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To: Urban and Rural Reserves Specialist
Department of Land Conservation and Development
635 Capitol Street NE, suite 150
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July 14, 2010

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

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

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

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

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

Section I.C.2 Public Involvement, p. 9 of Findings, states that "From its inception, the reserves designation process was designed to provide stakeholders and the public with a variety of ways to

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

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

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

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

The Washington County Planning Directors, however, “served as the technical advisory committee to the WCRCC and served to coordinate with their respective city councils and planning commissions in developing reserves recommendations. This committee met regularly throughout the reserves planning process to assure that the technical analysis process appropriately addressed local issues, concerns and needs, all jurisdictions in Washington county remained fully informed, and that all stakeholders and interested members of the general public were provided adequate opportunities for involvement in the reserves planning process.” One small hitch: Planning Director meetings were neither public nor publicized.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Remedy to Objection 1:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“Rural reserve designations of public road Rights-of-Way (ROW) adjoining urban or future urban areas could result in management and/or maintenance issues. *Staff recommended during the hearings process for Ordinance No. 733 that in instances where roadways are utilized as boundaries for either urban reserves or undesignated lands, the entire ROW be designated urban reserve or remain undesignated.* [emphasis added] The Board of County Commissioners agreed with this issue and directed county staff to have the changes reviewed through the process defined in the Intergovernmental Agreement with Metro (Washington County Record Pages 8533-8554). “

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

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

Urban growth should be separated from agricultural lands by buffer or transitional areas of open space. In the case where a strong natural buffer doesn’t exist, such as a floodplain or creek or river, roads act as buffers between urban areas and agricultural lands. Crossing the road and placing “urban reserves” on the rural reserve side of the road provides NO buffer or edge to the farming activities on the rural reserve side of the road.

OAR 660-027-0050(8) Requires that urban reserves “can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.”

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Linda Peters
Former Chair, Washington County Board of Commissioners

EXHIBITS

September 24, 2009 to Metro Council

October 1, 2009 to Land Conservation and Development Commission

Resolution for Washington County Board of Commissioners from CPO 8

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

November 2, 2009 to Washington County Board of Commissioners

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

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

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

Linda B. Peters
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September 24, 2009

To: Metro Council
Re: Urban Reserve Designation Process

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Linda Peters

Washington County Commissioner, District 4, 1991-1994

Chair, Washington County Board of Commissioners, 1995-1998

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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. (Orenco 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.

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

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

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

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

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

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

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

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October 14, 2009

To: Metro Reserves Steering Committee and "Core 4"

Re: Thoughts on Urban Reserve process and remaining decisions

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

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

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

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

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

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

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

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

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

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

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

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November 2, 2009

To: Washington County Board of Commissioners

Re: Rural Reserves designation process

I'm here today as a former Chair and "friend of the County" to draw your attention to an uncomfortable and urgent problem your Board faces with the Rural Reserves designation process, and propose a preferred and a fallback solution.

Problem: As you know, the Rural Reserves you adopt as 2010 Comprehensive Plan Amendments will actually be determined by Inter-Governmental Agreement with Metro and other jurisdictions, now scheduled for adoption in January or February of 2010. The Core 4 are to decide on a "best effort" draft of Urban and Rural Reserves designations on December 16th. Yet the Board has not scheduled a public hearing or deliberated publicly on what these designations should be for Washington County.

Your Chair is a key player: he led our County's Reserves Coordinating Committee, chairs Metro's Policy Advisory Committee, and is one of the Core 4 decision makers. He is well respected as an effective, civic-minded leader, but more than reputation, skill and a lengthy staff report are called for in a regional debate of such consequence. Washington County must not subject itself to public suspicions of deal-making behind closed doors. Chair Brian deserves the full engagement of the elected Board of Commissioners--and a record of their open deliberations and votes on specific study areas--to support and inform his late stage negotiations and deliberations at Metro.

Similarly, the citizens of unincorporated and rural Washington County need to know that their own District Commissioners have heard their concerns and exercised their own best judgment in this critical planning process.. *A poll DHM conducted in August, 2009 showed a whopping 65% of Washington County respondents favored, as a strategy to accomodate population growth, redevelopment of land within the current urban growth boundary.* Is the Board listening? You need to let us know, publicly and on the record. Show us good government in action!

Preferred solution Schedule a public hearing on Rural and Urban Reserves for the evening Board meeting in November, followed by an action item on the next Board meeting agenda. The Board's deliberations and vote should be timed to inform Chair Brian's input to the "best effort" document for Core 4 adoption December 16th.

You may conclude that there isn't time enough for Board hearings and action to inform the Dec. 16th "best effort". You still have one last chance to act on Reserve designations before you are stuck with only an up or down vote on the proposed Inter-Governmental Agreement.

Fallback solution:. Schedule hearings, deliberations, and votes to inform the Chair's negotiations of the final Inter-Governmental Agreement. You might begin with the November public hearing, continued in the first week in January to review the Dec. 16 "best effort" document, and follow up with action the second week of January . Such a schedule is far from optimal--we altered the cycle for land use ordinances when I was on the Board so as to avoid the holidays for hearings and decisions--but it could be considered.

Parting thoughts:

It can be hard to do things right, but I believe we all do want to do things right, not just for our own economic or professional interests but for the long-term well-being of this unique and precious part of the world.

It is imperative-- as a matter of conscience, credibility, and good government-- that the Washington County Board of Commissioners act openly and for the record on decisions that will affect our citizens, our communities, our environment and resources for generations to come.

Thanks for the opportunity to comment today.

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December 8, 2009

During the eight years I sat on your Board, the greatest challenge in policy making—especially in a complex process like the one you’re engaged in—was keeping the “big picture” in mind, the good public policy for the future of the County and the region, and working back from that picture to decide the question at hand. .

In this case, we can probably agree that forty or fifty years on, whoever lives in the Tualatin Valley will need healthy food, clean air and water. So let’s focus on a picture that could provide those essentials. I invite everyone here to join in this imaginative exercise. Close your eyes if you wish, I’ll describe my picture and you can create yours suggested by my words, or something else entirely. But we may come up with images that have more in common than we might think, based only on the differing views expressed here today.

So: the Tualatin Valley:

- Centered in the valley are vibrant, self-renewing cities with thriving, green economies, neighborhoods with the amenities that make them wonderful safe places for families of all sorts. Thriving industries provide good jobs, producing goods and services that help sustain the whole region. People get around safely and conveniently on foot, by bike, wheelchair, bus, and rail, as well as by car. This is as true for older areas as for the more recently-added sections.
- Surrounding and supporting the urban area are the lush green Tualatin Plains, some of the world’s finest farmland, a working green landscape still feeding this region and beyond. Encircling foothills bloom with vineyards, orchards, family farms, and cultural, historic and recreational attractions.
- In our upper valleys and on our ridgetops, the deep green forests still shelter our watersheds and wildlife, welcome us for hikes and picnics, yield us useful products. And beyond, Mt. Hood and Mt. St. Helens stand bright and white in the clear air as they do today, our distant sentinals and

guardians.

This Reserves process gives us tools that may serve that vision. The first tool is the designation of Rural Reserves to protect the Tualatin Valley's Foundation farmland. All the testimony we've heard to day about transportation conflicts with farming? Preventing those is one of the things Rural Reserves are for.

Smart Growth does NOT start with paving over farmland that's basic to our survival. It starts with being good stewards of land we've already urbanized and may be neglecting, and finding ways to collaborate creatively, redesigning those spaces to work better for the people who live and work here – now and in the future.

May this Board, and the people in this room, be blessed with courage, wisdom, and good common sense as we tackle decisions about Rural and Urban Reserves.

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April 27, 2010

To: Washington County Chair Tom Brian
Commissioner Andy Duyk
Commissioner Dick Schouten
Commissioner Roy Rogers
Commissioner Disari Strader

From: Linda Peters
Former Chair, Washington County Board of Commissioners

Re: Ordinance 733 and proposed changes

I am unable to appear at the Board's first hearing on Ordinance 733, so I am emailing written testimony at this time. Perhaps it will be possible for someone to read this message into the hearing record.

First, I wish to request formally that the record for Ordinance 733 incorporate and include all testimony submitted by members or representatives of Save Helvetia and the Ag/Natural Resources Coalition to Washington County (whether directed to Reserves Coordinating Committee, DLUT, and/or Commissioners individually or collectively) relative to Rural and Urban Reserve designations proposed for Washington County land, during the process leading up to adoption of Intergovernmental Agreements from which Ordinance 733 proceeds. My understanding is that such records **would** go forward to LCDC, but I want to be sure that all parties who have participated in the Reserves process so far do have legal standing to appeal without needing to re-submit their prior testimony. Please advise if I have misunderstood what constitutes "the record" for Ordinance 733, or if the County is hesitant to comply with my request.

Second, I am re-stating my personal opposition to Urban Reserve and "undesignated" designations for Foundation Farmland and Significant Natural Areas, including the areas north of Evergreen to the Sunset Highway, 8A and the area west of it currently left undesignated; UR areas north of Council Creek, and the blocks of undesignated land around North Plains and Banks. I concur with Brian Wegener's recent testimony to the Planning Commission regarding problems with Cooper Mountain Urban designations.

Further, I am appalled at what is brought forward in the Staff Report dated April 22, 2010 as Planning Commission recommendations and as staff-proposed "minor" mapping changes. Amending Ordinance 733 to add new and/or previously rejected UR proposals would clearly trigger the re-opening of Metro's Intergovernmental Agreements process with implications for

further deliberative processes by Core 4, MPAC, and all three counties. The staff's proposed adjustments would effectively exempt an inordinate and critical number of rural roads from Rural Reserve protections clearly intended by SB1011 and its OAR's. Taken together with Washington County's recent attempt to persuade LCDC to shortcut normal procedures for modification of administrative rules and ease restrictions on land use changes in Rural Reserve areas –perhaps to fast track “road improvements” to carry urban levels of commuter and freight traffic through Foundation Farmland—these changes cannot be seen as minor adjustments or corrections to mapping errors.

It appears from the map that staff would add a narrow strip of UR north of Sunset Highway between Helvetia Road and Jackson School Road, alongside the section which is still unaccountably and questionably mapped as “undesignated” despite its status as Foundation Farmland, its lack of a natural barrier or buffer, and sound legal testimony opposing such designation. If that strip were UR, adjoining the spurious UR designation for the Standing Property (8A), and with UR on the south side of the Sunset Highway, we'd have to abandon all hope of maintaining productive agriculture and a highly desirable view corridor through that section of the main route from Portland to the coast.

Our scenic and productive agricultural areas are among Washington County's greatest resources. I urge the Washington County Board make use of land use law to protect, not to despoil and squander, these treasures.

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To: Washington County Board of Commissioners
Re: Amendments to Ordinance 733

May 11, 2010

I wish to add the following citations and observations to the remarks I submitted in writing at the first Board Hearing. In particular, I am addressing the mapping changes proposed by staff to specifically designate sections of rural roads as Urban Reserve or Undesignated where they border Rural Reserves.

During the process leading up to the Intergovernmental Agreement with Metro on Urban and Rural Reserves, we often heard from Washington County that roads provide good borders or buffers to protect against further urban encroachment on Foundation Farmland. Yet now staff recommends designating such boundaries/buffers as Urban Reserves or changing them from Rural to undesignated. In effect, the first row of crops beyond the commuter cut-through traffic would become the Rural Reserve buffer. Nonsense!

In contrast to Washington County's efforts, the applicable statute and rule clearly state that the purpose of rural reserves is *not* merely to protect those areas from potential UGB expansions. Rather, rural reserves are to be both selected and protected to maintain large blocks of farm and forest land in long-term production. As the Legislative Assembly found, the purpose of reserves is to:

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

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

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

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

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

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

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

Washington County proposes to put into Urban Reserves or make Undesignated (subject to future designation as Urban Reserves) various roads that are scheduled for protection as Rural Reserves in the Intergovernmental Agreement signed with Metro. (They appropriately appear in red on the maps contained in the current Staff Report.)

Changing designations would expand the types of alterations that can be made to those roads, including allowing them to be “upgraded” to urban standards. Some of these roads barely touch an urban reserve and are miles from urban levels of development. Increasing the potential to locate and expand existing roads to urban standards in rural areas does not protect agriculture and is contrary to the reserve rule.

I would draw the Board's attention to proposed changes 3, 8, 12, 13, 16-17, 31 and 31, 43, 44, 45, 49-51, 53-54, 55, 56-57, 59, 68, and 122.

There has been no showing of a need for these UR expansions. There certainly is no agricultural need to do so.

If the rationale is to “square up” boundaries of URs, or not split lots, then move the boundary to the inside of the road, so that the road, and area, stays rural. The solution should NOT be to increase the urban area.

It would also be useful to reconsider the following citation in relation to the proposals advanced by staff:

“366.578 Farm-to-market roads. (1) The Department of Transportation and local governments shall consider the importance of farm-to-market roads when making highway funding decisions.

“(2) As used in this section, “farm-to-market road” means a rural or urban road, street or highway that is used to move agricultural or logging products to market. [Formerly 366.777] “

Applying to Farm-to-Market roads designations (including "Undesignated") that encourage their development for urban-level commuter and industrial freight traffic is inconsistent with state law--and utterly out of touch with the will of the citizens of Washington County, who overwhelmingly wish to protect rural resources for future generations.

Adverse Effects on farming practices when the rural side of road right-of-way is “improved”
Objection to Ordinance No. 733 - Washington County



Sidewalks and street lights have been installed on the rural side of the road. Note the broad swath of noxious weeds 20-25 feet wide between the sidewalk/streetlight and the cultivated field.

Seeds from noxious weeds contaminate the nearby crop, reducing the crop purity and reducing the price per ton.

Cornelius-Shefflin Road
Washington County



Note the precise border the farmer has been able to achieve in crop placement when there are no sidewalks, curbs or streetlights. He has a definitive buffer to protect his crop and can achieve maximum cultivation.

NW Zion Church Road
and Gordon Road
Washington County

Adverse Effects on farming practices when the rural side of road right-of-way is “improved”
Objection to Ordinance No. 733 - Washington County



Curbing and street lights have been installed on the rural side of the road. Note the proliferation of noxious weeds, in this case, blackberry, that contaminate the adjacent fields.

Evergreen Road
Washington County



Note the clean buffer for this field of spring wheat - there are no noxious weeds to contaminate the crop and the farmer can spray up to the edge of his fields without worrying about pedestrians walking on sidewalks or about streetlights causing parts of his crop to ripen early.

NW Gordon Road
Washington County