



Portland International Airport
7000 NE Airport Way Portland OR 97218
Box 3529 Portland OR 97208
503 460 4151

April 21, 2010

Chair John VanLandingham
c/o Casaria Tuttle
Land Conservation and Development Commission
635 Capitol Street N.E., Suite 150
Salem, OR 97301

Re: Proposed Amendments to OAR 660-027, Urban and Rural Reserves in the Portland Metro Area

Dear Chair VanLandingham and Commissioners:

The Port of Portland (Port) submits this letter in support of the concerns expressed by Washington County in its April 15, 2010 letter to the Commission related to the impact that the amendments to OAR 660-027 may have on the Hillsboro Airport. Please enter these comments into the record of proceedings for the OAR 660-027 rulemaking process and add the Port to the list of parties receiving correspondence regarding these planning efforts.

The Airport Planning Rule (OAR 660, division 13) requires certain amendments to local land use regulations that are necessary to protect public health and safety. Local land use regulations amendments needed to comply with the Airport Planning Rule typically reduce the full development potential of uses that would otherwise be allowed in a base zone. For example, maximum allowed building heights may be reduced and noise sensitive land uses, such as a community center where a large number of people may congregate, may no longer be allowed. Therefore, the Port interprets OAR 660-027-0070(2) and (3) to not apply to amendments to local land use regulations in urban and rural reserve areas that implement the Airport Planning Rule.

We understand that Washington County shares the Port's interpretation of OAR 660-027-0070(2) and (3), as does DLCDC. If LCDC disagrees with our interpretation, and thinks that OAR 660 division 27 may limit local governments' ability to amend land use plans or regulations to comply with the Airport Planning Rule, we specifically request that the following amendment to OAR 660-027-0070:

(4) Notwithstanding the prohibitions in sections (2) and (3) of these rules, counties may adopt or amend comprehensive plan provisions and land use regulations as they apply to lands in urban and rural reserves in order to:

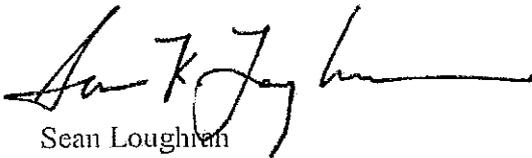
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(e) Comply with the Airport Planning Rule, as provided under OAR 660, division 13.

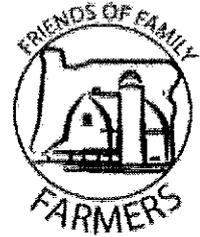
As stated in the Airport Planning Rule, "[t]he policy of the State of Oregon is to encourage and support the continued operation and vitality of Oregon's airports. These rules are intended to promote a convenient and economic system of airports in the state and for land use planning to reduce risks to aircraft operations and nearby land uses" and that "[e]nsuring the vitality and continued operation of Oregon's system of airports is linked to the vitality of the local economy where the airports are located." OAR 660-013-0010. It is critically important that any unintended consequences of OAR 660, division 27, or the proposed amendments to the rule, avoid compromising local governments' ability to continue to plan for and protect aircraft, airports, and the communities that surround them.

Thank you for your consideration.



Sean Loughran
Senior Aviation Planner
The Port of Portland
(503) 460-4067
sean.loughran@portofportland.com

cc: Brent Curtis, Washington County



April 22, 2010

Dear Land Conservation and Development Committee,

We are Friends of Family Farmers (FoFF), an Oregon-based non-profit working to protect and promote socially responsible agriculture in Oregon. FoFF is a grassroots organization promoting sensible policies, programs, and regulations that protect and expand the ability of Oregon's family farmers to run a successful land-based enterprise while providing safe and nutritious food for all Oregonians. Through education, advocacy, and community organizing, FoFF supports socially and environmentally responsible family-scale agriculture and citizens working to shape healthy rural communities.

Agriculture is a vital component of Oregon's economy; it does much more than fuel our state's economic engines. Family farming has been fundamental to the integrity of our land base, the make up of our communities and the richness of our culture. Because of increasing energy costs, a rise in the number of food born illnesses, and concerns with the industrial model of producing food, Metro-area consumers are more than ever looking closer to home for the food that they feed their families. Based on our experience working with farmers, chefs, and consumers we have every reason to believe that market share for locally produced food will only continue to grow into the future.

This region's soils coupled with a unique climate allows for a variety of food products to be produced on these lands, providing a valuable livelihood for many of Oregon's family farmers. Protecting these lands for the purposes of local agriculture guarantees jobs, not just for the farmers, but for the number of businesses, both rural and urban, who rely on the business from family farms for survival.

Please listen to the farmers who work the land and know the conflicts that will arise from increased urbanization near their farms, including any changes to road structures that are designed to bring increased urban traffic into or through the area. If these rural reserves are really to be protected for 50 years from urbanization, there should no reason to make any "improvements" to them beyond routine maintenance. And certainly no new roads should be needed in rural reserve areas.

This has been a great opportunity for urban and rural citizens to come together with our local governments to participate in the process of planning the future of the cities and counties where we want to be living and working with our families. The final agreements have not even been signed by Metro & the counties and already you are considering changes to the rules. Implementation of the reserves law in the Metro area has been contentious and its outcome is still not clear. Changing the rules now undermines the process and our faith in it. There is no compelling reason to modify the reserves rule at this time.

Thank you for this opportunity to share our opinions.

Michele Knaus
Friends of Family Farmers
103 S. Molalla Ave.
Molalla, OR 97038
(503) 841-0305

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QuickTime™ and a
TIFF (Uncompressed) decompressor
are needed to see this picture.

Richard Whitman, Director and Hearings Officer
Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

April 21, 2010

Re: Proposed Rulemaking – Urban and Rural Reserves

Slow Food Portland is a non-profit organization with over 800 members in the Portland metro area. Slow Food Portland is part of the global and national Slow Food movement that works toward a food system that is based on the principles of high quality and taste, environmental sustainability, and social justice – in essence, a food system that is good, clean and fair. Such a food system depends first and foremost on the availability of local farmland.

Slow Food Portland participated in and followed the Urban and Rural Reserves Process closely and advocated for the central role and importance of agriculture in land use decisions involving urban growth in the metro region. Today we are writing to support 1000 Friends of Oregon's testimony regarding the proposed rulemaking.

We would like to reiterate two particular points addressed in the 1000 Friends letter. First of all, roads in **rural reserves** are for farming, and most road improvements don't improve the roads for farmers. In fact after road improvements, urban cut-through traffic from increases in rural areas makes life much more difficult for farmers. If these rural reserves are really to be protected for 50 years from urbanization, there should be no reason to make any "improvements" to them beyond routine maintenance. And certainly no new roads should be needed in rural reserve areas.

New or improved roads in **urban reserves** should be allowed only through a goal exception, and as part of the required concept planning for urban reserves.

Secondly, the final agreements have not even been signed by Metro and the counties and already you are considering changes to the rules. Implementation of the reserves law in the Metro area has been contentious and its outcome is still not clear. Changing the rules now undermines the process and our faith in it. There is no compelling reason to modify the reserves rule at this time.

On behalf of the membership of Slow Food Portland, thank you for your consideration.

Sincerely,

Katherine Deumling

Slow Food Portland, Member
Slow Food USA, Board of Directors
Katherine@slowfoodportland.com; 503.239.1664

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SUBMITTED BY: Katherine Deumling

From: Theresa Kohlhoff [mailto:theresakohlhoff@gmail.com]
Sent: Wednesday, April 21, 2010 4:18 PM
To: Casaria.r.tuttle@state.or.us
Subject: Proposed changes to the rural reserve designations

Please do not allow roads to be built through rural reserves. Rural means farming not near freeways like the proposed I-5/99 connector. Bad idea in every way.

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SUBMITTED BY: Theresa Kohlhoff

Richard Whitman
Director, DLCD
(503)373-0050

From: Whitman, Richard
Sent: Wednesday, April 21, 2010 9:50 PM
To: Tom Brian
Subject: RE: OARs for Urban and Rural Reserves

Tom: I will pass your email on to LCDC. Just so you know, this is not an accurate characterization of the proposed rules. The proposed rules would, if anything, broaden the uses allowed in both rural and urban reserves relative to what would be allowed under the commission's current rules that have been in place since the start of the reserves effort. The uses that would expressly be allowed by the proposed rules include much, but not all, of what Washington County has requested.

Richard Whitman
Director, DLCD
(503)373-0050

From: Tom Brian [Tom.Brian@verizon.net]
Sent: Thursday, April 22, 2010 4:47 PM
To: richard.whitman@state.or.us
Cc: Andy Duyck; Roy Rogers; Dick Schouten; straderd@gmail.com; David Bragdon; Kathryn Harrington; chosticka@comcast.net; Dennis@office Mulvihill; Brent Curtis; Andrew Singelakis; Robert Davis
Subject: OARs for Urban and Rural Reserves

Dear Richard:

As you may know, I have been home recovering from full knee replacement surgery. Along with convalescing, medication and physical therapy, I have not been able to follow the proposed LCDC rulemaking regarding URRs. However, I have been informed very recently that the proposed AORs do not appear to be compatible with what our understanding was as to Rural Reserves. I apologize that I lack the specificity, but please accept my comments in their general form to convey our concerns, and I know our staff has followed through with written material.

Throughout the URRs process the Core Four and many others discussed the meaning and impact of the Rural Reserves designation. It was stated at CORE 4, MPAC and other public

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forums that being designated Rural Reserves would NOT bring any greater land use restrictions than currently exists on the lands outside the Urban Growth Boundary. In other words, being designated as Rural Reserves would NOT diminish in any way the property owners' rights and opportunities from current or existing land use designations.

It is my understanding the proposed OARs do, in fact, create further restrictions upon Rural Reserves-designated land. I strongly urge you and the LCDC NOT to adopt or further consider such restrictions.

Richard, you know how hard many of us have worked to develop and reach agreement on the URRs, including your good work and the other State agencies. An integral part of the package was the understanding I have expressed above. It is a matter of principle that we honor what was discussed and agreed to in so many public meetings. Certainly, if this is not the case, Washington County will not be in a position to adopt implementing ordinances even if the result is the "unwinding" of the IGAs and the URRs program. I believe you know I would not suggest that action lightly, but if our discussions of past months are not honored, that would be my recommendation to our Board of Commissioners and I believe at least a majority (and quite possibly all commissioners) would agree.

Again, I regret my comments are arriving late to you, nevertheless, I hope they are considered by you and the LCDC members.

Sincerely,

Tom Brian, Chair
Washington County Board of Commissioners.,

MALINOWSKI FARM

13450 NW Springville Ln
PORTLAND, OREGON, 97229
gregory.malinowski57@gmail.com
Phone 503-297-9398

April 21, 2010

Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301

Chair VanLandingham and Commissioners

Malinowski Farm is located at the above address, in what has been referred to as the 'Springville L'. Multnomah County and Metro have recently affirmed that this area should be designated as a Rural Reserve, and as we have been in business at this site for almost 70 years, we heartily approve. We produce Organic grass feed beef and poultry and eggs. as well as rent ground to small market gardeners and CSA producers who then sell crops in the Portland area. With this success we are concerned about any attempt to reduce restrictions on new uses or to allow smaller lots in the Rural Reserve areas. In our area we see small farms that are bought by well off folks, who shut down the farm and tear down the house and build a country estate in their place. This does not protect the resource, it shuts down a resource production area. The only new use we can see any value to is perhaps protection of natural resources. But that would not include any kind of development.

New roads for auto or truck traffic would also compromise the use of resource land, or protection of natural areas. The neighbors already have to bury a variety of animals that meet their end on roads used by speeding commuters. Bike and pedestrian paths are different, we have yet to see bikers or joggers accidentally running down wildlife. We would support those but not commuter and freight cut thoughts.

Thank you for the opportunity to comment on the proposed changes to rules regarding land in the proposed Rural Reserves.

Thanks for your time. Greg Malinowski
Malinowski Farm

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SUBMITTED BY: Greg Malinowski



Lynn Peterson
Chair

Commissioners
Bob Austin
Jim Bernard
Charlotte Lehan
Ann Lininger

BOARD OF COUNTY COMMISSIONERS

April 22, 2010

PUBLIC SERVICES BUILDING
2051 KAEN ROAD | OREGON CITY, OR 97045

John VanLandingham, Chair
Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Re: Proposed Rulemaking – Urban and Rural Reserves

Dear Chair VanLandingham and members of the commission:

Thank you for this opportunity to comment on the proposed amendments to OAR 660-027-0070, the Metro Urban/Rural Reserves Rule.

We appreciate the efforts of Director Whitman and Commissioner Macpherson in coming to Portland to hear testimony on the proposed amendments. Clackamas County is generally supportive of the Hearings Officer's Report and its focus on adopting clarifications to the rule in the near term, rather than expanding uses in the Reserves.

At the same time, as we move forward in implementing the Metro urban and rural reserves, we believe that there are several policy issues that warrant a more deliberative discussion by stakeholders, and possible future amendments to the rule. For example, we may want to consider a new policy allowing non-permanent uses in urban reserves on conflicted farmland that would not ultimately interfere with any future urban uses but could serve the public in the intervening time by providing such things as field space, recreational trails, parks and other activities. This issue is likely to be one of those considered over the next year by the newly formed Farm Land Activities Task Force being coordinated by the AOC.

We do appreciate and agree with Director Whitman's recognition that rural reserves are intended to protect the viability of large lot agriculture, not just protect it from urbanization. To that end, we would encourage the Department to consider adopting higher standards for the approval of non-resource uses in rural reserves, especially roadways. To effectively promote long term investment in agricultural production, a more thorough analysis of the cumulative effect of new parks, aggregate operations, transportation facilities, and other activities in rural reserves should be considered.

Clackamas County appreciates the Commission's consideration of these comments.

Sincerely,

CLACKAMAS COUNTY BOARD OF COMMISSIONERS



Lynn Peterson, Chair

On Behalf of the Clackamas County Board of Commissioners

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SUBMITTED BY: Clackamas Co.

DC/cl/mjc



Home Builders Association
of Metropolitan Portland



East Metro
Economic
Alliance

April 22, 2010

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SUBMITTED BY: Kelly Ross

John VanLandingham, Chair
Oregon Land Conservation & Development Commission
635 Capitol St. NE, Suite 150
Salem, OR 97301-2540

RE: Proposed Amendments to Rules Regarding Planning of Urban and Rural Reserves in the Portland Metro Area (OAR 660, division 27)

Dear Chair VanLandingham and Commissioners:

All of our groups were active participants in the deliberations surrounding SB 1011, the subsequent rulemaking process, as well as the processes that were conducted at the regional level by all three counties and Metro. We have made significant investments, both in time and financially, in the reserves process.

On behalf of our respective members, we as the Portland metropolitan region's major business organizations urge you to reject the Hearing Officer's recommendation that the proposed rule be adopted with only minor amendments, and to allow more time to consider additional refinements that have been raised by a number of local governments.

We bring you this message today as a result of two very important facts:

- Far, far more land has been tentatively designated as Rural Reserves by the three counties and Metro than was ever imagined when we all took the "leap of faith" in 2007 and supported SB 1011. The 272,000 acres of Rural Reserves represents an area larger than that within the current regional UGB.
- Fifty years is a very long time and it's impossible to even hazard a guess at the changes that will come during that period. These changes could have significant impacts not only

on agricultural and forest operations, but also for existing commercial and residential areas within the Rural Reserve Areas.

The existing administrative rules were adopted after a fairly rushed process to meet a statutory deadline, and we do not believe adequate attention was given at the time to the full impact of the provisions before you today. We are especially concerned about the limitations that these sections may impose on private property owners and existing commercial business operations (both resource and non-resource related) in the Rural Reserve Areas.

We agree with the comment by Washington County Planning Manager Brent Curtis that, at the very least, counties should still be able to process plan amendments based on exceptions to Statewide Planning Goals, and believe the examples described in his April 15th letter demonstrate the very valid types of adjustment that will arise from time to time. The exceptions approval criteria set a very high bar and would not allow use changes that would be detrimental for surrounding resources operations.

We also support Washington County's request for flexibility to complete work on the Hillsboro Airport overlay designation and to process amendments for compliance with state/federal statute and rule changes, as well as new case law. Again, such changes would only come about after careful deliberation by legislative and judicial bodies, and should not be expected to be detrimental to resource operations.

Finally, we are concerned that final agreement on the intergovernmental agreements between Metro and the three counties may be jeopardized if the rule amendments do not fully address the expectations and assumptions of local government officials.

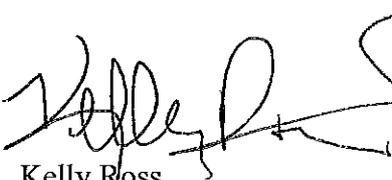
Thank you for your consideration,



Burton Weast
Clackamas County Business
Alliance

Jonathan Schlueter
Westside Economic Alliance

Bernie Bottomly
Portland Business Alliance



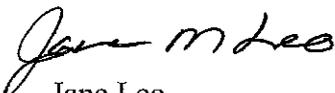
Kelly Ross
NAIOP Oregon Chapter



Bob LeFeber, Chair
Commercial Real Estate
Economic Coalition



Travis Stovall
East Metro Economic
Alliance



Jane Leo
Portland Metropolitan
Association of Realtors



Dave Nielsen
Home Builders Association of
Metropolitan Portland



How would an urban or rural reserve designation affect my property?

If you own land outside the current Portland metropolitan area urban growth boundary and it lies within an area that is designated later this year as an urban or rural reserve, there will be no change to the legal use of your land. All current land use regulations and zoning remain the same and still apply.

- A rural reserve designation means that your rural land will not be considered for inclusion within the urban growth boundary for the next 40 to 50 years. Aside from that, there are no changes. All other current legal uses remain the same. A rural reserve designation does not serve as a basis for a Measure 49 claim because the designation, by itself, does not reduce the current zoning of the property.
- An urban reserve designation means that your land will be among lands around the region that Metro will consider for inclusion within the urban growth boundary in the future. Metro is required by state law to maintain a 20-year supply of buildable land inside the boundary. Every five years, Metro conducts an inventory of buildable land, forecasts population growth for the next 20 years and, if necessary, expands the urban growth boundary accordingly. The next urban growth boundary expansion consideration is required by state law to take place in 2010.
- Not all land will be designated as one reserve or another. If your land is not designated as either an urban or rural reserve, there will be no change in its zoning or land use regulations.

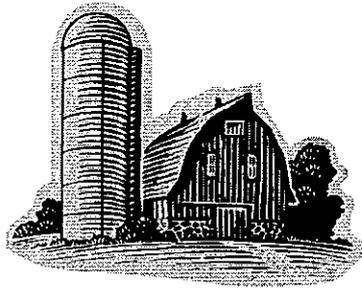
What would a rural reserve designation mean for my community?

An urban or rural reserve designation will prevent the metropolitan counties (Clackamas, Washington and Multnomah) from amending land use regulations to allow new uses, smaller lots or parcels than were allowed at the time of the designation. This means that if a rural unincorporated area is designated as a rural reserve, land owners in that community will not have the option to modify zoning to accommodate more growth ("upzone") for the next 50 years.

For more information contact Marcia Sinclair at marcia.sinclair@oregonmetro.gov or 503-797-1814.
www.oregonmetro.gov/reserves

Submitted by Carol Chesarek
 Forest Park Neighborhood Assn.
 4-22-10

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 SUBMITTED BY: Carol Chesarek



Portland Area Community Supported Agriculture Coalition

www.pacsac.org

April 21, 2010

Richard Whitman, Director and Hearings Officer
Land Conservation and Development Commission
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

Re: Proposed Rulemaking – Urban and Rural Reserves

The Portland Area Community Supported Agriculture Coalition (PACSAC) is a group of farmers growing fresh sustainable local food and selling it directly to families in the north Willamette Valley. The Community Supported Agriculture (CSA) model is a way for family farmers to produce a wide variety of high quality vegetables in a sustainable way. CSA's foster responsible relationships between the grower, the consumer, the food, and the land on which the food is grown. Our coalition includes more than 40 local farms and hundreds of families who are CSA members. We share a desire to promote, support and strengthen a healthy regional food system.

As a farmer and past-president of the Portland Area CSA Coalition I first testified in front of LCDC in November 2007. At that time we encouraged you to strengthen the support for rural reserves. Since then we have submitted testimony multiple times during the process. We are here again because we continue to have serious concerns about the Urban & Rural Reserves, and fear that the proposed amendments to the rule would only make things worse.

The reserves statute clearly states that the purpose of rural reserves is to offer agriculture "long-term protection of large blocks of land with characteristics necessary to maintain their viability." ORS 195.139(1). Through the last 3 years of this process, we have seen both Multnomah & Clackamas County apply the law in a way that does afford rural areas within their jurisdiction that protection. Unfortunately, we have seen just the opposite in Washington County. Washington County is pushing to urbanize more foundation farmland than both the other counties combined, and it is this same county that is pushing the current amendment to the rule. We believe that this amendment would undermine both the strength of the rural reserve designation and the process even further.

If you have been following the Reserves process then you already know that the Washington County proposal is the most controversial piece of the puzzle. This was evident in the beginning of the process with the formation of the Washington County advisory committee made up of public officials who voted in favor of every proposal and one farmer who was the lone voice of

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dissent. It was evident during the process by the outpouring of public testimony in support of farmland protection. And it was evident at the end of the process by the split Metro council vote.

The Joint State Agency Comments submitted Oct. 14th, 2009 have been critical of the Washington County approach and made numerous specific recommendations that have so far been ignored. These recommendations included, but were not limited to...

- Significantly more rural reserves were recommended for both north and south of Highway 26 near Hillsboro
- Much smaller urban reserves were recommended around Cornelius

I have attached the Joint State Agency Comments to my testimony so you can see for yourself that in fact Washington County included large tracts of foundation farmland as urban reserve in all of the areas mentioned above. In addition, the State Agencies write that "Washington County appears to be using the 'subject to urbanization' factor to downgrade the importance of protecting some agricultural lands." This directly contradicts the work that Oregon Department of Agriculture has done mapping agricultural lands in the Metro region. You will also see in the State Agency comments a critique of the Washington County approach to including floodplain & larger streams in urban reserves instead of protecting them, as the other counties have done, with rural reserves.

The unparalleled amount of urban reserve acreage included in the Washington County proposal pushed the process to the longer and more uncertain 50 year planning horizon. This was in direct contradiction to the recommendations in the Joint State Agency Comments and the Metro COO's report which both urged adoption of the 40 year time frame for reasons of risk management and flexibility. I have attached the range forecast included in the Metro COO's report. Based on these recommendations, planning toward the lower end of the range could have protected an additional 10,000-13,000 acres of foundation farmland.

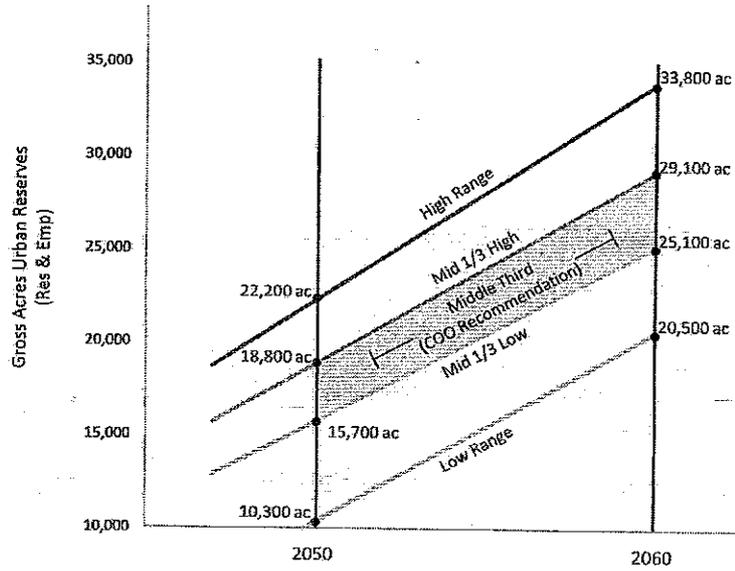
Had Washington County shown the restraint that the other counties did through the process and heeded the recommendation of the State Agencies and the Metro COO then we could be in a very different place today. We could be considering almost 50% fewer acres for urban reserve than are currently in the proposals today. That is the magnitude of the decision that will be in front of you in the fall and I urge you to carefully consider all the options between now and then.

With that for context, I again recommend that you do not amend the reserves rule at this time as it threatens to undermine the strength of the rural reserve designation and our very fragile faith in the process.

Sincerely,

Laura Masterson
Owner, 47th Avenue Farm
Laura@47thAveFarm.com

COO Recommendation
On Regional Urban Reserves
9/2009





business
oregon
where business grows



Oregon
Department
of Agriculture



Oregon Land Conservation
and Development



State of Oregon
Department of
Environmental
Quality

October 14, 2009

Metro Regional Reserves Steering Committee
Core Four
600 NE Grand Avenue
Portland, OR 97232

Re: State Agency Comments on Urban and Rural Reserves

Dear Reserves Steering Committee and Core Four Members:

The Oregon Departments of Agriculture, Forestry, Transportation, Business Development, Fish and Wildlife, Environmental Quality, Water Resources, State Lands, and Land Conservation and Development are pleased to provide the Reserves Steering Committee and the Core Four with our collective comments on the region's tentative proposals for urban and rural reserve designations. The region's ground-breaking effort to envision its long-term future management of urban and rural lands is an exciting experiment that is illustrating new ways to build great communities and lay the foundation for sustainable agriculture, forest management and natural resources protection.

In developing these comments, it is important to note that we are responding to *preliminary* recommendations from each of the three counties and from Metro staff. The counties and Metro have yet to make final decisions concerning either the amount or location of urban or rural reserves. We all appreciate the substantial work that has gone into this important effort, including countless hours of public involvement, and we recognize that the final product will continue to be refined and to evolve over the next few months.

The state agency comments focus on *state-level* interests in how the Portland Metro region will accommodate the projected 1.3 to 2.1 million additional people that will live and work in this area over the next fifty years. Other members of the Steering Committee, appropriately, will focus on regional and local considerations. Metro and the three counties will need to consider all three levels of interests in reaching their final decisions about urban and rural reserves.

Finally, each of the nine state agencies represented in the Reserves Steering Committee has a particular set of responsibilities and duties. These collective comments were not arrived at lightly, and reflect significant discussion and work to resolve competing policy interests and to provide Metro and the counties with clear, consistent recommendations. We have appreciated the opportunity to participate with others from the outset as you work to guide the region's long-term future.

I. General Comments

This section of the agencies' collective comments contains two parts: (A) our suggestions for key additional information or interim decisions that should be developed before final decisions are made; and (B) our high-level, policy-oriented comments that are not related to specific areas or locations.

A. Additional Information

The reserves effort has generated a substantial amount of analysis and information for decision-makers. Nevertheless, the agencies recommend that Metro and the counties develop or clarify the answers to certain key questions before making final decisions regarding urban and rural reserves.

1. Clarify What Period of Time Reserves Are Being Established For

Urban reserves must be designed to provide a supply of land needed for population and employment over a forty to fifty-year period. Rural reserves are protected from urban development for a period equal to the period used for urban reserves. Metro and the counties need to clarify what period they are planning for. There are important policy questions associated with this choice, and the agencies' recommendation on this question is provided below at page 3.

2. Identify the Major Variables that Lead to Differing Estimates of Urban Land Need

Metro and Washington County each have produced different estimates of urban land need over the next fifty years. Although we believe that the Metro COO and

Washington County estimates of land need are not all that far apart, we also believe that it would help the transparency of decision-making for Metro and/or Washington County staff to identify the major factors that lead to differing estimates of land need. In addition, Metro should clarify the assumptions used regarding housing and employment density in urban reserve areas. Clackamas and Multnomah Counties should also participate publicly in addressing the question of overall urban land need for the region.

3. Transportation Modeling

The counties and the Metro COO have used different methodologies to analyze transportation system feasibility and cost, making comparisons among the jurisdictions difficult to evaluate. The agencies strongly encourage Metro to do transportation modeling for proposed urban reserve areas, to analyze the performance of existing state highways and county and city transportation facilities, both within the existing UGB and outside the UGB in the Urban Reserve Study Areas. This would help identify significant problem areas and make adjustments in the final locational decisions for urban reserves. Metro and the Reserves Transportation Working Group performed an analysis of the feasibility and relative cost of developing a complete urban transportation system in the various candidate Urban Reserve Areas, but this analysis did not consider the capacity of existing rural facilities, nor the impact of additional growth on facilities within the current UGB.¹

4. Constrained Water Supply

Do the areas being proposed for future growth have the water supply capacity to support the proposed urbanization given likely competing environmental requirements, including the recovery of threatened and endangered fish species? One of the considerations in determining where regional growth should be encouraged is the long-term carrying capacity of different parts of the region in terms of water supply. This includes the sources of water (surface and ground water) and the infrastructure to provide the water. Do the likely service providers for the proposed new urban reserves have the ability to meet the projected water need/demand over the next 50 years without having to seek additional sources or volumes of water? Increased urban development creates demand for water use which commonly results in political pressure to “compromise” the instream water needs of fish to meet societal and economic demands for water. However, many of the streams currently supporting listed salmonid populations are already over-allocated, don’t meet water quality standards, or have very limited supplies of available water for future appropriation. There are differences

¹ To substitute for transportation modeling, ODOT conducted a simplified method to identify specific areas of concern. We identified facilities, both outside and inside the current UGB, that are experiencing and/or are forecast to experience capacity, safety, and/or geometric problems *without* any additional urban growth. Then we identified order of magnitude relative costs and feasibility of overcoming those existing problems. Presumably, if a transportation facility is already forecast to have capacity deficiencies, then plan amendments allowing additional urban growth relying on that facility would result in additional congestion and safety problems that will lead to the need for mitigation or create costs for the state and/or for local jurisdictions.

between different parts of the region in terms of the possible availability of additional water.

B. General High-Level Policy-Oriented Comments

1. The Time Frame for Urban and Rural Reserves

The state agencies strongly support using the lower end of the planning period authorized for reserves – e.g. forty years. We are facing a time of extraordinary uncertainty in how our communities and industries will evolve. A receding demographic peak, rapid globalization, immigration, climate change, and changes in energy pricing all may require that we be able to adapt more rapidly than we have in the past in terms of how we live, work and travel. Reserves require a balancing between the advantages of providing long-term certainty (for landowners, local governments, public and private investment) and the disadvantages of inflexibility if conditions change in unexpected ways.

Given the global and local uncertainties facing us (as reflected, in part, by the large ranges in Metro's population and employment forecasts) we believe the region should strike a balance that tends toward the risk management/flexibility end of the scale rather than locking up most of the lands on the periphery of the UGB for fifty years. An additional reason to plan for uncertainty is that this is the first time any government in the state (or nation) has set this type of long-term constraint on how it will manage surrounding lands. One way of providing for some flexibility is to set reserves for a forty-year period, and simultaneously plan to revisit whether additional reserves should be designated well before that forty-year period expires (a twenty or twenty-five year "check-in").

2. The Amount of Urban Reserves

The state agencies support the amount of urban reserves recommended by the Metro COO. That recommendation is for a range of between 15,000 and 29,000 acres. We believe that Metro and the counties can develop findings that, with this amount of land, the region can accommodate estimated urban population and employment growth for at least 40 years, and that the amount includes sufficient development capacity to support a healthy economy and to provide a range of needed housing types.

State law requires that Metro demonstrate that lands within the existing UGB cannot accommodate housing and employment needs before the UGB is expanded, even if the expansion is onto urban reserves. As a factual matter, almost all population and employment growth in the region in recent years has occurred on lands within the existing UGB (and not on lands recently added to the UGB). With the challenge of financing infrastructure likely to increase, national demographic trends that point toward an increasing emphasis on mixed-use land use patterns tied closely to alternate

transportation modes and cultural amenities, and the need to move toward settlement patterns that reduce greenhouse gas emissions by reducing automobile travel, the agencies support Metro's emphasis on redevelopment and infill.

State law allows for additional urban and rural reserves to be designated in the future if it turns out that the rate of absorption of land outside of the UGB is higher than expected. The converse is not true: once lands are designated as rural reserves they must remain in that status. Similarly, once lands are designated as urban reserves they are unlikely to be managed for the long-term investments needed for working farm or forest operations. All of these considerations counsel for Metro and the counties to designate an amount of urban (and rural reserves) toward the lower end of the range in which they have policy discretion.²

3. The Importance of Adequate Employment Lands

At the same time that the agencies encourage Metro and the counties to work toward the lower end of the range for the overall amount of urban reserves, we also wish to emphasize the need for an adequate supply of employment lands in the Metro *urban growth boundary*. The Metro region often 'seeds' traded-sector technologies and businesses that disperse throughout the state. Assuring that there is enough diversity in sites for such users to provide for varying needs (infrastructure, site specific characteristics, utilities, access to labor force, clustering near like employers, and market choice), is important to the long-term economic health of not only the region, but the entire state.

4. Spillover Effects

While the agencies believe the amount of urban reserves recommended by the Metro COO is (or can be made) sufficient to accommodate long-term population and employment growth, we also wish to emphasize that great care is needed to assure that the region continues to capture at least the same share of population and employment growth in the larger seven-county surrounding area that it has historically (that appears to be the assumption in the 50-year forecasts being used by Metro). That care translates into a long-term commitment to fund and manage efficient urban growth within the existing regional UGB and any lands added to the UGB. If the region fails to take the measures needed to accommodate growth, population and employment will overflow into surrounding areas (primarily Clark County and the I-5 South Corridor), that would put tremendous pressure on transportation infrastructure and likely move neighboring cities further toward a bedroom-community character (a result that is undesirable for many different reasons).

² We recognize that the range recommended by the COO already is below the amount identified by Washington County.

Spillover effects are already taking place and putting pressure on the transportation infrastructure due to urban growth expansions in areas that were ill-suited to urban growth (Damascus being the most prominent example). OBDD is concerned that the metro area will lack in large-lot industrial properties if the low end of the COO urban reserves is adopted. These factors could lead to significant spillover and undermine the regional UGB along with the significant infrastructure investments in the region.

5. The Amount of Rural Reserves

The state agencies believe that too much land is proposed as rural reserves in the current, preliminary, recommendations from the counties. Rural reserves are intended “* * * to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization.” Rural reserves are appropriate for lands that are under threat of urbanization. They prevent urban-density development, but they do not provide additional protection for natural resources, and they should not be applied to agricultural or forest lands that have a low likelihood of urban development. In general, the approach used by Clackamas County is consistent with how the agencies believe rural reserve designations should be used (to “steer” urban development away from or toward particular areas, rather than as a blanket treatment of everything that is not an urban reserve).

6. Equity and Efficiency Concerns in Deciding Where and How the Region Will Grow (Population and Employment)

Metro has a responsibility to allocate land needs by geographic area within the region to meet long term needs for population and employment. We understand that this responsibility is complicated by the reserves process. Metro and the counties should first achieve consensus on how much lands the region will need for population and employment, and then (separately) decide how those lands should be allocated between the three counties. In making these regional-scale decisions, Metro and the counties need to keep both housing equity (Goal 10) and employment (Goal 9) considerations (including the aspirations of individual communities) in mind as well as fiscal equity and environmental justice in determining how to distribute urban reserve areas across the region.

Each county should address housing equity and employment considerations by having some reconciliation of the supply and demand for housing and employment uses as part of their submitted analysis. Metro has done this on a macro level, but should supply the counties with the adequate tools to address these issues on a sub-regional basis.

A related concern is that different parts of the region will grow at different rates. If the differences are substantial and sustained, Metro and the counties should anticipate revisiting reserve designations in twenty to twenty-five years to adjust reserve designations and policies to respond to such trends and to correct regional imbalances.

7. Measures to Implement Urban Reserves

The agencies appreciate Metro's formulation of clear "Strategies for a Sustainable and Prosperous Region." We strongly support the concepts of "making the most of what we have" and setting higher thresholds for serviceability of lands prior to their inclusion within the Urban Growth Boundary (UGB). ODOT requests that preparation of Interchange Area Management Plans (IAMP) be an integral part of any Concept Plans for Urban Reserve areas that encompass existing rural interchanges (or that generate a need for a new interchange). ODEQ urges municipalities to consider adopting or expanding current regional watershed plans to guide development in environmentally sustainable ways, and minimize impacts on streams and rivers.

8. Minimizing the Transportation-Related Costs of Growth

The Regional Transportation Planning process has shown that even within the current Metro UGB, transportation needs far outweigh ODOT's and local jurisdictions' ability to fund them. It is important that the amount of urban reserves be limited to only the amount that is necessary, and that these lands be located strategically so as to:

- a. Maximize efficient use of existing and planned state and local transportation facilities,
- b. Reduce reliance on state highways by maximizing the ability to provide for a well-connected multi-modal local transportation network, and
- c. Minimize the need for additional highway improvements.

9. Assuring that New Development Will Support State and Local Transportation Systems

Metro, the cities and the counties should assure that they collectively have mechanisms in place to assure that new development will contribute to local systems and state highway improvements that are needed to serve the new development. This includes bringing the existing highways up to urban standards, adding bike lanes and sidewalks, improving geometric and safety deficiencies, grade-separating intersections on expressways, widening arterials to 4 lanes plus turn lanes, and widening freeways to 6 lanes plus auxiliary lanes.

10. The Cost of Redevelopment and Infill

High density urban redevelopment and infill will not be inexpensive. Public infrastructure and development costs for South Waterfront's first phase totaled \$195 million with an estimated price tag of another \$145 million for its second phase. Metro has indicated that urban renewal and other funding mechanisms (TIF's, assessments) will be needed to meet objectives for accommodating growth within the existing UGB. Brownfield redevelopment funding and related partnerships are also available resources to communities. The agencies are supportive of redevelopment and infill, but the costs

associated with refill can be substantial and should be weighed against the costs of expanding into the urban reserves. Metro and the counties are required to adopt measures to implement urban reserves; these measures should include provisions to assure that infrastructure requirements and costs (and cost allocations) are detailed *before* lands are included in the regional UGB so that clear market signals are sent, and so that land prices appropriately reflect the costs of development. Required planning for infrastructure, public facilities and environmental protection before these areas are brought into the UGB will also help assure that only those lands that can add significantly to the regions' ability to accommodate population or employment needs are added to the UGB.

11. Urban Reserves That Include Wetlands and Other Aquatic Resources

Metro, the counties, and property owners should understand that urban reserve designations will not allow development involving wetlands or other waters to avoid state (Removal-Fill Law) and/or federal (Clean Water Act Section 404) wetland/waterway requirements to analyze practicable alternatives to avoid and minimize impacts to wetlands/waters. An urban reserve designation does not assure that the lands are developable. A cursory review by DSL staff indicates that up to 15 percent of the proposed Washington County urban reserve land is on mapped hydric (wetland) soils. While such mapping is certainly not definitive for the presence of jurisdictional wetlands and other waters, it does suggest that a sizeable portion of the urban reserve land will be subject to future discretionary reviews by DSL and the Army Corps of Engineers that may result in approval or denial of specific developments. Developments that are allowed in such areas will be subject to compensatory mitigation that may have the effect of further reducing the net developable land yielded from particular urban reserves.

The agencies encourage the counties and Metro to be explicit in their documentation and public outreach as to how important natural resource features that are included in urban reserves will remain protected for the future. This comment is not intended to advocate for less urban or more rural designations, rather, it is offered to make clear that not all urban reserves will be developable.

12. The Economic Importance of Rural Reserves for Forestlands

One purpose of the reserves process is to retain large blocks of forestlands in forest use so that future Oregonians, including urban residents, will continue to benefit from the wide range of environmental, economic, and social values forests provide. The demand for forest ecosystem services (specifically: recreation, carbon sequestration, passive-use values such as biodiversity, and water quality) is often constrained by the availability of healthy forest environments that support or provide these services. Maintaining and enhancing Oregon's forests' non-commodity contributions to state and local economies, communities, and Oregon's quality-of-life are very important to all Oregonians and recognized as important nationally. However, these values are often

taken for granted because they are not generally traded in markets. As such, they have no "price" and are therefore seemingly provided for free. Caution is needed in the Metro reserves process not to overlook or underestimate forest ecosystem service values.

As urban growth boundaries move closer to wildland forests and mixed forest and agricultural lands, there may be accelerated pressure outside the UGB for the in-filling of structures. Such outcomes can result in disincentives for continued investments in forest management and should be minimized whenever possible. Dividing the forest into smaller parcels and adding dwellings (with or without urbanization) can displace wildlife through habitat fragmentation, increase conflicts between residential and commercial forestry uses, decrease incentives to encourage forest land retention (such as forest land tax status), increase the cost of fire protection, incentivize further development pressure by an increasing disparity between forest land development property values versus timber values, and reduce the economic benefits of commercial timber production. Rural reserves should be considered as a tool to avoid this type of "halo" effect.³

II. Comments on the Location of Urban and Rural Reserves

The Metro Chief Operating officer's recommendations on urban reserves divided the region into 14 geographic areas. After providing general comments about the location of urban and rural reserves, the agencies are providing area-specific comments organized to correspond to those 14 areas. In a final section, the agencies also provide comments concerning lands that should remain with their existing rural designations (and not be designated as either an urban or a rural reserve).

A. General Comments on the Location of Urban Reserves

1. General Comments on the Location of Urban Reserves: Transportation Issues

It is important to designate urban reserves that can be designed to provide a complete local/regional multimodal transportation system and where the state highways either have the capacity to serve additional trips, are already planned to be improved, and/or are not excessively expensive to upgrade to urban standards in a manner consistent with the RTP Systems Development and Systems Design Concepts.

³ ODF encourages Metro and the counties to more carefully consider the economic contributions of the forest products sector to the region's economy and the potential effects of future development and urbanization on the viability of the forest products sector.

ODOT's analysis shows that the highways least suitable to accommodate additional trips and most expensive to improve, are I-5 South, especially the segment from OR 217 to south of the Willamette River, and I-205, especially the segment from the Stafford Interchange to the Sunrise/OR 212/OR 224. Both I-5 and I-205 require corridor refinement plans to identify feasible solutions. Because of the presence of the Willamette River and the lack of bridge connections other than the I-5 Boone Bridge, it would be extremely difficult and expensive to provide a network of local multimodal transportation system connections between areas south of the Willamette River and the rest of the urban area.

A significant difference between I-5 and I-205 is that I-5 is already 6 lanes and thus is considered "complete" by RTP standards, whereas I-205 South is 4 lanes and hence the planned (but not funded) facility calls for widening to 6 lanes.

US 26 West is constrained by congestion at the I-405 tunnel and the limited opportunities and large potential costs to improve that segment, but the costs of widening US 26 to 6 lanes and reconstructing a number of interchanges and overpasses at the edge of the current UGB are smaller than the costs of improving I-5 and I-205.

TV Highway is already at 5 lanes and congested. Access management has proven to be difficult to implement, and opportunities to build a local network to reduce reliance on the highway are limited due to the presence of the railroad in close proximity.

OR 213 and OR 212 are both forecast to fail to meet the Oregon Highway Plan mobility standards even when widened to 5-lanes. Topography and the presence of natural resources limit opportunities to build a complete local transportation network in the area served by OR 213. The City of Damascus is in the process of developing a complete multimodal transportation system plan for the area now served primarily by OR 212.

2. General Comments on the Location of Urban Reserves: Floodplains and Stream Corridors

One significant locational issue for the counties and Metro is whether urban reserves should include floodplain areas and larger stream corridors. Some of the proposed urban reserves in Washington County include relatively large floodplain areas (e.g. along the Tualatin River, lower Dairy Creek, etc.). Clackamas County generally has worked to place larger stream corridors within rural reserves.

As a general matter, the state agencies believe that larger floodplain areas that are on the periphery of the urban area should *not* be included in urban reserves and that, instead, they should be used as a natural boundary between urban and rural areas to the extent possible. Although some development in floodplains may be possible, the overall amount of development likely to occur in floodplains does not justify their inclusion in urban reserves.

Washington County and Clackamas County appear to have taken very different approaches toward certain stream corridors. In Washington County, the preliminary urban reserves overlay or abut several current or potential salmonid-bearing streams such as Tualatin River, McKay Creek, Dairy Creek, Storey Creek and Rock Creek. In Clackamas County, the preliminary designation map generally recommends important stream corridors for rural designation (e.g., Clackamas River, Clear Creek, and Abernathy Creek). These differing approaches may lead to some confusion as to what the region's intent is regarding future stream/riparian area protections. The state agencies recommend the counties agree on a consistent approach that makes it clear to the public that important stream corridors will be protected.

3. General Comments on the Location of Urban Reserves: Water Supply Issues

The state requests that an analysis of water supply capacity be completed for each proposed urban reserve prior to its inclusion with an urban growth boundary to determine if urban development will conflict with resource protection or water supply issues. The analysis would include an assessment of the following factors:

- a. Identification of the current water service provider who will provide water to the new urban area;
- b. The total supply of water currently available to that service provider (i.e. currently available through certified/proven water rights);
- c. Of the total amount of water currently available, the amount of water currently unused by the provider that could be directed to serve the new urban area;
- d. Based on the size of the area and projected population and commercial/ industrial development, how much water is projected to be needed to serve the area when it is fully developed;
- e. If a deficit exists between the current water available (per existing water rights) and the projected total water demand when the area is fully developed, where does the service provider envision the additional water will be obtained?
- f. Identification of potential impacts to the quality of current drinking water supplies (such as the Clackamas River) in proposed Urban Reserves.

The current analysis of "service capacity" seems to be largely focused on whether site characteristics (e.g. topography) allow for the physical infrastructure to be put in place to service an area. It does not appear that an analysis has been completed yet to determine if the water is available to meet the needs of the additional urban growth being proposed for these areas over the very long-term.

4. General Comments on the Location of Urban Reserves: Impacts to Regional Water Quality

Urban Reserves are proposed in several water quality limited watersheds, such as the Tualatin and Clackamas Rivers. Urbanization will have multiple negative impacts to the

water quality of streams and rivers. Increased sanitary wastewater discharges will have an impact on the receiving rivers, and the location and nature of the discharges can substantially alter the nature of these impacts. Increases in impervious surfaces create stormwater runoff that can impact water bodies through an increase in pollutants and changes to stream flows. In addition, the conversion of former agricultural lands can mobilize legacy herbicides and pesticides in soils, sending these toxics in the watershed into streams, rivers, and other aquatic resources. New discharges requiring a permit will need to be coordinated in advance with ODEQ. These potential effects can be greatly mitigated through coordinated implementation of watershed plans and permits.

5. General Comments on the Location of Urban Reserves: Suitability for Industrial Development

Generally, to meet the regions' needs for long-term needs for industrial development, urban reserves should include lands that have:

- Clustering potential with competing and complimentary industries
- Multi-modal potential (rail/port)
- Good access to labor force
- Minimal slopes (10% max)
- Superior utility infrastructure (electric, water, gas, telecom)
- Access to major interstates, with I-5 being the most desirable
- Adequate Market Choice.

B. General Comments on the Location of Rural Reserves

1. General Comments on the Location of Rural Reserves: Threat of Urbanization

Regardless of whether their purpose is to protect agriculture lands, forest lands, or important natural features, rural reserves are not designed (or intended) to protect these lands from all threats – rather rural reserves are to protect these lands from *urbanization*. Proximity of land to the UGB is a measure of the degree to which lands are “subject to urbanization.” Many of the areas identified by the counties as potential rural reserves are detached from the UGB, and in some instances (particularly in Washington County) are located a great distance away. These lands are not threatened with future urban development, and should not be designated as rural reserves. Rural reserves are not a tool to be used to supplement or replace existing tools that are either in place or that are available to counties to “protect” rural lands from rural residential development and other rural uses that may conflict with agriculture, forestry, or natural resources. Proximity to major transportation corridors, interchanges, known “aspirations” and past actions further informs the analysis of areas “subject to urbanization”.

Washington County appears to be using the "subject to urbanization" factor to downgrade the importance of protecting some agricultural lands. This has led to a band of agricultural lands located around cities in Washington County being rated lower for protection as rural reserves. The ODA mapping of foundation and important agricultural lands took into account the implications of urbanization on the long-term viability of agricultural land. A great deal of foundation land shares an edge with an existing UGB. This was not accidental, such lands were reviewed and determined to be viable as agricultural lands over the long term with appropriate protection.

It is somewhat puzzling to observe how Washington and Clackamas County are applying the threat of urbanization factor to reserves. Washington County has designated most rural lands within the study area that are not proposed as urban reserves as rural reserves beyond three miles from the existing Metro UGB.

The agencies believe that the Clackamas County approach is generally more appropriate unless there is a specific showing of threat or urbanization for an area beyond three miles from the existing UGB or some other specific reason to use a rural reserve to guide the pattern of urbanization in a neighboring community (e.g., lands south of Estacada, across the Clackamas River).

At the same time, intact forestlands in the Gales Creek Canyon area northwest of Forest Grove, the Chehalem Mountains area, and the area northwest of Forest Park should be protected from urbanization through rural reserve designations. Urbanization in these areas would create environmental and economic conflicts.

2. General Comments on the Location of Rural Reserves: Factors

At times counties have indicated that the rural reserve factors in OAR 660-027-0060 are a "guide" for where rural reserves should be located. The counties and Metro need to be careful to base their decisions on the factors set forth in state statute and rule. These are not "guides" that can be considered along with other policy preferences. While there is much weighing and balancing involved in determining the appropriate designations, the factors set forth in rule can't be skirted in order to achieve other desired policies.

3. General Comments on the Location of Rural Reserves: Blocks and Patterns of Agricultural Lands

The factors in OAR 660-027-0060(d)(A)-(C) need to be more carefully considered in determining the location of rural reserves. With respect to irrigation, there seems to be too much reliance on whether or not lands are located within irrigation districts. Many high-value crops are grown in the region without irrigation. Irrigation typically is not needed for several key crops (grass seed, legume seeds, hay, grapes once established, etc.). We also note that Washington County ranks lands within water-restricted areas lower. Agricultural lands with water rights in these areas should be protected (not

identified for urbanization) since they have a supply of water, and additional supplies will not likely be available. The Wildland Forest Inventory should not be used as a tool to measure the value of land for agriculture. This inventory appears to devalue most of the agricultural lands that ODA determined to be Foundation Agricultural Lands (e.g., such lands are shown as 5.99-6.76 on the county's scale). These lands are the heart of Washington County agriculture. This inventory should not be used to evaluate lands for agricultural value. A separate measure of forestry and a separate measure of natural features could be combined to determine where they overlap, but each characteristic should not be used to measure the value of another.

It appears that Washington County has given greater weight to viticulture lands when compared to other agricultural lands. This tends to devalue the bulk of the county's non-viticulture agricultural land base located in the Tualatin Valley. ODA strongly agrees that viticulture lands are an important part of the region's agriculture base. However, they do not provide the wider range of options for agriculture as do lands on the valley floor, and viticulture products do not rank higher in total value than other products grown in the county, such as nursery products, seed crops, fruits and nuts.

Washington County indicates in its report that areas of high parcelization were rated comparatively low for agricultural value, and that areas where a majority of tax lots are less than 35 acres are considered "parcelized." This 35-acre threshold is not a reasonable standard for parcelization and does not reflect the nature of farms comprised of constituent parcels and the practice of renting and leasing lands. Furthermore, the county states that it uses residential dwelling density as an indicator. This is problematic, as this analysis makes no distinction between farm dwellings and nonfarm dwellings.

4. General Comments on the Location of Rural Reserves: Blocks and Patterns of Forest Lands

ODF's spatial analyses focused on identifying forest lands within the reserves scoping area and highlighting forested areas still retaining "wildland" forest character (defined as forestlands with fewer than five existing structures per square mile) and "mixed forest and agricultural" lands (defined as intermixed forest and agricultural lands with fewer than nine existing structures per square mile). Long term retention of these two classes of forest land are viewed by the Department of Forestry as critical to maintaining forest environmental benefits such as wildlife habitat, water quality, and carbon sequestration and to maintain economically viable private ownership of productive commercial forest lands. Commercial forest land management may be more sensitive to the market signals provided by reserve designations due to the long rotation/investment periods involved. As a result, it may be more appropriate to include forest lands further from existing urban growth boundaries where there is already some evidence of large-lot residential conversion in order to send a clear market signal.

5. General Comments on the Location of Rural Reserves: Most Recent Data

Metro staff recently provided a presentation to the MURR Steering Committee concerning recent changes in the Natural Resources Inventory to incorporate new data layers and improve the accuracy of data. The agencies recommend that the counties utilize these data in making their final proposals for rural reserves.

C. General Comments on the Location of Rural Lands (Lands Not Designated as Urban or Rural Reserves)

Retaining the existing planning and zoning for rural lands (and not applying a rural or an urban reserves designation) is appropriate for lands that are unlikely to be needed over the next forty years, or (conversely) that are not subject to a threat of urbanization. In addition, it is appropriate to assure that neighboring cities not within the Metro boundary each have some undesignated rural lands at their periphery in order to allow them to determine the location and extent of future urbanization.

D. Specific Comments on Proposed Reserves, By Area

1. Clackanomah and East Multnomah County Areas

The state agencies generally support the recommendations of Multnomah County for rural reserves in the East County area, except that they should generally be limited to areas within three miles of the existing UGB unless there is a specific threat of urbanization that they are responding to. The area around Barlow High School (south of Lustad Road to 302nd) could be included in an urban reserve or left with its existing rural zoning due to existing development patterns. Similarly, to align with Clackamas County, the area west of 287th (perhaps including land on both sides of that roadway) could be included in an urban reserve or left with its existing plan and zone designations.

In the Clackamas County portion of this area, the state agencies support the Metro Chief Operating Officer's (COO's) recommendation and the county's preliminary recommendations for both urban and rural reserves. This is one of the four areas in the region with lands closest to existing and planned transportation investments with superior access to labor force. At the Boring interchange on US 26 East ("Heidi's Corner"), an interchange area management plan (IAMP) will be needed to maintain separation between Sandy and the Metro UGB, and to ensure that urban development does not spill across US 26 to the east or south.

Finally, development in the East Buttes area (west of SE 272nd Ave) should be precluded or otherwise conditioned to protect the values of this natural feature.

2. Damascus

The state agencies support both the county's and the COO's recommendations for this area. In particular, lands that are already within the City of Damascus should be included within urban reserves. However, the agencies also support leaving Noyer Creek and Deep Creek as rural reserves. It is important to note that OR 212 is forecast to fail to meet mobility standards even when widened to 5-lanes. Topography, infrastructure costs, and the presence of natural resources limit opportunities to add significant housing or employment capacity in this area.

For the area included within an urban reserve, there are a number of natural features that should be protected during urban development. Specifically, special consideration should be provided to protect the values and functions of Richardson Creek, Noyer Creek and Deep Creek where these features exist within the urban reserve.

3. Oregon City

The state agencies generally support the COO recommendations (including Henrici Road). The bench lands located along the southern Oregon City UGB should be included as urban reserves. The Northeast Oregon City subarea (Forsythe/Holcomb) should be included *only* if needed to reach overall regional housing land targets or regional balance. It is important to note that OR 213 is forecast to fail to meet mobility standards even when widened to 5-lanes.

Urban development should be excluded from Newell Creek Canyon to protect this important natural feature.

4. Stafford Area

The state agencies support the COO's recommendations for the Stafford area, specifically including the recommendation to increase the amount of urban reserves relative to the initial recommendation from Clackamas County (the agencies would tend to include even more lands than the COO appears to recommend). This is one of the four areas in the region with lands closest to existing and planned transportation investments, and with superior access to the regional labor force (if I-205 is widened, or HCT is extended along I-205). As a result, it is particularly well-suited for long-term employment purposes. A larger area is recommended for inclusion recognizing the significant transportation costs (widening I-205 to six lanes, interchange improvements) that would be required in the long term. North of I-205, carefully-designed conditions should be included to protect the areas within the Tualatin River floodplain (and significant associated drainages, e.g. Wilson Creek) for their natural resource and wildlife values.

The vicinity of the Stafford interchange on I-205 should be included within the UGB only if an interchange area management plan (IAMP) is developed. Any new Town Center

or Station Community designations consider the barrier effect of the freeway itself, and reduce reliance on the freeway and the freeway interchange for internal circulation and short trips. Concept Plan(s) should provide for internal multimodal circulation and connectivity within the concept plan area, within any proposed new mixed use centers, and to the existing Town Centers of Wilsonville, Tualatin, West Linn, and Lake Oswego.

5. East Wilsonville

The state agencies support the recommendations of the Metro COO regarding urban reserves and rural reserves in this area.

6. South and West Wilsonville/South Sherwood

South Wilsonville

ODOT, ODA, DLCD, OWRD, DEQ, ODFW, and DSL support the preliminary recommendation from Clackamas County to designate lands south of the Willamette River (French Prairie) as a rural reserve. The reasons for a rural reserve designation include: threat of urbanization, high suitability for agriculture, very significant transportation limitations (Boone Bridge capacity and no alternate river crossing, poor multimodal connectivity), poor suitability for urbanization (services and distance to existing population), and concerns about encouraging urban development moving south along I-5 into prime agricultural lands.

Oregon Business Development Department supports leaving the portion of the French Prairie area along I-5 and Highway 99 undesignated, to provide more flexibility in the event that additional large employment sites are needed in the region over the long term.

West Wilsonville/South Sherwood (Clackamas County)

The agencies support the COO recommendations for this area (both for urban and rural reserves).

West Wilsonville/South Sherwood (Washington County)

The agencies support the COO recommendations for this area (urban reserves). There are significant transportation issues associated with this area over the long term (Highway 99W and Tualatin-Sherwood Road) that will limit its ability to provide significant employment opportunities until resolved.

7. West Sherwood

Generally, the state agencies do not support including the areas due west of King City suggested as urban reserves in the COO and Washington County recommendations.

Generally the areas west of Sherwood suggested as urban reserve by the COO and Washington County should not be included, except for the southern portion of this area west of Highway 99 bisected by Kruger Road. Specifically, Tualatin River floodplain and riparian habitat north of SW Lambeau Road, west of SW Roy Rogers Road, and east of SW Elwert Road should be included in the adjacent rural reserve proposed north of the Tualatin River.

The areas described above should be "undesigned" rural lands.

Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization. Lands along Highway 99, southwest of Sherwood, should be included in rural reserves.

8. Bull Mountain

The state agencies support the COO's recommendations for this area. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

9. Cooper Mountain

The state agencies support the COO's recommendations for this area. Due west of the Murray Hill Center, only the eastern portion of the proposed urban reserves area south of Weir Road should be included as an urban reserve. The remainder of the lands should be designated as rural reserves. Rural reserves more than three miles from the existing UGB should not be included unless there is some specific threat of urbanization.

10. South Hillsboro

ODOT, Oregon Business Development Department, DLCD, OWRD, DEQ, ODFW, and DSL agree with the recommendations of Washington County and the Metro COO for this area, although foundation agricultural lands in the southwestern portion should be included only in the event necessary to meet regional needs.

ODA supports designating the portion of this area located south of Butternut Creek as a Rural Reserve. As pointed out in the analysis provided in the ODA report to Metro, Butternut Creek and the adjacent golf course would provide a good edge and buffer between the urban area and a large area of foundation agricultural land. Urbanization beyond this "buffer" presents serious issues relating to the long-term integrity of the larger agricultural area located south of the current urban growth boundary (see *Identification and Assessment of the Long-Term Commercial Viability of Metro Region Agricultural Lands*, Oregon Department of Agriculture, January 2007, page 48).

11. Cornelius/Forest Grove

The state agencies generally concur with the COO recommendations for this area. Urban reserves should provide a (limited) long-term land supply for both the cities of Cornelius and Forest Grove. For Cornelius, there are lands to the south and southeast of the city that are outside of the 100-year floodplain that are appropriate for an urban reserve designation. In addition, the area between Hillsboro and Cornelius, north of Baseline/Tualatin Valley Hwy and east of Susbauer, should be included as well.

For Forest Grove, the area bounded by Thatcher, Purdin and Highway 47 should be studied further for possible designation as an urban reserve.

Intact forestlands in the Gales Creek Canyon area northwest of Forest Grove should be protected from urbanization through rural reserve designations where subject to the threat of urbanization (generally within three miles of the existing UGB). Lands within the Tualatin River (and associated streams) floodplain also should be used as a natural boundary, and designated as a rural reserves where there is threat of urbanization, along with lands to the north of Council Creek, and lands to the south of Forest Grove along Highway 47.

Rural reserves for areas here that are a significant distance from the existing UGB don't appear to meet the factors in the rule for designation of rural reserves (except along Highway 47), and generally there is too much land designated as rural reserves in this area.

12. North Hillsboro

The state agencies agree that (with one exception) most of the area north of Highway 26 should not be designated as an urban reserve.⁴ One exception is the area to the northwest of the Shute Road interchange (where additional transportation investments are anticipated). An Interchange Area Management Plan (IAMP) should be prepared during concept planning and adopted at the time this land is considered for inclusion in the UGB to ensure that surrounding land uses are preserved for the intended industrial use, based on the capacity of the interchange.

The area north of Highway 26 to the west of Helvetia and east of Jackson School roads should be designated rural reserves to form a "hard edge" to the boundary in this important agricultural region, except for area just east of the City of North Plains, which could remain "undesigned". In addition, the land south of Highway 26 in the vicinity of North Plains should be designated rural reserve (rather than current proposal as "undesigned") in order to steer urbanization for North Plains north of Highway 26.

⁴ Business Oregon supports a larger urban reserve designation in this area as needed to support long-term economic growth in key industries that are crucial to the state's economy.

The areas south of Highway 26 in the triangular shaped area bordered on the south by (approximately) Meek Road (and then by Waibel Creek further to the west) should be designated rural reserve to form a hard edge to that region, primarily due to significant agriculture lands and in part to reflect the fact that the Jackson School Road interchange and the road itself are designed to handle only rural levels of traffic.

The agencies agree that the area south of the triangle described above (i.e., north of Evergreen to Meek Road and then Waibel Creek extending McKay Creek to the west) should be urban reserve, as recommended by the County and the COO (and as identified in Hillsboro's concept plan), primarily to provide additional employment lands in this part of the region. However, the floodplain and riparian habitats associated with McKay Creek and Waibel Creek should receive protection during urban development.

13. Cornelius Pass

The agencies concur with the Metro COO's recommendations for this area.

14. West Multnomah County

The agencies agree with COO recommendations for this area. Agricultural and forest lands that are under threat of urbanization and that have high wildlife habitat value (including Sauvie Island and non-industrial forest lands linking Forest Park to larger blocks of wildland forest to the northwest as a wildlife migration corridor) should be designated as rural reserves. It is in the best interests of the state, Metro, the affected counties and urban residents to provide these landowners with economic incentives to continue investing in forest management rather than converting these lands to non-forest uses.

The corridor between the Multnomah Channel and Highway 30 is currently recommended as "undesigned." The rationale against rural reserve designation is, in part, the extent of wetlands and potential flooding that likely limits the footprint of development. The agencies are concerned that even with these development limitations, because of the proximity to Highway 30, there is a high long-term threat of urbanization. At the same time, the substantial aquatic habitat values and transportation access concerns suggest that this area be designated as a rural reserve.

Thank you for this opportunity to help Metro and the three Metro area counties determine how and where its residents will live and work during the next forty to fifty years. Our collective goal is to assure that the region's future is a sustainable one that best achieves livable communities, and that assures the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents.

Sincerely,



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Director
Oregon Department of Land
Conservation and Development



Matt Garrett
Director
Oregon Department of Transportation



Katy Coba
Director
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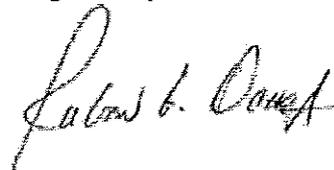
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