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LAND CONSERVATION  
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**For Save Helvetia**

To: Urban and Rural Reserves Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, Oregon 97301

May 30, 2011

**RE: GOAL 1 OBJECTIONS**

Washington County A-Engrossed Ordinance 740  
Metro Ordinance Number 11-1255

I have appeared on multiple occasions between September 2009 and through April of 2011 before the Washington County Board of County Commissioners and the Metro Council, providing written and oral testimony in the matters of Urban and Rural Reserve designations, both in the phase leading up to the Intergovernmental Agreements and the Washington County Ordinance Processes: Ordinance 733 (2010) and the revision Intergovernmental Agreements and Ordinance 740 (2011). I have been a member of the Save Helvetia Steering Committee since its inception, a citizen organization that was formed to educate decision makers about the reserves factors regarding the agricultural lands under study and north of the Sunset Highway. I am now concentrating our education on the lands north of the Sunset Highway, south of NW West Union Road, and between NW Helvetia Road, and NW Jackson School Road to the west. It has been termed Area 8B by Washington County. With Save Helvetia, I have provided substantial and detailed testimony. I am raising objections for myself and for others who are signatories in the attachment.

I contributed to the input of **citizen involvement objection 1** submitted to DLCDC by fellow Save Helvetia member, Linda Peters, dated 7/14/10, with respect to the previous Washington County Ordinance 733. **See Attachment 1.** I/we endorse the citizen involvement objections submitted on 7/14/2010 to DLCDC. DLCDC inadvertently failed to respond to Linda Peter's objections during its review of Ordinance 733. These objections endorse them again and pick up on how Washington County has involved citizens since 10/29/10.

Because the findings in Metro Ordinance 11-1255 and Washington County Ordinance 740 are almost identical, this document will refer to the Washington County Ordinance 740 and Findings, where applicable. References to "the County" or "County" mean Washington County.

Washington County erred in treating reserves designation processes as NOT Land Use Actions, and therefore bypassed requirements for notice and citizen involvement in all stages of planning as required by Goal One and the County Development Code. Whether or not reserves designations are adjudged "Land Use Actions", Washington County failed to meet its own code requirements regarding notice to landowners and CPOs, and violated public meetings laws in preparing Ordinance 740. DLCDC's failure to produce timely findings and order implementing LCDC's 10/29/10 Remand decision is arguably illegal. Harm is done to landowners not receiving notice, harm is done to real citizen involvement, and harm is done to the principles and standards of expected citizen involvement due to the closely guarded improvisations of process revealed in Washington County e-mails.

### **Objection 1.**

Washington County and Metro failed to comply in good faith with Citizen Participation and Public Involvement requirements of Goal 1 OAR 660-015-0000(1)(1) and OAR 660-015-0000(1)(2) and OAR 660-015-0000(1)(3) and OAR 660-015-0000(1)(4). There are no allowed exceptions for disregarding citizen involvement. Washington County and Metro assumed their citizen process during Ordinance 733 was sufficient. It was not. Regardless, citizen involvement is

expected during revision. Hearing opportunities are not a full citizen participation program, especially when decision makers have already made up their minds.

### **Explanation of Objection 1.**

In Exhibit B to Ordinance No. 11-1255, page 12, Washington County asserts “In the last phase of the reserve process-adoption of ordinances that designate urban and rural reserves-each government followed its established procedures for adoption of ordinances: notices 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 plan, there were additional advisory bodies established.” And on page 108, Washington County asserts: “Following the oral remand, Washington County and Metro continued their efforts to balance the Reserves in the county by evaluating information and comments provided by the public and community partners”.

Since the time of the 10/29/10 LCDC “oral remand” Metro has kept citizens in the dark regarding the Reserves Process. “Reserves” topics did not appear on any Metro work session agendas from October 30, 2010, to the current date. Metro studiously avoided giving notice of any reserves discussions until the Hughes-Duyck Proposal was issued February 22, 2011. By this time, multiple backroom discussions had taken place and that were invisible to citizens. This resulted in citizens being kept in the dark regarding Metro’s intentions of the Reserves Process in Washington County. Citizens were excluded from any consideration of how to approach resolving the written remand order delay. When Metro finally scheduled hearings, no evening hearings were made available to the public. This exclusion kept a portion of the public from providing valuable input to this decision making body, which included three Metro councilors: two newly elected Metro councilors and one newly appointed Metro councilor. This was a lost opportunity for vital citizen involvement and input. This included 3 councilors new to the Reserves Process. This harmed public involvement, orientation of new Metro councilors to citizen perspectives, and together with other exclusionary practices described above violated Goal One, Citizen Participation.

Since the time of the 10/29/10 LCDC “oral remand”, Washington County has failed to involve the public in anything but a few hearings. A majority of commissioner’s decisions were made in advance of those hearings. This subjected the public to a charade of hearing deliberations. At one point, Chair Duyck even apologized to the public at their final April 26<sup>th</sup> hearing, saying that the law required the hearing take place, but that the hearing was “meaningless” as they had already made up their decision and any change would require them going back to Metro and throwing them off their calendar: “that is not going to happen”. See video or transcript of hearing dated 4/26/11 and toward the end.

Citizen influence (3) under Goal 1 specifically indicates that “Major Revisions in the Plan” are subject to the expectation of public involvement. Revisions by their very nature go back over “old ground” and make changes. Because citizens were/were not involved at a previous planning point does not make their subsequent involvement superfluous during a revision planning process. There is no exception to this. Washington County treated the revision process as an internal and inter-governmental revision process and limited citizen involvement to a few hearings and well after a majority of votes had been aligned. The then Chair Brian had already developed a majority of board votes. Whereas in Goal One, and under 6, Revisions, it explicitly indicates that citizens “should have the opportunity to review and make recommendations on proposed changes in comprehensive land use plans **prior** to the public hearing process...”.

Washington County expended no effort to engage citizens or their organizations as the two commissioners (Brian, Duyck) developed their proposal and then developed majority commissioner support for it. A majority of commissioners had already committed to the Brian/Duyck plan before hearings took place on December 14<sup>th</sup>, 2010. Because new urban reserves were proposed (adopted) in areas that had not been considered for urban reserves since December of 2009, many citizens were unaware that these areas were at risk of urban reserve designations. The most recent broad public outreach was an online survey by Metro that showed large areas of Area 8 north of Highway 26 as undesignated, and more importantly, the survey did not request any public input about that specific area. This led citizens to believe that the area was not likely to be designated either urban or rural reserve. Urban reserve designations are a significant long term land

use decision, and proposed changes called for a much broader public outreach than was provided after October 29, 2010. (Phase 4, January 2010, Urban and Rural Reserves Public Comment Survey, page 44).

Chair Brian indicates in an e-mail that he wanted assurances that his and Duyck's plan would have a majority before 1/1/11 and after. New and critical information brought forward by citizens were to have no impact: soil analysis; ODOT letter re Helvetia-Brookwood Parkway Interchange. Later, on March 2, 2011, Washington County's Planning Commission voted to reverse many of the proposed designations north of Highway 26 and north of Cornelius. They were scolded by Chair Duyck for engaging in decision making. He indicated that that was the purview of the commissioners, and the majority that had already been aligned for the multiple hearings ahead: 3/15/11, 3/29/11, and 4/26/11. See **Attachment 2**.

It is interesting to note that Chair Duyck, several county commissioners, and county staff briefed the Washington County Planning Commission at a joint meeting on February 16 in preparation for the then upcoming hearing by the Planning Commission on March 2. Chair Duyck's staff handed out proposed reserves maps to the Planning Commission and at no time did Chair Duyck suggest they should not take a vote on the proposed reserves map. The purpose of the meeting was to inform the Planning Commission of the reserves process and issues and answer their questions in preparation for the planned hearing. Later, on March 2, 2011, when the Planning Commission voted in a manner differently than what Chair Duyck expected, he excoriated them for their vote, saying "On something like this, they truly are just a rubber stamp." See **Attachment 2** and Planning Commissioner Matthew Larrabie's response to Chair Duyck in **Attachment 3**.

The vacuum created by the lack of a written remand order contributed to a context in Washington County where several decision makers were able to say what the oral remand was and was not, and this created a **technical information** void, making it difficult for citizens to appreciate their standing, their rights, and whether what was unfolding was proper, was legal, or what standards applied, or not. With this lack of a written remand order never having occurred before, we could find nobody with clear ideas about what it meant and what the consequences

were. Save Helvetia finally wrote to DLCD and asked for an explanation: copy of this request is in the record. We await response. **See Attachment 4.** I also submitted written concern about this lack of order into the record through my Supplemental Information for the Urban and Rural Reserves Record to Multnomah County, April 28, 2011. **See Attachment 5.**

I requested information from DLCD Director and DLCD staff, through a public record request. We were informed that while several meetings took place between Mr. Whitman and Mr. Benner of Metro, no notes were taken by Mr. Whitman. **See Attachment 6.** There was no comment on whether any other meetings had occurred between Washington County, Metro, and DLCD staff. We could see from public records received from Washington County that Metro's Mr. Benner was actively advocating by e-mail to Mr. Whitman "not to write the remand order". Then Mr. Benner communicated this by his e-mail of 1/5/11 to Brent Curtis and others titled Draft Remand Findings. **See Attachment 7.** This gap created a technical void making the process less comprehensible for citizens and for citizen involvement.

The DLCD response to my public records request was provided in my oral and written testimony of March 29<sup>th</sup> and before the Washington County ordinance hearing. **See Attachment 8.** A public record request of Washington County finally revealed a back room decision making process that was far from transparent to the public. Deep within the mass of documents received from Washington County, we found a thread of e-mails that revealed the true decision making process. These were substantially generated from past Chair, Tom Brian, and directed to other commissioners, and/or to his key staff associated with the Reserves Process, and with reference to planning with Metro and DLCD. From these documents, we were finally able to develop some perspective on Washington County's tone and approach to citizen involvement in this post-remand revision period.

It details a closed and internal process, private meetings of public officials, a closed circle of decision-making, a perception of citizens and citizen groups as opponents, and a get-it-done-before-January 1<sup>st</sup> " culture that recognized Chair

Brian's imminent departure and his fear that possibly newly elected commissioners might be more protective of farm land.

The following e-mail references are in the record: 1) titled Supplemental Information for the Urban and Rural Reserves Record authored by myself and submitted to the Multnomah County hearing of April 28, 2011 when Multnomah County endorsed the plan. 2) They were also submitted into the record through Washington County from Save Helvetia, as we submitted the full contents of the CD we had received from our public records request of them. **These e-mails are within those documents and are referenced as e-mails, 0150i.arc.pdf Adobe Acrobat Document, 20,549 KB. Scroll down to less than half way and the thread of Tom Brian e-mails begins.**

- In Tom Brian's e-mail of December 4<sup>th</sup>, 2010, page 2, item 6) he indicates that "There is general agreement that sufficient analysis and public comment is in the record from which the amendment can be fairly considered; neither Metro nor the County feels it is necessary to re-open the analysis process or conduct an extensive outreach and public information effort". **See Attachment 9.**
- Citizen Participation Organization #8 represents the area now being proposed by Tom Brian for acreage replacement. CPO # 8 endorsed rural reserves for the acreage north of Highway 26 by a 35 to 0 vote, of those present, during their October of 2009 review of the reserves process: in the record from Ordinance 733. **See Attachment 10.** It was self-serving for Chair Brian and Metro to conclude that "extensive outreach and public information effort" was not necessary during the revision phase when they would turn to this acreage for designation as industrial, urban reserves.
- Brian learns from Chair-elect Duyck in his 11-1-10 e-mail that "my inclination is to not roll over on this one", referring to the LCDC remand. **See Attachment 11.** Chair Brian, in his 11-2-10 e-mail, shows concern for his waning tenure on the Board of County Commissioners and wants to move quickly, internally, and move the board to action, and then advocate its passage among the Metro Council. **See Attachment 12.**

•Chairman Tom Brain set an anti-citizen tone in his communication of 11/10/10 to key staff and Chair-elect Duyck: “We are attempting to keep these ideas CONFIDENTIAL and do not want to give opponents any more lead time than legally necessary. So, I am concerned about WHO makes these revised, draft maps. Usually we have had John Williams at Metro do these maps, haven’t we? You should do whatever you have to do, but please keep these discussions and options as confidential as possible for the time being.” **See Attachment 13.**

• From there, Tom Brian indicates in his November 14<sup>th</sup> e-mail to his DLUT staff, Brent Curtis, that he will be vetting the proposal with Metro’s Hughes, Hostika, and Harrington on 11/19/10, and 11/22/10. **See Attachment 14.**

• By his November 14<sup>th</sup> e-mail, Brian indicates he is closing in on having the majority of votes on the county commission, both before January, and after. **See Attachment 14.** This is a full month before any public testimony would be taken, December 14<sup>th</sup>. Brian then first communicates his and now Duyck’s proposal to his full board of commissioners for discussion late the first week of December.

• The public is notified on 12/6/10, one week before this December 14<sup>th</sup> hearing, abruptly sandwiched between the Thanksgiving and Christmas holidays. **See Attachment 15.** On December 7<sup>th</sup>, as spokesperson for Save Helvetia, Cherry Amabisca responded to the press about Cornelius lands being replaced with foundation farmlands in Helvetia, some of the best farm soils. Commissioner Desari Strader on December 7<sup>th</sup> verbally attacks Save Helvetia members, dismissing our motivations to protect prime farm soils, by saying that we “are intellectual, wealthy, elitists wanting to protect their McMansions”. **See Attachment 16.**

• By December 12, Tom Brian indicates in his e-mail to commissioners and staff that he is within reach of obtaining majority support on the Metro Council. He has already vetted it with Councilors Hughes, Hostika, and Harrington through a series of private meetings. **See Attachment 17.** Councilor Colette was to follow. This is long before any hearings would be scheduled, which eventually were set for mid March and April of 2011. One Metro Councilor would, at the end of each of

Metro's Ordinance hearing, pull out her prepared, written decision, and read it into the record. See video of final voting of Metro hearings.

•In response to this incivility to citizen involvement voiced by Commissioner Strader on December 7, I submitted oral and written testimony on 12/14/10 before the Washington County Board of County Commissioners. **See Attachment 18.** I testified that I was a Harold Haynes Citizen Involvement Award recipient from 2007 and that it distressed me to see this disrespect directed at my fellow citizens by an elected commissioner. I identified Save Helvetia members as among the best in citizen engagement in behalf of their community and providing factor based education based on OARs. We did not know at the time that Tom Brian's term for citizens with opposing views was "opponents". **See Attachment 13.**

• A Washington County Planning Commission hearing is scheduled for March 2' 2011. The Commission had been briefed by Chair Duyck and staff the previous week. The Planning Commission takes testimony from the public, including Save Helvetia, and they vote a different decision than the Duyck-Hughes plan: re-designating lands in Cornelius (back toward urban reserve) and re-designating lands north of Highway 26, back to undesignated from the proposed urban reserves of Duyck-Hughes. This becomes an embarrassment to the Duyck-Hughes plan coalition. Chairman Duyck announces that the Planning Commission should have stayed out of the decision making process and that they should let the Board handle decisions. **See Attachment 2.**

### **Remedies for Objection 1.**

1. Remand Ordinance 740, for its planned strategy of not involving citizens in the decision making process during this revision process.
2. We recommend that LCDC commissioners object to DLCD for its not distributing a written remand order, a contributor to limited citizen involvement.
3. Adopt the remedies proposed by Linda Peters in her Objection to Ordinance 733, dated 7-14-10. We re-endorse those. Had DLCD responded to our earlier concerns about Washington County's citizen involvement, it might

have intervened on Washington County's pattern of ignoring citizen involvement.

4. We recommend that a member of the state DLCD Citizen Involvement Advisory Committee be tasked to monitor the next citizen involvement plan and process in Washington County and confer with the state Citizen Involvement Advisory Committee and LCDC commissioners about the adequacy and sufficiency of the citizen involvement plan before Washington County re-engages its next Reserves revision.
5. This plan should also receive public comment during a county hearing, including a vetting by the Washington County CCI and CPOs.

### **Objection 2.**

Washington County failed to abide by its Resolution and Order No. 86-58, adopted June 3<sup>rd</sup> of 1986 and entitled Exhibit A, "Citizen Participation in Washington County, Oregon." Post 10-29-10, Washington County treated the revision planning process as an internal matter, and strategically chose not to engage citizens, citizen organizations, and the CPOs. Chair Brian and some Metro Councilors viewed their previous public involvement plan under Ordinance 733 sufficient for the purpose of Ordinance 740. The past citizen involvement was neither sufficient (see Linda Peters' DLCD objection # 1 of 7-14-10 - **Attachment 1**) nor is there any exception for failing to involve citizens based on one's personal view of past performance, or one's departure from office.

### **Explanation of Objection 2.**

Resolution and Order No. 86-58 is Washington County's County Order that enshrines Citizen Participation in Washington County. The explanations and support made in the preceding Objection 1, also provide some support for Objections 2. However, if the process was "Not Land Use", then Washington County (initially Tom Brian, then Chair-elect Andy Duyck) violated their own ordinance re Citizen Involvement, by their choosing not to re-engage citizens in the revision process, hurrying the planning in the face of Tom Brian's departure from the board, and Brian's desire to complete the Reserves Process. However,

the Washington County Order and Resolution does not provide for this type of exception of excluding citizens.

### **Remedies for Objection 2.**

1. Remand Washington County Ordinance 740, for its planned strategy of not involving citizens in the decision making process during this revision process.
2. We recommend that LCDC commissioners object to DLCD for its not distributing a written remand order, a contributor, we believe and experienced, as limiting our and others full citizen involvement.
3. Adopt the remedies proposed by Linda Peters in her Objections re Goal One to Ordinance 733, dated 7-14-10. Had DLCD responded to our earlier concerns, LCDC might have remanded a warning to Washington County about its citizen participation program, or lack thereof.
4. We recommend that a member of the state DLCD Citizen Involvement Advisory Committee be tasked to monitor the next citizen involvement plan and process in Washington County and confer with the state Citizen Involvement Advisory Committee and LCDC commissioners about the adequacy and sufficiency of the plan, before Washington County re-engages its next Reserves revision.
5. This public involvement plan should also receive public comment during a county hearing, including a vetting by the Washington County CCI and CPOs.

### **Objection 3.**

Washington County failed to comply in good faith with Land Use Planning per OAR 660-015-0000(2) by failing to assure an adequate factual base for its designation decisions within Ordinance 740, further failing to “evaluate alternative courses of action and ultimate policy choices”. “In each case where there are conflicting policies or strategies, the Review Authority shall adopt findings stating how the conflicting policies or strategies were weighed and balanced, and why the specific decision was reached.” This did not occur nor would this then become available for citizen input during preparation, review, and revision and this

occurred without Washington County adopting any exception to this goal as would be required.

### **Explanation for Objection 3.**

Land Use Planning (OAR 660-015-0000(2)) requires Washington County to evaluate alternative courses of action and ultimate policy choices and to allow citizens input into this, before hearings. Following the LCDC oral remand of 10-29-10, and in Tom Brian's words, he set out to replace "acre for acre", "type for type". Tom Brian promoted his criteria for selection: adjacent to UGB; less productive soils than north of Cornelius. Adjacency to a UGB was never a reserves factor, per se. Washington County did not effectively assess soil type or productivity and carried on with an assumption that if north of Cornelius was "the best of the best", and then the foundation farm land north of Highway 26 must automatically be less productive. Washington County also discriminated in favor of membership in the Tualatin Valley Irrigation District without ever fully assessing the natural water and sub-irrigation resources of the Helvetia acreage. Save Helvetia provided detailed soil analysis at the 3/29/11 and 4/26/11 ordinance hearings but the county plan was stuck in concrete and they would not back out. Save Helvetia, through my testimony, submitted detailed hydrologic information into the record and complained about their discriminating in favor of Tualatin Valley Irrigation District and against the sub-irrigation water resources north of the Highway 26. There was not any discussion about not replacing "acre for acre". Perhaps elsewhere in the region would be suitable acreage that would not take foundation farm land with the rare type I soils and beneficial water resources. There was not any discussion about not replacing "type for type", irrespective of whether it is even proper to pre-designate "type". There was no developed response to Greg Mecklem's Soils Analysis for Save Helvetia. Washington County never defended their discrimination of water resources.

When the City of Cornelius came to the 3/29/11 hearing with alternative designation suggestions (and 3-15-11 hearing), they were quickly tabled. When the Washington County Farm Bureau came in with eventual alternative designation suggestions (3-15-11 and 3/29/11 hearings), they were quickly tabled.

Washington County would not make its Findings available for the hearing on December 14, 2010, not for the joint Metro/County hearing on 3/15/11, nor available to the public at their ordinance hearing on 3/29/11. It was available to the Metro hearing on 4/21/11. While it was available for the 4/26/11 final ordinance hearing, but as Chair Duyck said, this hearing was “meaningless”, required by law, but their decision was set and irreversible. Citizens lacked access to weighing the findings in a timely manner. See video or transcript of hearing of 4/26/11.

At the 4-26-11 hearing, property owners came forward complaining that they had just learned of the pending decision about to impact their property and they objected to not having received public notice of the proposed action. Washington County responded by saying this was not a “land use action” and did not require notification. See video or transcript of hearing.

### **Remedies for Objection 3.**

1. Remand Washington County Ordinance 740.
2. Require the subsequent revision include specific compliance with Land Use Planning per OAR 660-015-0000(2).
3. DLCD should assign an Urban and Rural Reserves Specialist to the next Washington County revision planning to assure that this occurs and that citizens have access and comment to weighing the alternate course of action and the ultimate policy choices.
4. Washington County should provide public notice to all property owners whose property might be affected by a reserve designation.

### **Objection 4.**

Washington County failed to comply in good faith with its Rural/Natural Resources Plan Element, Policy 2, Citizen Involvement: “Comprehensive Planning requires, and depends on, an informed citizenry. For the plan to reflect the needs and values of the citizens of Washington County, citizen participation is essential. This meaningful involvement is necessary throughout the planning process and is an integral part of the on-going planning program.” Washington County Board of

Commissioners did not engage in meaningful dialogue, post 10-29-10, and evidence shows that a majority of decision makers had their minds made up ahead of time. There is no exception in the Plan element for this significant departure.

#### **Explanation of Objection 4.**

**Washington County Rural/Natural Resource plan, Element Policy 2, Citizen Involvement**, is yet another standard through which the county asserts its citizen involvement policies. The County indicates here that they will involve citizens in “all phases”. In this instance, citizens were not involved in the revision phase and there is no exception allowed for this omission. From the Tom Brian e-mails, it is evident that haste and his ending tenure were guiding factors: get the revision made in a few months, before a written order of remand comes out, and before newly elected parties can influence the process. This perhaps contributed to a short, hasty process that did not re-engage citizens in a thoughtful and meaningful way.

At the Washington County hearing of December 14, 2010, a number of citizens including myself submitted oral and written testimony asking to slow the process down, to undertake a longer assessment, to involve the citizens, and to let newly elected commissioners and councilors take their seats. Tom Brian communicated during the hearing that it was preferable for him to complete this while he had the “relationships” and his “history of information”. However, this Policy 2 on Citizen Involvement does not account for any such exceptions. See video or transcript of 12/14/10 at the end.

#### **Remedies for Objection 4.**

1. Remand Washington County Ordinance 740, for its planned strategy of not involving citizens in the decision making process during this revision process.
2. We recommend that LCDC commissioners object to DLCD for its not distributing a written remand order, a contributor to limited citizen involvement.

3. Adopt the remedies proposed by Linda Peters in her Objection to Ordinance 733, and dated 7-14-10. We endorse those. Had DLCD responded to these earlier concerns, Washington County might have been pressured to change its citizen involvement pattern from ignoring citizen involvement.
4. We recommend that a member of the state DLCD Citizen Involvement Advisory Committee be tasked to monitor the next citizen involvement plan and process in Washington County and confer with the state Citizen Involvement Advisory Committee and LCDC commissioners about the adequacy and sufficiency of the citizen involvement plan before Washington County re-engages its next Reserves revision.
5. This plan should also receive public comment during a county hearing, including a vetting by the Washington County CCI and CPOs.

### **Objection 5.**

One Washington County commissioner (Duyck) failed to comply in good faith with ethical standards under ORS 244.020(12) and (15) by not making a public disclosure of a qualifying family relationship of a relative with land under rural reserve and that could create a potential conflict of interest in his voting for Ordinance 740. This individual voted for Ordinance 740. Another Washington County commissioner (Terry) failed to comply in good faith with ORS 244.120(2), (a) by failing to make a public disclosure that his ownership of property within those lands under urban reserve designation could create a potential conflict of interest. He voted for Ordinance 740 without making a disclosure.

The public body served by the two public officials does not possess official records of disclosures as they are required to, under ORS 244.130(1). In retrospect, it seems extraordinary to us now that no conflict of interest standards were applied to the Reserves Process, even though the long term financial benefits could be substantial. At a minimum, regular standards for conflicts of interest for elected commissioners should be expected and upheld. While this is a matter for the Oregon Ethics Commission, it constitutes a taint on the Reserves Process in Washington County.

### **Explanation for Objection 5.**

On March 15<sup>th</sup>, 2011 and at the joint IGA hearing, I submitted oral and written testimony expressing concern about several commissioners having potential conflicts of interest and not making public disclosures. **See Attachment 19.** In testimony preceding mine, the Washington County Farm Bureau asserted conflicts of interest with Commissioner Bob Terry and with Chair Duyck, through his father. Both commissioners, on the record, confirmed that one owned land subject of an urban reserve designation within the ordinance (Terry), and one's father (Duyck) owned land subject of the rural reserves designation within the ordinance.

As to public disclosure of potential conflict of interest, Mr. Olsen indicated that this was an IGA hearing and not the appropriate place to make the public disclosure, but instead at the subsequent county ordinance hearings set for 3/29/11 and 4/26/11. Mr. Olsen indicated that Commissioner Terry owning property subject of an Urban Reserves designation did qualify for a public disclosure. Mr. Olsen indicated that Chairman Duyck's father, owning property subject to a (preferred) rural reserves designation, did qualify for public disclosure. At the subsequent ordinance hearings, no public disclosures of potential conflict of interest were made. Both Bob Terry and Andy Duyck proceeded to vote on Ordinance 740.

On 5/23/11, Washington County responded to my public record request and indicated that if the disclosures did not take place at the hearings, they did not have any other record of them being made. I witnessed that there were no disclosures that took place at the hearings as the video and the transcript will show. See transcript of 4-26-11 votes by Chairman Duyck and Commissioner Terry. No vote was taken at the 3/29/11 hearing and Commissioner Terry was absent that hearing.

#### **Remedy for Objection 5.**

1. Remand Washington County Ordinance 740.
2. Clarify in the remand order subsequent adherence to Oregon Ethical Standards for Elected Officials.
3. Require public disclosure of potential conflict of interest in the subsequent revision. It is essential that these several failures to disclose potential

conflict of interest not taint the end product of the Reserves Process in Washington County.

### **Objection 6.**

Washington County and Metro expended substantial time and funds touting an open, transparent, and citizen-involving process throughout the Reserves Process. It was not until March 15, 2011 when I testified orally and in writing about the appearance of **non-compliance to Oregon's Public Meeting Laws (ORS 192.410-192.505)** that the government attorneys then testified that the process was not subject to the public meeting laws because it was a "legislative mandate". Mr. Olsen and Mr. Benner asserted this before the joint Metro/Washington County IGA hearing. However, the Reserves Process was/is not a legislative mandate and the public should have received adherence to the Oregon Public Meeting Laws, or be clearly told under what exemption governments were proceeding differently.

### **Explanation of Objection 6.**

I provided oral and written testimony to this concern at the March 15<sup>th</sup>, 2011 Metro/Washington County IGA hearing. When I complained that Oregon Public Meeting Laws were not being adhered to, Washington County and Metro called their attorneys up to the table: Mr. Olsen and Mr. Benner. They opined that the Public Meeting Laws did not apply because the Reserves Process was a "legislative mandate". If the Reserves Process was a "legislative mandate", did this truly exempt the county and Metro and their respective councilors and commissioners from compliance with Oregon Public Meeting Laws? If this Reserves Process was excluded, this exemption and context should have been clearly communicated to citizens during both the initial Reserves Process, throughout the process, and again during the revision process. Knowing this would lead citizens to possibly exercise different expectations of decision makers, different expectations of the decision making processes, and possibly cause them to seek other avenues of transparency. Citizens were given the expectation that with this substantial and multi-governmental program, adherence to the basic rules

of governance would apply. What we heard in the last inning of play was that the basic rules and standards of conduct we thought applied, did not apply.

But, is this accurate? The Reserves legislation and the OARs developed to implement them speak with the word “may”, not must. We contend that the Reserves Process was/is a legislative opportunity, not a legislative mandate.

Several hundreds of thousands of dollars were expended on the public relations program related to this program. Nowhere was there any fine print that warned: “You, as a citizen, should not expect governmental transparency in this case, as decision makers are responding to a “legislative mandate”. These decision makers can meet secretly with whomever they want, whenever they want, then arrive at whatever decisions they choose. You will not be made aware of their meetings nor will you be welcome.” I doubt that the legislation would have passed had this been made clear.

Nonetheless, we do not understand ORS 195.141 and OAR 660-027-0020 to **require** action (legislative mandate) but to **invite** action (a county and Metro “may” enter into an intergovernmental agreement to designate urban and rural reserves.) Public Meeting Laws should have been abided.

#### **Remedy to Objection 6.**

1. Remand Washington County Ordinance 740.
2. If the process is indeed outside of the jurisdiction of Oregon’s Public Meeting Laws and during the next revision process, require Washington County and Metro to clearly communicate this to the public: which laws apply, which do not apply, what recourse citizens have to gain perspective on how these decision makers are coming to their deliberations.
3. If the process is indeed inside the purview of Oregon’s Public Meeting Laws, then Washington County and Metro and their councilors and commissioners need to adhere to these laws during the next revision process.

#### **Objection 7.**

DLCD failed to write and distribute a written order of remand of the LCDC commissioner's deliberations of 10-29-10 as per OAR 660-002-0010: Delegation of Authority to Director (DLCD). This continues to be the case as we approach June of 2011, some 6 months later. This is unprecedented. One LCDC commissioner expressed shock and surprise that this was the case, several months after 10-29-10. The e-mail evidence gleaned from a public records request of Washington County substantiates that this created a beneficial context for Washington County to repair its earlier weaknesses in its Ordinance 733. This omission of a written order held back possible appellants, with legal standing, and prevented them from appealing. This is an infringement of public participation and involvement.

### **Explanation to Objection 7.**

A public record request of DLCD regarding this delay in writing and distributing the remand order was sent to DLCD, and the response only indicated that Mr. Whitman has two meetings with Metro's Mr. Benner, but no written notes were taken. We then sent a letter to DLCD requesting an explanation as to why the written order was not being finalized and distributed. This has yet to be addressed at time of this writing. This has contributed to a lack of decision making transparency and has increased the perception of unknown conflicts of interest between and among government bodies. E-mails are attached from Washington County that show Metro and Washington County advocating for delaying the written order, and references to communication with the DLCD Director. **See Attachment 7.**

From the Washington County and Metro e-mails, the lack of a written remand order appears to be related to delaying groups or individuals with standing from appealing the original reserves decision because those appeals would throw off the Metro calendar for UGB expansions in 2011. There may be other reasons it was held back. We clearly see that Metro's Mr. Benner promoted it not being written.

Regardless of why this lack of written remand order occurred, citizens and community organizations did not receive any communication about this during the interim. This has had an impact on citizens knowing what the "oral remand" said.

The lack of a written order left both citizens and elected officials confused about the exact meaning the 10-29-10 LCDC decision. This also created considerable confusion about the reserves process, Objections, and the next round of LCDC hearings on urban and rural reserves. Save Helvetia sought public records in an attempt to read between the lines of this gap in a written remand order. We got a response from our public record request of DLCD that was overly brief and did not include items we then received through our request of Washington County. **See Attachment 6.**

Citizens and community organizations were also told by DLCD (staff and website) to expect that an order would be issued by the end of December, 2010, or within a few weeks of that date. The December 2010 date for a final written order remains on the DLCD website as of June 2, 2011. **See Attachment 20.** This expectation, together with the accelerated appeals process specified in SB 1011 meant that citizens were hiring attorneys and preparing for appeals of a decision that was never finalized, while local governments were preparing in secret to modify their reserves decisions and render any preparation for an appeal meaningless.

We have been disappointed by the lack of transparency in the process of DLCD not issuing the written remand order, and especially by DLCD's failure to proactively notify interested parties of the potential for a significant delay in issuing the written order and to explain the consequences of that delay to the reserves process.

I provided objections to this lack of written order and these are within my written submittal to Multnomah County, entitled Supplemental Materials for the Urban and Rural Reserves Record, submitted 4/28/11, through Multnomah County's hearing that day.

#### **Remedies to Objection 7.**

1. Remand Washington County Ordinance 740 and distribute a written order of remand to all appropriate parties, within a reasonable period of time.

2. DLCD should explain to the 46 parties with standing how/why the lack of a written order occurred and whether it violated their (46 parties) standing in the process.
3. The Advisory Committee on Citizen Involvement should review this from the perspective of Goal One Citizen Involvement and provide feedback to DLCD and to the 46 parties.

## **Summary**

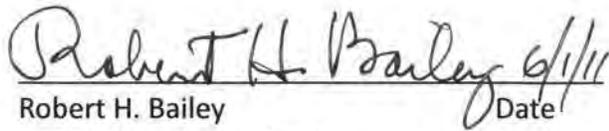
Washington County erred in treating reserves designation processes as NOT Land Use Actions, and therefore bypassing requirements for notice and citizen involvement in all stages of planning as required by Goal One and the Washington County Development Code. Whether or not the reserves designations are adjudged "Land Use Actions", the County failed to meet its own code requirements regarding notice to landowners and CPOs, and violated public meeting laws in preparing Ordinance 740. DLCD's failure to produce timely and written findings and orders to implement LCDC's 10/29/10 Remand decision is arguably illegal. Harm is done to landowners, affected citizens, and due to a closely-guarded improvisation of process in Washington County, reflected by the e-mail trail obtained through our public records request.

The Reserves Process outcomes are far-reaching and will become part of Oregon's land use legacy. While consensus was achieved in Multnomah and Clackamas Counties, consensus has not yet been achieved in Washington County. Please remand Washington County's Ordinance 740 and Metro Ordinance 11-1255 and order remedies to set the revision process on a path that might result in a consensus agreement and map. This will then bring credit to the governments and citizens involved, and proudly add to Oregon's land use legacy. It will re-emphasize Oregon's value in public participation and citizen involvement as central components of Oregon's traditions and laws. It will re-emphasize that adherence to Oregon's Public Meeting Laws are required and that public disclosures of potential conflict are an ethical and legal requirement of county commissioners.

It has been said that the Reserves Process started with a motivation to bring certainty to the agricultural community. In addition to providing certainty to farmers, citizens in Washington County now need certainty: certainty that their participation and involvement rights are meaningfully upheld; certainty that they can expect public disclosures of possible conflicts of interests from their commissioners; certainty that their governments in Oregon meet a basic standard of transparency in their decision making and deliberations.

Submitted,  
  
Robert Bailey  
Steering Committee, Save Helvetia

The undersigned individuals have participated in at least one Urban & Rural Reserves hearing and/or submitted written testimony and therefore have standing to submit Objections. These individuals wish to join the attached Objections citing the Lack of Citizen Involvement and Procedural Shortcomings throughout the process leading up to the approval of Washington County A-Engrossed Ordinance 740 and Metro Ordinance 11-1255.

 6/1/11  
Date

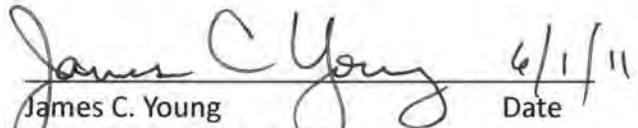
Robert H. Bailey  
7455 NW Helvetia Road  
Hillsboro, OR 97124

 5/30/11  
Date

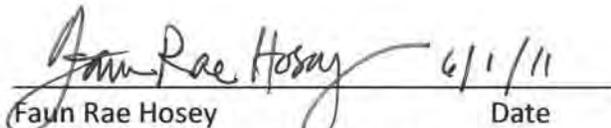
Cherry Amabisca  
13260 NW Bishop Road  
Hillsboro, OR 97124

 6/1/11  
Date

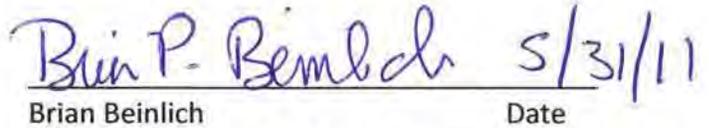
Elizabeth Furse  
22485 NW Yungen Road  
Hillsboro, OR 97124

 6/1/11  
Date

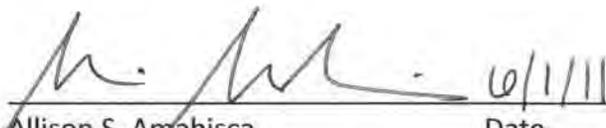
James C. Young  
13310 NW Bishop Road  
Hillsboro, OR 97124

 6/1/11  
Date

Faun Rae Hosey  
13515 NW Jackson Quarry Road  
Hillsboro, OR 97124

 5/31/11  
Date

Brian Beinlich  
15060 NW Mason Hill Road  
North Plains, OR 97133

 6/1/11  
Date

Allison S. Amabisca  
1221 NE 51st Avenue #350  
Hillsboro, OR 97124

 6/1/11  
Date

Tom Black  
870 NW Garibaldi Street  
Hillsboro, OR 97124

 6/1/11  
Date

Anna Becker  
14199 NW Logie Trail  
Hillsboro, OR 97124

 6/1/11  
Date

Carol Chesarek  
13300 NW Germantown Road  
Portland, OR 97231

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**Linda Peters <lindabpeters@gmail.com>**  
To: Cherry Amabisca <cherryamabisca@gmail.com>

**Tue, May 31, 2011 at 8:45 PM**

"I have participated in at least one Urban and Rural Reserves hearing and/or submitted written testimony and therefore have standing to submit Objections. I wish to join the attached Objections citing the lack of Citizen Involvement and Procedural Shortcomings throughout the process leading up to the approval of Washington County A-engrossed Ordinance 740 and Metro Ordinance 11-1255. I am out of the country until after the submission deadline of June 2, 2011, and authorize my name to be included in the attached Objection."

Linda Peters  
[lindabpeters@gmail.com](mailto:lindabpeters@gmail.com)  
25440 NW Dairy Creek Road  
North Plains, OR 97133

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# GOAL 1 OBJECTIONS

## ATTACHMENTS

<u>#</u>	<u>Date</u>	<u>Description</u>
1	7/14/10	Linda Peters: Objection 1: Lack of Citizen Involvement, Ordinance 733
2	3/3/11	The Oregonian: "Andy Duyck Irked" by Planning Commission vote
3	3/12/11	Matthew Larrabee: Planning Commissioner response to Andy Duyck
4	4/25/11	Cherry Amabisca: Letter to DLCDC
5	4/26/11	Robert Bailey: Letter regarding records requests
6	3/9/11	DLCDC: Response to record request
7	1/5/11	Dick Benner: Urged DLCDC not to enter order
8	3/29/11	Robert Bailey: Testimony - Concern about no written order
9	12/4/10	Tom Brian/Andy Duyck: No extensive outreach needed
10	11/24/09	CPO 8: Endorses Rural Reserves north of Highway 26
11	11/1/10	Andy Duyck: No rollover on this one
12	11/2/10	Tom Brian: Get deal done before election
13	11/10/10	Tom Brian: Keep confidential and away from opponents
14	11/14/10	Tom Brian: I want 3 votes lined up
15	12/4/10	Tom Brian notifies commissioners of new reserves areas and acreages
16	12/7/10	The Oregonian: Commissioner denigrates Save Helvetia
17	12/12/10	Tom Brian: After meetings with Metro, we are within reach
18	12/14/10	Robert Bailey: Testimony - Slow down, include citizens in process
19	3/15/11	Robert Bailey: Testimony - Transparency and disclosure needed
20	6/2/11	DLCDC Website: Still lists December as target date for written order

Linda Peters  
25440 NW Dairy Creek Road  
North Plains, OR 97133  
503.647.2301  
[Lindabpeters@gmail.com](mailto:Lindabpeters@gmail.com)

Attachment 1  
objection 1  
only

To: Urban and Rural Reserves Specialist  
Department of Land Conservation and Development  
635 Capitol Street NE, suite 150  
Salem, OR 97301

July 14, 2010

I appeared on many occasions between September, 2009 and June, 2010 before the Washington County Board of Commissioners, Metro's Reserves Steering Committee, LCDC and the Metro Council in the matter of Urban and Rural Reserve designations, both in the phase leading up to the Inter Governmental Agreements and in the Ordinance processes. To document some of these appearances, I am including as exhibits copies of testimony and comments submitted relative to the two objections I am raising:

**Objection 1. Washington County failed to comply in good faith with Citizen Participation and Public Involvement requirements of Goal 1 (OAR 660-015-000(1) and OAR 660-027-0030 (2).** Metro/Washington County Findings in Section I.C.2 of Exhibit A to A-Engrossed Ordinance No. 733 Findings of Fact, June 15, 2010 state that "In all, the four governments made extraordinary efforts to engage citizens of the region in the process of designating urban and rural reserves." Metro, Multnomah and Clackamas Counties arguably did; Washington County noticeably did not.

**Objection 2. Washington County's amendments to the IGA with Metro (ultimately adopted in Ordinance 733) which convert 212 acres to Urban Reserves from the rural sides and rights-of-way of 22 rural roads--even where that rural side bounds a Rural Reserve-- violate OAR 660-027-0040(7) which provides that *in addition to* designating land as rural reserves on their maps, counties and Metro "shall adopt policies to implement" the rural reserves, and are not merely technical amendments but policy decisions.**

Explanations and suggested remedies appear below, followed by exhibits. Page numbers used in citing Findings refer to Washington County's Exhibit A to A-Engrossed Ordinance No. 733, Findings of Fact, June 15, 2010.

**Explanation of Objection 1: Washington County's failure to comply with Goal 1 (OAR 660-015-0000(1) and OAR 660-027-0030(2))**

Section I.C.2 Public Involvement, p. 9 of Findings, states that "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” and argues that “the structure of the reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.” To the contrary, the structure of the regionwide reserves decision process provided motivation – and cover, perhaps -- for Washington County’s singularly defective process of proposing and deciding on urban and rural reserves.

On p. 8, the Findings state “Each county established an advisory committee to provide guidance and advice to its county board, staffed by the county’s planning department.” Washington County formed the Washington County Reserves Coordinating Committee (WCRCC). WCRCC did not advise its county board, which did not publicly deliberate on proposed Reserves until the night before the Core 4’s adoption of the map to be circulated for January public review. In fact, no Board hearings or deliberations had been planned prior to heavy lobbying from Citizen Participation Organization 8 and Save Helvetia. I personally attended Board meetings to speak during Oral Comment week after week, urging the Board to set hearing dates that would provide them and their constituents a meaningful way of influencing the reserve designations. (See Exhibits).

On p. 16 of the Findings, Section II.A.3 Advisory Committees ii) Washington County Reserves Coordinating Committee (WRCC) we find: “The WCRCC was formed to review the results of the project technical analyses and to develop policy recommendations on urban and rural reserves in Washington county. *Recommendations developed by the WCRCC were forwarded to the Regional Steering Committee and Core 4.*” [emphasis added]. So Washington County’s original proposal for over 34,000 acres of urban reserves came not from its elected Board but from its planning staff and WCRCC.

What was the composition of the WCRCC? What range of stakeholders were given a seat at this policy-recommending table? The Findings omit that detail, but in fact the WCRCC consisted of the mayors of Washington County’s cities, the Chair and one County Commissioner, each of whom had vote, and two members of the Farm Bureau Board who shared one vote.

The Washington County Planning Directors, however, “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.” One small hitch: Planning Director meetings were neither public nor publicized.

Mayors and planners were encouraged by the County to delineate their “aspirations” for the next 50 years of growth, and they took that to mean expansive, outward growth. *Nobody* assured that people who live, own property, and/or work in unincorporated areas of the county—or groups advocating for farmland, forest, or natural area protection-- were provided adequate opportunities for involvement in the critical formative stage of Washington County’s reserves planning process. Mayors and planners enjoyed technical support from NAIOP and other speculative development interests who, judging by the WCRCC’s recommendations, did have “adequate opportunities for

help shape the process and the final outcome” and argues that “the structure of the reserves decision process provided motivation for officials to seek a final compromise that met a wide array of public interests.” To the contrary, the structure of the regionwide reserves decision process provided motivation – and cover, perhaps -- for Washington County’s singularly defective process of proposing and deciding on urban and rural reserves.

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involvement in the reserves planning process.” The general public did not.

The public’s response on opinion polls and in Metro’s review process consistently showed 65% of Washington County respondents supporting protection of farmland from being urbanized. But the “opportunities for input” given citizens were not around the planning tables. Input was limited to 2 to 3 minutes at selected venues and rarely, if ever, was there a dialog between a citizen and a member of any of the planning groups.

Although the Coordinated Public Involvement Plan was endorsed by LCDC’s Citizen Involvement Advisory Committee (CIAC), Washington County’s execution of the plan failed to meet requirements of **Goal 1: Citizen Involvement, OAR 660-015-0000(1)**.

**Component 1. – To provide for widespread citizen involvement** calls for “an officially recognized committee for citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions.” Washington County has a CCI, but chose not to consult with it on the design of the WCRCC or the process by which reserves proposals would be formulated, adopted, or forwarded to Metro and the Core 4. In the few cases when the CCI sent letters to the WCRCC about the reserves process, they received no response. The CCI was not involved in either the design or the outcome of the reserves decision process, despite the far-reaching and profound impact of the reserves decisions on land use policies to which the IGAs committed signatory jurisdictions.

**Component 2. – To assure effective two-way communication with citizens.** “Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.” Citizens tried, but the mechanisms didn’t seem adequate to the task in this case. Few of the citizens who wrote emails and letters to elected officials received a response to the issues raised. Rather, commissioners publicly expressed frustration and annoyance with the number of emails and letters they received. When citizens took the initiative to address the Board during oral comment opportunities, commissioners asked few questions and appeared disengaged. Staff reports including “Issue Papers” summarized issues raised by citizens, then briefly denied the merits or relevance of information collected and presented in extensive and detailed written testimony.

In response to persistent lobbying (see attached Exhibits), the Board finally scheduled two opportunities for citizen input to their elected commissioners. At the 10am meeting on December 8, the full board was not present and commissioners’ discussion focused on how to limit the time for testimony at the December 15 meeting so that there would be adequate time for Board deliberation.

On December 15, 2009, the only evening meeting scheduled for the Board to hear from the public on reserves recommendations, care was taken to remind us that this was not a hearing, and what was being decided was not Land Use. (Perhaps they thought Goal 1 didn’t therefor apply?) The public was not informed prior to the meeting that testimony would be limited to the Bragdon-Hosticka map, which was introduced at the meeting. The Board gave a considerable portion of the time for public testimony to Metro Councilors and Hillsboro Mayor Wille, speaking for the Bragdon-Hosticka map, and then cut off testimony after less than half of those signed up had

spoken: 31 of 65. Although the remainder were invited to submit their testimony in writing, such testimony was purely for the record. It was clearly not before the Board to inform their deliberation, which followed immediately. The Board did discuss several controversial designations, but took only an informal poll of Commissioners' preferences, not a formal vote of any kind, to "guide" the Chair's input into the next day's Core 4 decisions. One commissioner decided after the meeting that she'd misspoken during the tally, and went back to so inform the Chair, who so reported to Core 4 the following day. The only piece of testimony from that evening which showed up later in Core 4 decisions was Mayor Hatcher's assenting nod from the audience when, as testimony was being cut off, Chair Brian asked if he had intended to ask for more "undesignated" land around North Plains. At the December 16 Core 4 meeting Chair Brian substituted undesignated for rural reserve land across Highway 26 south of North Plains, citing only the need for "wiggle room" as the city and county conducted their own reserves process following Metro's.

**Component 3: Citizen influence -- to provide the opportunity for citizens to be involved in all phases of the planning process.** The Washington County Planning Directors meetings were closed to the public; this body developed reserves recommendations which were adopted by the Washington County Reserves Coordinating Committee mostly unchanged.

The Washington County Reserves Coordinating Committee, which reviewed the recommendations prepared by the Planning Directors, was composed of elected officials (mayors), who all wanted extensive urban reserves added to their cities. There was one vote given to the Washington County Farm Bureau, which was consistently outvoted due to the unbalanced composition of the WCRCC. These meetings were all held during the day, which made it difficult for working citizens to attend. Furthermore, "input" was limited to three minutes at the end of the meeting, with no interaction.

Clearly no opportunity was provided for citizens who didn't happen to be mayors, city council members, planning directors, or members of a favored development group, to be involved in any stage of Washington County's planning but the final, formal Ordinance process. Very little changed there, except the last-minute additions of Peterkort and rural rights of way to urban reserves, and those were proposed and/or supported by LUT planning staff.

As a result of having so little voice in the reserves planning process, grass roots groups of citizens formed, such as "Save Helvetia", and were able to join with many other groups to speak up for the original purpose of SB1011 and our interest in creating, as well as talking about, a "greatest place".

**Component 4. Technical Information - to assure that technical information is available in an understandable form.**

County staff utilized a sophisticated array of software, GIS mapping, screens and filters to analyze the study area at various levels. This software was not available to the general public. The general public, and even citizens with advanced degrees, were unable to penetrate the various layers and levels and overlays to understand how the county staff determined the various attributes of the study areas.

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**Component 5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.** See comments under Component 2.

**Component 6. Financial Support – To insure funding for the citizen involvement program.** “Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.”

While Washington County does fund staff for its adopted Citizen Involvement Program through the Extension Service, and it does have public relations specialists in both LUT and the County Administrator’s Office, these resources are not being deployed in a way that meets Goal 1 requirements and purposes. Newsletters are sent, meetings are held, but attention and interest are minimal on the part of public and elected officials. This may be in part because the information disseminated is often more to publicize or market already-developed plans or projects than to offer meaningful opportunities to shape or guide or inform the plans or projects affecting one’s life or community.

Perhaps it is not surprising that Washington County failed to comply with key elements of Goal 1. The Coordinated Public Involvement Plan for Urban and Rural Reserves Planning in Washington County 2008-2009 calls upon the county only to “provide opportunities for public input on key elements of the project” and to “hold public hearings on final recommendations for Rural and Urban Reserves in Washington County.” Not a very high bar.

Because the citizen involvement process did not involve citizens effectively, WCRCC recommendations for urban reserves reflect the interests of the Planning Directors (who represent their local elected officials), the county planning staff (whose Land Use and Development Department’s budget is derived almost solely from development fees) and the mayors of local cities. Left out of the process were citizens of unincorporated Washington County, those whose livelihoods depend on the stability and continuity of rural resource protections, and those who are strong advocates for sustainability, livability, and protection of natural and cultural resources threatened with urbanization. The value of the rural economy, rural resources--and the legal obligation of policy makers to balance these interests with those of urban expansionist market forces--all eluded this unfortunately biased group.

Washington County did not get all the urban reserves WCRCC asked for in the Core 4 process, due to the modifying effects of other partners in the process. Still, as other Objectors argue forcefully, the remaining Washington County Urban Reserve designations and their findings are faulty and out of compliance with applicable statutes and OAR’s. Arguably, real citizen involvement in all stages of reserves planning would have produced a more balanced and legally defensible set of urban and rural reserves. Ordinance No. 733 was developed without complying with key elements of Goal 1: its findings are flawed, skewed to serve the particular interests of the groups who controlled the planning process.

**Remedy to Objection 1:**

Remand Ordinance 733 to Washington County, requiring officials to consult with its CCI in planning a review/revision process and forming an advisory committee that is broadly

representative of all stakeholder interests, that balances and coordinates rural and urban interests, and that incorporates leadership from Farm Bureau, 1000 Friends, Tualatin River Keepers, and other respected natural resource advocacy groups as well as leaders of small and corporate, rural and urban-centered businesses. Voting rights on the committee should be balanced, so that no one “bloc” can overwhelm all other input, as occurred with the WCRCC. Give direction to the County and its advisory committee to re-designate rural and urban reserves in compliance with factors per the remedies suggested in other Objections. Additionally, LCDC might consider requiring facilitation of the advisory group by a qualified independent consultant or firm, at County expense; or perhaps encourage development/training for Board and senior county staff – especially in DLUT–on effective means of soliciting and using citizen participation in public policy-making. (We have experts on such processes in the Portland area; it’s a shame not to use them where the need is so keenly obvious.)

**Explanation of Objection 2: The so-called “technical amendments” to the IGA with Metro, adopted in Washington County Ordinance 733, convert 212 acres to urban reserves from the rural sides and rights-of-way of 22 roads adjoining rural reserves, in violation of Reserve Statutes, Rules and Goals detailed below:**

Washington County’s Ordinance 733 puts into urban reserves 22 roads that are in, or borders for, rural reserves. Acknowledging these designations would expand the types of alterations that can be made to those roads, including allowing them to be “improved” or “upgraded” to urban standards. Some of these roads barely touch an urban reserve and are miles from urban levels of development. Increasing the potential to locate and expand existing roads to urban standards in rural areas does not protect agriculture and is contrary to the reserve rule.

The purpose of rural reserves is not merely to protect those areas from potential UGB expansions. Rather, rural reserves are to be both selected and protected to maintain large blocks of farm and forest land in long-term production. As the Legislative Assembly found, the purpose of reserves is to:

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

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

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

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

**Component 5. Feedback Mechanisms – To assure that citizens will receive a response from policy-makers.** See comments under Component 2.

**Component 6. Financial Support – To insure funding for the citizen involvement program.** “Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.”

While Washington County does fund staff for its adopted Citizen Involvement Program through the Extension Service, and it does have public relations specialists in both LUT and the County Administrator’s Office, these resources are not being deployed in a way that meets Goal 1 requirements and purposes. Newsletters are sent, meetings are held, but attention and interest are minimal on the part of public and elected officials. This may be in part because the information disseminated is often more to publicize or market already-developed plans or projects than to offer meaningful opportunities to shape or guide or inform the plans or projects affecting one’s life or community.

Perhaps it is not surprising that Washington County failed to comply with key elements of Goal 1. The Coordinated Public Involvement Plan for Urban and Rural Reserves Planning in Washington County 2008-2009 calls upon the county only to “provide opportunities for public input on key elements of the project” and to “hold public hearings on final recommendations for Rural and Urban Reserves in Washington County.” Not a very high bar.

Because the citizen involvement process did not involve citizens effectively, WCRCC recommendations for urban reserves reflect the interests of the Planning Directors (who represent their local elected officials), the county planning staff (whose Land Use and Development Department’s budget is derived almost solely from development fees) and the mayors of local cities. Left out of the process were citizens of unincorporated Washington County, those whose livelihoods depend on the stability and continuity of rural resource protections, and those who are strong advocates for sustainability, livability, and protection of natural and cultural resources threatened with urbanization. The value of the rural economy, rural resources--and the legal obligation of policy makers to balance these interests with those of urban expansionist market forces--all eluded this unfortunately biased group.

Washington County did not get all the urban reserves WCRCC asked for in the Core 4 process, due to the modifying effects of other partners in the process. Still, as other Objectors argue forcefully, the remaining Washington County Urban Reserve designations and their findings are faulty and out of compliance with applicable statutes and OAR’s. Arguably, real citizen involvement in all stages of reserves planning would have produced a more balanced and legally defensible set of urban and rural reserves. Ordinance No. 733 was developed without complying with key elements of Goal 1: its findings are flawed, skewed to serve the particular interests of the groups who controlled the planning process.

### **Remedy to Objection 1:**

Remand Ordinance 733 to Washington County, requiring officials to consult with its CCI in planning a review/revision process and forming an advisory committee that is broadly

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

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

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

As will be discussed in more detail below, placing urban infrastructure, particularly roads built to urban standards, through or alongside rural reserves, fails to protect the resources uses to encourage long-term investment.

There has been no showing of need for these urban reserve expansions. **Washington County Findings, II.B.3) Proposed Adjustments to Ordinance No. 733, Technical Amendments 4)**, p.25, says only:

“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.* [emphasis added] 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 (Washington County Record Pages 8533-8554). “

We can speculate about rationales, but the findings as such tell us no more than that county staff thought there might be a problem, and the Board and IGA partners said in effect, “well, OK then, make the rural sides of the roads urban.” But these roads are notably boundaries to *rural* reserves, and they have functions which are in conflict with urban reserve designations. Making the roads urban creates problems for farming and farmers, and has no support or justification in applicable statutes and rules:

**The amended road designations in Ordinance No. 733 fail to satisfy Goal 3 - Agricultural Lands OAR 660-015-0000(3)**

Urban growth should be separated from agricultural lands by buffer or transitional areas of open space. In the case where a strong natural buffer doesn’t exist, such as a floodplain or creek or river, roads act as buffers between urban areas and agricultural lands. Crossing the road and 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.

**OAR 660-027-0050(8)** Requires that urban reserves “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.”

Many of the subject roads are through contested Foundation Farmlands in the areas of Hillsboro, Cornelius, and Forest Grove. Existing and potential connectors to the Sunset Highway have been the subject of increasingly intense lobbying for capacity-adding “improvements” for over twenty-five years. We know from experience with road expansions and realignments in what was rural southeast Washington County that the speed and volume of urban traffic on “improved” roads through farmland drives out farmers, and makes them ready to sell out to speculators.

Drawing on his own experience, Mr. Bob Vanderezanden, a farmer on Jackson School Road and a member of the Board of Directors of the Washington County Farm Bureau testified to Metro Council on May 20, 2010 in some detail about the burden placed on farmers by urban-designed roads adjoining fields they farm. He explained that with sidewalks or cement curbs and landscaping in place, as on recently “improved” roads leading north from Cornelius, farmers cannot spray up to the field’s edge, but must leave a strip of fallow land to avoid harming the sidewalks and/or landscaping. This strip grows noxious weeds, which contaminate the seed crops of the adjacent fields. Seed contamination results in a lower purity of the crop, causing the farmer more expense in cleaning and/or lower compensation per ton. (See Exhibits for photos showing the loss of productive farmable land due to curbing and sidewalks and associated weed build-up next to the curbing.)

In addition, when street lights are added to the rural, farming side of a road, crops that are in the vicinity of the street lights ripen 10 to 14 days earlier than the rest of the crop because of the extra warmth and light coming from the street lights. Trying to harvest a partial crop is not economically feasible, so the street lighting results in reduced income to the farmer.

Once sidewalks are installed on the rural side, then farmers are responsible for maintaining them and for any liabilities. (1) <http://washtech.co.washington.or.us/LDS/CDCdocs/502.pdf>

No evidence of such conflicts is acknowledged in the findings, nor are there designs proposed to assure that these newly urban-reserved roads will comply with Reserve rules.

**The amended road designations in Ordinance No. 733 fail to satisfy Goal 2.E. MAJOR REVISIONS AND MINOR CHANGES IN THE PLAN AND IMPLEMENTATION MEASURES -**

1. **Major Revisions** include land use changes that have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic/ a qualitative change in the character of the land use itself, such as conversion of a residential to industrial use; or a spatial change that affects large areas or many different ownerships.

The 22 roads rural roads designated urban reserve on both sides and developed to handle urban volumes of commuter and commercial traffic would have widespread significant impact on farming

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The 22 roads rural roads designated urban reserve on both sides and developed to handle urban volumes of commuter and commercial traffic would have widespread significant impact on farming

throughout Western Washington County, arguably threatening the agricultural economy of this region. They should not have been designated at the last minute, with inadequate findings or analysis or factual detail, but should require full analysis according to urban factors in **OAR 660-027-0050(8)**.

**2. Minor Changes**, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established.

Even if changing 22 rural roads to two-sided urban reserves *were* only “minor changes”, there is not an adequate factual base provided to support the change, and no public need or justification for the particular changes has been established in the record. It remains unclear how much land is taken for each right-of-way which would become urban reserves. According to Brent Curtis, Planning Manager at Washington County LUT Department, it varies according to the type of road, “It’s situational”. He suggested that concerned members of Save Helvetia contact an engineer in the Washington County LUT Department to see if we could work with him to determine how much land each right-of-way might take. The burden is on Washington County to provide such factual detail to support the redesignation of this land in accordance with urban reserve factors and with Goal 2

**Remedy for Objection 2:** Reverse Washington County’s assignment of urban reserve designations on rural sides and rights of way of the 22 subject rural roads so mapped and adopted in A-Engrossed Ordinance 733. Alternatively, remand to Washington County for adequate factual base and compliance with all other statutory and rule requirements for urban reserve designations.

Respectfully submitted,

Linda Peters  
Former Chair, Washington County Board of Commissioners

## **EXHIBITS**

**September 24, 2009 to Metro Council**

**October 1, 2009 to Land Conservation and Development Commission**

**Resolution for Washington County Board of Commissioners from CPO 8**

**October 14, 2009 to Metro Reserves Steering Committee and "Core 4"**

**November 2, 2009 to Washington County Board of Commissioners**

**December 8, 2009 to Washington County Board of Commissioners (text of oral comments)**

**May 11, 2010 to Washington county Board of Commissioners re: Amendments to Ordinance 733**

**Photographs: Adverse effects on farming practices when the rural side of road right-of-way is improved**

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**Photographs: Adverse effects on farming practices when the rural side of road right-of-way is improved**

Linda B. Peters  
25440 NW Dairy Creek Road  
North Plains, OR 97133  
(503) 647-2301 Lbpete@earthlink.net

October 1, 2009

To: Land Conservation and Development Commission  
Re: Urban and Rural Reserve Designation Process

I am here today to share my concerns about a process that threatens the well-managed smart growth for which this region is justly famous. So far.

Washington County's current process for arriving at Urban and Rural Reserves misses the mark. Rather than using its own Citizen Participation Organizations--or forming a multiple-stakeholder advisory committee-- they fell back on what often works with "urban planning" issues: ask the city governments. But the issue here is urban *expansion*, and there's nowhere to *expand* but into Foundation Resource Lands, the same lands that are highly qualified to become Rural Reserves. Representing the interests of all rural areas, one vote was allocated on the Reserves Coordinating Committee to be split between two farmers.

The RCC recommendations were unbalanced, if predictable: a wish list, perhaps, from those who still equate growth with outward expansion; farms with bare, buildable land; and wooded uplands with tasty view sites for high-end residential development. One wonders if RCC participants really understand how closely their cities' economies and quality of life are linked to the vitality of surrounding farms, forests, natural areas and their scenic, recreational and cultural attractions.

The recommendations lack credibility in the region at large, and they are out of step with public opinion in Washington County: according to DHM's August poll for Metro, a whopping 65% of Washington County respondents felt that "new development to accommodate population growth should come through redevelopment of land within the current urban growth boundary."  
\* Most encouraging!

Inexplicably, the committee's report went directly to Metro without formal review or adoption by the Board of Commissioners. So the Board is in a bind: if Metro *were to* designate all the recommended areas as Urban Reserves, when and how could the Board consider those same lands for protection as Rural Reserves? It's the Washington County Board of Commissioners -- not its planning staff or city planning director-advisors--who are charged to consider and evaluate just such lands (adjacent or near the UGB, in viable productive use, threatened with urbanization) when designating Rural Reserves in the 2010 Comprehensive Plan Amendment process. Is the Board willing to forfeit its authority, side-stepping its responsibility for protection of high-value, sustainable natural resources? If it fails to consider lands which legally qualify for Rural Reserve protection, what are Washington County government's downside risks on appeal?

I sincerely hope that the Washington County Board will find a graceful route back into the

that name. It's become a terms of art, no longer just my or our local slogan. That's good.

It matters greatly to me that this region continue to honor and act on the concepts that "Smart Growth" embodies:

- making decisions that involve and honor those they affect,
- acting on good data rather than from sheer habit or interest group politics,
- employing creative design to solve otherwise intractable problems,
- carefully considering our real circumstances, constraints, and resources.

We still do have the planning tools we need. I'm grateful that at a time in history when our economic future is uncertain, our environmental and energy challenges unprecedented, we have good law to work with: policies, guidelines, administrative rules and precedents that—however complicated—in fact guide us away from hasty or short-sighted decisions we might someday regret..

I am profoundly grateful too for the quality of thought, conscience and leadership represented here today, in the people to whom we now turn for critical choices about our communal future. I honor your service, and I wish you courage and wisdom. Thanks for this opportunity to comment.

Sincerely,

Linda Peters

Washington County Commissioner, District 4, 1991-1994

Chair, Washington County Board of Commissioners, 1995-1998

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Linda Peters

Washington County Commissioner, District 4, 1991-1994

Chair, Washington County Board of Commissioners, 1995-1998

**Resolution : For Washington County Board of Commissioners  
from CPO 8  
Adopted October 13, 2009**

**Resolution: CPO 8 calls upon the Washington County Board of Commissioners to honor its duty under OAR 660-027-0060 to protect productive Resource Lands within its jurisdiction from encroaching urbanization, and to involve citizens effectively in the determination of Rural Reserves necessary to fulfill that purpose. Specifically, we urge the Board to:**

— Seek and use CCI consultation and advice in designing an expanded Washington County Reserves Coordinating Committee (WCRCC) and an effective citizen involvement process, for better information and greater integrity in the designation of Rural Reserves within in the 2010 Comprehensive Plan Amendment process.

— Provide for voting representation on the expanded WCRCC to include each rural area CPO; the farming, forestry, recreational/cultural tourism and other rural-related economic interests missing on the original committee, as well as advocates for wildlife and other elements of long-term community sustainability.

— Direct staff to develop a work plan for the 2010 Comprehensive Plan Amendment cycle which will elicit and support active input from affected citizens as the expanded WCRCC re-evaluates lands that could qualify for protection as Rural Reserves—including those previously recommended for Urban Reserve designation.

— Direct staff to work with the CCI and expanded WCRCC to revise assumptions, principles and ratings used to re-evaluate lands that could qualify for either Urban or Rural Reserve designations, rather than continuing to prioritize urban over rural land needs.

— Remind the WCRCC, Planning Commission, Planning Staff and each other to take seriously and respectfully their legal right and duty to protect valuable Resource Lands from urban encroachment per OAR 660-027-0060.

Linda B. Peters  
25440 NW Dairy Creek Road  
North Plains, OR 97133  
(503) 647-2301

Attachment 1  
cont

September 24, 2009

To: Metro Council  
Re: Urban Reserve Designation Process

It's been a long time since I spoke up in a hearing room—from either side of the table—but I am here today to share some thoughts with you, some concerns that grow out of many years of advocacy and policy making, plus ten years or so of pondering, playing hermit up between Mountaindale and Snoozeville. What follows comes from both head and heart.

It is axiomatic that when organizing an advisory group to build consensus or resolve conflict around a complicated community issue, the composition of the group must reflect fairly proportionally the interest groups who have a stake in the outcome. As far as I can tell, Metro was trying to implement this principle in designing a process to more effectively involve counties and cities in recommending new Urban Reserves.

In Washington County, however, the principle seems to have gotten lost in translation to the next level. The County employed a process similar to those used to advise on urban transportation priorities and urban stream protections: ask the cities. The difference here, of course, is that the issue is urban *expansion*, and the only place for urban areas to expand in Washington County is into prime Resource Lands, the same lands that are top candidates for Rural Reserves.

The composition of Washington County's Reserves committee was, to put it charitably, unbalanced: only one vote split between two farmers to represent the interests of thousands of landowners—and to remind the city folks how much *their* quality of life is tied to the rural lands around them.

The Committee seemed willing to sacrifice the goose that lays them lots of

golden eggs: scenic beauty, accessible recreation and wildlife areas, vibrant country arts and crafts, fresh local produce and good wines, and “cultural tourism” that attracts not just casual visitors but planners, researchers and officials from around the world eager to see how this region “does it.” (We used to take conference-goers through Washington County to see for themselves how maintaining a tight urban growth boundary works to build great communities!)

The Reserve Committee recommendations were predictable: a wish list, perhaps, from those who still equate growth with outward expansion, farmland with flat, buildable land, and wooded uplands with tasty view sites for high-end residential development. Inexplicably, their report went directly to Metro without formal review or adoption by the Board of Commissioners, despite the fact that if adopted, the recommendations would preclude the County’s potential designation of subject lands as Rural Reserves. A curious process indeed, and one I hope the Board will reconsider.

When I ran for County Commissioner in 1990, I coined the term “Smart Growth”. I wanted a snappier phrase than “integrated land use and transportation planning” or “planning for multi-use, pedestrian-friendly and transit-oriented development” or just “saving farmland.” I wanted to emphasize the connections among all of those, along with effective citizen participation in such design decisions.

Oregon’s land use planning system gave us important tools that many other states and regions lacked. How best could we use them? It came to me that we were not stuck with accepting either “no-growth” or the “slow growth” of staged suburban sprawl as alternatives to “runaway growth”. We were in fact learning from the experiences of other cities and regions, finding and creating better community designs. We could make better use of land already urbanized. Do smarter planning. Aha: Smart growth!

Once in office, I used that phrase in conference presentations and in meetings of the National Association of Counties’ Sustainability Committee. It caught on, spread as a tag for all sorts of programs at state levels and beyond, and I believe there’s now a coalition or conference by

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Attachment 1  
con't

October 14, 2009

To: Metro Reserves Steering Committee and "Core 4"

Re: Thoughts on Urban Reserve process and remaining decisions

I left office as Washington County Chair ten years ago, feeling some sense of accomplishment. I'd coined the term Smart Growth for my 1990 campaign, championed it as a citizen activist, Board member, MPAC member, and on the National Association of Counties' Sustainability Committee. There was hope, I thought, that our Board and Staff would continue--without my prodding--to effectively involve citizens in all stages of planning, and honor the vital interconnections between healthy rural and urban economies.

Today I look with a heavy heart at Washington County's Reserves designation process and recommendations. I'm reminded of the old saw about the fox guarding the henhouse. NAIOP interests are well represented in Washington County Reserve Coordinating Committee's (WCRCC's) framing of issues and in their report--not surprisingly, since NAIOP funded some of the technical work.

Citizen interests were under-represented in committee makeup, in staff's choice to prioritize Urban Reserve over Rural Reserve needs where lands qualify for either designation, and in resulting recommendations. No Citizen Participation Organization had a vote on the Committee. Staff's September 8 Issue Papers trivialize and dismiss citizen-submitted research and comment, particularly regarding the area north of Highway 26. Remarkably, the Washington County Board of Commissioners held no hearings and took no action on the draft recommendations.

Historically, in this region, there are two main ways that urban sprawl overtakes productive uses of natural resource lands:

1) Major UGB expansions: Corporate development interests--often led by industry associations--heavily influence State, regional and local policy making, so that planning is often framed around their economic objectives and perceived needs. The resulting expansions sometimes exceed actual needs, damaging rural communities and threatening long-term regional livability.

2) Incremental creep: Parcel-by-parcel, Boards and Councils accept well-packaged proposals to urbanize or annex specific properties. The properties may be owned or pitched by familiar voices, even former staffers. As each small addition creates a new urban edge, *their* adjoining lands attract investors who buy and lease back to farmers, awaiting the next opportunity to promote this development-ready and easy-to-serve property.

You have proposals of both types before you today: 1) WCRCC's draft recommendations for Urban Reserves; and 2) the packet from Mark Greenfield, the Angelo Planning Group, et.al., pushing Urban Reserve designation of the Standring/Hartung/Berger/Choban properties..

I urge upon this body the restraint Michael Jordan recommended in his September 15 COO Report. Please do not buy into the notion that urban land needs trump rural land needs. Our rural "henhouse" gives this region such golden eggs: beautiful and productive farmland and forests, natural areas and

wildlife, accessible outdoor recreation, and the resources we need for an uncertain economic future.

Please don't squander such valuable resources for just a few more industrial plants that—with political will and good design—can be located on existing urban land. Rural lands are our best and most versatile resource for meeting those challenges. They require our—and your—protection.

Thanks for the opportunity to comment today. I wish you courage and wisdom as you work through these complex decisions.

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Attachment 2

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# Washington County planning commission vote on urban reserves irks County Commission Chairman Andy Duyck

Published: Thursday, March 03, 2011, 3:35 PM Updated: Wednesday, March 09, 2011, 11:43 AM



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Washington County's attempts to pinpoint where growth should and shouldn't occur over the next 50 years just got a lot more complicated -- and contentious.

In a vote certain to be noticed by other elected officials around the region, the county's **planning commission** Wednesday recommended that a substantial piece of land north of **Cornelius** be opened up for future development.



Courtesy Washington County

Washington County Commission Chairman Andy Duyck

The rub? The targeted acreage has already been declared off limits to urban development by the state **Land Conservation and Development Commission**.

In fact, the county's initial proposal to allow development on the 624-acre Cornelius tract was the main reason the state agency **remanded** Washington County's entire urban and rural reserves plan last October.

Further, it's since been taken off the table by Washington County's commissioners themselves, who ostensibly oversee the all-volunteer planning commission.

County Commission Chairman **Andy Duyck**, while saying he values the planning commission's work, said this was an issue that the latter body should have avoided entirely.

"They can have hearings, but they don't have to take ownership on this like we do," he said. "They don't have to make it work with other jurisdictions to get the votes. On something like this, they truly are just a rubber stamp."

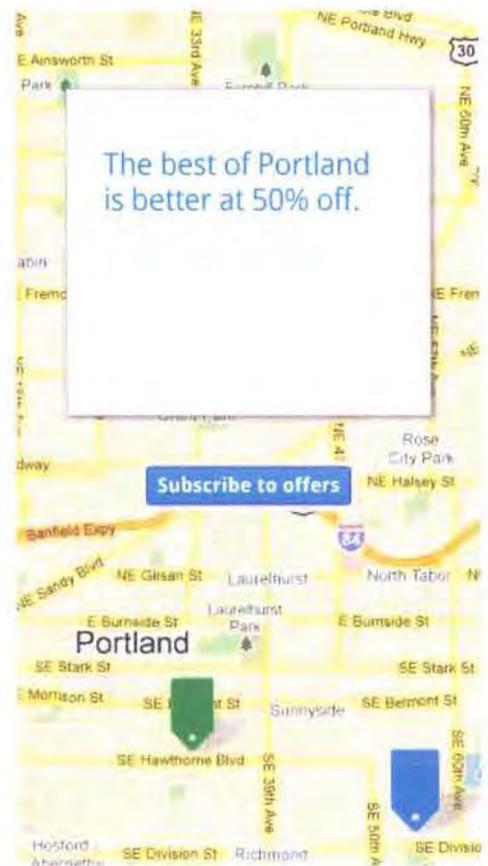
Duyck said he would have preferred that the planning commission not vote on the county's larger urban and rural reserve proposal at all.

"What this does is throw doubt into the process," he said. "If we can't get our own planning commission to understand the importance of moving ahead on this now, we're going to have a lot more problems going down the road."

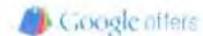
**Marc San Soucie**, planning commission chairman, said he spoke with Duyck Thursday morning. He described the conversation as cordial and light.

While acknowledging the regional implications of the vote -- both **Multnomah** and **Clackamas** counties essentially "**divorced**" Washington County in late 2009 over the very issue of including the controversial Cornelius piece as an urban reserve -- he nonetheless defended the planning

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commission's actions.

"I'm as aware as anyone that this could be viewed by some people as being a problem or obstacle to the board in that the planning commission didn't agree with their proposal," San Soucie said. "But the role of the planning commission in all of this is so slender, it's hard for me to interpret it as an obstacle to anything."

Planning commissioners, responding to emotional pleas from a handful of Cornelius residents, voted to approve 350 acres of the original 624-acre parcel for future urban-style development. That proposal continues to draw opposition from groups such as [Save Helvetia, 1,000 Friends of Oregon](#) and the Washington County Farm Bureau.

Just how many ripples the vote will cause in the run up to a [March 15 joint meeting](#) between Washington County and the [Metro Council](#) is unclear.

At that meeting, the two agencies will hold a public hearing and vote on a revised proposed urban and rural reserves agreement issued Feb. 22 by Duyck and [Tom Hughes](#), Metro Council president.

Once that is concluded, Washington County's commissioners will hear testimony on [Ordinance 740](#), which, if passed, will serve as the enacting ordinance for the newly signed intergovernmental agreement between the county and Metro.

The county will likely continue the hearing until March 29, at which time a final vote will be taken.

After that, matters are still up in the air. The urban and rural reserve plans drawn up by Multnomah and Clackamas counties have already sailed past the state land agency without objection.

However, regionwide cooperation is still needed before a process now three years in the making can be completed.

Although the respective counties have been negotiating their own intergovernmental agreements with Metro since the "divorce" of 2009, all four governments, under state law, must still adopt a joint set of findings for final submission to and approval by LCDC.

Although all of the Cornelius land has already been removed by Washington County's commissioners from their revised proposal, it's still possible that either of the other two counties, along with various citizens' groups, could object to the county's plans now of wanting to designate considerable acreage north of U.S. 26 for future urban growth.

And if that happens?

"Personally, I'm getting political fatigue from what's been a regional merry-go-round," Duyck said. "I'm getting to the point that, if we don't see an end to it, there's no point bringing up plans that are dead on arrival."

If the system for designating where growth does and doesn't take place for the next half century actually collapses, the county would then revert to the "old style" of targeting new land for development, Duyck said. That involved primarily using soil types to decide where to expand, with so-called "foundation farmland" soils being the last to be tapped and marginal or "exception" lands and soils being the first.

"That's not where I would like to go," he said. "But that may be the only choice left us," [Dana Tims](#)

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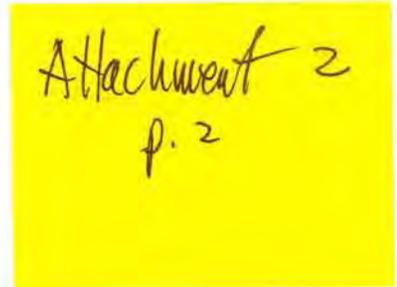
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jlointc March 03, 2011 at 5:34PM

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In other words, the heads of both Metro & Washington County Board of Commissioners have Spoken. Than it shall be done, right? One thing not captured in the article is the fact that LCDC issued what is being refer to as a "oral (verbal) remand". In normal practice i.e. due process, decisions by commissions are detailed in writing so their basis (facts & findings) can be verified and/or contested by all parties involved. No one has received such a document. The City of Cornelius wasn't even brought to the table to discuss the 'work' that went into drafting Ordinance 740. Instead a map appears, Cornelius land disappears, the County Chair & Metro President come to a conclusion on their own & release a Public Statement, and viola let's put this baby on the fast-track to IGA and back to Salem we go! Not so fast. I'm all for making progress in the region as soon as possible, and generating jobs jobs jobs. Which everyone agrees we so desperately need. But this action of moving quickly forward without involving those communities impacted for 50 years raises serious civil injustice questions.

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tombdragon March 03, 2011 at 11:48PM

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Cities and Counties need to exercise make more of these decisions - exclusive of the LCDC, and even Metro. The Counties need to preside over their jurisdiction, and so do cities, and they might not always agree, but that isn't the point - the LCDC isn't local - just like 1000 Friends - they are a political lobbying group, and have no interest in the health and welfare of residents, and only exist to tie up land use decisions in litigation to make property more expensive, and Oregon less attractive to business, and keep our state full of hungry and homeless Oregonians.

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Inappropriate? Alert us.

sduyck March 12, 2011 at 7:38AM

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if we dont like the current system we can always go to the legislature and change it...

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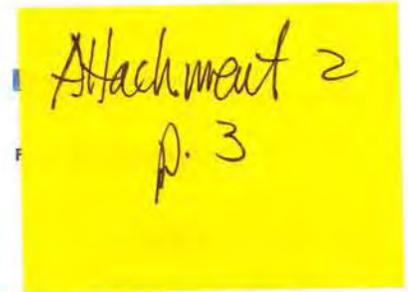
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Attachment  
3

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.

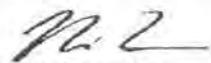
During a years-long process, the County agreed to provide an Urban Reserve to the north of Cornelius. It was a reasonable plan that achieved balance among competing interests. Shouldn't the Board of Commissioners stand up for local self-determination? Or should we bow to a non-elected state commission that has acceded to the wishes of influential special interests? Do we need to be reminded that the DLCD 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

# *Save Helvetia*

13260 NW Bishop Road  
Hillsboro, OR 97124

Attachment  
4

April 25, 2011

Director's Office  
Department of Land Conservation and Development  
635 Capitol Street NE, Suite 150  
Salem, OR 97301-2540

Re: Remand of Washington County's Ordinance No. 733 and Metro's Ordinance No. 10-1238A

Dear Director Whitman,

Save Helvetia is a community organization whose supporters testified in the Reserves hearings in Washington County, before Metro Council and before LCDC (on 10/29/2010). We have been patiently awaiting the written remand order so that we might determine our response.

In the meantime, Washington County Board of Commissioners indicates that your "oral order of remand" was sufficiently clear to them to proceed with their response. They are taking the approach that only several components of the Ord. 733 submission need alteration. Metro appears to accept this approach.

As an organization with standing before LCDC, we are perplexed. We take issue with not only the amendments taking place now (Area 8D Urban Reserves, Area 8-SBR Undesignated) but with items that were before you in October (Area 8B Urban Reserves). Washington County treats them as "settled". We do not.

We had a recent conversation with a LCDC commissioner, who expressed surprise and concern regarding the lack of a timely, written order following their findings.

Please inform us as to the rationale for the lack of a timely and written remand order, following nearly 6 months. Please inform us how this lack of written order impacts our standing and rights of appeal to items beyond Washington County's current and narrow amendment process.

We express concern that citizens and organizations with standing have been given no communication about the lack of written remand order and that this then contributes to the Reserves process being less than transparent.

I look forward to hearing from you at your earliest convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "Cherry Amabisca", with a long horizontal flourish extending to the right.

Cherry Amabisca  
Chair, Save Helvetia

cc: Save Helvetia Steering Committee  
Linda Peters, Chair, CPO 8

**Robert Bailey**  
7455 NW Helvetia Road  
Hillsboro, Oregon 97124

April 26, 2011

Board of County Commissioners  
Multnomah County  
Portland, Oregon



**Supplemental Information for the Urban and Rural Reserves Record**

I start with **praise** for those decision makers among you who have kept an open mind and shown respect for citizen involvement and input. I **praise** those who have managed to keep the protection of prime farmland a functional goal during this Reserves process.

The Legislative Assembly granted **historic authority** to Metro and the three counties to undertake the Reserves process. It is said that this legislation grew out of the farmers' aspirations for certainty. The process appears to have delivered that more in Multnomah and Clackamas Counties.

In Washington County, cities' and county aspirations (other than Cornelius) appear to be getting the **land use certainty**. Consensus with citizens and the agricultural sector has gone wanting. Communication from LCDC has been less than transparent and in particular they have failed to communicate their lack of a written remand order. This thwarts the due process of objectors.

Save Helvetia made a request for some public records from Washington County Administration. We have posting these on our website for public review: [www.SaveHelvetia.org](http://www.SaveHelvetia.org). We submitted into the record a CD of documents but I will reflect on a few at this time. They offer a glimpse into a largely invisible process, the stage curtains parted for a moment in time.

- The current changes in Ordinance 740 were the initial product of Tom Brian and Andy Duyck, and then broadened to include Tom Hughes and Metro councilors Hostika, Harrington, and later Colette.

- Washington County has had three votes for Ordinance 740 throughout the process and long before any hearings took place. See Tom Brian's e-mail dated 11-14-10.
- There are hints that LCDC could not write a written remand order dating from early November: Mulvihill email of 11/1/10 and Brian email of 11/2/10. LCDC has yet to communicate with the public whether they could, would, couldn't and if so, why or when. This has been detrimental to the standing and due process of the parties who opposed parts of Ordinance 733. This gap has been used by Metro and Washington County to move rapidly forward with an amended plan. Those with standing now are realizing that that they are standing in the dust of their Goal One rights.
- The e-mails show Metro Chairman Hughes, and Councilors Harrington and Hostika as mutual architects of Ordinance 740 beginning in early December on. Hughes was involved before he came on to the Metro chairmanship: see Tom Brian e-mail dated 11/14/10.
- Metro attorney Benner advocated to LCDC's Richard Whitman not to finish a written order of remand, to limit "litigation" from those in opposition. See Benner e-mail dated 1/5/11.
- Washington County's attorney Dan Olsen communicated with LCDC's Director Richard Whitman about the timing or lack of written remand order: see Olsen e-mail dated 11/23/10.
- There is growing concern in the community that Director Whitman is actively advocating for adoption and acceptance of the regional reserves proposal instead of acting in a neutral way. The lack of a written order and the lack of clear and timely communication with the public about the status of the order are disappointing. It is also rumored that the Director set aside his staff's assessments of the original reserves decision and related Objections and replaced them with his own.

While this is far from a full picture, it does offer a glimpse into the **very exclusive and internal** planning. It strongly suggests that the hearings have

been a **roll-out** of the pre-ordained plan. What few changes occurred appear more as attempts at charades of compromise and/or choreographed empathy for the taking of prime farmland.

I also oppose Washington County's use of undesignated land. It has been used alternatively in an attempt to mollify the City of Cornelius, and conversely to add urban reserves (lite) in Helvetia, while appearing to compromise.

Washington County released its Reserves "Reasons for Designations for Urban and Rural Reserves" on April 21<sup>st</sup>, the day of the final Metro hearing, and after the close of three of its four hearings:(3/15/11, 3/29/11, and 4/19/11). This is a **bare minimum** of facilitating citizen access to key documentation. When I look at Tom Brian's e-mail memo dated 11/14/10, I think that it is reflective of the **current culture of citizen involvement**.

**Washington County and Hillsboro came to the dance, hand in hand with agriculture. Washington County and Hillsboro now leaves the dance with the development sector. The development-government complex** has arrived in Washington County and Hillsboro. One does not have far to look for examples of those circulating between government and development. The mantra of jobs has been effectively used to re-define Oregon's history of land use values. Farmers here are now treated as a second class sector. Washington County wants to grow us to 1,000,000 in a radically short period of time, benefit from an increased tax and fee base, and have us all pay for a one billion dollar dam project necessary for this rapid expansion. They proclaim it prudent planning. It is a choice that they make and that they benefit from.

**Measured growth is available without taking prime farmland.**  
Robert Bailey  
Save Helvetia

Attachments of public documents from Washington County



# Oregon

John A. Kitzhaber, M.D., Governor

## Department of Land Conservation and Development

### Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



Attachment  
6

March 9, 2011

Robert Bailey  
SaveHelvetia.org  
7455 N.W. Helvetia Rd.  
Hillsboro, Oregon 97124

Re: Public Records Request

Dear Mr. Bailey,

In accordance with ORS 192.440(2), this is to acknowledge our receipt on February 27, 2011, of your request for the following records:

- Written, audio, or video minutes of: The meetings (electronic, telephonic, video teleconference and/or face to face) between Washington County Board of County Commissioner's Chair, Andy Duyck, and/or Washington County Department of Land Use and Transportation staff, with Oregon DLCD's Richard Whitman and/or Oregon DLCD staff, and any Metro elected official and/or staff, from the date of the oral Remand of Washington County's Ordinance 733 on October 29, 2010 forward to the present.
- Description of public notice given to these public meetings.

Having reviewed your request, I can tell you that there have been no public meetings regarding this topic. Two meetings have occurred between DLCD Director Richard Whitman and Dick Benner of Metro. The two meetings occurred on November 4, 2010 and January 31, 2011. No notes or written records for either meeting were created.

If you have any questions feel free to contact me at 503-373-0050 ext. 322 or via email at [Casaria.r.tuttle@state.or.us](mailto:Casaria.r.tuttle@state.or.us).

Sincerely,

Casaria Tuttle  
Records Coordinator

Attachment  
7  
bottom of page**Brent Curtis**

**From:** Richard Benner [Richard.Benner@oregonmetro.gov]  
**Sent:** Wednesday, January 05, 2011 10:01 AM  
**To:** Brent Curtis; BEASLEY Charles; dan chandler (dchandler@co.clackamas.or.us)  
**Cc:** Tim O'Brien; John Williams; Dan Cooper  
**Subject:** Draft Remand Findings  
**Attachments:** Reserves new findings.doc

1/4/11

Brent, Chuck and Dan:

Here is a draft of revisions to the "overall" findings (pp. 1-16) in redline so you can see what's new.

You will recall that the principal *legal* basis for LCDC's remand of several urban reserves in Washington County was that the findings did not adequately respond to the requirement in 0040(11) of the rules. First, the findings did not expressly explain why we designated Foundation Ag Land as urban reserve with reference to the *rural* factors in the rules. Second, there was concern that the explanation with reference to the urban factors was not sufficiently clear and precise.

With these weaknesses in mind, I added paragraphs that explain why we designated Foundation Agricultural Land as urban reserve in relation to the rural factors. I also beefed up the discussion of urban factors (more precision; more references to facts in the record).

As I started this, I thought Multnomah and Clackamas counties – where Metro also designated Foundation Land as urban reserve – would have to strengthen their findings. However, having completed this draft, I now think we can cover the weaknesses in the overall findings. Let me know if you agree with this assessment.

Some of the redlining is simply moving old text to new places. The acreage numbers sprinkled throughout the overall findings will need adjustments to reflect a yet-to-be-reached agreement between Metro and Washington County. Significantly, the new numbers will almost certainly *not* require a change in the current 50-year reserves period.

I intend to add materials to the record in the process leading to adoption by the Council of an ordinance revising the map of reserves in Washington County. You can see what I would add by finding my citations to "Metro Supp. Rec. \_\_\_."

NOTE: I will need some help with citations to your records for the findings on pp. 7 and 8 (suitabilities).

NOTE: Metro and Washington County have tentatively scheduled meetings to adopt ordinances to re-designate reserves in the county in the second half of March. Multnomah and Clackamas counties will, at least, have to re-adopt the overall findings (as with the first designations, no county has to adopt another county's findings) as revised. In order to submit the remand package to LCDC as quickly as possible (to have a chance to gain full approval LCDC's June 16-17 or August 4-5 meeting), Dan and Chuck should try to get adoption of revised overall findings on the counties' schedules for the end of March.

Last point: Chuck and Dan, I do not know what Richard Whitman has decided about entry of a remand order (I hear only rumors). He told me weeks ago that he was mulling the question and would not issue an order without checking with us. (I've urged him NOT to enter an order but, rather, to cut down on litigation, wait til

3/25/2011

we re-submit and enter a final order after approval.) If the department decides not to issue a remand order, that means your two counties have an opportunity to "fix" anything that you think makes the designations vulnerable to the inevitable appeals of the LCDC approval order to the Court of Appeals.

Dick

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Dick



Attachment  
7  
conf

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3/25/2011

**Robert Bailey**  
**7455 N.W. Helvetia Road**  
**Hillsboro, Oregon 97124**



**March 29, 2011**

Washington County Board of County Commissioners  
Hillsboro, Oregon

**Testimony for a Hearing on Ordinance 740**

For the record, we (SaveHelvetia) asked the State of Oregon Department of Land Conservation and Development Department, through a public records request, to disclose the communication they had with Washington County commissioners and/or staff since the October 29, 2010 oral remand, and related to the remand of Ordinance 733 and what was to become Ordinance 740.

We were surprised that the county was moving forward in mid-December, without any written remand order. We testified then and since, that Washington County should await the written order. We expressed concern that moving forward without the written order lacked clarity but also did not allow community groups such as SaveHelvetia to sufficiently participate in their Goal One based citizen involvement and participation role.

The Washington County BOCC determined by vote, nonetheless, to move forward, based on their understanding of the oral remand. This occurred just before two commissioners were to leave their roles and a new commissioner was to begin. This gave the impression of a rapid vote while the votes might be in support of this course of action.

We were surprised to learn that the State Department of Land Conservation and Development indicates that they had NO communication with Washington County commissioners or staff as Washington County moved rapidly to create Ordinance 740.

We again express our concern that this rapidly moving context puts citizen involvement in an inappropriately reactive position, not knowing the detail of the remand, and not being fully able to determine our rights of appeal through our bona fide standing in this matter.

For the Record,

Robert Bailey  
For SaveHelvetia

Attachment 9  
see item #6

>  
>  
>  
> From: Tom Brian [mailto:tom.brian@frontier.com]  
> Sent: Saturday, December 04, 2010 11:23 AM  
> To: Roy Rogers; Dick Schouten; [REDACTED]  
> Cc: Andy Duyck; Brent Curtis; Dan Olsen; Robert Davis; Andrew Singelakis; Dennis  
Mulvihill  
> Subject: FW: Draft Urban and Rural Reserves Map, Responding to LCDC...draft email to our  
BCC colleagues...

>  
>  
>  
> To: Roy, Dick and Desari

> From: Tom and Andy

> Colleagues:

>  
> Andy and I have been working with staff, legal counsel, Metro Counselors, and the  
LCDC director to develop this proposed response to LCDC's decisions (and likely official  
order). We have reviewed substantial LCDC meeting notes and our staff and counsel have  
been working with their counterparts at Metro and LCDC to avoid misunderstandings and to  
hopefully, arrive at a response that is acceptable to our Board, the Metro Council and the  
LCDC. We apologize in advance for the length of this discussion, but as you know, it is  
complex and there have been a lot of discussions and meetings in the past month.

> There is general agreement and understanding that we are operating under the  
following principles:

> 1) Per the authority included in LCDC's action, it is our goal to replace Urban  
Reserves by Cornelius (624 acres) and Forest Grove (28 acres) "acre for acre" and near as  
practicable.

- > 2) Replacement acreage would be "type for type," in other words, employment land for employment land, residential land for residential land.
- >
- > 3) Replacement acreage will be contiguous to current Urban Reserves, and shall not exceed the gross acreage "lost" as a result of the LCDC decision. Significant natural features, roads, or property lines shall be used as boundaries whenever possible.
- >
- > 4) Current Rural Reserves and Undesignated acres may be modified in order to comply with LCDC's decision.
- >
- > 5) Some members of LCDC expressed concern regarding the small amount of undesignated lands and suggested the County should "look at that" although the addition of undesignated land was not directed. Some also offered that we may have protected too much farm and forest land with Rural Reserves designations that were not necessary.
- >
- > 6) There is general agreement that sufficient analysis and public comment is in the record from which the amendment can be fairly considered; neither Metro nor the County feels it is necessary to re-open the analysis process or conduct an extensive outreach and public information effort.
- >
- > Metro has asked that an amendment to our current IGA with them be amended before the end of the calendar year if agreement can be reached, for the following reasons:
- >
- > a) This action is likely to receive better consideration by the Metro Councilors, our Board members, and staff who have been working on URRs for the past three years (meaning, take advantage of the knowledge, history of the work, negotiating relationships).
- >
- > b) It may be some time before LCDC's order is 'actionable' due to possible appeals, and it would be helpful to the region to have an amended agreement to look to while appeals run their course.
- >
- > c) Property owners would be benefitted to know the direction the region is headed in its response to the LCDC decision. Several owners have offered to have their properties included in the modified Urban Reserve and are once again becoming active for that purpose; it would be constructive to inform them whether or not their properties are to be included.
- >
- > d) To achieve an URRs IGA modification as requested, our Board would have to take action on December 14th and Metro Council on December 16th. Both agencies are taking steps to preserve that opportunity for their governing bodies.
- >
- > e) Due to the short timeframe, Andy and I suggest the attached draft maps (and explanation that will be available Monday, December 6) be immediately distributed (Monday) to the public (including but not limited to the media, the cities, Metro and interested parties such as the Farm Bureau, TRK, 1000 Friends of Oregon, NAIOP, WEA, our notification list, and other parties).
- >
- >
- >
- > Other Comments:
- >
- > Following our understanding of LCDC's directive, and after discussion with Metro, LCDC and staff, Andy and I set out to determine a draft response to LCDC. LCDC's primary directives were to 1) eliminate all Urban Reserves in area 7 (i), the land north of Council Creek, north of Cornelius, 2) strengthen the findings for area 7 (b), in Forest Grove and north of the Council Creek tributary, or, eliminate some or all of this area if we chose not to strengthen the findings.
- >
- > As to Forest Grove, we recommend eliminating all Urban Reserves east or north of Council Creek, and making the area Undesignated. This is marked as "A" on the revised draft maps and involves 28 gross acres and 16 net buildable acres; it is adjacent to State Highway 47 and Purdin Road. The remainder of the Forest Grove 7 B area would be retained as URs residential land and its findings strengthened per LCDC's suggestion.
- >
- > As to Cornelius 7 (i), the area North of Council Creek. We recommend eliminating all Urban Reserves in this area in compliance with LCDC's directive. This is a reduction of

624 gross acres of URs and 470 acres of net buildable. The area west of Susbauer Road, marked as "B" on the revised draft maps would be designated Rural Reserves. The area east of Susbauer Road, marked as "C" on the revised draft maps would be identified as "Undesignated."

>  
> Combined, these recommendations would result in a reduction of Urban Reserves of 652 gross acres and 486 net buildable. Virtually all of this land is considered 'employment land.'

>  
> As to where to locate the replacement acreage, we examined all areas in Washington County that were contiguous to current Urban Reserve designations, and suitable for employment land. Without going into rather exhaustive detail at this time, we eliminated the option of adding the replacement acreage in Sherwood, Tigard, Cooper Mountain, South Hillsboro or South Cornelius. This left the area north of Hwy. 26 and south of West Union Road, and bounded on the west and east by Jackson School Road and Shute Road (now the northerly extension of Brookwood Parkway) respectively. This "rectangle" current includes 88 acres of URs, 585 acres of Undesignated and 632 acres of RRs. Andy and I recommend the following:

>  
> 1) Moving from east to west, starting with the UR corner piece of 88 acres, change the 585 acres of undesignated and 40 acres of Rural Reserves to Urban Reserves (total replacement acres: 625 as compared to the reduction of 652). These replacement areas are marked as "E" and "F" on the draft revised maps.

>  
> 2) To recoup the reduction of Undesignated land, continue west and change 592 acres from Rural Reserves to Undesignated. This area is marked as "D" on the draft revised maps.

>  
> 3) The northwest corner of the "rectangle," adjacent to Jackson School Road and West Union Road, will remain Rural Reserves to serve as a buffer between the communities of North Plains and Hillsboro. This designation was agreed to and considered sufficient by the two cities, Metro and our Board previously.

>  
> Finally, there is the matter of whether we should add undesignated lands or reduce Rural Reserves designations as referenced by some of the LCDC members. We are suggesting a conservative approach to this. First, we recommend we leave our Rural Reserves designations intact and as currently depicted, other than as modified by item #2, immediately above. We also recommend that we not pursue extensive new Undesignated areas simply to add a few thousand acres of potentially buildable land. We do, however, recommend three additional Undesignated areas:

>  
> a) The area marked "G" on the draft revised map includes 832 gross acres (515 net buildable acres). This designation could be the location of residential development to support the substantial employment land in the longer term future. It would help provide jobs/housing balance and housing in close proximity to the jobs to reduce commuting miles. It is bounded by three major transportation corridors: 185th, West Union Road and Cornelius Pass Road. The Undesignated status would also assist the County in achieving the ability to improve the intersection of Cornelius Pass Rd., Germantown Road and 185th in the future. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

>  
> b) The area marked "H" on the draft revised map includes 67 gross acres (41 net buildable). Undesignated is recommended solely for the purpose of facilitating a future transportation connection from TV Highway (also South Hillsboro/Cornelius Pass Rd.) to Farmington Road. This will enhance connectivity of all modes. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

>  
> c) The area marked "I" on the draft revised map includes 9 gross acres (zero buildable). Undesignated is recommended solely for the purpose of facilitating future transportation improvements along State Highway 99 W. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

>  
> Unfortunately, Andy and I will be in Washington DC from tomorrow morning (12/5) until late Thursday evening (12/9) and thus not available for meetings. However, we will both have access to email for your comments, questions or suggestions and we will do our best

to respond. Brent is, of course, an excellent source of information.

>

> Thank you,

>

> Tom and Andy

>

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>

> <AreaE.PDF>

> <DraftIGAmap.pdf>

> <Dec03\_mapB.PDF>

> <Dec03\_Acres.pdf>

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**From:** Mike Dahlstrom  
**Sent:** Wednesday, December 08, 2010 7:38 AM  
**To:** 'Nick Christensen'  
**Cc:** Philip Bransford  
**Subject:** RE: Reserves

Good morning Nick.  
Sorry for the delay in getting back to you.

The original proposal began with discussions from Chair Brian and Chair-Elect Duyck. The other three commissioners were then given information to review late last week. The worksession yesterday was the first opportunity for Commissioners to discuss this publicly.

Regards,  
Mike

*Mike Dahlstrom  
Program Educator  
Washington County - DLUT  
Planning Division #350-14  
155 North First Avenue  
Hillsboro, OR 97124-3072  
503-846-8101  
[mike\\_dahlstrom@co.washington.or.us](mailto:mike_dahlstrom@co.washington.or.us)*

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**From:** Nick Christensen [<mailto:Nick.Christensen@oregonmetro.gov>]  
**Sent:** Tuesday, December 07, 2010 3:37 PM  
**To:** Mike Dahlstrom  
**Subject:** Reserves

Mike –

There was some question at the council today as to whether the Duyck/Brian memo reflected a proposal from Washington County or just the opinion of two commissioners. Are you able to clarify?

Thanks,

Nick Christensen  
News Reporter  
Metro  
[nick.christensen@oregonmetro.gov](mailto:nick.christensen@oregonmetro.gov)  
503-813-7583 (desk)  
503-952-6757 (cell)

<http://oregonmetro.gov/news>

Attachment  
10

Date: November 24, 2009

To: Reserves Steering Committee Core Four  
Washington County Board of Commissioners

From: Citizen Participation Organization 8 (CPO 8)

Re: Motion on Rural Reserves in CPO 8

Following is the motion that was passed by the attendees at the November 10, 2009 CPO 8 Meeting, along with the recorded vote:

**CPO 8, of those here present, endorses the designation of rural reserves status for those lands north of Highway 26 and east of Jackson School Road, within CPO 8, that the Washington County Reserves Coordinating Committee recommended as urban reserves or undesignated.**

Yes - 30

No - 1

Abstentions - 2

During the meeting, about 90 minutes were spent in discussion of the proposed motion. The CPO 8 Steering committee believes that the motion:

- embodies the needs of North Plains for adequate growth

- provides for protection of the area commonly referred to as "Greater Helvetia" that lies within CPO 8 boundaries, and
- removes the ambiguity associated with the "undesignated" label as called for by the recommendation released by the Washington County Reserves Coordinating Committee.

Signed:

CPO 8 Steering Committee

Attachment  
11**Brent Curtis**

**From:** Andy Duyck [REDACTED]  
**Sent:** Monday, November 01, 2010 10:28 AM  
**To:** Tom Brian; 'Dennis Mulvihill'  
**Cc:** Brent Curtis; Andrew Singelakis; Dan Olsen; Robert Davis; Dennis Mulvihill; Rob Massar  
**Subject:** RE: Urban and Rural Reserves

Tom,

There probably isn't much that I can say until we talk. I intend to be at the public services building this afternoon to discuss this with Staff. I will give you a heads up that my inclination is not to roll over on this one. We developed the reserves in good faith. I would expect LCDC to respect that. Is there anything we can do to accommodate your health situation?

Andy

**From:** Tom Brian [REDACTED]  
**Sent:** Tuesday, November 02, 2010 7:52 AM  
**To:** 'Dennis Mulvihill'; Andy Duyck  
**Cc:** 'Brent Curtis'; 'Andrew Singelakis'; 'Dan Olsen'; 'Bob Davis'; 'Dennis G Mulvihill'; 'Rob  
**Subject:** RE: Urban and Rural Reserves

Attachment  
12

All

Interesting if LCDC can not adopt an order implementing their decision of last Fri would be their order that would require us to review our plan and without the order that directive? Of course, we would be smart to recognize it is pending and start our review.

Frankly, and I have not talked to staff or Andy, but I think there are a LOT of options to consider, and we should be very little comment to ANYONE until we have a chance to discuss some of them, even preliminarily. I have been contacted by KH and CH who are anxious to start talking. I think there is some thought out there regarding the election tomorrow night and an inkling that Metro and others would much more like to work with the current, "known" BCC. If a certain two are elected, there could be a roll back of virtually everything north, and Cooper Mtn. and parts around Sherwood...then, there would have to be a "rebalance" regionally for employment and residential land and a huge-nightmare. If another two are elected, there is the thought that the BCC could decide not to participate further (you will recall in the final month or two of negotiations, we said "this is it, if we do not get this, then we will not support participating.").so folks can easily worry that would be the case of the more conservative two win.

At the same time, they really do not know what mood Andy and I are in, and how willing we are to work the map some more. I told KH and CH that Andy and I had not talked, that I would absolutely want him at the table because of his past participation and future role as Chair. I also said I saw a lot of options but I would not comment on them until Andy and I and staff had at least a preliminary meeting.

I think I could come to the Thursday meeting, not sure about lunch after, etc., but I would try the meeting and see. I think it would be worth having for the prelim.

tb

**Brent Curtis**

**From:** Andrew Singelakis  
**Sent:** Friday, November 12, 2010 1:02 PM  
**To:** Brent Curtis  
**Subject:** FW: URRs...  
**Importance:** High

Attachment  
 13  
 See p. 2

Brent,

I'd like to sit down with you and go over this to determine what other options we might have.

Thanks,  
 Andrew

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**From:** Tom Brian [REDACTED]  
**Sent:** Wednesday, November 10, 2010 1:32 PM  
**To:** Brent Curtis  
**Cc:** Andrew Singelakis; Dennis Mulvihill; Andy Duyck  
**Subject:** URRs...  
**Importance:** High

Brent:

I am not sure of your vacation schedule, but I want to get these requests for information to you ASAP. Andy and I have a meeting with Kathryn and Carl early on Monday, 11/22 and would like this information if at all possible.

- 1) With regard to 7B (508 acres, Forest Grove), the LCDC discussion clearly expressed an interest that we consider NOT going north of the "Council Creek" extension, or whatever the main creek is that runs diagonally through 7 B. Whatever we wish to retain north of this feature will have to meet a "high standard" or "high bar" as their members said.
  - Request #1: how many acres are north of the natural feature they are concerned about?...If we were to "give up" UR land in 7 B, Andy and I would most certainly want to add it to the 624 acres of UR lost north of Cornelius.
- 2) As to area 7i (624 acres, Cornelius), one of the options is to have the entire lost UR acreage become "undesignated." Other options include subareas of that acreage. Earlier this year, we discussed a few options in the 7i area where the UR could have stopped as we moved north.
  - Request # 2: please inform us of one or two options short of the whole 7i, that could be made "undesignated" and how many acres are involved in these subareas?
- 3) So, whether it is the 624 acres from 7i, or additional acres coming out of a northerly portion of 7 B (FG) ...Andy and I feel strongly that the lost URs should be replaced acre for acre somewhere in Washington County.
- 4) In reviewing possible areas to which to add URs, we concluded the most logical and possibly defensible would be the "rectangular" area north of Hwy 26, south of West Union and between Jackson School Road on the West and XXXX on the east. Currently, there is a 150 acre area designated UR, then as we move to the west it is undesignated, then as it approaches Jackson School Rd., it becomes Rural. Our thought is the possibility of adding URs around the 150 acre of current URs, then move westerly until all

- 2) As to area 7i (624 acres, Cornelius), one of the options is to have the entire lost UR acreage become "undesigned." Other options include subareas of that acreage. Earlier this year, we discussed a few options in the 7i area where the UR could have stopped as we moved north.
  - Request # 2: please inform us of one or two options short of the whole 7i, that could be made "undesigned" and how many acres are involved in these subareas?
- 3) So, whether it is the 624 acres from 7i, or additional acres coming out of a northerly portion of 7 B (FG) ...Andy and I feel strongly that the lost URs should be replaced acre for acre somewhere in Washington County.
- 4) In reviewing possible areas to which to add URs, we concluded the most logical and possibly defensible would be the "rectangular" area north of Hwy 26, south of West Union and between Jackson School Road on the West and XXXX on the east. Currently, there is a 150 acre area designated UR, then as we move to the west it is undesigned, then as it approaches Jackson School Rd., it becomes Rural. Our thought is the possibility of adding URs around the 150 acre of current URs, then move westerly until all 624 acres (plus any from the FG piece) are added back. Where the new westerly line of UR is as a result of this re-designation, any lost undesigned would be claimed out of the RRs adjacent (and to the west towards North Plains). We should be able to retain the buffer between North Plains and the City of Hillsboro as was negotiated last year.
  - Request #3: please create maps that depict the addition of URs as I have described, and the related changes to undesigned and RRs, all within the rectangle I mentioned. I would like these maps in two scales; one close up enough to see any natural features in the rectangular and the acres in each portion, and secondly, a map of the same scale that shows all of Washington County (URRs In Washington County: Exhibit A to the IGA dated 2/18/20...pink, blue, green) This would show our proposed response on a familiar map and scale.

SPECIAL NOTES:  
another approach

A) We are open to any additional thoughts and suggestions you have regarding this or

B) We are attempting to keep these ideas CONFIDENTIAL and do not want to give potential opponents any more lead time than legally provided. So, I am concerned about WHO makes these revised, draft maps. Usually we have had John Williams at Metro do these maps, haven't we? You should do whatever you have to do, but please keep these discussions and options as confidential as possible for the time being.

Finally, Andy and I will be at the AOC conference and will have time for informal discussion about this, and available by email and phone.

Thanks,  
Tom

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- Request #3: please create maps that depict the addition of URs as I have described, and the related changes to undesignated and RRs, all within the rectangle I mentioned. I would like these maps in two scales; one close up enough to see any natural features in the rectangular and the acres in each portion, and secondly, a map of the same scale that shows all of Washington County (URRs In Washington County: Exhibit A to the IGA dated 2/18/20...pink, blue, green) This would show our proposed response on a familiar map and scale.

SPECIAL NOTES:  
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A) We are open to any additional thoughts and suggestions you have regarding this or

B) We are attempting to keep these ideas CONFIDENTIAL and do not want to give potential opponents any more lead time than legally provided. So, I am concerned about WHO makes these revised, draft maps. Usually we have had John Williams at Metro do these maps, haven't we? You should do whatever you have to do, but please keep these discussions and options as confidential as possible for the time being.

Finally, Andy and I will be at the AOC conference and will have time for informal discussion about this, and available by email and phone.

Thanks,  
Tom

Attachment  
13  
p. 2

**Brent Curtis**

**From:** Tom Brian [REDACTED]  
**Sent:** Sunday, December 12, 2010 12:01 PM  
**To:** Roy Rogers; Dick Schouten; [REDACTED]  
**Cc:** Dan Olsen; Brent Curtis; Mike Dahlstrom; dgmulvihill@gmail.com  
**Subject:** DRAFT # 2...REVISED URBAN AND RURAL RESERVES MAPS AND ACREAGE CALCULATIONS

**Attachments:** Dec11\_Dsize.pdf; Dec11\_IGAm.pdf; Dec11\_SRmap.pdf; Dec11\_Acres.pdf

**Colleagues:**

Andy and I have continued to meet and talk with others during the week. Clearly there were plenty of misunderstandings and erroneous communications zipping around but we have made progress on increasing understanding of our intent and proposals. Most importantly, Andy and I have discussed with others the principles upon which the maps were constructed, and heard more about the concerns others had regarding our proposal. With these discussions and good faith efforts, we believe the attached maps bring us closer together and increase the possibilities that a positive result can still occur. We accept the fact that "positive result" is in the eye of the beholder.

Attached are maps that illustrate revisions occurring as a result of meetings with Metro Councilors and others. Metro Councilors have NOT promised or committed to support these maps, but we believe we are within reach of obtaining necessary support on the Metro Council. We also believe the proposals reflected in these maps fully comply with the direction given by LCDC in their approved motions and discussion.

To summarize the effect of the maps:

- Area A: Forest Grove...Changes Urban Reserves to Undesignated east and north of Council Creek (reduction of UR by 28 gross acres/16 buildable). This is the same as last week's map.
- Area B: Cornelius...Changes Urban Reserves to Rural Reserves north of Council Creek and west of Sussbauer Road (reduction of UR by 430 gross acres/324 buildable). This is the same as last week's map.
- Area C: Cornelius...Changes Urban Reserves to Undesignated north of Council Creek and east of Sussbauer Road (reduction of UR by 194 gross acres/146 buildable). This is the same as last week's map. B & C total 624 gross acres/470 buildable).
- Area D: North of Hwy 26...Changes Undesignated to Urban Reserves west of 8 B (addition of 585 gross acres/392 buildable). This is the same as last week's map and is the entire replacement for reduced UR in Cornelius and FG (652gross/408 buildable).
- Area E: North of Hwy 26...eliminates 40 acres of UR proposed in last week's map; creates area of 290 acres of undesignated rather than 592 acres as proposed in last week's map.
- Area F: North of Hwy 26...remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Area G: North of Rock Creek (between Cornelius Pass Road and 185<sup>th</sup>)...832 acres remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Areas H and I: transportation corridor between South Hillsboro and Farmington Road, and along 99W by Sherwood; both remain Rural Reserves rather than change to Undesignated as proposed in last week's map (76 gross acres combined).

By the numbers, compared to the Regionally approved map sent to LCDC...

**Brent Curtis**

**From:** Tom Brian [REDACTED]  
**Sent:** Sunday, November 14, 2010 9:20 AM  
**To:** Brent Curtis  
**Subject:** RE: URRs...

Attachment 14

Thanks, Brent. Hope you had a good vacation!

If possible, Andy and I would like to review and discuss this material in Eugene. It would really be helpful for he and I and you particularly to go over some options. Friday morning, Andy and I are meeting with Tom Hughes in Eugene to give him a preview of our position on URR adjustments, then we have the meeting Monday morning with Carl and Kathryn...and Tom will be joining us then, too.

Seems there is strong interest in moving to an IGA before the end of the year. If we can, that is fine...but I want to make sure we have three solid votes on the current AND future Boards.

Thanks again.  
Tom

**From:** Brent Curtis [mailto:Brent\_Curtis@co.washington.or.us]  
**Sent:** Friday, November 12, 2010 8:47 PM  
**To:** Tom Brian  
**Cc:** Andrew Singelakis; Dennis Mulvihill; Andy Duyck  
**Subject:** RE: URRs...

Tom - Sorry for the delay in response. I have not had email service from approximately Tuesday. Apparently the county's email system had some type of major problem. I returned from Arizona Wednesday evening. Due to the holiday Thursday, I wasn't able to get my email service back up to speed until late this afternoon. I understand the information you want me to prepare and the confidential nature of the request. I will get started on the request and associated analysis first thing Monday. We should be able to prepare the work and review it with both you and Andy before your meeting on 11/22. Brent

**From:** Tom Brian [REDACTED]  
**Sent:** Wed 11/10/2010 1:31 PM  
**To:** Brent Curtis  
**Cc:** Andrew Singelakis; Dennis Mulvihill; Andy Duyck  
**Subject:** URRs...

Brent:

I am not sure of your vacation schedule, but I want to get these requests for information to you ASAP. Andy and I have a meeting with Kathryn and Carl early on Monday, 11/22 and would like this information if at all possible.

- 1) With regard to 7B (508 acres, Forest Grove), the LCDC discussion clearly expressed an interest that we consider NOT going north of the "Council Creek" extension, or whatever the main creek is that runs diagonally through 7 B. Whatever we wish to retain north of this feature will have to meet a "high standard" or "high bar" as their members said.
  - Request #1: how many acres are north of the natural feature they are concerned about?...If we were to "give up" UR land in 7 B, Andy and I would most certainly want to add it to the 624 acres of UR lost north of Cornelius.

3/25/2011

**Brent Curtis**

**From:** Tom Brian [REDACTED]  
**Sent:** Tuesday, November 02, 2010 7:52 AM  
**To:** 'Dennis Mulvihill'; 'Andy Duyck'  
**Cc:** Brent Curtis; Andrew Singelakis; Dan Olsen; Robert Davis; Dennis Mulvihill; Rob Massar  
**Subject:** RE: Urban and Rural Reserves

All

Interesting if LCDC can not adopt an order implementing their decision of last Friday...I thought it would be their order that would require us to review our plan and without the order, there would not be that directive? Of course, we would be smart to recognize it is pending and start our review.

Frankly, and I have not talked to staff or Andy, but I think there are a LOT of options to consider, and we should be very little comment to ANYONE until we have a chance to discuss some of them, even preliminarily. I have been contacted by KH and CH who are anxious to start talking. I think there is some thought out there regarding the election tomorrow night and an inkling that Metro and others would much more like to work with the current, "known" BCC: if a certain two are elected, there could be a roll back of virtually everything north, and Cooper Mtn. and parts around Sherwood...then, there would have to be a "rebalance" regionally for employment and residential land and a huge nightmare. If another two are elected, there is the thought that the BCC could decide not to participate further (you will recall in the final month or two of negotiations, we said "this is it, if we do not get this, then we will not support participating.")..so folks can easily worry that would be the case of the more conservative two win.

At the same time, they really do not know what mood Andy and I are in, and how willing we are to work the map some more. I told KH and CH that Andy and I had not talked, that I would absolutely want him at the table because of his past participation and future role as Chair. I also said I saw a lot of options but I would not comment on them until Andy and I and staff had at least a preliminary meeting.

I think I could come to the Thursday meeting, not sure about lunch after, etc., but I would try the meeting and see. I think it would be worth having for the prelim.  
 tb

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**From:** Dennis Mulvihill [mailto:dgmulvihill@gmail.com]  
**Sent:** Monday, November 01, 2010 11:20 AM  
**To:** Tom Brian; Andy Duyck  
**Cc:** Brent Curtis; Andrew Singelakis; Dan Olsen; Bob Davis; Dennis G Mulvihill; Rob Massar  
**Subject:** Urban and Rural Reserves

It is my understanding that Metro's legal counsel is advising that LCDC may be prevented from adopting an order until Metro/Region resubmits changes to what was proposed in Washington County, and LCDC approves a new and complete Reserves list after local and LCDC hearings. Is there legal room for advancing an argument to work simultaneously on changes to Reserves and expanding the UGB for areas not in question? This approach could solidify quickly. Is this Thursday's Policy Meeting timely enough to talk through the options? I have not engaged with anyone at Metro.

DGM

3/25/2011

**Brent Curtis**

---

**From:** Andy Duyck  
**Sent:** Monday, December 06, 2010 10:03 AM  
**To:** Dick Schouten  
**Cc:** Tom Brian; Andy Duyck; Roy Rogers (E-mail); [REDACTED]; Robert Davis; Andrew Singelakis; Brent Curtis; Dan Olsen; Dennis Mulvihill  
**Subject:** Re: Draft Urban and Rural Reserves Map, Responding to LCDC...draft email to our BCC colleagues...

Thanks Dick

The map is getting out there but won't be officially released till later this afternoon or early tomorrow. It is our hope that Brent would complete an official narrative to be released with it. However, because the timeline is short, we can disseminate the information any way that gets it out there.

Andy D

On Dec 6, 2010, at 12:49 PM, "Dick Schouten" <Dick\_Schouten@co.washington.or.us> wrote:

> Tom and Andy:

>

> Thanks for the excellent and clear graphics and maps. I appreciate that a lot of work and time went into the attachments. The squares up with Andy's Friday phone briefing. Thanks Andy and staff. At this point, now being Monday I am assuming the map is being released to the world or have been so published already.



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> Dick

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>

> From: Tom Brian [mailto:tom.brian@frontier.com]

> Sent: Saturday, December 04, 2010 11:23 AM

> To: Roy Rogers; Dick Schouten; [REDACTED]

> Cc: Andy Duyck; Brent Curtis; Dan Olsen; Robert Davis; Andrew Singelakis; Dennis Mulvihill

> Subject: FW: Draft Urban and Rural Reserves Map, Responding to LCDC...draft email to our BCC colleagues...

>

>

>

> To: Roy, Dick and Desari

>

> From: Tom and Andy

>

> Colleagues:

>

> Andy and I have been working with staff, legal counsel, Metro Counselors, and the LCDC director to develop this proposed response to LCDC's decisions (and likely official order). We have reviewed substantial LCDC meeting notes and our staff and counsel have been working with their counterparts at Metro and LCDC to avoid misunderstandings and to hopefully, arrive at a response that is acceptable to our Board, the Metro Council and the LCDC. We apologize in advance for the length of this discussion, but as you know, it is complex and there have been a lot of discussions and meetings in the past month.

>

> There is general agreement and understanding that we are operating under the following principles:

>

> 1) Per the authority included in LCDC's action, it is our goal to replace Urban Reserves by Cornelius (624 acres) and Forest Grove (28 acres) "acre for acre" and near as practicable.

>

- Urban Reserves reductions: 652 gross acres (624 acres at Cornelius, Areas B & C and 28 acres at FG, Area A)...replaced by 585 gross acres (north of Hwy 26, Area D); net reduction of 67 acres Urban Reserves.
- Undesignated reductions (utilized for replacement): 585 gross acres (Area D)...ADDED: 28 acres (FG Area A), 194 acres (Cornelius Area C) and 290 acres North of Hwy 26 (Area E); net reduction of 73 acres of Undesignated.
- Rural Reserves additions: 430 acres gained (Cornelius Area B) and 290 acres reduced (to undesignated, north of Hwy 26, Area E); net addition of 140 acres Rural Reserves

**This map reflects net reductions of Urban Reserves, net reductions of Undesignated and net additions of Rural Reserves. Furthermore, Andy and I believe, based upon testimony as well as research, the land recommended for replacement land is 1) less productive farmland than north of Cornelius and 2) more productive employment land with transportation access and other infrastructure adjacent.**

Please let us know your comments ASAP. We would like to get the revised maps to the Metro Council and the public as soon as possible (no later than Monday morning).

Thank you,  
Tom and Andy)

- > 2) Replacement acreage would be "type for type," in other words, employment land for employment land, residential land for residential land.
- >
- > 3) Replacement acreage will be contiguous to current Urban Reserves, and shall not exceed the gross acreage "lost" as a result of the LCDC decision. Significant natural features, roads, or property lines shall be used as boundaries whenever possible.
- >
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- > As to Forest Grove, we recommend eliminating all Urban Reserves east or north of Council Creek, and making the area Undesignated. This is marked as "A" on the revised draft maps and involves 28 gross acres and 16 net buildable acres; it is adjacent to State Highway 47 and Purdin Road. The remainder of the Forest Grove 7 B area would be retained as URs residential land and its findings strengthened per LCDC's suggestion.
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624 gross acres of URs and 470 acres of net buildable. The area west of Susbauer Road, marked as "B" on the revised draft maps would be designated Rural Reserves. The area east of Susbauer Road, marked as "C" on the revised draft maps would be identified as "Undesignated."

>  
> Combined, these recommendations would result in a reduction of Urban Reserves of 652 gross acres and 486 net buildable. Virtually all of this land is considered 'employment land.'

>  
> As to where to locate the replacement acreage, we examined all areas in Washington County that were contiguous to current Urban Reserve designations, and suitable for employment land. Without going into rather exhaustive detail at this time, we eliminated the option of adding the replacement acreage in Sherwood, Tigard, Cooper Mountain, South Hillsboro or South Cornelius. This left the area north of Hwy. 26 and south of West Union Road, and bounded on the west and east by Jackson School Road and Shute Road (now the northerly extension of Brookwood Parkway) respectively. This "rectangle" current includes 88 acres of URs, 585 acres of Undesignated and 632 acres of RRs. Andy and I recommend the following:

>  
> 1) Moving from east to west, starting with the UR corner piece of 88 acres, change the 585 acres of undesignated and 40 acres of Rural Reserves to Urban Reserves (total replacement acres: 625 as compared to the reduction of 652). These replacement areas are marked as "E" and "F" on the draft revised maps.

>  
> 2) To recoup the reduction of Undesignated land, continue west and change 592 acres from Rural Reserves to Undesignated. This area is marked as "D" on the draft revised maps.

>  
> 3) The northwest corner of the "rectangle," adjacent to Jackson School Road and West Union Road, will remain Rural Reserves to serve as a buffer between the communities of North Plains and Hillsboro. This designation was agreed to and considered sufficient by the two cities, Metro and our Board previously.

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> Finally, there is the matter of whether we should add undesignated lands or reduce Rural Reserves designations as referenced by some of the LCDC members. We are suggesting a conservative approach to this. First, we recommend we leave our Rural Reserves designations intact and as currently depicted, other than as modified by item #2, immediately above. We also recommend that we not pursue extensive new Undesignated areas simply to add a few thousand acres of potentially buildable land. We do, however, recommend three additional Undesignated areas:

>  
> a) The area marked "G" on the draft revised map includes 832 gross acres (515 net buildable acres). This designation could be the location of residential development to support the substantial employment land in the longer term future. It would help provide jobs/housing balance and housing in close proximity to the jobs to reduce commuting miles. It is bounded by three major transportation corridors: 185th, West Union Road and Cornelius Pass Road. The Undesignated status would also assist the County in achieving the ability to improve the intersection of Cornelius Pass Rd., Germantown Road and 185th in the future. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

>  
> b) The area marked "H" on the draft revised map includes 67 gross acres (41 net buildable). Undesignated is recommended solely for the purpose of facilitating a future transportation connection from TV Highway (also South Hillsboro/Cornelius Pass Rd.) to Farmington Road. This will enhance connectivity of all modes. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

>  
> c) The area marked "I" on the draft revised map includes 9 gross acres (zero buildable). Undesignated is recommended solely for the purpose of facilitating future transportation improvements along State Highway 99 W. This recommendation has NOT been vetted to the extent of the Urban and Rural Reserve considerations and will require further discussion.

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> 2) Replacement acreage would be "type for type," in other words, employment land for employment land, residential land for residential land.

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> As to Cornelius 7 (i), the area North of Council Creek. We recommend eliminating all Urban Reserves in this area in compliance with LCDC's directive. This is a reduction of

to respond. Brent is, of course, an excellent source of information.

>

> Thank you,

>

> Tom and Andy

>

>

>

>

>

> <AreaE.PDF>

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> <Dec03\_Acres.pdf>

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**From:** Mike Dahlstrom  
**Sent:** Wednesday, December 08, 2010 7:38 AM  
**To:** 'Nick Christensen'  
**Cc:** Philip Bransford  
**Subject:** RE: Reserves

Good morning Nick.  
Sorry for the delay in getting back to you.

The original proposal began with discussions from Chair Brian and Chair-Elect Duyck. The other three commissioners were then given information to review late last week. The worksession yesterday was the first opportunity for Commissioners to discuss this publicly.

Regards,  
Mike

*Mike Dahlstrom*  
*Program Educator*  
*Washington County - DLUT*  
*Planning Division #350-14*  
*155 North First Avenue*  
*Hillsboro, OR 97124-3072*  
*503-846-8101*  
[mike\\_dahlstrom@co.washington.or.us](mailto:mike_dahlstrom@co.washington.or.us)

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**From:** Nick Christensen [mailto:[Nick.Christensen@oregonmetro.gov](mailto:Nick.Christensen@oregonmetro.gov)]  
**Sent:** Tuesday, December 07, 2010 3:37 PM  
**To:** Mike Dahlstrom  
**Subject:** Reserves

Mike –

There was some question at the council today as to whether the Duyck/Brian memo reflected a proposal from Washington County or just the opinion of two commissioners. Are you able to clarify?

Thanks,

Nick Christensen  
News Reporter  
Metro  
[nick.christensen@oregonmetro.gov](mailto:nick.christensen@oregonmetro.gov)  
503-813-7583 (desk)  
503-952-6757 (cell)

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# Washington County land-use meeting generates fireworks, accusations

Published: Tuesday, December 07, 2010, 7:16 PM Updated: Tuesday, December 07, 2010, 7:16 PM



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Washington County's attempts to comply with state land-use laws generated fireworks both inside and outside the organization today, with one commissioner accusing another of "blindsiding" her by leaking documents.

Commissioner Desari Strader pulled no punches in accusing colleague Dick Schouten of releasing a memo over the weekend written by two other commissioners, along with maps showing where the county is now proposing to target residential growth over the next half century.

"It's a sad day in leadership in the region when things get out before colleagues even have a chance to review them," Strader said, with Schouten seated a few feet away. "The result is a lot of misinformation out there that set some of us up for an onslaught from constituents."

Clarifications later in the day from Washington County Chairman-elect Andy Duyck made it clear that Schouten did not, in fact, distribute the documents without permission. But the incident laid bare just how frustrated various commissioners are as they try to wrap up a land-use process that's been nearly three years in the works.

Land-use advocates, seizing on the new materials, immediately blasted proposed revisions to the county's blueprint for future growth, calling them a massive conversion of prime farmland.

"This is nothing short of a huge land grab by the county," said Save Helvetia organizer Cherry Amabisca. "It's way overreaching."

The dust-up comes as the county rushes to formulate a counter proposal to one already partially rejected by the state Land Conservation and Development Commission.

The state commission last month signed off on most of the lands Washington County said are most capable of accommodating future growth and which acreage constitutes so-called foundation farmland.

However, it rejected outright a 623-acre urban reserve north of Cornelius and sent back a proposed 508-acre parcel near Forest Grove for further examination.

Duyck and board Chairman Tom Brian have huddled with county and Metro staff members in recent weeks to identify lands that could be swapped for the rejected acres.

The new maps indicate the county wants to take 625 acres north of U.S. 26 and south of West Union Road and change it from undesignated to urban reserve. That would essentially replace the Cornelius land.

The county reduced the Forest Grove parcel from 508 acres to 480 acres, and plans to resubmit it.

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But then the county went further. It also wants to take another 592 acres north of U.S. 26 and change it from rural reserve to undesignated. An additional 900 acres in the Rock Creek area would be converted from rural reserve to undesignated under the county's proposal.

While those two parcels would not be in the urban reserves, they would be removed from the protection of the rural reserve designation.

"A major loss to the rural community north of Sunset," Amabisca wrote in an e-mail Tuesday. "Los Angeles, here we come!"

Duyck insisted that the total acreage involved was about 50 acres fewer than the proposal rebuffed by the state.

"That's anything but a land grab," he said.

Amabisca disagreed. She acknowledged that the land the county now wants tapped for urban reserves is about 50 acres fewer than had been included in the initial application to the state. But she argued that the county has overreached in trying to convert nearly 1,500 acres now listed as rural reserves to undesignated.

All the county has to do to move that land into urban uses is to say it has an immediate need to do so, she said.

"They have brought all of this new land into play, which is only going to drive up land prices as people figure this is the next big place to grow," Amabisca said.

Strader denied claims by groups such as Save Helvetia that the land in question constitutes some of the best farmland in the region.

"What we're talking about in this instance," she said, "are intellectual, wealthy elitists wanting to protect their McMansions."

Duyck and other commissioners said they haven't yet done the political polling to determine whether a majority of **Metro Council** members will support the county's new proposal. The two bodies must eventually sign an intergovernmental agreement before the proposal can be formally sent back to the state.

Late Tuesday afternoon, however, Metro President Carlotta Collette issued a brief statement saying there is no support on the Metro Council for Washington County's new proposal.

Duyck said the commission hopes to have its proposal ready for a board vote at its Dec. 14 meeting. He still hopes Metro will then sign off on it two days later, meaning resubmission to the state can take place before year's end.

— Dana Tims

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 **bobgetreal** December 07, 2010 at 3:15PM  
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This is SOOOOOO funny! I think the sleazy town of Molalla should ship itself to Washington County then Molalla can add its "ask" for 2,400 acres of prime farmland for an urban reserve for a crumbling shrinking town of 7,000 to the hilarious "wish list" of Washington County. Both Molalla and Washington County have apparently failed to note that the days of sprawl, mansions, and big lot "fun" are long gone. They also fail to note that we might as a nation have to concentrate on feeding ourselves - since there is little to expect out of Oregon's failed economy. Grow up, not out - or else let's add Molalla to Washington County and let them be the state of DECAY as the rest of us work to protect natural resources for future generations.

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 **tombdragon** December 08, 2010 at 1:52AM  
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EXCEPT - Growing "up, not out" doesn't work???? Our income is declining, and limiting the opportunity for individual choice is just plain stupid! Why do you think our income has declined for the last 40 years? Ever since we decided the "limit" land use, and embrace "Smart Growth" our "Quality of Life" has declined for a majority of Oregon Residents. We need the increase road capacity, and at least abandon State Land Use Laws, and leave the decisions to the County's.

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 **jbrown9709** December 07, 2010 at 3:43PM  
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Spoken like a true urban elitist. "Up not out" is another way of saying more density, jam those serfs in tighter. When will you city dwellers and the Metro powers get it through your thick skulls that "WE DON'T WANT TO LIVE LIKE YOU!" Washington and Clackamas Counties should pull out of Metro (the only area in the country stupid enough to add another layer of government to themselves) Multnomah County is what it is and can't be changed, but don't let their urban mentality ruin things for the rest of us.

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 **singa** December 07, 2010 at 4:01PM  
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Dec 14! Why the rush? I just don't see how they can conduct the required public notification and hold the required public hearings in that amount of time. Washington County should tread lightly here or they are going to have another embarrassing mess on their hands.

Well done to Dick Schouten for letting the public know the score!!! No matter how you feel about the issue the public has the right to know what their gov't is fast-tracking behind their backs.

N

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 **Gil62** December 07, 2010 at 4:27PM  
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The board will consider adoption of the map changes (part of the intergovernmental agreement [IGA] with Metro) via a resolution and order (R&O) on Dec. 14. They say the IGA and R&O are not "land use actions" and public hearings are not required. However, they are generously allow for one hour of public testimony (total). If the IGA is adopted by the county and Metro, the county will have a fait accompli land use process with public hearings in 2011 to adopt the subsequent comprehensive plan amendments.

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 **singa** December 07, 2010 at 6:19PM

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I may not have a clear understanding of this issue then. It was my belief that the County was essentially implementing a long range overlay zone. Implementing an overlay zone is, indeed, a land use decision as evidenced by Barnes V. City of Hillsboro and Port of Portland.

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**kvnshrwd**

December 07, 2010 at 8:31PM

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Is to sell new houses to non-existent people. The only trick Oregon has?

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**alohan**

December 07, 2010 at 8:32PM

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Excuse me, but WHERE is the LINK to the Schouten memo??  
If it was indeed an authorized release, can't I please check it out?  
I can't find it on the WashCo site or in the news, so what gives?

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**stinger139**

December 07, 2010 at 9:40PM

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Jeez! The housing market is on the decline and business's are closing their doors daily and people are still talking growth, growth, growth. At least contractors, developers and the people they own, the politicians will tell you "WE just need more room!" We need more farmland and stop with the development! We can't afford it.

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**wch**

December 08, 2010 at 1:17AM

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Yawn. None of this would be happening if we just put an end to Oregon socialism. This is all crud fabricated by bored, miserable humans who have nothing else better to do than to re-distribute their misery to others. This kind of stuff isn't even worthy of a passionate response.

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**maccormick**

December 08, 2010 at 4:30AM

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If Washington County wants more land for housing and development, then they need to improve the road systems. The Sunset should be expanded to 5 lanes each way and MAX lines should go out there too. Then I would propose a new freeway linking that area to south to I-5. If you don't do that, the Sunset will be a parking lot every day.

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**westcoastguy**

December 08, 2010 at 5:42AM

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Exactly, by not creating a westside "I 205" 40 years ago when 205 was created ( and making a very poor substitute in ORE 217), all the coast bound traffic is funneled onto the Sunset and competes for the same road space as commuter traffic does today.

And now without that infrastructure, how can the area expand the growth area without add much more traffic to the mix?

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**bwegener**

December 08, 2010 at 6:18AM

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Dana - Please post the memo that Commissioner Schouten released.

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 **reinholds** December 08, 2010 at 7:17AM  
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How does the Metro Council President know that there is no support for the Washington County proposal? Did she do a poll of Council Members? Does the Open Meeting law not apply to Metro?

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 **cdr mil** December 08, 2010 at 10:59AM  
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Here's the memo:

<http://cedarmill.org/news/1210/WaCo1210/memo.html>

I'm working on an article for the Cedar Mill News and will put up the maps shortly.

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Attachment  
17**Brent Curtis**

**From:** Tom Brian [REDACTED]  
**Sent:** Sunday, December 12, 2010 12:01 PM  
**To:** Roy Rogers; Dick Schouten; [REDACTED]  
**Cc:** Dan Olsen; Brent Curtis; Mike Dahlstrom; dgmulvihill@gmail.com  
**Subject:** DRAFT # 2...REVISED URBAN AND RURAL RESERVES MAPS AND ACREAGE CALCULATIONS

**Attachments:** Dec11\_Dsize.pdf; Dec11\_IGAmapping.pdf; Dec11\_SRmap.pdf; Dec11\_Acres.pdf

**Colleagues:**

Andy and I have continued to meet and talk with others during the week. Clearly there were plenty of misunderstandings and erroneous communications zipping around but we have made progress on increasing understanding of our intent and proposals. Most importantly, Andy and I have discussed with others the principles upon which the maps were constructed, and heard more about the concerns others had regarding our proposal. With these discussions and good faith efforts, we believe the attached maps bring us closer together and increase the possibilities that a positive result can still occur. We accept the fact that "positive result" is in the eye of the beholder.

Attached are maps that illustrate revisions occurring as a result of meetings with Metro Councilors and others. Metro Councilors have NOT promised or committed to support these maps, but we believe we are within reach of obtaining necessary support on the Metro Council. We also believe the proposals reflected in these maps fully comply with the direction given by LCDC in their approved motions and discussion.

To summarize the effect of the maps:

- Area A: Forest Grove...Changes Urban Reserves to Undesignated east and north of Council Creek (reduction of UR by 28 gross acres/16 buildable). This is the same as last week's map.
- Area B: Cornelius...Changes Urban Reserves to Rural Reserves north of Council Creek and west of Sussbauer Road (reduction of UR by 430 gross acres/324 buildable). This is the same as last week's map.
- Area C: Cornelius...Changes Urban Reserves to Undesignated north of Council Creek and east of Sussbauer Road (reduction of UR by 194 gross acres/146 buildable). This is the same as last week's map. B & C total 624 gross acres/470 buildable).
- Area D: North of Hwy 26...Changes Undesignated to Urban Reserves west of 8 B (addition of 585 gross acres/392 buildable). This is the same as last week's map and is the entire replacement for reduced UR in Cornelius and FG (652gross/408 buildable).
- Area E: North of Hwy 26...eliminates 40 acres of UR proposed in last week's map; creates area of 290 acres of undesignated rather than 592 acres as proposed in last week's map.
- Area F: North of Hwy 26...remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Area G: North of Rock Creek (between Cornelius Pass Road and 185<sup>th</sup>)...832 acres remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Areas H and I: transportation corridor between South Hillsboro and Farmington Road, and along 99W by Sherwood; both remain Rural Reserves rather than change to Undesignated as proposed in last week's map (76 gross acres combined).

By the numbers, compared to the Regionally approved map sent to LCDC...

3/25/2011

624 acres (plus any from the FG piece) are added back. Where the new westerly line of UR is as a result of this re-designation, any lost undesignated would be claimed out of the RRs adjacent (and to the west towards North Plains). We should be able to retain the buffer between North Plains and the City of Hillsboro as was negotiated last year.

- Request #3: please create maps that depict the addition of URs as I have described, and the related changes to undesignated and RRs, all within the rectangle I mentioned. I would like these maps in two scales; one close up enough to see any natural features in the rectangular and the acres in each portion, and secondly, a map of the same scale that shows all of Washington County (URRs In Washington County: Exhibit A to the IGA dated 2/18/20...pink, blue, green) This would show our proposed response on a familiar map and scale.

SPECIAL NOTES:  
another approach

A) We are open to any additional thoughts and suggestions you have regarding this or

B) We are attempting to keep these ideas CONFIDENTIAL and do not want to give potential opponents any more lead time than legally provided. So, I am concerned about WHO makes these revised, draft maps. Usually we have had John Williams at Metro do these maps, haven't we? You should do whatever you have to do, but please keep these discussions and options as confidential as possible for the time being.

Finally, Andy and I will be at the AOC conference and will have time for informal discussion about this, and available by email and phone.

Thanks,  
Tom

**Robert Bailey**  
7455 N.W. Helvetia Road  
Hillsboro, Oregon 97124

Attachment  
18

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 8A warrants a designation of rural reserve. You have yet to refute this assessment.

- 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 “undesignated” 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?

**Robert Bailey**  
7455 N.W. Helvetia Road  
Hillsboro, Oregon 97124

Attachment  
19

**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.

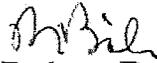
Washington County Personnel Policies (October 2009), under Ethical Standards, identifies the management of conflicts of interest and family and personal relationships.

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



## State Review of Metro Reserves

[Commission Hearings and Verbal Decisions](#)

[DLCD Staff Report Released](#)

[Exceptions to Staff Report](#)

[Background Information](#)

[Metro and County Decisions](#)

[Objections for State Review](#)

[State Review / Overall Schedule](#)



### October 29, 2010

The Land Conservation and Development Commission held hearings on five days in late October to hear objections from 46 parties to the Metro Urban and Rural Reserve designations. On October 29, 2010, the Commission voted unanimously to approve the urban and rural reserve designations in Clackamas and Multnomah counties, and most of the urban reserve designations in Washington County. Two urban reserve areas (representing about ten percent of the total in Washington County) were sent back by the Commission, one just north of the City of Cornelius and the other just north of Forest Grove. The Commission directed Washington County and Metro to remove the urban reserve designation near Cornelius, and to reevaluate the one near Forest Grove. The Commission indicated that the county and Metro may (they are not required to) add other areas as urban reserves to make up for any acreage lost in the Cornelius/Forest Grove areas. As a result, the Commission also did not take final action on the rural reserve areas in Washington County in order to leave the county and Metro the flexibility to consider areas for urban reserve designation. The Commission did also approve the overall amount of urban reserves in Washington County (and the rest of the region).

The commission's final written order is expected to be issued in December.

still on DLCD website as of 6/2/11.

### Sept. 28, 2010

The Department of Land Conservation and Development issued a staff report today on its review of the Metro Urban and Rural Reserves. The report is at the link below.

- [DLCD Staff Report](#)

### Oct. 08, 2010

The deadline for filing exceptions to the above DLCD Staff Report was Friday, October 10, 2010. Those exceptions, which were sent to the department, are listed below. (NOTE: Some of these files are very large and may take some time to download.)

REF. NAME