Objections and Recommendations

I list a series of objections and recommendations. For the most part, I will discuss how they violate specific issues with respect to the Reserves Law in line. By Reserves Law, I mean Senate Bill 1011 and OAR 660 Division 27.

I will discuss how many of them violates State Goals 1 - 15 in a later section.

1) The change of Small Area on Eastern edge of Area 7B to Undesignated for the express purpose of allowing a road.

Any area of undesignated next to Urban Reserves and/or next to Rural Reserves deserves at least as much protection as the Urban Reserves and/or Rural Reserves. The primary objection is that it is clear that LCDC believes a road cannot be put across either an Urban Reserve or Rural Reserve without proper planning to accomplish land-use rules.

Violates Goal 2 under current conditions.

Recommend LCDC consider formally extending the protection to Undesignated in all areas subject to the Reserves rules based on the principle that any undesignated land needs to be preserved for best use until it is needed and in general after Urban Reserves are used up.

For the moment, Recommend that this be given the same status eventually given to Area 7B.

2) Area 7A and 7B remaining Urban Reserves

- County response is not really responsive to LCDC concerns
  - It starts with the assumption that because Forest Grove is a city, it deserves to have more land for housing and industry.
  - It then argues that it cannot take those reserves from
    South due to topography, etc
    East because it abuts Cornelius
    Southwest because it would make the city narrow and less efficient for provisions of services.
    So 7A to the west and 7B to the north are justified.

  - Growth of Forest Grove in the the 7A/7B direction makes the overall county urban areas narrow and less efficient. In particular, if a multi-alarm emergency occurs in the new urban area, it will take longer for providers from Cornelius and rest of the county to get there.

Clearly, much better to take areas such that the urban area of the county is more compact.

- There is no a priori reason why a city on the far edge of the county has to grow. In particular, it will
require extra county resources, including roads, sewer and infrastructure. I will discuss these issues later with respect to State Goals. Considerable evidence in the record indicates that development on the edge is less efficient than other alternatives.

Recommend that both of these areas be designated Rural Reserves.

3) Area north of Cornelius as now requested as Undesignated
   - This either does not make sense or it is an effort to avoid LCDC's previous instructions
   - Reason appears to be that Cornelius needs more land to grow.
     However, if the land is undesignated it would not be expected to be moved into the UGB until most of the Urban Reserves are. In effect, it should not be moved into the UGB for 30-40 years.

At the Mar 15, 2011, officials discussed that Undesignated could be taken before Urban Reserves in emergencies if no Urban Reserves are available to meet the emergency need. Obviously, if Cornelius needs land once the smaller 7C / 7D are within the UGB, then this undesignated land is available in the emergency.

   - The idea that this area may come into the UGB before the rest of Urban Reserves across the region is exhausted is credible. This means the area will be subject to all of the known bad effects of farms being next to the UGB: Speculators bidding up the price and farmers not being willing to make investments that require multiple years of payback.

   - Making it Undesignated ignores the factors that qualify it for Rural Reserves.

Recommend making the entire area Rural Reserves.

4) Area 88 changed from Undesignated to Urban Reserves and Undesignated
   - Primary Issue is that this steps across the best buffer in the area which is the Sunset Highway.
     - It is clearly contrary to discussion by LCDC last year.
     - Because this is relatively far from current water and sewer services and because getting those across the Sunset Highway will be expensive, this is not efficient use of County resources.
     - Jobs here are likely to attract workers from Portland onto the highly congested Sunset Highway. Currently, it is estimated that rush hour commutes on this road are about 20 minutes longer than non-rush hour. Increasing congestion and waste of gas is contrary to several state goals.
   - Again, there are issues with creating buffers between the new Urban Reserve area and the undesignated.

   - Contrast this with adding similar area to the west of Area 8A and leaving it undesignated.

   If land beyond Urban Reserves is needed, this is a less expensive area to provide sewer and water. It represents a more compact form and should make it easier to share other services, including emergency services and such things as restaurants for the industrial sites.

   - Given its greater distance from Portland and the Sunset Highway and closer proximity to dense current and planned county residences in Hillsboro, it may allow more employment with less increase in congestion. Stated another way, Area 8B is further from expected town centers than land along the west side of area 8A. There are other apparent such areas near Area 6A, 6D, and south county. Unfortunately those areas do not have a lot of industry and little reason to expect it. Any real hope is near the Evergreen corridor along the south side of area 8A.
   - Worth noting that the buffer between the Urban Reserve area and the Undesignated part of 8B is not as effective as the Sunset Highway.

Recommend Area 8B being all undesignated and even made Rural Reserves with the land west of Area 8A being added as Undesignated to keep the supply of Urbanizable land in balance. If Area 8B is left as Undesignated, it preserves the so-called balance because the land will be available if needed.
5) I object to all lands in Washington County whose designation changed from Rural to undesignated or Urban Reserves after the original IGA in the Fall of 2009.

I recommend that all of these changes being reversed with the exception of the isolated Urban Reserve piece that was redesignated Rural Reserve.

DLCD and LCDC decided that certain Washington County Decisions were minor and/or technical. Hence, they did not need to review whether the actions were consistent with the Factors or consistent with fair and equal treatment of land-owners across the region.

The section of the Reserves Law that discusses minor and technical was intended to protect the process as a whole from unintentional errors or errors discovered too late to be corrected.

It was not intended to allow a county to blithely ignore the factors when they were inconvenient for some purpose outside the Factors. It was also not intended to allow the county to ignore public input that showed the changes were contrary to the decision processes generally required by the law and State Goals and used elsewhere by the county and by the other two counties.

Further, the other two counties applied the factors diligently. With their processes, individual landowners who were negatively impacted could be justified based on the global issues. With a number of actions, Washington County decided to ignore the Factors and do what was convenient.

I believe in not facing these issues where people had objected during the process before the County's decisions and had objected during last year's LCDC review, that LCDC has forced issues to court for those wanting justice or fairness. Further, that individuals in the other two counties whose land was designated Rural Reserves will be able to show in some cases that their land was more suitable for Urban Reserves and less suitable for Rural Reserves than parcels that were designated Urban Reserves by Washington County.

The implications here are by no means minor.

In addition, LCDC last year and both Metro and Washington County referred to the level of requests last year as representing a balance achieved after a long and careful public process. The claim of balance, even in the original 2009 request is not really credible. In particular, the other two counties did not believe Washington County was justified in requesting the areas around Forest Grove and Cornelius. They attempted to separate themselves. However, if one assumes they believed that they created a balance solution for their counties and Washington County was asking for too much, they essentially say that the total requests were not in balance.

The implications here are by no means minor.

I cannot find specific language saying that the designations must be balanced across the region, but all three counties, Metro and LCDC have used language that suggests it is a general requirement.

Second, Washington County in early 2010 undertook a series of changes that can be broken into 3 cases.

1) An Urban Reserve area totally surrounded by Rural Reserves was redesignated as Rural Reserve. Clearly, this the kind of technical error that might even be considered for fixing after everything was approved.

Interestingly, the law does not prohibit an Urban Reserve area being redesignated as Rural Reserve.

2) A series of changes where a road was used as a buffer between Urban Reserves and Rural Reserves had the Urban Reserves area extended to the Right-Of-Way on the Rural Side.

But this means that the road is no longer a buffer, especially if the road is expanded such that
sidewalks and bike lanes are placed on both sides of the road. The key here being that a buffer is needed to protect the Rural Side. Under the change, buffers require at least space and will probably require actual use of the land on the Rural Side for such things as screening plants, trees and other sound, sight and dust mitigation.

I am attaching two pages from the Vancouver British Columbia Ordinances they implemented to provide buffering between Urban and agricultural. There is nothing 'new' on these two pages. We have heard all of these problems discussed in at least the Multnomah County record and most in the Washington County record. I am introducing them for convenience and because they do a better job than I might.

In essence, we are implementing Rural Reserves to protect farm, forest and other environmental things of value to the society. The local effect is to guarantee the landowner in Rural Reserves will not see the kind of windfall profits that owners on the other side of the road are likely to see. It is not fair either to the owner or to society to reduce the value of the land on the Rural Reserve side by making it bear the burden of the buffering.

It may be worthwhile for DLCD and LCDC to visit the Vancouver, British Columbia website. You can reach via a link at the North Bethany workgroups site: http://www.co.washington.or.us/LUT/PlanningProjects/Bethany/PublicInvolvement/work-groups.cfm

While we like to think we are the leading edge, they clearly are ahead of us on facing these issues

3) Washington County redesignated the Peterkort Property as Urban Reserves as Part of Area 8C

It is clear from the record that this parcel should be in Rural Reserves and not in Urban Reserves if honest evaluations of the Factors are done. It is also clear from the record that the reason it was changed is because Washington County needed the Peterkort family to sign an agreement for a sewer to run across their property that was needed to save money for the private land deal of North Bethany and they would not sign unless the county got the land into Urban Reserves. The document about that is in the Metro record.

The county clearly did not know that DLCD and LCDC would accept the idea that the factors could be blithely ignored for small areas within a larger areas. Instead, they submitted an evaluation of the Urban Factors that is both misleading and in various places false. That evaluation is resubmitted in the Metro ordinance document.

Item: Claim that they needed this land in Urban Reserves in order to be able to build a road from North Bethany to 185th. Last year, when LCDC was considering the rules that prevent new roads through either kind of reserves, Washington County testified that it would have been a real problem except that they already had an exception for a road. This is the road and the exception. It is simply a false statement that they need the area to be Urban Reserves to be able to condemn the land and build the road.

Item: Claim that they needed this land (and the rest of 8C) in order to build the sewer. They already have permit approval. Clearly they do not need the Urban Reserves designation. In addition, there are no rules against building a sewer to connect two Urban Areas. Perhaps, there should be.

Item: Claim that the Peterkort Property can be connected with North Bethany by reasonable walking paths. Peterkort is more than a 1000 feet from the nearest of the public facilities and something like 2000 feet from the nearest school and the major public facilities. Direct connection cannot be achieved because of the Rock Creek and Abbey Creek floodplains.

The claims about the above three items are clearly false and intentionally so. Most of the rest of the claims are stretches or distortions. It is clearly not appropriate for the county to submit false information in a filing with the state.
But the summary of the changes in early 2010 was that Washington County ended up with more urbanizable land than their 'carefully consider balanced request' in the Fall of 2009. It is worth noting that Washington County originally wanted a lot more Urban Reserves. Their initial request was for more than 25,000 acres. The other counties and Metro got them to reduce their requests in trying to get some balance. The changes after 2009 were done after this pressure for reasonableness was removed.

Finally, the requests for 2011 swap things around but the result is 120 acres fewer Rural Reserve and more urbanizable land. As discussed earlier, discussion during the Mar 15, 2011 Metro/Washington County BCC hearing shows that the County views Undesignated as available under special circumstances.

Returning to the Peterkort Property in Area 8C. Because this involves only 77 acres in Washington County it could be argued that it is a minor issue. However, because of its location it will actually have a major impact. In particular, it is near the confluence of Rock Creek and Abbey Creek and represents a major injection of Urban into what is a bottleneck for the water quality and for a known significant animal habitat. As presented in the record and before LCDC, this is a Tier 1 area for the Metro Natural Areas Bond program. The negative impact of this small area will offset land restrictions on 3.5 square miles upstream in Multnomah County. Because there is not enough physical room to provide riparian buffers, the development of homes in the Peterkort area will make it impossible to protect the water quality.

Washington County claims that Clean Water Services requirements will allow for the protection of the natural areas. They mention specifically for this and other areas that CWS requires 50 foot buffers for protected areas and 200 foot for areas with 25% slopes. It is worth noting first, the the wider buffers for the 25% slopes are essentially required by state and federal law. Also, that very few of the areas that are at issue have slopes greater than 25%. Indeed, Washington County states that they avoided designating sloped areas in Conflicted and Important Agricultural areas as Urban Reserves, preferring to take flat buildable Foundation land instead. It is worth noting that Multnomah County has imposed 300 foot buffers on their streams needing protection, including Abbey Creek upstream from Peterkort. Certainly the CWS 50-foot buffers are not overly generous.

I am attaching the front page and the relevant summary page from a 2009 state study that states that the Tualatin River Basin is either worst or second-worst of all the Willamette water basins on all sorts of measures. Washington County has done the worst job of protecting its waterways of any county in the state. It is a stretch for them to claim that the CWS regulations that have been ineffective in the past are somehow going to protect the water quality in the future.

It is worth noting with respect to the Peterkort Property that Washington County does not actually claim they can preserve the animal habitat.

As a general summary, the counties, Metro and LCDC all seem to agree that buffers are needed between Urban Areas and Rural Reserve areas. In all cases, part of the buffers is distance. It is stated in many places that a natural buffer such as a wetlands that discourages intrusion across the buffer is preferred to something like a road. My property includes 1300 feet of the main stem of Abbey Creek. I testified for the Washington County record that the wetlands on my property are essentially impassable for much of the year. You will sink up past your ankles in mud. We also cannot take even 4-wheel drive ATVs onto these wetlands without getting stuck. The wetlands f Abbey Creek and Rock Creek near Peterkort will form a very effective barrier for most of the year.

It is worth noting that the land on all most sides of Peterkort is either wetlands or currently designated as Rural Reserves as important Farmland. One one side at least, the only buffer is an invisible line.

Washington County is in the process of widening Bethany Boulevard just North of the Sunset Highway. When the development just east of the road, Oak Hills, was started in the 1960s, the then required Right Of Way for the road was 50 feet. 25 feet was reserved from the Oak Hills development. Subsequently, the rules for the type of road have changed such that at least 94 feet is 'officially required' Washington County is applying a rule that says that the original center of the right of way must be used. So, 47 feet is needed on the Oak Hills side. This will necessitate taking approximately half of the back yards of 16 houses. This is not a good sign with
respect to roads between Urban Reserves and Rural Reserves.

The Metro Ordinance document includes pictures that show some roads with 'wide' shoulders that they mentioned were designed to allow farm vehicles to travel on the shoulder while making it easier for other vehicles to pass. Some of these roads are scheduled to be 'widened' in the same manner as Bethany Boulevard. If Washington County applies the current (or newer) standards to these roads, it will replace these shoulders with bike lanes and sidewalks.

Note: in some cases, these are required in order to qualify for Federal and State funds.

Obviously, if the Urban Reserves line is on the Rural Side, the shoulder will be sacrificed. Based on the population projections that justified the nearby Urban Reserves, this kind of event is likely to occur within the 50 year time window. If the boundary between Urban and Rural Reserves were on the Urban Side of the Road, then the county would be obliged to take more of the land from the Urban Side.

Just to be clear
I recommend that the adjustments that moved the boundary between Urban Reserves and Rural Reserves to the Rural Side of the Right of Way be changed such that the boundary is on the Urban Side with the understanding that the road itself can be widened towards Urban Reserves side.

I recommend that the Peterkort Property be redesignated as Rural Reserves as it was in December of 2009.

Aside 1

A number of people have expressed concerns that Washington County is trying to sabotage the Reserves process with the current request being designed to offend LCDC and getting LCDC to remand again. This is supported by the non-responsive with respect to Areas 7A and 7B, the switch of 1/2 of 7C to Undesignated and the changes of parts of area 8B to Urban Reserves.

Why would they do this?
I can think of two reasons
1) They clearly did not get as much Urban Reserves as they wanted. Indeed they got less than half of their preliminary request.
2) LCDC last year implemented rules that restrict putting roads through either kind of Reserves. Washington County planners believe these are very inconvenient.
   1) Their next big project is called West Bull Mountain. This project requires roads that go through both Rural Reserves and Urban Reserves.
   2) They believe they need to substantially widen Cornelius Pass Road through Rural Reserves. Washington County's lead planner has testified to the Board of County Commissioners that this widening is not allowed under the Reserves rules.

Aside 2

It is clear from the record of actual votes and of discussion that Metro did not believe the Washington County requests were consistent with the goals of achieving a balance across the region.

It is also clear that several Metro votes with respect to approving specific Washington County choices were not based on their belief that the choices were in fact consistent with the rules but were made in desperation of trying to get the Reserves process accomplished because of its huge value to the Metro region. While their goal of getting the thing done is admirable, I fear they have handed victories to those who oppose it for their local needs and to those who like things they way they have been.
Review of all of my Objections with respect to State Goals

Goal 1 - Citizen Involvement

The changes made in early 2010 were done with decisions at the Planning Commission and at the Board of County Commissioners. There was no outreach to the many people who had participated earlier and who could have assumed no substantive changes after the 2009 decisions. Similarly, Washington County essentially adopted the Mar 15, 2011 version immediately after the joint hearing with Metro. At this point, the language is fixed and Washington County must hold two hearings and either approve or reject the ordinances without change. If they had made a change, they would not have been able to have another two meetings and create a submission for you in time to get in this year and to have Urban Reserves available for consideration by Metro at the end of the year.

Washington County Chair Duyck at one of the hearings expressed frustration that the language had to be fixed and that these two meetings really could not accomplish anything.

In effect that the public input was effectively a waste of time.

Hence, no public input could be realistically considered for this version of the request. It is also worth noting that the joint meeting with Metro started early on a workday morning and continued until after 6:00. Hence, regular citizens, lucky enough to have a job, would have found participating very difficult.

I am not sure, but, I do not believe that the final language for justifying areas 7A and 7B was available in a timely fashion to be reviewed, especially for the March 15, 2011 hearing.

Goal 2 - Land Use Planning, includes providing an adequate factual base for planning.

As mentioned with respect to the Peterkort Property, Washington County provided false statements about how the area qualifies as an Urban Reserve and as to the actual reasons for the designation as Urban Reserve. The actual reason, the quid-pro-quo with the Peterkort family over the Sewer Permit is in fact not an appropriate factor in a land use plan. But in order to be an adequate factual base, it has to be factual.

Goal 3 (Agricultural Lands), Goal 4 (Forest Lands) and Goal 5 (Natural Resource, Scenic and Historic Areas and Open Spaces)

As a general principle, designation of any land that qualifies as one of these as Rural Reserves is appropriate. It is the source of why such things as Designating Foundation Farmland as Rural Reserve is a priori not challengeable. On the other hand, designation of any land that qualifies as one of these as Urban Reserve or as Undesignated, if it is perceivable that the Undesignated land will be brought into the UGB relatively early, immediately starts the extra-legal process of price increases due to speculation and non-investment by both farmers and foresters with respect to processes that will not pay back before moving into the UGB.

I have mentioned this in the record for Multnomah County: We acquired our property immediately north of the UGB and adjacent to North Bethany 2003. In 2004, as the land in North Bethany began being optioned at what eventually became $500,000/acre, two different people knocked on our front door and offered to option our property at more than twice what we paid for it. At the time, the Reserves process had not become part of the law and it was easy to speculate that the UGB would move over us in 2007.

Washington County states that there seems to be little correlation with land prices rising near the UGB. To a substantial extent, this is because the Reserves process froze everything because no one could fix a reasonable price. Before 2008, unirrigated land in Washington County had a general price of $10,000-$19,000/acre. Some land in North Bethany was bought by developers for
250,000/acre. The Beaverton School District bought 2 10-acre sites at $400,000/acre. One result of this is that between 2000 and 2009, there were very few sales of more than 10 acres in all of Washington County outside the UGB. As an aside, a fair number of the farmers were getting too old to farm, but could not sell their land to a new family because they might miss out on literally millions of dollars.

It is arguable that Washington County by designating so much Foundation Farmland as Urban Reserves and so little as Undesignated has done a great deal of damage. Anyone whose land is in Urban Reserves and adjacent to the UGB has to assume they may be the next lucky ones.

Goal 6 Air Water and Land Resources.

The clearest violation of this goal is the inclusion of the Peterkort Property as Urban Reserves. This is especially true in that there will be considerable pressure to bring it into the UGB to help pay for the bridge from North Bethany to 185th. In fact, based on the factors, it should have never be in the UGB and should be in the Rural Reserves. Of particular note, protecting Rock Creek and Abbey Creek for water quality, salmonids and the associated wildlife habitat is more critical than the other places where Washington County has chosen to ignore the natural buffers of a creek and wetlands.

Goal 7 and Goal 8 - I am not aware of specific issues with these goals.

Goal 9 - Economic Development

I believe that Washington County has asked for more Urban Reserves than are needed for Economic Development

Further because they took flat Foundation Farmland rather than more challenging Important or Conflicted Lands, they may be contributing to the current decline of the County as a job growth engine, especially for high-tech jobs. It should be noted that many high-tech companies can pick up and leave on short notice. Also, they may move important manufacturing functions out of the county and out of the country. Clearly the latter has happened both in the county and in the country.

When Intel and some high-tech companies moved here in the 70s, the major attractions were arguably: good schools, less congestion than Silicon Valley, a broad-spectrum anchor company, Tektronix, a reasonably competitive grad school, OGI (under various names) AND a wonderful environment.

Since then, the county has allowed schools to degenerate by underinvesting in buildings leading to crowded schools. It has underinvested in road infrastructure leading to congestion that is just as bad as Silicon Valley. It certainly is not an advantage any more. It has lost Tektronix (many of whose jobs have moved offshore.) Recent articles in the Oregonian and the Business Journal have talked about Intel as being a good 'steady' employer but that it has produced few spinoffs that have lasted. OHSU bought OGI with intent of moving its biology department downtown to help form stronger biomedical academic / research function. They basically destroyed the Computer Science and EE grad departments. The only Comp Science and EE grad department in the Metro area is associated with PSU which is ranked as a non-competitive school nationally. And, of course as the population has increased, more and more farm land has been converted into houses degrading the attractiveness of the environment.

Per Appendix A of metro_council_ordinace_11-1255.pdf, the farm acres in Washington County went from 182,055 in 1969 down to 130,000 by 1997. This is a loss of 50,000 or almost 4 times as much land as Washington County's Urban Reserves request.

I have argued in several forums that the changes above make the county far less attractive to getting new high-tech employers to locate here. Assuming I were correct, then one would predict that few new companies would come and indeed that we would lose high tech employment. Well guess what. The county has been losing high-tech employment since the dot-com bubble burst in 2000.
peaked at just over 80,000. Ten percent was lost by 2008 and another 10 per cent after the general crash in 2008. So, we are down about 20%.

To be clear, Washington County has not been a high-tech job growth engine for more than 10 years.

OK, so what companies have we attracted and how did we attract them?

The 'best' company so far is SolarWorld which has hired about 1000 folks, primarily Oregonians. This is not the net increase because they moved into a plant that had been shut down and whose owner retreated back to Japan. But, it is worth noting that SolarWorld gets the basic deal that Washington County and the State provide: They do not pay property taxes on their 'new' high tech equipment. This equipment represents the majority of the value of their plant. They also do not pay income taxes on products produced here, but sold outside the state. One can easily see that more than 90% of their products are sold in other states. Put that together and it means they do not help pay for such things as schools and roads. So, the infrastructure gets a little worse even if they add jobs. Also, they have relatively few engineering jobs. Most engineering is done back in Germany.

China has come from nowhere in 2008 to being the leading producer of solar panels in the world. Their labor costs are a lot lower than SolarWorld in Washington County. It is not clear that SolarWorld can remain competitive with our relatively high-priced labor.

The second 'major' new company attracted to the county is Genentech. The County planners have described this as a major coup. But let's look at it: The original plan, circa 2006, was for Genentech to move a repackaging plant from California which would employ initially 250 with a likely increase of 50 more. BUT, the initial plan was to bring 125 people from California. So, they were going to hire 125 Oregonians into factory jobs. However, apparently our workforce is not smart enough to do these jobs. So, the state was going to chip in Millions for training. Over $30,000 of training per job. And, of course, they would not pay property taxes on their 'advanced' production equipment. And, of course, they would not pay income taxes on products sold outside the state.

On three major occasions, spokespersons for Genentech stated that there were no plans to bring research to the plant. I described this to someone familiar with high tech and it was described as the kind of really bad deal that desperate third-world countries would make ten years ago.

There is almost no reason why a biomedical researcher would move to Washington County from areas that have more than one biomedical employer. Hence, they would have trouble moving research here without a major, major commitment.

Genentech bought a 75-acre site. They are referenced in the Washington County record as part of justifying the need for large sites. In the first Oregonian report about their deciding to come here, Genentech is quoted as saying that they only needed 15 acres, but were talked into buying the larger site just in case. They also expected to be able to lease it to other companies if they did not need it. Currently, they only occupy 15 acres and of course have found no takers willing to commit to coming here and building a new building.

Intel is now building D1X fab which is expected to employ 1000 people. But note they recently shut down D1D which employed 900-1000 people. So, the new fab, as announced, might employ 100 new people. Most of the engineers with the best paying jobs already live here and have for many years. And, of course, Intel will not pay property taxes on the new advanced equipment (literally more than a $Billion of equipment). And, of course, they will not pay income taxes on the products made there.

It is possible that Intel will double up on D1X which will add about 1000 jobs, but it is likely to be a lower proportion of the highest level engineers (the key engineers will do their work in D1X itself). So, a 1000 new jobs, which is really good in and of itself, but not a lot of money for building public infrastructure.
So, since 1979, we have lost 50,000 farm acres and after 2000 have been losing high-tech jobs. Per the report in the Appendix in the Metro Ordinance document, farming in the county has increased its sales, after inflation, by 2.8 times. Not bad considering, it lost 27% of its acres. This report is dated 2003. Many trends suggest that farm output may be even more valuable now than 8 years ago.

It is worth noting:
1) Farmland cannot be off-shored
2) With increasing fuel costs, it is likely there will be more demand for local food.
3) Once farmland is developed into houses, it does not become farmland again.

This is a long argument, but, the gist is that committing Foundation Farmland for Urban Reserves is in fact bad for Economic Development.

Some of what I say above is not in the Reserves record, but all of it was known to Washington County government because they have made the economic deals. Also, I have presented it to the Washington County Board of County Commissioners at public hearings in 2010 and 2011 before the Mar 15, 2011 joint hearing. I ask DLCD and LCDC to at least consider it because ignoring it is to continue on a path that is really a death spiral with respect to the economy of Washington County and the State of Oregon.

Washington County's Requests for Larger Blocks of Flat Land for Industrial Sites

At the March 15, 2011 hearing, Cherry Amabisca, representing SaveHelvetia, presented a review of all of the land available for use as industrial sites within Washington County within the UGB and within the original IGA request (I would add not including areas North of Cornelius and Forest Grove). She compared the amount of land available to the amount of land developed for industrial purposes during what she described as the thirty-year period of fastest growth in county history. Her analysis was that the land now available represents more than a 100-year supply assuming we have 100 years of growth matching the record growth.

She identified a fair number of parcels that can be allocated as 100-acre parcels. Her point was that there is no need for land north of the freeway. Also, that there is less need for large parcels than Washington County assumed in selecting so much flat Foundation Farmland.

I would second those points, but wish to point out:

0) Some of Ms Amabisca's information was in the original record. Some of it was new. Washington County and Metro re-opened the record for input on Mar 15, 2010. So, all of her information is part of the record.

1) If we have a 100 year supply, then we have more than a 50 year supply. Assuming her analysis is correct, then Washington County has asked for too much land to be placed in Urban Reserves. Which is to say, Washington County's request even if cut back to the first IGA of 2009 without Cornelius and Forest Grove areas made Rural Reserves is not in balance.

Washington County selected a higher ratio of Foundation Farmlands vs the other two classes than did the other two counties. See Page 195 of the Metro Council Ordinance 11-1255.pdf. Part of their doing so was to get enough large flat parcels to have multiple 100 acres sites that might be needed to recruit large manufacturers.

The Amabisca research shows that there are more than enough such sites within the UGB and the
land requested in the 2009 version, less the areas around Forest Grove and Cornelius.

2) Because we have been losing high-tech (and manufacturing jobs since 2000) it is not clear that projecting from the best 30 year period is wise. To put it into perspective: If 5 large hi-tech companies decided to locate in Washington County and to open facilities with 2000 employees each, we would get half-way back to where we were in 2000. There is nothing on the horizon that suggests this could happen. In particular, because of lowered attractiveness issues I discussed above and because of national issues involving offshoring both of high-tech jobs, such as engineering and technical support, and of general manufacturing jobs, it is absurd to think we are going to return to rapid growth.

3) If, instead of the most wonderful growth period in County history, we took only the last 20 or 30 years so that we included the 10 years of 20% decline, the amount of land available is a lot more than 100 years supply.

4) It is worth noting that much of the Reserves decisions are based on growth numbers from before the crash in 2008. Per the 2010 census and population studies by Portland Statue University. it appears that almost all population growth that occurred in the Metro area was before 2009.

Once 'they' figure out that you do not have jobs, 'they' stop coming.

By the way, for most of the last 2+ years, we have had about the 7th worst unemployment rate in the country. Just good enough not to make the bottom 5 and get discussed in the big articles.

Much of the planning done by all three counties was to make sure they met the Urban needs of the central parts of the projections with a reasonable chance to cover the upper parts. For the last two years, we are running below the lowest projections. There is considerable evidence that growth for the next 10 to 20 years is going to be less than the low side of the projections. A different way to say this and it is really for emphasis:

   The projections of high-growth going into 2009 were absurdly optimistic.

The housing bubble and almost fantastically bad Wall-Street and Banking practices which got us into what is called, so far, the Great Recession, have created any number of problems that are going to limit both manufacturing growth and household formation.

As I write this, the Case-Shiller Housing Price-Index, generally regarded as the most accurate estimate, reports that housing prices across the country are officially in double-dip which is to say lower than any point since the crash. Their spokepeople are now estimating the trend of another 5% down this year.

Their report is in dollars not adjusted for inflation. Using those numbers, housing prices in Portland are now back to where they were in 2004. The Consumer Price Index doubled between 1984 and 2010 or increased at a compound rate of 2.7% a year. Using that correction, our current prices are back to November of 1996. The Case-Shiller spokesperson today estimated it will be more than 10 years before house prices get back to the peak of 2006/2007 adjusted for moderate inflation.

Goal 10 - Housing
No specific violation of this with respect to my Objections.

Goal 11 - Public Facilities and Services

A specific issue is misleading statements in the evaluation of Urban Factors for the Peterkort Property. It is stated that there is mass transit (bus) available at PCC to the south of the Peterkort Property. The minimum distance from the closest point of Peterkort to where the current bus goes to PCC is more than 1/2 mile. This is beyond reasonable walking distance per TriMet statements in the Multnomah County record. It is also implied that public transportation might go to Peterkort. That is not consistent with various regional transportation plans approved prior to the initial IGA requests in 2009. In particular, the adjacent North Bethany area and the area to the south of that are not dense enough to support mass transit, especially high-capacity. So, none is planned.

Also, Peterkort is too far away for children to walk to grade school. So, buses will be needed. The three current planned schools in Arbor Oaks and North Bethany are sized to handle to 4000+ homes planned for those areas. Adding the children from 300 or more homes from Peterkort will force them to be overcrowded. Additionally, the middle schools and high schools in the area are already overcrowded. A new high school would require 40 or so acres. There is no such site within the UGB or Urban Reserves within miles of Peterkort. The nearest current middle school is several miles from Peterkort. More buses. All of this is in the Washington County record.

Goal 12 - Transportation

Part of the discussion under Goal 11 can be considered part of this in that public service bus service will not be available, but school buses will be required.

Washington County Road studies that lead to the plan for widening Bethany Boulevard and other widening projects further east assume that every 2 homes in North Bethany will add 1 car each to the commute to and from Portland on the Sunset Highway. While Washington County planners were aware of this, they have claimed that most of the traffic from this area will be commuting west to new high-tech jobs to the west. The road planners know that this is not going to happen.

Adding these cars will increase the congestion on the Sunset. I have calculated that each new car will increase the total commute time by about 2 hours a day or 500 hours per year. If Peterkort is built out to 300 houses, this projects to 150 new commuters and 75,000 hours per year of increased commute. This is literally the equivalent of 75,000 cars idling their engines for an hour.

As discussed earlier, it is key that new urban areas in Washington County be as compact as possible and chosen so that there is less traffic on the Sunset Highway, not more.

Goal 13 - Energy Conservation

More generally than what was just discussed for the Sunset Highway, it is important that new homes and industrial sites be developed so as to minimize the energy wasted driving between them. This issue is exacerbated when there is congestion. The County has underinvested in roads for at least 30 years.
This is often described as: The county has a $2 Billion infrastructure deficit. The preceding has been said by county planners at public hearings on more than one occasion.

A result of this is that there are many places where there is congestion. The county cannot afford to widen the roads enough to fix the problem. Hence, the selection of Urban Reserves that are not compact will lead to wasted energy: Commuters driving to and from distant work. Commuters wasting extra gas in congestion. (Note, building and enhancing roads needed for distant Urban Reserves such as 7A, 7B and the possible new area near Cornelius, both for commuters and to handle moving whatever supplies are needed for the industrial sites and to ship whatever they produce will prevent attacking the $2 Billion infrastructure deficit.)

As mentioned earlier, there are advantages with respect to having restaurants near compactly developed industrial and indeed home developments.

Goal 14 - Urbanization
No specific issues with this with respect to the above objections

Goal 15 - Willamette River Greenway
No specific issues with this with respect to the above objections
Willamette Basin Rivers and Streams Assessment

December 2009

An Oregon Plan for Salmon & Watersheds report funded through Oregon Watershed Enhancement Board grant # 206-932

Prepared by:
Michael Mulvey, Robin Leferink, Aaron Borisenko
The overall condition of stream habitat in the Middle Fork Willamette subbasin was good for all indicators and comparable to reference. The most extensive stressor was riparian human disturbance for approximately 30% of the stream extent. The Middle Fork Willamette subbasin had the 5th greatest extent of streams impaired by low levels of large woody debris (28%) and low levels of fish cover of all types (16%).

The overall water quality condition in the Middle Fork Willamette subbasin was good with 86% of the stream length having excellent OWQI scores. The leading water quality stressor in the subbasin was warm water temperature (50%).

**The Coast Range Subbasins**

There are four subbasins on the west side of the Willamette basin with headwaters in the Coast Range: Tualatin, Yamhill, Upper Willamette, and Coast Fork Willamette. Stream flow in these subbasins is fed more from rainfall than from snow melt as in the Cascade subbasins. The Tualatin, Yamhill and Upper Willamette subbasins have extensive areas of agricultural and urban land use and less extensive area in forest. The Coast Fork Willamette subbasin has more extensive forest land use than the other three subbasins.

**Tualatin Subbasin**

The Tualatin subbasin is the second most urbanized subbasin in the Willamette basin with nearly 27% of the stream length in urban land use (Table 7). The Tualatin subbasin contains a portion of the greater Portland metropolitan region including all or part of the cities of Beaverton, Hillsboro, Forest Grove, Tigard, Tualatin, and Lake Oswego.

The Tualatin subbasin had the 4th highest extent of stream length in disturbed biological condition for both aquatic vertebrates (37%) and aquatic macroinvertebrates (71%).

The overall stream habitat condition of the Tualatin subbasin indicated extensive stream length in undesirable condition for supporting aquatic life with undesirably high levels of fine sediment and low fish habitat complexity being the leading habitat stressors. The Tualatin subbasin ranked first among the 12 subbasins with the greatest extent of stream length disturbed by unstable streambeds (96%), excess fine sediment (81%) and riparian human disturbance (78%). The Tualatin subbasin also had the greatest extent of stream length impaired by low levels of large woody debris habitat (50%) and had the second greatest extent of streams with low quality fish cover (35%).

We also found extensive water quality impairment in the Tualatin subbasin. The Tualatin subbasin had the greatest extent of stream length with poor to very poor OWQI scores, indicating overall impaired water quality condition for the subbasin. Leading water quality stressors included high water temperature, nutrient enrichment, and high total solids. Of the 12 subbasins, the Tualatin subbasin had the highest proportion of stream length impaired by low dissolved oxygen in the basin (41%), and the second highest extent of impairment for high levels of total solids (46%) and nutrient enrichment (more than 35%).

**Yamhill Subbasin**

The Yamhill subbasin had a moderate level of stream extent with impaired biological condition for aquatic vertebrates (17% in poor
Potential Urban/Agricultural Conflicts

In order to plan your subdivision so that farm families and their new non-farm neighbours can co-exist in harmony, it is important to recognize potential conflicts from both perspectives.

Here are some examples:

**CONCERNS ABOUT FARM PRACTICES**

- Noise from farm equipment, animals, fans, bird-scaring machines, night harvesting, early morning activities
- Odours
- Chemical spray drift
- Dust from fields
- Emissions from burning and building ventilation
- Farm traffic causing congestion and concerns for safety
- Light from greenhouses

- Animals straying
- Irrigation overspray
- Extended hours of operation
- Pollution of groundwater
- Debris on roads caused by farm vehicles
- Visual impact of unsightly farm operations
- Environmental concerns relating to habitat loss, including land clearing
- Intensive farming operations
**FARMER'S CONCERNS**

- Complaints about farm practices
- Liability concerns
- Economic instability caused by urbanization and changing land values
- Trespassing by hikers, cyclists, school children, hunters, dogs, off-road vehicles
- Theft of crops, vandalism to machinery, crops, fences, irrigation equipment; harassment of livestock
- Damage to equipment, crops and livestock from litter
- Crop & irrigation sprinkler limitations due to urban encroachment
- Pollutants from subdivisions entering farm water sources; competition for water; development affecting recharge of groundwater
- Flooding and/or soil erosion from urban development, storm water runoff
- Noises reducing animal production
- Shading of crops by inappropriate buffering
- Cold air drainage pattern interruptions
- Noxious weeds and lack of urban weed control; introduction of pests and spread of diseases
- Safety concerns related to slow moving farm equipment, hydro transmission lines, gas lines
- Movement of farm vehicles restricted by physical barriers, urban road patterns and traffic
- Street & recreational lights affecting growth patterns of greenhouse crops
- Drainage ditch maintenance restrictions due to fish & wildlife concerns
- Crop damage due to wildlife
- Complaints related to land clearing and animal welfare

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**Planning Subdivisions Near Agriculture**

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