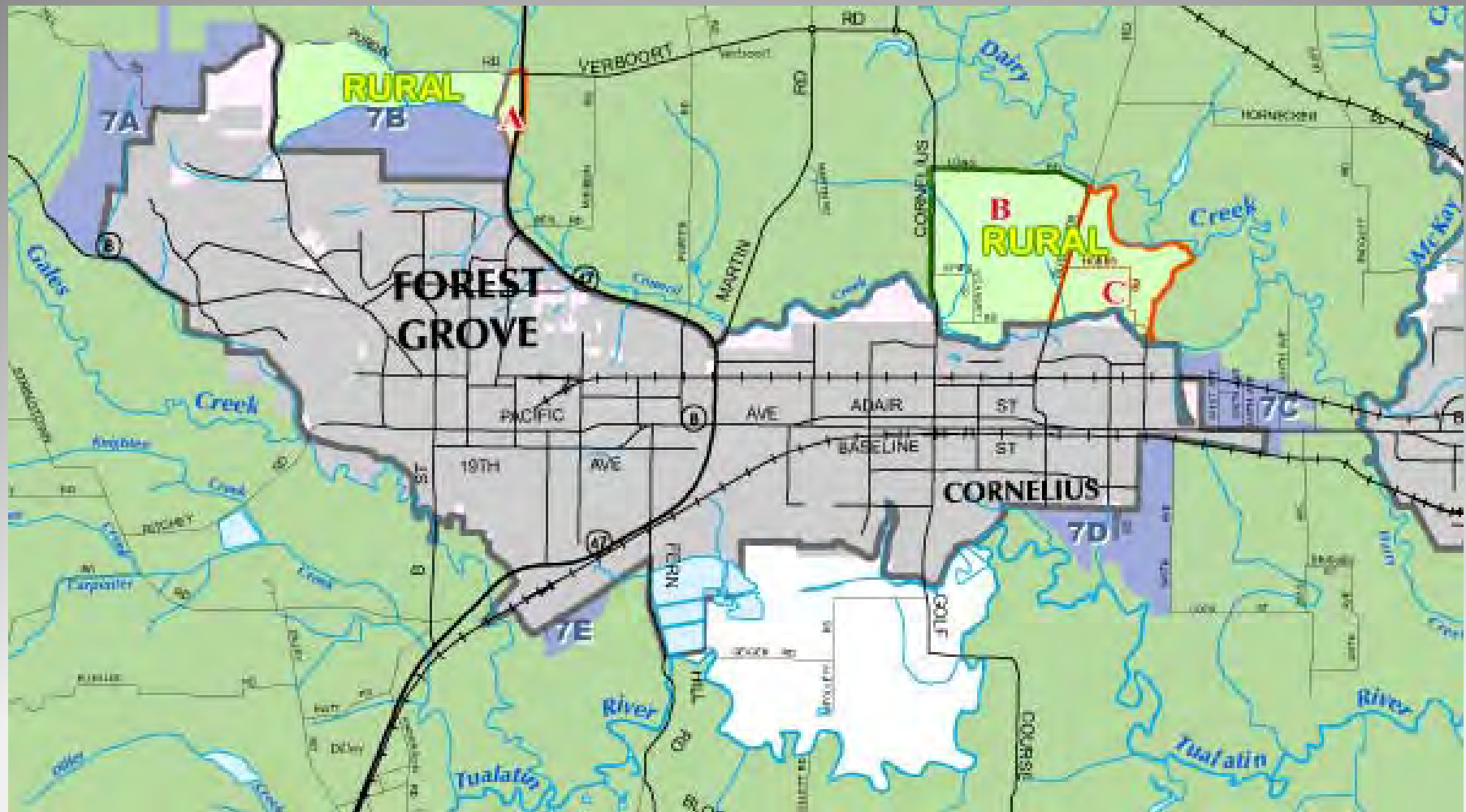
- Understood the importance of edges in the region
- Recognized the most important edges/buffers in Western Washington county
 - Permanent, major, visible separators
 - True dividers: rivers, freeways
- Protected large blocks of agricultural land
- Proposed reasonable urban reserves for both agriculture and industry



WCER Reserves Recommendations:



WCFB Reserves Recommendations: North of Council Creek



Why do we need buffers?

Farm practices cause conflict with urban uses - farming loses



- Dust from combining
 - Ex: Wren Road, Hillsboro accident - September 2010
- Night swathing (cutting) causes noise and dust all night
 - Swathing must be done at night at specific moisture content; keeps seed from falling off, maximizes yield
 - Mid-June to Mid-October
- Pesticides can drift with unforeseen wind movement
 - Laws protect homeowners - farmers can be fined
 - Inversion can cause chemical to lift off plants and travel to neighboring residences
 - Ex: Farming near PCC - residential rose bushes

Why do we need buffers?

Farm practices cause conflict with urban uses - farming loses



*Appx. vehicle traffic counts
(source: WaCo LUT 2010):

Wren Rd.	2500
Susbauer Rd.	5500
Cornelius-Schefflin Rd.	15000
Jackson School Rd.	8500

- Slow-moving farm vehicles
 - Commuters impatient, try to pass - accidents result*
- Odor
 - Dairy cows
 - Pesticides
 - Composting
- Bees
 - Necessary to pollinate seed crops, berries
 - 50 hives can be on a field of 50 to 100 acres
 - In fields for up to 6 months - May to December
 - Neighboring swimming pools attract bees
 - Potential risk of bites, allergic reactions

What are the best edges?



BEST:

- Broad floodplains
- Rivers
- Freeways
- Tall cliffs
- Smaller streams
- Rural residential areas

WORST:

- Roads
- Power lines
- Property lines (no buffer)

Council Creek = The Edge



- 1300' to 2600' ($\frac{1}{4}$ to $\frac{1}{2}$ mile) wide
- Natural, permanent divider
- Urban use to the south
- Foundation agricultural land to the north

Highway 26 = The Edge



- 225' wide
- Permanent divider
- Urban use proposed to the south
- Foundation agricultural land to the north
- Compare to West Union Road (35' wide) or property lines (1' wide)

Waibel Creek = The Edge



- 280' wide
- Natural, permanent divider

Washington County Violates the Best Buffers

- ✓ State Agencies recommendations honor the buffers
- ✗ Urban Reserves and Undesignated land cross the BEST buffers

<u>Edge/Buffer</u>	<u>Urban Reserves</u>	<u>Undesignated</u>	<u>City</u>
N. of Council Creek	250 acres	28 acres	Forest Grove
N. of Council Creek	-	194 acres	Cornelius
N. of Waibel Creek	1370 acres	-	Hillsboro
N. of Hwy. 26	<u>673 acres</u>	<u>290 acres</u>	Hillsboro
Total	2293 acres	512 acres	



Why are Urban Reserves BAD for High Value Farmland?

- Does not protect foundation farmland from urbanization
- Promotes land speculation – prices farmers off the land
- Farmers lose long term leases as landlords sell out
- No certainty for long term farming commitments or capital investments
- New roads and infrastructure can be built through farmland
- Creeping urbanization puts pressure on farmers

More traffic

Faster traffic

Agriculture practices versus urban society conflicts



Why is Undesignated BAD for High Value Farmland?

- Farmers reluctant to invest in long-term investments/crops
- Promotes land speculation – prices farmers off the land
- Farmers lose long term leases as landlords sell out
- No certainty for timeline before switched to Urban Reserves
- New roads and infrastructure can be built through farmland
- Encroaching urbanization causes vicious cycle:
 - Roads encroach on farming,
 - Farmers face increasing difficulty,
 - Farmers sell out,
 - County leaders conclude: “Land is not good for farming, develop it.”

Hillsboro: Vacant Industrial Land





Hillsboro industrial land supply

- \approx 2,500 acres of vacant industrial land inside current UGB
- 2,849 acres from Ordinance 733 (Urban Reserves for industrial sites)
- 1.0 million square feet vacant commercial office space
- 1.5 million square feet of vacant manufacturing / flex / R&D / warehouse space

Sources: LoopNet listings (Feb. 2011), Hillsboro Aspiration Plan (12/2008), Evergreen Concept plan, Helvetia Concept plan (2007), WaCo Ord. 733 (2010)

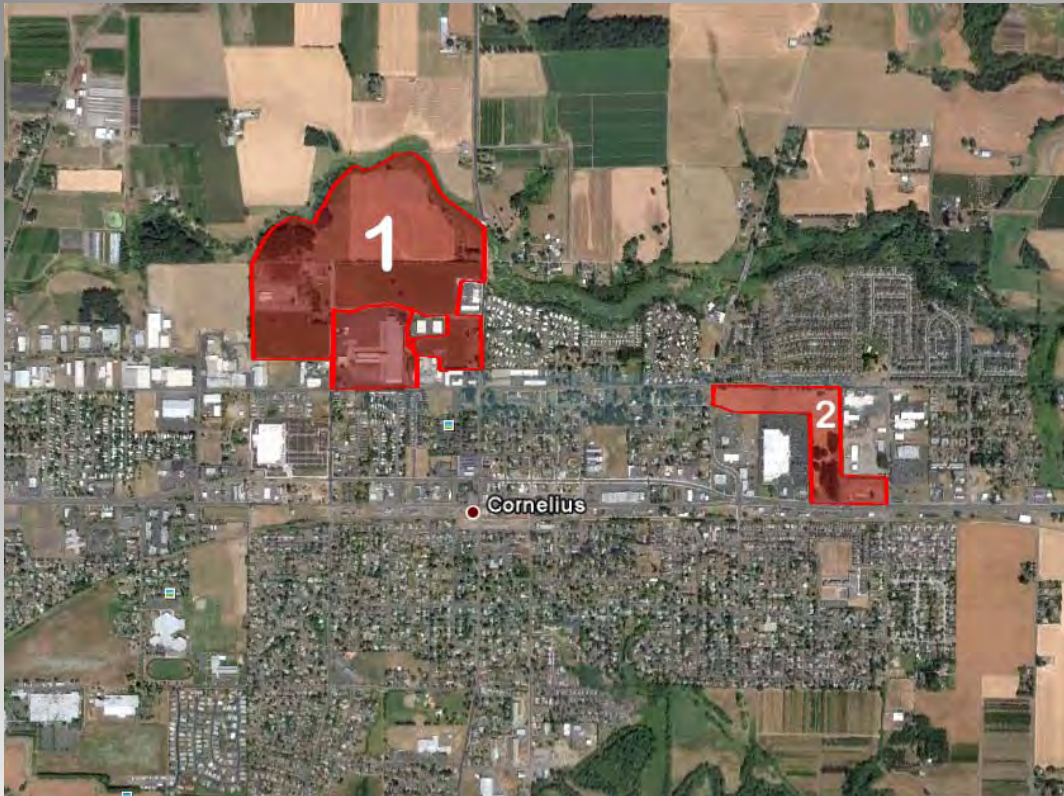
Cornelius: Vacant Industrial Land



Cornelius: Vacant Industrial Land



Cornelius' Industrial Land Supply



1. Holliday St.
Industrial Park area
 - 143 acres total
 - ≈137 acres
vacant/unused
2. Land adjacent to
Fred Meyer
 - 25 acres vacant



Cornelius' Land Supply

Area 7C Urban Reserves	137 acres
Area 7D Urban Reserves	211 acres
Holliday St. vacant land	111 acres
Land adjacent to Fred Meyer	25 acres
	<hr/>
TOTAL	484 acres



The bait-and-switch

Cities often re-zone industrial lands for other uses

- Forest Grove: discussing converting 135 acres to Orenco-style development*
- Hillsboro: Helvetia expansion area used for strip commercial and retail
- Cornelius: \approx 50 acres north of Fred Meyer
 - Originally zoned industrial
 - Converted to residential in mid-1990s

* Source: Kelly House, The Oregonian, Feb. 22, 2011



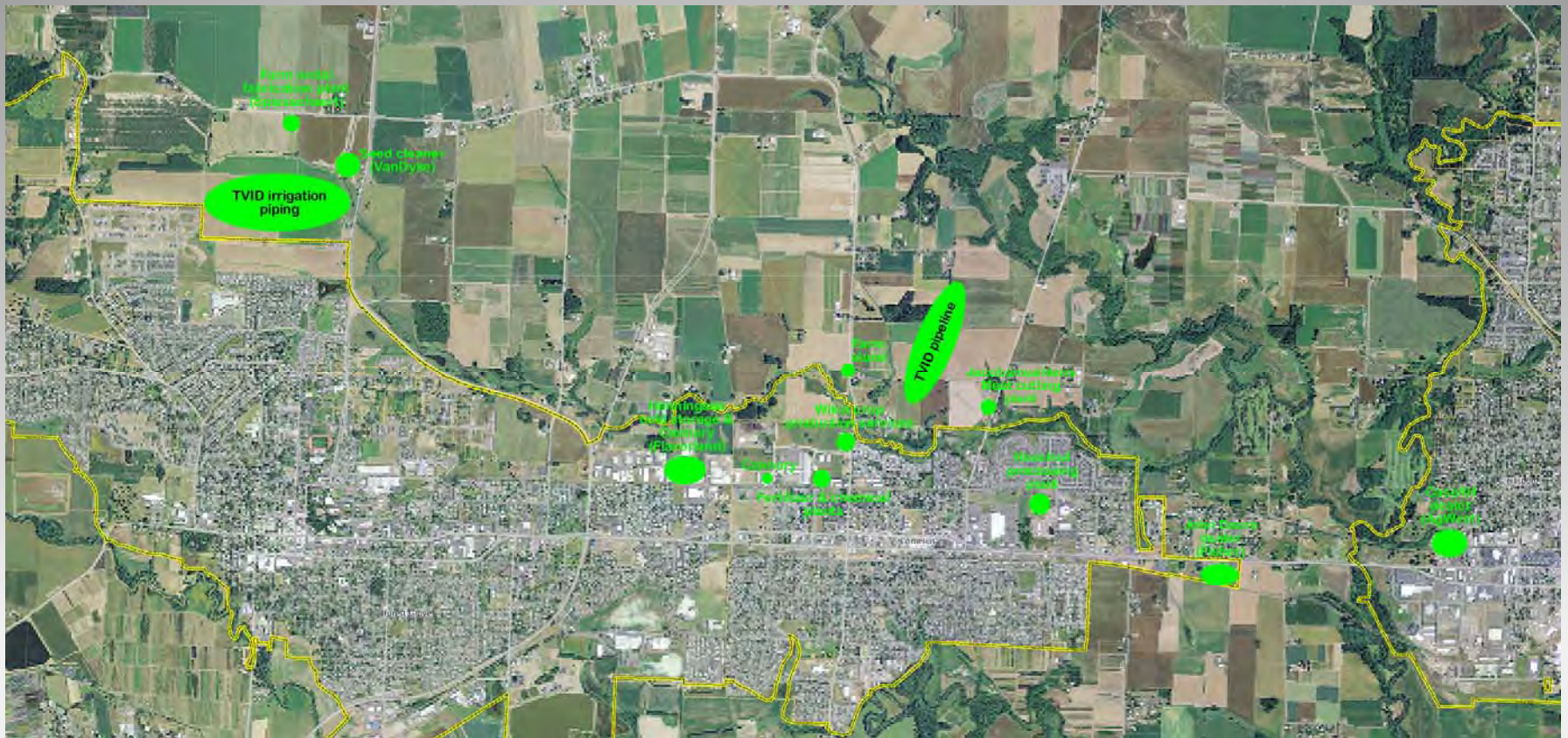
Solution: Effective Edges

- Establish edges that utilize the Best Buffers
 - Council Creek
 - Hwy. 26
 - Waibel Creek
 - Rock Creek
- Protect Foundation agriculture land MOST in danger of urbanization
- Place Rural Reserves NORTH of buffers

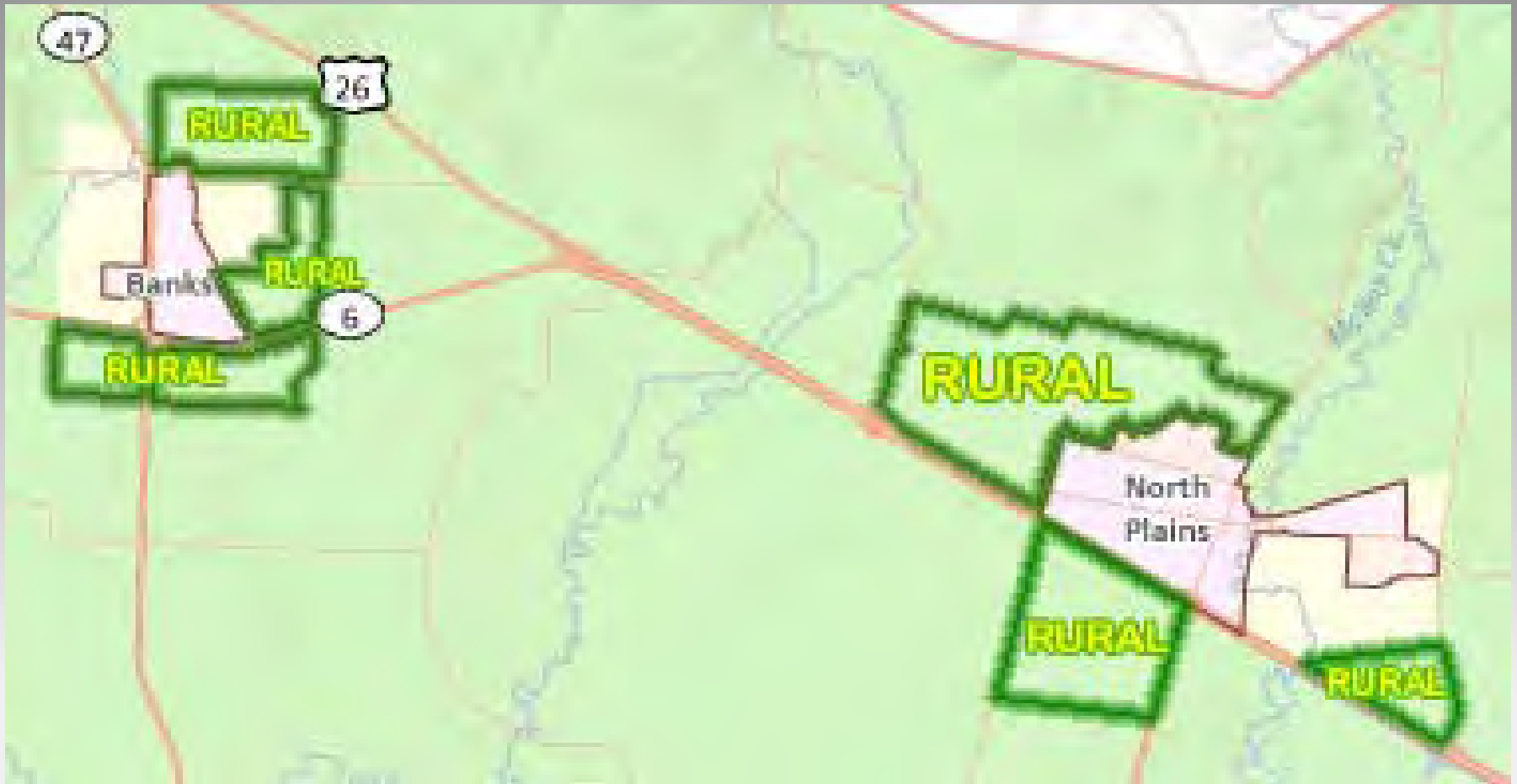
N. Forest Grove: Vacant Industrial Land



Forest Grove & Cornelius Ag Infrastructure

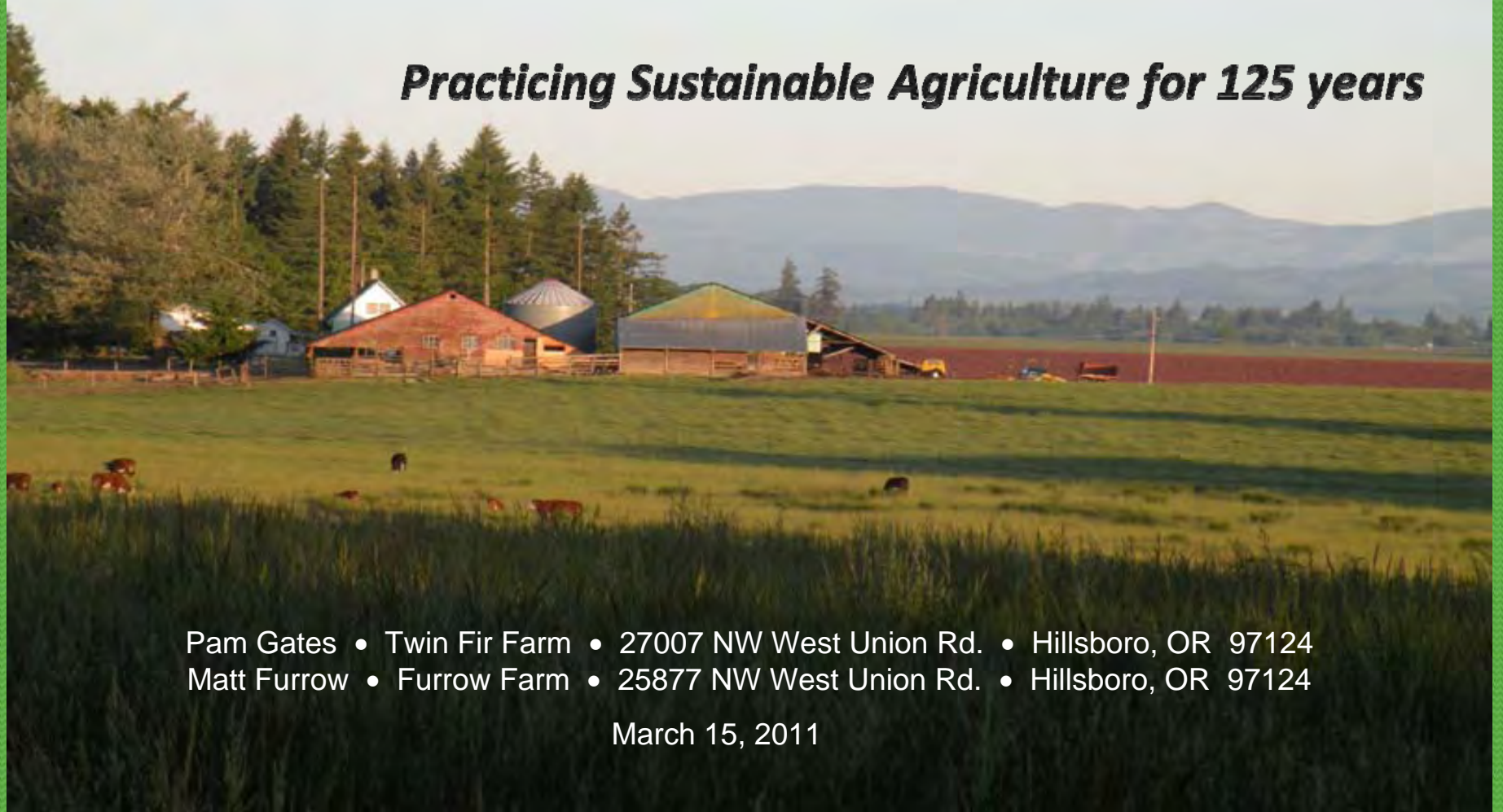


WCFB Reserves Recommendations: North Plains & Banks



Helvetia's High Value Farms

Practicing Sustainable Agriculture for 125 years



Pam Gates • Twin Fir Farm • 27007 NW West Union Rd. • Hillsboro, OR 97124
Matt Furrow • Furrow Farm • 25877 NW West Union Rd. • Hillsboro, OR 97124

March 15, 2011

Helvetia's High Value Farms



Red clover
(Helvetia Road)

- Traded Sector (export) crops create wealth for Washington County and Oregon – new \$\$
- Anchor Helvetia's landscape
- High-value grass seed crops
- Grass seed: 100% shipped out of OR, 20% exported globally
- Grass straw: 100% exported globally
- Wheat: 100% exported globally
- Clover seed: 96% shipped out of OR

Helvetia's Premium Seed Crops



Wheat fields
(West Union Road, Helvetia)

- Best quality turf seed in the world
 - Used on premier golf courses
- Best quality grass and clover in the world
 - Best yields per acre in Oregon
- Pacific Rim countries prefer Helvetia wheat
 - Optimum protein content

Helvetia's Hazelnuts



Hazelnut orchard
(Groveland Road, Helvetia)

- 98% of production shipped out of OR
- 65% of production exported globally
- Local production goes to make:
 - Hazelnut milkshakes at Burgerville
 - Hazelnut bread at Franz
 - Retail store in Cornelius

Helvetia's Christmas Tree Farms



(West Union Road, Helvetia)

- Retail U-cut supplies over 5,000 homes annually
- Wholesale trees sold to local nurseries
- 20% of trees are shipped out of Oregon, bringing new \$\$ into Washington County
- Specific varieties grown for Helvetia's lower elevations and high soil moisture content

Helvetia's Nurseries & Greenhouses



Nursery stock – trees
West Union Road (Helvetia)

- 50% of nursery stock exported outside Oregon
- 12% exported globally
- Greenhouses produce cuttings of ornamental plants for local nurseries
- One of the largest producers of Daphne in the U.S.

Helvetia's Dairy, Camelid, and Beef Ranches



- *Fourth generation Swiss farmers continue dairy tradition*
- The milk produced by Helvetia's Holsteins is shipped to Dairy Gold in Portland for local consumption
- Helvetia's camelid ranches (alpaca and llama)
 - Produce breeding stock
 - Sell wool to local processors
 - Host largest auction in U.S.
- Helvetia's beef are used for breeding stock and local food.

Helvetia's Soils

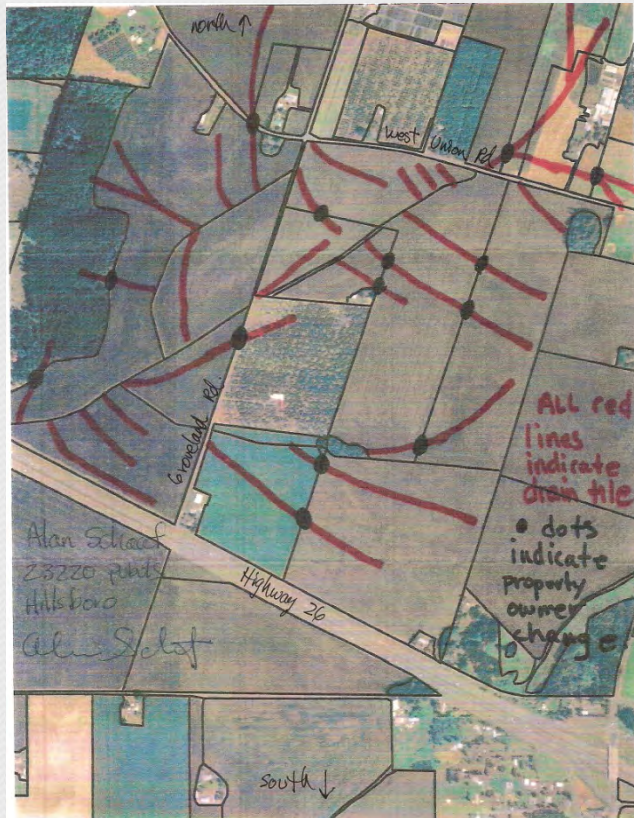


Willamette Silt Loam soil
(Helvetia Road)

- Superb Class I, II, and III soils
- 40% of remaining Class I soils in WaCo are located in Area D and surrounding areas
- Careful stewardship of soils for 150 years
- Crop rotation – long term investment
 - Builds up nutrients
 - Combats disease
 - Controls weeds(Enhances purity of crops and sales \$\$)

Field Drainage (Field Tiling)

Optimizes Crop Production



- Farmers installed sub-surface drainage system
- 125 years of continuous capital investment
- Extensive, interdependent, and crosses farms and parcels
- Reduces “wet feet” for crops
- Sustainable, creative management of the soil.
- Severeing causes flooding on adjacent land

Preserve

Helvetia's High Value Farms



Designate Rural Reserves North of Highway 26

Protecting Washington County's Remaining Class 1 Soils



Greg Mecklem
12995 NW Bishop Rd.
Hillsboro, OR 97124
March 15, 2011



Not all soils are created equal





- NRCS* has developed soil capability classes
- Indicate productivity of soil
- Highest Class I soils remain productive irrespective of whether irrigation is used
- Important to protect these soils in an era of water shortages
- Soil preservation / local food production is important
 - Food security
 - Advent of peak oil

*Natural Resource Conservation Service, an agency of USDA

Soil capability classes

Legend

Nonirrigated Capability Class

-  Capability Class - I
-  Capability Class - II
-  Capability Class - III
-  Capability Class - IV
-  Capability Class - V
-  Capability Class - VI
-  Capability Class - VII
-  Capability Class - VIII
-  Not rated or not available

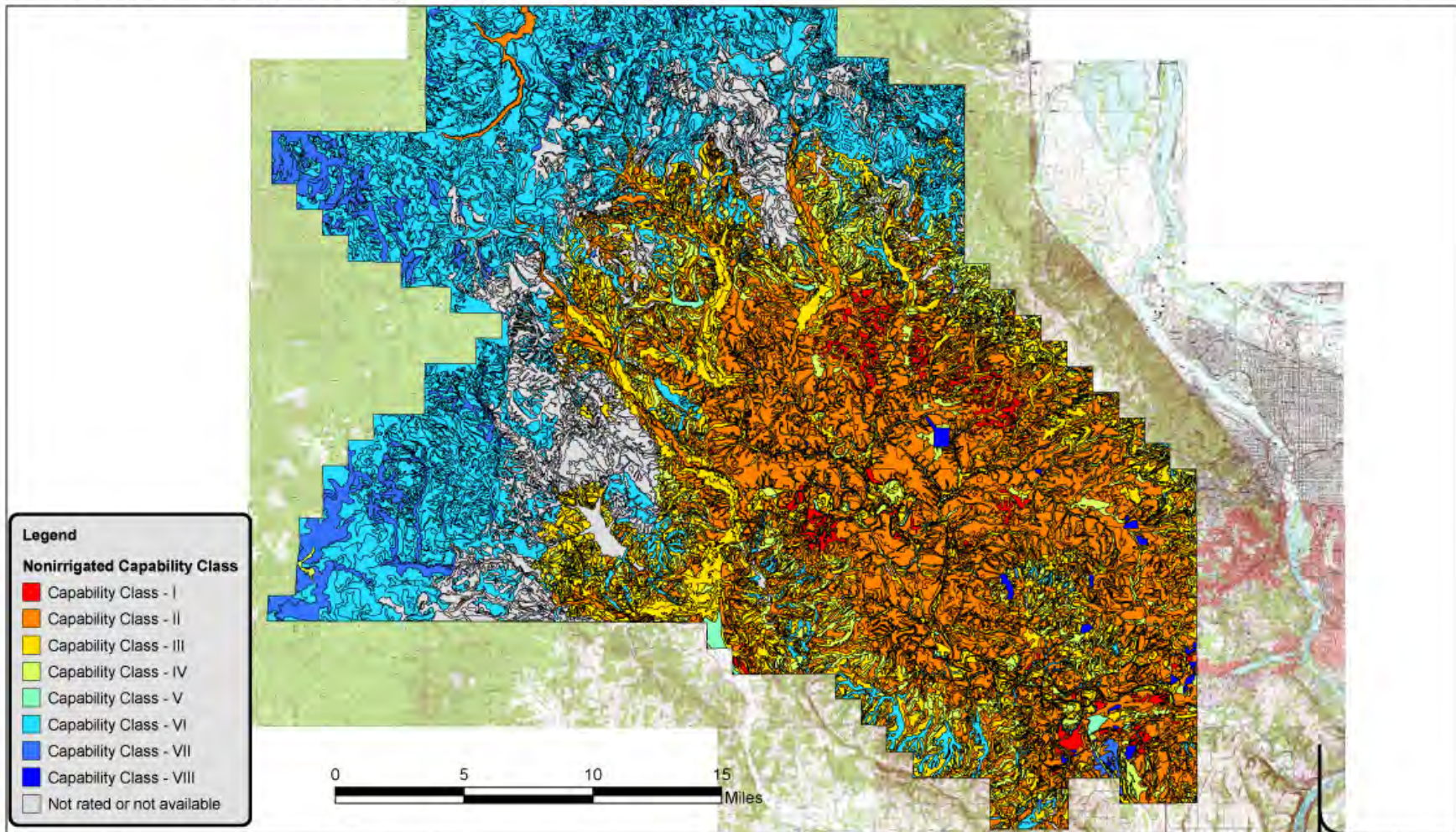
- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations that reduce the choice of plants or that require moderate conservation practices.
- Class III soils have severe limitations that reduce the choice of plants, or that require special conservation practices, or both.
- Class IV soils have very severe limitations that reduce the choice of plants, or that require very careful management, or both.
- Class V soils are not likely to erode but have other limitations, impractical to remove, that limit their use.
- Class VI soils have severe limitations that make them generally unsuitable for cultivation.
- Class VII soils have very severe limitations that make them unsuitable for cultivation.
- Class VIII soils and landforms have limitations that nearly preclude their use for commercial crop production.

- Essential to protect Class I soils – few limitations on productivity
- Class II-IV have moderate to severe limitations on productivity
- Class V-VIII have serious productivity problems – not useful for ag

WaCo soils overview

Washington County Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

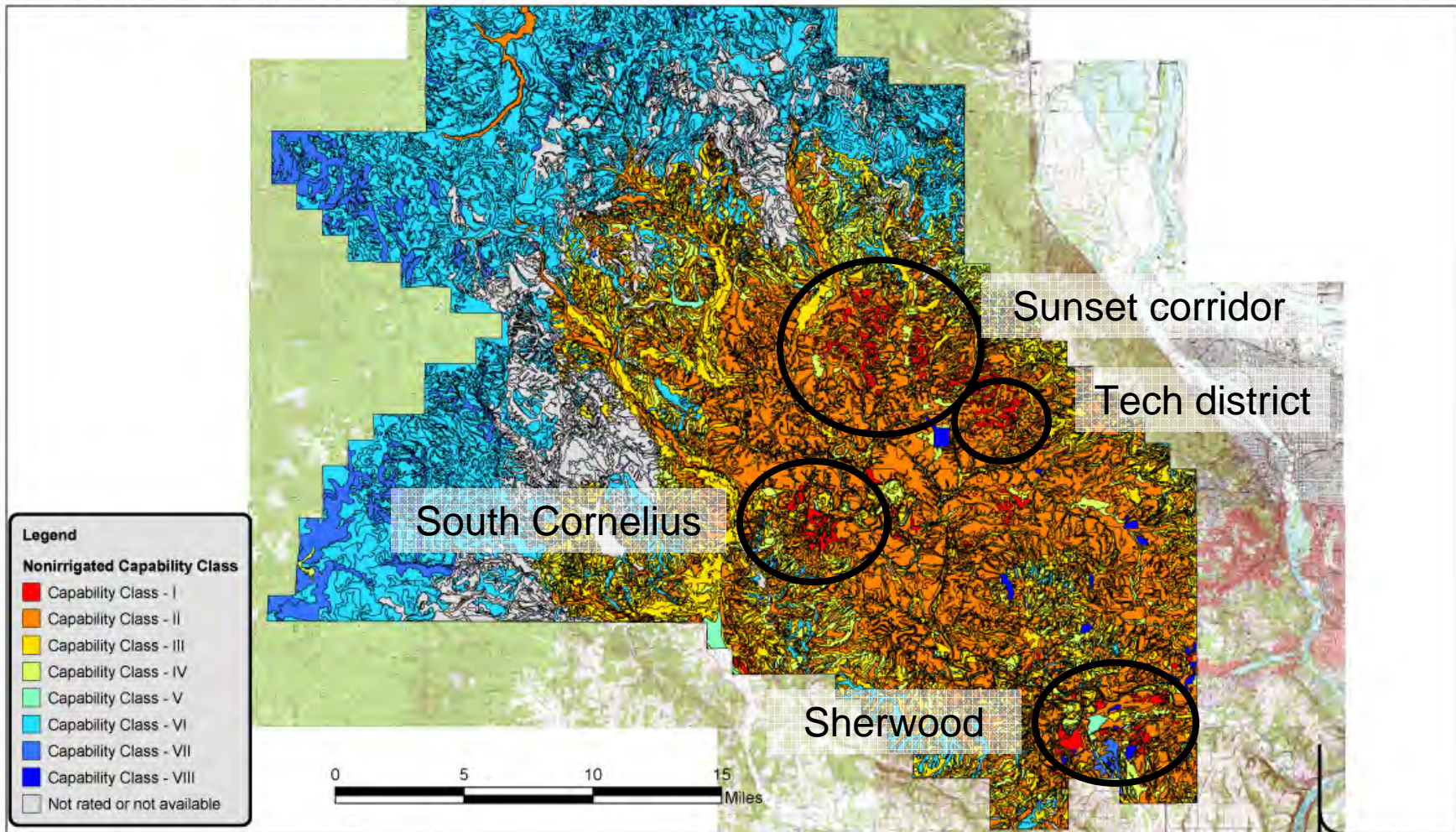


This map is for general planning purposes only.

4 areas of concentrated Class I soils

Washington County Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

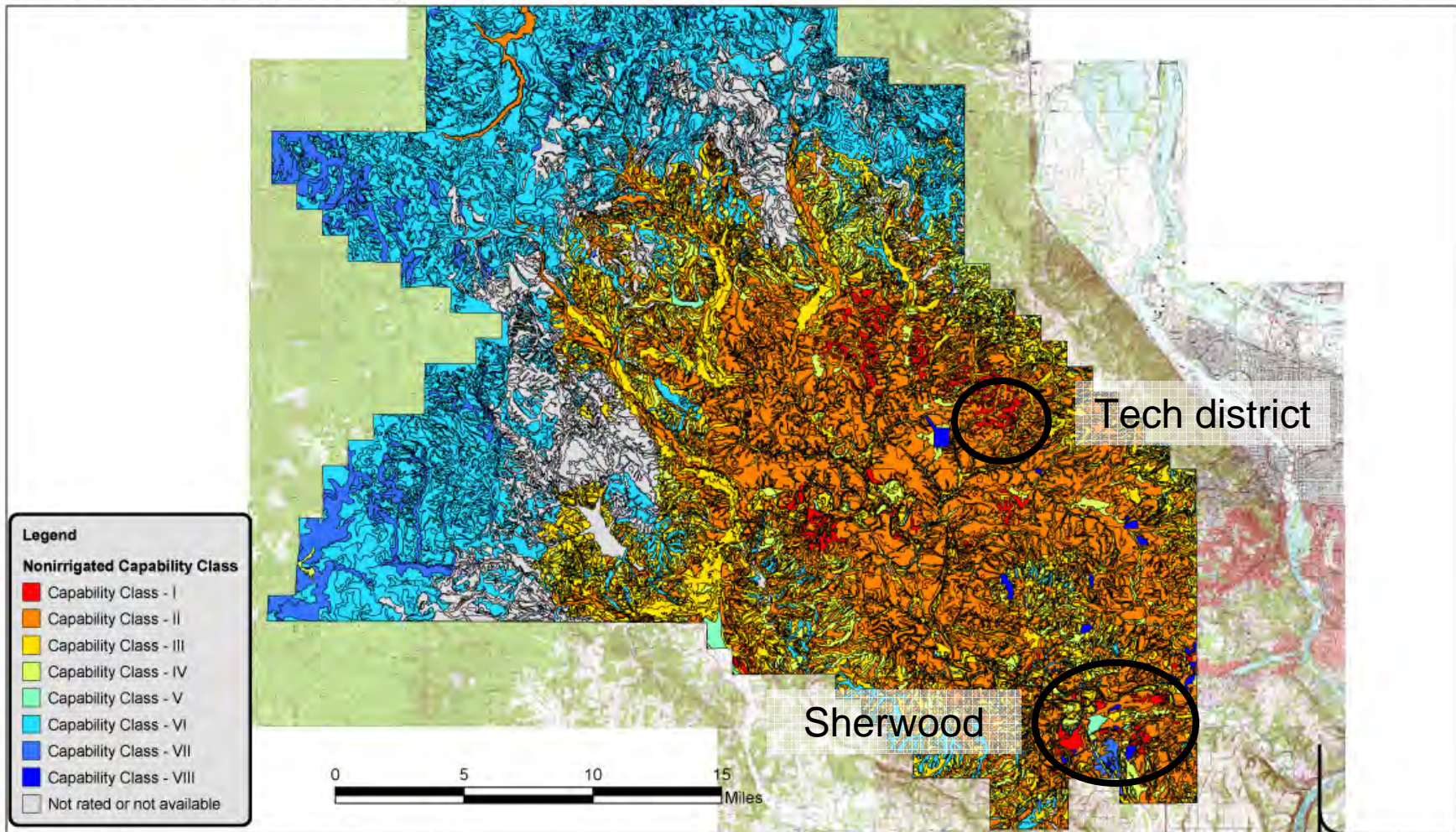


This map is for general planning purposes only.

Class I areas already paved over

Washington County Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

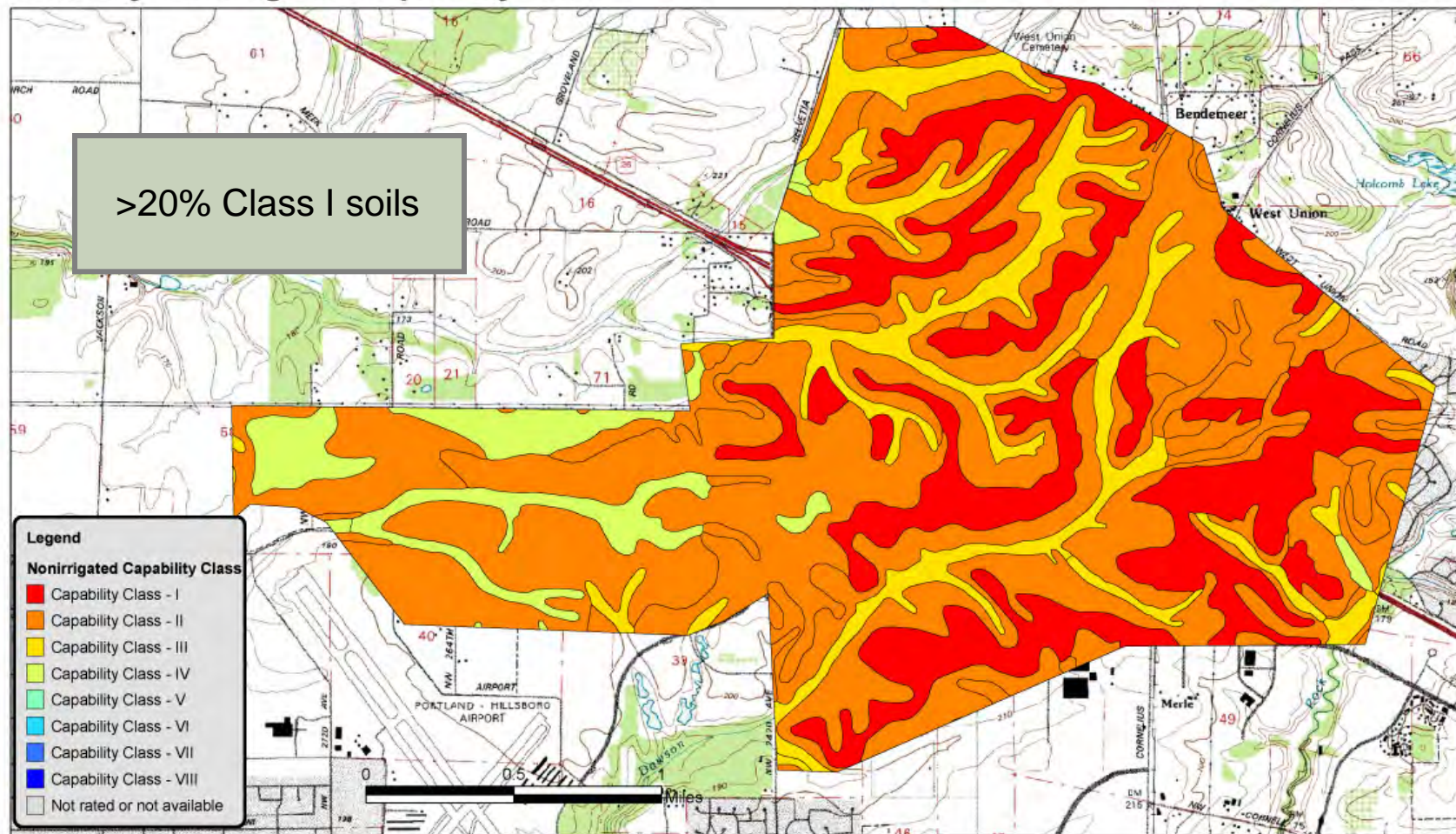


This map is for general planning purposes only.

Tech district

Already urbanized North Hillsboro Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

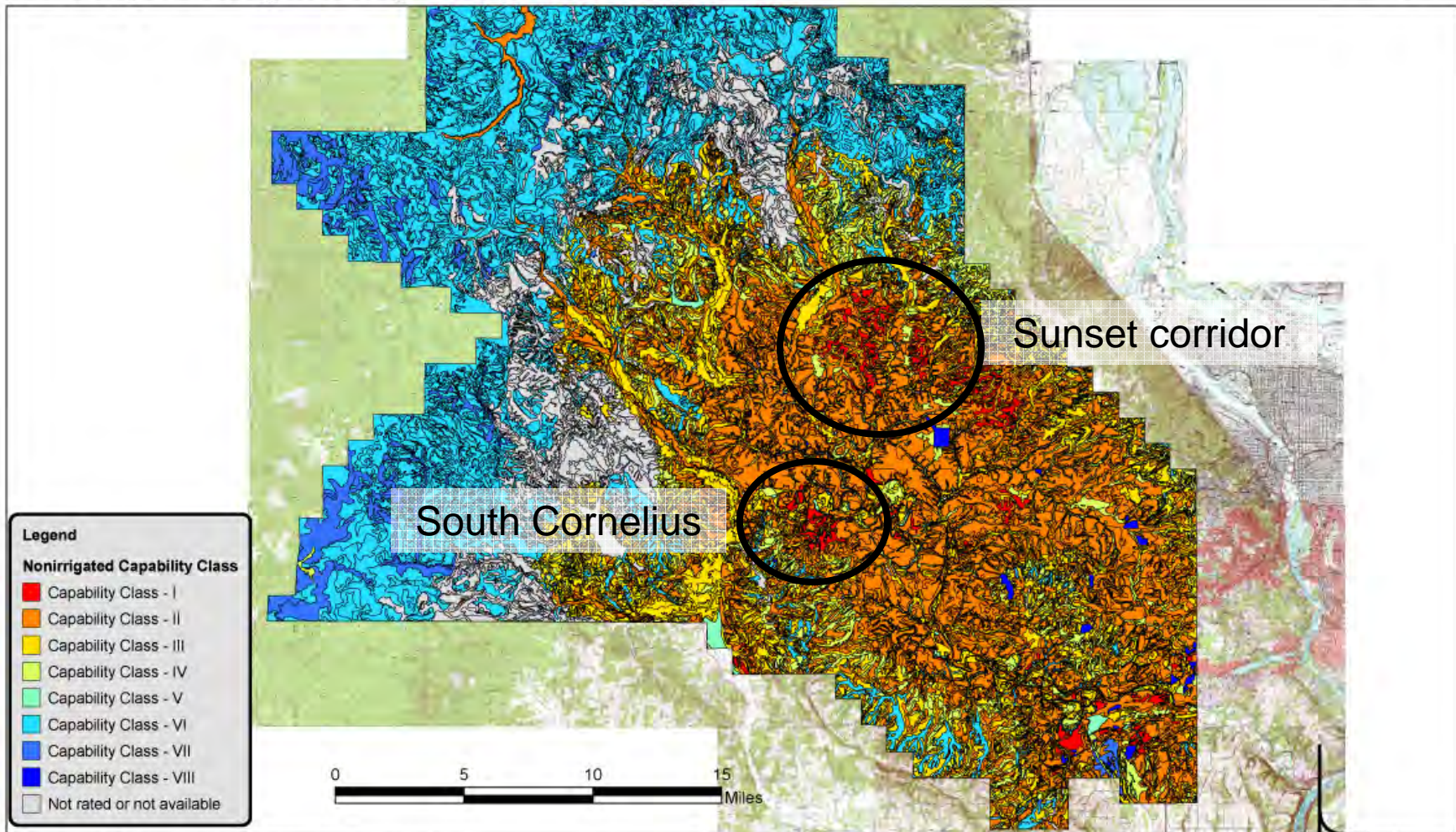


This map is for general planning purposes only.

Class I areas remaining

Washington County Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

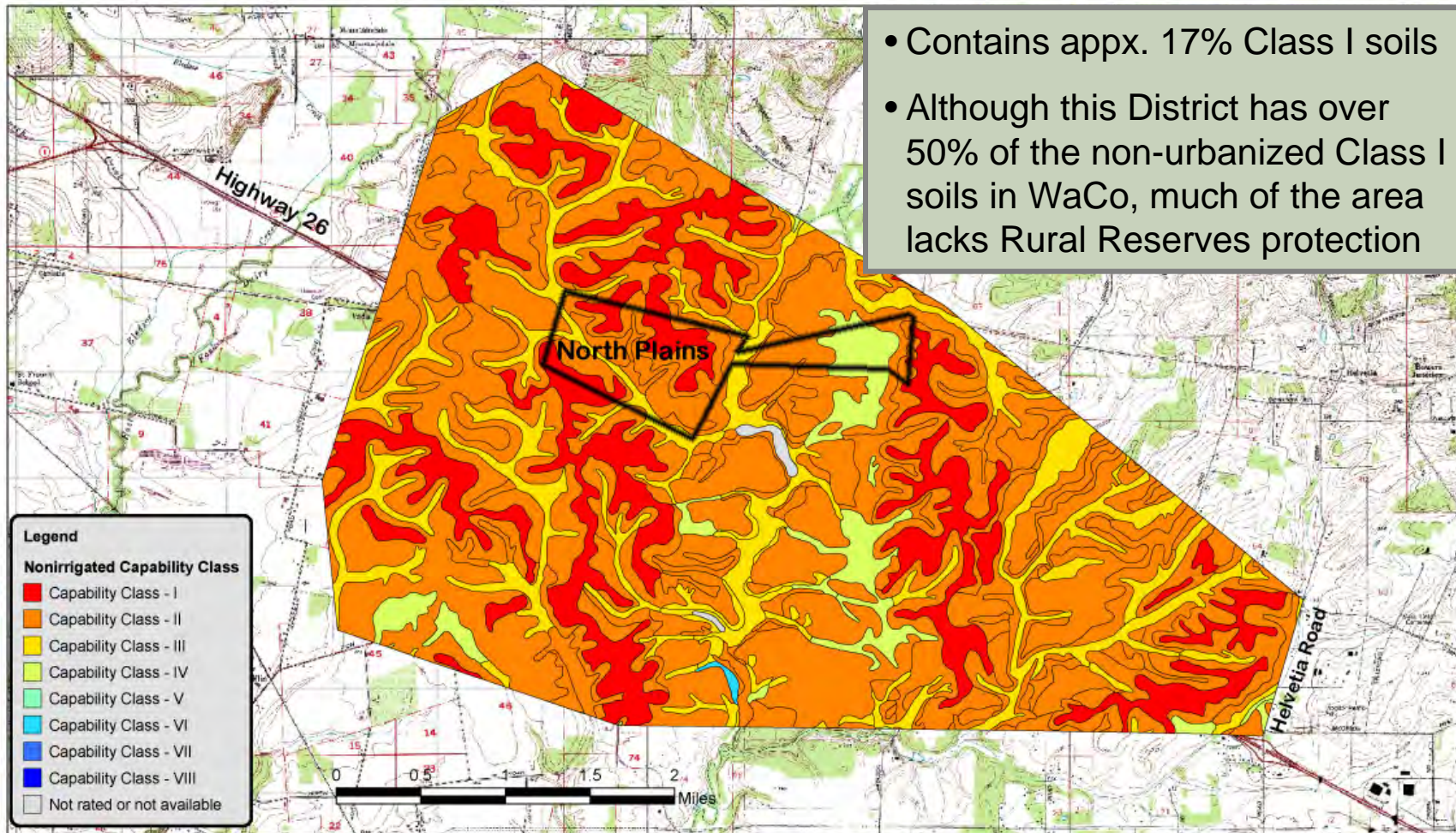


This map is for general planning purposes only.

Helvetia - Sunset Class I Soil District

Sunset Class I Soil District Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



This map is for general planning purposes only.

Washington County Reserves - Page 10829

Rural Reserves

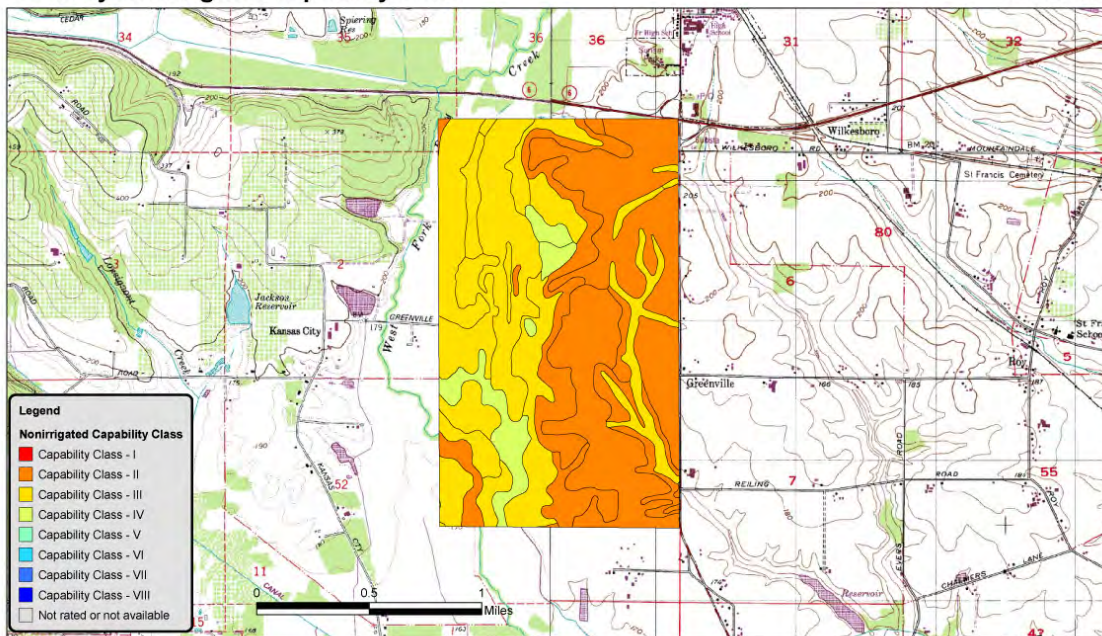
South of Banks

- Currently in ag production
- Class II to IV soils
- No Class I soils
- Protected under Rural Reserves



Proposed Rural Reserve West Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



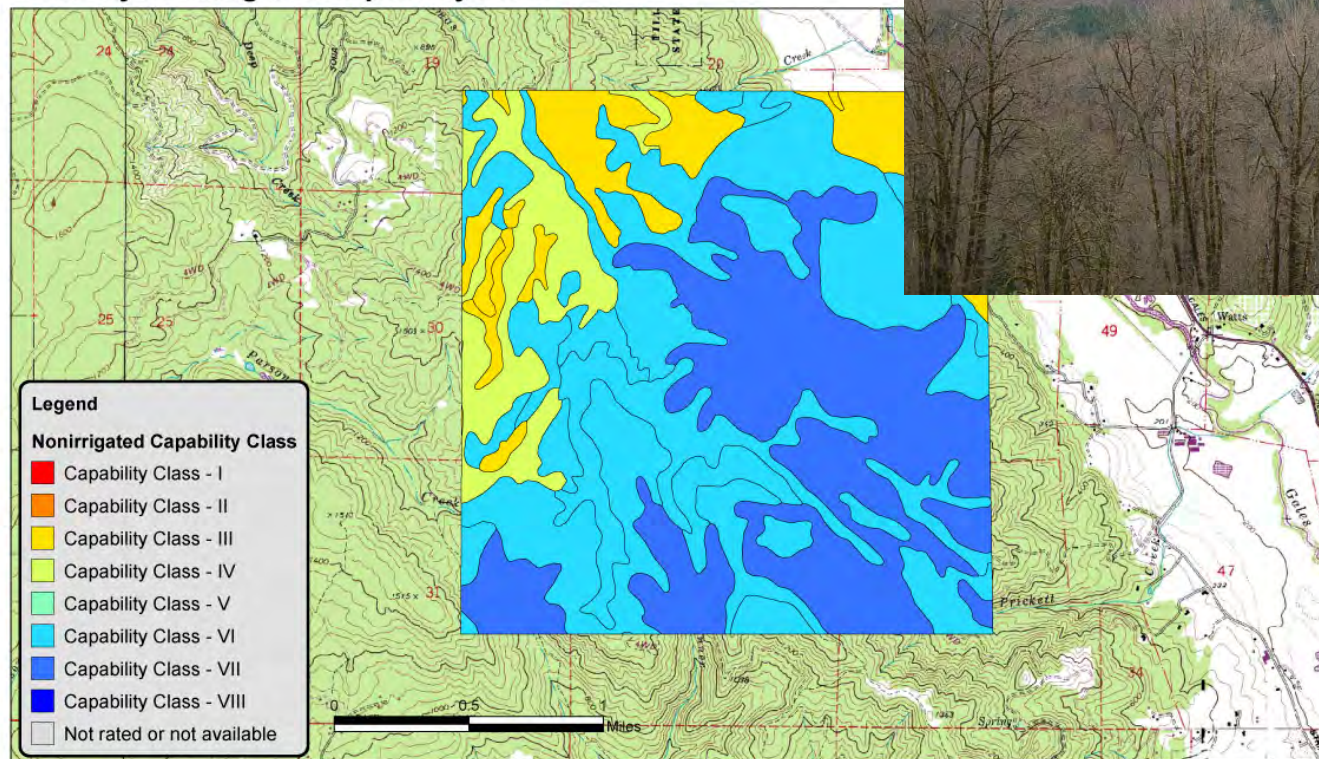
Rural Reserves

Gales Peak

- 30-70% slopes
- Over 90% Class VI and VII soils
- No threat of urbanization
- Protected under Rural Reserves!



Gales Peak Rural Reserve
Soils by nonirrigated capability class



This map is for general planning purposes only.

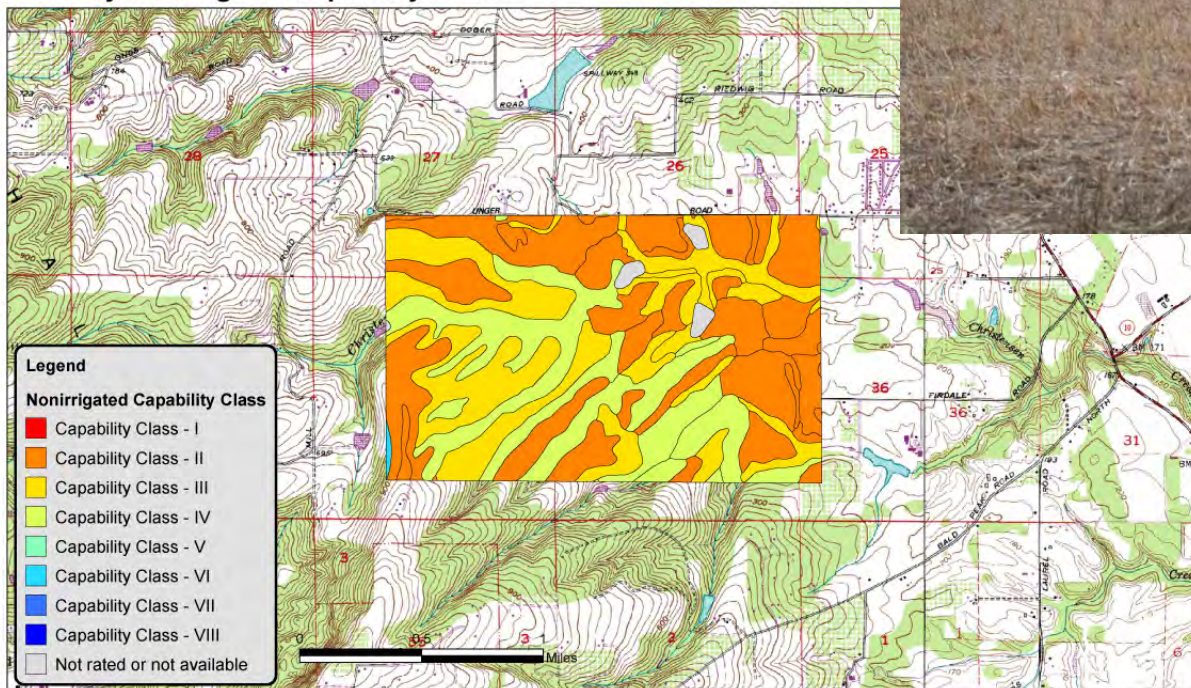
Rural Reserves

Unger Road (south of Cornelius)

- Mixed forest and farmland
- No Class I soils
- Mostly Class II to IV soils
- Protected under Rural Reserves



**South Proposed Rural Reserves
Soils by nonirrigated capability class**



This map is for general planning purposes only.

Summary



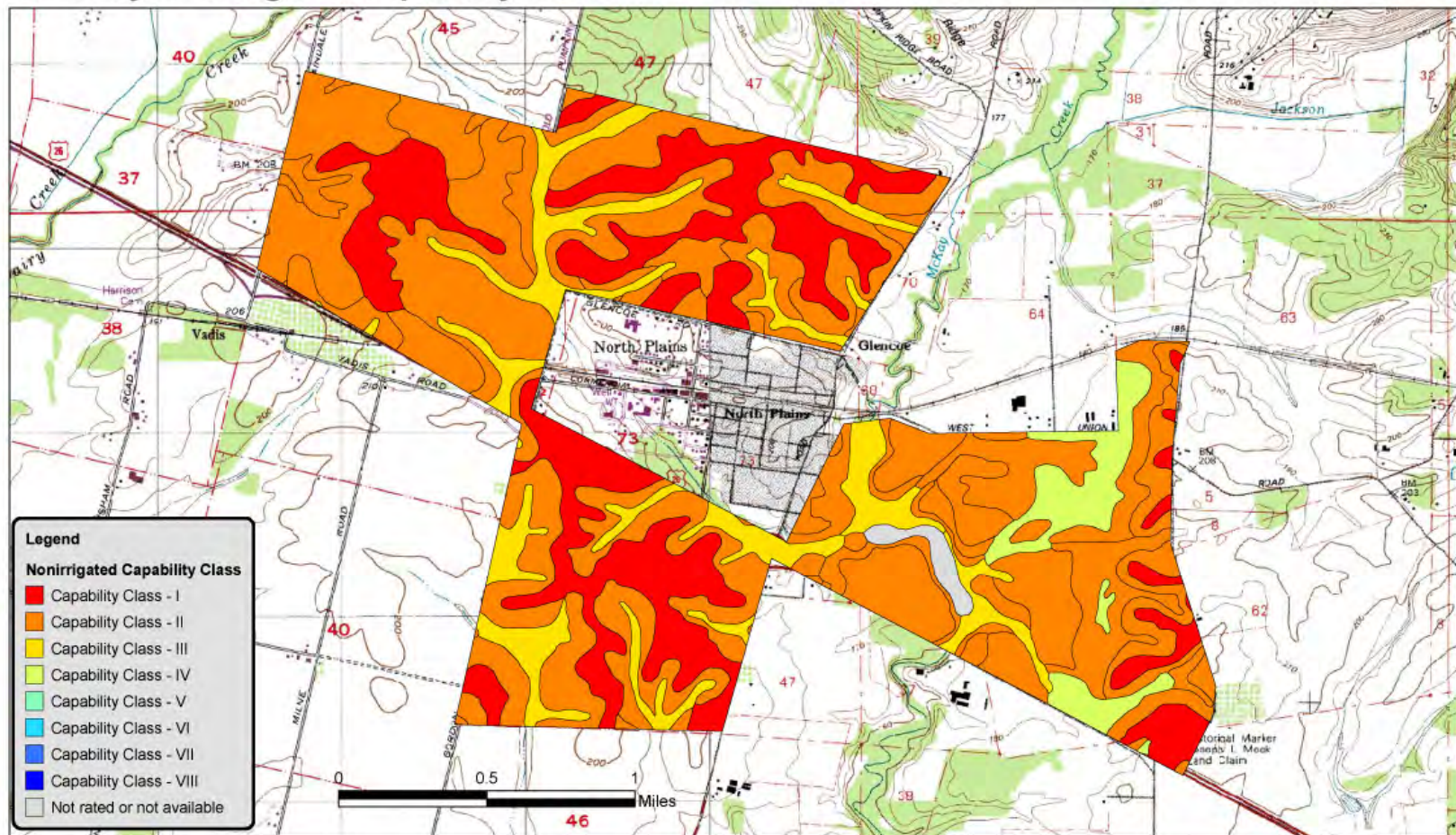
Class I Willamette Silt Loam soil
(Area D)

- The Helvetia Sunset Class I soil district contains over 50% of the remaining Class I soils in WaCo.
- Much of it is slated for development under Urban Reserves or remains unprotected.
- It needs to be protected as Rural Reserves.

Undesignated areas around North Plains

North Plains Undesignated Soils by nonirrigated capability class

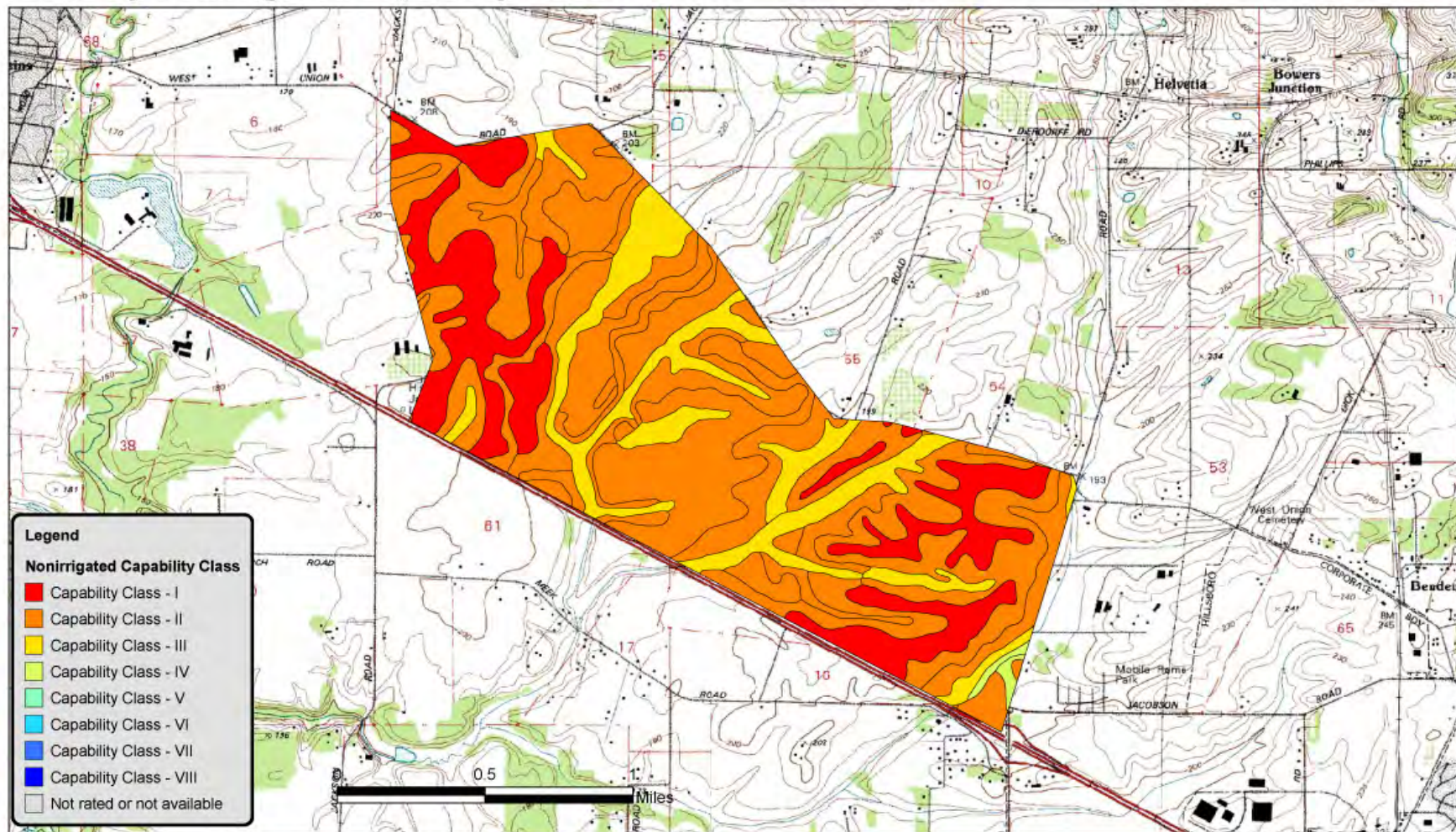
Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



Helvetia area - north of Highway 26

Helvetia N of Sunset, S of West Union, W of Helvetia Rd.
Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

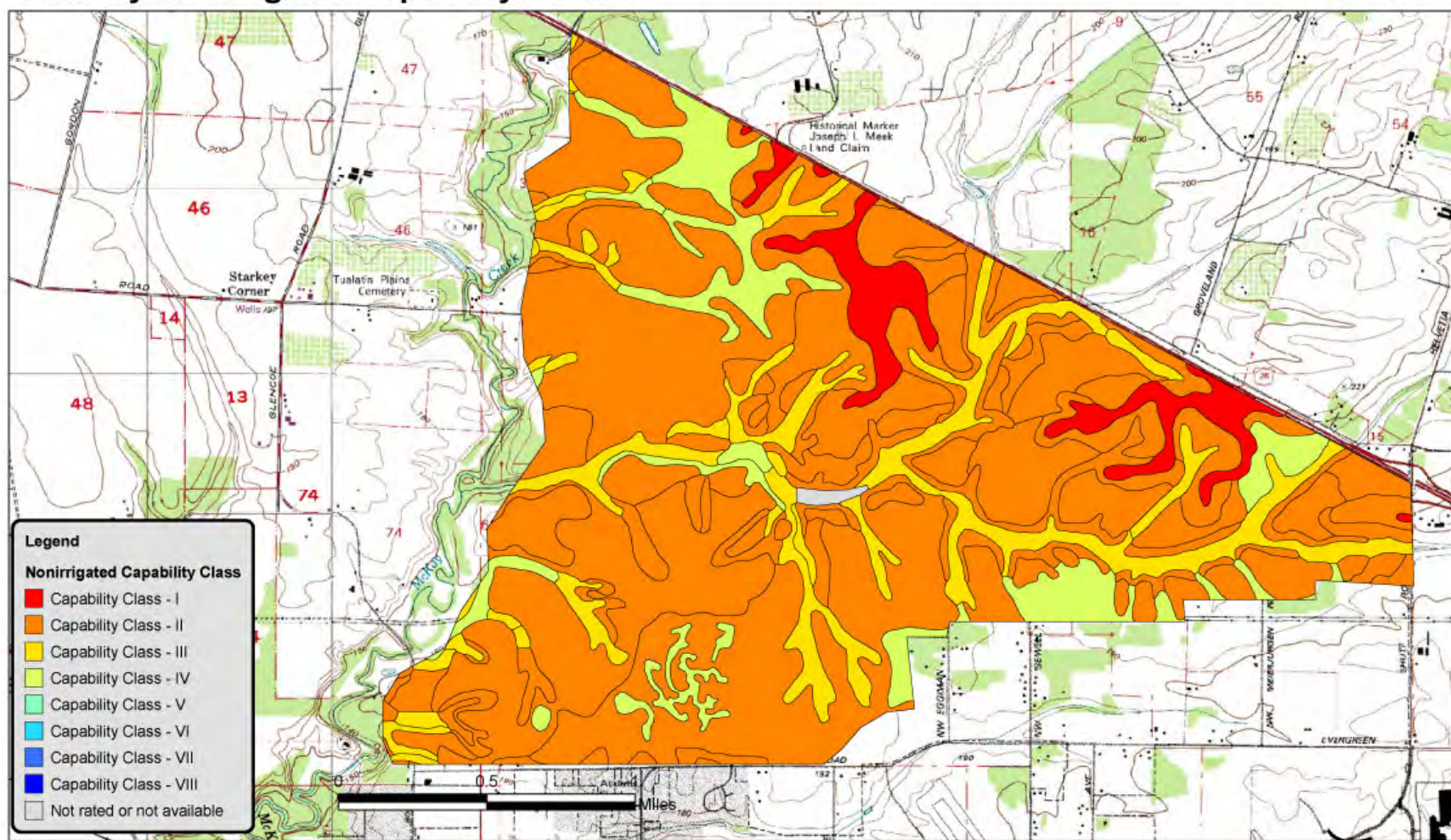


This map is for general planning purposes only.

South of Highway 26

North Hillsboro proposed UR Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011

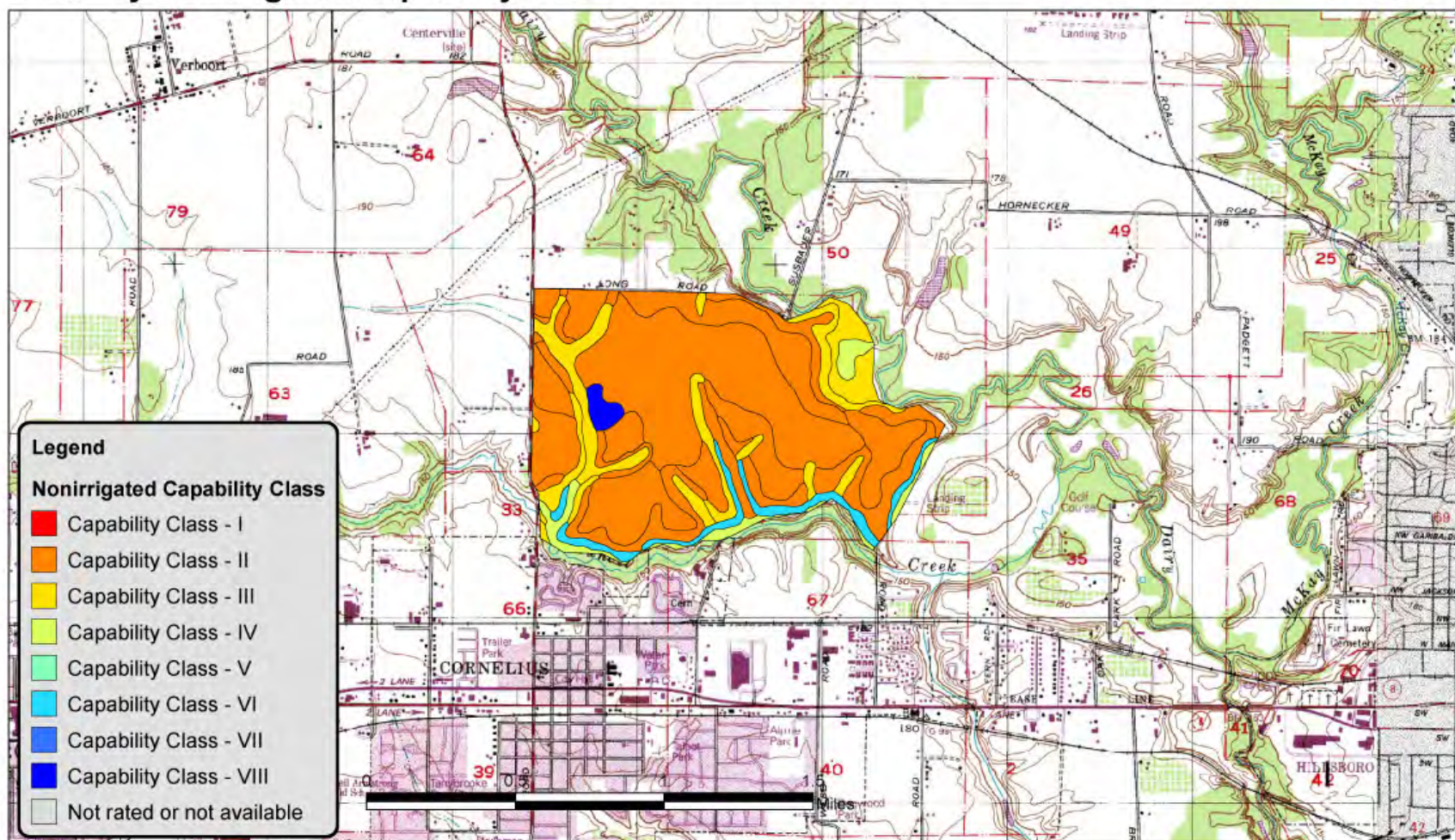


This map is for general planning purposes only.

Cornelius north of Council Creek

Cornelius N. of Council Creek Soils by nonirrigated capability class

Assisted By: Nathan P. Adelman
USDA-NRCS
08 March 2011



This map is for general planning purposes only.

Washington County Planning Commission

Testimony on Ordinance 740, Comprehensive Plan Amendment
As it Affects the Community of Cornelius
March 2, 2011, Hillsboro, OR

Metro Council and the Washington County Commissioners:

I am Dan Sheldon, Owner and CEO of Sheldon Manufacturing, located at 300 N 26th Avenue in Cornelius. Our business is manufacturing laboratory equipment. We produce products that are distributed all over the world.

Please know that Sheldon Manufacturing is a successful high technology industry that has flourished in Cornelius for 32 years. It is a clean and green industry. I have been known to ride my bicycle 16 miles to work. We want our employees to have the opportunity to walk and bike to work too.

When we were thinking of a major expansion of our facilities several years ago, we were thwarted by the fact that the very limited suitable land in Cornelius for our development was not for sale at a reasonable price. In 2007, we joined our Chamber of Commerce speaking in favor of an addition to the Urban Growth Boundary north of Cornelius for industrial development, which approved and then disapproved later.

We would prefer to stay in this community because our trained work force is here. But we will be unable to do so if there isn't a bigger place to move to. Our hope is that space will be available when we need it. Sheldon has made two significant changes so far this year.

First we hired an international sales rep away from our largest competitor with the intention of doubling our international sales next year.

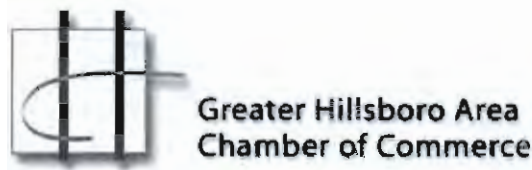
Second we purchased the assets of another company in San Antonio, Texas and will be moving those operations to Cornelius in the near future.

The City of Cornelius has been built out to its boundaries now for several years. In cooperation the County, Metro and property owners, our community has made the case for a reasonable amount of land for future urban development several times, specifically for industrial development. I do not know why, it seems to be at the last minute, government changes its mind about this area. Washington County should not change its mind and its comprehensive plan again and take away this new life blood it approved last year.

If the region does not allow some room for this community, industrial development – which means jobs – will stall in Cornelius. It really is there now. If Washington County and the region want to attract more companies like Sheldon Manufacturing to locate and expand for jobs and economic growth, there needs to be choices like small city locations, not just along Sunset Highway.

Please put some land back on the Urban Reserves map north of Cornelius, like the 350 acres shown on the City's drastically down sized request map in front of you.

Thank you.



**Metro Council
March 15, 2011
Public Hearing
Washington County Shirley Huffman Auditorium
Denzil Scheller, Immediate Past Chair of the Board
Hillsboro Chamber of Commerce**

Good morning, I'm Denzil Scheller, Immediate Past Chair of the Board of the Hillsboro Chamber of Commerce. I will be brief and to the point. The Hillsboro Chamber supports this proposal.

Planning for a fifty year horizon has been a daunting task indeed. Ensuring that we have hit our mark as accurately as possible is extremely important to this process. What we are focusing in on today is 585 acres of land for urban reserves, which is less than the original proposal by about 67 acres. It's taken us nearly four years to get to this point and we have participated in and supported the process all along the way. Providing certainty to business...all business whether its industry or agriculture was the goal and we believe it has been achieved with this latest proposal.

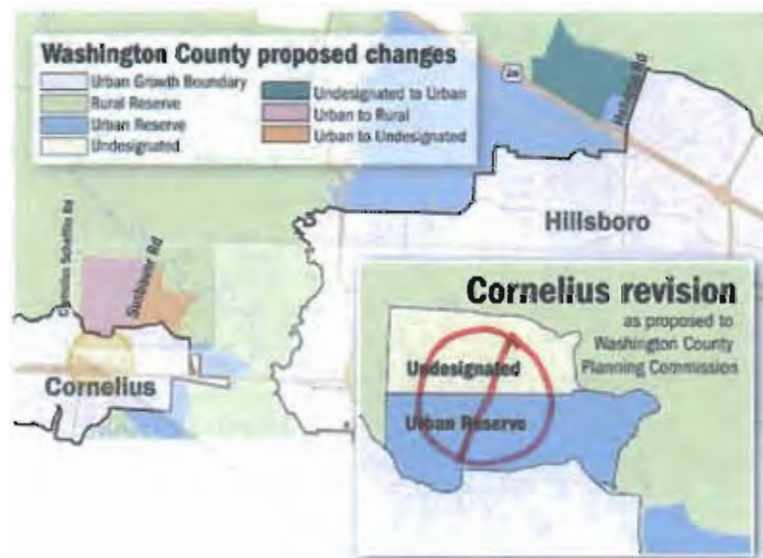
We knew at the beginning that a perfect map couldn't be drawn, and that somewhere down the line there would be some give and take and an earnest negotiation process. We applaud your efforts and stamina throughout this public process and for the multitude of opportunities the public has had to participate and have their voice heard. We believe that now is the time for action. We encourage you to support this proposal as expediently as possible.

Again, we appreciate the opportunity to participate in this process.

Washington County Urban and Rural Reserves

We all thrive when Farm Land is preserved!

Washington County's Agriculture Industry provides long-term economic stimulus and stability, employment opportunities, and a livable, sustainable community.



*On behalf of
The Friends of Council Creek,
we support the LCDC Remanded Decision and strongly request
farm land north of Cornelius
be designated
RURAL RESERVES*

March 10, 2011

Re: Opposition to Urban Reserves in North Cornelius

Dear Washington County Board of Commissioners,

As the property owner of **153 acres located directly north of Cornelius** and within the area being considered for Urban Reserves, I write in opposition of Urban Reserves and **request the Board designate the property north of Cornelius as Rural Reserves.**

This property is currently supporting a dairy operation, produces grain crops, and is a vital fresh fruit and vegetable farmer market that draws customers from not only Washington County, but customers who drive here from other metro counties and the coast to purchase quality products.

Our family farm has been supported by three generations and employs local residents to support the farm operation. Our farm will continue to be a business serving the needs of our local community and providing employment opportunities for many decades should your Board protect this property from developers with a decision to designate the land north of Cornelius as Rural Reserves.

As the city of Cornelius has expanded over the years, our farm operation has experienced the challenges with operating a business near a community that doesn't understand farm operation activities, the dust created while planting and harvesting crops, the occasional odor created while maintaining dairy animal waste, etc. There needs to be a buffer zone that provides for residential/industrial livability and farm operation. We have that buffer zone currently with Council Creek – retain this natural buffer zone through a decision of Rural Reserves.

In the preliminary Urban/Rural Reserves, my farm was split in half with the dairy animals and barns on the westside of Cornelius-Schefflin Road (designated Rural Reserve) and the land that supports the dairy operation on the eastside of Cornelius-Schefflin Road (designated Urban Reserve). We could not operate a dairy without the land to support the dairy animals. Placing all land north of Cornelius in Rural Reserves would prevent the impact from this inept planning process.

I read in the newspaper that the city of Cornelius is seeking 350 acres north of Cornelius in their latest proposal to the Washington County Planning Commission (March 2, 2011). I would like to go on record that the city of Cornelius has never contacted me regarding their efforts to place my land within their long-range Urban Reserve plan. This is unfortunate - as I would have explained to them that they would not acquire my 153 acres, as our family intends to keep the farm in operation for future generations. This leaves a deficit of land in their master plan, and the overall planning needs of the county.

Thank you for your support in protecting family farms through your decision to designate the land north of Cornelius as Rural Reserves.

Sincerely,



Ethel J. Duyck
2125 NW Cornelius-Schefflin Road
Cornelius, Oregon

March 10, 2011

To: Washington County Board of Commissioners and Metro Council

Re: Washington County Urban/Rural Reserve – Land North of Cornelius

In regards to the ongoing request of the City of Cornelius wanting to acquire lands North of the city for future Industrial use, I stand with the Oregon Farm Bureau, LCDC, and the Friends of Oregon in opposition.

Our farmlands are disappearing and will never be brought back. When we lose the land, the Agriculture Industry that built this country suffers. We lose the individuals that farm the land and the businesses that support them. In Cornelius alone Coastal Farms, Fischer Implement, Wilco Farm Stores (2 outlets) serve the needs of the farming community.

Council Creek now serves as the buffer zone between the urban and rural communities for the City of Cornelius. There are 2 Dairy operations North of the City with many head of livestock that should not be subjected to stress caused by increased traffic, noises and odors unfamiliar to them caused by industrial pursuits. My family dairy farm would suffer from the fact that the dairy buildings are on the West side of Schefflin road (out of the UGR) but the land supporting the dairy is on the East side (in the UGR).

Cornelius-Schefflin Road was recently rebuilt with a new bridge, and widened shoulders. We were told it would greatly improve safety moving farm equipment from field to field. It has done that and made the road safer for farm operations as well as the public usage. The City of Cornelius at a meeting I attended, claim the road as the door to expansion northward. I think that door should not be opened as an aerial view of Cornelius shows many spaces available for industry within the city.

Cornelius should revitalize its inner core by tearing down derelict buildings and making better use of the land within it's boundaries. Having watched Cornelius grow during my lifetime of 50 years, it appears there has never been a consistent direction of where the growth should occur. When Haney trucking was in operation in the 70's the industrial area started to materialize on the East side of the city. Western States Fire Apparatus was building fire trucks in the center of town (now empty) and the CC Ruth Feed Mill was west of town (also gone). Then Stewart Stiles built a huge trucking facility northwest of town (now empty).

Cornelius says it needs industry to create jobs for its citizens but I personally feel this is an attempt at getting more ground to build houses. I would urge you to say no to the City of Cornelius northward expansion.

Sincerely,

Phil Duyck
36600 NW Long Road
Cornelius, OR 97113
503-357-6032

March 11, 2011

TO: Washington County Board of Commissioners
Metro Council

RE: Washington County Urban/Rural Reserves

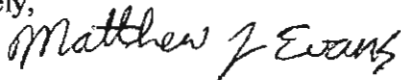
I have been following the media updates on the process to define the next 50 years of growth within our county. Of great concern is the large amount of current farm property that is being requested for Urban/Undesignated Reserve, most specifically the Urban Reserve request by the city of Cornelius to include farm land north of Council Creek.

The livability of Washington County needs to be balanced on managed growth and development, with a focus on preservation of the agriculture industry that has served Washington County well during recessions and economic crisis – such as the plight gripping our nation. We cannot afford another impact of uncontrolled rapid urbanization in housing and industry growth that was experienced between 1990 and 2010. This urbanization has impacted the agriculture economy in Washington County, as follows:

- The reduction in farm acreage has impacted the need for agriculture commodities, adversely affecting local retail businesses that support the agriculture industry with petroleum, implements and machinery, fertilizers and related farm supplies.
- Less farm acreage available has and continues to drive the cost of leasing and procurement of farm lands beyond the profitability of farming practices. The small acreage or new farmer is becoming extinct in Washington County – we simply can't compete with high tech and other industries.
- Access to water is becoming a major concern – for agriculture purposes to raise crops, livestock and the nursery industry. Industries that are high-water users have been developing in Washington County, creating a competition for water resources.
- When there is less acreage in production, the consumer and the farmer both suffer, with major concerns being:
 - Higher prices will be charged to USA consumers (inflation);
 - Less nationally grown food for consumption, creating a reliance on food from other countries – adding to the food-security issues facing our nation (July 2010, Contamination of China's Grain Reserves); and
 - Less grain for USA reserves, adding to global economic impact when other nations reduce grain exports/reserves (August 2010, Russia Drought Restricts Grain Export).

Preservation of farm land for future generations is critical to sustaining the livability of Washington County's region. This can only be achieved through Rural Reserves for all current farm land for the next 50 years!

Sincerely,



Matthew J. Evans
PO Box 1905
North Plains, OR 97133
503-679-6131

3/9/11

To: Washington County Commissioners and Metro Council

RE: METRO URBAN RESERVE PROPOSAL

I am against the proposal to add the land North of Cornelius into the proposed Urban Reserve Proposal. This issue has been debated NUMEROUS times over the past 2+ years and it is time once and for all to put it to rest. Think of all the time and money this has wasted.

What we know about this land North of Cornelius is that it is PRIME FARMLAND OWNED by people who make their livelihood by Farming it. The crops raised support the local economy from the Farm implement, seed, fertilizer, TVID, PGE, Gasoline used in the tractors/combines, etc etc. to the Day Laborers and teenagers who are employed by the farms to help harvest. Cornelius wants JOBS and Cornelius wants INDUSTRY???? Last time I looked it up AGRICULTURE was an industry. In addition here are more facts:

Oregon Ag & the Economy:

- Oregon is a specialty crop state with more than 220 recognized commodities.
- Oregon's agriculture industry accounts for nearly \$18 billion in direct sales and \$25.8 billion in overall sales, accounting for 10.6% of the state's total sales, according to a 2008 OSU study.
- Oregon's agriculture industry directly or indirectly supports about 214,500 full- or part-time jobs in production, processing, transportation, ~~input~~ industries, and marketing, making up 10.1% of total positions in the state, according to a 2008 OSU study.
- Oregon's farmers spend nearly \$3.4 billion a year to run their businesses and are vital to the survival of Oregon's rural and urban communities.

Labor: Agriculture employs nearly 214,500 workers in production, processing, transportation, input industries, and marketing. Labor is the largest single cost to Oregon's agricultural producers, consuming more than \$700 million of the more than \$3 billion in input costs per year.

How can you argue that FARMING is not an industry and doesn't employ people?

Bottom line here is this.....you reap what you sow! PLEASE DO NOT include the Cornelius property inside the Urban Reserves. Once this farmland is gone you can NEVER get it back. It is one of our last resources. First the Indians and now the farmers? What happened to our property rights and our heritage?

Respectfully,

Theresa & Steve Hunker
5160 NW Cornelius-Schefflin Road
Cornelius, OR 97113
503-957-5833
tjhunker@gmail.com

March 8, 2011

TO: Washington County Board of Commissioners and Metro Council

RE: Proposed Ordinance No. 740 – An ordinance amending policy 29 of the rural/natural resource plan to modify the rural and urban reserve map

I am writing to urge the Washington County Board of Commissioners to reject the proposed ordinance No. 740. Specifically, I am supporting a rural reserve designation for Area B, the west portion of the proposed Reserve Area 71 north of Cornelius. I acknowledge that on December 2010, the Board adopted a Supplemental Reserve Intergovernmental Agreement (IGA) designating Area B of Reserve 71 as a rural reserve and support a full and documented adoption of this IGA.

The geographic location of this property is crucial for the ecosystem of the area. A portion of Area B located north of Spiesschaert Road is a wetland. Indigenous wildlife including deer, elk, Canadian geese, wood ducks, and quail rely on this rural reserve. Currently, this wildlife is comfortably cohabitating within the farming operations.

The property in Area B of Reserve 71 is without question high value farm land (Land Conservation and Development Commission, June 23, 2010). The property described in this letter meets the criteria described by the United State Department of Agriculture (USDA, 2005) for sustainable agricultural land. Irrigation infrastructure by the Tualatin Valley Irrigation District has been established on the acreage immediately north of Spiesschaert Road. This irrigation infrastructure substantially increases the high value of the farm land secondary to the unlimited possibilities for crop production. For example, this property produces abundant food sources for both local and national consumption without depleting the earth's resources or polluting the environment. In addition, the property in Reserve 71 further sustains social values associated with the heart of rural America; i.e. this property promotes local jobs, instills strong work ethics, and supports a good quality of life for the surrounding community.

Compelling justification for designating this valuable farm land as urban reserve does not exist. A review of arguments that support an urban designation do not provide substantial evidence to support the need. For example, no public data is readily available that describes current or projected resource utilization of surrounding housing, libraries, parks, and businesses. Instead, citizens are left questioning if the current available resources in surrounding cities are or are not meeting the current and projected needs of the population.

Again, I urge the Washington County Commissioners to keep Area B of Reserve 71 in rural reserve. Please contact me directly with questions or comments.

Sincerely,

Lorretta Krautscheid
6273 SW 154th Place, Beaverton, OR 97007
503-574-2353

3/9/2011

Re: Cornelius Expansion Urban Reserve Proposal

Dear Washington County Commissioners and Metro Council:

I wish to express my opposition to ALL Urban Reserve proposals considered in locations north of Cornelius. It is never a good fit or outcome to have residential and/or business growth take place next to neighboring farmlands. Once encroached upon, there is no going back or reversal of the negative impacts it places upon the open land and those who depend on it for their livelihood.

My opposition to these proposals is simply and solely with respect to land owners (farmers and those alike) who are increasingly being squeezed out in demand for their property. In some cases encouraged that they should sell out and make a lot of money on the land to be divided up into subdivisions. Sadly, this results in a loss of quality farm land and family generation "farmers". Why should States continually subject their citizens to buy produce from Mexico and other foreign countries when we can have it all right here? Why continue to grow residential and industrial infrastructures beyond our needs? If it is allowed, when will it ever end? It frustrates me greatly to see urban sprawl expand into the wrong areas and beyond its needs. If this is truly an opportunity for City Planners to listen and work with communities to the development of a fair and conducive plan, I request that all those involved please take in consideration the points of view addressed by the American Farmland Trust.

<http://www.farmland.org/programs/protection/default.asp>

In closing, I urge City Of Cornelius to diligently re-evaluate their ideas and take a closer look at what is already available within city limits to develop. Making use of land inside city limits would not only make economical sense, but it would also help to improve areas of Cornelius that are unsightly. In my everyday travels within the town of Cornelius I see countless run down homes and abandoned commercial buildings on large plots of land that could use being condemned and rebuilt upon. Why not propose improving and rehabilitating open land and dysfunctional buildings worthy of tear down into the future growth plans; **not** farmable land that is irreplaceable along with its generational farmers who reside among much of the land within these proposed areas of urban reserve.

Thank you for your considerations,

Karen E. Jackson

Karen E. Jackson
2324 14th Ave
Forest Grove, Oregon 97116
503-206-1313

March 11, 2011

Re: Opposition to Inclusion of Land in North Cornelius in Urban/Undesignated Reserves

Dear Washington County Commissioners and Metro Council:

As a life-long citizen of Washington County and current resident in the Cornelius community, I strongly oppose the March 2, 2011, recommendation of the Washington County Planning Commission whereby they seek to add property north of Cornelius in the Urban Reserves, demonstrating their total disregard for LCDC's remanded decision removing the Cornelius property from Urban Reserves.

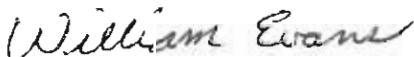
Most specifically, **I petition that the property north of Cornelius be placed in Rural Reserves** for the preservation of the economic stimulus provided by local agri-business operations and to sustaining the livability of our community.

I strongly oppose any recommendation or decision to include property north of Cornelius in Urban/Undesignated Reserves for the following reasons:

- The land north of Cornelius is premium topsoil that produces food that feeds our local citizens, addressing food-security concerns being raised by communities across our nation. In addition, the agri-business commodities produced on this land have a positive local, as well as national economic impact.
- Farms north of Cornelius provide employment opportunities for local residents. There appears to be little to no mention in media stories of the employment opportunities that exist within the agri-business community.
- Council Creek functions as a natural buffer zone between the incompatible land uses of residential and agri-business operations. To include land north of Cornelius will remove that natural buffer zone, impacting the agri-business operations that occur within rural areas.
- Urbanization is a threat to many natural habitat and species. This portion of the county is rich with wildlife and native plant species.
- The city (Cornelius) has and continues to address local funding issues. Providing land is not going to fix these economic issues faced by the city, as the city lacks underlying capacity to develop the urban infrastructure. A better location for urban growth would be placed in adjoining city(s) that have proven planning and capacity to develop streets, utilities, and bring in businesses that stimulate the economy.
- In comparison to adjoining city resources, the city lacks cost efficient water, sewer and utility services to support business growth. The cost for water in Cornelius is much greater than the cost in the city of Hillsboro. Why would a business want to locate in a city that has higher utility/operation costs?
- An ideal location for Urban Reserves would be located near a transportation corridor for freight transportation and a commuter rail system to support employee transportation needs.
- Lastly, the City had an opportunity to expand industry north of the railroad tracks between N 19 Avenue and N Hobbs Road; however, they chose to develop this area into housing.

For these and many other reasons, I would petition the Board to move forward with the proposed plan to conform to the LCDC ruling in removing the Cornelius farm land from the Urban Reserves, and recommend this property be placed in the Rural Reserves to sustain the eco-friendly agri-business operations on this property. Thank you for your consideration.

Respectfully,



William Evans
36495 NW Wren Road
Cornelius, Oregon 97113
503-640-6499

March 10, 2011

To: Washington County Board of Commissioners
Metro Council

Re: Retain Cornelius Farm Land – Don't be baffled by the City

We write in support of Rural Reserve designation for the farm land north of Council Creek, north of the city of Cornelius. The city is filled with vacant warehouses/buildings and empty undeveloped lots ready for development. Driving through the town one can see the blight that exists as a result of non-use of existing resources.

Most disturbing is the city of Cornelius officials who have continued to manipulate leaders into believing that the "city" will not survive if additional land is not provided. Then the city stoops to new lows as to pull the "race card".

Example, as reported in The NewsTimes article were Mr. Waffle and the city's development and operations manager, Richard Meyer, told the City Council they were working on putting together a plan that could bring a unified voice to the March 15 meeting, with the hope of winning the votes of the County and Metro, which would signal a push back against LCDC's remand. Waffle was then quoted as saying, ***"Cornelius is poor Hispanic community that really needs jobs and why are we being kicked out, we don't have the clout that other have because of our socioeconomic status, and that's not fair¹."***

In fact, Cornelius race/ethnicity is just half (50%) Hispanic/Latino, per the American Community Survey. Why does Mr. Waffle disregard the other 50% of his residents? **Race should not be an indicator of "poor" and we find Mr. Waffle comment offensive.**

In closing, we both have been employed by farmers located north of Cornelius in the area being considered for Urban and Undesignated Reserves. We ask that the County Commissioners and Metro Council consider the preservation of farm land to support the opportunities that farming provides to our local community. At least the land is productive, supporting the local economy with food and employment opportunities.

Sincerely,

Warren and Amy Moreno
2746 Boyd Lane,
Forest Grove, Oregon 97116

¹ News Times, Publication dated March 9, 2011

Testimony from 12 individuals/
organizations/ property owners
submitted over the past three (3)
years on this matter.

They were unable to be here today.

Thank you

Shela Guffie

Cornelius Planning
Commissioner



WASHINGTON COUNTY OREGON

January 25, 2008

Richard Meyer
Development & Operations Director
City of Cornelius
1355 N Barlow
Cornelius, Oregon 97113

RE: VALUE OF PUBLIC INVESTMENT IN TRANSPORTATION SYSTEM IMPROVEMENTS

This letter is in response to your recent questions about the value of public investment in transportation system improvements at, and north of, Council Creek adjacent to the City of Cornelius. There are several major investments by the partnership of the State of Oregon, Washington County (County), and the City of Cornelius (City), along Cornelius-Schefflin Road / N 10th Avenue and Susbauer Road / N 19th Avenue. These public investments are designed and constructed to meet current transportation standards and future anticipated demands based upon the current urban growth boundary. Since the County can not accurately anticipate future expansion of the urban growth boundary, traffic analysis does not attempt to take into consideration "probable" or "potential" areas eligible for consideration for inclusion in the urban growth boundary. However, as a transportation system provider, properties proposed for a major amendment to the regional urban growth boundary that are contiguous to an incorporated city, and have improved access to major state highways and county arterials, is clearly desirable.

The Susbauer / 19th Avenue bridge over Council Creek, located about 80 percent within the City limits and 20 percent within current unincorporated County has just been reconstructed with Oregon Transportation Improvement Act (OTIA) funding with County and City effort. It was built to City standards, including sidewalks, right-of-way, access control, and storm drainage. The total cost was \$2.6 million.

The Cornelius-Schefflin / 10th Avenue bridge over Council Creek, located approximately 90 percent within current unincorporated County and 10 percent within the City limits has been designed to urban standards also, and is scheduled to be constructed this summer and fall, with OTIA and County funds and City resources. The estimated cost of this bridge reconstruction alone is \$6.4 million. The bridge was designed with City required sidewalks, right-of-way, and utility access in anticipation of expansion of the City urban growth boundary and City jurisdiction to include the partially urbanized land north of Council Creek.

Reconstruction of the Cornelius-Schefflin bridge requires building a new access to a nine-house subdivision along Spiesschaert Road to replace the substandard Spiesschaert bridge that currently abuts the old Cornelius-Schefflin bridge. OTIA funding to replace the Spiesschaert bridge is \$1.9 million. There is only one safe route for a new access road to the Spiesschaert Road subdivision. This route requires acquisition of right-of-way from four property owners. The two largest

Department of Land Use & Transportation • Capital Project Management Division
1400 SW Walnut Street, MS 18, Hillsboro, OR 97123-5625
phone: (503) 846-7800 • fax: (503) 846-7810

landholders of these four have committed to donate the necessary right-of-way if they can develop their land as industrial property with urban services. The cost of condemnation and acquisition of this land, if not donated, is estimated at from \$400,000 to \$650,000. Moreover, because this access road was designed during the time when Metro had approved the area for urban growth expansion, this Spiesschaert Road connection was designed at urban industrial collector standards, as the City requested. If right-of-way needs to be purchased, the standards to which the road is constructed will be reduced.

Finally, improvements to the multi-purpose arterial Cornelius-Schefflin Road / 10th Avenue, from the new Dairy Creek traffic circle down across the new Council Creek bridge to the Holladay industrial collector street, are budgeted at \$15.7 million. These improvements are designed to provide improved access for urban commuting, freight traffic and farm equipment along an important west county arterial. Urban standard sidewalks, lighting and right-of-way is being constructed north from inside the current City boundary to the new industrial collector that provides access to future industrial uses and Spiesschaert Road.

Altogether, public transportation facility investments in this immediate area add up to approximately \$20.2 million, which should serve the County and City existing, and future, transportation needs very well. These improvements provide a safer and more efficient movement of commuters and freight traffic, while also providing accommodation for agricultural equipment and recreational bicyclists.

All transportation system improvement projects constructed by the County, in vicinity of the City, are designed to accommodate the County's and City's future growth based upon current Urban Growth Boundaries. While not considered in project traffic analysis, the City's proposed major amendment to the regional urban growth boundary can be accommodated with the current transportation system improvements invested and would be beneficial in the completion of pending improvements. I hope this letter answers your questions. Please keep us informed about the progress of your application.



Dan Brown, PE
Capital Projects Manager
Washington County Oregon

c: Kathy Lehtola
Brent Curtis

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TETRONIX, INC.
VERIZON NORTHEAST
WASHINGTON SQUARE MALL



October 19, 2007

Mr. David Bragdon
President,
Metro Council
600 N.E. Grand Avenue
Portland, Oregon 97232

President Bragdon and Councilors,

Re: Support For Major Amendment To Expand UGB In Cornelius

Westside Economic Alliance is pleased to support the proposed major amendment to the urban growth boundary to add much-needed industrial land north of Cornelius, and better serve the growing demand for local employment in that community.

Enclosed, for your reference and consideration, is a summary of current economic and demographic trends in Washington County. According to WorkSource Oregon, the number of jobs in Washington County (10,800) matched the estimated population growth (10,800) bringing both figures to record highs in 2006, while pushing unemployment levels to the lowest in the state.

Ironically, these numbers are also nearly identical to the current population of Cornelius, but the city has largely missed out on much of the recent surge in local employment. Indeed, residents of Cornelius hold the unwelcome distinction of commuting further for employment opportunities than 25 other communities within our tri-county region. This additional travel imposes financial hardships, consumes valuable time, jeopardizes personal safety, and harms the environment.

In sharp contrast to the aggregated data about Washington County, it should be noted that Cornelius has the highest poverty rate; lowest taxable property per capita; highest proportion of minority population, and is the only city in the metropolitan area identified as a "Distressed City" by Oregon's Economic & Community Development Department. The 2007 "Regional Equity Atlas" recently published by the Coalition For a Livable Future---with support from Metro---also ranks Cornelius lowest in total "regional equity" scores.

10220 S.W. Nimbus Avenue, Suite K-12 • Portland, Oregon 97223

Phone: 503.963.3100 • Fax: 503.621.0641 • E-mail: west@westside-alliance.org • URL: www.westside-alliance.org

Metro President David Bragdon
October 19, 2007
Page Two

During your recent work session (October 16) the Metro Council discussed the growing need for developable industrial land in contiguous parcels offering 20-50 acres; 50-100 acres; and 100 acres plus. While we are not aware of any 100-acre tracts of industrial land currently available within the UGB of the Portland metropolitan region, and only three Westside sites offering 50 acres or more, a major amendment to the UGB could provide several of these coveted tracts for near-term development and employment opportunities.

Perhaps even more important, the proposal to add industrial land in their community enjoys popular support from local residents, civic leaders, and elected officials who understand the growing need for local employment and growth opportunities. The addition of industrial land will enable existing local employers to expand, the local economy to diversify by attracting new companies, and will provide a much-needed tax base to this community.

You will recall that in 2004, the Metro Council approved a 261-acre expansion to the UGB north of Cornelius, but later rescinded 195 acres from that proposal when a remand decision from Oregon's Land Conservation and Development Commission called for additional information to support the expansion. That decision left the Portland metropolitan region 90 acres short of the projected needs for developable industrial land in the 2002-2022 planning period, but was later determined to be within "substantial compliance" of the region's projected needs by LCDC.

The city's proposal to add 161 acres to the Urban Growth Boundary would remedy the 90-acre shortfall for industrial land Metro identified in 2005. The proposed expansion would occupy "exception" land, but would yield approximately 110 acres of net buildable area for industrial development. The immediate addition of industrial land and expanding local job opportunities is entirely consistent with the City's long-term goals and ambitions to provide its residents with smart growth, a sense of place and community livability, and economic sustainability. The proposed expansion is also consistent with ORS 197.298, State Goals 2 and 14, and Metro's own regional urban growth planning goals.

For each of these reasons, we encourage the Metro Council to support the proposed major amendment to allow additional industrial land to be designated within the UGB along the northern perimeters of Cornelius. This proposal is reasonable, consistent with earlier recommendations, and supportive of the long-term goals for our fast-growing region.

Westside Economic Alliance is pleased to support the proposed amendment, and recommends its immediate adoption.

Sincerely,



Jonathan Schlueter
Executive Director

Enclosure: *"Washington County---By The Numbers"*

December 14, 2009

COPY

Washington County Board of Commissioners
Attn: Andy Ruyck - Commissioner - District 4

My wife and I have owned property north of Cornelius for over 44 years. It has been farmed, but also divided into three buildable parcels since 1969.

We would like the property to become a part of the Urban Reserve as it has the potential to be used to increase the industrial base for the City of Cornelius.

This property could develop into three building sites with present zoning, but it would seem more practical to use it as industrial rather than building houses which would later have to be replaced.

Thank you for your consideration

John Trautschid

John Trautschid

508 N.E. Birchwood Terrace

Hillsboro, Oregon 97124

Testimony supporting Urban Reserve Designation
North of Cornelius.

August 18, 2009

Washington County and Metro Regional Reserves Committees
c/o Washington County Long Range Planning
155 N First Ave., Suite 350 MS 14
Hillsboro, Oregon 97124

Testimony: Farmer Support of Urban Reserve Designation

Dear Committee:

Our extended family has been farming in Washington County for generations. We have also been active in urban communities in other vocations, as most farm families. We know the value of healthy balanced communities as well as healthy profitable agricultural business. We think that both are important and that they can exist together.

We own a number of large parcels within the area recommended as an Urban Reserve for the next fifty years on the County map. This includes acreage north of Council, Dairy and McKay Creeks. We understand that an Urban Reserve designation does not mean we have to develop urban uses at any particular time. We also understand that if our land is designated Rural Reserves that we will not be allowed to develop a non-rural use anytime in the next 50 years.

We intend to continue farming much of our land for 25 years. But beyond that, our children and future property owners may want to be part of a growing urban community. Both farming and healthy communities are important. So we support the Urban Reserve designation recommended for our land north of the Cornelius.

in the near future. We are Letha & Harry Jacobsmuhlen. We have lived and have operated a meat cutting and packaging plant at 1395 NW Susbauer Road, Cornelius 97113, for several decades. We have supported this land being included in the Urban Growth Boundary, since 1978 when it was designated as Exception Lands by Washington County.

We own over 30 acres of land that is partially urbanized with our meat packing business, but the majority of our property is zoned AF-20. The urbanized part is in Cornelius's UGB amendment area. We have farmed the vacant part of our land with field crops like, hay and have never been able to even cover our property taxes with our farm profits.

We urge Metro to approve this expansion. Our family would like to expand this industrial business before we are dead and gone. We can provide more jobs only if you approve this expansion soon. Cornelius needs the jobs now too. We support the City's application for this Urban Growth Boundary Amendment.

Thank you.

Letha & Harry Jacobsmuhlen
1395 NW Susbauer Road, Cornelius, OR 97113

Meyer, Richard

From: Phyllis Kohlmeier [phylliskohl@comcast.net]
Sent: Monday, December 14, 2009 9:01 AM
To: Meyer, Richard
Subject: urban reserve

I mailed my letters, but with the Christmas mail, I'm worried about them arriving on time. Here is a copy that you may also introduce. If I need something else let me know.

Phyllis Kohlmeier

20277 SW Roy Rogers Road

Sherwood, Oregon

December 13, 2009

To: Washington County Commissioner

REGARDING: Urban Reserve

We would like the land on Susbauer, owed by Ruth Van De Moortele placed in the Urban Reserve designation with an option to develop urban land uses in the future.

The following is a previously written letter:

July 21, 2009
Dear Kathryn Harrington,

We are writing in regard to the land owned by Ruth Van De Moortele and bordering Dairy Creek on Susbauer Road. The land is north and south of Long Road. The land does not have water rights and is a total of 97 acres. This parcel is recommended to be placed in the Urban Reserve. We would like this acreage placed in the Urban Reserve. We have no plans to sell the land. At this time we have a farmer hired to do the

farming. That will continue, but we would like to have the option to have it in the Urban Reserve at the time in the distant future when our children deal with the land.

Living in Sherwood, we have seen a community that is only a bedroom of Portland, Tigard, and other large cities with industries. Sherwood worries about the size, color, and placement of signs rather than attracting industries or small business. I think Cornelius is thinking ahead of a place to build industries and a place for their people to work in the future. We have a large flat parcel that would qualify for that purpose.

Having been raised on that farm I know how hard it can be to make a living. I worked in the fields from age 10-21. At 21 I graduated from college and had an easier life, where weather and market swings did not affect my income. . At present the farm income pays the taxes, but does not begin to make a living to support our mother in a retirement home. In fact it barely pays for 1/3 of her care. The farmer has already told us not to count on any money next year. The swing in revenue makes it hard to make a budget. My mother is the owner of the land. We are the caretakers of her estate. We recently had the farm buildings removed and have turned the farmyards into fields. Burning the house and barns built in part in 1900 was very hard, but the farm did not provide money to repair and restore the time-ravished buildings. Leaving the empty buildings attracted drug dealers and shady characters. It also was an unkempt eyesore. Again the farm provides limited income. We would need to get larger with more farmland to make more money for total family support from the farm. Our father rented and farmed far more land. That is not in our plans to be farmers. We have other professions, as do our children.

In summary, please consider putting this parcel of land in the Urban Reserve for future use making it available for industrial, commercial or residential uses. We plan to farm the land until the time it is needed for future development.

Sincerely,

Ed and Phyllis Kohlmeyer

20277 SW Roy Rogers Road

Sherwood, Oregon 97140

Cary Kohlmeyer

Kent Kohlmeyer

August 15, 2009
1304 Sitka Ct. SW
Albany, OR 97321.

Dave Waffle, City Planner
City of Cornelius
1355 N. Barlow St.
Cornelius, OR 97113

SUBJECT: METRO BOARDS LAND USE PLANS FOR WASHINGTON COUNTY

This letter concerns the Van De Moortele farm north of Cornelius on NW Susbauer Rd. It covers 97 acres on the west side of Susbauer. Part of the farm is Dairy Creek wetlands north of Long Road bordering Dairy Creek. It has been in the Van De Moortele family for almost 100 years. It does not have irrigation rights. Currently it is being used primarily for grass seed production but has been used in the past for hays, grains, and livestock. The taxes on the property last year were \$1567.00.

It was brought to my attention that the Metro Council is in the process of making a decision concerning the zoning of this farm either to be placed in an agricultural reserve or urban reserve for a 50 year period. I wanted to give you my opinion. The Washington County Farm Bureau is affirming that ALL the farmers in the area wish their properties in the 50 year agricultural reserve. This is not true about the Van De Moortele farm, which I would prefer to have placed in the urban reserve. This allows the family to have the option of being sold at a profit or continue on as a farm. It also gives the City of Cornelius the option of increasing land available to its community for homes, industry, or business.

The zoning future of the area appears to be moving towards preserving farmlands, restoring wetlands, and having green spaces available for the public to enjoy. This has definite benefits for a community. A Tier II Objective of the Metro Council concerning Dairy Creek is to protect riparian and wetland areas, restoration and reclamation of upland habitats as well as improving water quality. If these changes include the Van De Moortele Farm it reduces the size of the farm considerably. I consider this not to be a benefit for the farm as a family business or to my 93 year old mother who is relying on income from the farm for her expenses.

On a personal note, the land under consideration for wetlands provided for me as a child a wonderful place to spend hours and hours playing. My brother and I caught pollywogs, played in the Dairy Creek, picked wild flowers, played with our dog, and played with our friends there. It was a place I wish every child and their imagination could have.

Thank you for your consideration of my opinion.

Respectfully,

Ruth Anne Van De Moortele Dean

Ruth Anne Van De Moortele Dean

RECEIVED

AUG 18 2009

City of Cornelius
City Managers Office

Hillsboro School District

OFFICE OF THE SUPERINTENDENT



3083 NE 49TH PLACE, #122
HILLSBORO, OR 97124-6008
TEL: 503-844-1500
FAX: 503-844-1781
WEB: hsd.k12.or.us

August 31, 2010

Metro Council
600 N.E. Grand Avenue
Portland, Oregon 97232

RE: City of Cornelius Urban Growth Boundary Expansion
Hillsboro School District Letter of Support

The Hillsboro School District supports of the City of Cornelius' recommendation for immediate expansion of the Urban Growth Boundary. The district is invested in building greater capacity for the existing student population, and in planning for future development in the Cornelius area.

Cornelius' plans to build a more robust community with urban amenities, including accessible parks, trails, schools, and jobs, are important and helpful to the school district's goals for providing a first-rate education to residents of Washington County. We agree with the City's vision of an affordable, walkable, sustainable community that is interdependent with both urban and rural neighboring communities. Cornelius's request for UGB expansion this year promises a balance of much needed housing and employment opportunities.

The Hillsboro School District currently owns 40 contiguous acres outside the UGB just east of the Cornelius city limits and south of Tualatin Valley Highway. This property was purchased as a high school site to be developed sometime within the next three to six years. With the addition of a new high school to serve our students on the Cornelius property, the district can more effectively serve the larger Cornelius community and reduce the carbon footprint that is currently generated by transporting Cornelius students to distant district high schools.

There is currently no appropriate site available within the existing UGB for this needed facility. The high school site is located on flat land with no environmental constraints, making development and extension of infrastructure efficient and cost effective. The district plans to develop this property in partnership with the City of Cornelius.

Respectfully,

Gustavo Balderas, Assistant Superintendent
Hillsboro School District

C: Washington County Board of Commissioners
City of Cornelius City Council

Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

Testimony: Cornelius UGB Expansion - Support
Metro Public Hearing, November 17, 2005

Chairman Bragdon, Councilor McLain and Metro Council:

I am 83 years old and my health is not such that I can be at your public hearing this Thursday, so I am sending this letter with other neighbors who are going. I follow the news, don't mind a good fight, and have been involved in land use decision-making since the 1970s. I was supportive in the mid-70s when our regional urban growth boundary was first discussed and later set. I led the cleanup of Council Creek in those days. I want to weigh in on your mistaken amendment to renege on your decision last year to expand the urban growth boundary north of Council Creek.

My family were farmers in the Tualatin Valley for several generations. I own the two largest parcels of land in the adopted Cornelius expansion area, one east of Susbauer Road and the other just west of Jacobs-Mullen's place. I have barely earned enough on this land in the past many years to pay my taxes. I have thought about giving it away at times. I am surrounded by small lots that are partially urbanized. The man who says this land is important to protect farming doesn't know what he is talking about. I believe in farmland protection and reasonable growth opportunities for Cornelius both.

The idea that Council Creek makes the best boundary is ridiculous. I was in the discussions of where the growth boundary should be placed twenty-five years ago. Dairy Creek and Long Road was mentioned more than any other boundary. We agreed that Council Creek would make an OK boundary for ten to twenty years. How can you think that Council Creek would make a good long-term growth boundary when the land north of there has been developed for years already?

My understanding is that you already made your decision – a good one – last year, after a thorough and fair decision process. Changing your decision now is not right, or fair, or supportable.

I will be watching. And thank you for your public work.

Sincerely,

Marjorie Lafollett Smith
1580 NW Susbauer Rd. Cornelius

February 19, 2008

Metro Hearings Officer Richard Forester
Metro Council
600 NE Grand Avenue
Portland, Oregon 97232

Testimony: Cornelius UGB Amendment - Support
Metro Public Hearing, February 19, 2008

Hearings Officer Forester:

We are Letha & Harry Jacobsmuhlen. We have lived and have operated a meat cutting and packaging plant at 1395 NW Susbauer Road, Cornelius 97113, for several decades. We have supported this land being included in the Urban Growth Boundary, since 1978 when it was designated as Exception Lands by Washington County.

We own over 30 acres of land that is partially urbanized with our meat packing business, but the majority of our property is zoned AF-20. The urbanized part is in Cornelius's UGB amendment area. We have farmed the vacant part of our land with field crops like, hay and have never been able to even cover our property taxes with our farm profits.

We urge Metro to approve this expansion. Our family would like to expand this industrial business before we are dead and gone. We can provide more jobs only if you approve this expansion soon. Cornelius needs the jobs now too. We support the City's application for this Urban Growth Boundary Amendment.

Thank you.

Letha & Harry Jacobsmuhlen
1395 NW Susbauer Road, Cornelius, OR 97113

Testimony: Cornelius UGB Expansion
Metro Public Hearing at City of Cornelius, February 19, 2008

Richard Forester, Metro Hearings Officer
600 NE Grand Avenue
Portland, Oregon 97232

Hearings Officer Forester:

My name is Walt Duyck. I am a long time farmer in Washington County – Blueberries and Blackcaps. I live and have raised a family on Cornelius-Schefflin Road within this proposed expansion area and have managed land I own both inside and outside this proposed Urban Growth Boundary expansion area. I support the better managed development of this area that will come with expanding the boundary.

I want to make several points.

This land is all "exception land" and has not been zoned for farming for over 30 years.

Larry Duyck, my cousin who wrote a letter saying the Farm Bureau opposes this application, does not represent farmers in the area. We are not in agreement and the members have not been consulted. It is in some people's interest to keep the values of farmland down so they can lease it for next to nothing. It is in others interest to see a more efficient use. This land has been partially urbanized for decades. People who grow a crop on these small lots do so only to help pay their taxes until development happens. Folks have expected more development for years.

Metro approved this land for urban development in 2005 and took it back a year and a half later. During that time, my neighbor and I planned to develop a nice 12-acre Industrial Park for start-up businesses. If Metro approves this expansion again, Washington County will construct road improvements that they have planned this summer at urban industrial street standards and then we can afford the development. If Metro does not approve this expansion this spring, then Washington County will construct planned improvements at narrow county standards, which make future development too costly for us. We'll just add a house or two.

I think that Cornelius, which has always been supportive of its agricultural foundation and surroundings, can have some room to grow and continue to be a good neighbor of our agriculture businesses. This will not hurt farming in Washington County and will be a big boost to Cornelius.

Thank you.

Walt Duyck

From: Jean Krautscheid

To: skheinrich@comcast.net

Sent: Tuesday, June 08, 2004 2:07 PM

Subject: Urban Growth Boundary, Cornelius

Dear Steve,

We appreciate your telephone call and concern about the Cornelius Industrial Site not being added to the Urban Growth boundary.

My wife and I own fifteen acres north of Spiesschaert Road which we bought from the estate of Anna Spiesschaert almost 40 years ago. It has no buildings on it and would be suitable for industrial usage in the future.

We realize that the inclusion within the Urban Grown Boundary would not mean it could be developed until utilities would be available, but it would allow the city fathers to plan for the future and provide places of employment for the increasing population of Cornelius without having people drive long distances to work.

We appreciate your concern for the future of Cornelius,

John G. Krautscheid

(Norma) Jean Krautscheid

508 NE Birchwood Terrace

Hillsboro, OR 97124

503 648-5975

jjkraut@juno.com

Richard O. Haney
16720 SW Foxtail Pl
Hillsboro, OR 97123

Steve Heinrich
City of Cornelius
1355 N. Barlow St.
Cornelius, OR 97113

RE: 36465 NW Speisschaeert Rd

Dear Steve:

I am writing this letter to extend my support for the expansion of the Urban Growth Boundary in Cornelius. My brother, sister and I own 20 acres at the above noted address and we are in full support of the expansion and change in zoning to industrial lands.

Please share our vote of support with any and all decision makers. If there is anything we can do to encourage this expansion, please let us know.

Sincerely,

Richard O. Haney



JOHNSON REID
LAND USE ECONOMICS

MEMORANDUM

DATE: July 19, 2010

TO: Richard Meyer, Director
Development & Operations
CITY OF CORNELIUS, OREGON

FROM: Bill Reid, Principal
JOHNSON REID, LLC

SUBJECT: Competitive Large Industrial Site Need

This memorandum is intended as a summary of estimated need for large industrial sites within the City of Cornelius through the year 2028 and 2030.

BACKGROUND

Regional Large Industrial Site Need

Metro, with its partner jurisdictions throughout the Portland metro area, has recognized a need for *large* industrial sites to be added to the urban growth boundary that can serve as *competitive, development ready* supply since publication of its draft 2010 Urban Growth Report.

- Here, "large" industrial sites are classified as single tax lots or assembled, contiguous parcels equaling 50 acres or more.
- "Competitive" indicates an adequate supply of industrial land suitable for key industry clusters in the Portland metro area, including the West Washington County High-Tech, Solar, and Bio-Tech/Bio-Pharma industry clusters.
- "Development ready" indicates large industrial sites that are physically suitable for industry need, can be easily served with infrastructure, lack significant environmental or brownfield remediation issues, and can be made available to development approval within a 180-day window.

As of the date of this memorandum, Metro is considering a range of 500 acres to 1,200 acres in large industrial sites so described above to potentially add to the Portland metro urban growth boundary.

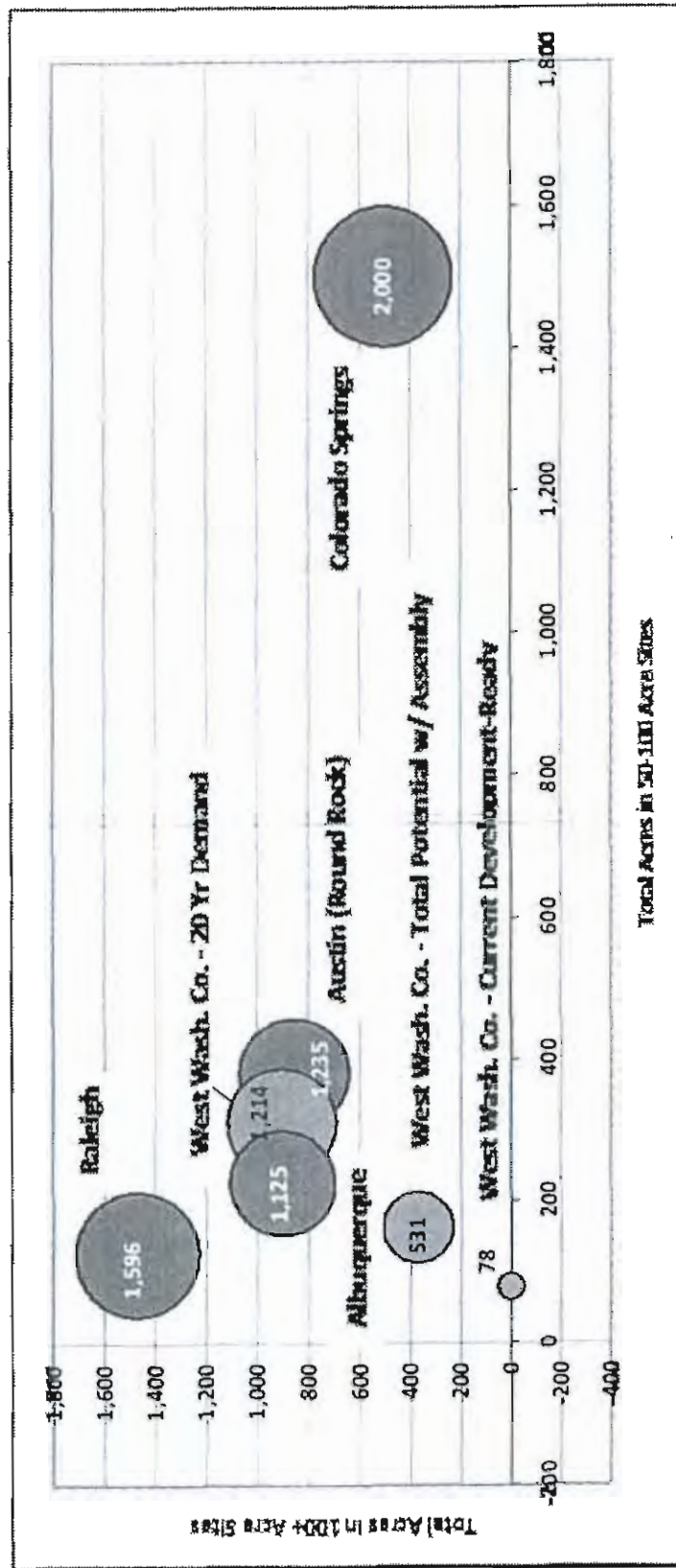
West Washington County Industry Cluster Need

Research conducted by Johnson Reid on behalf of the City of Hillsboro and its economic partners found that western Washington County presently has an uncompetitive supply of large industrial sites readily available and development-ready compared to its competitor regions nationwide. The result of the research, presented on the following page, compares total inventory of development-ready 50+ acre sites (total acreage) in high-tech markets across the country and western Washington County. Green bubbles represent development-ready inventory in other markets denoted by total acreage available, while orange bubbles denote different calculations of development-ready sites in West Washington County.



Figure 1: West Washington County Development-Ready Large Industrial Site Competitiveness

Figure 4 - Competitive Market Development-Ready Site Supply & West Washington County Total Supply Compared



SOURCE: City of Hillsboro Vacant Lands Inventory (Dec. 2008), City of Hillsboro EOA (Mar. 2009), Johnson Reid (Feb. 2010)



Analysis found the following:

- West Washington County only has 78 acres (single site) of development-ready industrial land suitable for the High-Tech, Solar, or Bio-Tech/Pharma clusters (smallest orange bubble) compared to the hundreds of acres that national competitors for these industries actively market.
- The West Washington County cluster has up to 531 acres of potential large site inventory within the urban growth boundary *very aggressively* assuming 100% success with site assembly of the many smaller, available parcels (medium orange bubble).
- The West Washington County subregion could potentially be large site-competitive should it supply roughly 1,200 acres of development-ready large sites (largest orange bubble). This would require 100% success with assembly of parcels within the UGB in Hillsboro, as well as significant addition of land with development-ready status.

CORNELIUS LARGE SITE NEED

Documented Growth Potential and Need

The City of Cornelius has continued to move forward with elaborating economic development planning coordination efforts with Hillsboro in the wake of the urban reserves planning process. Accordingly, that coordination yielded the following targeted growth scenario based on a more specifically defined policy direction by the City of Cornelius:

- **Coordinated Growth Scenario** – The City of Cornelius will coordinate with Hillsboro and absorb various industrial development potential inconsistent with Hillsboro’s concentrated future efforts on larger industry cluster anchors. Specifically, the City of Cornelius will target absorbing no less than 2% of office land demand and 10% of industrial land demand driven by Hillsboro-concentrated clusters through 2030. Through 2060, as Hillsboro land availability decreases, the City of Cornelius will target absorbing no less than 2% of office land demand and 15% of industrial land demand driven by west county industry clusters.

Based on the above description, the Coordinated Growth Scenario was modeled for City planning purposes. Johnson Reid translates the related forecast into specific industrial land demand and need through 2028 in Figure 2 below.

FIGURE 2: CITY OF CORNELIUS NEW & EXISTING GROWTH SCENARIOS COMPARISON (2008-2028)

2028 Land Demand Reconciliation - Gross Acreage Need									
Vacant Acres Reconciliation (Total)					Planning Horizon				
	Typical Acreage	Demand Projections			Vacant Supply	Balance			
		Baseline	Medium	Coordinated		Baseline	Medium	Coordinated	
Industrial									
Cluster Anchor	100.0+	-	-	100.0	-	-	-	(100.0)	
Anchor/Large Park	50.0 - 100.0	7.4	8.3	52.3	-	(7.4)	(8.3)	(52.3)	
Large User/Mid Park	25.0 - 50.0	12.1	13.7	86.3	-	(12.1)	(13.7)	(86.3)	
Medium/Smaller Park	10.0 - 25.0	8.8	9.9	62.7	-	(8.8)	(9.9)	(62.7)	
Expanding User	5.0 - 10.0	2.2	2.5	15.7	31.0	28.8	28.5	15.3	
Small Business	5.0 or fewer	6.3	7.0	44.4	44.0	37.7	37.0	(0.4)	
SubTotal		36.8	41.4	361.4	75.0	38.2	33.6	(286.4)	

Economic development coordination with the City of Hillsboro yields a need for over 361 acres of land through 2028 given an analysis base year of 2008. Demand trend through 2030 yields 401.5 acres of total industrial land demand. Large industrial site demand through 2028 specifically is estimated at 152.3 acres. Continuing the demand trend to 2030, total demand for large sites is



calculated at 169.3 acres. We would anticipate that distribution of a single 100-acre site as well as 69.3 acres of demand in the 50-100 acre category.

Given that the City of Cornelius presently has only 75 acres of available industrial land, the largest parcel of which is 12 acres, all expressed large industrial site demand would need to be accommodated by a modification to the urban growth boundary. Land would be to the north of the city on flat, greenfield sites, where urban services are easily accessed and with ownership that has expressed willingness to be within the urban growth boundary and annexed into the City of Cornelius for industrial development. Based on discussion with the City of Cornelius, the following key qualities about potential expansion areas to the north for industrial uses are true:

- Proximate High-Capacity, Continuous Electrical Power at Competitive Rates
- Proximate High-Capacity, High-Quality Water Supply;
- Proximate Highly-Skilled/Educated Workforce with Existing High-Tech Cluster Investment;
- Flat, Seismically Stable Land without Brownfield Costs & Risks; and
- Proximate, Diverse Transportation Infrastructure (Freeway, Air, Rail).

We would further note that the City of Cornelius is also working in partnership with Business Oregon's Large Industrial Site Certification program to package and prepare large industrial sites for shovel ready status and state marketing internationally. This coordination may result in an increase in local demand calculated from this Hillsboro-related industrial clusters analysis, obviously including value-added agriculture manufacturing

Metro Council and Washington County Board of Commissioners March 15, 2011

As Vice Chair of the Cornelius Planning Commission, I see this Ordinance before you as a last minute political product, which does not present an open weighing of publicly proven and debated facts.

This Comprehensive Plan Amendment would take away land that has been planned, zoned and prepared with taxpayer dollars for future industrial development north of Cornelius, which needs this modest space to build a sustainable community and where most property owners want it. The ordinance relocates these acres for industrial growth to an area north of Hillsboro, which already has thousands of future industrial acreage, which is zoned for farmland and where most property owners do not want it.

This land just north of Cornelius has been planned for future urbanization for thirty years. It has been approved for urban expansion and then taken away five times now. I would like to take this time to illustrate the history leading us hear today:

1st In 1983, the land between Cornelius and Dairy Creek was approved and mapped by Washington County as Urban Reserve. A map of this County Urban Reserve is in the record.

2nd During the 1990's, approximately 200 acres of this land was zoned by the County and acknowledged by the State as Exception Land to recognize the sub-urban development north of Cornelius. Cornelius has annexed property, provided water and other urban services north of Council Creek for over twenty years.

3rd In 2004, Metro approved and mapped 200 acres of land north of Council Creek as Urban Growth Boundary expansion, with Washington County support and unanimous support of MPAC. Eighteen months later our Community was shocked to see that UGB taken away at the last minute of a Farm Bureau appeal.

I was on the Cornelius City Council at the time and this is how that went:

We assisted with Metro staff findings and supported its Chief Operating Officer's recommendation, attended MTAC and MPAC meetings and public hearings. We helped staff at a western regional Open House on Metro's UGB recommendations (at which no opposition to Cornelius' UGB expansion was voiced and not one Metro Councilor attended, I might add), and we heard nothing about a possible reduction of our relatively small expansion.

Yet, just a week before the final ordinance was to be voted on, Metro changed its mind on Cornelius' expansion after the public hearing was closed on a verbal amendment to cut Cornelius expansion back to Council Creek. This was contrary to President Bragdon's stated policy that only amendments to their UGB recommendation that were circulated in writing before the meeting would be considered. Just one week later, Metro voted on the full package without this Cornelius' expansion, without listening or even asking one question of any of the 12 community leaders and area farmers we had hustled to get to the final meeting.

4th In 2007, Cornelius was given permission by Metro to apply for an amendment to the regional urban growth boundary mid-cycle. Again, when the facts were on the table and examined openly and fairly, Metro's Hearings Officer approved a UGB expansion north of Cornelius. But when the Hearings Officer recommended approval to the Metro Council, the Council voted to deny the expansion after last minute testimony by the Farm Bureau, because they didn't want to encourage cities to apply for UGB changes mid-cycle after all.

5th Last summer, at the end of two years of regional and local analysis, with facts on the table and compromise, Washington County and Metro approved an Urban Reserve Designation for land north of Cornelius (approximately 624 acres) the only land suitable for future industrial growth. But in October, after last minute privileged testimony from the Farm Bureau, an uninformed LCDC decided to selectively remand the regional reserves agreement to omit the land north of Cornelius. Why? On what grounds? Our community does not know and cannot object or appeal, because no written order has been written.

Here we are four months later – no written order with findings. You have a County Comprehensive Plan Amendment before you that rips the heart out of Cornelius' future and takes the only land suitable for future industrial development – without even a chance to face the new facts and findings upon which this major change for us is based.

Please, consider our amendment. Reject this Ordinance or amend it to include at least 350 acres nearest our northern city limits (within just 6 blocks of our Town Center and future LRT, and the only land suitable for industrial development as Urban Reserve) again.

Cornelius needs the jobs. We've been waiting 30 years and we can't wait another 50 years. Please support Cornelius, thank you.

Amy Scheckla-Cox, Vice Chair
Cornelius Planning Commission

Thank you. My name is Jose Orozco. I live at 44 S 18th Court, Cornelius, Oregon and also volunteer as a Cornelius Planning Commissioner.

My testimony today is in support of the Community - Farmland Compromise.

Out of 26 jurisdictions in the Portland region, Cornelius was the only one denied land for job development for the next 50 years. Why?

How is Cornelius different from all the other cities in the region?

Is the land north of Cornelius better for farming than land north of Hillsboro, Forest Grove, or other Washington County cities? The record, *including Washington County's own analysis of farm land*, says **No**.

Has Cornelius been irresponsible in planning itself as a green, sustainable, center-oriented community? **No**. We are up-to-date in state and regional required land use planning tasks. And we meet all regional goals of the 2040 Plan.

Are urban services and infrastructure insufficient for job development north of Cornelius? The record shows that the county, state, and city have already invested more than **\$20 million** across and north of Council Creek. Cornelius water, police, fire, library, and planning services are already provided north of this tributary of Dairy Creek. Are the two new bridges built by the county, state, and city to be a **connection of home and work** as we planned? Or will the new **sidewalks** on them lead to nowhere?

Or is the only difference between Cornelius and the other Washington County cities our socio-economic make-up? Because we are **comparatively low-to-moderate income**? Because the **majority of our residents are Hispanic**? Or is it because we are **small** or **lacking in enough clout** that special interest groups use our geography to make a point? (We all support farmland and smart growth.)

What are the reasons for the change of mind on Cornelius' future?

What new facts have been discovered?

Why is land approved for future jobs by the County last year disapproved for jobs this year?

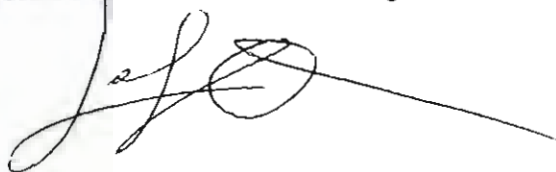
The same factors for urban and rural suitability apply in this Comprehensive Plan amendment as for the Comprehensive Plan amendment adopted last year.

As Elected Officials, you *should be* asking these kinds of questions.

Please approve an amendment to Ordinance 740 that's before you -- to reflect those maps in the Community-Farmland Compromise. This would be economic and social justice in Washington County & the Region, which is very much needed and supported by the record.

Thank you,

Jose Orozco, Cornelius Planning Commissioner





CITY OF CORNELIUS

Metro Council and the Washington County Board Commissioners:

March 10, 2011

In your deliberations on the new urban and rural reserves proposal on March 15th, please consider an amendment that may bring both the City of Cornelius and Helvetia advocates on board for a better compromise.

Washington County and Metro last summer reviewed staff findings and approved an urban reserve that met Cornelius' needs for the future.

Between then and now, something was lost in translation – things changed dramatically – for the worst. Why? Was it politics? Was it an oversight? Were the findings not available during LCDC deliberations? Was it disregard for a city that has no 'clout'? Cornelius is small. Demographically, we are different than our neighbors. It is well documented that our city is the 'poorest' in Washington County.

Cornelius – the low-income minority community that sits between Hillsboro and Forest Grove – has been held back for a decade from fair and equal opportunity to develop into a complete, healthy community, because of our tight Urban Growth Boundary. Lost in these past ten years are a major fruit processing business, a hospital, a state certified 50-acre industrial site, and business momentum – for lack of land.

Given this history, I am led to conclude that Cornelius doesn't matter in the grand scheme of things?

Cornelius does not have enough land for jobs for most of its residents who work right now. This causes expensive commutes to Hillsboro and beyond – expensive to families, infrastructure, energy, and the environment. LCDC's misinformed verbal decision on Urban/Rural Reserves last October and the County and Metro's proposal to accept it with no challenge – leave Cornelius with no more land suitable for jobs to meet today's needs, much less for 50 years into the future.

Ordinance 740 and the Metro/Washington County IGA, as proposed, make it impossible for Cornelius to achieve its plans to be whole and sustainable. It means Cornelius will be a burden to Hillsboro, Washington County and the Region. Worse, the only city in the region that is being denied land for industrial development for 50 years happens to be the only city in the region whose majority of residents are ethnic minorities and low-income. This raises serious socio-economic justice questions, which we promise to ask.

With the Community-Farmland Compromise as an amendment to the Hughes/Duyck proposal, the regional plan can gain the support of both conservationists and socio-economic justice advocates, including the City of Cornelius. Our community deserves the opportunity to be livable and sustainable – just like every other jurisdiction in this region.

By accepting this amendment, your decision will show that Cornelius does matter!

Thank you for your time and consideration.

Sheila Griffie, Chair
Cornelius Planning Commission

March 15, 2011

Testimony on Urban Reserves North of Cornelius

Metro Councilors and Washington County Board Members:

I am Larry Jacobsmuhlen. I manage Jacobsmuhlen Meat Cutting, Packaging and Retail Business at 1395 NW Susbauer Road, Cornelius, Oregon. I am also representing my mom and dad, who live there and who have testified many times since 1978 in favor of including our 30 acres in the Urban Growth Boundary. Back then, by the way, this area was designated Urban Reserve.

Four generations of our family have conducted business just north of Council Creek. We are one of the few places that process beef and pork in western Oregon. So there is plenty of demand in this region for our service. Yet we cannot expand unless we are within an urban area with urban services. We have supported construction of urban standard roads, bridges and utilities that can serve this area. Our family has counted on the opportunity of urban development.

The majority of our 30 acres is zoned AF-20, so we have had it farmed with crops like hay and never been able to even cover our property taxes with farm profits. It is not great farm land.

A Rural Reserve designation will starve our business. We urge Washington County and Metro to do what's right and designate this area north of Council Creek Urban Reserve and then bring us into the Urban Growth Boundary. Our neighbors – in the Duycks, Finnegans, Krautscheids, Haneys, and Smiths all agree.

Like my dad (Harry Jacobsmuhlen) has told you, "Our family would like to expand our industrial business before we are dead and gone." Cornelius needs the jobs now too. We support a designation of Urban Reserves north of Cornelius, like it has been in the past. This is very important to our family.

Thank you.

Larry Jacobsmuhlen

[Testimony to Washington County Board and Metro Council
Comprehensive Plan Amendment and Intergovernmental Agreement
Regarding Omission of Urban Reserve North of Cornelius
March 15, 2011, Hillsboro, OR]

Metro Councilors and Washington County Commissioners:

I am Tim Duyck. My family's property is at 1240 Cornelius-Schefflin Rd., Cornelius, Oregon. My dad, Walt Duyck lived there until he died last November.

For decades, our family has owned property within the Exception area just north of Cornelius that is being proposed today for a Rural Reserve designation. I understand that this means that I cannot annex into the City of Cornelius and develop anytime in the next 50 years.

That's very different from County plans for this land over the past 30 years. In the early 1980's land up to Dairy Creek was designated by the County as Urban Reserves. Since sometime in the 1990s our land has been zoned by the County and acknowledged by the State as Exception Land (partially urbanized). Since 2004, our property has been approved and then at the last minute disapproved, because of back-room dealing, three in times – in 2004, in 2007 and now again in 2011. Under each and every public examination of the facts of Cornelius need and the suitability of this land for industrial development, our land has designated for future urban development.

My dad, Walt, and I wanted to develop our property into an industrial park with our neighbor Dave Armstrong. The action under your consideration takes away our plans for private development, makes silly the millions of dollars spent on bridge, sidewalk and other urban services and infrastructure north of Cornelius, and denies the community of Cornelius the right to grow to a sustainable balance. A decision to uphold this Comprehensive Plan Amendment will reduce the value of our property significantly.

The several Farm Bureau members who have opposed all attempts to urbanize the north edge of Cornelius do not speak for a lot of farmers and nurseryman in the area. Everyone locally knows this, but their personal interests are loud enough to stop good planning at the last minute.

Please keep an Urban Reserve designation north of Cornelius, at least the 350 acres the City is asking for now, which includes the Exception Areas and our property.

Thank you.

Tim Duyck



CITY OF CORNELIUS

March 10, 2011

Councilor Kathryn Harrington
Metro
600 NE Grand Ave.
Portland, OR 97232

Dear Councilor Harrington,

Here is a simple and positive way to tie a bow around Urban and Rural Reserves and be done.

Please review the enclosed Community – Farmland Compromise Map of Rural and Urban Reserves in Washington County. This map is the result of discussions among both farming advocates and community advocates of 50-Year Reserves in Washington County. Our community's hope, even expectation, is that broad and diverse support for this compromise will be voiced in the next several days prior to joint meeting of Metro and Washington County on March 15th.

We are glad that Chair Andy Duyck of the Washington County Board of Commissioners and President Tom Hughes of the Metro Council proposed a map of Reserves in response to the oral decision by LCDC last October. We believe that LCDC was misinformed when they voted to selectively remand Regional Reserves for omission of land north of Cornelius. But with no written final order that express the facts upon which the LCDC decision was based, our community had no opportunity to show the record that counters the verbal reasons given by the Commission.

The "Hughes-Duyck" proposal before the Washington County Planning Commission last week and the Metro Council and Washington County Board next week gives us that chance to make our case. The proposal on the table omits all 625 acres of Urban Reserve land north of Cornelius that was approved by the County and Metro last summer and instead, locates 585 acres of Urban Reserve north of Highway 26 on Helvetia farmland. This was simple and put both Cornelius and farmland protection interests to work in common cause to perfect a final proposal.

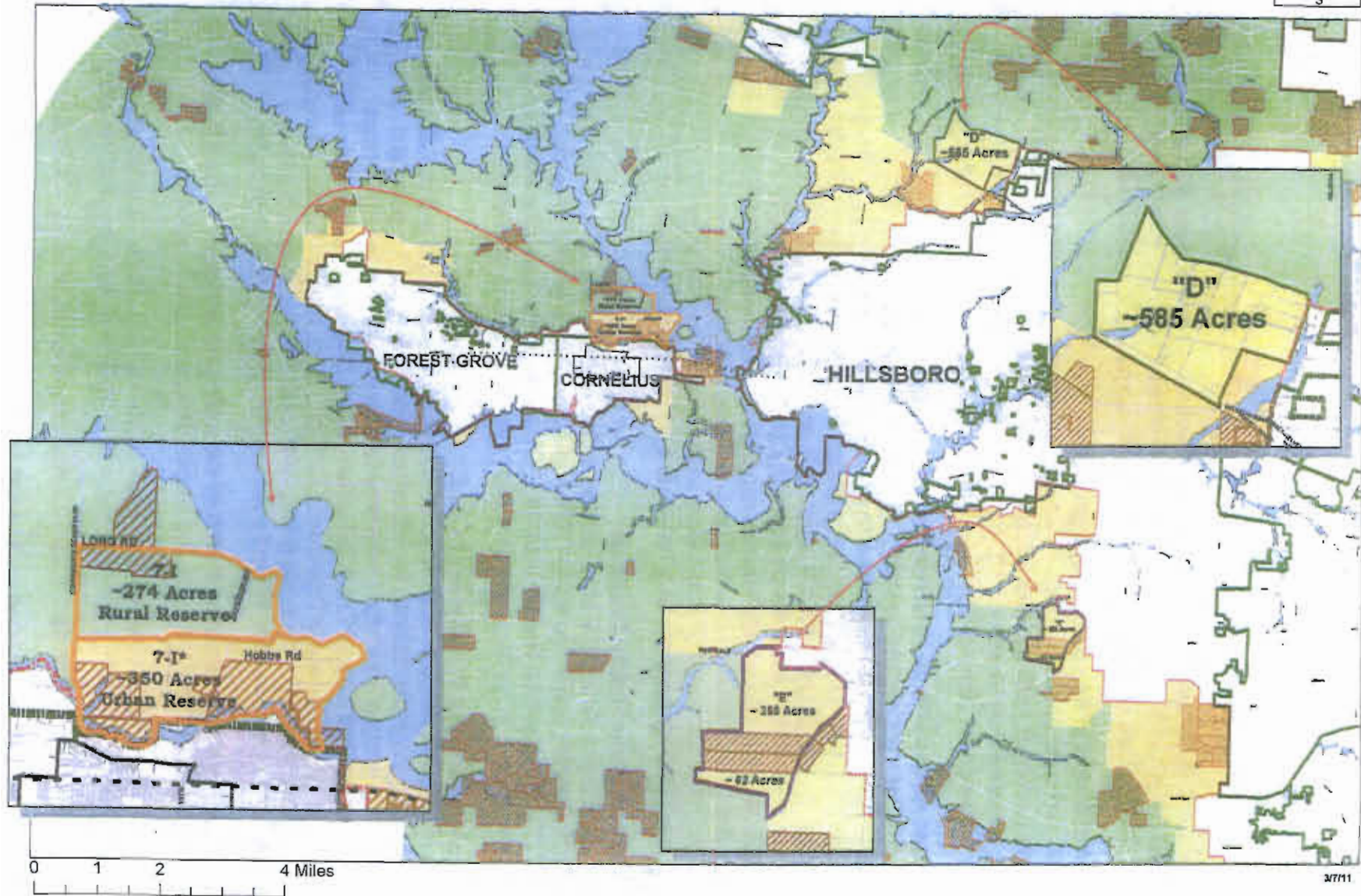
The Community – Farmland Compromise (three logical map changes) begins with a drastic cut-back to 350 acres of Urban Reserve land flattened along the north of Cornelius where much of the land is already Exception Land. It relocates 274 acres of Urban Reserve land adjacent Rosedale and Farmington Road, where there is support from all stakeholders, and so the County retains roughly the same number of Urban Reserve acres as approved last summer. It shows zero (instead of 585) acres of Urban Reserves north of Sunset Highway on better Helvetia farmland.

We believe that this refinement is the fairest and most acceptable Washington County Reserves Map to the different people and interests in this County, Region and finally to LCDC and the courts.

Thank you for your best consideration.

City of Cornelius Council and Planning Commission

Draft Community - Farmland Compromise



Net acreage difference between Ord. 733 and Compromise

- 17 Urban Reserve Acres
- 73 Rural Reserve Acres
- + 90 Undesignated Acres



CITY OF CORNELIUS

February 24, 2011

Washington County Planning Commission
155 N First Ave., Suite 350
Hillsboro, Oregon 97124

RE: Urban Reserve for Jobs in Cornelius – Amendment to Hughes/Duyck Proposal

Dear Washington County Planning Commissioners:

In your deliberations on the new urban and rural reserves proposal on March 2nd, please consider an amendment that may bring both the City of Cornelius and Save Helvetia advocates on board for a better compromise.

Having not been invited to the compromise table during this past month, Cornelius has not had the chance to present one last desperate compromise urban reserve area for future jobs that is just half the size that was approved by Washington County and Metro last summer. All or most of this 350 acre area has been approved before for urban uses – Urban Reserve in 1982, Exception Lands in the 1990's, UGB expansion in 2004, Metro Hearings Officer decision in 2007, and Urban Reserves in 2010 – only to be reversed by politics. We present this map to you because a minimal amount of land to grow jobs over the next 50 years is a matter of survival for our community.

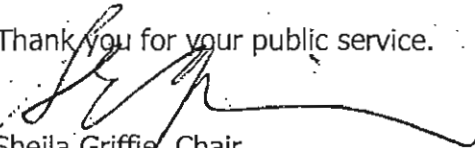
Cornelius – the low-income minority community that is just a twenty minute walk from here – has been held back for a decade from fair and equal opportunity to develop into a complete, healthy community. Lost in these past ten years are a major fruit processing business, a hospital, a state certified 50-acre industrial site, and business momentum – for lack of land.

Cornelius does not have enough land for jobs for most of its residents who work right now. This causes expensive commutes to Hillsboro and beyond – expensive to families, infrastructure, energy, and the environment. LCDC's misinformed verbal decision on Urban/Rural Reserves last October and the County and Metro's proposal to accept it with no challenge – leave Cornelius with no more land suitable for jobs to meet today's needs, much less for 50 years into the future.

Ordinance ~~740~~ as proposed, makes it impossible for Cornelius to achieve its plans to be whole and sustainable. It means Cornelius will be a burden to Hillsboro, Washington County and the Region. Worse, the only city in the region that is being denied land for industrial development for 50 years happens to be the only city in the region whose majority of residents are ethnic minorities and low-income. This raises serious socio-economic justice questions, which we promise to ask.

Please recommend an amendment to this Urban/Rural Reserves Map and ordinance to include a smaller Urban Reserve north of Cornelius drastically reduced from 624 acres to 350 acres, as depicted on the following map, and at least 300 fewer acres of Urban Reserve in the Helvetia area north of Sunset Highway where Helvetia representatives do not want it. With this amendment, this regional compromise will gain the support of both conservationists and socio-economic justice advocates, including the City of Cornelius. Our community deserves the opportunity to be livable and sustainable – just like every other jurisdiction in this region.

Thank you for your public service.


Sheila Griffie, Chair
Cornelius Planning Commission

Report Confirms: Metropolitan Areas Now Power U.S. Economy



The Portland metropolitan area is widely regarded as the "economic engine" of the state, concentrating a disproportionately large share of the population growth, jobs, and Oregon's financial and political influence in the four counties surrounding the largest city in the state.

A new study, released last week by The Brookings Institute in Washington D.C. confirms these claims, but also dispels any notion these trends are somehow unique to the Beaver State. The report confirms the Portland region is home to 47 percent of all Oregonians, who enjoy more than half (51%) of all jobs in the state, and produce \$103.4 billion (or 58.8 percent) of our state's total economic output. Among the nation's largest cities, the report singled out Seattle and Portland as "metro powerhouses," producing an estimated 72 and 71 percent of all exports from their respective states.

Citing the most current census data from the U.S. Census Bureau, The Brookings Institution last week reported that 84 percent of our nation's 308,745,538 people now live in urban areas with populations larger than 2,500 people. These latest findings offer a very different view of our nation from the one census workers found 100 years ago, when less than half of all Americans (46%) lived in cities.

Nationwide, the Brookings report estimates 85 percent of all U.S. exports come from 366 of our largest metropolitan areas, which have become home to 89 percent of all working age adults with post-secondary degrees and an impressive 93 percent of all persons employed in science or engineering. Not surprisingly, these cities have also become home to 86 percent of our nation's "lower carbon commuters," defined as workers who do not drive alone to their job sites.

By comparison to these national figures, Oregon's six primary metropolitan areas account for 78 percent of our state's population, 80 percent of all employment opportunities, and 83 percent of all economic output. These areas are Portland, Salem, Eugene, Medford, Bend and Corvallis. To see the state profile, [click here](#).

With nearly twice as many people living in the state of Washington, The Brookings report identifies 12 metropolitan regions that account for 88 percent of the state's population, 90 percent of all jobs, and an astonishing 92 percent of the Evergreen State's economic output.

(Please turn to page two)

As an important reminder for state and local policymakers, The Brookings report concludes by saying:

The economic future for states hinges largely on the performance of their metropolitan economies, which bring together the innovative firms, educated workers, and critical infrastructure that will propel the next wave of U.S. economic growth. To successfully transition to the next economy, states should place economic development strategies in the service of metropolitan-led visions for economic growth, building from the distinctive assets and market strengths of these regions to grow quality jobs and promote sustainable, statewide prosperity.

To learn more about the Brookings report, [click here](#).

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Westside Economic Alliance
10220 SW Nimbus Ave., Suite K-12
Portland, Oregon 97223
503-968-3100
www.westside-alliance.org

New employment numbers show economy is rebounding



What a difference a year can make. According to the latest employment data from WorkSource Oregon this week, the Portland metropolitan region is posting its lowest unemployment rates in nearly two years.

The latest employment numbers for the month of January confirm the jobless rates in Oregon's three largest counties have fallen below 10 percent, and there has even been a slight increase in the number of jobs added in our metropolitan region, signaling better days ahead.

According to WorkSource Oregon, January's unemployment levels for Clackamas County remained at 9.9 percent, 9.8 percent in Multnomah County, and 8.8 percent in Washington County. Neighboring Yamhill County hovered at 10.4 percent, Columbia County reported 12.2 percent, and while revised estimates have not yet been released for Clark County, Washington, the (non-seasonally adjusted) jobless rate there was estimated at 13.1 percent in December.

The highest unemployment rates in Oregon continue to be in rural Crook (17.6 percent) and Harney (15.1 percent) counties. The lowest unemployment rates are found in Benton County (6.9 percent), Gilliam County (7.0 percent), and Hood River County (8.6 percent). January is usually the worst month of the year to be looking for work in Oregon, because it's traditionally when the fewest numbers of jobs are available.

WorkSource Oregon reports modest increases in employment opportunities in January, with [Washington County](#) reporting 3,300 more job opportunities than the year before. [Multnomah County](#) has added 1,900, and Yamhill County has increased by 440 jobs compared to January 2010. [Clackamas County](#) posted a loss of 200 jobs in the past 12 months.

Together these modest regional gains offer a welcome contrast to the job-loss numbers posted one year ago, when more than 40,000 jobs were lost between January 2009-2010, and it's a stark reminder of how many more jobs are needed to regain the record-high employment numbers this region enjoyed in February 2008.

To learn more, see Westside's [economic](#) and [demographic indicators](#) updated on March 8, 2011.

-30-

Westside Economic Alliance
10220 SW Nimbus Ave., Suite K-12
Portland, Oregon 97223
503-968-3100

www.westsidealliance.org

3/8/2011

Tri-County Economic and Demographic Indicators

	Clackamas	Multnomah	Washington	Oregon / U.S.
Resident Population (July 1, 2009)	386,143	726,855	537,318	3,831,074
Total non-farm employment: Public and Private Sectors (Jan. 2011)	132,700	422,800	232,300	1,614,800
Percentage of resident work force who are currently unemployed (Jan. 2011)	9.9%	9.8%	8.8%	10.4% (Oregon) 9.0% (U.S.)
Adjusted Gross Income (2008 tax returns)	\$10.94 billion (12.2% of statewide totals) (25.2% of tri-county totals)	\$17.85 billion (19.8% of statewide totals) (41.2% of tri-county totals)	\$14.6 billion (16.2% of statewide totals) (33.6% of tri-county totals)	\$90.1 billion
State Income Taxes Paid (2008 tax returns)	\$641.6 million (12.8% of statewide totals) (25.3% of tri-county totals)	\$1.03 billion (20.5% of statewide totals) (40.6% of tri-county totals)	\$864.2 million (17.2% of statewide totals) (34.1% of tri-county totals)	\$5.0 billion
Median Household Income (2009)	\$59,876	\$50,733	\$60,963	\$48,457 (Oregon) \$50,221 (U.S.)
Average age of county residents	39.4 years	35.3 years	34.9 years	37.0 years
Education attainment levels:				
High School Diploma or GED among residents age 25 or older	91.6%	89.0%	90.5%	85.3% U.S. Average
Bachelor's degree or higher among residents age 25 or older	32.7%	39.1%	38.3%	27.9% U.S. Average
Note: The figures shown here in blue represent all-time record highs				
Sources:				
U.S. Census Bureau		WorkSource Oregon		Updated: 3/08/11
Portland State Center for Urban Studies		Oregon Dept. of Revenue		

Prosperity and Poverty in Oregon & SW Washington

	Clackamas	Clark	Multnomah	Washington	Yamhill
Median household income (2008)	\$59,876	\$56,074	\$50,773	\$60,963	\$64,889
Average wage per job (2008)	\$41,145	\$40,677	\$45,992	\$51,134	\$34,258
Percent receiving Food Stamps	11%	13.8% (2008)	19%	12%	18%
Unemployment rate Jan. 2011	9.9%	13.1% *	9.8%	8.8%	10.4%
Job gains / losses since Jan. 2010	-200	-200	+1900	+3300	+440

Sources: U.S. Census Bureau
WorkSource Oregon
Wash. Dept. of Employment Security

* Clark County estimates from December 2010, not seasonally adjusted

Report updated: March 8, 2011

Land Use Ordinance # 740 Testimony Against Proposal

My Name is Don Schoen and I am a second generation farmer of 30 acres of hazelnuts adjacent to Area B on the West side of Helvetia Road being considered for Urban Reserves. Our family has farmed this foundation farmland since 1952. The land is Class I and Class II soil throughout the acreage.

You Commissioners have heard all the arguments on why we need to save our foundation farmland from future development. I have testified at both County and Metro hearings myself and by now you should know why it is an important issue to protect our prime farmland both for now and for the benefit of future generations. I feel that our past testimony has fallen on deaf ears. I have listened to all the testimony from developers and their cry for more land, more development, and more jobs. I would ask you to please take a look at what has happened as a result of our past planning decisions of the 1980's and 1990's. I see many of these buildings empty today and thousands of square feet of industrial buildings setting idle. Yes, we do have Intel as one of the successes, but what of the other empty buildings? Why has this happened and is there a ongoing effort to infill these buildings? With the economy in its present condition are any companies buying more land to build on and taking on the tremendous expense to locate in our industrial zoned areas? Any present empty industrial building setting empty shows me that this is a result of poor planning, both developers and planners.

I have lived in the Hillsboro area for all of the last 78 years and I have seen lots of changes here in my lifetime. I have seen our agriculture land disappear and still some of this land sits there unused. We need to have the best use of our farmland that we possibly can, as it is going away at a record pace.

In our Hazelnut Industry, or "Filberts" as some of you know them, we compete on the world market for the sale of our products. Last year, our CO-OP sent 62% of our hazelnut crop to China. China's consumption of our products goes up each year. We also ship hazelnuts to Germany, England, and Japan, as well as to domestic markets here in Oregon. Have you tasted Oregon Hazelnut Bread, Burger King's Hazelnut milkshakes or possibly Archway cookies with hazelnuts? If so, those are made with our products. When we supply hazelnuts to foreign countries, as well as to local companies, this seems like a win-win situation to me.

We have elected two County Commissioners with farming backgrounds to our present board. I, for one, voted for these people because I thought they would help the farmers and the agricultural base in Washington County. I thought that they would be a plus for the farmers in their struggle to hold on to prime farmland. I am disappointed, as I do not see this happening. I take pride in attending our CPO#8 meeting each month where all of the issues in our area are discussed. Everyone has a voice and opinions are shared. But, I feel this where the discussion ends. I really believe that decisions are made many times with absolutely no input from the CPO's involved. I ask you as Commissioners, please start listening to the citizen input from the very people you are supposed to represent. If this would happen, then this would be true democracy at work! Thank You!

March 15, 2011

How does changing area D from Undesignated to Urban Reserve benefit Cornelius? Several property owners north of Cornelius desire to be Urban Reserve, providing Cornelius with the much needed space for industrial expansion. The replacement of 652 acres with the previously Undesignated 585 acres and giving it to Hillsboro seems ridiculous as there are several parcels East of Helvetia Road that could add to Hillsboro's industrial area where there is other industrial business.

The 585 acres contain Foundation land and has some of the best soil in the Willamette Valley. There is a site claimed to be an Indian burial ground which is listed at the State Historical Preservation Office. 126 acres of this property has been in my family for over 100 years, being farmed continually with plans for my family members to continue this practice in the future. Why destroy a person's livelihood and affect various small businesses such as seed companies, fertilizer, implement dealers, storage facilities and other agriculture-related businesses by including this land as Urban Reserve?

The buffer or hard line between Urban and Rural Reserve should be Helvetia Road and U.S. 26. Please consider these facts and designate the 585 acres West of Helvetia Road and North of U.S. 26 as Rural Reserve property.

Thank you!

DeLoris Grossen
8320 S.W. Canyon Dr.
Portland, OR 97225

**TESTIMONY BEFORE THE JOINT HEARING OF METRO AND
WASHINGTON COUNTY: MARCH 15, 2011...REGARDING
URBAN AND RURAL RESERVES**

My name is Thomas VanderZanden residing at 15903 NW Logie Trail, Hillsboro, Oregon 97124. I very much appreciate the opportunity to address both Metro and Washington County simultaneously. This is a rare and special occasion. I surmise that you have decided upon a joint hearing at least in part as a celebration of a very long and arduous process nearing an end. I am here today representing Mr. Jin Park and the 125 acres of property he owns on the corner of West Union Road and 185th Avenue.

The purpose of my testimony is not to argue with the recommendation that is before you. Rather, it is an appeal to make certain that in the process of determining urban and rural reserves that other policies of Metro and Washington County do not conflict with the urban or rural designations; and, thereby render some of the properties designated "urban" reserve undevelopable. Let me explain by example.

The properties adjacent to 185th Avenue and north of West Union Road...typically referred to as the Jin Park and Peterkort properties...are inside the previously adopted urban reserves boundary. These properties have been identified by CWS as the best place to locate the sewer line serving North Bethany. The North Bethany Comprehensive Plan, funded jointly by Metro, Washington County and the development community is now complete. The County is proceeding with the formation of a CSD to provide \$13 million in road financing in May of this year. Passage of this measure will then allow development to occur in North Bethany.

The Jin Park property is also greatly affected by crucial road improvements needed to better serve North Bethany and the urban reserves areas. The widening of 185th Avenue and West Union Road and the extension of Springville Road through Mr. Park's property are important area wide improvements needed for North Bethany and the existing urban community. All of these improvements can be more

easily permitted and constructed at a lower cost should Mr. Park's property be included inside the UGB and ultimately annexed to a City.

Currently, Washington County and Metro have, or are considering, policies that make annexation to a City a prerequisite for inclusion in the UGB. The closest city to this urban reserve area is Hillsboro.

At this point there has been no provision for adding additional urban reserves, such as north of West Union Road, that would provide a connection to the City of Hillsboro. Given this dilemma I respectfully ask that:

- 1) Either additional property north of West Union Road be added to the urban reserve to facilitate a connection to Hillsboro, or
- 2) That these orphaned (no connection to an existing city) properties be treated the same as North Bethany and be allowed in the UGB under County jurisdiction.

In summation the reserves process should provide a reasonable path to annexation or properties that have no clear path to annexation should be exempted from policies that require annexation prior to inclusion in the UGB and to development of the property.

Sincerely,
Tom VanderZanden

\$3,300,000



S. 20th Ave - Cornelius

89 acres of speculative development land adjacent to the UGB and has been identified as an Urban Reserve parcel. Approx. 45 acres in farm ground above the flood plain with water rights & about 44 acres of flood plain bordering Tualatin River.

NEW LISTING



Clint Currin

Discover Experience.

Urban Reserve - Speculative \$3,300,000

approximately \$70,000/Ac

Farm Value of Property

45 Acres above Flood Plain
At \$8000/Ac

= \$360,000

44 Acres of Flood Plain
At \$3000/Ac

= \$132,000

\$492,000

Difference Farm Value To Speculative \$2,808,000

Washington County Commissioners / Metro Council

Tuesday, March 15th, 2011

Re: Cornelius Urban Reserves North of Cornelius

Washington County and Metro Leaders,

My name is David Armstrong.

I live at 1560 NW Cornelius Schefflin Rd., Cornelius, OR.

My 8 acres on two lots are in the area North of Cornelius being considered

I am here to support an Urban Reserve designation for the land North of Cornelius.

Did you ever have a situation where all the information available suggested a clear cut decision or direction of movement.....and yet the parties took another direction? One of those times when your jaw drops from disbelief! From such a situation you wonder what was going on under the surface.....not visible.....to cause such action.

The elimination of Cornelius Northern Urban Reserves area is such a situation.

We have a city Cornelius that has:

- The lowest income of any city in Metro

- The highest level of Poverty of any city in Metro

- The fewest jobs per capita of any city in Metro

- The longest commute to jobs of any city of Metro

- The highest percentage of minorities of any city in Metro

- The greatest need for local jobs of any city in Metro (low income benefits from close jobs)

And we have **land** being considered as Urban Reserves that:

- Has much exception Land.....the land that is supposed to be considered for development

- Is not the best farm land (it is Tier 2 land)

- The owners (super majority of the land owners) want the designation of Urban Reserves

- Is ready for development by past infrastructure development:

 - 2 new bridges and widened road system to Hwy 26, Sewer Trunk Line, Water / Gas at edge

- Is broken up into small parcels.....profitable farming difficult to impossible

I submit to you that all the factual data supports an Urban Reserve designation for some land north of Cornelius. And so.....a decision to totally exclude Cornelius from Land for Jobs is "jaw dropping"!

Sowhat is the information that is not visible.....that causes this "direction of the parties" to deviate from the obvious solution? What is it?

What would cause Clackamas County (on the other side of Metro) to fight inclusion of any Land for Jobs in Cornelius? Why would the leadership of Washington County.....who have a charter to strive towards making ALL cities within their Jurisdiction livable and sustainable cities.....choose to strip Cornelius of ALL land for jobs for 50 years? It would seem that Washington County leaders would say.....we don't have a good plan if our plan strips 100% of the land needed for job growth from any city! Would Metro leaders not say.....wait a minute.....no good plan would choose to select one city.....and tell them "we have decided that you don't need to exist".

Would it not be common sense that every city would be provided sufficient jobs land to be viable? 50 years is a long time! It is just jaw dropping.

So it begs the questionwhat is it that leads to this decision? Is it back room politics? Is it one man on a crusade to stop any development on the road he lives on.....using the Farm Bureau to get his

way? If so.....you have allowed that one person to bastardize the process.....leading to a decision that defies common sense! (I note that individual does not speak for the land owners involved). Is it because someone knows someone at LCDC? And a difficult question.....is it that there is truly prejudice towards a highly minority populated community? What is it?

Is there a well understood reason to exclude Cornelius from having ANY job growth land for 50 years that all of you know that Cornelius does not know about? My Jaw drops every time I consider "no jobs land for Cornelius for 50 years" as a decision.

Jaw Dropping! But.....that is what Metro and Washington County are about to decide!

What will be the future of such a decision? As a business owner.....what would you think about a community that had decided (or had it decided for them) that it would not have job growth opportunities for 50 years that it would gradually reduce services until eventually it was not viable.

Businesses that might have located in Cornelius.....will say to themselves we cannot go to Cornelius.....the prospects of a growing / thriving community just are not there. Even existing businesses will conclude that Cornelius is no longer viable for their company.....as Sheldon Manufacturing has already testified to.

Cornelius leaders have testified multiple times that without Urban Reserves for future jobs.....Cornelius will gradually slide into NOT being financially viable. At some point Hillsboro or Washington County will have to pick up responsibility for the various city functions and infrastructure. While the slide is going on, Cornelius citizens will be 2nd class citizens.

I know some of you are very tired of this very long UGB and now Urban / Rural Reserves decision process. Does your desire to get this over with justify deciding that Cornelius is expendable.

Washington Counties Planning Commission has recommended that 350 acres be added back into the Urban Reserves for Cornelius. Cornelius has offered a 350 acre compromise that benefits Cornelius, Helvetia, Hillsboro, and even Metro and Washington county by resolving this without legal action. It is a reasonable compromise.

Please choose to keep Cornelius viable, and approve the 350 acre compromise put forth by Cornelius and others.

Thanks for listening,

Respectfully submitted,

David Armstrong 503-349-4219



CITY OF

PORTLAND, OREGON

Sam Adams, Mayor

Nick Fish, Commissioner

Amanda Fritz, Commissioner

Randy Leonard, Commissioner

Dan Saltzman, Commissioner

March 15, 2011

Metro President Hughes and Metro Councilors
Chair Duyke and Washington County Board of Commissioners

RE: Joint Reserves Hearing Before Metro and Washington County Board of Commissioners

Dear President Hughes and Chair Duyke, Councilors and Commissioners,

As the City of Portland's representatives to Metro, we have actively participated in the region's reserves process and decisions for the past several years. We urge the Metro Council to take a conservative approach in responding to LCDC's preliminary decision and directions with respect to Urban Reserve 7I (North Cornelius) and simply remove the urban reserve designation and not replace it with additional land elsewhere in Washington County. This will reduce the level of controversy surrounding this proposal while maintaining future flexibility to make adjustments if needed. We recommend this course of action for four reasons:

1. Removing Area 7I (North Cornelius) without replacement will still leave the region with an adequate supply of urban reserve land. The 623 acres of land in Area 7I represents 2% of the total urban reserves. There is no compelling need to replace these urban reserves on a one-for-one basis. An urban reserve supply of 27,964 acres provides for a 50-year supply that will still be above the mid-point of the middle one-third of the 50-year land need.

Total Urban Reserve (Residential + Employment)		
High End of Middle 1/3 of Forecast	29,100 acres	100%
Original Urban Reserve	28,615 acres	98%
Urban Reserves without 7I	27,964 acres	96%
Middle of Middle 1/3 of Forecast	27,100 acres	93%

Source: Appendix 3E-C and D (Metro Record page 597-609)

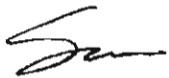
2. The regional reserves discussions and findings over the past three years have revealed the importance of agriculture to the state and regional economy, both now and in the future. These economic benefits are in addition to the health benefits to the region's residents and the quality and vitality local food production brings our local communities. We have also learned that the agricultural industry is very sensitive to intrusions of future urban designations for future urban uses because it reduces investments in agricultural equipment and operations. The Oregon Agriculture and the Economy: An Update study by OSU and released by the Oregon Department of Agriculture shows that the economic footprint of the state and region's agricultural industry is actually growing in its proportionate contribution to the state and region's employment and regional economy. Statewide it has jumped up from 10.6% to 15.6%. A copy of the study may be obtained at <http://ruralstudies.oregonstate.edu/sites/default/files/pub/pdf/OregonAgEconomyAnUpdate.pdf>

3. The designations will be more in line with the recommendations of the October 14, 2009 combined "State Agency Letter". Following their collective recommendations is the sound and safest approach.
4. Finally, this approach is the best opportunity to bring greater certainty to both the reserves process and the upcoming UGB decision. It is a wise course because it reduces the scope of a legal appeal and the likelihood that an appeal will prevail at a time when the next UGB decision will need to be made based on a reserves decision.

We believe that this approach will have the best chance of success and securing a lasting reserves agreement for the region.

Thank you for your hard work and deliberation of this matter and thank you for the opportunity to comment

Best regards,



Mayor Sam Adams



Commissioner Amanda Fritz

cc:

Portland City Council

**Robert Bailey
7455 N.W. Helvetia Road
Hillsboro, Oregon 97124**

March 15, 2011

**Washington County Board of Commissioners, and
Metro Councilors**

Transparency and Disclosure

Under Oregon tradition and Public Records and Meeting Law, elected officials' deliberations are to be public and "transparent", with some narrow exceptions.

Under Oregon's Government Ethics standards and law (Chapter 244), elected officials' deliberations are to be conducted with due respect to the management of conflicts of interest.

Washington County Personnel Policies (October 2009), under Ethical Standards, identifies the management of conflicts of interest and family and personal relationships.

A judge hearing a recent case in Lane County found that several county commissioners had engaged in illegal and secret deliberations, flouting Oregon's law requiring public bodies deliberate and decide public business in public. In this case, it was found that the several elected officials had engaged in "serial meetings" in private, scripting their votes that then were to be unveiled in a public hearing.

It could be that here, in Washington County, we lack these errors of governance. However, the perception arises, especially when rapid votes follow complex and far reaching testimony. The

perception arises, if one never witnesses a public disclosure of possible conflict, due to family relationship, economic interest, or other benefit.

With all due respect, I ask you to assure me here today that deliberations are being made in public and that any conflicts will be disclosed.


Robert Bailey

SaveHelvetia

Date: March 15, 2011

To: Washington County Commissioners and Metro Councillors

From the outset, I would like to make it clear that I support designating all reserves north of 26 as rural including the 585 acres in Helvetia.

I would also like to comment on the strategy of aggressive, perpetual growth which seems to be a driving force behind far too many decisions made in this jurisdiction and to further explore the underlying assumption that all growth should be promoted.

Certainly growth has a positive dimension as anyone who has witnessed the birth and development of a child, the blossoming of a tree in preparation for setting fruit, freshly picked or home gardened fruits and vegetables swelling to their mature form. The foregoing examples are manifestations of the generous bounty of this earth and represent a process of growth that has sustained life on this planet since time immemorial. This, view, of course is predicated on having ready access to prime farmland and on providing support and encouragement to those who nurture, honor and tend the soil.

As with all things in the human realm, balance is essential, for there is a point where growth becomes excessive. In this land of abundance, we are often warned of extreme growth; that which is out of proportion to actual need. One example is the obesity epidemic which can lead to diabetes, a malady that is linked to loss of vision and heart disease and now poses a threat to the health of even young children. In this instance the growth is taken to extremes, when individuals consume well beyond what the body needs for optimal functioning. Diabetes is also associated with eating processed, low nutrient foods rather than fresh picked, locally grown produce.

Cancer is another disease which speaks of an out of control growth process, one that has become pathological. Fortunately with the proper treatment and significant life style changes, people can sometimes survive this devastating illness.

On an environmental level, the literature on climate change has made it very clear that current growth-oriented business as usual and development practices are unsustainable and as such pose a significant threat to the very conditions on this planet that have hitherto sustained human life.

I raise these issues because the Washington County decision making process seems increasingly out of balance in its focus on corporate and industrial growth over the greater good of the community. Sometimes an individual can feel healthy only to learn through an annual check-up or routine testing that a serious disease has entered their system. This can happen as well on a collective level wherein a status quo situation that seems to have maintained itself for many years suddenly and unexpectedly becomes intolerable. We are seeing this played out on the world stage in recent weeks with uprisings in Egypt, Libya, Tunisia, and Yemen. Closer to home Wisconsin comes to mind. These situations portend a collective shift. People in mass are demanding that their voices be heard.

Along the same vein, I urge you to listen to the voice of the community, to thoroughly consider your decisions and to carefully analyze both short and long term ramifications and impacts. A paternalistic, top down approach that continues to devalue and marginalize the will of the people in favor of unnecessary and unwarranted expansion is out of step with the common good.

I further recommend that if you feel a compelling need to add to the urban reserves, you should consider designating land for this purpose from the Hillsboro Airport property which, though farmland, has for the most part, already been taken out of production.

The notion that Hillsboro Airport serves primarily business jets is a myth. According to the Final Environmental Assessment on the third runway proposal, in 2007 the Hillsboro Airport logged 236,885

annual operations (pg 2-1). The Draft Environmental Assessment (EA) on the third runway (pg 5.1-6) notes that jet operations totaled 7008 that year which equates to less than 3% of the total.

The EA (pg 3-6) also states "Local operations (consisting largely of training activity) currently represents about 68 percent of total operations at HIO." Based on the 2007 numbers this translates into 157,923 operations.

What the facts suggest is that Hillsboro Airport is primarily a taxpayer subsidized international training school on behalf of a for-profit company that recruits a substantial number of student pilots from outside the country. Instead of forcing taxpayers to subsidize this enterprise, I would suggest that a Peace Corps model be implemented by which flight training companies such as Hillsboro Aviation travel to the countries from which they recruit their students and offer training there. This would not only save millions in infrastructure costs but would also ease the noise and pollution burden currently shouldered by local residents.

As for the general aviation hobbyists who use this airport, According to the Oregon Department of Aviation (ODA) 2006-2008 Biennial Report, "As of 2008 there are 97 public use and over 350 private use airports (pg 5)" in Oregon for a total of 447. This figure does not include commercial or personal use airstrips. This same document states that there are 5,732 pilots in Oregon (5,173 registered pilots and 559 unregistered). This number, which represents 1/6 of 1 % of the state's total population, translates into a ratio of 12.82 pilots to each general aviation airport in the state.

Please note that the Oregon Blue Book states that Oregon operates 1,306 public schools for the 566,067 (almost 15% of the state's population) kindergarten through 12th grade students enrolled, a ratio of 433 students per school. Thus the proportion of airports per Oregon pilot exceeds the school to student ratio 33 times over. Obviously there are already plenty of facilities in this state to accommodate the pilot population.

Designating some or all of the Hillsboro Airport property as urban reserve solves two problems simultaneously: it saves taxpayer dollars that would otherwise be wasted on unnecessary expansion and it allows prime farmland north of Highway 26 to be designated for rural reserve. Thank you for your time and consideration.

Respectfully Submitted,



Miki Barnes
48100 NW Dingheiser Rd.
Banks, Oregon 97106
503-324-0291

Carol Chesarek
13300 NW Germantown Road
Portland, Oregon 97231

March 15, 2011

RE: Urban and Rural Reserves, Wash. Co Ordinance 740

Chair Duyck and Council President Hughes, Commissioners and Councilors,

Thank you for this opportunity to provide comments on the current Urban and Rural Reserves proposal.

I have been following the Reserves process since before SB 1011 was drafted, and I served on the Multnomah County Reserves Citizen Advisory Committee. I attended the LCDC hearings last October. I am very familiar with this process.

I want to start by taking a moment to remember why we are here today. Under SB 1011, Metro Council is responsible for designating Urban Reserves. Last year, Washington County persuaded Metro Council to approve a set of Urban Reserves for Washington County that clearly did not conform to the reserves rules.

LCDC then remanded some Urban Reserves in Washington County, but approved all of the Reserves designated in Multnomah and Clackamas Counties because those counties followed the reserves rules.

Today, Metro Council considers repeating last year's mistake with this modified reserves plan, pushed by Washington County, that ignores clear guidance from LCDC. If you approve this proposal, you will put the entire regional reserves process at risk:

- 4 years of work,
- thousands of staff hours across the region, and
- countless taxpayer dollars.

All of that can go down the drain if you approve the proposed changes.

Why would you make that choice when you can simply change the remanded areas from the original Urban Reserves to undesignated, and be confident that LCDC would approve your decision? Undesignated lands are still available to become urban reserves later if the region truly needs them.

DLCD has studied urban reserves on prime farmland in other parts of the state, and found that the value of that farmland diminished over time. If you create urban reserves that are larger than needed, you will do harm.

North of Forest Grove, this proposal would create a 28 acre finger of Foundation Farmland that will be isolated when the adjacent intersection at Hwy 47 is expanded with the stop light, turn lanes, sidewalks, and bike lanes needed to serve the proposed urban development. This change insults LCDC's intentions.

LCDC liked using Hwy 26 as a buffer between urban and rural areas, but Washington County proposes stepping across that excellent buffer and instead using a minor road and ~~a narrow stream~~ as urban edges for Area 8B, repeating the mistakes of the original Urban Reserve north of Cornelius.

Why put the entire regional reserves process at risk?

- Do you want to waste all the work done over the last four years?
- Do you want to fall back to the old UGB expansion rules?
- Do you want to lose the smart Urban Reserves like South Hillsboro?

I'm starting to wonder if Washington County's true goal is to kill the reserves process.

Urban Reserves are Metro's responsibility. Please don't repeat last year's mistake. If you want to ensure that this regional process is a success, then vote to simply change the remanded areas to undesignated. LCDC did not require, or even suggest that it would be a good idea to replace the remanded urban reserves, they merely allowed it.

Leaving the remanded urban reserve areas undesignated still leaves us well above the midpoint of the middle third of the range, as shown on the attached charts. This is the simplest and safest approach to resolving the remand.

Why put the entire reserves process needlessly at risk?

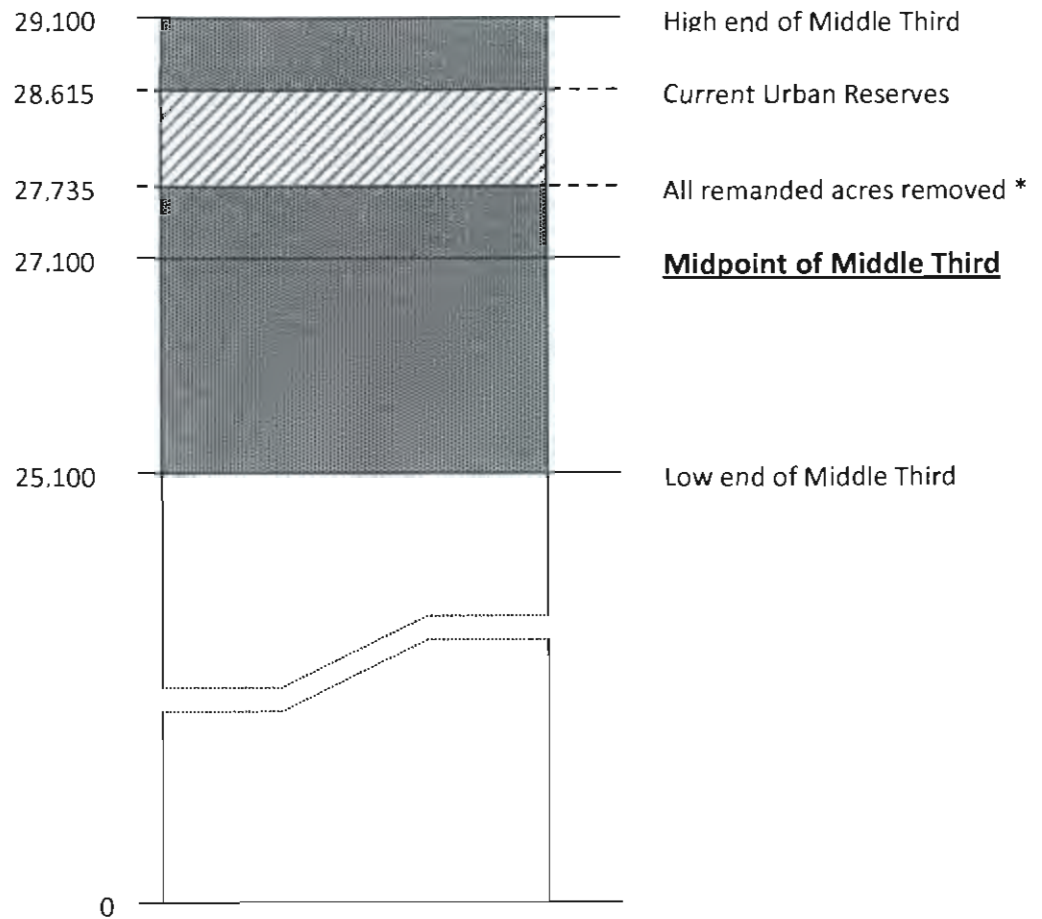
Please take the safer approach and limit the reserves changes to leaving the remanded urban reserves undesignated.

Thank you.



Carol Chesarek

Metro COO Recommendations: 50 year Range of Urban Reserves (Residential plus Employment)



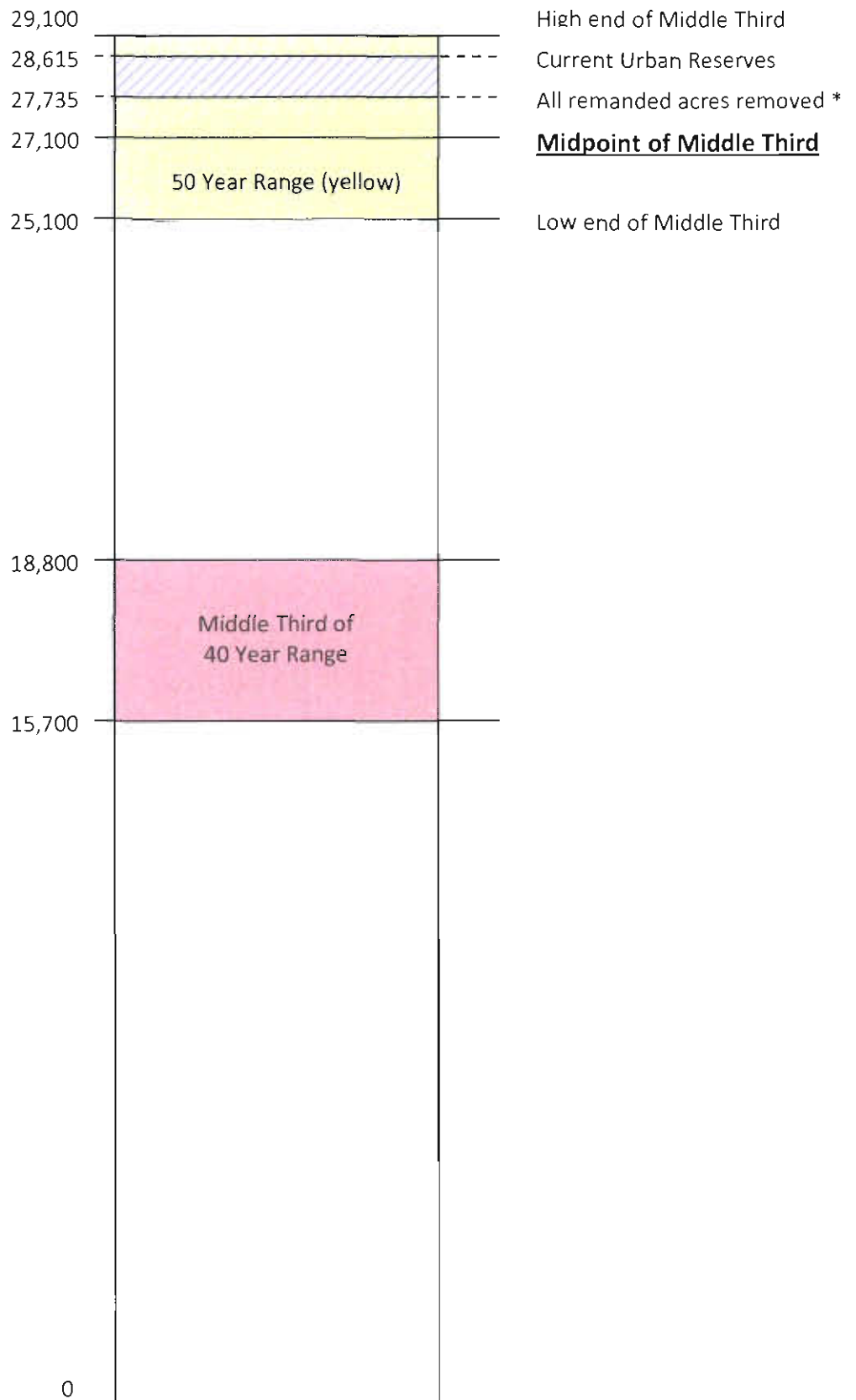
* Remanded areas approx. 880 acres (all 624 acres of 7I plus half of 7B)

scale is not exact

Current Urban Reserve Acres	28,615
Remanded UR acres (approx)	882

Metro COO ranges (acres)	50 Years	40 Years
Low end Middle Third	25,100	15,700
Midpoint	27,100	17,250
High end Middle Third	29,100	18,800

Metro COO Recommendations: 40 and 50 Year Ranges of Urban Reserves (Residential plus Employment)



* Remanded areas approx. 880 acres (all 624 acres of 7I plus half of 7B)

scale is not exact



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www.friends.org

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March 15, 2011

Metro President Tom Hughes
Metro Council Members
600 NE Grand Ave
Portland, OR 97232

Washington County Commission Chair Andy Duyck
Commission Members
155 North First Ave.
Hillsboro, OR 97124

Re: Urban and Rural Reserves

Dear President Hughes and Chair Duyck and Council and Commission members:

1000 Friends of Oregon has participated in every step of the urban and rural reserves process, from the initial crafting of the legislation through rulemaking to the Reserves Steering Committee process and ultimate designation of reserves. We did so for the same basic objectives underlying the concept of urban and rural reserves (ORS 195.139):

- To bring long-term certainty for the protection for farm, forest, and natural resource areas. In particular, the reserves statute requires “long-term protection of *large blocks of land* with the *characteristics necessary* to maintain their viability.”
- To provide “greater certainty for commerce, other industries, other private landowners and providers of public services, by determining the more and less likely locations of future expansion of urban growth boundaries and urban development.”

The statute specifically emphasizes the protection of key lands with important characteristics for farm, forest, and natural resource areas. In contrast, for urban reserves, the statute focuses on the

35

certainty of knowing where future urbanization will take place; it does not specify that those lands have any specific inherent qualities.

The Reserves Rule, OAR 660-027-0005, re-states and expands on this purpose, and emphasizes the importance of balancing urban and rural reserves:

“Urban reserves ... are intended to facilitate long-term planning for urbanization in the Portland metropolitan area and to provide greater certainty to the agricultural and forest industries, to other industries and commerce, to private landowners and to the public and private service providers about the *location* of future expansions of the Metro Urban Growth Boundary. Rural reserves ... are intended to provide long-term protection for *large blocks* of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the *viability and vitality of the agricultural and forest industries and protection of the important landscape features that define the region for its residents.*”

The proposal before you fails to meet the requirements of protecting specific key farm, forest, and natural areas, and it fails to meet the balancing requirement, when viewed either in Washington County or region-wide. It also fails to meet the explicit requirements of the Land Conservation and Development Commission’s directive.

We believe you have two viable options before you:

- Follow the directive of LCDC and remove all the lands north of Council Creek from urban reserves and re-designate them as rural reserves, north of Cornelius and Forest Grove; or
- Follow the directive of the State Agency letter of October 14, 2009, which the state agencies have twice re-confirmed was still their position - in a subsequent letter of January 2010 and before the LCDC in October 2010: designate rural reserves north of Council Creek, and in area 8A (northwest of Hillsboro and south of Hwy. 26), use the boundaries of Meek Road and Waibel Creek as edges and buffers to define the urban reserve area and separate it from the rural reserve area.

While 1000 Friends of Oregon has advocated for a designation similar to that in the state agency letter, both options have been offered by the state and seem the clearest path to moving this decision on.

The proposal before you will not do that, and will lead to protracted hearings and appeals, for the following reasons.

Areas North of Council Creek

- LCDC directed that the urban reserve lands north of Council Creek, north of Cornelius (Area 7I), be removed from urban reserves designation, in large part because, as one Commissioner put it, it not only qualifies as rural reserves, it does not qualify as an urban reserve. It is a poor area for urbanization, it is foundation farm land, the Creek and floodplain provide an excellent natural barrier between urban and rural uses, and it is a “gateway to a huge amount of foundation farm land.”
- Council Creek and the area north of it qualify as Rural Reserves for *two* reasons – agriculture and natural resources. None of it qualifies to be in the “undesigned” category, and that certainly was not the view expressed by any LCDC Commissioner.

- Splitting area 7I between rural reserves and undesignated does not meet the law or the concerns expressed by LCDC.
- LCDC directed that the region to re-examine the area north of Council Creek, north of Forest Grove for rural reserve designation (Area 7B). The Commission's discussion clearly was about the approximately 240 acres north of the east/west branch of Council Creek; representatives from Forest Grove present at the LCDC meeting even gave that information to the Commission when asked to clarify the amount of the 7B that lies north of Council Creek. The 28 acres re-designated to rural in this proposal is not responsive to this direction.
- For reasons already in the record and presented to you today, Council Creek and its riparian area forms a natural buffer here as well between urban and rural uses. In fact, there was discussion by LCDC about how much of what was said about Area 7I applies here as well, and that Council Creek seems to be the *only* boundary that makes sense north of Forest Grove. With it, there are still approximately 200 acres in urban reserves in area 7B alone. And those acres are *excellent Foundation* farm land, but the agricultural community recognizes that some flexibility for future urbanization may be needed here, and south of Council Creek makes sense.

As demonstrated by the testimony of the Washington County Farm Bureau and Save Helvetia, and by the record here, in addition to the other areas designated as urban reserves, there are extensive vacant and under-developed lands inside the UGB in Washington County, including in Hillsboro and Cornelius, as well as in the uncontested urban reserves, to meet any alleged land need for future urbanization.

For example, currently and according to Metro and Cornelius, over 10% of the land in the current city limits is vacant - more than 125 acres. This does not include redevelopable land, empty warehouses, and vacant storefronts. For example, there is at least *another* 30+ acres of land, zoned industrial, that has full urban services in the Cornelius Holladay Street industrial park, which has had a "For Sale" sign up for years. The primary economic activity going on there is agriculture-related industry, which is precisely the sort of industry that Cornelius can and should encourage and grow - because the agricultural industry is growing in value, in the Metro region and statewide.

There are also over 50 acres of land that Metro added to Cornelius, on the north side of town (but still south of Council Creek) almost 7 years ago for industrial use. That land is still being farmed and has not even been annexed to the City. According to the family farming the land, as of at least 2009, they had not been approached by anyone offering to purchase it, for any use, nor has the city approached them to even annex the land. When there is so much vacant and underdeveloped land inside the city, with publicly funded already in place, it is not only unfair to existing private land owners and financially unwise to the public to skip over that land, but it is also contrary to law.

Adding More Land

The proposal before you attempts to "make up" for any lands removed from urban reserve designation by changing 585 acres from undesignated to urban reserve north of Hwy. 26, and 383 acres from rural reserve to undesignated south of Rosedale Road.

This also is not responsive to LCDC's directive.

- The Commission said the region could, but did not have to, consider whether to add additional urban reserves or undesignated after designating the area north of Council Creek as rural reserves. In doing so, several LCDC Commissioners made the following observations:

- The region should look to agricultural lands that are categorized as conflicted, to re-designate as undesignated or urban.
 - There is quite a bit of “flexibility” in Metro’s projections as to the rate and amount of growth and the time projection; Metro could simply shorten the time frame to something less than 50 years or chose a different amount of growth within the range.
 - While there was surprise expressed regarding the amount of rural reserves designated in Washington County far from any urbanization threat, the Commission did not express any direction that Foundation farm land actually threatened by urbanization and originally designated as rural reserves should be changed to urban or undesignated by this remand.
- There is nothing in the Commission’s directive or law requiring that only lands in Washington County be looked to for additional urban reserves or undesignated lands. The “balancing” test required by rule is looking at reserves in their “entirety,” considering the “region.”¹ This has not been done.

Throughout this process, 1000 Friends and others repeatedly brought up the issue of looking at the reserves process regionally – as required by law and certainly as intended by the legislature and this Commission. We were assured that this would be done at the Metro level. Yet what we have and are seeing again is a mere amalgamation of the wish lists of certain local governments. That is not consistent with the letter or spirit of the law.

- Some have stated that the reason the 585 acres north of Hwy. 26 gave been re-designated to urban reserves is because those lands are “making up” for the lands north of Council Creek, which were intended to be for industrial use. That is contrary to the law, and to statements made by local officials during the reserves process.

Assuming that certain urban reserve lands will be used for certain purposes mistakes the reserves process for the UGB process. When expanding a UGB, a local government is adding land for a particular and current unmet need for housing, commercial or industrial uses, institutional uses, etc... Not so with urban reserves – that are specifically for needs 20 to 30 years beyond the current 20-year UGB, a time horizon for which it would be absurd to nail down actual uses now. And that is how Metro has set up its reserves-to-UGB process. If and when there is a need for additional land inside the UGB, Metro will evaluate various reserve areas and concept plans done for those areas to see which best meets the region’s needs at that time. And, in fact, when asked several times at MTAC meetings whether the Evergreen urban reserve area (8A) would be reserved for future industrial uses, Hillsboro Mayor Willey and then-Washington county Chair Tom Brian said no, they would not commit at this time to promising that area would be reserved for industrial use. So, the notion that there was some binding commitment that any lands – including those north of Council Creek – would be held for up to a 50-year time frame for any one use and therefore must be “made up” with other lands that will be used for industrial use is contrary to all past statements made in this process.

¹ The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important landscape features that define the region for its residents.”

Land that would otherwise *not* qualify for urban reserves designation because it qualifies as rural reserves cannot be designated as urban reserves ahead of other non-foundation lands based on an assumed future use. This has been previously stated by LCDC and affirmed the courts.

- Like the land north of Hwy. 26, the 383 acres proposed for undesignated status south of the South Hillsboro urban reserves, down to Farmington Road is Foundation farm land. To the best of our recollection, it has *never* been in discussions as a possible urban reserve or undesignated area in any of the many proposals over the past few years.

In fact, the current urban reserve area – from Hillsboro south to Rosedale Road, represents an enormous compromise by the agricultural community. The nine state agency letter noted that compromise – the Oregon Department of Agriculture recommended that the urban reserve extend only to Butternut Creek (a natural boundary), but agreed to go along with the other state agencies to use Rosedale Rd. as the southern boundary – if needed. The Washington County Farm Bureau and the Agriculture/Natural Resources Coalition stated that if there was truly a need for large lots for future urban use, then the former St. Mary's site and the land south to Butternut Creek should be considered for urban reserves, but no farther south. When the final decision came before LCDC, the agricultural community compromised again – by focusing its concerns on the areas north of Council Creek and north and west of Waibel Creek in Area 8A. It decided to not comment on the very large area south of Hillsboro. Now, this area is proposed to expand even more, through converting it from rural reserves to undesignated and/or urban reserves.

This area meets every rural reserves criterion and does not meet the criteria for an urban reserve, as evidenced by its original designation by Metro and Washington County as rural reserve. Its re-designation causes us to further question the integrity of this process, and also of the entire urban reserve area south of Hillsboro. The agriculture community was already uneasy with the designation of the areas south of Hillsboro, but recognized the need for urban land and saw that this trade-off was needed. Inclusion of this new area will magnify that unease and the adverse impact of this now-very large swath of urban reserves and undesignated lands, extending into the historic Scholls farming area, a vibrant agricultural area. If this new area is included, 1000 Friends will object to inclusion of all the Foundation farm land south of Hillsboro being designated as urban reserves or undesignated.

- Adding these two areas aggravates the lack of balance already present in this decision. Metro originally designated 28,615 acres as urban reserves. 11,911 of those acres are identified as Foundation farm land by the Oregon Department of Agriculture. **Almost all of the Foundation farm land designated for urban reserves is in Washington County – 9730 acres, or 82% of all the Foundation farm land in the entire decision.** In contrast, Metro designated very little Foundation farm land as urban reserves in Clackamas and Multnomah counties. For example, in Clackamas County, the *inverse* of Washington County is the case – 84% of the urban reserves are on lands identified as “Conflicted” by the ODA.

Much has been made of the so-called need for “large lots” for future industrial use. Aside from the problems described above, this is not even internally consistent.

There are many conclusory statements made about the “one that got away” – some unnamed, implied as high tech business that would be new to the area, bringing many jobs, if only there were large expanses of raw land available, in western Washington County.

There is no longer a “cluster” of high tech industries confined to Washington County. There are a variety of high tech companies and suppliers throughout the state, including Corvallis.

Medford, Gresham, Bend, Wilsonville, Milersburg, Eugene, and others. And they are locating inside existing UGBs and, in many cases, using existing buildings. As the attachment from Metro shows, *all* the solar-related businesses that have located in Oregon have done so on 20 acres or less, unless they were using an existing building that came with excess acreage.

As described in Metro's Urban Growth Report, the region has added new large industrial employers at the rate of about *2 new employers/per decade*. Hillsboro alone currently has 1000 *net* acres for industrial use, including 3 vacant sites of 100+ acres and 3 more in the 50-100 acre size. Some of these sites have been vacant for years, and some await not only a user but also infrastructure.

The only industry with a 100+ year track record of using large lots, and with investors (farmers) now looking to purchase and lease additional lots, is agriculture. There is nothing speculative about this; the agricultural community, including multi-generation farming families and new farmers, has described their efforts to find additional lands, and their objections to taking some of the lands they now farm out of the rural land supply. So if the region is looking for an industry that is already growing and needs more land and larger lots, agriculture is it.

Agriculture is Oregon's #2 industry, and it is growing, statewide and in the region. Clackamas County is #4 in the state in agricultural production value, and Washington County in #6. Multnomah County is #1 in food processing – the *only* industry in the state that consistently grew throughout the recession.² Yesterday's *Oregonian* reported on its interview with Tim McCabe, the Director of the Business Oregon, the state's economic development agency, stated:

"Don't tie the [business energy tax credits] to specific industry, he [McCabe] says. Among the companies he suggests might move here with the right incentives would be clothing manufacturing and *food processors*. 'I would change it.' He says [the business energy tax credit]. 'Make it a broader-based incentive that's tied to wages and to jobs.'"

Agriculture is here – it is not an industry that might come here, or that can be outsourced. *1 out of 8 jobs in this state is agriculture-related*, and the industry is directly and indirectly linked to about \$22 billion in sales of goods and services, accounting for 15% of the statewide total of sales involving all industry sectors. Agriculture is a traded-sector – 40% is exported out of the country, bringing new dollars into the state.³ And those figures have been increasing almost steadily for two decades, which is not a story any other industry can tell. Why trade the lands crucial to an industry that is thriving and is not leaving for employment uses that are speculative?

Conclusion

We recommend that you designate the entire area north of Council Creek (areas 7I and northern portion of 7B) as rural reserves, consistent with LCDC's direction. There is no legal or practical reason to "make up" this acreage anywhere, and certainly not by only looking to Washington County.

² 2011 State of Oregon Agriculture Report, Oregon Board of Agriculture

³ Oregon Department of Agriculture, February 2011:

<http://ruralstudies.oregonstate.edu/sites/default/files/pub/pdf/OregonAgEcon/WashingtonCountyReserves> - Page 10907

We also ask that you trim urban reserve area 8A back to the area that the state agency letter said was consistent with the law: at Waibel Creek.

Both these actions are consistent with the state's prior directions and are therefore very likely to be approved. They are also consistent with Metro's obligations under the reserves statute and rule, and with Metro's projections:

- When designating reserves under this process, Metro must designate urban reserves for a period 20 to 30 years beyond the current 20-year UGB, or for a total of 40-50 years. The decision sent back to you by LCDC provided land for the upper limit of that time span (30 years) and the upper limits of the population and hence land need forecast – 28,615 acres of urban reserves.
- The state has already recommended that Metro act conservatively and designate lands for *less* than the full 50-year time period.

The nine state agencies recommended as follows:

"The state agencies strongly support using the lower end of the planning period authorized for reserves – e.g. forty years. We are facing a time of extraordinary uncertainty in how our communities and industries will evolve. A receding demographic peak, rapid globalization, immigration, climate change, and changes in energy pricing all may require that we be able to adapt more rapidly than we have in the past in terms of how we live, work and travel. Reserves require a balancing between the advantages of providing long-term certainty (for landowners, local governments, public and private investment) and the disadvantages of inflexibility if conditions change in unexpected ways.

"Given the global and local uncertainties facing us (as reflected, in part, by the large ranges in Metro's population and employment forecasts) we believe the region should strike a balance that tends towards the risk management/flexibility end of the scale rather than locking up most of the land on the periphery of the UGB for 50 years. One way of providing flexibility is to set reserves for a forty-year period, and simultaneously plan to revisit whether additional reserves should be designated well before that forty-year period expires (a twenty to twenty-five year 'check-in')."

Thank you for consideration of our comments.

Mary Kyle McCurdy
Policy Director
Staff Attorney

VACANT BUILDABLE LANDS - 2008

TLNO	Jurisdiction	Shape Area (ft.)	Total Acres	Gross Vacant Acres	CONSTRAINED / UNBUILDABLE					NET BUILDA BLE ACRES	- GROWTH CAPACITY -				
					Floodplain	Vegetated Corridor	Steep Slopes	Designated Open Space	Other		Plan / Zoning	D/U's per Acre	Jobs per Acre	D/U CAPACITY	JOBS CAPACITY
1N333CC13900	Cornelius	678,483.40	15.58	13.28					WALMT	Red. 25%	Commercial, C2		25		200.00
1N333CD12500	Cornelius	39,282.74	0.90	0.90							Commercial, C2		25		22.00
1N333CD12600	Cornelius	66,757.46	1.53	1.53					WQF		Commercial, C2		25		34.00
1N333DC03100	Cornelius	10,319.39	0.24	0.24					SS Line		Commercial, C2		25		0.00
1N333CC02400	Cornelius	37,306.64	0.86	0.64							Commercial, C2		25		16.00
1N333CD03800	Cornelius	52,468.07	1.20	0.99							Commercial, C2		25		25.00
1N333CD04100	Cornelius	21,654.90	0.50	0.50							Commercial, C2		25		12.00
1N334DD07700	Cornelius	115,171.78	2.64	2.28		Potential Wetland			EASE	Red. 25%	Commercial, C2		25		43.00
1N334DC01900	Cornelius	111,727.90	2.56	2.56							Commercial, C2		25		64.00
1N333CC02500	Cornelius	4,294.39	0.10	0.10							Commercial, C2		25		2.00
1S304BB00300	Cornelius	98,428.81	2.26	2.26		Potential Wetland				Red. 25%	Commercial, C2		25		42.00
1S304BB00100	Cornelius	59,159.03	1.36	1.36		Potential Wetland				Red. 25%	Commercial, C2		25		25.00
1S304AB00400	Cornelius	14,791.32	0.34	0.34							Commercial, C2		25		6.00
1S304AB00300	Cornelius	40,172.20	0.92	0.92							Commercial, C2		25		23.00
1S303AB02600	Cornelius	5,821.81	0.13	0.13							Commercial, C2		25		3.00
1S303AB00100	Cornelius	21,696.36	0.50	0.50						Red. 25%	Commercial, C2		25		9.00
1S303AA00500	Cornelius	25,351.14	0.58	0.07						Red. 25%	Commercial, C2		25		1.00
1S303AA00200	Cornelius	29,749.73	0.68	0.68						Red. 25%	Commercial, C2				13.00
1S302B001400	Cornelius	81,421.07	1.87	1.42						Red. 25%	Commercial, C2		25		26.00
1S302B000500	Cornelius	161,255.86	3.70	3.09						Red. 25%	Commercial, C2		25		58.00
1N335C000500	Cornelius	108,900	2.50	2.50							Commercial, C2		25		50.00
1N333CC03000	Cornelius	13,618.68	0.31	0.31							Commercial, C2		25		7.00
1N334DD08100	Cornelius	49,289.11	1.13	1.13							Commercial, C2		25		28.00
1N334CD00300	Cornelius	472,820.11	10.85	8.00						Red. 25%	Commercial, CE		25		150.00
1N334CD00100	Cornelius	393,098.52	9.02	9.02						Red. 25%	Commercial, CE		25		169.00
1N334DC01801	Cornelius	79,755.11	1.83	0.82							Commercial, CE		25		15.00
1N334DC04500	Cornelius	181,292.06	4.16	2.60						Red. 25%	Commercial, CE		25		50.00
1N334DC04600	Cornelius	367,512.45	8.44	2.38						Red. 25%	Commercial, CE		25		44.00
1N334DC04800	Cornelius	67,175.89	2.00	1.24							Commercial, CE		25		31.00
1N333DC04200	Cornelius	6,636.68	0.16	0.16							Commercial, MSR		25		4.00
1N333DD06800	Cornelius	7,472.77	0.17	0.17							Commercial, MSR		25		4.00

1N333DD07000	Cornelius	4,560.47	0.10	0.10					0.10		Commercial, MSR	25		2.00
1S304AA00500	Cornelius	11,674.64	0.27	0.27					0.27		Commercial, MSG	25		6.00
1S303BB00100	Cornelius	44,560.61	1.02	1.02					1.02		Commercial, MSG	25		25.00
1N333DC06001	Cornelius	11,301.08	0.26	0.26				BRNFLD	0.26		Commercial, MSGE	25		6.00
1N333CA00500	Cornelius	3,199.82	0.07	0.07				16' WID	0.00	N.B.U.	Industrial, M-1	20		0.00
1N333CA00400	Cornelius	156,938.12	3.60	3.60				PW	3.60		Industrial, M-1	20		72.00
1N333CA00100	Cornelius	159,325.28	3.66	3.66					3.66		Industrial, M-1	20		72.00
1N333DB00700	Cornelius	99,864.36	2.29	2.29					2.43		Industrial, M-1	20		48.00
1N333DB00500	Cornelius	84,075.49	1.93	1.93					1.93		Industrial, M-1	20		38.00
1N333DB00400	Cornelius	174,840.15	4.01	4.01					4.01		Industrial, M-1	20		80.00
1N334CB00100	Cornelius	453,783.79	10.42	8.33	Yes	2.8	Yes	STRM	5.53		Industrial, M-1	20		110.00
1N333DB00600	Cornelius	80,566.27	1.85	1.85					1.85		Industrial, M-1	20		37.00
1N333DB00300	Cornelius	128,072.83	2.94	2.94					2.94		Industrial, M-1	20		58.00
1N333CA00900	Cornelius	541,330.74	12.43	12.43				PW	9.33	Red. 25%	Industrial, M-1	20		186.00
1N333DB01200	Cornelius	169,555.78	3.89	1.14					1.14		Industrial, M-1	20		22.00
1N333DB02000	Cornelius	35,614.80	0.82	0.82					0.82		Industrial, M-1	20		16.00
1N333DB02100	Cornelius	35,249.37	0.81	0.81					0.81		Industrial, M-1	20		16.00
1N333DB02200	Cornelius	17,378.58	0.40	0.40					0.40		Industrial, M-1	20		8.00
1N333DB02400	Cornelius	46,503.71	1.07	1.07					1.07		Industrial, M-1	20		21.00
1N333DB02500	Cornelius	43,100.63	0.99	0.99					0.99		Industrial, M-1	20		20.00
1N333CA01001	Cornelius	224,743.30	5.16	3.44					2.56	Red. 25%	Industrial, M-1	20		51.00
1N333DB02300	Cornelius	38,779.79	0.89	0.89					0.89		Industrial, M-1	20		18.00
1N333DA02700	Cornelius	57,970.46	1.33	1.33					1.33		Industrial, M-1	20	0.00	26.00
1S304BA00600	Cornelius	12,001.97	0.28	0.28				MIKECA	0.00		Industrial, M-1	20		0.00
1S304BA00300	Cornelius	44,640.02	1.02	0.33					0.33		Industrial, M-1	20		6.00
1S304DC04600	Cornelius	341,347.82	7.84	3.29					3.29		Industrial, M-1	20		66.00
1N333DC06800	Cornelius	8,022.04	0.18	0.18					0.18		Mixed Use, MSMU	25		4.00
1N336DC02900	Cornelius	1,241,154.16	28.49	0.00				RRT	0.00		N/A		0.00	
1N334CD00101	Cornelius	948.01	0.02	0.02				ROW	0.00		N/A	N/A		0.00
1N334DC04601	Cornelius	2,654.43	0.06	0.03				ROW	0.00		N/A	N/A		0.00
1N333B000500	Cornelius	522,720	12.00	12.00	Yes	35 acres		STRM	8.74	Red. 25%	UGB/M1	UGB, Cty, FD-20	20	175.00
1N333B000600	Cornelius	217,800	5.00	5.00					3.75	Red. 25%	UGB/M1	UGB, Cty, FD-20	20	75.00
1N333B000900	Cornelius	586,317.60	13.46	13.46	Yes	2.94		STRM	7.89	Red. 25%	UGB/M1	UGB, Cty, FD-20	20	158.00
1N333B000400	Cornelius	607,662.00	13.95	13.95	Yes	8.21		STRM	4.31	Red. 25%	UGB/M1	UGB, Cty, FD-20	20	86.00
1N333B000200	Cornelius	241,758	5.55	5.55	Yes	4.12		STRM	1.07	Red. 25%	UGB/M1	UGB, Cty, FD-20	20	21.00
1N333B000100	Cornelius	139,392	3.20	3.20	Yes	3.2		STRM	0.00		UGB/M1	UGB, Cty, FD-20	20	0.00
1N333B000300	Cornelius	118,483.20	2.72	2.72	Yes	2.72		STRM	0.00		UGB/M1	UGB, Cty, FD-20	20	0.00
			175.77						126.64				0.00	2705.00

Recent site choices of solar manufacturing firms in Oregon

Company	City	Acres	Using existing building?	Notes
PV Powered	Bend	9	Undetermined (appears yes)	Company founded in Bend. 100,000 square feet of building on former Oregon Woodworking site. Manufactures power inverters.
Solaicx	Portland	21	yes	
SolarWorld	Hillsboro	94	yes	Company in final stages of expansion at Hillsboro site. Moved into existing Komatsu silicon wafer facility.
Peak Sun Silicon	Millersburg	8	no	Company has option to purchase an additional 90 acres in Millersburg
XsunX	Wood Village	8.28	yes	Company first chose Oregon as a location and then began a site selection process, looking for existing buildings. The building that XsunX leases previously housed Merix, a high-tech manufacturer.
SpectraWatt	Hillsboro	20	no	Intel spinoff on Intel campus (has 20 acres). Halted construction because of a lack of investment money. Moved to New York because of public incentives.
Sanyo	Salem	20	no	
Oregon Crystal Technologies	Gresham	Less than 1	yes	In Rockwood urban renewal area – deciding between 2 existing buildings
Uni-Chem	Eugene	200	yes	Locating in old Hynix semiconductor factory, which is 1,000,000 square feet. Remainder of property is vacant.