

HAND DELIVERED

Save Helvetia

13260 NW Bishop Road
Hillsboro, OR 97124

DEPT OF

OCT 08 2010

LAND CONSERVATION
AND DEVELOPMENT

4:30
Smith

October 8, 2010

Mr. John Van Landingham, Chair
Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540

Re: Metro Urban and Rural Reserves: Exceptions to Director's Report

Dear Chair Van Landingham and Members of the Commission:

Save Helvetia filed valid objections to the planning action referenced above. The Department issued a Director's Report dated September 28, 2010.

Save Helvetia is a coalition of farmers, business owners, concerned citizens, neighbors, and residents who are working to protect the agricultural lands of the Greater Helvetia community. Save Helvetia members came together when we observed some serious shortcomings in Washington County's reserves process. Washington County Reserves Coordinating Committee, which was the group tasked with recommending the number and location of urban and rural reserves, only allotted one vote to agriculture (shared by two members of the Washington County Farm Bureau). The other twelve voting members were Washington County mayors who advocated for large expansions of urban reserves around their cities. WC Rec. at 1436-1437. The lone agriculture vote was consistently outvoted by the mayors, and the resultant recommendation included extensive urban reserves that swallowed the entire farming community of Greater Helvetia north to the foothills of the Tualatin Mountains. WC Rec. 3034. For these reasons, we reaffirm Washington County's failure to comply with Citizen Participation and Public Involvement requirements of Goal 1 as described in Linda Peters' Objection of July 14, 2010 (Ref. 25).

Application of the urban and rural reserve factors in Washington County was initially accomplished by staff and city planners behind closed doors, and once the plan was revealed, it was *fait accompli*, remaining largely unchanged, except for the relinquishment of many acres

designated as urban reserves as a result of push-back by Metro councilors and other Core 4 representatives. The subsequent concession of hundreds of acres back into undesignated or rural reserves did nothing to correct the original unreasoned application of the reserve factors. These factors take on little meaning if they are applied to such large swaths of land that considered from such a broad stroke every unique characteristic becomes a blur and all lands could comply. Moreover, the findings applying these factors fail to explain why lands within those swaths are treated so differently when the overall topographic characteristics are largely the same. This internal inconsistency is especially troubling given that these boundaries will set the course for land development policy in the Metro region for the next 50 years.

The Greater Helvetia area (the lands north of US 26, west of the City of Hillsboro's Urban Growth Boundary extending to the City of North Plains) is recognized as a unique, historic farming community by residents from throughout the tri-county region (Washington, Clackamas, Multnomah), as well as statewide. Comprised entirely of Foundation Agricultural Lands, the Greater Helvetia area contains a diverse, vibrant farming community, with some of its ten Century Farms having been in continuous operation for over 125 years. Helvetia's farming families grow over 4 million pounds of grass seed and several hundred thousands of bushels of wheat for export annually on over 5,000 acres in the Greater Helvetia area, as well as nursery stock for export. Beef, dairy and camelids are raised on Helvetia's ranching and dairy farms. More than fifty agriculture-based businesses offer locally grown produce: CSAs (Community Supported Agriculture subscription farms), organic farms, lavender farms, vineyards, U-Pick farms. WC Rec. at 5710.

Pursuant to OAR 660-025-0160(4), Save Helvetia has the following exceptions to the Report. In addition to the issues noted herein, it also hereby renews all issues and points raised in its original objections.

Save Helvetia Objection #1

The Director's report fails to require application of the urban reserve factors of OAR 660-027-0050, contains insufficient findings, and there is no evidence in the record indicating that the factors were specifically applied to the 88 acre area identified as 8B in designating it as urban reserve.

The Director's Report Page 92 states:

"In its second objection, Save Helvetia contends that the sole reason for designating Area 8B as an urban reserve was to accommodate a potential future interchange improvement. Save Helvetia argues that the area does not have to

be designated as an urban reserve in order to accommodate infrastructure improvements and that none of the urban reserve factors contemplate potential demands for a freeway interchange expansion.”

“According to Metro, Area 8B is a small portion of a Pre-Qualifying Concept Plan area analyzed by the City of Hillsboro to meet long-term growth needs and includes findings demonstrating conformance with the “Factors for Designation of Lands as Urban Reserves.” WC Rec. at 3110-3137. The findings indicate that the area is suitable for a variety of urban uses, beyond the potential for an interchange improvement.”

Save Helvetia’s Response

Rather than address the merits of Save Helvetia’s claim, DLCD relies on Metro and the County’s conclusion that the urban reserve factors were met for the entire North Hillsboro Study Area including Area 8B and therefore, they are met for the smaller 88 acre area. As illustrated in App. 1, the City of Hillsboro Pre-Qualifying Concept Plan for the North Hillsboro Study Area included 8,159 acres. A close examination of the findings taken to their logical conclusion suggests that if removal of more than 5, 115 acres in the Greater Helvetia Area from urban reserves was appropriate as the process moved forward, Area 8B should also be removed as the topographic characteristics of Area 8B are identical to the lands surrounding it. Rather, the only justification for leaving Area 8B as urban reserve is the need to accommodate a freeway interchange. Need for a freeway interchange is not a basis to designate land as an urban reserve.

The City of Hillsboro’s Pre-Qualifying Concept Plan (referenced by DLCD at WC Rec. at 3110-3137), relied on by DLCD, analyzed 8,159 acres in the North Hillsboro Study Area. WC Rec. at 3113. This huge swath of land extended as far south as NW Evergreen Road, north to Sunset Highway, and then north of the Sunset Highway to the Portland and Western Railroad, Rock Creek to the east and Dairy Creek to the west. WC Rec. at 3113. The 88 acres of Area 8B was a small piece of the larger 8,159 acres in the North Hillsboro Study Area and did not have the descriptor “Area 8B’ at the time.

Subsequently, the Core 4 decided to treat the 2,651 acres south of Highway 26 separately and label it as “8A”. The approximately 5,508 acres north of Highway 26 were labeled “8F”; with two small pockets of urban reserves: 8C on the east at 185th Avenue (including the late and controversial addition of the Peterkort property) and 8B at the gateway to historic Helvetia on NW Helvetia Road.

The conversion of the urban reserves north of Highway 26 to rural reserves was a political compromise by the Core 4. The 5,508 acres north of Highway 26 met the factors for both urban and rural reserves, according to Washington County's analysis. However, the county's stated policy favored urban reserves over rural reserves: "The requirement to accommodate urban land need was the deciding element in choosing between an Urban Reserve designation rather than Rural Reserve designation, where the underlying suitability analysis would otherwise support either designation." WC Rec. at 8247. The sustained outcry from the community and the other counties over the bias by Washington County swayed the Core 4 to remove area 8F.

As a result, Area 8A south of Highway 26 was allowed to remain as urban reserves as a nod to the County's cooperation in approving Area 8F as rural reserves.

So, why was Area 8B, the gateway to historic Helvetia, left as an isolated island of urban reserves on the north side of Highway 26? It shares the same characteristics as the 5,115 acres that were changed to rural reserves: It is Foundation Agricultural Land, it is Tier 3 farmland, it has moderate parcelization.

One unstated reason, which should not come into the analysis but does in Washington County, is that the owner of Area 8B wants it as urban reserves. He bought the parcels in the 1990s as investments and has been trying to urbanize and develop them ever since - first attempting to develop the land as a casino and hotel and, when that fell through, as a commercial use with condos. Washington County has mapped out the owners who favor urban reserves by parcel in Area 8A, 8B and 8-SBR. WC Rec. at 7194. This map is used by the county to guide their requests for urban reserves and Urban Growth Boundary expansion. Nothing in the Factors provide for the preferences of individual owners in the designation of land.

It appears that Area 8B was designated in the first instance to accommodate an intersection. Metro itself stated in two places in their Exhibit E to Ordinance No. 10-1238A that the reason for designating Area 8B an urban reserve was to help in planning future interchange improvements. On page 53 of Metro Exhibit E to Ordinance No. 10-1238A, Metro's comment regarding Area 8B was "The properties in the urban reserve area were identified as the location of future interchange improvements." Metro Rec. at 53. WC Rec. at 8612.

Later, on page 78, Metro's statement of the reason for designating Area 8B is to aid in planning for interchange improvements and other infrastructure needs, as stated below:

"Why This Area was Designated Urban Reserve: Urban Reserve Area 8B sits at the northwest corner of a major highway interchange which has recently

received funding commitments for significant improvements. This interchange is located at the northwestern edge of a very large technology-based industrial area. This site will provide flexibility in planning for needed interchange improvements as well as other infrastructure needs (i.e. sewer and stormwater management) for developing urban lands to the east.” Metro Rec. at 78. WC Rec. at 9362.

Metro clearly stated that the reason Area 8B was designated an urban reserve is to aid in planning for interchange improvements and other infrastructure needs. If Metro believed that Area 8B is suited for other urban uses, why did it not state so in the paragraph “Why This Area was Designated Urban Reserve?”

As evidenced by the Metro and County findings, the only reason why the smaller 88 acre area remained urban reserves was because of the perceived need for an urban intersection.

The Director’s report fails to respond to this argument, electing instead to rely on application of urban reserve factors for 8,159 acres. As discussed in greater detail below, OAR 660-027 et seq. requires more detailed, and at the very least internally consistent, application of the factors.

Save Helvetia reiterates its contention (as stated in our objection of July 12, 2010) that an interchange improvement can be accommodated within the context of rural reserves pursuant to ORS 215.213(2)(q), that the urban reserve factors of OAR 660-027-0050 do not contemplate urban freeway interchange demand as a basis for designation. The entire 88 acres is not needed for interchange improvements and urban reserve designation is not only NOT necessary for Area 8B, but also potentially harmful to its own ecosystem and the surrounding farmland. Designating Area 8B as urban reserve is wrong for this site and is unnecessary to achieve the stated objectives of providing infrastructure improvements. The Commission should reject it and direct Metro and the county to redesignate Area 8B as a rural reserve.

Save Helvetia Objection #2

Designating Area 8B Urban Reserves Misapplies the Urban Reserve Factors of OAR 660-027-0050, the Rural Reserve Factors of OAR 660-027-0060(2) and OAR 660-027-0040(11) and is not Supported by Substantial Evidence.

DLCD Report page 93:

“The Metro and Washington County decisions contain findings and statements of reasons that address the factors in OAR 660-027-0050, and explains why Area 8B was designated as an urban reserve. Metro Rec. at 78; WC Rec. at 3113-3137.

“The findings also generally address Metro’s consideration of the factors in OAR 660-027-0060(2) related to rural reserves, as required by OAR 660-027-0040(11). While, as noted above in connection with Area 71, Metro’s findings could be more detailed, the Department believes they adequately explain Metro’s and the county’s policy choices under the rules, and that the county’s record provides an adequate factual base for the decision. The county’s analysis shows this area as “Tier 3” farmland, with a moderate level of parcelization. WC Rec. at 3025, 3021 (parcel analysis).”

Save Helvetia’s response:

Metro Record p. 78 discusses how Area 8B fares under the urban reserve factors in a general sense, grouping Urban Reserve Factors 1 through 4 and Urban Reserve Factors 5 through 8. The discussion is broad and fails to articulate any feature of Area 8B that makes it more suitable for urbanization than any of the other areas abutting an existing urban growth boundary within the County. For example, “... land within this urban reserve could be developed at urban densities and served efficiently... buildable lands within the UGB along with other urban reserve lands throughout the region will provide sufficient development capacity to support a healthy economy...” These findings are taken directly from the City of Hillsboro’s Pre-Qualifying Concept Plan detailed analysis at WC Rec. 3113-3137.

WC Rec. at 3113 through 3137 describes the City of Hillsboro’s Pre-Qualifying Concept Plan for South Hillsboro (2330 acres) and North Hillsboro (8,159 acres) Study Areas. It describes, again in general terms, how these two areas can be developed to meet Urban Reserve Factors.

The City of Hillsboro’s Pre-Qualifying Concept Plan covered a total of 10,489 acres ranging from the foothills of the Tualatin Mountains south to TV Highway, a huge area. Only the urban factors were analyzed within this Plan. The impact of new development was minimized. Potentially expensive infrastructure costs were glossed over; for example, “Development in North Hillsboro will impact surrounding roadways and facilities, warranting improvements both on and off-site.” Most of the statements were entirely conclusory. Hillsboro only analyzed the Urban Reserve factors for this huge Plan area and never re-evaluated the factors after the much smaller final Urban Reserves were selected. Applying general considerations to urban reserves for two areas of over 10,000 acres in size and then expecting the general considerations to apply to an area of 88 acres, constrained with 20 acres of 100-year floodplains and riparian habitat, is not an adequate analysis.

OAR 660-027-0040(8) requires application of the urban reserve factors when “designating land” urban reserves. Here, it is Area 8B that is designated urban rather than the larger 8,159 acres.

Therefore, the factors must be applied to this specific area, in a balanced way, and must provide rational explanation of what makes Area 8B more suitable for urbanization than any of the other Helvetia lands. A general consideration of the factors is inadequate for a site that has unique characteristics, such as Area 8B.

Further, OAR 660-027-0040(11) requires “findings and statement of reasons” that explain, in reference to OAR 660-027-0050, “why Metro chose Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division.” The findings are silent on this point. The findings fail to explain why alternative non-foundation lands such as Clackamas Heights, East or West Wilsonville, Southeast Oregon City, Southwest of Borland Road or areas between Wilsonville and Sherwood would not meet the identified need.

As DLCD noted on Page 93, “Metro’s findings could be more detailed...” Adequate findings require a clear statement of what, specifically, the decision making body believes, after hearing and considering all the evidence, to be the relevant and important facts upon which its decision is based. Conclusions are not sufficient. *Sunnyside Neighborhood v. Clackamas Co. Comm.*, 280 Or. 3, 21, 569 P.2d 1063 (1977) The rural reserve analysis conducted by Washington County for Area 8B was woefully inadequate, lumping Area 8B into thousands of acres of study area without any additional findings explaining why only Area 8B remain. There is no indication that the unique natural resources existing within Area 8B were actually considered when applying the factors. Given the macro-view taken by the County, it is impossible to believe that these resources were considered in the first instance. Additionally, the findings designating lands within the Greater Helvetia are internally inconsistent. Why was Area 8B, containing the same Tier 3 land classification and the same moderate level of parcelization, selected for urban reserve designation over the other thousands of acres of adjacent Foundation Agricultural Lands with the same Tier 3 classification and parcelization? There are no findings to support selecting Area 8B over other adjacent Foundation Agriculture Land as urban reserves.

Page 3 of the DLCD report indicates that SB 1011 replaced the “standards-based planning process” with one that is premised on “political checks and balances” together with factors that must be considered in decision-making. However, nothing in OAR 660-027 et seq. allows an interpretation of the factors that is so broad as to make them meaningless just so long as the elected decision-makers can agree. DLCD’s interpretation of these standards and finding satisfaction based on such a macro scale does just that.

DLCD’s report suggests a misapplication of the urban and rural reserve factors. Therefore, the findings are inadequate and the decision must be remanded.

Save Helvetia Objection #3

Regarding Area 8-SBR, DLCD's report errs because a large block of Foundation Agricultural Land left undesignated adjacent to Area 8B (to the west and north) satisfies the rural reserve factors of 660-027-0040. Please note that Area 8-SBR is not denoted as having an objection (in yellow), nor is it labeled on the Map "Metro Urban/Rural Reserves with Subareas" Agenda Item 7 - Attachment A in the Director's Report. It is the white area to the west of Area 8B.

DLCD Report page 94:

"Nothing in state statute or rule requires that a county designate a particular property or areas as a rural reserve. The Commission's rules require that the county indicate which land was considered, which the county has done. This area was considered. The rule requires that the county consider the listed rural reserve factors, which the county has done. The rule (and the corresponding statutory provisions) do not require the county to designate any particular area as a rural reserve. The area in question continues to be planned and zoned for exclusive farm use, and Save Helvetia does not explain how that fails to comply with Goal 3."

Save Helvetia response

While DLCD is correct in stating that Washington County "considered" the 556 acres of 8-SBR for urban and rural reserves, it was done as part of a huge study area of thousands of acres, as explained above. Area 8-SBR is part of a large block of Foundation Agricultural Land that goes from NW Helvetia Road on its eastern edge to NW Jackson School Road on its western edge. This is one contiguous block of land that Metro and Washington County have split into three different designations: urban reserves, undesignated and rural reserves. There is nothing in the findings that explain why Metro and Washington County chose to split this large block of Foundation Agricultural Land into three different designations and treat them differently when they have the same characteristics. For the same reasons identified above, these findings are internally inconsistent and cannot be affirmed.

Splitting this large block of Foundation Agricultural Land into three different designations fails to provide long-term protection (per Goal 3 and per OAR 660-027-0005(2)) for this block of Foundation Agriculture Land for the following reasons:

The public perception persists, in spite of the beliefs of the Director and some Metro councilors, that land that is undesignated and/or urban reserves, can command higher prices. The market

perceives undesignated and urban reserves land to be the next to fall in the domino of development and prices it higher than rural reserves. Rural reserves is the only designation that provides long-term protection for agriculture lands because it does not attract the interest of speculators and investors looking for quick return on their investment. WC Rec. at 7248, 7277,7151.

Even though the Director is correct in stating that the undesignated area continues to be planned and zoned for exclusive farm use, the Director does not understand the underlying forces of the market. The market perceives that undesignated and urban reserve land will be next in line for being brought into the UGB and values this land higher than rural reserves. For example, the selling price per acre for land inside Area 8-SBR (the undesignated area) has *tripled* (from \$21,000 an acre to \$60,000 an acre) SINCE the approval of Washington County's Ordinance 733 authorizing the approval of the urban and rural reserves (after the record closed for the county). Prior to that, farmers had seen a doubling in price per acre in Area 8-SBR from \$12,000 an acre to \$21,000 an acre when Washington County recommended that the entire block of land be designated as urban reserves.

Based on the forgoing, it is easy to understand that when prices of farm land double and triple, farmers cannot afford to buy new land for expansion and they can't afford to lease. Investment in crops and infrastructure winds down with the expectation that the property will be sold in the near-term to investors/developers. Landlords sign shorter leases, limiting the types of crops, with the hope and expectation that the land comes into the urban growth boundary. Leaving land "undesignated", especially when it is adjacent to urban reserves, *creates* uncertainty for farmers, rather than providing greater certainty and it does NOT preserve and maintain agricultural lands.

By leaving Area 8-SBR undesignated, the County has left this area vulnerable to the same pressures experienced by farmers south of Highway 26 in the Evergreen area. Encroaching development in that area has caused many farmers to request urban reserves for their properties because they can no longer farm profitably. The County then mapped out the individual property owners who requested urban reserves and is using that to justify those properties to be included in the next urban growth boundary expansion. Designating Area 8B as urban reserve puts pressure on farmers in adjacent Area 8-SBR to give in to the perceived inevitability that they might as well give up on farming and request urban reserve status for Area 8-SBR so they can cash in on the UGB bonanza that is inevitable. The factors say nothing about using the desires of landowners as criteria for a particular designation.

Secondly, there is no physical or topographic buffer between Area 8B urban reserve and Area 8-SBR undesignated. The entire area north of US 26 is all one block of Foundation Agricultural

Land. There are no fences. The Director is correct in saying that both areas continue to be planned and zoned for exclusive farm use but the urban reserve Area 8B will most likely be brought into the UGB before Area 8-SBR and the effects of urbanization will wreak havoc on the farming activities of Area 8-SBR. Whether development brings in industrial or residential or “complete communities” into Area 8B, the farming activities of adjacent Area 8-SBR will cause conflicts. A property line is not an effective buffer. Goal 3 advocates separation of urban growth from agricultural lands by a buffer and placing urban reserves next to undesignated land without an effective buffer, such as a road or creek (or better yet, a freeway) puts Area 8-SBR’s farming activities at risk.

Allowing this one block of Foundation Agriculture Land to have three different designations when the characteristics of the land do not justify this approach is wrong and inconsistent with the reserves framework set out in OAR 660-027 et seq. The Commission should reject it.

Save Helvetia Objection #4

DLCD’s interpretations of how the urban and rural reserves factors apply is inconsistent with the plain language of OAR 660-027-0050 and 660-027-0060.

DLCD Report page 94:

“...OAR 660-027-0040(10) does not require both urban and rural reserve factors to be considered for each and every property, or for each and every area. Metro and the county complied with OA 660-027-0040(1) with regard to the county and the region, and that is all that the rule requires.”

Save Helvetia response:

OAR 660-027-0040(10) states, “Metro and any county that enters into an agreement with Metro under this division shall apply the factors in OAR 660-027-0050 and 660-027-0060 concurrently and in coordination with one another. (Emphasis added). OAR 660-027-0050 requires that the urban reserve factors be considered “when identifying and selecting lands for designation as urban reserves under this division, Metro shall base its decision on consideration of whether land proposed for designation as urban reserves, alone or in conjunction with land inside the UGB.” (Emphasis added.) See similar provision in OAR 660-027-0060. These rules contain express requirements that the factors must be applied to the “land proposed for designation” and not merely, taken as a whole, all of the lands within the entire county or the region. This approach not only adds language to OAR 660-027-0040(10) that was not present, it is contrary to the express language of the urban and rural reserve factors themselves.

Furthermore, Area 8B is identified as Foundation Agricultural Lands. The Director's Report acknowledges on page 87 that "...if lands were identified as Foundation Agricultural Lands, then a more rigorous standard applies: ...if Metro designates such land as urban reserves, the findings and statement of reasons shall explain, by reference to the factors in OAR 660-027-0050 and 660-027-0060(2), why Metro chose the Foundation Agricultural Land for designation as urban reserves rather than other land considered under this division."

Washington County did an analysis of rural reserve factors when the Rural Reserves Study Area was a huge five-mile band consisting of 171,000 acres around the existing Urban Growth Boundary. WC Rec. at 2970. Area 8B, while not denoted separately, appears on the map with a HIGH Subject to Urbanization classification because it is adjacent to the existing UGB. WC Rec. at 3013. The Area 8B did not receive an evaluation for rural reserve factors prior or subsequent to its designation as urban reserve, other than as part of the generalized 171,000 acre study. In addition to being classified as Foundation Agricultural Land, Area 8B has a number of unique characteristics. The 88 acres of Area 8B contain 20 acres of 100-year floodplain of Waibel Creek. Metro's Habitat Protection map shows that about one-third of Area 8B consists of "High habitat conservation area" and Metro's "Inventory of Regionally Significant Habitat" map shows about one-third of Area 8B consists of the highest-value habitat, Class 1 Riparian. In addition, Area 8B contains an expansive oak woodland of over 200 old-growth Oregon white oak trees. None of these factors were addressed in the findings. Because it is designated urban reserves and is Foundation Agriculture Land with natural resources, the Commission should require a detailed analysis of Area 8B for rural reserve factors.

Save Helvetia Objection #5

The findings fail to consider OAR 660-027-0060(2)(a); Area 8B is highly subject to urbanization pressure.

DLCD Report page 94:

"Save Helvetia states that both areas are under significant pressure to urbanize and are capable of sustaining long-term agricultural operations. The objection provides a detailed explanation of the agricultural and other resource values of the land in Areas 8B and 8-SBR, and Save Helvetia argues that the decision failed to address the sub-factor in OAR 660-027-0060(2)(a). The Department recommends the Commission find that the county did address this sub-factor. WC Rec. at 2970-2979."

Save Helvetia response:

WC Rec. 2970-2979 contains Washington County's Rural Reserve findings. The study area included approximately 171,000 acres in a five-mile band around the existing Urban Growth Boundary. Staff evaluated the aggregate 171,000 acres for each rural reserve factor; in other words, they did not break it down to smaller areas.

For Factor 2a - potentially subject to urbanization, staff discarded using fair market value as a method after determining that "Fair Market Value" did not provide a conclusive indication of land areas that may be "subject to urbanization." WC Rec. at 2972. Staff did create three classes of land: High subject to urbanization, Medium subject to urbanization and Low subject to urbanization. The land nearest the UGB is rated as HIGH for subject to urbanization. Land that is rated as MEDIUM is generally further away from the UGB. Land that is rated as LOW is usually furthest from the UGB. WC Rec. at 2972.

Map 16 shows the entire study area in gradations of low, medium and high for subject to urbanization. Area 8B and Area 8-SBR are clearly depicted in the HIGH subject to urbanization category due to their close proximity to the UGB (Area 8B is across NW Helvetia Road from a UGB). WC Rec. at 3013.

While the Director is correct when he states that the county addressed the sub-factor "Subject to Urbanization" in OAR 660-027-0060(2)(a), a close reading of the Washington County Record pages 2970-2979 shows that the county reached two different conclusions for Areas 8B and Area 8-SBR. Both were classified as HIGHLY subject to urbanization. WC Rec. at 3013. Both have moderate parcelization. WC Rec. at 3021. Both are "Tier 3" farmland. WC Rec. at 3025. Both are Foundation Agricultural Land. Yet, Area 8B, closest to the urban growth boundary, was designated as Urban Reserve and Area 8-SBR, next to Area 8B was undesignated. This conclusion is unreasonable given the evidence in the record to the contrary. Further, considering all of the factors "on balance" would not result in designating these 88 acres for urban reserves. The Commission should direct Metro and the county to elaborate why neither area was designated rural reserves AND why Area 8B was designated urban reserves while its adjacent neighbor, Area 8-SBR, was left undesignated.

Save Helvetia Objection #6

DLCD's Report fails to require compliance with ORS 197.298 and Goal 14.

DLCD Report p 95:

"The Department recommends that the Commission find that ORS 197.298 and Goal 14 are not applicable to these decisions. In the alternative, to the extent that goal 14 does apply to these

decisions, the process and standards established under SB 1011 and OAR 660-027 are consistent with Goal 14 and by demonstrating compliance with those standards, Metro and the counties have made decisions that are consistent with Goal 14.”

Save Helvetia response:

Nothing in the language of SB 1011 exempts DLCD from applying the urban / rural reserve regulations in a way that is inconsistent with the goal or requirements of state law. All state agencies are required to coordinate their land use duties, powers, and responsibilities to be consistent with the statewide planning goals and local comprehensive plans. ORS 197.180(1). DLCD’s response to this objection is merely a conclusion and does not establish that the rural / urban reserves decision is consistent with ORS 197.298 or Goal 14.

Sincerely,



Cherry Amabisca

Steering Committee, *Save Helvetia*

cc: Carrie A. Richter
Garvey Schubert Barer
121 SW Morrison St.
Portland, OR 97204

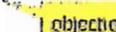
Save Helvetia Steering Committee members

Attachments:

Attachment A Map “Metro Urban/Rural Reserves with Subareas” with the addition of subarea 8-SBR (undesignated) noted

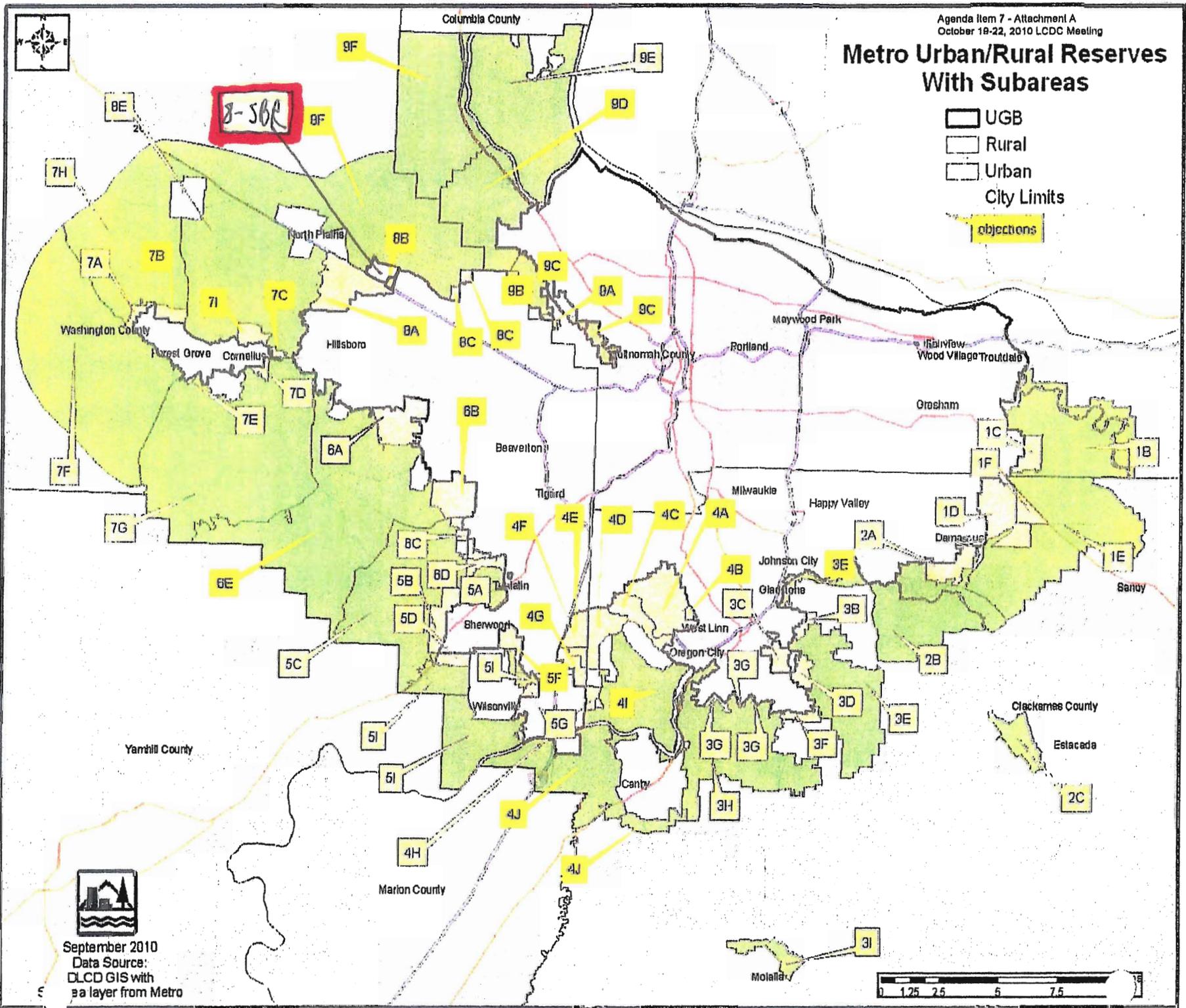
Appendix 1: North Hillsboro Urban Reserve Candidate Area and Designated Reserves (Area 8B)

Metro Urban/Rural Reserves With Subareas

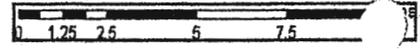
-  UGB
-  Rural
-  Urban
-  City Limits
-  objections

8-562

Attachment A



September 2010
Data Source:
DLCD GIS with
sa layer from Metro



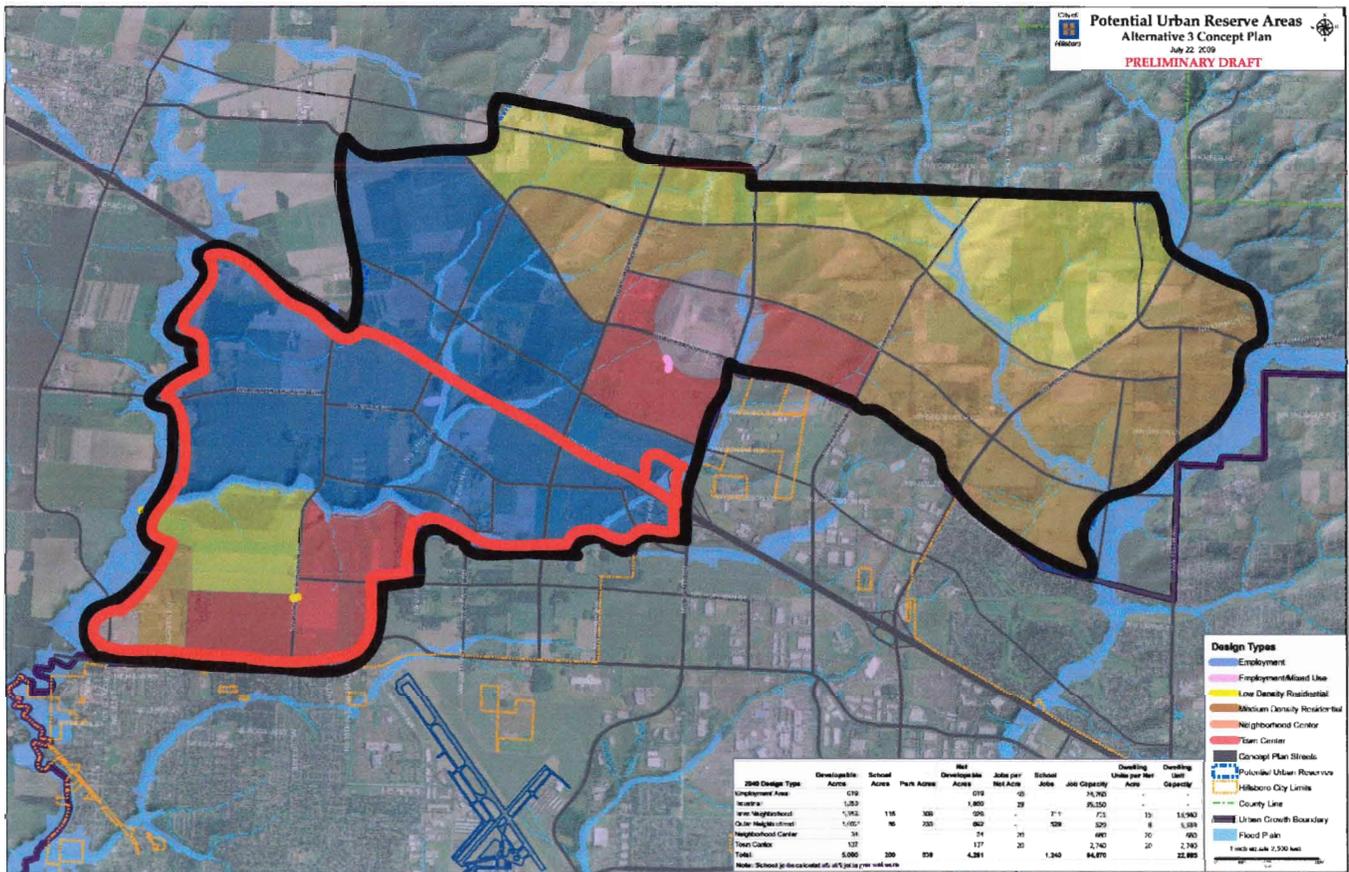
Appendix 1

Comparison of Hillsboro's North PQCP Urban Reserve Study Area and Designated Urban Reserves

Based on City of Hillsboro's North "Potential Urban Reserve Areas" from their Pre-Qualified Concept Plan. July 22, 2009.⁶⁷

 = Hillsboro's North Urban Reserve Study Area

 = Hillsboro's North Designated Urban Reserves



⁶⁷ Wash Co Rec page 3451