

GOAL 1 OBJECTIONS ATTACHMENTS

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

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



Dana Tims, The Oregonian

By

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

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



Courtesy Washington County

Washington County Commission Chairman Andy Duyck

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

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

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

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

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

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

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

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

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

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

hard for me to interpret it as an obstacle to anything."

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

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

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

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

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

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

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

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

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

And if that happens?

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

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

"That's not where I would like to go," he said. "But that may be the only choice left us."

Dana Tims

Matthew Larrabee
10961 NW Crystal Creek Lane
Portland Oregon 97229

March 12, 2011

Subject: Economic Opportunity, Equitability, and Urban Reserve Land for Cornelius

To the Washington County Board of Commissioners:

Representatives from the city of Cornelius recently gave testimony to the Washington County Planning Commission. They made a reasoned and impassioned case for the restoration of the Urban Reserve designation on land north of Cornelius. As a Planning Commissioner and as a private citizen, I have come to the conclusion that theirs is a righteous cause.

One of the speakers, a young architect and a Cornelius planning commissioner, recounted the decades-long pursuit of expansion land by Cornelius. Five times promised the chance to expand. Five times thwarted.


During a years-long process, the County agreed to provide an Urban Reserve to the north of Cornelius. It was a reasonable plan that achieved balance among competing interests. Shouldn't the Board of Commissioners stand up for local self-determination? Or should we bow to a non-elected state commission that has acceded to the wishes of influential special interests? Do we need to be reminded that the DLCDD has not even issued a written opinion in this matter? That their oral opinion might be at variance with the findings of their staff?

To deny the Urban Reserve to Cornelius is to consign it to the status of a bedroom community; it is to reduce its chances to prosper and grow with the rest of the county. Is this equitable? Aren't they also taxpayers who deserve an equal opportunity?

A large area north of Hillsboro, much of it good farm land with Type I and II soils, as good as the land near Cornelius, has been designated Urban Reserve. I applaud the opportunity that it provides for economic growth. Why should the smaller and less influential town of Cornelius be denied similar opportunities? Should they be hemmed in by a green curtain of farmland while their neighbors are allowed to prosper?

Finally, if the County Planning Commission is expected to "rubber stamp" the most important planning decision of a generation, then I propose that we just rename the body the "Rubber Stamp Committee." Instead of demeaning the citizen-volunteers of the Planning Commission in the local newspaper, I would urge the Board of Commissioners to consider the reasons for our 5-1 vote to restore Cornelius its share of the bounty.

Respectfully submitted,


Matthew Larrabee
Washington County Planning Commissioner

Save Helvetia

13260 NW Bishop Road
Hillsboro, OR 97124

April 25, 2011

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

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

Dear Director Whitman,

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

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

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

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

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

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

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

Respectfully,

Cherry Amabisca

cc: Save Helvetia Board of Directors
Linda Peters, Chair, CPO 8
Linda Gray, Washington County CCI

Robert Bailey
7455 NW Helvetia Road
Hillsboro, Oregon 97124

April 26, 2011

Board of County Commissioners
Multnomah County
Portland, Oregon

Supplemental Information for the Urban and Rural Reserves Record

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

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

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

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

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

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

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

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

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

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

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

Measured growth is available without taking prime farmland.

Robert Bailey
Save Helvetia

Attachments of public documents from Washington County



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Director's Office

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



March 9, 2011

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

Re: Public Records Request

Dear Mr. Bailey,

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

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

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

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

Sincerely,

Casaria Tuttle
Records Coordinator

Brent Curtis

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

1/4/11

Brent, Chuck and Dan:

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

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

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

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

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

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

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

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

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

3/25/2011

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

Dick

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

March 29, 2011

Washington County Board of County Commissioners
Hillsboro, Oregon

Testimony for a Hearing on Ordinance 740

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

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

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

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

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

For the Record,

Robert Bailey
For SaveHelvetia

Brent Curtis

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

Thanks Dick

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

Andy D

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

> Tom and Andy:

>

> Thanks for the excellent and clear graphics and maps. I can readily see and appreciate that a lot of work and time went into the attached. The attached and below narrative squares up with Andy's Friday phone briefing. Thanks Andy and Tom and all concerned staff. At this point, now being Monday I am assuming the maps and charts are publishable to the world or have been so published already.

>

> Dick

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

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

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

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

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

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> To: Roy, Dick and Desari

>

> From: Tom and Andy

>

> Colleagues:

>

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

>

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

>

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

>

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

> 3) Replacement acreage will be contiguous to current Urban Reserves, and shall not exceed the gross acreage "lost" as a result of the LCDC decision. Significant natural features, roads, or property lines shall be used as boundaries whenever possible.

> 4) Current Rural Reserves and Undesignated acres may be modified in order to comply with LCDC's decision.

> 5) Some members of LCDC expressed concern regarding the small amount of undesignated lands and suggested the County should "look at that" although the addition of undesignated land was not directed. Some also offered that we may have protected too much farm and forest land with Rural Reserves designations that were not necessary.

> 6) There is general agreement that sufficient analysis and public comment is in the record from which the amendment can be fairly considered; neither Metro nor the County feels it is necessary to re-open the analysis process or conduct an extensive outreach and public information effort.

> Metro has asked that an amendment to our current IGA with them be amended before the end of the calendar year if agreement can be reached, for the following reasons:

> a) This action is likely to receive better consideration by the Metro Councilors, our Board members, and staff who have been working on URRs for the past three years (meaning, take advantage of the knowledge, history of the work, negotiating relationships).

> b) It may be some time before LCDC's order is 'actionable' due to possible appeals, and it would be helpful to the region to have an amended agreement to look to while appeals run their course.

> c) Property owners would be benefitted to know the direction the region is headed in its response to the LCDC decision. Several owners have offered to have their properties included in the modified Urban Reserves and are once again becoming active for that purpose; it would be constructive to inform them whether or not their properties are to be included.

> d) To achieve an URRs IGA modification as requested, our Board would have to take action on December 14th and Metro Council December 16th. Both agencies are taking steps to preserve that opportunity for their governing bodies.

> e) Due to the short timeframe, Andy and I suggest the attached draft maps (and explanation that will be available Monday, December 6) be immediately distributed (Monday) to the public (including but not limited to the media, the cities, Metro and interested parties such as the Farm Bureau, TRK, 1000 Friends of Oregon, NAIOP, WEA, our notification list, and other parties).

> Other Comments:

> Following our understanding of LCDC's directive, and after discussion with Metro, LCDC and staff, Andy and I set out to determine a draft response to LCDC. LCDC's primary directives were to 1) eliminate all Urban Reserves in area 7 (i), the land north of Council Creek, north of Cornelius, 2) strengthen the findings for area 7 (b), in Forest Grove and north of the Council Creek tributary, or, eliminate some or all of this area if we chose not to strengthen the findings.

> As to Forest Grove, we recommend eliminating all Urban Reserves east or north of Council Creek, and making the area Undesignated. This is marked as "A" on the revised draft maps and involves 28 gross acres and 16 net buildable acres; it is adjacent to State Highway 47 and Purdin Road. The remainder of the Forest Grove 7 B area would be retained as URs residential land and its findings strengthened per LCDC's suggestion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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> Thank you,
>
> Tom and Andy

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> <AreaE.PDF>
> <DraftIGAmap.pdf>
> <Dec03_mapB.PDF>
> <Dec03_Acres.pdf>

Date: November 24, 2009

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

From: Citizen Participation Organization 8 (CPO 8)

Re: Motion on Rural Reserves in CPO 8

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

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

Yes - 30

No - 1

Abstentions - 2

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

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

Signed, CPO 8 Steering Committee: Henry Oberhelman
Pat Wolter
John Driscoll
Susie Anthony

Brent Curtis

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

Tom,

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

Andy

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

All

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

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

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

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

tb

Brent Curtis

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

All

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

tb

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

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

DGM

3/25/2011

Brent Curtis

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

Brent,

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

Thanks,
 Andrew

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

Brent:

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

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

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

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

SPECIAL NOTES:
another approach

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

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

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

Thanks,
Tom

Brent Curtis

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

Thanks, Brent. Hope you had a good vacation!

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

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

Thanks again.
Tom

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

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

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

Brent:

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

- 1) With regard to 7B (508 acres, Forest Grove), the LCDC discussion clearly expressed an interest that we consider NOT going north of the "Council Creek" extension, or whatever the main creek is that runs diagonally through 7 B. Whatever we wish to retain north of this feature will have to meet a "high standard" or "high bar" as their members said.
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SPECIAL NOTES:
another approach

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

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

Thanks,
Tom

Brent Curtis

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

Thanks Dick

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

Andy D

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

> Tom and Andy:

>

> Thanks for the excellent and clear graphics and maps. I can readily see and appreciate that a lot of work and time went into the attached. The attached and below narrative squares up with Andy's Friday phone briefing. Thanks Andy and Tom and all concerned staff. At this point, now being Monday I am assuming the maps and charts are publishable to the world or have been so published already.

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> Dick

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

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

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

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

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

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> To: Roy, Dick and Desari

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> From: Tom and Andy

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> Colleagues:

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

>

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

>

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

>

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

> 3) Replacement acreage will be contiguous to current Urban Reserves, and shall not exceed the gross acreage "lost" as a result of the LCDC decision. Significant natural features, roads, or property lines shall be used as boundaries whenever possible.

> 4) Current Rural Reserves and Undesignated acres may be modified in order to comply with LCDC's decision.

> 5) Some members of LCDC expressed concern regarding the small amount of undesignated lands and suggested the County should "look at that" although the addition of undesignated land was not directed. Some also offered that we may have protected too much farm and forest land with Rural Reserves designations that were not necessary.

> 6) There is general agreement that sufficient analysis and public comment is in the record from which the amendment can be fairly considered; neither Metro nor the County feels it is necessary to re-open the analysis process or conduct an extensive outreach and public information effort.

> Metro has asked that an amendment to our current IGA with them be amended before the end of the calendar year if agreement can be reached, for the following reasons:

> a) This action is likely to receive better consideration by the Metro Councilors, our Board members, and staff who have been working on URRs for the past three years (meaning, take advantage of the knowledge, history of the work, negotiating relationships).

> b) It may be some time before LCDC's order is 'actionable' due to possible appeals, and it would be helpful to the region to have an amended agreement to look to while appeals run their course.

> c) Property owners would be benefitted to know the direction the region is headed in its response to the LCDC decision. Several owners have offered to have their properties included in the modified Urban Reserves and are once again becoming active for that purpose; it would be constructive to inform them whether or not their properties are to be included.

> d) To achieve an URRs IGA modification as requested, our Board would have to take action on December 14th and Metro Council December 16th. Both agencies are taking steps to preserve that opportunity for their governing bodies.

> e) Due to the short timeframe, Andy and I suggest the attached draft maps (and explanation that will be available Monday, December 6) be immediately distributed (Monday) to the public (including but not limited to the media, the cities, Metro and interested parties such as the Farm Bureau, TRK, 1000 Friends of Oregon, NAIOP, WEA, our notification list, and other parties).

> Other Comments:

> Following our understanding of LCDC's directive, and after discussion with Metro, LCDC and staff, Andy and I set out to determine a draft response to LCDC. LCDC's primary directives were to 1) eliminate all Urban Reserves in area 7 (i), the land north of Council Creek, north of Cornelius, 2) strengthen the findings for area 7 (b), in Forest Grove and north of the Council Creek tributary, or, eliminate some or all of this area if we chose not to strengthen the findings.

> As to Forest Grove, we recommend eliminating all Urban Reserves east or north of Council Creek, and making the area Undesignated. This is marked as "A" on the revised draft maps and involves 28 gross acres and 16 net buildable acres; it is adjacent to State Highway 47 and Purdin Road. The remainder of the Forest Grove 7 B area would be retained as URs residential land and its findings strengthened per LCDC's suggestion.

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

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

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

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

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

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

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

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

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

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

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

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

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

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> Thank you,
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> Tom and Andy

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Washington County land-use meeting generates fireworks, accusations

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



By **Dana Tims, The Oregonian**

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

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

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

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

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

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

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

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

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

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

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

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

But then the county went further. It also wants to take another 592 acres north of U.S. 26 and change it from rural reserve to

undesigned. An additional 900 acres in the Rock Creek area would be converted from rural reserve to undesignated under the county's proposal.

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

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

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

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

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

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

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

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

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

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

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

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

– **Dana Tims**

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Brent Curtis

From: Tom Brian [REDACTED]
Sent: Sunday, December 12, 2010 12:01 PM
To: Roy Rogers; Dick Schouten; [REDACTED]
Cc: Dan Olsen; Brent Curtis; Mike Dahlstrom; dgmulvihill@gmail.com
Subject: DRAFT # 2...REVISED URBAN AND RURAL RESERVES MAPS AND ACREAGE CALCULATIONS
Attachments: Dec11_Dsize.pdf; Dec11_IGAmap.pdf; Dec11_SRmap.pdf; Dec11_Acres.pdf

Colleagues:

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

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

To summarize the effect of the maps:

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

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

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

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

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

Thank you,
Tom and Andy)

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

December 14, 2010

Board of County Commissioners
Washington County
Hearing re Reserves

My name is Robert Bailey and I have resided at 7455 NW Helvetia Road, in Helvetia these past 27 years.

The LCDC report is not yet available for review. I see that this does not inhibit you from attempting this mid December action. If Washington County can discern the intent of LCDC, would we not be here tonight?

None of you were elected to your current positions with the reserves issue on the electoral table. Now, several have been elected and with the reserves issue part of the electoral conversation, both at the county and Metro level. They will be seated in January. I do not understand why you seek to move forward, given this context.

While I see that you have new maps, propose new designations, and have done the acreage replacement math, you err by not returning to the OARs and the **Factors for Designation**. **SaveHelvetia** has shown in much factor based detail how 8A warrants a designation of rural reserve. You have yet to refute this assessment.

- Excellent soils for sustained long-term agricultural operations
- Free sub-irrigation water resources from the unique hydrology of the Helvetia geology
- Parcelization has not shown itself to be an obstacle
- These farm lands are contiguous with a span of acres from east to west and south to north
- This area continues to enjoy agricultural infrastructure to support successful operations
- The area could be buffered by Helvetia Road and the Sunset Highway with desire and effort
- The area has been under threat of development for at least a decade
- The area includes the important Waibel Creek drainage and wetland, needed for recharge and flood mitigation in the Groveland area
- The area has significant natural and cultural resources needing protection
- The acreage provides for separation between Hillsboro and North Plains and provides a diversity to what is becoming a Beaverboro social landscape
- The area provides rural aesthetic, recreational, and cultural opportunities for many throughout the metro area

Where you perceive LCDC inviting you to designate more acreage as “undesigned” and to creatively consider it as “back-up” for urban reserves acreage, others perceive “undesigned” as indicating those lands beyond the reach of urban reserve and not in need of the protection as rural reserves. These might better be described as the outer ring of lands. Doing the math in this manner, however, would not allow Washington County to appear as generous in protection of farm lands as they seek to appear.

I am a recipient of the 2007 Harold M. Haynes award for citizen involvement in Washington County. This confers upon me a level of recognizing citizen involvement in community issues. From this, I want to take a moment to counter the stereotyping, the retaliatory remark, and the incivility of late toward SaveHelvetia and its members. You have heard from many of our group during this arduous reserves process. We have a history of land use advocacy that goes back well beyond a quarter century. This includes the prevention of a mass grave of sheep in Jackson Quarry, the prevention of siting the DEQ garbage dump in 4 sites north of the Sunset Highway, preventing the development of 250 condo units on top of the flood plain and now adjacent to the Helvetia-Brookwood Interchange project, and working to locate prisons in appropriate land use settings. These individuals will likely not have things named after them. Nonetheless, I consider them heroic in their volunteerism in behalf of land use and community.

As an observer of the reserves process, I describe Washington County’s citizen involvement program as a ROLL OUT. That is, you perform internal assessments, you make internal decisions, you announce to the public, and then you proceed. You claim your announcements allow for citizen feedback. You evade good faith inclusion of citizens in the study and formulation process. Tonight is but another example of this manipulative strategy toward Goal One.

Tonight is a **Legacy Moment** for a number of you, going and coming. I recognize that the legislation and the OARs did not create any extra-ordinary standard for conflict of interest in this epochal land rush. I welcome you tonight to voluntarily take a pledge: a pledge that your decisions will be for the good of the community and will not provide you or your relations financial benefit in the foreseeable future.

It is a Legacy Moment for agriculture and more in Helvetia. Will you take the pledge?

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

March 15, 2011

**Washington County Board of Commissioners, and
Metro Councilors**

Transparency and Disclosure

Under Oregon tradition and Public Records and Meeting Law, elected officials' deliberations are to be public and "transparent", with some narrow exceptions.

Under Oregon's Government Ethics standards and law (Chapter 244), elected officials' deliberations are to be conducted with due respect to the management of conflicts of interest.

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

A judge hearing a recent case in Lane County found that several county commissioners had engaged in illegal and secret deliberations, flouting Oregon's law requiring public bodies deliberate and decide public business in public. In this case, it was found that the several elected officials had engaged in "serial meetings" in private, scripting their votes that then were to be unveiled in a public hearing.

It could be that here, in Washington County, we lack these errors of governance. However, the perception arises, especially when rapid votes follow complex and far reaching testimony. The

perception arises, if one never witnesses a public disclosure of possible conflict, due to family relationship, economic interest, or other benefit.

With all due respect, I ask you to assure me here today that deliberations are being made in public and that any conflicts will be disclosed.

Robert Bailey

SaveHelvetia



State Review of Metro Reserves

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[Metro and County Decisions](#)

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[State Review / Overall Schedule](#)

Commission Hearings and Verbal Decisions

October 29, 2010

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

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

DLCD Staff Report Released

Sept. 28, 2010

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

- [DLCD Staff Report](#)

Exceptions to Staff Report

Oct. 08, 2010

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

REF.	NAME
00	James Law Group
7	Dale Burger
13	Dorothy Partlow
15	Hank Skade
20	John Burnham
24	Kathy Blumenkron
33	Robert Burnham
34	Robert Zahler
000	City of Sandy
4	Coalition for a Prosperous Region