

Date: January 23, 2008

To: Chair VanLandingham and Land Conservation and Development Commission

Re: Draft Administrative Rules for Metro Area Urban and Rural reserves, pursuant to SB 1011

From: Carol Chesarek, on behalf of Forest Park Neighborhood Association  
13300 NW Germantown Road  
Portland, OR 97231

Chair VanLandingham and Members of the Committee,

I appreciate the opportunity to comment on the January 8 draft of the proposed new OAR 660, Division 27 for Urban and Rural Reserves in the Portland Metropolitan Area, and to add to written comments I submitted earlier this month.

I live in Portland's Forest Park Neighborhood, which includes the 5000 acres of Forest Park and a broad swath of the Tualatin Mountains. Forest Park Neighborhood Association (FPNA) has closely followed SB 1011 and the Administrative Rules process, and these comments are from the neighborhood. I testified about our strong support for SB 1011 during the Oregon Senate and House hearings earlier this year, and about the draft rules at your November hearing in Corvallis. I have attended all of the rules meetings held by Metro and the workgroup.

FPNA wants to protect the regionally significant natural resources in our area, and we are hopeful that this new Urban and Rural Reserves process will save us from fighting UGB expansion battles every 5 years.

I want to sincerely thank Commissioner Worrix for her thoughtful leadership of the workgroup. She ensured that everyone was given a fair hearing and that discussions were effective. She led the group through difficult issues to a successful outcome.

Overall we're very pleased with the draft rules and the cooperative effort that went into crafting this carefully balanced reserves process. My written comments submitted on January 10<sup>th</sup> suggested some minor changes to the definition of "Walkable" that I hope you will consider.

Those comments also reiterated our strong support for 660-027-0050(1)(h), an Urban Reserve designation factor that should help protect natural features and agricultural lands from unavoidable new urban effects.

When new areas are urbanized near existing farmlands and natural resources, it's pretty well understood that there may be some unfortunate effects for both the rural area and the new urban area. The new urban dwellers may notice unpleasant smells or disturbing noises from farms, and farms may find urban dwellers disrupt their livestock, for example. A new urban area bordered by a riparian corridor may provide new residents with access to nature, but off leash pets and teenagers who explore "off trail" may harm native wildlife. But there are less obvious effects. The new urban area may require a number of new roads through adjacent farmlands or across that riparian corridor to ensure important access for residents. And the negative effects of urban traffic on new or existing roads may occur a few miles away. For example, traffic between Forest Grove and Highway 26 travels on busy roads through Foundation farmlands, creating hazards for farm equipment and nursery trucks, as well as for the urban dweller driving through. Similarly, a new urban area on the edges of my neighborhood will put many more new cars on rural roads crossing valuable wildlife habitat, numerous headwater streams on steep slopes, and through Forest Park itself. The added traffic will degrade the natural resources and recreational values of the area and may require road expansions that will significantly damage these valuable resources.

So we feel it's important that the effects a new urban area will have on farm and forest practices, and on important natural features be considered when evaluating potential Urban Reserves, and that's why we strongly support this factor.

Unfortunately, a minor error in the wording of this factor may undermine its value by limiting its consideration of important natural landscape features to those that are located on resource lands. To correct this problem I would like to add our support to a suggestion made by Mark J. Greenfield in his written testimony on the rules dated January 9, 2008 about the wording of Urban Reserve factor 660-027-0050(1)(h) in his item (C). The wording he suggests (after correcting for a spelling error), would better capture the intent of the workgroup:

"Can be designed to avoid or minimize adverse effects on farm and forest practices on nearby resource land and on important natural landscape features, including land designated as rural reserves."

To help you understand the history of this factor, I have included here the relevant portion of a workgroup meeting summary and the footnote that is referred to.

[Note that the factors were renumbered after this summary was written, and the factor referred to is now 660-027-0050(1)]. From the **"Summary of workgroup meeting Monday, October 1, 2007"**:

"660-027-0040(5):

Workgroup agreed on the language adding subsection (g), in response to the previous workgroup discussion, regarding factor that land included in an UR "can be developed in a way to preserve important natural landscape features." Workgroup also discussed: the difference between subsection (e) and (g).

Bob Rindy shared Jeff Hepler's e-mail suggestion to add another factor (based on the suggestion made by the *ad hoc* group last summer), specifically: "(h) can be designated to mitigate adverse effects on farm and forest practices on nearby resource lands or on land designated as rural reserves."

Workgroup discussed the following: why the language hadn't been included in the first place; the intent to direct urban reserves to land that will have the least impact on adjacent land; doing impact analysis at the time of designation vs. later planning phase; the criteria/judgment to be used in later determining the best use for land designated as urban reserves; creating a new subsection (h) requiring consideration of the affect of urban reserves (or the affect of later urban development?) on natural landscape features; the need to define "natural landscape features"; possibly combining the last two bullets in footnote 7 of the draft so that there would also be consideration affect on farm and forest uses.

Group decided to combine the last two bullets in footnote 7 into a new subsection (h)."

Here is the text of footnote 7 from the **"Draft Rules September 26, 2007 URBAN RESERVES IN THE PORTLAND METROPOLITAN AREA"** for reference (with my added emphasis on the last two bullets):

"7 These factors come directly from SB 1011. They are derived from the "great communities" factors developed as part of the ag/urban study. Metro's ad hoc group discussed a couple of potential modifications to these factors:

- Should parks be specifically added to (5)(c)? The group agreed that parks are public facilities that should be part of urban reserve planning but did not feel that it was necessary to specifically call this out in the rule. However, we discussed the possibility of defining "public facilities and services."

- Should trails be specifically added to (5)(d)? After discussion, it was suggested that language referring to pedestrian and bicycle facilities that is consistent with the Transportation Planning rule be added. This issue merits further discussion.
- Should a factor be added that allows for the inclusion in urban reserves of areas that may not otherwise rate highly based on the "great communities" factors (due to topography, parcelization, etc.), but that might make sense to urbanize over the long term for other reasons (e.g., urban form, governance)? This issue merits further discussion.
- **Should language in the existing urban reserve rule having to do with mitigating impacts on nearby farm and forest practices be added to this rule? The following language was considered but set aside for further discussion: "(g) Can be designed to mitigate adverse effects on farm and forest practices on nearby resource land or on land designated as rural reserves."**
- **If a factor is included on mitigating impacts on farm and forest practices, should another factor be added on mitigating impacts on natural landscape features? This issue was also left unresolved."**

The work of combining "the last two bullets in footnote 7 into a new subsection (h)" was left to staff, and to the best of my recollection this factor was not discussed again. It seems clear that the workgroup's intent was to include natural landscape features in this factor and there was never any discussion about limiting the factor to natural landscape features located on resource land. We hope you will act on Mr. Greenfield's suggestion and correct this minor problem.

Thank you for your time.



Carol Chesarek, for Forest Park Neighborhood Association

