

EXHIBIT: _____ AGENDA ITEM: 1
LAND CONSERVATION & DEVELOPMENT
COMMISSION
DATE: 10-1-09
PAGES: _____
SUBMITTED BY: Cherry Amabisca

Date: October 1, 2009

From: Cherry Amabisca
13260 NW Bishop Road
Hillsboro, OR 97124

To: Chair VanLandingham and Land Conservation and Development Commission

Re: Urban Reserve Timeline

My name is Cherry Amabisca. Thank you for taking public comments today on Urban and Rural Reserves.

SECTION 6 of SB 1011 says:

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

So, Urban Reserves will accommodate 20 to 30 years of growth. If we choose to designate Urban Reserves to accommodate 20 years of growth beyond the UGB, as the UGB moves progressively further into the Urban Reserves every 5 years, in 20 years all of the Urban Reserves designated in 2010 should be within the UGB.

If we assume that we designate 40 years of Urban Reserves in 2010 (and X equals the land inside the UGB already developed), then:

<u>Year</u>	<u>Developed Land in UGB</u>	<u>Undeveloped Land in UGB</u>	<u>Urban Reserves</u>
2010	X	20 years	20 years
2015	X + 5	20	15
2020	X + 10	20	10
2025	X + 15	20	5
2030	X + 20	20	0

In 2030, where does the next UGB expansion go?

Obviously, urban growth may occur slower or faster than we expect, and Urban Reserves may be consumed sooner or later than we predicted when they were designated.

But, if we believe in 2010 that the land in Urban Reserves and the UGB will last more than 50 years, then those Urban Reserves will be too big.

Right now, some cities are worried that if they don't have adjacent Urban Reserves, they will be unable to expand for 40 to 50 years. This fear could drive the region to designate unnecessarily large Urban Reserves.

But, it is hard to imagine the region will be content to wait even 20 years before designating new Urban Reserves - there are too many unknowns.

The region is allowed to designate new Urban Reserves as often as we can stomach the process. If the region makes a formal commitment to re-examine the adequacy of Urban Reserves every 15 years, leaders should be more comfortable accepting small Urban Reserves now and a lot of unnecessary worry could be eliminated.

On a slightly different topic, last week Director Whitman pointed out a loophole that will allow lands outside of Urban Reserves to be brought into the UGB for "special purposes." This loophole appears big enough to drive large lot industrial, mega-churches, and new high schools through. It is an excellent reason to make sure that all land adjacent to the current UGB is designated as either Urban or Rural Reserves, and not "Undesignated".

Thank you.

A handwritten signature in black ink, appearing to read "Cherry Amabisca". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cherry Amabisca

EXHIBIT: _____ AGENDA ITEM: 1
LAND CONSERVATION & DEVELOPMENT
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DATE: 10-1-09
PAGES: 2
SUBMITTED BY: Brian Beinlich

Date: October 1, 2009

From: Brian Beinlich
10440 NW Jackson Quarry Road
Hillsboro, OR 97124

To: Chair Vanlandingham and the Land Conservation and Development Commission

Re: Lack of Citizen Involvement in the Washington County Reserves Process

My name is Brian Beinlich. I live in the area north of Highway 26, which includes the historic Helvetia area. I am a member of CPO 8, which is primarily how I stay informed about land use matters affecting our area.

Earlier this year, during CPO updates on the reserves process, several residents and I became concerned that Washington County was planning to put over 8,000 acres of Foundation farmland into urban reserves. We formed a grass-roots citizens' group, "Save Helvetia", whose goal is to have the land north of Highway 26 designated as Rural Reserves.

What alarmed us most was that Washington County planners and the Reserves Coordinating Committee were making decisions without citizen involvement. Many decisions were made in the Planning Directors' meetings, which were open to the public until citizens began attending them, at which time they became closed. Hillsboro's "growth aspirations", which form the basis for the urban reserves north of Highway 26, were developed by their planners and approved in a City Council work session last year with NO public input.

Washington County did not include citizens in their Reserves Coordinating Committee. On the contrary, 12 of the Committee's 15 members are city mayors, giving it a distinctly urban bias. The Committee met in the early afternoons, making it difficult for working citizens to attend. The County used a GIS-based "screening" system that was nearly impossible to evaluate. In contrast, Multnomah County's Reserves Advisory Committee consisted entirely of citizens. Clackamas County's advisory committee included many neighborhood representatives. The Multnomah and Clackamas County meetings were held at convenient times for working citizens. These committees' recommendations, developed with direct citizen involvement, more accurately represent the interests of their citizens than those of Washington County.

A deeply-held belief in the value of historic farmland drove the "Save Helvetia" movement. Citizens throughout the county, region, and state sent in more than 350 letters and signed more than 650 petitions requesting Rural Reserves for the area north of Highway 26. Over 400 citizens have joined the Save Helvetia discussion group. Over 40 Save Helvetia members and 50 members of the general public testified before the Washington County Reserves Coordinating Committee in favor of Rural Reserves for the area. Three binders were submitted to Washington County with information about the natural resources, the long-term ag activities, the hydrology, and the history and culture of the area. None of this affected the outcome.

Washington County says that its Citizen Involvement Program was vetted by DLCD and the Regional Reserve Committee. This may well be true. Despite all the noble intentions of Goal 1, there is unfortunately no requirement that citizen input actually affect the outcome of public processes. When citizens perceive that their input does not affect the outcome, they become disengaged, cynical, and apathetic. Oversight by commissions such as LCDC and the state CCI is one way to address this shortcoming of Goal 1 and the citizen involvement process. More citizen participation and better governance would surely be the result.

Washington County engaged in a relatively closed process that was difficult for citizens to navigate. The County weighted the scale and allowed the desires of commercial property developers to trump the needs of the ag industry. Their recommended urban reserves, which equal 25% of the available EFU land, is not balanced and fails to maintain the viability and vitality of the ag industry. I believe that better balance would be achieved by embracing Michael Jordan's and the Multnomah County's Citizen Advisory Committee recommendations, which, among other things, call for much more efficient use of land already inside the Urban Growth Boundary.

Thank you.

Washington County's current approach to land use planning is flawed. The current approach is based on a top-down process that does not involve citizens in a meaningful way. This approach is not only inefficient, but it also fails to address the needs of the community. A more transparent and inclusive process is needed to ensure that the land use plan reflects the interests of all stakeholders.

The current land use plan is not balanced and fails to maintain the viability and vitality of the ag industry. The plan allows commercial property developers to trump the needs of the ag industry. This is not fair to the ag industry, which has been a vital part of the county's economy for many years. A more balanced approach is needed to ensure that the land use plan reflects the interests of all stakeholders.

Washington County's current approach to land use planning is flawed. The current approach is based on a top-down process that does not involve citizens in a meaningful way. This approach is not only inefficient, but it also fails to address the needs of the community. A more transparent and inclusive process is needed to ensure that the land use plan reflects the interests of all stakeholders.

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

October 1, 2009

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

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

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

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

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

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

I sincerely hope that the Washington County Board will find a graceful route back into the mainstream of the Reserve planning process, and into responsible thinking and planning for our common future. There are good, visionary people on the Board and on the County's planning staff, but there is catch-up work to be done.

I coined the term "Smart Growth" when I ran for County Commissioner in 1990, used it in conferences and meetings around the country while I was in office, and have been gratified to see the term spread into general use. I left office believing that smart growth concepts had taken hold in Washington County: that County officials and staff took citizen involvement seriously and were using it well to develop safer, livelier, more sustainable communities. (Orengo Station comes to mind as an example.) Was I just wrong? Isn't it time again to challenge and shift old paradigms?

I invite Washington County--and Metro and LCDC--to ask themselves these questions:

- Do our decision processes involve and honor those they affect?
- Do we learn from and base decisions on good data, rather than yielding to habitual thinking or interest group politics?
- Do we respect our interdependence with other places, species, resources and communities when we evaluate alternative proposals?
- Do we collaborate on creative designs to solve otherwise intractable problems?.

I'm grateful that at a time when our economic future is uncertain, our environmental and energy challenges unprecedented, we do have good law to work with: goals, guidelines, rules, and precedents that, used in good faith, can lead us to decisions that will stand the test of time, and make us proud.

The Land Conservation and Development Commission has made heroic contributions to this "treasure we call Oregon", and will continue to set direction for critical choices about our communal future. I honor your service, and I wish you courage and wisdom in your ongoing work. Thanks for this opportunity to comment.

Sincerely,

Linda Peters

Washington County Commissioner, District 4, 1991-1994

Chair, Washington County Board of Commissioners, 1995-1998

*Davis, Hibbits & Midghall Inc. Memo to Metro re: Public Attitudes about Quality of Life and Growth Management Issues, August 2009. Appendix A: Annotated Questionnaire, p19 question #6 table. Online at

http://library.oregonmetro.gov/files/metro_2009_qofl_and_growth_management_issues-aug_revised.pdf

MEMORANDUM

To: Cherry Amabisca, Chair, Helvetia Community Association; John Platt, Helvetia Community Association

From: Meredith Younghein, Law Clerk, Helvetia Community Association

Re: Washington County's Failure to Follow Oregon's Statewide Planning Goals and Guidelines for citizen involvement, as well as the Coordinated Public Involvement Plan for Urban and Rural Reserves

This memorandum presents the key requirements that the statewide planning guidelines for citizen involvement place on Washington County. These guidelines have been summarized from OAR 660-015-0000(1). Examples are given under each of the numbered guidelines which illustrate how Washington county fell far short of its duty to comply with these guidelines. Additionally, under #4, this memo presents excerpts from the Coordinated Public Involvement Plan, as adopted by Washington County, and contrasts the county's commitments under this plan with how the county has carried out its citizen involvement duties in the phases of the Reserves process until now.

This purpose of this memo is to document the complete failure of Washington County to adhere to Statewide Planning Goal 1 as embodied in the LCDC rules governing the implementation of Senate Bill 1011 and Public Involvement Plan (PIP) agreed upon by Metro and the three counties of the Portland metro area. This memo also serves as an example of why the state needs a citizen enforcement mechanism for these guidelines because certain governments are not respecting them and honoring how crucial citizen involvement is in the land use planning process.

1. The County must publish a clearly defined plan for public involvement.

Washington County adopted the coordinated Public Involvement Plan ("PIP") for the Urban and Rural Reserves process in Spring of 2008. This plan incorporates the requirements of Oregon law and administrative rules governing citizen involvement in land use planning decisions. The PIP was the product of a coordinated effort of the staffs of Metro and of Clackamas, Multnomah and Washington counties to incorporate citizen involvement into the study and designation of urban and rural reserves.

2. Citizen involvement must be an integral part of the planning process, with funding and human resources allocated accordingly.

It appears that Washington county attempted to minimize citizen involvement at every stage of the Reserves planning process as is discussed in detail in the sections below.

3. The larger the action, the greater the citizen involvement program should be.

The urban/ rural reserves designation is clearly a major action taken by Washington county because it is intended to affect land use and, therefore, the county's citizens and environment for generations to come. Washington County considered designating over 25% of its agricultural land for urban development, clearly a major action. Therefore the citizen involvement program should have been given equivalent prioritization and resources.

4. The program shall involve citizens in ALL STAGES of the planning process

Below are excerpts from the coordinated Public Involvement Program with comment on how Washington county did/ did not engage citizens as it agreed to in the coordinated PIP.

Phase 1 of the planning process: Informing recommendations of the Reserve Study Areas

“These meetings will be the first of several rounds of meetings with community groups and it will be emphasized that staff and elected officials from the counties and Metro will return at different phases of the project to provide updates and seek public input that informs the study and analysis of proposed reserve areas.

Primary audiences and events will include:

Citizen organization meetings: Staff from Metro and the counties will attend regularly scheduled citizen organization meetings in selected areas to provide introductory

information on urban and rural reserves and to hear concerns, ideas and other feedback

for informing the process of developing urban and rural reserve study areas.

Citizen involvement committees: Staff and elected officials from Metro and the counties will meet with their respective citizen involvement committees to describe plans and goals for soliciting and incorporating citizen involvement into the study and designation of urban and rural reserves. Ideas for enhancing citizen involvement throughout this effort will also be sought.”

Washington county alleges to have used the existing CPO system to engage citizens at this stage of the process. The county has said that the CPO's are their mechanism for involving citizens. However, the county met with only a few CPOs during Phase 1, and these meetings were not well publicized or attended.

The March 2, 2009 minutes of the RCC reference a CPO 8 member complaining about key elements such as the agricultural community not being equitably represented, general lack of public awareness of the process, etc.¹

¹ Available at: www.co.washington.or.us/reserves RCC meeting materials for March 2, 2009.

better effort to ensure that these organizations represented all citizens and that the meetings were well publicized and attended.

The only person from the county to meet with some selected CPO's was not an elected official- it was Mike Dahlstrom, Public Involvement Coordinator. He met with a few CPO's once in 2008 and once in 2009. This is clearly engagement in meaningful discussion of the Reserves process.

An email from Linda Gray to Henry Oberhelman, a CCI Steering Committee member, on August 18, 2009 stated that the CCI was consulted and offered the opportunity to advise the County on the Citizen Involvement Program (CIP) for Urban and Rural Reserves before the process was adopted. The CCI member refuted the claim that any CCI-CPO members had been invited to any of the Reserves committee meetings.³

Phase 3: Analyzing Reserve Study Areas

“Public involvement events and activities during this phase will focus on educating the public about the application of these data and factors to the reserve study areas and will solicit citizen feedback on how the Metro Council and the boards of county commissions should weigh various factors in the designation of urban and rural reserves. Included in public outreach activities during this phase will be discussions about how additional growth can be accommodated in communities already inside the UGB. In addition to the main messages emphasized in the first two phases of this project, public involvement activities during this phase will seek input on the analysis provided by staff from Metro and the counties as well as the relative weight that should be given to different factors in the ultimate designation of urban and rural reserves.

Public open houses: Metro and the counties will jointly sponsor and publicize public open houses during this period to illustrate the study areas and describe the factors and findings being applied in the analyses of these study areas. These open houses, which will include the involvement of elected officials from the counties and Metro, will solicit public input on the application of the factors and additional issues and concerns to consider. Consistent messages and questionnaires will be used at all open houses.

□ County planning commissions2: Staff from Metro and the counties will present information to county planning commissions describing the approach to designating reserves.

Citizen organization meetings: Staff from Metro and the counties will attend

³ - email dated August 9, 2009, Henry Oberhelman to Linda Gray, "Are you aware of any formal invitation to any CCI-CPO member to sit at the table for any or all of the URRP committees?" Linda's response, "No." She went on to say the above "...that the CCI was consulted...."

citizen organization meetings in selected areas to illustrate potential study areas and solicit feedback on the scope of the proposed study areas and the factors to consider in evaluating those study areas.

□ **Other stakeholder meetings:** Staff from the counties and Metro will present information and collect input **from a range of other stakeholder groups**, including those listed for Phase Two and others that are identified during the analytical work.”

The county alleges that "in late October 2008, WA County staff began presenting preliminary maps to the public addressing the suitability of lands for Urban and Rural Reserves."⁴ At this point county officials alleged to have had one meeting with one CPO. "These maps represented initial efforts to use spatial data and geographic information system (GIS) applications evaluating different factors to identify candidate reserves areas. This analysis was subject to continuous refinement and improvement."⁵

Washington County alleges that they “reported” their preliminary maps of potential study areas to the public. What their meeting minutes reveal is that they spent huge amounts of resources on mapping the areas, and did nothing to present this information to the public or seek feedback on these initial recommendations. The county never had citizens weigh in on which areas of the county should have rural or urban reserves BEFORE producing the maps which SHOWED citizens their conclusions without any basis for how the conclusions related to input received.

In contrast, Clackamas and Multnomah County spent 18 months in weekly meetings with their citizen representatives working collaboratively to jointly determine where and how many urban and rural reserves there should be.

Clearly, Washington county residents were not encouraged to provide input on the analysis of urban/rural reserves factors in Washington county. If resident’s input had been sought during this phase, the information that citizens have recently brought forward (please refer to the written and oral testimony given during the September 24 Metro meeting, which included the attached documents analyzing agri-business in the Helvetia area) would have been provided and should have been considered by the county during this phase.

Phase 4: Recommending Reserve Designations:

Staff and elected officials from Metro and the three counties will continue to meet with the audiences and organizations that have been engaged in the study and designation of the urban and rural reserves with *the aim of illustrating how citizen input has contributed to the formation of the recommended reserve designations* and seeking *additional public comment* to inform the decisions of the Metro Council and county commissions to designate reserve areas through intergovernmental agreements. (emphasis added)”

⁴ (August 3, 2009, Washington County Staff Recommendations)

⁵ *Id.*

Washington County has not demonstrated in any meaningful way how citizen input has impacted their recommendations for reserve designations.

The county developed their maps of "suitable" urban and rural reserve areas in 2008 and started presenting these maps at open houses in April 2009. At this point, county residents were quite surprised to see a map of the Helvetia area with a "Town Center" at West Union Road and Helvetia Road for the first time a year and a half into the planning process.

Eventually the county produced 37 maps with elaborate GIS layers, filters and screens. The average citizen cannot understand these maps. Plus, they were always changing. "Data layers that help define or quantify criteria are selected and then their attributes are ranked based on their relative ability to support the intended use. A numeric value representing this ranking was then applied. Once all of the layers were selected and assigned they were weighted based on their relative importance and then added together to generate a suitability layer that was mapped." This description goes on for paragraphs. So, not only can't we understand how the attributes are ranked, we can't understand the weightings. There is no way to convey all this intricate detail to Mr. Common Citizen looking at a map at an open house.

Washington County does a great deal of their reserves planning in their Planning Directors meetings, but when citizens tried to attend these meetings, they were told that the meetings were closed to the public. All of Clackamas and Multnomah Counties planning meetings are open to all citizens.

Furthermore, Washington County chose not to include citizens on their advisory committee, in contrast to Multnomah and Clackamas counties. Multnomah County's Reserves advisory committee was made up entirely of citizens. Clackamas County's advisory committee included many neighborhood representatives. The Multnomah and Clackamas County meetings were open to the public, scheduled at convenient times for working citizens, and provided opportunities for public comment. Recommendations from these counties' advisory committees, developed with direct citizen involvement, more accurately represent the interests of their citizens than the recommendations of Washington County.

5. The roles, responsibilities and timeline of the planning process should be clearly defined and publicized by the agency.

This was done in the Coordinated Public Involvement Plan released by Metro and the 3 counties. However, Washington County has not followed either the spirit or the letter of the Public Involvement Plan

6. There shall be a recognized & elected citizen involvement committee.

The Multnomah County Citizens Advisory Committee (CAC) included 19 citizens. Clackamas' Policy Advisory Committee (PAC) included 14 citizens. Clackamas County has citizen representatives from 4 CPO's and 3 hamlets on their committee. The Washington County Reserves Coordinating Committee had one position allocated for a representative of the Washington County Farm Bureau and the remainder of the members were elected officials, all but one of whom represented cities.

7. The committee should *promote and enhance* citizen involvement and *evaluate* the process.

Washington County has not accommodated working citizens at their Reserves meetings. Washington County's Reserves Coordinating Committee (RCC) has been meeting for over 18 months to develop Urban and Rural Reserves recommendations, decisions that will shape county communities for decades to come. The meeting times discriminate against working citizens because the meetings start at 1:30 in the afternoon but the time for citizen testimony varies - it could be 3:00 before a citizen can speak. People who work and want to attend or give testimony must take vacation time off of work. Both Clackamas and Multnomah counties schedule their Reserves advisory committee meetings for evenings so that citizens can attend and not miss work. For example, Clackamas and Multnomah counties started their Reserves advisory committee meetings at 6:00 p.m and at Metro's hearings, the public testimony is given at the beginning of the meeting so citizens can testify and then leave if needed.

Clearly then, Washington County is not promoting or enhancing the involvement of its citizens in the reserves process, nor did they consider how to improve the process after numerous requests by citizens to do so.

8. Citizens must have the opportunity to be involved in plan preparation, plan content, and plan adoption.

Once again, the real decision making about urban or rural reserves in Washington County happened during Project Advisory Committee meetings. The Project Advisory Committee was composed of the Planning directors of the county and its cities and its meetings were closed to the public. The county's RCC has approved the Planning directors' recommendations without changes, and therefore the most important Reserves decisions were made behind closed doors.

The reserves designations that affect the community of Helvetia seem to be entirely based on the City of Hillsboro's "growth aspirations," which were developed in their entirety by the city planners and then approved in a City Council work session last year with *no* public input.

Furthermore, Since agriculture is such a large part of Washington County, and the county wants to take 25% of all EFU-zoned farmland in the county for urban reserves, it would seem that representation from agriculture groups would be important to the

county. For comparison: Clackamas County's PAC has 4 representatives from agriculture and timber. Washington County's RCC has one. That one voting position had to be shared by two Farm Bureau representatives.

9. Technical information used to reach policy decisions must be available to the public in plain language

Documents released by the county on their website regarding the factors for designation urban and rural reserves are incredibly convoluted and difficult to understand to the point that we can only assume this is to intentionally keep citizens from understanding the process. Washington County's approach to how they are analyzing reserve factors is not at all in plain language and is not understandable by lay-people. Therefore, it was critical that the county present this technical information at open houses early in the process and allow time for citizens to understand their methodology.

The maps released during phase 2 of the planning process could not reasonably be expected to be understood by lay-people without backgrounds in GIS/ mapping. They released 37 intricate maps with GIS layers, filters and screens that developers from the National Association of Industrial and Office Properties (NAIOP) (a Washington D.C. lobbying firm) created for the county. Clackamas and Multnomah County spent 18 months in weekly meetings with their citizen representatives. One purpose of these meetings was to help citizens understand the mapping and to get information out to all their neighborhoods. Washington County's efforts were non-existent by comparison.

Therefore, the only conclusion that can logically be reached is that Washington County intentionally made their maps and reports impossible to interpret in order to prevent citizens from understanding the implications of these maps.

Washington County has spent a lot of time and effort in TELLING their citizens where the urban and rural reserves are going to be and how many: they have a long list of how many posters and cow postcards and counter-top displays and information tables and four-color brochures and news updates they have done. But they have spent extremely minimal resources asking their citizens what they would like the future of the county to be, or to help citizens understand the reports they have spent millions producing.

10. The public should have the opportunity to help inventory, map, analyze, and evaluate the necessary elements for plan development

To summarize the statements made above, Washington County's reserves coordinating committee did not involve citizens at all in helping to inventory the county's valuable agricultural and natural resources. The county did not ask citizens to share any of the valuable information they possess about the county's natural or agricultural resources.

In contrast, the county focused on taking input from developers and developing inventories of lands “suitable” for development, as provided by developer’s organizations, such as NAIOP. NAIOP, unlike agricultural groups, was clearly included in the inventorying of potential reserves areas.

11. The public should have the opportunity to help *evaluate alternative land conservation and development plans*

First, no comprehensive alternatives were presented to citizens by the county.

Second, After the county’s only public hearing, the final recommendations were presented at the September 8 RCC meeting. When the RCC was voting on the final acreages for reserves, certain mayors advocated for specific individual homeowners who had expressed their desire to be included in the urban reserves. These desires were accommodated, and this resulted in more acres being designated as urban reserves after the meeting than in the plan presented.

In contrast, when landowners requested that they be included in rural reserve areas (over 1600 people expressed their desire to have their land included in rural reserve areas) their requests went unanswered.

12. The public should be able to review and recommend changes to plans *before the public hearing process for adoption begins*

The first and only public hearing in Washington County was August 20, 2009. Over 100 people testified at this hearing, because all of these citizens were excluded from giving their input until this point.

Prior to this, the public could go online and review documents, or attend open houses, but, during these open houses, community members were only asked to fill out a short form “questionnaire”. For example, at the first open house during which any plans were presented in April 2009, county residents learned of plans for a town center north of Hwy 26. After revealing this plan however, the county did not attempt to get feedback from citizens except through the same “questionnaire” form.

During 18 months of work on the Reserves designation process, Washington County chose *not* to include citizens on their advisory committee, *not* to hold any hearings before the Board of County Commissioners, *not* to open their Planning Directors meetings to the public, and *not* to schedule meetings of their Reserves Coordinating Committee at a time convenient for working citizens. Hillsboro also chose *not* to ask for citizen input when they developed their growth aspirations.

13. The county should clearly state the mechanism through which citizens will receive responses to their comments. The county should develop a process for *quantifying and synthesizing* citizen feedback.

The county's response to over 100 testimonies at the public hearing on August 20, 2009 was in the form of "issue papers", published through their website. In these issue papers the county officials summarized and then dismissed the importance of each piece of testimony in favor of increasing rural reserves. After receiving such a massive outpouring of public testimony, the county concluded that their recommendations had not changed *at all*. This clearly speaks to the lack of weight given to any citizen input received by the county.

14. Citizens should get reports about public feedback.

The forum designated for reporting on public feedback is the county website, where they summarize citizen feedback for and against urban reserves, and then completely disregard the importance of this public feedback in their decisionmaking process.

ATTACHMENT A

Oregon's Statewide Planning Goals & Guidelines

GOAL 1: CITIZEN INVOLVEMENT

OAR 660-015-0000(1)

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

The governing body charged with preparing and adopting a comprehensive plan shall adopt and publicize a program for citizen involvement that clearly defines the procedures by which the general public will be involved in the on-going land-use planning process.

The citizen involvement program shall be appropriate to the scale of the planning effort. The program shall provide for continuity of citizen participation and of information that enables citizens to identify and comprehend the issues.

Federal, state and regional agencies, and special-purpose districts shall coordinate their planning efforts with the affected governing bodies and make use of existing local citizen involvement programs established by counties and cities.

The citizen involvement program shall incorporate the following components:

1. Citizen Involvement -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. As a component, the program for citizen involvement shall include an officially recognized committee for

citizen involvement (CCI) broadly representative of geographic areas and interests related to land use and land-use decisions. Committee members shall be selected by an open, well-publicized public process.

The committee for citizen involvement shall be responsible for assisting the governing body with the development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program, and evaluating the process being used for citizen involvement.

If the governing body wishes to assume the responsibility for development as well as adoption and implementation of the citizen involvement program or to assign such responsibilities to a planning commission, a letter shall be submitted to the Land Conservation and Development Commission for the state Citizen Involvement Advisory Committee's review and recommendation stating the rationale for selecting this option, as well as indicating the mechanism to be used for an evaluation of the citizen involvement program. If the planning commission is to be used in lieu of an independent CCI, its members shall be selected by an open, well-publicized public process.

2. Communication -- To assure effective two-way communication with citizens.

Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.

3. Citizen Influence -- To provide the opportunity for citizens to be involved in all phases of the planning process.

Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures, Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.

4. Technical Information -- To assure that technical information is available in an understandable form.

Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

5. Feedback Mechanisms -- To assure that citizens will receive a response from policy-makers.

Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy

decisions shall be available in the form of a written record.

6. Financial Support -- To insure funding for the citizen involvement program.

Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.

A. CITIZEN INVOLVEMENT

1. A program for stimulating citizen involvement should be developed using a range of available media (including television, radio, newspapers, mailings and meetings).

2. Universities, colleges, community colleges, secondary and primary educational institutions and other agencies and institutions with interests in land-use planning should provide information on land-use education to citizens, as well as develop and offer courses in land-use education which provide for a diversity of educational backgrounds in land-use planning.

3. In the selection of members for the committee for citizen involvement, the following selection process should be observed: citizens should receive notice they can understand of the opportunity to serve on the CCI; committee appointees should receive official notification of their selection; and committee appointments should be well publicized.

B. COMMUNICATION

Newsletters, mailings, posters, mail-back questionnaires, and other

available media should be used in the citizen involvement program.

C. CITIZEN INFLUENCE

1. Data Collection - The general public through the local citizen involvement programs should have the opportunity to be involved in inventorying, recording, mapping, describing, analyzing and evaluating the elements necessary for the development of the plans.

2. Plan Preparation - The general public, through the local citizen involvement programs, should have the opportunity to participate in developing a body of sound information to identify public goals, develop policy guidelines, and evaluate alternative land conservation and development plans for the preparation of the comprehensive land-use plans.

3. Adoption Process - The general public, through the local citizen involvement programs, should have the opportunity to review and recommend changes to the proposed comprehensive land-use plans prior to the public hearing process to adopt comprehensive land-use plans.

4. Implementation - The general public, through the local citizen involvement programs, should have the opportunity to participate in the development, adoption, and application of legislation that is needed to carry out a comprehensive land-use plan.

The general public, through the local citizen involvement programs, should have the opportunity to review each proposal and application for a land conservation and development action prior to the formal consideration of such proposal and application.

5. Evaluation - The general public, through the local citizen

involvement programs, should have the opportunity to be involved in the evaluation of the comprehensive land use plans.

6. Revision - The general public, through the local citizen involvement programs, should have the opportunity to review and make recommendations on proposed changes in comprehensive land-use plans prior to the public hearing process to formally consider the proposed changes.

D. TECHNICAL INFORMATION

1. Agencies that either evaluate or implement public projects or programs (such as, but not limited to, road, sewer, and water construction, transportation, subdivision studies, and zone changes) should provide assistance to the citizen involvement program. The roles, responsibilities and timeline in the planning process of these agencies should be clearly defined and publicized.

2. Technical information should include, but not be limited to, energy, natural environment, political, legal, economic and social data, and places of cultural significance, as well as those maps and photos necessary for effective planning.

E. FEEDBACK MECHANISM

1. At the onset of the citizen involvement program, the governing body should clearly state the mechanism through which the citizens will receive a response from the policy-makers.

2. A process for quantifying and synthesizing citizens' attitudes should be developed and reported to the general public.

F. FINANCIAL SUPPORT

1. The level of funding and human resources allocated to the citizen involvement program should be sufficient to make citizen involvement an integral part of the planning process.

ATTACHMENT B

**Long-Term Agricultural Operations
Candidate Reserve Study Area
North of Highway 26**

August 20, 2009

Submitted by SaveHelvetia.org
A local citizen's group whose goal is to preserve
all land north of Highway 26 as Rural Reserves



The productive lands north of Highway 26: Grains, Nurseries, Oak Habitats

**Justification for designation as Rural Reserves under OAR
660-027-0060 (2b), (2c), (2d)**

When identifying and selecting lands for designation as rural reserves intended to provide long-term protection to the agricultural industry or forestry industry, or both, a county shall base its decision on consideration of whether the lands proposed for designation:

RR (2)(b) Are capable of sustaining long-term agricultural operations

The area north of Highway 26 has a *diverse*, agricultural-based *economy* made up of many different types of agricultural-based businesses, including dry land farming, vineyards, Christmas tree farms, nurseries and nursery stock, U-Pick farms, pumpkin patches, lavender farms, CSA's (Community Supported Agriculture), dairy and beef farms, walnut and hazelnut farms, equine businesses, ranching and dairy farms, hay and seed producers, and more.



Dry land farms north of Highway 26
In production for over 150 years

The land north of Highway 26 has been farmed profitably and successfully for nearly 150 years. This area has been so successful for so long because of its prime farming conditions: excellent soils, favorable rainfall and hydrology, and good parcel sizes, used by farmers who know how to innovate and diversify.

RR (2) (c) Have suitable soils and available water

Suitable Soils

The Oregon Department of Agriculture has already established that all the land north of Highway 26, currently designated as urban reserves and undesignated, is FOUNDATION AGRICULTURAL LAND. (See "Identification of Metro Region Agricultural Lands and Assessing Their Long-Term Commercial Viability", 2007. Oregon Department of Agriculture.) The use of the 1982 "Huddleston" report for soil analysis is outdated, biased towards irrigation and ignores other alternatives, such as tiling for sub-surface ground water control and crop choice. Crop choice, tract by tract, is a better method for determining the best use of the soils for a particular piece of land.

Greg Mecklem farms 200 acres in this area. In his testimony to the Washington County Reserves Coordinating Committee (WCRCC) of July 6, 2009, he stated that the majority of this land is Class I and II soils. Ryan Stadelman farms 800 acres this area; in his testimony of August 20, 2009 to the WCRCC he observed, "The soils around this area are some of the best in the valley. We can raise various types of grasses, grains, clovers and row crops. We produce better yields per acre and we have the best quality grass and clover that can be produced. This last spring many farmers in the area got a bonus on our wheat we sold because of the high protein content. In the Pacific Rim countries, they are very specific on the kind of wheat they buy because of the type of bread and pastries they make."

Available water

The area north of Highway 26 has adequate surface water, ground water and sub-irrigation from drainage. Sub-irrigation from the extensive tiling system that has been installed over the past 80 years provides an alternative to irrigation. This tiling system is common practice on all farm land in Washington County. Developing any part of this area would cause a break in the the tiling system and cause water to back-up onto adjoining land, rendering adjoining farmlands non-productive. Urbanizing the extensively-tiled farmland of Washington County will result in expensive infrastructure costs to compensate for the loss of the tiling, which is expected to result in more flooding and a loss of sub-surface irrigation capability for remaining nearby farms.

The farmers in this area are experienced dry land farmers. They efficiently utilize the water resources available to them. They are highly efficient at conserving the water they



Roy Hofer has been successful at dry land farming for over 60 years - north of Highway 26

have. They select the appropriate crops to plant that will thrive in the ample rainfall that falls in the Northern Willamette Valley or that can be irrigated from the wells in the area. This area is one of the few places in the world where many crops receive enough moisture to grow well without irrigation, and yet crops do not need to be dried after harvesting.

Pam and Spencer Gates farm 769 acres north of Highway 26. They grow wheat, oats, clover, grass seed and hay, all without irrigation. Ryan Stadelman farms 800 acres, almost all of these acres in dry land production.

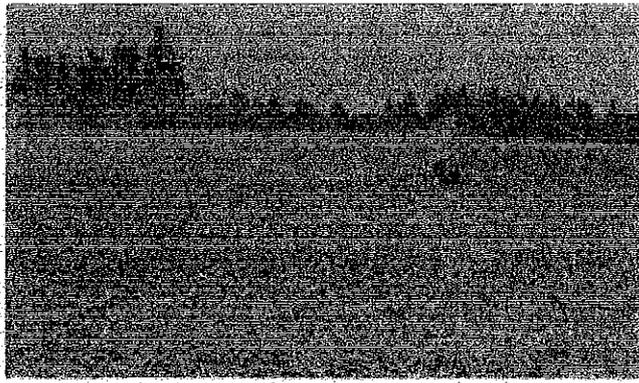
Alan Schaaf, who farms 1,400 acres from NW Jackson Quarry Road to NW Germantown Road in the area north of Highway 26, testified to the WARCC on August 20, 2009: "My operation is totally non-irrigated. Farmers that irrigate have found that this land requires more deep tillage, which is costly. Non-irrigated lands depend on natural rainfall to grow crops. I have deep soils and better natural drainage of excess rainfall than does farmland that is located closer to major streams and rivers. My farming requires less energy inputs than irrigated land and I can conclude that I leave a smaller carbon footprint."

RR (2) (d) Suitable to sustain long-term agricultural operations

Parcels are profitable

Farming multiple parcels is a common practice throughout Oregon; Washington County is no different. Farmers own, rent and lease lands throughout Washington County and Oregon. ***Existing parcelization is not a problem - it is an opportunity for diversification.***

Matt Furrow farms 245 acres on 24 parcels of land north of Highway 26. He says, "Farming multiple parcels is successful for our farm. I farm full-time year round, for our sole source of income." Alan Schaaf, a fourth generation farmer north of Highway 26, raises grass seed, wheat and Timothy hay on 1,400 acres. He says, "I have 62 different parcels ranging in size from 4 to 150 acres in size. I've been farming for over 30 years and with my experience I have found that all parcels regardless of size remain just as profitable."



Alan Schaaf disking one of his 62 parcels
North of Highway 26

Pam and Spencer Gates, fourth generation farmers, farm over 700 acres in five parcels ranging from about 15 acres to 300 acres. Ryan Stadelman, a third generation farmer north of Highway 26 says, "We have 21 different landlords for the 800 acres we farm. We have fields that range from 2.5 acres in size to 60 acres in size. All of them are profitable."



McCann Tires, 43 years of service
NW Jackson Quarry Road

Infrastructure

There is sufficient agricultural infrastructure to support farming operations in the land north of Highway 26. Ryan Stadelman reports, "We have three different implement dealers and two chemical and fertilizer companies. If we lose acres to urban reserves, those companies will probably relocate." McCann Tires, located on NW Jackson Quarry Road, has served more than 100 farms in the area for over 43 years. If a tractor tire fails in the field during tilling, McCann Tires provides timely repair service on-site to minimize the time the equipment is out of service, thus increasing the farmer's productivity. This time-saving service could be lost if additional farmland is urbanize

RR (2) (d) Suitable to sustain long-term agricultural operations

Started in 1958, the Oregon Century Farm program was designed to honor families working together for 100 years on their Oregon Farms. To qualify, the legal owner of the farm must show proof that the farm has been operated continuously by the same family for 100 years or more. Multiple state agencies support this program, including the Oregon Farm Bureau and the Oregon Department of Agriculture.

Eight Century Farm families continue their farming operations into their second centuries. Two of these families began their farming operations before Oregon became a state - over 150 years ago!

Century Farms north of Highway 26

NW West Union Road

*Joseph & Mildred Wood Connell II
Century Farm, 1886*

NW West Union Road

Batchelder Century Farm, 1858

NW Old West Union Road

Walters Century Farm, 1890

NW North Avenue

Cropp Century Farm, 1907

NW Jackson School Road

Eli Davis Century Farm, 1847

NW Bishop Road

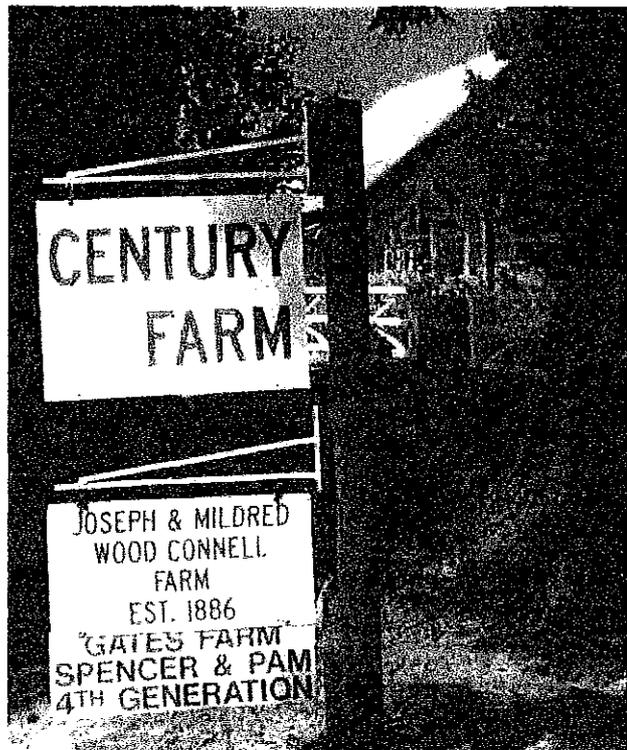
Bishop Century Farm, 1875

NW Helvetia Road

Abraham Yungen Century Farm, 1890

NW Helvetia Road

Pieren Century Farm, 1892



Spencer & Pam Gates: Proud to be 4th generation
Century Farmers

Effects of Urbanization on Productive Farmland

Placing the land north of Highway 26 into urban reserves will ruin the fertile farmland that has been productive for 150 years, put farming families out of work, and cause the businesses that support these farms to go out of business or relocate.

Pam and Spencer Gates, who's Century Farm has provided a livelihood for their family for over 123 years, states, "The effect of Urban Reserve designation on the land we farm would probably mean an end to farming as we know it. It would be too dangerous to drive our equipment from farm to farm. I am sure we would get many complaints about farm work that has to be done in the middle of the night and complaints about the dust and noise we make. As the population in the area has increased, we have seen an increase in trespassing, theft and vandalism. "

Ryan Stadelman, who farms 800 acres in 21 parcels, observes, "And with urban reserves, farmers will have to fight more road traffic, more noise complaints, and there will be no buffer zone between houses and ag land. With those issues as farmers, we are probably not going to plant long-term crops, which are better for the environment and more profitable because of less tillage and labor costs. Who would want to enter a 5-year grass seed contract when the land it is planted on could be developed if it was classified as urban reserve?"

Alan Schaaf, who farms 1,400 acres in 62 different parcels, notes, "The urban growth boundary and its urban reserves have many negative impacts on farms in and out of the reserve areas. I have witnessed the movement of noxious weed seed from adjacent urban reserves to my fields by as much as 1 mile. I grow over 1 million pounds of turf seed annually and every year I have more batches rejected for sale because of their contamination of noxious weeds."

Finally, Matt Furrow, who farms 245 acres on 24 parcels of land, comments, "Farming multiple parcels is successful for our farm, but it is a burden when commuting across an increasingly congested urban area, and encountering closed roads to thru-trucks, making the drive even more difficult. In Washington County, I believe the majority of people would agree, that being surrounded by rural lands adds to their quality of life. In our so-called "Green Society", when emphasis is on preserving natural resources, shouldn't farms be number one on the list?"

ATTACHMENT C

Helvetia's Agri-Businesses

Helvetia's entrepreneurs have capitalized on its fertile soils, optimal climate and proximity to its customer base to develop a thriving economy of agriculture-based businesses. The contours of the undulating countryside of the the Helvetia area north of Highway 26 offer a unique environment for a broad range of diverse farming opportunities.

Grain/Hay/Seed Farms

Batchelder Century Farm
Furrow Farms
Grosssen Farms
Schaaf Farms
Twin Firs Century Farm

Nurseries

Grossen Nursery
Hunskier Nursery
Motz Nursery
Oisinn Nursery

U-Pick Farms

Abundant Garden (vegetables)
Callaghans (blueberries)
Dos Sequoias (cherries)
Grossen Nursery (peaches)
Groveland Acres (strawberries)
Plumper Pumpkin Patch (pumpkins)
Roloff Farms (pumpkins)
West Union Gardens (berries)

Ranching & Dairy Farms

Furrow Farms
Hofer Farms
Logie Trail Llamas
Nussbaumer Dairy
Pacific Crest Alpacas
Schoch Dairy

Lavender Farms

Bishop House Lavender
Helvetia Lavender Farm
Jackson School Lavender
Seasonal Mary Herb-Flower Farm

Equine Businesses

Anamchara Stables
New Beginnings
Valley Vista Farm
Weigel Breeding

Christmas Tree Farms

Furrow Farms
Helvetia Christmas Tree Farm
Tannanbaum Platz

Vineyards and Wineries

Garden Vineyards
Helvetia Vineyards and Winery

CSA Farms (Community Supported Agriculture)

Abundant Harvest (with New Earth Farm & Dos Sequoias)
La Finquita del Buho
Pumpkin Ridge Gardens

The county also received a letter from the CCI asking for more information about the reserves process. There was no response from the RCC to the CCI to this letter.²

Phase 2: Developing Reserve Study Areas

“This phase of the program will focus on addressing at least two primary questions:

1. Are these the areas that the Reserves Steering Committee should study and analyze further?
2. What additional information should be considered in defining these study areas?

Information received through various citizen involvement activities during this phase will inform the decisions of the Reserves Steering Committee to formally establish reserve study areas for further analysis.

Primary audiences and events will include:

Public open houses: Metro and the counties will jointly sponsor and publicize public open houses during this period to describe the purpose of urban and rural reserves and illustrate potential study areas. These open houses will solicit public input on the scope of the reserve study areas and related considerations. Consistent messages and questionnaires will be used at all open houses.

Citizen organization meetings: Staff and/or elected officials from Metro and the counties will attend citizen organization meetings in selected areas to illustrate potential study areas and solicit feedback on the scope of the proposed study areas and the factors to consider in evaluating those study areas.

Other stakeholder meetings: Staff from the counties and Metro will present information and collect input from a range of other stakeholder groups, including but not limited to county planning commissions, agricultural organizations, local business groups, other interest groups and affected public agencies.”

During this phase, it was not at all clear to the general public in Washington County how they were to be involved in designating which areas should be studied for suitability for urban and rural reserves.

Washington county has said that the CPO's in the county were the mechanism for citizen involvement, especially with citizens in rural areas, however the county did not include the CPOs in the Phase 2 of the Coordinated Public Involvement Plan. It is not clear what citizen groups the county used in non-rural areas. CPOs are inherently rural organizations, and most citizens are not on the CPO mailing list and do not regularly attend CPO meetings. If the CPOs were the main point of contact for dissemination information during phase 2 to Washington county citizens, the county needed to make a

² See January 2009 meeting minutes which reference the CCI letter.

Date: October 1, 2009

To: Chair VanLandingham and Land Conservation and Development Commission

Re: Rural Reserve Factors (2)(a) and (3)(a), "Potentially Subject to Urbanization"

From: Carol Chesarek
13300 NW Germantown Road
Portland, OR 97231

EXHIBIT: _____ AGENDA ITEM: 1
LAND CONSERVATION & DEVELOPMENT
COMMISSION
DATE: 10-1-09
PAGES: 2
SUBMITTED BY: *Cherry Amabisca*
for Carol Chesarek

Chair VanLandingham and Commissioners,

My name is Carol Chesarek. I'm sorry I couldn't be with you today, and I appreciate the opportunity to comment by proxy on Urban and Rural Reserves.

I live in Portland's Forest Park Neighborhood, which includes the 5000 acres of Forest Park and a broad swath of the Tualatin Mountains. I attended all of the workgroup meetings where the SB 1011 Administrative Rules were developed, and I offered comments at both LCDC hearings on the draft rules.

Last year, I was privileged to serve on Multnomah County's Reserves Citizen Advisory Committee (CAC). Multnomah County's advisory committee was entirely made up of citizens, and while we had to work very hard, I believe that our final overall Reserve recommendations reflect an appropriate application of SB 1011 and the Administrative rules, as well as the land use values of our citizens.

After working on those recommendations, I reached some conclusions about Rural Reserve factors (2)(a) and (3)(a), the "potentially subject to urbanization" factors, that I wanted to share with you.

1. The region has a great deal of flexibility about how to interpret and apply these factors.
2. Proximity to a UGB is important, but access to highways, arterials, and railroad lines that provide easy access to urban centers or employment centers should also be considered.
3. These are important factors that must be weighed, but they should not be used as a "gate" or minimum requirement. The CAC gave preference to lands near a UGB, but did not limit Rural Reserves to those areas if there were compelling reasons to go beyond.
4. It is consistent with the Purpose and Objective of Rural Reserves to protect large, functional blocks of farm, forest, and natural features lands.
5. Because the region defined a limited Reserves study area around the metro area UGB, we ensured that all lands studied as possible Reserves are somewhat proximate to a UGB.
6. It is reasonable to extend large functional blocks of Rural Reserves to the outer edge of the Reserves study area as long as they also include lands close to a UGB.

I do not see any downside to putting valuable resource lands that are less threatened with urbanization into Rural Reserves if we are confident that we won't need that land for Urban Reserves. The priority should be creating Rural Reserves in large, functional blocks, starting near the UGB and working out to the edge of the study area.

Although state rules will continue to protect farmland in undesignated areas, the act of designating Urban and Rural Reserves will change the way people perceive undesignated lands. They will be

seen as less valued and less protected than land in Rural Reserves.

The edges of Washington County's Rural Reserves follow complicated elevation lines instead of creating large functional blocks. Do they believe that wildlife can use GPS units to stay within convoluted habitat edges? Rural Reserves around floodplains should include upland habitat and buffers that will benefit the riparian areas. We should apply some common sense and eliminate the scattered bits of undesignated land in Washington County.

We also need to make sure we define these new long term edges in a way that will minimize conflicts between urban and rural uses. Buffers would be a big help.

Thank you again for the opportunity to provide these comments.

Carol Chesarek

A handwritten signature in cursive script that reads "Carol Chesarek".

The Purpose and Objective section (660-027-0005) in the administrative rules says:

"Rural reserves under this division are intended to provide long-term protection for large blocks of agricultural land and forest land, and for important natural landscape features that limit urban development or define natural boundaries of urbanization. The objective of this division is a balance in the designation of urban and rural reserves that, in its entirety, best achieves livable communities, the viability and vitality of the agricultural and forest industries and protection of the important natural landscape features that define the region for its residents."

To: Chair Van Landingham and Land Conservation and Development Commission

Re: Washington County Placement of Rural Reserves and Undesignated Lands

I farm in the Helvetia area of Washington County. I've been closely involved in the Metro Reserves process in recent months. I'm very concerned about the placement of Rural Reserves and "undesignated lands" in the current process in Washington County for a number of reasons.

Meaningless Placement of Rural Reserves

First, there are very few areas where Rural Reserves are placed adjacent to the current Urban Growth boundary unless 1) there is the presence of a flood plain, rendering the area "undevelopable", or 2) they are distant from any threat of development pressure. The intent of Section 3 of Senate Bill 1011 to protect those prime agricultural areas that meet all of the criteria for Rural Reserves was simply not addressed.

Unfortunately, much of the best land in the county is "close in" to the UGB, and lesser quality land is slated for protection, turning Senate Bill 1011 on its head. An example is the portion of Helvetia north of Hwy 26 recommended for Urban Reserves (Map Area #1). 10.0% of this area is Class I Willamette Silt Loam, and 20.0% of West Helvetia is in Class I Willamette Silt Loam, one of only two soil types in the county with this Soil Capability Class. To put this into perspective, the agricultural areas further west not threatened with development but proposed for Rural Reserves (Map Area #2) consist of only 2.5% Class I soils.

Undesignated Lands

When positioned between Urban and Rural Reserves, or around small rural towns such as North Plains, "undesignated lands" simply become an extension of the Urban Reserve they abut. In many cases, they occupy the highest value productive farm land on the valley floor. Residents of these lands and farmers that lease them would have difficulty planning for longer term crops that may be the best use of that land due to the uncertainty of their development potential. These "undesignated lands" seem to conveniently occur primarily in low slope, easy-to-develop areas.

An example of the "undesignated lands" problem is the area surrounding North Plains (Map Area #3). There is no apparent reason to place these lands as undesignated except to allow North Plains to more than quadruple in size over the next 40 years. This is only going to encourage it and other small rural towns to become "commuter hubs" for the greater metro area, leading to more sprawl and pollution. These lands are also some of the highest value farmland in the county, with more than 20% Class I Willamette Silt Loam. The undesignated lands around North Plains alone constitute four square miles of prime agricultural lands.

In conclusion, failure to designate "close in" prime lands such as Helvetia as Rural Reserves even though they meet all the criteria while "protecting" lesser lands not threatened by development does not meet the intent of Senate Bill 1011. Positioning "undesignated lands" around small rural towns encourages them to become commuter hubs and cover prime agricultural lands with development. Positioning them between Urban and Rural Reserves simply extends the Urban Reserve and creates confusion and uncertainty in planning for crops. Some leased land will be simply withdrawn from production for speculative reasons.

Greg Mecklem, Pacific Crest Accoyo America
12995 NW Bishop Road, Hillsboro, Oregon 97124

MARK J. GREENFIELD

Attorney at Law

14745 N.W. Gillihan Road
Portland, Oregon 97231

Telephone: (503) 227-2979
Facsimile: (503) 292-1636

September 28, 2009

EXHIBIT: _____ AGENDA ITEM: 1
LAND CONSERVATION & DEVELOPMENT
COMMISSION
DATE: 10-1-09
PAGES: 27
SUBMITTED BY: Mark Greenfield

Mr. Richard Whitman, Director
Dept. of Land Conservation & Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301-2540

Subject: Metro Designation of Urban Reserves

Dear Mr. Whitman and State Agency Members of Metro Reserves Steering Committee:

On October 14, 2009, Metro's Reserve Steering Committee and Core 4 will be developing their recommendations on which lands should be designated as urban reserves in the Portland metropolitan area. Prior to that time, the state agencies will gather to determine their own recommendations. I am writing this letter on behalf of Jim Standring, a Washington County property owner, to urge you to recommend that the Core 4 give very serious consideration to designation of Mr. Standring's property and several properties immediately north of his as urban reserves targeted for future industrial use.

Here are the reasons why these properties should be designated urban reserve.

1. Suitability for large lot industrial development.

Mr. Standring owns approximately 69 acres in two parcels located along Helvetia Road immediately northwest of the Shute Road/US 26 interchange (see Figure 1). His land adjoins the Helvetia Industrial Area immediately to the east, which is part of Hillsboro's "Silicon Forest" and which Metro added to its urban growth boundary (UGB) several years ago. Immediately north of his property is an approximately 37-acre parcel owned by Tracey Hartung and Dana Berger. As shown in the attached August 19, 2009 letter they submitted to the Washington County Reserves Coordinating Committee, Ms. Hartung and Ms. Berger, like Mr. Standring, would like their property to be designated urban reserve and identified for future industrial use. Together, the Standring and Hartung/Berger properties provide a 100+ acre site that is flat (slope under 5 percent), immediately adjacent to the existing UGB, very close to key facilities, and highly suitable for industrial development.¹

¹ North of the Hartung/Berger property is the approximately 33 acre Choban property. North of that is West Union Elementary School, which is part of the Hillsboro School District, an urban school district. North of the school is West Union Road, See Figure 2.

As has been documented in economic development studies, there is a need in the region for large properties that can be easily developed for industrial uses. The availability of a 100+ acre site for industrial / employment use immediately next to the UGB in just two ownerships with willing owners is an opportunity that should not be passed up, particularly when the decision at hand is a fifty (50) year decision that needs to be flexible enough to accommodate sufficient industrial land to meet the employment needs of an attractive and growing region.

2. Efficient use of infrastructure.

A concept plan has been developed for the Helvetia Industrial Area (see Figure 3). As shown on Figures 4 and 5, that plan provides for sewer and water services immediately adjacent or extremely close to Mr. Standring's property. Industrial development on the Standring and Hartung/Berger properties could connect to those sewer and water facilities with no foreseeable additional public investment. Instead, the developer would pay the costs to connect to these services. From the standpoint of service efficiency and public cost savings, it doesn't get better than this in the region.

At Metro's Reserves Steering Committee meeting held on September 23, 2009, several committee members emphasized that infrastructure is expensive, we all pay for it, and we need to use existing infrastructure as efficiently as we can. Unlike the Standring/Hartung/Berger site, most of the industrial area recommended for urban reserve designation by Metro's Chief Operating Officer (COO) north of Hillsboro is not adjacent or close to existing public services and will require costly service expansion over time. Given this, designation of the Standring/Hartung/Berger site as urban reserve seems a logical conclusion and an acknowledgement of the ability to efficiently serve the site. Compared to those other lands, this land clearly better meets the standards in ORS 195.145(5)(a) and (c) to designate lands that make efficient use of existing and future public infrastructure investments and can be served efficiently and cost-effectively.

3. Accessibility to US 26.

The Standring/Hartung/Berger site is located immediately northwest of the Shute Road Interchange, which has been identified for improvements and associated funding as part of House Bill 2001 (2009 Legislative Session). As such, the site has immediate access to the freeway, which makes it extraordinarily valuable for large lot industrial development. Helvetia Road, which fronts the site, is designated as an arterial street. Transportation services to the site can and will be provided in an efficient manner, again clearly meeting the standards in ORS 195.145(5)(a) and (c) to designate lands that make efficient use of existing and future public infrastructure investments and can be served efficiently and cost-effectively.

With this access to US 26 and the efficiency with which the site can be served, it is hard to imagine that the Oregon Economic and Community Development Department

(Business Oregon) would not want this large lot industrial opportunity to be available, or that industries seeking large properties would not find this location extremely attractive. Indeed, with all its positive attributes for large lot industrial development, it makes no sense to exclude the site from an urban reserve designation. An urban reserve designation facilitates industrial development far more efficiently than relying on efforts to urbanize the site as undesignated land needed for a specific purpose.

4. Drainage.

Most of the Standring/Hartung/Berger site drains to the east, towards Helvetia Road. With minimal site work, the entire properties can drain southeast to Helvetia Road. This is true as well for the Choban and Hillsboro School District properties north of the Hartung/Berger property up to West Union Road. West of these properties, waters drain to the west (see Figure 6).

Previously, in the Bethany area, Metro used the drainage basin as a basis for determining a UGB "edge". Here as well, Metro could rely on the drainage pattern to establish an edge, although Washington County has provided detailed findings and reasons explaining why that edge should be located even farther to the west to serve industrial development needs over a 50 year planning period. If Groveland Road were the boundary to the west and West Union Road were the boundary to the north, the area could accommodate two (2) 100+ acre industrial sites in close proximity to urban services inside the existing UGB.

5. Agricultural impacts.

The subject property has been identified as "foundation" agricultural land. However, its location immediately proximate to the UGB and Helvetia Industrial Area; its large size (over 100 acres) and the region's need for large industrial lots; its immediate access to US 26 and an improved Shute Road Interchange; and the availability of public facilities with very little if any additional public investment make it far more valuable as industrial land. Further, its location on the very southern fringe of the Helvetia area next to US 26 means its removal from the agricultural land supply would have minimal impact on agricultural values and the continuation of the existing agricultural enterprise in the area, and generally, industrial uses are considered to be more compatible with agriculture than other urban uses.

6. Hillsboro and Washington County support.

Both Washington County and Hillsboro are recommending that the site be designated as urban reserves for future industrial use, and Hillsboro has developed a pre-qualifying concept plan identifying the site for large lot industrial development. See Figure 7. As a 100+ acre site, the Standring/Hartung/Berger site could serve as an industrial anchor site. Mr. Standring would be willing to accept a condition that his

property be protected for future large lot industrial use. This could be implemented by extending the Helvetia Special Industrial District (HSID) zone that currently applies to the Helvetia Concept Plan area immediately to the east. The HSID, adopted by the City of Hillsboro, was designed to preserve the opportunity for large lot industrial uses through zoning requirements. This would be an appropriate method to protect for future large lot industrial uses on the Standring/Hartung/Berger site.

7. Conclusion.

At the September 23, 2009 Reserves meeting, Metro's Chief Operating Officer said that to make the Portland metro area "the greatest place", the region must optimize the use of existing infrastructure to the greatest possible extent and must focus investments in terms of jobs and the economy. By virtue of its size, flat terrain, adjacency to the UGB, proximity to services, and proximity to US 26 and an improved Shute Road Interchange, and given the interest and willingness of its owners to see this site used for large lot industrial development, the 100+ acre Standring/Hartung/Berger site accomplishes these objectives better than virtually any other site in the entire region. Yet the COO did not include this land in his recommendation.

On December 15, 2003, the Industrial Lands Advisory Committee appointed by Governor Kulongoski issued a report identifying 25 industrial sites throughout Oregon with "statewide significance for job creation." Of the four sites listed within Metro's boundaries, two were on Shute Road. One, a 201-acre site, was identified as "flat" and "350 feet from a major freeway Interchange." The second, a 72-acre site, was identified as "situated near Hwy 26 and with excellent freeway access. The potential to add another 20 acres to the north could expand the site to 92 acres." Clearly, the economic value of flat, large lot sites extremely close to a US 26 interchange was undeniable.

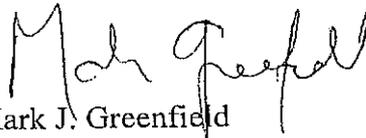
Like the two Shute Road sites, the Standring/Hartung/Berger site offers "statewide significance for job creation." For the reasons stated above, we believe no potential urban reserve site in the Hillsboro area better meets the needs of economic development and the interests of Business Oregon than this site. We further believe no site can be developed more efficiently and less expensively than this site, given the services already planned for the area and the improvements to the Shute Road Interchange for which funding has already been committed. The state should be advocating for designation of this site inside the urban reserve.

We thank you for your consideration and attention to this matter. Enclosed, for your reference, is an August 20, 2009 letter prepared by Frank Angelo, Angelo Planning Group, indicating in greater detail how the site meets the criteria for urban reserves and the factors in OAR 660-027-0050.² If you have any questions, please feel free to contact me at 503-227-2979.

² The attachments to that letter are omitted. The attachments to this letter provide the same information.

Mr. Richard Whitman, Director
September 28, 2009
Page 5

Very truly yours,



Mark J. Greenfield
Attorney for Jim Standring

cc: Individual State Agency Members of Metro Reserves Steering Committee
Chair Tom Brian, Washington County
Mayor Jerry Willey, City of Hillsboro
Brent Curtis, Washington County
Pat Ribellia, City of Hillsboro
Jim Standring

Figure 1: Vicinity Map

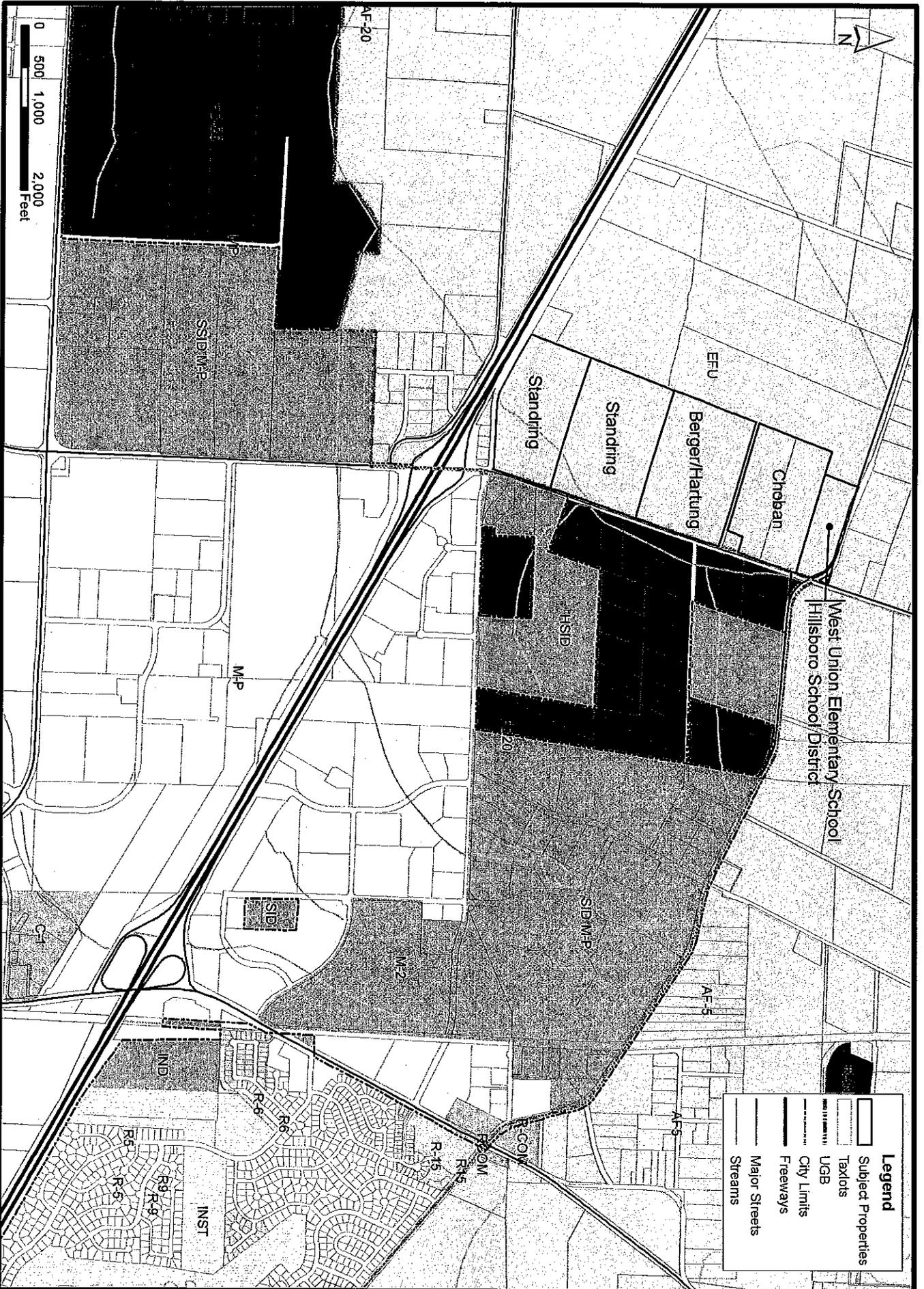


Figure 2: Property Ownership & Acreage

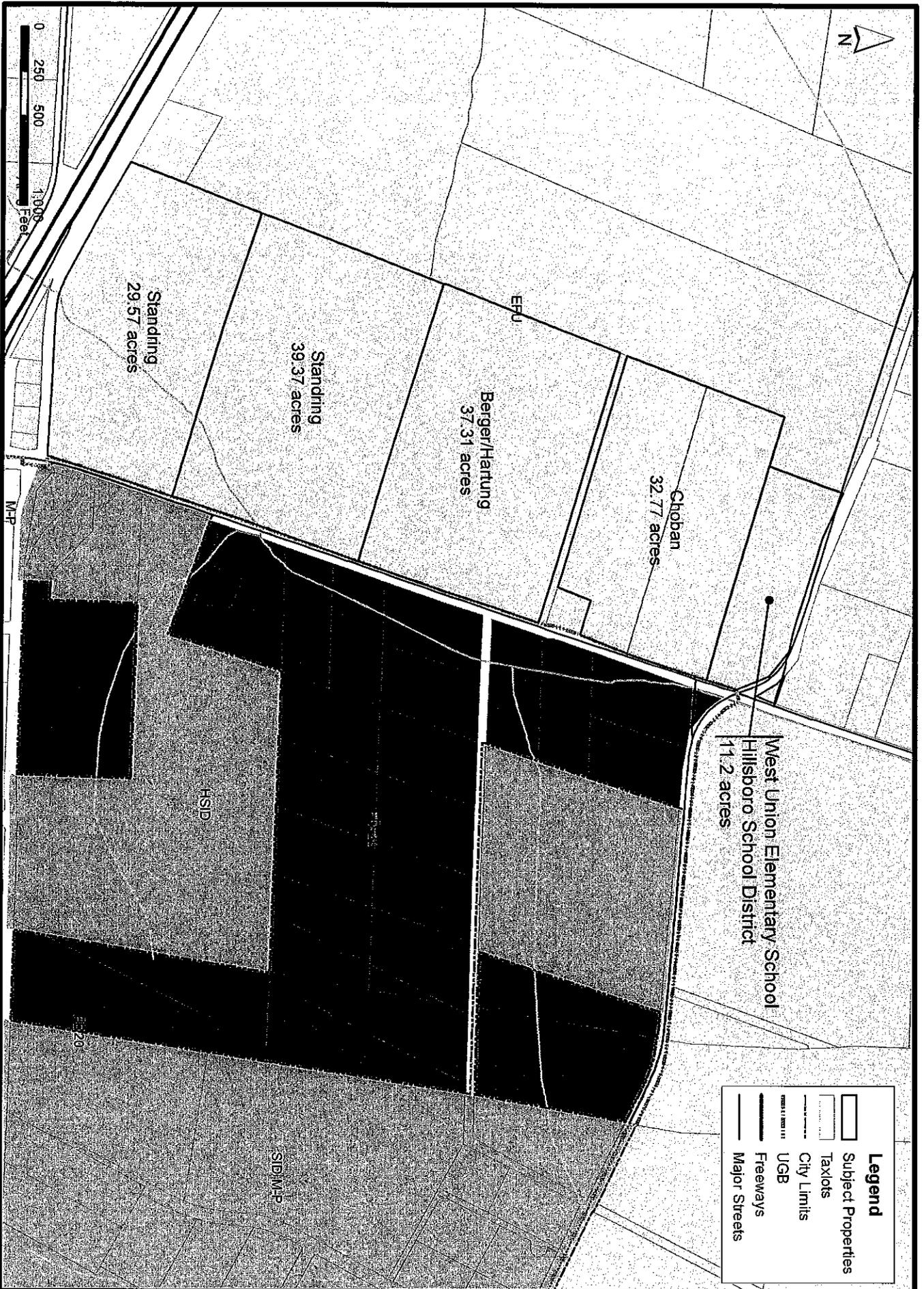


Figure 3: Helvetia Concept Plan - Adopted

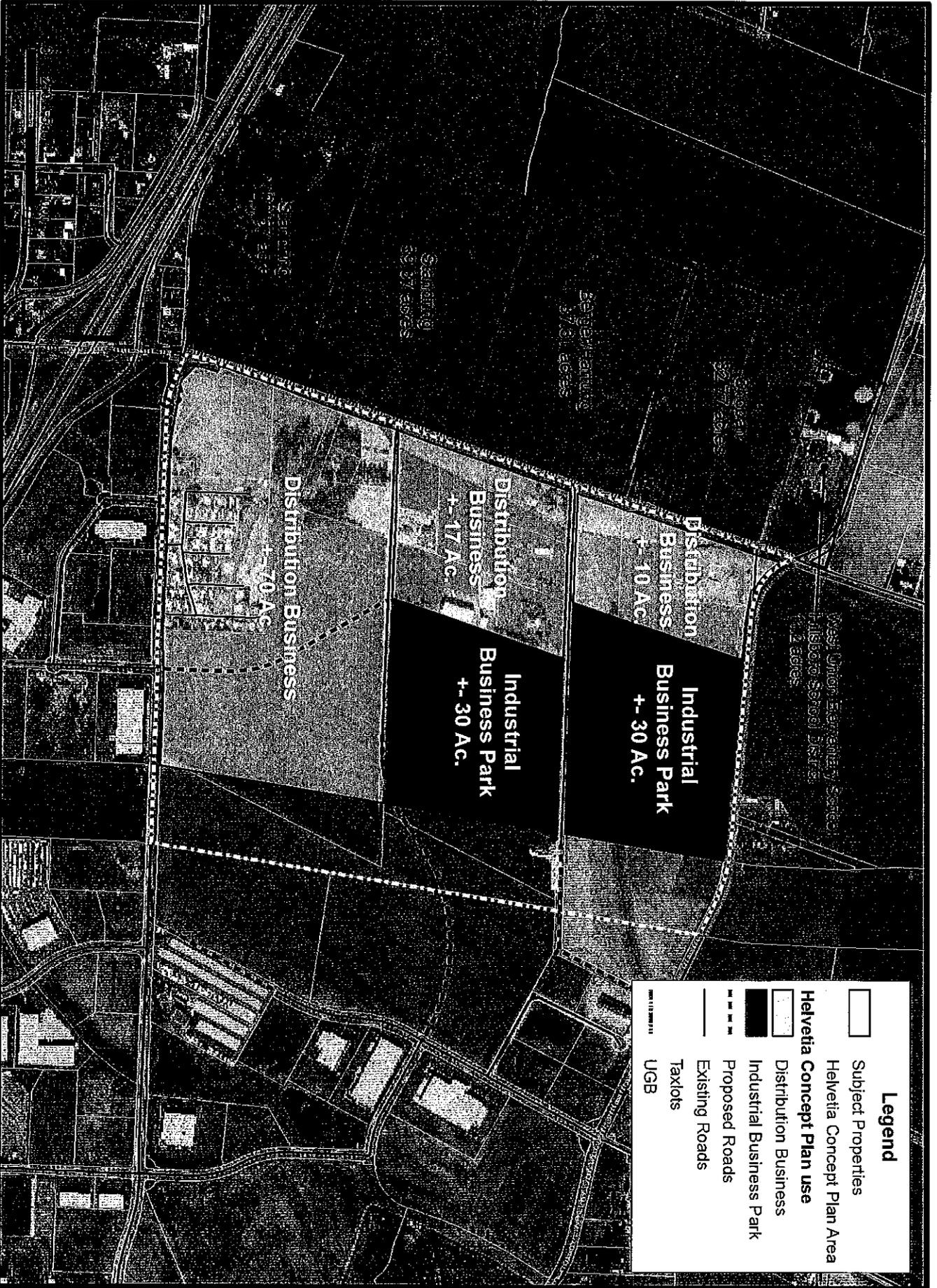
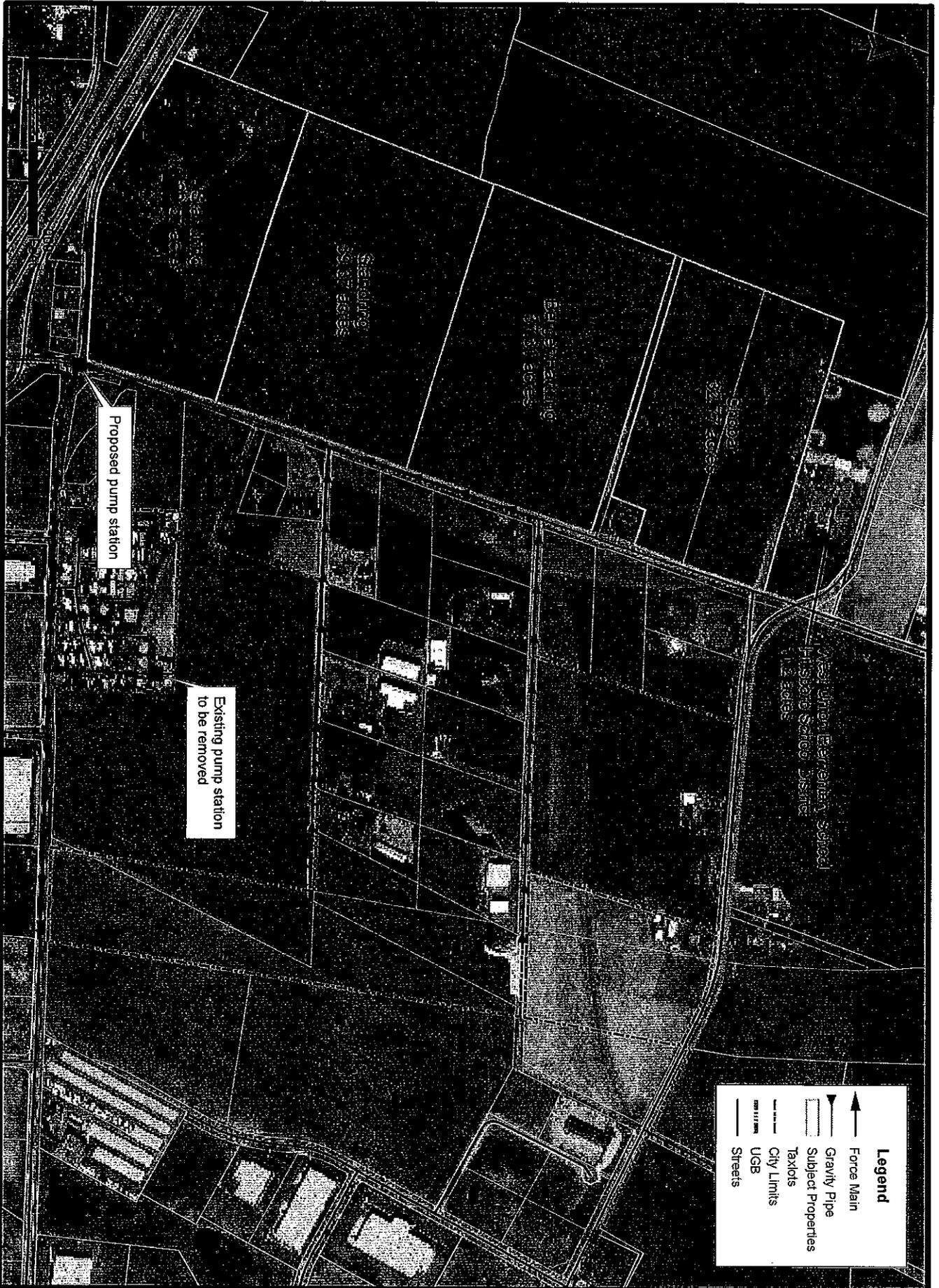


Figure 4: Sewer Proximity to Subject Properties

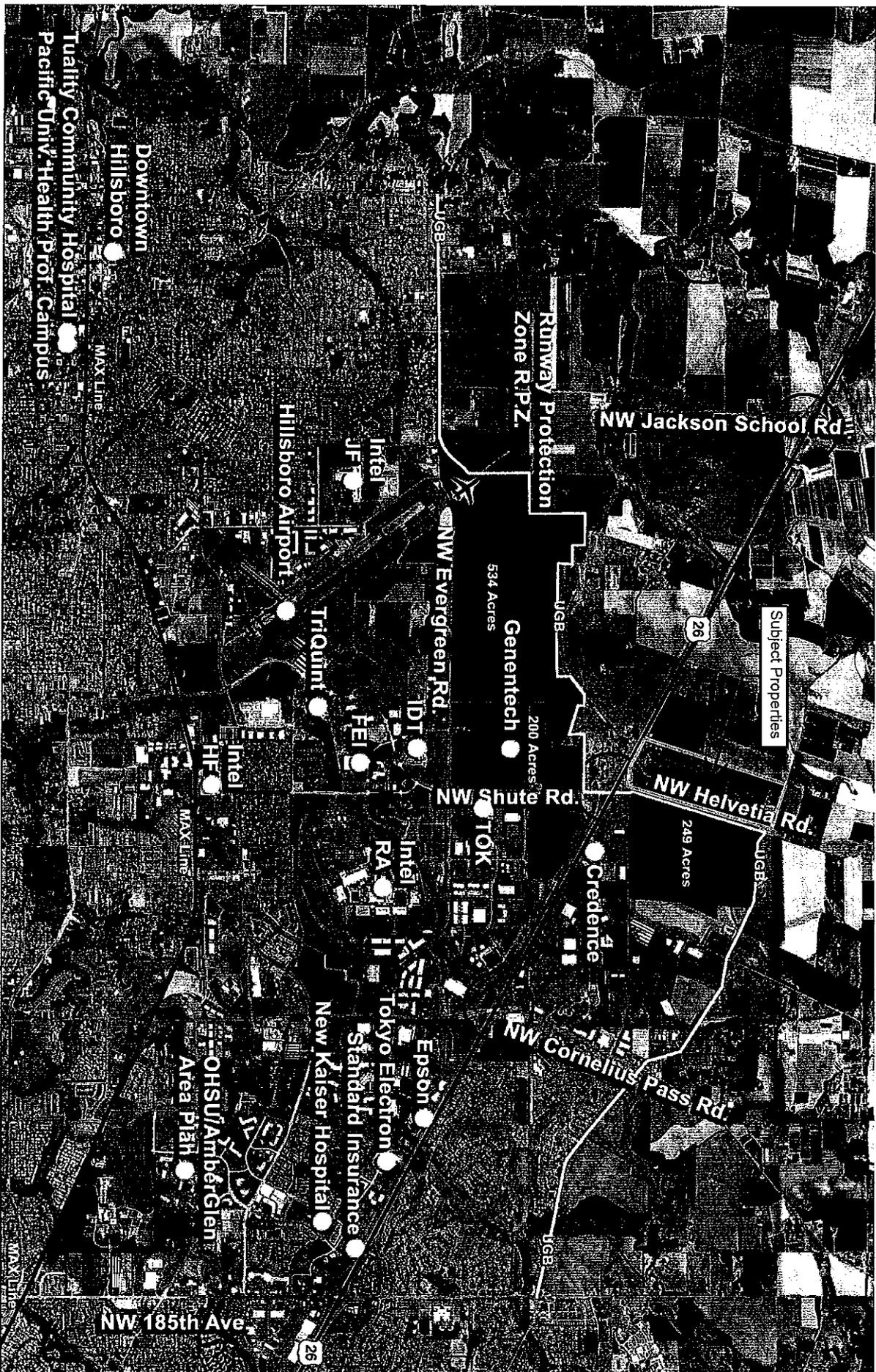


Sources: RLIS August 2009, Helvelia Concept Plan

Figure 6: Topography and Drainage



Subject Site Proximity to Silicon Forest Employment Centers



Satellite photo by Google - Additions by APGIC/H2M-Hill



August 19, 2009

Washington County Department of Land Use and Transportation
Long Range Planning Division
Attention: Urban and Rural Reserves Project Team
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124-3072

RE: Urban Reserve Designation

Members of the Washington County Reserves Coordinating Committee:

This letter is provided by our firm on behalf of Ms. Tracey Hartung and Ms. Dana Berger, who own property in the northwest quadrant of the Shute Road / Highway 26 Interchange.

Hartung / Berger Property

- o Tax Lot 1N2150000905

Our property has been identified by the City of Hillsboro and the Washington County Planning Directors as an appropriate and logical location for future industrial / employment land to meet the identified demand for new jobs and for larger industrial lots within the Metro region. The proximity of these properties to existing employment areas, public infrastructure and the employment workforce supports the City of Hillsboro's conclusion that this area is appropriate for "Industrial Anchor Sites". The property has been recommended to be designated as Urban Reserve.

Ms. Hartung and Ms. Berger agree with and completely support the Urban Reserve designation recommendation and urge the Washington County Reserves Coordinating Committee to forward this recommendation to the Metro Reserves Committee.

The property owners believe that the subject properties are well-suited for designation as an Urban Reserve. This is supported by the following property attributes:

1. The property is located adjacent to the existing Hillsboro Urban Growth Boundary (UGB). The adjacent area in the city is planned for industrial / employment uses. The subject properties are located in close proximity to the Silicon Forest and the employment center that is developing in the North Hillsboro area, including the area immediately to the east.
2. The /Hartung/Berger properties are relatively flat, with no issues related to steep slope, making them an ideal location for employment uses and easy to provide the necessary infrastructure.
3. Transportation access is immediately available to US 26 via the Shute Road Interchange. Improvements to this interchange have been funded through the Governor's Transportation Program that was approved by the 2009 Legislature.

Helvetia Road, which the properties are adjacent to, is classified as an Arterial in the Washington County Transportation System Plan.

Again, we strongly support the recommendation that these properties be designated as Urban Reserve. We would be in opposition of any designation other than Urban Reserve. We appreciate your consideration and support for the Urban Reserve designation.

Sincerely,



Tracey Hartung
Property Owner



Dana Berger
Property Owner

cc Washington County Board of Commissioners
City of Hillsboro City Council Members
Metro Councilors
John William, Metro

August 20, 2009

Washington County Department of Land Use and Transportation
Long Range Planning Division
Attention: Urban and Rural Reserves Project Team
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124-3072

RE: Urban Reserve Designation (1N2150000900; 1N2150000901)

Members of the Washington County Reserves Coordinating Committee:

This letter is provided by our firm on behalf of Mr. Jim Standring who owns property in the northwest quadrant of the Shute Road / Highway 26 Interchange. The ownership is as follows and is noted on the attached figure:

Standring Property

- Tax Lot 1N2150000900 – 29.57 acres
- Tax Lot 1N2150000901 – 39.37 acres

The two properties total 68.94 acres. The two tax lots have been identified by the City of Hillsboro and the Washington County Planning Directors as an appropriate and logical location for future industrial / employment land to meet the identified demand for new jobs and for larger industrial lots within the Metro region. The proximity of the property to existing employment areas, public infrastructure and the employment workforce supports the City of Hillsboro's conclusion that this area is appropriate for "Industrial Anchor Sites". The property has been recommended to be designated as Urban Reserve. **Mr. Standring agrees with and completely supports the Urban Reserve designation recommendation and urges the Washington County Reserves Coordinating Committee to forward this recommendation to the Metro Reserves Committee.**

The property owner believes that the subject property is well-suited for designation as an Urban Reserve. This is supported by the following property attributes:

1. The subject property is located immediately adjacent to the existing Hillsboro Urban Growth Boundary (UGB). The adjacent area in the city is planned for industrial / employment uses. This is the anticipated use for the Standring property.
2. The subject property is located in close proximity to the Silicon Forest and the employment center that is developing in the North Hillsboro area, including the Helvetia Industrial area immediately to the east.
3. There are existing City of Hillsboro and Tualatin Valley Water District public services (sewer and water) adjacent to or in close proximity to the Standring property. These public services can be easily extended to serve the property.



4. The Standing property is relatively flat, with no issues related to steep slope, making them an ideal location for large lot employment uses and easy to provide the necessary infrastructure.
5. Transportation access is immediately available to US 26 via the Shute Road Interchange. Improvements to this interchange have been funded through the Governor's Transportation Program that was approved by the 2009 Legislature. Helvetia Road, which the property is adjacent to, is classified as an Arterial in the Washington County Transportation System Plan.
6. There is floodplain and associate vegetation in the southeast corner of the Standing property that can be protected and enhanced.
7. The property does not have any water rights associated with the land, nor is the property located within the Tualatin Valley Irrigation District, rendering the properties less agriculturally productive than similar properties with water rights.

The property owner understands the importance to the region and the state of having larger lots available for future industrial and employment expansion and agrees to work with the City of Hillsboro to insure that large lot opportunities are available when the properties are included in the Urban Growth Boundary. This coordination could include site master planning, the provision of necessary infrastructure, state "shovel ready" certification and marketing the property.

Again, Mr. Standing strongly supports the recommendation that this property be designated as Urban Reserve. We will oppose any designation other than Urban Reserve. The attachment to this letter provides documentation supporting the Urban Reserve designation, noting how the property meets the location needs for future industrial / employment areas and the SB 1011 and OAR 660-027-0050 factors. We appreciate your consideration and support for the Urban Reserve designation.

Sincerely,

Frank Angelo
Principal

Jim Standing
Property Owner

cc Washington County Board of Commissioners
City of Hillsboro City Council Members
Metro Councilors
John William, Metro
Mark Greenfield, Attorney at Law

Attachments: Urban Reserve Findings

Memorandum

Date: August 20, 2009
To: Washington County Reserves Coordinating Committee
From: Frank Angelo, Angelo Planning Group
Mark Greenfield, Attorney at Law
cc: Washington County Board of Commissioners
City of Hillsboro City Council Members
Metro Councilors
John Williams, Metro
Re: OAR 660-027-0050 Findings – Standing Property

I. Background

This document provides findings regarding the suitability of an Urban Reserve designation for property under the ownership of Jim Standing. The property is located in the northwest quadrant of the Highway 26 / Shute Road Interchange. The ownership is as follows and noted on the Figures 1 and 2:

Standing Property

- Tax Lot 1N2150000900 – 29.57 acres
- Tax Lot 1N2150000901 – 39.37 acres

The two tax lots total 68.94 acres - ideally suited for future large lot industrial / employment use, the use that the City of Hillsboro and Washington County have identified for these properties in their Urban Reserve recommendation. This report refers to Mr. Standing's property as the "subject property" or "property".

The subject property is located northwest of the US 26/Shute Road interchange in Washington County. While located in unincorporated Washington County, the regional Urban Growth Boundary (UGB) and City of Hillsboro city limits border the property immediately to the east. The recently adopted (2008) Helvetia Concept Plan shown on Figure 3 shows the location of the subject property in relation to the employment area that is developing in the Helvetia Concept planning area.

In 2007, Senate Bill (SB) 1011 was passed, requiring counties and metropolitan service districts (e.g. Metro) to evaluate and designate both rural and urban reserves, if reserves were going to be designated. Oregon Administrative Rules (OAR) Chapter 660, Division 27 (Urban and Rural Reserves in the Portland Metropolitan Area) was adopted in 2008 to implement the legislation. OAR 660-027-0050 establishes factors for designating urban



reserves based on criteria included in SB 1011, with the addition of two criteria related to preservation of natural features and compatibility with agricultural land and practices.

Over the past year the Washington County Department of Land Use and Transportation has been coordinating the efforts of the County and its cities to identify, evaluate and recommend Urban and Rural Reserves. This work has been led by the Washington County Reserves Coordinating Committee (WCRCC) which consists of representatives of the County, cities and the Washington County Farm Bureau. The extensive and thorough analysis that has been conducted over the past year has consistently identified the subject property as suitable for Urban Reserve designation. The Washington County Planning Directors have now made a recommendation to the WCRCC for the location of both Urban and Rural Reserve designations. This recommendation designates the subject property as Urban Reserve. The City of Hillsboro has also identified the subject property for future Industrial / Employment land.

Because of the subject properties' proximity to the existing UGB (adjacent), public services (immediately to the east), transportation facilities (US 26 / Shute Road Interchange which has approved funding for capacity improvements and Helvetia Road which is classified as an Arterial), site characteristics (relatively flat and easy to provide infrastructure to the property) an Urban Reserve designation is the most appropriate designation.

The property owner fully supports this recommendation as well as the expressed intent to include the property in the regional supply of large lot industrial property. The owner understands the importance to the region and the state of having larger lots available for future industrial and employment expansion and agrees to work with the City of Hillsboro to insure that large lot opportunities are available when the property is included in the Urban Growth Boundary. This coordination could include site master planning, the provision of necessary infrastructure, state "shovel ready" certification and marketing the property.

II. Urban Reserves Factors Analysis

The following provides findings specific to the OAR 660-027-0050 factors that demonstrate the suitability and appropriateness of an Urban Reserve designation for the subject property:

660-027-0050

Factors for Designation of Lands as Urban Reserves

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

Factor 1 - Can be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments

The subject property can easily be developed at urban densities – particularly industrial / employment densities. The property is well situated to make efficient use of existing and future infrastructure investments for sewer, water, or transportation facilities serving the Helvetia industrial area immediately to the east. As well, the site characteristics are well-suited for industrial / employment development. The property is relatively flat (slopes generally <3%), has few natural resource constraints, and its strategic location immediately adjacent to the existing UGB and city limits will support the large employment center that has emerged in the north Hillsboro area.

The following discusses the various public infrastructure improvements either in-place or planned for the area that can easily provide the necessary services to the subject property.

Sewer

Recent work related to sanitary sewer in the vicinity of the subject property includes the 2008 Helvetia Concept Plan. This plan was adopted by the City of Hillsboro for the area immediately to the east of the subject property. Figure 4 shows the location of the existing and future sanitary sewer system that will serve the area. The Helvetia planning area would be served primarily by a gravity system, with gravity pipes along NW Pubols Road and NW Schaaf Road running west, NW Helvetia Road running south, and NW Jacobson Road running west. An existing pump station in the southern portion of the area is planned to be removed and replaced by a pump station at the intersection of NW Helvetia Road, Jacobson Road, and Groveland Drive into which the gravity pipes will flow. From the new pump station, force mains would run east on Jacobson Road until just west of NW Century Boulevard, where they could turn and flow south in gravity pipes.

As can be seen from Figure 4, the existing and planned sanitary sewer facilities about the subject property and can be easily extended to the property to serve future industrial / employment uses. An earlier study prepared by Alpha Engineering (*Helvetia Road Industrial Land Study 2003*) found that the higher elevations on the subject property to the west of Helvetia Road could be fit with gravity sewer lines that would feed into a pump station from which sewer lines would extend to connect with nearby existing lines.

More recently the *Core 4 Preliminary Analysis of Providing Urban Level Sanitary Sewer Service Within Reserves Study Area* (February 9, 2009) studied sewer serviceability for sub-areas of candidate urban and rural reserve areas that are basically defined by drainage basin boundaries. The analysis found the sub-area that includes the subject property (sub-area S36) to have "high suitability," where high suitability means:

[G]enerally these areas are the easiest and least costly to serve. This includes those few areas where there is capacity in a nearby treatment plant or

conveyance facility, or those areas where capacity could be relatively easily provided. It also includes areas that require substantial improvements, but relatively easy ones for which there is land available or no major issues identified. These also include areas for which topography enables primarily gravity flow to an existing plant. For the most part, these areas will primarily require investment in facilities located inside the area to be developed, but be able to hook up to existing facilities inside the current UGB.

This finding was derived from initial analysis about the efficiency of serving the sub-areas with sewer, in which the sub-areas were rated as “efficient”, “moderately efficient”, “moderately difficult”, and “difficult”. Sub-area S36 rated as “efficient” to serve, with comments that no substantial service issues identified. “Efficient” was characterized as follows:

“These areas are the easiest and least costly to serve. They would require relatively simple extensions of the existing system within the area to be urbanized, and could connect directly to existing facilities in the existing urban area. These areas are the few areas for which the treatment and conveyance systems inside the current UGB appear to have capacity to serve areas outside the current UGB.”

The subject property sub-area was one of a few sub-areas in the region found to be efficient for potential sewer service.

Water

Recent work related to water service in the vicinity of the subject property includes the 2008 Helvetia Concept Plan. This plan was adopted by the City of Hillsboro for the area immediately to the east of the subject property. Figure 5 shows the location of the existing and future water system that will serve the area. Local water service provider Tualatin Valley Water District (TVWD) indicates there is enough supply to serve the Helvetia planning area in the 2008 *Helvetia Concept Plan*. The plan proposes to connect to the existing TVWD 24-inch transmission main in NW Jacobson Road and extend north into the site. Piping on the site could extend north to also connect with the existing 16-inch pipeline in NW West Union Road. Supplying the Helvetia Concept Plan planning area with water would require a total of two interconnections, two swale/creek crossings, one metering station at the 24-inch main in Jacobson Road, and new water transmission pipeline.

As can be seen from Figure 5, the existing and planned water facilities are in close proximity to the subject property and can be easily extended to the property to serve future industrial / employment uses.

The Core 4 *Preliminary Analysis of Providing Urban Level Water Service Within Reserves Study Area* (March 23, 2009, Revised) examined water service issues for sub-areas defined by a combination of existing water service boundaries and landscape features including floodplains, steep slopes, and major water features.



As with sewer service the sub-area with the subject property was identified as “high suitability” in which case an area will only need typical extensions of service and no new major facilities.

Transportation

The subject property is well served by existing transportation facilities, and access and mobility in the area will be further improved by a funded project planned for the US 26 / Shute Road Interchange and associated projects. Transportation access is immediately available to US 26 via the Shute Road Interchange. Improvements to this interchange have been funded through the Governor’s Transportation Program that was approved by the 2009 Legislature.

The subject property is directly served by and adjacent to NW Helvetia Road, an Arterial and NW Jacobson Road, a collector, according to the Washington County Transportation Plan. The 2008 Helvetia Concept Plan notes that NW Schaaf Road can be extended to the west to connect with the subject property. NW Pubols Road, also in the Helvetia Concept Plan, could also be extended to the west to the subject property. Both Schaaf and Pubols could easily form the entryways into an industrial / employment area on the subject property and provide limited access to Helvetia Road while providing an internal circulation system.

The anticipated future industrial / employment uses on the subject property would also have less of an impact on the transportation system from a capacity / level-of-service perspective than residential or commercial uses. The employment use would be compatible with the future improvements to the US 26 / Shute Road Interchange.

Core 4 Preliminary Analysis of Providing Urban Level Transportation Service Within Reserves Study Area

The most recent study of the area presented in the *Core 4 Preliminary Analysis of Providing Urban Level Transportation Service Within Reserves Study Area* (February 11, 2009) analyzed sub-areas for their suitability according to estimated cost per system lane mile, cost per added lane mile, and the number of intersections per square mile. The sub-areas used for the transportation analysis were derived from those used for the sewer and water service analyses.

System lane mile and added lane mile cost estimates address construction of needed collector and arterial roads, not local roads, and the number of intersections indicate existing and potential connectivity. The subject property sub-area ranked medium for both added lane and system lane suitability and high for connectivity suitability, corresponding to findings that the area was somewhat to most suitable for providing a transportation system capable of accommodating urban levels of development. The sub-area is one of seven sub-areas (of 15 total sub-areas) to rank high for connectivity suitability.



Factor 2 – Includes sufficient development capacity to support a healthy economy

The roughly 70 acres that comprise the subject property are well-suited from both a site size and site characteristic perspective to provide sufficient development capacity in support of the region's economy. In particular, the subject property size will add to the region's scarce supply of large parcels available for future industrial and employment uses. The site characteristics – relatively flat, no natural resource constraints, and the rectangular shape of the three parcels – again add to the subject property's suitability for large lot industrial and employment use. These site features will allow infrastructure to be efficiently provided to the site, including development of an internal circulation system.

Studies within the region on industrial land supply have consistently noted the lack of large lots as a part of the region's industrial land supply inventory. These studies indicate that, in order to be nationally and internationally competitive, the region should have a supply of larger industrial parcels that can be easily served and available to industries looking for large sites. The subject property, in addition to having all of the necessary site characteristics for large industrial / employment uses, is located immediately adjacent to the current UGB and Hillsboro City Limits. The subject property also has outstanding transportation access with its immediate proximity to US 26.

The subject property could theoretically accommodate upwards of 1,300 new jobs depending the type of industrial / employment use that developed the site (assuming an average of 20 jobs per gross acre). In all likelihood, the number of jobs on the subject property would be on the order of 500 – 1,000 when the net developable area is taken into account. The ultimate job density would obviously be dependent on the user. However, the subject site does afford the opportunity and development capacity for a wide range of industrial / employment uses.

Factor 3 – Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers

The subject property is inside the Hillsboro School District service area and is adjacent to the City of Hillsboro, a full-service city. Future development of the site would occur within the City of Hillsboro following annexation. As a full-service city, the City of Hillsboro provides police, fire, parks and recreation, libraries, transportation, planning, and permitting services. Waste management is provided by a private contractor, Hillsboro Garbage. The response to Factor 1 above demonstrates how the subject site can be efficiently and effectively serve with urban-level public facilities.

The subject property is also in close proximity to the availability of specialized utilities (gas) and public utilities – specialty gases are available east of Shute Road and north of Evergreen Road. This utility is an important consideration for future high tech users.



Finally the Hillsboro Airport is 3.5 miles to the south/southwest of the subject property, making it very accessible for corporate use and for freight / supply delivery.

There are two schools within two miles of the property: West Union Elementary School, at 23870 NW West Union Road, north of the site less than ½ mile, and Liberty High School, at 21945 NW Wagon Way, about 1 ¼ miles southeast of the site. According to the Oregon Department of Education 2008-2009 Enrollment Summary, enrollment at West Union Elementary School was 317 students on October 1, 2008, and enrollment at Liberty High School was 1,311 students.

Because the subject property has been identified as suitable for industrial / employment use, it is not being considered for future residential use. Future industrial / employment use on the subject property would not generate new students and would have no impact on school enrollment levels or school capacity issues. Future industrial / employment uses would, however, provide property tax revenue to the school district.

The subject property, as a potential employment site also benefits from close proximity to the Rock Creek Campus of Portland Community College (PCC) and the technical educational and training programs it offers. Proximity to this high education / training facility is a positive factor for new industrial uses when they consider facility locations.

Factor 4 – Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers

The subject property is well-suited for providing connected streets and multi-modal facilities on site as well as connecting to surrounding facilities and transit service.

TriMet serves Hillsboro and Washington County. Existing bus lines are located just over a mile from the site and the Orenco light rail (MAX) station is about 2.5 miles away. There are park and ride lots at the Washington County Fairgrounds in Hillsboro and at Orenco Station. Ultimately transit service, most likely in the form of bus service, could be expanded to this area to provide service to the employment center north of US 26.

Topographic conditions on the subject property consist of slopes that are primarily less than 3%. These are favorable conditions for creating streets, bikeways, sidewalks, and other paths internal to the property that are relatively flat and accessible. At the same time, natural resources found on the property associated with Waible Creek (sometimes called Waible Gulch) will need to be buffered from development and present opportunities for natural trails and small-scale passive recreation.

As discussed in the response to Factor 1, the *Core 4 Preliminary Analysis of Providing Urban Level Transportation Service Within Reserves Study Area* found the Standing site sub-area to have high suitability for connectivity. This gives a general indication of how well the site and other sites in the sub-area will connect with each other and areas surrounding the sub-area. Also, projects proposed as part of the Helvetia Concept Plan specify



improvements to NW Helvetia Road (i.e. upgrading the road to an urban five-lane arterial), which would include the addition of sidewalks and bikeways.

Factor 5 – Can be designed to preserve and enhance natural ecological systems; and

Factor 7 – Can be developed in a way that preserves important natural landscape features included in urban reserves

The subject property includes natural resources associated with Waible Creek, and designation of the site as urban reserves and its eventual development for industrial / employment uses will assist in protecting and enhancing the resources on the site.

Waible Creek is a tributary of McKay Creek in Washington County. According to Metro's 2009 Regional Land Information System (RLIS), there are about 15 acres of floodplain related to Waible Creek on the southern lot of the property. An interactive map from Metro's Habitat Protection web page shows the following resources on the site: Class 1 Riparian (highest value habitat), Class 2 Riparian (medium value habitat), Class 3 Riparian (lower value habitat), Class B Wildlife (medium value habitat), and Class C Wildlife (lower value habitat). Fewer acres would be impacted by flooding if the culvert under Highway 26 was increased to an appropriate size. This culvert will likely be replaced or enhanced when the Highway 26 / Shute Road interchange is improved.

As cited in a November 2001 memorandum from Winterbrook Planning regarding Metro Goal 5 Mapping of Property at Northwest Corner of NW Helvetia Road and NW Groveland Drive there is a lack of riparian vegetation in the floodplain, the stream is channelized, US 26 and NW Groveland Drive form barriers to continuous riparian corridors, and there are not consistent riparian corridors on either side of these roadways. While designation of the site as an urban reserve or rural reserve will not necessarily alter the barriers created by surrounding roadways, designation of the site as an urban reserve presents the opportunity to restore riparian vegetation and a more natural channel for Waible Creek when development on the balance of the property occurs.

As cited in the 2003 *Helvetia Road Industrial Land Study* by Alpha Engineering, Waible Creek drains an area of at least 100 acres, with the drainage occurring primarily from the lower tax lots east. Incorporating protection of this resource into development on the site will serve as a buffer between development and US 26, allowing for natural stormwater detention and treatment on-site and providing opportunities for trails and small-scale passive recreation that are compatible with natural areas, as discussed earlier. The Shute Road Industrial Site also offers a model for integrating industrial development and natural resource protection that could be applied on this property through similar implementation provisions of City of Hillsboro code (Section 20, Subsection III) that regulate the Shute Road Industrial Site.

(F) In accordance with the City's Goal 5 provisions of Section 6, Natural Resources, Open Space, Scenic and Historical Sites, of the Comprehensive Plan, the Waible Creek tributary riparian corridor and the upland wildlife



habitat resource located in the northwest portion of the Site shall be accorded "Level 1" ("moderately protect") protection, as prescribed by Hillsboro Zoning Ordinance Section 131A, Significant Natural Resources Overlay District.

Most of the property is located in a drainage basin that drains eastward, and grading the rest of the site will complete the natural ridgeline between the site and lands to the west. Drainage to the east naturally joins and reinforces the connection of the property to the land across NW Helvetia Road. This land is inside the UGB and is being developed for industrial uses guided by the 2008 *Helvetia Concept Plan*.

Factor 6 – Includes sufficient land suitable for a range of needed housing types

The subject property could certainly support a range of attached single-family housing, detached single-family housing, or multi-family housing with a variety of lot sizes and densities. The Waible Creek resource area presents an opportunity for natural stormwater processing, higher-efficiency clustering of development, restoration of the riparian corridor as a condition of development, and open space and natural areas on the site, its protection being a benefit for both development and the resource area. The site also presents an opportunity for well-situated workforce housing, given industrial and employment uses in the area.

While the subject property could easily support a range of needed housing types, the anticipated future use of the property is viewed as industrial / employment use – not residential. Industrial / employments use of the subject property would likely be more compatible with surrounding industrial and agricultural uses and the transportation system in proximity to the property. Given its lower traffic generation rates and greater sensitivity to slope, employment – namely industrial – uses are appropriate for the site.

Criterion 8 – Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves

The subject property is zoned Exclusive Farm Use (EFU) by Washington County. The April 2004 *Metro Staff Report Addressing Amendments to the UGB for Industrial Land* identifies the area as Tier 3, lower quality resource land. As well, the subject property does not have any water rights associated with the property, nor is the property located within the Tualatin Valley Irrigation District making long-term agricultural use more difficult and uncertain. The site borders farmland on one side – to the west. This area to the west has also been recommended as future Urban Reserve. As described earlier, drainage on the site flows from a natural ridgeline on the west edge of the property eastward. This ridgeline provides a buffer between the site and uses west of it.

Designation of the subject property as Urban Reserve and future planning and development of it for industrial uses could follow the example established for the Shute Road Industrial Site by *Metro Ordinance No. 02-983B, Amending the UGB for Industrial Land near Specialized Facilities North of Hillsboro* (December 2002).



- Exhibit B (Conditions on Addition of Shute Road Site to UGB) – Adopt comprehensive Plan and zoning provisions for improving interface between industrial land and farm land including setbacks, buffers, and lanes designated for slow-moving farm machinery.
- Exhibit C (Findings of Fact, Conclusions of Law) – Industrial development is typically more compatible with surrounding agricultural uses than commercial or residential development, which generate more traffic and may be more adversely impacted by noise, odor, dust, and other effects of agricultural practices.

The Hillsboro Code adopted for the Shute Road Industrial Site reflects these findings and conditions and could be used as a model for future industrial / employment development on the subject property. Implementation measures for the industrial site in Section 20, Subsection III specified:

(E) Site design and architectural measures that provide for compatibility between high-technology industrial uses and supporting uses, and nearby agricultural uses and operations, shall be considered and required through the City Development Review process, unless demonstrated to be physically or financially impracticable. Possible compatibility measures include, but are not limited to: building orientation and setbacks; landscaping; land buffers; and access easements for farming vehicles and machinery.

III. Conclusion

The subject property consistently meets the criteria for urban reserves established in OAR 660-027-0050. The site borders the current UGB and is immediately adjacent to the city limits of the City of Hillsboro. It is well situated to be served with public facilities and urban services. The site is lower quality agricultural land that lends itself to economic and industrial development given that it is relatively flat, can provide large contiguous parcels, and is in close proximity to major transportation facilities and other industrial uses. Natural resources on the site can be protected and enhanced and can provide an amenity to development and encourage clustering of development. Adjacency to farmland is limited and can be buffered by the natural ridgeline and drainage on the western edge of the property.

Given that it consistently meets the criteria established by OAR 660-027-0050, it is strongly recommended that the subject property be included in the final determination for regional Urban Reserves.

Attachments:

- **Figure 1** Vicinity Map
- **Figure 2** Property Ownership
- **Figure 3** Helvetia Concept Plan
- **Figure 4** Sanitary Sewer
- **Figure 5** Water System

Your honorable commissioners:

**Dennis Derby, Hanley Jenkins, Tim Josi, Greg Macpherson, Christine Pellett,
John H VanLandingham and Marilyn Worrix**

Re: Keller M130344

I am once again coming forward to discuss the situation with my parents Measure 49 claim and the position of the LCDC.

Measure 37

My parents purchased their retirement property of 40 acres in 1976, with the hopes of building a retirement home for their personal use. Due to rules and land use regulations, they were prohibited from building until Measure 37 was introduced in the State of Oregon. At the time Measure 37 paperwork was mailed to my parents they did not understand what they had received as they were living in their winter home in Bull Head City, Arizona. Upon their return to Wheeler, Oregon my husband and I assisted them with filing the necessary forms to secure their Measure 37 claim. At the time my parents received their Measure 37 claim notice, they sent a letter to the LCDC advising them of their PO Box 248, Wheeler, Oregon. Unfortunately the LCDC did not update their records.

Measure 49

In March 2008, the LCDC mailed my parents their Measure 49 paperwork to a street address of 372 2nd St, Wheeler, Oregon. Because Wheeler Oregon has no home delivery, we can only assume that this document was forwarded to my parents in Bull Head City, AZ, however this document was not ever received. My parents return to Oregon at the end of April each year to spend the summer in their beach home. In August 2008, my parents then received the documents stating that because their paperwork was not received that all claims were nil and void. After several attempts on my part to contact the LCDC (Michael Morrissey) with no reply, my husband David Bolton (DCBS) contacted LCDC in person to inquire of what could be done. He was given the Measure 49 claim form and instructed have this completed as there were many other "late" claims" being submitted at that time. We were also made aware that there was HB3225 pending that may provide relief for my parents.

Since that time I have been working with Carmel Bender due to the fact that my repeated voice mail messages to the LCDC are not returned nor is there any reply to my emails. I have sent emails to Richard Whitman, Judith Moore and Lisa Howard repeatedly with no response. (I have copies of each email sent)

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In Summary

I feel that the handling of the Measure 49 claim information was poorly implemented. I personally am an independent insurance agent (who worked on the State of Oregon account in past years at Marsh USA.) who works with businesses such as general contractors. The State of Oregon will send three notices to general contractors in the State of Oregon for their license renewal. I cannot understand how the LCDC can send only one letter, non-certified, with out a dead line date, and then assume that the post office delivered this document. There have been so many errors made in the Measure 49 process, I feel that the LCDC should reopen the 13 claims that are pending in their office as well as re-open Measure 49 to the 100's of individuals who did not file the claim form because they were also too late and did not understand when the deadline date was. I feel that this is the least the State of Oregon commissioners should do for the citizens involved.

With the State of Oregon economy in the shape it is, would it not be beneficial to put the contractors back to work building homes? Unless you approve these claim not only are you preventing the land owners from moving forward you are also prohibiting any type of economic recovery in the construction business.

I would also like to share with all of you that my parents have lived here since 1950. My father was a 30 year veteran of the Portland Fire Dept and my mother was an engineering manager for Tektronix. They raised eight children in the State of Oregon and 6 of us live here today. (Two are deceased.) I feel that to respond to life long tax payers of the State of Oregon in this manner is criminal . I am sure each and every one of you will look for a way to resolve this issue. I feel this is why you are employed by the State of Oregon to protect and assist the residents and tax payers of this state.

Respectfully,



Carol J. Bolton
16935 SW 125th Place
Tigard, Oregon 97224
Telephone: 503-639-6200
October 1, 2009