

HAND DELIVERED

June 1, 2011

DEPT OF

JUN 02 2011

Urban and Rural Reserves Specialist
Department of Land Conservation and Development
635 Capital Street NE, Suite 150
Salem, OR 97301
Ph. 503/373-0050

LAND CONSERVATION
AND DEVELOPMENT

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Dear Sirs,

This letter is in response to the recent action conducted by both Metro and Washington County regarding the Urban and Rural Reserves Adoption, Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 respectively as well as the Inter Governmental Agreement recently adopted between Metro and Washington County as is relates to the Urban and Rural Reserves Adoption.

I object herein to both of the Metro Ordinance No. 11-1255 and Washington County's LUT Ordinance No.740 and have objected on the record to this process in the recent past at public meetings held here in Washington County at public meetings held on these matters including; Washington County Planning Commission Meetings (see attachments) and Washington County Board of Commissioner Meetings (see attachments) starting in mid-December 2009 and as recently as April 26, 2011.

The basis of my objections has focused on two rural Areas located in unincorporated Washington County which are otherwise known by recent mapping of the Urban and Rural Reserves Map as Area #8A, Area #8B and the "Unnamed Area" (North of Hwy 26) , denoted in Washington County's Urban and Rural Reserve Map(s) last updated as recently as April 26, 2011. These specific land areas which are located North of the City of Hillsboro and along the Highway 26 corridor, consist of mostly wide open "Foundation" farmland and contain significant natural and historical resources which should be considered and should be seriously considered against the decisions which Washington County and Metro have recently arrived regarding those same areas.

Currently, Area #8A, aka "Hillsboro North", which represents 2,725 acres located south of Highway 26, Area #8B, aka "Shute Road Interchange", consisting of 440 acres located North of Highway 26, and "The Unnamed Area", which consists of 233 acres North of Highway 26 and due west and adjacent to Area #8B, are ALL "Foundation" Farmland which are now being designated by both Washington County and Metro as Urban Reserves (Area #8A and Area #8B) and Undesignated (Unnamed Area North of Hwy 26) and **represent approximately 24% of Washington County's proposed Urban Reserves** (Total Washington County Urban Reserves per Metro IGA is 13,844 acres).

During my testimony to both the Washington County Planning Commission and the Washington County Board of Commissioners over the past 14 months, I specifically objected to these three

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 2

(3 ea.) specific mapped areas, and specifically cited State Goals #3 and #5 issues in my arguments and testimony. These areas which had previously been designated as Rural Areas, prior to the start of this review of Washington County Urban and Rural Reserves process are now being designated by Metro and Washington County in their recently executed IGA agreement as either Urban Reserves and/or Undesignated Areas.

The last public hearing held by the Washington County Board of Commissioners regarding this Washington County Urban and Rural Reserves public process was concluded on April 26, 2011.

It is curious to ponder that a civic minded layperson, who may not have the full breadth of knowledge of the inner workings of his local government, can attend a public hearing where his testimony is encouraged and can be heard and contemplated by his elected officials (i.e. Washington County Board of Commissioners), where the critical decisions regarding the outcome of that yet to be heard testimony and public process, have already been decided for him **BEFORE** that civic minded layperson may have had the opportunity to contribute to the open discussion(s) and presumed decisions yet to be made. The IGA between Metro and Washington County was originally signed on March 15, 2011, while significant debate and public testimony regarding the final version of the IGA's Attachment "A", titled "Urban and Rural Reserve in Washington County", was still in flux and was not finalized as a formal IGA attachment document until April 29, 2011 !

The basis for my objection is that both Metro and Washington County HAVE NOT properly demonstrated their due diligence in their pursuit of an open and public process in adequately addressing the Oregon State Goals; #3 (OAR 660-015-0000(3)) and #5 (OAR 660-015-0000(5)), with regard to the three (3 ea.) specifically mapped areas which I denoted above as Area #8A, Area #8B and the "Unnamed Area North of Highway 26", and therefore, have not properly demonstrated satisfying Oregon State Goal #1 (OAR 660-015-0000(1)).

The Oregon State Goals specifically require that each government entity adequately acknowledge and effectively address and meet these State Goals where significant land use decisions are involved.

It is my contention that some of these State Goals were either not adequately addressed and/or at worst, were purposefully circumvented by key City and County government proponents involved in this process, in order to help expedite their unbridled thrust for pursuing as much developable land as possible, while they can, and grabbing for that land in the most fertile, easily accessible flat open land areas currently available, which are the very designated "Foundation" farmlands that the Oregon State Goals were meant to protect!

To support my contention, as stated before, I had given public testimony specifically regarding State Goals #3 and #5 at both the Washington County Planning Commission meetings (see attachments) and the Washington County Board of Commissioners meetings (see attachments).

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 3

Argument Regarding State Goal #3 (OAR 660-015-0000(3)):

The State Goal #3 requires that agricultural lands be preserved and maintained for farm use. All of the land which is designated in the Area #8A, Area #8B and the "Unnamed Area North of Highway 26", are designated as "Foundation" farmland per Washington County's own natural resource maps and these same areas consist primarily of Class I soil type, which is the highest fertile grade of farming soil which exists in the region and the world.

By Metro and Washington County now re-designating these three previous rural reserve areas now as "urban reserves" and "undesignated areas" respectively, they have effectively removed these highly productive "High-Value" farmland acres from future agricultural production to the detriment of the local and regional farming industry. This prime farming acreage once designated and developed as an urban area, will never be available for future farming use.

The fact that there are other significant and available undeveloped lands located in Washington County which are NOT designated as "Foundation" farmland, should allow alternative areas for urban development which should be considered first, before we sacrifice any "High-Value" farmland. There is significant Non-Foundation farmland located in areas of southern Washington County, which should be reviewed and consider as alternative areas for Urban Reserves and I had previously suggested this fact during my public testimony at the Washington County B.O.C. meetings and Washington County Planning Commission Meetings (see attachments).

Argument Regarding State Goal #5 (OAR 660-015-0000(5)):

The State Goal #5 requires that local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Washington County has inventoried the natural resources, cultural and historic areas and open spaces for Areas #8A, Area #8B and the "Unnamed Area North of Highway 26", on its Goal 5 Rural Natural Resource Plan Map, Index Map #4, last updated December 2007.

On this map a various significant historical sites including a number of large acreage designated as historical "Century Farms". A particular historical site which I had identified as being extremely significant to preserve to both the Washington County B.O.C.'s and the Washington County Planning Commission was the historic home site of Mr. Joseph Meek, who was a significant historical figure, who helped found the Oregon Territory and who was instrumental in bring Oregon into Statehood as he went back to Washington D.C. to visit his cousin who was then the wife of President James Polk, and who influenced President Polk into securing the

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 4

Oregon Territory for the U.S. Mr. Meek also attended the first meeting of the Oregon Constitution at what is now known today as Champoe Park and who also served in many first capacities as a public officers in the Tualatin Territory. Mr. Meek's homestead site sits smack in the middle of Area #8A and will be lost to development if the current Urban Reserve designation is reinstated as a Rural Reserve Area. Already, significant historical landmarks within this rural area are threatened (e.g. the "Five Oaks", a famous pioneer gathering place is reduced to a postage-stamp size park which is now hidden behind a strip mall development located along the north side of Highway 26, just east of Shute Road, another local historical name, which has been recently renamed Brookwood Parkway).

The scenic landscape on either side of Highway 26 at these same Area #8A, Area #8B and the "Unnamed Area North of Highway 26", are simple but beautiful open spaces which are soothing to the eyes as you drive westward from Portland. These rural acres of land if left designated as "Urban Reserves" will be cluttered with housing developments and/or strip malls (like the one cited above) and will only degrade the beauty of the rural landscape that we so often take for granted until it is gone.

Currently, developers are infringing upon this same rural setting and attempting to "jump-the-gun" by transforming this valuable farmland into industrial/commercial use by using the guise of agricultural land fill permits as an excuse to dump Intel's excess spoils from their current "DIX" Fabrication plant excavation/ construction over the past few months and during wet weather conditions. This has taken 28 acres of prime farmland in the north end of Area #8A and degraded it from its original Class I soil type, all with blessing and approval of Washington County's LUT Department.

As a further proof of intent of the greed that is prevalent in securing prime "Foundation" farmland as well as historic and open spaces for industrial expansion, both Metro and the City of Hillsboro have already made request to study and consider expansion of the Urban Growth Boundary (UGB) into the Area #8A and Area #8B, with great haste as their window is closing for them to implement any UGB changes by December 31, 2011.

I thought that these Urban and Rural Reserve areas which Metro and Washington County had recently designated in their IGA, dated March 15, 2011, were called "Reserves" for a reason! Why then are they both "rushing to the alter" to study and expand into these newly designated Urban Reserves of Area #8A and Area #8B? What is the purpose of having the designation of Reserves if your intent is to annex and consume them at the first opportunity before the ink has even dried on the IGA?!?

By prima fascia, neither Washington County and/or Metro is living within intent and spirit of the IGA as the appearance of a "land grab" is all but apparent with the intentions of the City of Hillsboro and Metro aligned to push for an expansion of the UGB in the Areas aforementioned (see attached Metro and City of Hillsboro Letters).

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 5

The only recourse in the matter regarding State Goal #5 with regard to Area #8A, Area #8B and the "Unnamed Area North of Highway 26", are simple, observe State Goal #5 and preserve the natural, open and historic resources of those rural areas and to NOT ALLOW expansion of the UGB within those areas listed above as there are many other undeveloped urban industrial/commercial site within the City of Hillsboro's city limits which Metro and the City of Hillsboro know exist and should consider and developed BEFORE jumping into the aforementioned rural areas.

Argument Regarding State Goal #1 (OAR 660-015-0000(1)):

State Goal #1 specifically stated that it is meant to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

I would say that the Rural and Urban Reserves review process regarding Washington County's public process was flawed at best from the start as it did not involve a true cross-section of the citizens of Washington County in the initial review and decision making process. From my observations the initial review an input was too heavily weighted toward the governing entities of Washington County relying heavily on representative of the Cities representative of the County and their respective City Planners instead of the laymen and true citizens of the County.

As I witnessed and sensed throughout my testimony over the past 14 months, it appeared that decisions had already been made by our Board of County Commissioners here in Washington County and that the "Big Decisions" had already been made out of view of the general public and were only presented to the public with minor revisions. Public Hearing though extensive, were basically only a formality that our government officials had to endure and could not wait to complete so that they could get on to other important matters.

I can say honestly that I was frustrated to say the least when I would testify and would basically getting the feeling that I was wasting my time and could almost hear the County Commissioners saying, "Next!", offering little discussion about my comments and not addressing the State Goals which I have cited above and in my attaché testimony at the various meeting which I had attended (see attached).

I would recommend as a remedy to the shortfalls which I observed regarding State Goal #1 in this Rural and Urban Reserve public process, that our local County and City governments seek out and include true lay people in the early stages of this important land use planning process and where "Foundation" farmland will be effected, include the local Farm Bureau and local farmers in the early stages of the process so as to avoid the pitfalls that were encountered in this process.

In summary, I have been involved in my local government, both city and county, since I moved here almost 20 years ago and settled in Hillsboro, Washington County, Oregon. I felt it was

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 6

important to be involved in local and regional government, so that I could protect and preserve the very traits and resources of Oregon which drew me here in the first place.

When we as citizens fail to engage the public process and do not actively participate in helping "steer" the changes we desire in our natural and manmade environments, then we have no one to blame for the end result but ourselves.

I look forward to testifying in front of your governing body to share my testimony with you and other Metro area concerned citizens regarding this important and life changing decision we are all facing and to see if we can't reach a more reasonable solution to the problems that face our region's economic future so that we can all successfully reach our future goals without compromising the State's Goals and our moral values as the steward of this beautiful and unique land we all live in called Oregon.

Thank you in advance for your time and consideration. Please do not hesitate to contact me if you should have any questions.

Sincerely,



Tom Black

870 NW Garibaldi Street

Hillsboro, OR 97124

Ph. 971/344-5663

E-mail: tblack.1958@gmail.com

- Attachments:
- Washington County Planning Commission Meeting Minutes of April 21, 2010, Pages 1, 5, 6 and 7. and WC LUT e-mail transmittal dated May 31, 2011 (Tom Black public testimony relative to WC proposed LUT Ordinance No.733)
 - Washington County Planning Commission Meeting Minutes of March 2, 2011, Pages 1, 2 and 4. and WC LUT e-mail transmittal dated June 1, 2011 (Tom Black public testimony relative to WC proposed LUT Ordinance No.740)
 - Washington County B.O.C. Meeting Minutes of April 27, 2010, Pages 1, 6 and 10. (Tom Black public testimony relative to WC proposed LUT Ordinance No.733)
 - Washington County B.O.C. Meeting Minutes of Dec. 14, 2010, Pages 1, 5 and 9. (Tom Black public testimony relative to WC proposed LUT Ordinance No.733)
 - Washington County B.O.C. Meeting Minutes of March 29, 2011, Pages 1,3 and 6. (Tom Black public testimony relative to WC proposed LUT Ordinance No.740)
 - Washington County B.O.C. Meeting Minutes of April 26, 2011, Pages 1, 12 and 18. (Tom Black public testimony relative to WC proposed LUT Ordinance No.740)

June 1, 2011

Urban and Rural Reserves Specialist

Department of Land Conservation and Development

RE: **Objections of Thomas E. Black to Metro Ordinance No. 11-1255 and Washington County LUT Ordinance No.740 - Urban and Rural Reserves Adoption**

Page 7

- Metro letter regarding expanding Urban Growth Boundary, dated April 29, 2011
- City of Hillsboro letter to Metro regarding expanding Urban Growth Boundary, dated April 29, 2011
- Washington County Goal 5 Rural Natural Resource Map, Index Map #4, updated December 2007
- Urban and Rural Reserves In Washington County "Draft" Map, Attachment "A" for Resolution No. 11-4245, dated 3/17/11 (Draft)

cc w/ Attachments:

- Ms. Laura Dawson Bodner, Metro
- Mr. Mike McCallister, Clackamas County
- Mr. Chuck Beasley, Multnomah County
- Mr. Aisha Willits, Washington County
- Personal File

Subject: Planning Commission Minutes

From: "Gretchen Olson" <Gretchen_Olson@co.washington.or.us>

Date: Tue, 31 May 2011 08:12:45 -0700

To: <tblack.1958@gmail.com>

Mr. Black - Here are the minutes from the April 21st Planning Commission Meeting. The ones for March 2nd i will not be able to release to you until tomorrow. The person I need to review them is not back in the office until then.

Thank you,

Gretchen Olson
Administrative Specialist II
Washington County
Land Use and Transportation Department
Long Range Planning Division
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124
503-846-8121

04212010FinalMinutes.doc	Content-Description: 04212010FinalMinutes.doc
	Content-Type: application/msword
	Content-Encoding: base64



WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, APRIL 21, 2010

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER: 7:02 P.M. Room 140, Public Services Building

The meeting was called to order by Chair San Soucie.

II. ROLL CALL

Planning Commission (PC) members present: Liles Garcia, Matthew Larrabee, Herbert Hirst, Mary Manseau, Scott Rickard, Veta Holscher, Rick Lesniak, and Marc San Soucie. Absent was Aaron Crowley.

Staff present: Brent Curtis, Joanne Rice, Aisha Willits, Anne Elvers, Brian Hanes, Stephen Shane, Steve Kelley, Gretchen Olson and County Counsel Chris Gilmore.

III. DIRECTOR'S REPORT

Mr. Curtis greeted the commissioners and gave a brief outline of the nights activities. He then gave an update as to the Plan Amendment that was heard at the previous hearing. He informed the commissioners that the Board of County Commissioners (BCC), due to a request for continuance, continued the amendment until May 18, 2010. The BCC also requested that Long Range Planning Staff go over the rules and regulations that the Planning Commission should be following. Mr. Curtis said at the next meeting staff would be prepared to go over some of those rules.

IV. WORK SESSION

Chair San Soucie questioned Mr. Curtis as to the process of this evening's Plan Amendments (PA). Mr. Curtis answered that the first PA on the agenda could be expedited as there were no objections from staff, the applicant, or any opposition. However, the second PA can not be expedited as Commissioner Manseau has indicated that she has some questions.

Chair San Soucie asked if Ordinance No. 733 would take a lot of time to get through. Mr. Curtis replied that it would take as much time as the PC directed. There was a brief discussion regarding the timing, modifications, and final processes concerning the ordinance.

Commissioner Larrabee questioned the time limits associated with the PA's and if the PC had to stick to those time limits. County Counsel replied that those limits were set up as a guide and if the PC wanted to extend those limits it would be fine, as no one can object to extra time, but that decreasing the time limits is not suggested. As there was no further business to discuss the work session was adjourned.

ADJOURN: 7:25 P.M.

change over time and are not precise and the city doesn't allow development in the flood plain. This means that no additional development will be allowed except for Council Creek Trail and Bridge.

Commissioner Rickard questioned Mr. Meyer about the decrease in flexibility with the change in designation to rural reserves. With an urban or undesignated designation you have greater flexibility, but with the rural you are locked in. Mr. Meyer responded that by increasing the rural we thought politically we would be more likely to get the requested change.

There was a brief discussion regarding the maps and the labeling of the maps. Chair San Soucie asked if the Core 4 has reviewed the map changes requested. Mr. Meyer said that they had not as they are considered technical mapping changes to reflect property lines rather than flood plains as boundaries for the reserves.

Chair San Soucie called Sandra Laubenthal to testify.

Sandra Laubenthal, 3019 NE 26th Avenue, Portland, OR 97212: is the owner, along with other family members, of 130 acres on 185th, as noted in her letter to the commission marked exhibit 3. The property is bounded by road "A" in the North Bethany area, it is north of Portland Community College (PCC) Rock Creek and she is here asking that this rural reserve area is changed to urban reserve. She stated that this property should be considered part of the North Bethany area as the arterials that will serve the area are directly to the north and west of the property. The sewer trunk line will also go right through the parcel and split it. 50 acres of the property is in the flood plain and can serve as a stormwater pond. This would provide circulation, bowels and be a kidney to North Bethany. She noted that up until the fateful December meeting, this land was designated as urban.

Chair San Soucie called Wendie Kellington and Wink Brooks forward for their testimony.

Wendie Kellington, PO Box 1930, Lake Oswego, OR 97035

Wink Brooks, 4810 NW 18th, Portland, OR 97229: Ms. Kellington informed the PC she was representing the Bobosky family in their request for a designation change. She directed the PC's attention to the various materials that she and Mr. Brooks had previously provided for the commissioners. She stated that the Bobosky property was evaluated by professional staff as being appropriate as urban reserves until the last minute change at the December meeting. County staff materials (working paper 10) makes it clear that the county believed these exception areas would be urban or undesignated lands. There is no evidence in the last few months of meetings to explain whether the decision makers knew the land was exception land rather than resource lands. Ms. Kellington stated that the property has no special natural resources nor is it agricultural land; therefore it does not meet the criteria for the rural designation.

Chair San Soucie called Tom Black forward to testify.

Tom Black, 870 NW Garibaldi Street, Hillsboro, OR 97124: informed the commission that he participated in the process back in December. He was surprised to find out that this was going to be the only opportunity for the public to comment on the ordinance. The area of concern he was addressing is located north of the Hillsboro airport, known as "8A" on the map. He questioned if any consideration was given to the historical resources of this area having to do with Joseph Meeks? He stated that this is prime farm land because of the soil content. He believes that not enough farm interests were represented in the entire process. Mr. Black

requested that urban designations be put on less productive farm land and to save valuable farm land for agriculture use. He also noted his wishes to save the area north of Waibel Creek. As there were no questions for Mr. Black, Chair San Soucie called Brian Wegener of the Tualatin Riverkeepers forward for his testimony.

Brian Wegener, 12360 SW Main Street, Tigard, OR 97223: stated his objections about the strict nature of the factors that were applied to the Cooper Mountain area, an area of headwater streams. He informed the commission that due to the shallow, tight soils on the steep slopes that this area has no drainage and that you can not urbanize this area with out having a significant environmental impact. He does not believe that the area can be developed to the urban density requirements with out those environmental impacts. He stated that Cooper Mountain meets all 8 natural features factors for rural reserves. Mr. Wegener asked the commissioners to recommend that the area be changed from urban to rural.

There was a brief discussion regarding the soils and urban density requirements. Mr. Curtis informed the commission that this area is an urban reserve and noted that the area must be carefully planned to protect recourses and mitigate the impacts that Mr. Wegener is concerned about.

Commissioner Hirst began the deliberations on Ordinance No. 733 by stating his reservations on this ordinance. He emphatically stated that the 50 years lock down bothered him and that it was too long. He also believes that the negotiations and decisions were made politically rather than with good planning in mind. He stated that he came to this realization when Cornelius couldn't get what it wanted unless Clackamas County got what it wanted. Commissioner Hirst said his focus was not the IGA, but rather what was in this ordinance. He believes it needs to go back for further review. He said that staff should go back and look at all the considerations and then come back to the commission. He said he doesn't like the time frame in which this has to be completed either.

Chair San Soucie suggested breaking the ordinance down into two sections, the text and then the requested map changes.

Commissioner Larrabee echoed Commissioner Hirsts' sentiments that 50 years was too long of a time frame to lock the land in. That it was binding people that have not yet been born to a rigid land use program. Chair San Soucie stated it was not the duty of the PC to question the process for the reserves. He said that we were notified of the process, but the PC was left out of the decision making portion of the process. The technical analysis was evaluated by staff and committees across the region for two years. Chair San Soucie said his inclination is to recommend approval of the ordinance to the BCC as is for their evaluation of any additional changes.

Commissioner Garcia stated he was comfortable making the recommendations about the specific, smaller areas, but he was not sure about the request made by Cornelius, the area north of the airport, or the Cooper Mountain area. Commissioner Rickard said he feels similarly to Chair San Soucie in that the PC should add something to the process that takes into account our own views. He would like to recognize the requests of the people here tonight.

Commissioner Manseau recommended changes to the text on page 2 of 2, E.1 urban reserve area 6b map in exhibit 3 referes to special concept plan area "A", she would like to see that clarified. She also suggested E.2 on page 2 of 2 didn't make a reference to pages 2 and 3 of exhibit 3.

There was a discussion regarding the 50 year time frame as Commissioner Hirst believes it to be too long. He suggested a 10 year review and to eliminate the 50 years altogether. Commissioner Garcia said that to him, the 50 years makes sense for protection of the agriculture lands and that the 20 year review was an acceptable time frame. Commissioner Rickard stated he did not want to change the mechanics of the process and he was deferring to the work that has been done by the professionals. This was not in the PC's scope. Commissioner Larrabee said that while he appreciates the work that has been done for urban reserves, he is still not comfortable with the rural reserves and locking that land up for 50 years. He said that 20 years is also too long for a review. He believes the 50 year requirement should be stricken. Chair San Soucie interjected that making this change would require going against state law. Commissioner Larrabee made a motion to add that the 50 year time frame be stricken and a 10 year review provision be included. There was no second, motion was denied.

The motion was made by Commissioner Hirst to recommend approval of Ordinance No. 733 to the BCC with modifications and recommendations for further analysis as shown in the table below. Commissioner Manseau made the second. **Vote: 7 to 1** - Commissioner Larrabee was the no vote.

The following table reflects the Planning Commissions recommendations on each of the requested changes to Ordinance 733:

Request	Manseau	Garcia	Larrabee	Rickard	Holscher	Lesniak	Hirst	San Soucie
O'Callaghan	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Cornelius	Further	Further	Yes	No	Yes	Yes	Further	No
Peterkort	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Bendemeer	Entire area	Entire	Entire	No	Entire	Entire	Entire	No
Waibel	Further	Further	No	No	Further	No	Further	No
Cooper Mt.	Yes	No	Yes	No	No	No	No	No
Text – Mary	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

VII. ADJOURN: 10:33 P.M.

There being no further business to come before the Planning Commission, the meeting was adjourned.

 Marc San Soucie
 Chairman, Washington County
 Planning Commission

 Andrew Singelakis
 Secretary, Washington County
 Planning Commission

Minutes approved this _____ day of _____, 20010

Submitted by Gretchen Olson

Subject: March 2, 2011 DRAFT minutes
From: "Gretchen Olson" <Gretchen_Olson@co.washington.or.us>
Date: Wed, 1 Jun 2011 10:29:16 -0700
To: <tblack.1958@gmail.com>

Mr. Black - Attached you will find the March 2, 2011 DRAFT Planning Commission minutes as requested. If you need anything further, please don't hesitate to contact me.

Thank you,

Gretchen Olson
Administrative Specialist II
Washington County
Land Use and Transportation Department
Long Range Planning Division
155 N. First Avenue, Suite 350-14
Hillsboro, OR 97124
503-846-8121

PCDraftMinutes_030211.doc	Content-Description: PCDraftMinutes_030211.doc
	Content-Type: application/msword
	Content-Encoding: base64



WASHINGTON COUNTY PLANNING COMMISSION
MINUTES OF WEDNESDAY, MARCH 2, 2011

ALL PUBLIC MEETINGS ARE RECORDED

I. CALL TO ORDER: 1:04 P.M. Room 140, Public Services Building

The meeting was called to order by Chair San Soucie

II. ROLL CALL

Planning Commission (PC) members present: Marc San Soucie, Veta Holscher, Likes Garcia, Rick Lesniak, Matthew Larrabee, and Mary Manseau. Scott Rickard and Herb Hirst's absences were excused.

Staff present: Brent Curtis, Paul Schaefer, Aisha Willits, Stephen Shane, Brian Haines, Steve Kelly, Connie McCracken, and Gretchen Olson; Long Range Planning. Dan Olsen; County Counsel. Steve Franks; Current Planning. Phillip Bransford; County Administrators Office.

III. DIRECTOR'S REPORT

Mr. Curtis gave a brief directors report, updating the PC on the amended staff report for Ordinance No. 740. He then passed out a letter of testimony from Cascadian Nurseries that was received after the meeting packets had been mailed.

Mr. Curtis updated the PC on a question that had come up at the Joint Dinner regarding the terms of the Planning Commission. He said staff looked into the reasoning for the staggered terms and there is no explanation for it. Historically it has always been that way so that the members of the Commission do not all leave at once.

IV. WORK SESSION

There was a brief discussion regarding the terms of the Planning Commissioners.

Chair San Soucie asked if it was appropriate that the PC come up with a letter addressed to the Board of County Commissioners (BCC) regarding items that they would like to see on the 2011 Work Program. Mr. Curtis replied yes, a letter may be drafted but it has to be presented by the PC and not by staff.

Commissioner Manseau asked why the PC was mentioned in the 2009/2010 Transportation Development Tax report when they were not involved in the process. Mr. Curtis said he would have to look into it and provide a response at the next meeting.

There being no further discussions, the work session was adjourned, 1:17 p.m.

V. ORAL COMMUNICATIONS - 1:32 p.m.

There was no one present who wished to testify on a non-agenda item.

VI. CONSIDERATION OF MINUTES

There were three sets of minutes to consider, August 4, 2010, September 15, 2010, and November 3, 2010. There were no suggested modifications to the minutes. Commissioner Manseau made the motion to approve all three sets of minutes as submitted, with Commissioner Garcia seconding the motion.

Vote: 6 - 0

VII. PROPOSED ORDINANCE NO. 740 - An Ordinance Amending Policy 29 of the Rural/Natural Resource Plan Element of the Comprehensive Plan to Modify the Rural and Urban Reserves Map.

Mr. Curtis presented a brief staff report. He gave a history of the reserves process to date, ending with the oral remand from LCDC and the creation of Ordinance No. 740. There was an addendum staff report that contains a different map with changes to the urban and rural reserves created by Metro Council President Hughes and BCC Chair Duyck. Chair San Soucie asked if the changes between Ordinance No. 733 and 740 were just the map changes, not text changes. Mr. Curtis replied yes, just changes to the map. There was a brief discussion of the timeline of the process.

Jose Orozco, 44 S. 18th Court, Cornelius, OR 97113; a Planning Commissioner for the city of Cornelius, said of the 26 regions in the Portland area, Cornelius was the only area denied any urban reserves for the next fifty years, why is this he questioned. He called into question if the remand was because of the socio-economic make up of Cornelius. He urged the PC to replace at least 350 acres north of Cornelius as urban reserves.

Amy Scheckla-Cox, 1536 S. Ivy, Cornelius, OR 97113; gave a brief history of the reserves process between the county and Cornelius. She stated she was also a member of the Planning Commission for the city of Cornelius. She questioned why the remand was made when Cornelius desperately needs the land in order to grow and prosper as a city. She also urged the PC to approve the 350 acres north of Cornelius as urban reserves.

Jose Rivera, 1110 N. Adair, Cornelius, OR 97113; said he was the Executive Director of Centro Cultural, a non profit organization that promotes education and economic development in the Hispanic community of Cornelius. He strongly urged the PC to recommend to the BCC the urban designation for the 350 acres north of Cornelius.

Dan Sheldon, 300 N. 26th Avenue, Cornelius, OR 97113; owns Sheldon Manufacturing in Cornelius. He said he would like to expand his laboratory manufacturing business; however there is no land in Cornelius to be able to do that. He echoed the sentiments of both Cornelius Planning Commissioners and urged the PC to approve the urban designation for the 350 acres north of Cornelius; so that the city can grow and flourish.

Tim Duyck, Cornelius-Schefflin Road, Cornelius, OR 97113; gave a brief history of his family property, stating he and his family would like to develop their land as industrial land. He pleaded with the PC to keep the urban reserve designation north of Cornelius, or at least the 350 acres that the city is asking for.

Carol Chesarek, 13300 NW Germantown Road, Portland, OR 97231; believes that there is no way that the PC can make an informed and responsible recommendation based on the incomplete information provided to the PC by staff. The full description of the concerns from

LCDC have not been fully expressed to the PC by staff. Ms. Chesarek suggested that if a recommendation must be made today, that the PC recommend eliminating the new urban reserves and changing the remanded areas to undesignated.

Tom Black, 870 NW Garibaldi Street, Hillsboro, OR 97124; asked the PC to not just be a rubber stamp and to really consider their recommendation as it is going to shape the next fifty years. He said he believes the political aspect has taken over the process, not the good of the people.

Miki Barnes, 48100 NW Dingheiser Road, Banks, OR 97106; stated she opposes the designation of 585 acres in Helvetia as urban reserves. She raised the issue that the decision making process seems to be increasingly out of balance in its focus on corporate and industrial growth over the greater good of the community. She believes the PC should recommend that the 585 acres in Helvetia be designated as rural reserve.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, OR 97133; said she wanted to draw attention to the gaps and deficiencies in the public processes required by Oregon law and by common sense in the proposal of the Duyck/Hughes map. She said she believes that there has been a violation of the Goal 1 and the entire notion of open, responsive government. She asked the PC to send the BCC a recommendation of conscience, rather than convenience.

Greg Malinowski, 13450 NW Springville Road, Portland, OR 97229; stated he was before the PC as a private citizen. He expressed his support for all of those that had spoken today. He thanked the PC for their service.

Commissioner Manseau asked Mr. Curtis if there were findings to support the recommendation of 350 acres north of Cornelius to be designated as urban reserves. Mr. Curtis replied that both Washington County and Metro believed that they had the findings in the original map which was larger than the 350 acres being suggested now. The first set of findings will support the urban reserves designation as well.

The PC deliberated on various options for a recommendation. After a lengthy discussion, Commissioner Larrabee made the motion to recommend adoption of Ordinance 740 with the recommended change that it include area 7-1* (as shown in the map provided by Cornelius) as an urban reserve, the area north of that as rural reserve and to designated areas D and E to be undesignated. Commissioner Garcia seconded the motion. **Vote: 5 - 1 (Manseau)**

VIII. ADJOURN: 4:25 P.M.

There being no further business to come before the Planning Commission, the meeting was adjourned.

Marc San Soucie
Chairman, Washington County
Planning Commission

Andrew Singelakis
Secretary, Washington County
Planning Commission

WASHINGTON COUNTY BOARD OF COMMISSIONERS

APRIL 27, 2010

CONVENED: 6:39 p.m.

BOARD OF COMMISSIONERS:

Vice Chair Desari Strader
Commissioner Roy Rogers
Commissioner Dick Schouten
Commissioner Andy Duyck

Chairman Tom Brian was at home recuperating from knee surgery today.

STAFF:

Robert Davis, County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Director, LUT
Joanne Rice, Principal Planner, LUT
Steve Kelley, Sr. Planner, LUT
Bill Gaffi, General Manager, CWS
Margot Barnett, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Marian Larkin, Recording Secretary

PRESS: None

1. CONSENT AGENDA

Vice Chair Strader announced the following modifications to the Consent Agenda:

- Clean Water Services agenda item (1.a.) was replaced
- There was a bid award on item 1.d. to Bones Construction in the amount of \$361,074.20

It was moved to adopt the Consent Agenda, as modified.

Motion – Rogers
2nd – Schouten
Vote –4-0

CLEAN WATER SERVICES

Proposed Ordinance No. 733 – an Ordinance Amending the Comprehensive Plan Relating to Designation and Adoption of Urban and Rural Reserves (CPOs -All Rural and 9, 12F, 12C, 4B, 5, & 6)

A motion was made to read the ordinance by title only.

Motion – Duyck
2nd – Rogers
Vote – 4-0

Dan Olsen read the ordinance title. The public hearing was opened. Vice Chair Strader stated the public would be given 3-minutes each to testify.

A staff report was provided by Brent Curtis, Planning Manager. Mr. Curtis announced that this was the first public hearing on urban and rural reserves. At the end of February, the Board adopted an intergovernmental agreement with Metro with regard to decision making on urban and rural reserves. He reported the decision was not a land use decision and the content of the IGA placed into a land use ordinance in which public hearings would enable the process to become an actionable land use decision. All Metro and county decisions would then be packaged and sent together to LCDC for periodic review. The planning process (early 2008 – IGA enactment) included public hearings, public involvement, technical analysis, local and region coordination and steering committee efforts. The negotiated IGA was accomplished by the Core 4 representatives from Metro and the other three counties.

Mr. Curtis mentioned the public can make any comments, ask that maps and policy provisions be considered to the IGA. The process to make any IGA changes was in place. He reported that the staff recommendation would be to conduct the public hearing and continue the matter until 5/4/10. Should the Board hear testimony regarding specific properties and their designation, he asked that any amendments be provided to staff so parties can be notified. Metro would also be notified regarding any proposed amendments. Engrossment would then take place 5/4/10 and notice would be provided for two subsequent hearings scheduled late May and early June. After adoption of the ordinance, LCDC would conduct periodic review in October. Mr. Curtis reported that if no fault was found, then valid legal urban and rural reserves would be available. At that point should Metro find need to expand the Urban Growth Boundary, urban reserves would become available. A staff report with attachments containing mostly technical amendments, a transmittal letter (Exhibit 3) was provided to the board. Mr. Curtis concluded that the technical amendments were primarily boundaries adjustments, right-of-way, parcel shifts, mapping errors and minor changes that provided better and specific adjustments.

Commissioner Strader asked about Exhibit 3. Mr. Curtis commented that it contained 127 detailed item changes (maps included). The Planning Commission recommendations were also submitted from recommendations and testimony heard. A matrix (maps included) identifying the requests and how the Planning Commission individually and collectively responded to recommendations was provided to the Board.

Robin Allie, 21378 NW Bendemeer Rd. was surprised her neighborhood was up again as the community is happy with its rural reserves designation. She asked the Board consider continuing to allow the buffer to exist in this area.

Cheri Amabisca, stated her opposition to the proposed changes (rural to urban reserves) made by the O'Callahan, Peterkort and Brobosky developers approved by the Planning Commission. She asserted the 180-acres of O'Callahan and Peterkort properties should remain in rural reserves as recommended previously by state agencies and the Core 4. These lands contain 50 acres of flood plain that form a natural urban edge. Ms. Amabisca suggested that extending urban development across Rock Creek will harm nearby farms and negatively impact an important wildlife corridor. This edge was agreed upon and undesignated would also be an inappropriate designation.

She commented further that the 147 acres in the Bendemeer area (Cornelius Pass to Dick Rd) should remain in rural reserves as recommended. As an agricultural area and part of a bigger block of foundation farm land, she mentioned state law allows for non farm uses for exception lands where the current use has been historically compatible. She believed these properties protect and buffer the surrounding block of land. Approving this island of urban reserves north of West Union will only promote the inefficient and cluttered mixed-use found south of West Union. The area cannot be urbanized efficiently under the urban reserve factors.

Ms. Amabisca also expressed opposition to the urban reserves designation for property on NW Helvetia Rd. She expressed the ODOT improvement will take far less than the 91 acres currently proposed especially since a TIGER Grant application was denied. She recalled that prior testimony in 2009 and 2010 further demonstrated the justification for this to remain rural reserves. Ms. Amabisca concluded by reiterating her opposition for the undesignated 750-acre area west of this property. She stated that this foundation farmland area most in danger of urbanization and the Board needs to protect this valuable resource.

Commissioner Duyck asked Ms. Amabisca about properties needed to provide services to existing urban areas (Peterkort and O'Callahan properties). Ms. Amabisca thought that not going across Rock Creek was important as it crosses a natural edge. Commissioner Duyck mentioned that not taking the whole parcel often prohibits getting the right-of-way needed. Ms. Amabisca commented that issue becomes a slippery slope.

Tom Black, 870 NW Garbaldi Street, talked about the history of urban and rural reserves process and the significance of historical resources in certain areas. Mr. Black mentioned that the Planning Commission's deliberations were difficult due to the fact they were not involved in the process since the beginning. He cited that area 2700-acres of Area 8A was of concern in becoming urban reserves particularly the rural at the area (Waibel Creek to Hwy 26). Mr. Black stated these lands are Class 1 soils are highly rated for farming. The Joseph Meek homestead is also located there and he did not want to see the historical marker relegated like the one that was previously located on Highway 26. He hoped this open space would not be changed to development. He hoped the Board would take the matter more seriously than the split vote done by the Planning Commission. Mr. Black asked the Board to slow down and get the urban and rural reserve process done right.

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

DECEMBER 14, 2010

CONVENED: 6:39 p.m.

BOARD OF COMMISSIONERS:

Chairman Tom Brian
Vice Chair Desari Strader
Commissioner Dick Schouten
Commissioner Roy Rogers
Commissioner Andy Duyck

STAFF:

Robert Davis, County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Director, LUT
Suzanne Savin, Planning, LUT
Bill Gaffi, General Manager, CWS
Dennis Mulvihill, County Administration
Linda Gray, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Marian Larkin, Recording Secretary

PRESS:

Dana Tims, *The Oregonian*
Kurt Eckert, *Hillsboro Argus*

1. CONSENT AGENDA

Chairman Brian mentioned that item 1.m. was removed and 1.p. was added. Item 1.h. was removed for discussion and placed at the end of the Regular Agenda (5.c.). It was moved to adopt the Consent Agenda as modified.

Motion – Rogers

2nd – Duyck

Vote – 5-0

CLEAN WATER SERVICES

1.a.

CWS MO 10-100

Approve Insurance Contract for the Calendar Year 2011 Non-Represented Employee Health Benefit Program (Approved Under Consent Agenda)

approach. Pursuant to the Board's Work Session this date, staff agreed to the program guide's acceptance and to further consideration in the coming year.

A motion was made to accept the Affordable Housing Program Guide for North Bethany Subarea and direct staff to schedule further Board consideration in 2011.

Motion -- Schouten

2nd -- Strader

Vote -- 5-0

5.b.

MO 10-376

Consider a Supplement to the Intergovernmental Agreement between Washington County and Metro Concerning Urban and Rural Reserves (Rural CPOs 9, 12F, 12C, 4B, 5 and 6)

Chairman Brian mentioned that although the item was not a public hearing, the Board invited the public to address the Board for a 3-minute period.

Brent Curtis, LUT Planning Director, provided a staff report. Mr. Curtis recapped the Urban and Rural Reserves process involving multitudes of people and local governments which was developed over an 18 to 24-month process. The proposals were reviewed by LCDC in October and their decision came via oral remand and direction with a final written order to follow. In general, LCDC determined that the overall program in Multnomah and Clackamas County was acceptable and no fault was found through their hearing process conducted. In regards to Washington County, most of the plan was acceptable to LCDC. An opinion was rendered on two areas:

- 1) The Urban Reserves designation North of the City of Cornelius was rejected. This area comprised of approximately 624 acres. LCDC's finding was that this was not a consistent designation in the appropriate application of the urban reserves provisions and factors. Therefore, this was an inappropriate conclusion and the oral direction was to remand a Washington County and Metro planning process response.
- 2) LCDC also asked that an area North of Forest Grove receive additional analysis and findings. Particular concern was given to an area north and east of Council Creek.
- 3) LCDC determined that the area subject to removal could be replaced in Urban Reserves potentially relocated in another area of Washington County. Additionally, Undesignated lands could be included in the resubmission.

Discussions by Washington County and Metro since have involved how to respond to the remand and when the response would be appropriate. The possibility of responses, the laudable goal confirmed and aspirations were discussed with the hope that designations would be in place in 2011. This would allow Metro and regional planning process to utilize the urban and rural reserves should they be acceptable by LCDC. Should Metro find a need to utilize the urban reserves and to expand the Urban Growth Boundary, these lands would be available. This would allow Metro to be responsive to the Legislative extension of periodic review of Urban Reserves and not waiting an additional five years.

At the Board's direction, County staff were prompted to create the agenda item. An initial staff report was provided December 6, 2010 and as a discussion draft that led to a subsequent staff report and map. The modified map with provisions to the IGA was presented by Mr. Curtis. He noted the following planning principals were made around the LCDC decision:

for their efforts. The Chairman noted Mr. Bailey's time was up and the Board would continue to read the comments outlined in his letter submitted to the record.

Tom Black, 870 NW Garibaldi St., addressed the Board on the IGA and stated his presence during several Planning and Board meetings on the Reserves. Mr. Black found the process interesting and thought the Planning Commission was not engaged earlier in the reserves process. It appeared that the group was only "rubber stamping" their April process. He mentioned the area 8A (2700 acres) as significant for Goals 3 and 5 for soil type farming, scenic use and historic purposes. Mr. Black stressed the Board utilize the Planning Commission as a resource more in the future.

Jonathan Schleuter, as Westside Economic Alliance Executive Director and parent of two addressed the Board. He handed out an article that was dated October 9, 1948 as a historic reference celebrating the completion of the Sunset Highway from Canyon Rd to Seaside. He noted the project cost of \$10 million dollars and 16 years of effort. Mr. Schleuter stated that the more things changed, the more they have stayed the same. He pointed out the following:

- 1) The area picture of 1948 still looked the same.
- 2) Induced transportation demand causing urban sprawl, inviting it to the rural regions has not transpired in Manning or Banks.
- 3) The population of Washington County has grown ten-fold in the 62 years since the article was printing and the county continues to grow at a pace of 500 people per month.

Mr. Schleuter stated that 1-in-4 jobs created in the State of Oregon are in Washington County and \$1 out of every \$6 income tax dollars sourced come from our county. If education, healthcare and public safety are of concern to other areas of the state, recognizing dependence on future jobs in Washington County was important to all. Mr. Schleuter recognized this work was not complete as 24,500 residents are presently unemployed and seeking employment opportunities. He suggested that as replacement employment lands are sought, it must be within Washington County and with equal capacity.

Mr. Schleuter also pointed to another article in which Greg Macpherson, LCDC Commissioner, noted the land along Sunset Highway had good transportation infrastructure and represents good growth opportunities. He suggested the Board use LCDC's guidance and put the land where it is needed. In 1948, Mr. Schleuter concluded that no one envisioned that Highway 26 would provide a hard boundary. He cited that hard boundaries do not have basis in law or in forming land use decisions. LCDC has acknowledged the need for urban reserves and employment needs in Oregon. He concluded the decisions have great impact to Washington County children, the region, and state. He empathized that the Board did not choose the fight and expressed the position, course and decision was clear.

Cheri Amabisca, 13260 NW Bishop Rd., Hillsboro provided a letter and addressed the Board on the latest proposal changing 585 acres from Undesignated to Rural Reserves and 290 acres from Rural Reserves to Undesignated. Ms. Amabisca suggested that the 875 acres are foundation farm lands that produce traded sector crops. She stated that the Board believed that the proposed changes would comply with the direction given by LCDC. Since an official order had not been issued, she asked how the Board knew that its proposal conforms to the LCDC intent. She noted that two LCDC Commissioners commented that 8B (88-acres) would be better off as Undesignated rather than Urban Reserves. She asked if the Board incorporated this into the proposal. Ms. Amabisca characterized the process as late, last minute, short noticed and changing. She suggested this was not a small adjustment but a major change to designations that have been in place for the last year. She considered the notice of one week prior to the vote and

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

MARCH 29, 2011

CONVENED: 6:35 p.m.

BOARD OF COMMISSIONERS:

Chairman Andy Duyck
Vice Chair Roy Rogers
Commissioner Dick Schouten – absent on County Business
Commissioner Greg Malinowski
Commissioner Bob Terry

STAFF:

Robert Davis, County Administrator
Rob Massar, Assistant County Administrator
Dan Olsen, County Counsel
Loretta Skurdahl, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Division Manager, LUT
Bob Cruz, Asst. General Manager, CWS
Dennis Mulvihill, County Administration
Linda Gray, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Marian Larkin, Recording Secretary

PRESS:

Dana Tims, *The Oregonian*
Kurt Eckert, *Hillsboro Argus*

1. CONSENT AGENDA

Chairman Duyck announced that item 1.c. would be removed and addressed at the end of the agenda.

A motion was made to approve the Consent Agenda as amended.

Motion – Rogers
2nd – Terry
Vote: 4-0

Chairman Duyck stated this wasn't the appropriate forum to address things and the hotel/motel tax is used for Fairgrounds and the Fair. He noted this issue has been addressed previously with the speakers.

Micki Sparr, 15390 NW Wooded Way, Oak Hills read the following written submission into the record. Ms. Sparr cited a recent Oregonian article about the large number of Washington County citizens who believed they are not being heard. She noted the Bethany Blvd Project is a perfect illustration of that frustration. The first open house in March 2010 drew well over 350 citizens - a record for a transportation project open house. Staff ran out of comment cards and sign-in materials because of the large turnout at that first Open House. A majority of attendees strongly objected to a five lane road in their neighborhood. When Focus Group members were recruited, there was again an unprecedented response from the community. Later, so many citizens wanted to attend the Focus Group proceedings and make comments that a larger room had to be found to accommodate the crowds of 60 - 80 citizens who attended each meeting. At the December Focus Group meeting, members were asked to indicate their preference among the 4 designs that had been presented to them. A majority of Focus Group members chose the 3 lane option as their first choice. At the Open House held January 27, hundreds of citizens turned out. Nearly 87% chose the three lane option; all three of the remaining options received no more than 4 - 7% support.

After all this public involvement, the design submitted to this board was never seen by the public previously. It was not vetted by the Focus Group and it was not offered to the public for comment at either Open House. She found this very troubling.

Even more troubling is that after commissioners asked staff to present a 4 lane design, what was presented to commissioners on February 22 was a five lane design that was cynically labeled a four lane design. The drawings clearly show five lanes for 80% of its length and four lanes for just 20% of its length. That's a five lane road.

Ms. Sparr expressed that the citizens of Washington County diligently followed the process with respect and civility and now many felt deeply betrayed. Hundreds of good and responsible citizens spent literally thousands of collective hours on the process and were completely ignored. She concluded that the entire process was a sham designed not to solicit public opinion but to placate and patronize the taxpaying citizens. Ms. Sparr noted it was no wonder so many citizens in Washington County feel that their voices are not being heard.

3. PUBLIC HEARING - LAND USE AND TRANSPORTATION

3.a.

MO 11-62

Proposed Ordinance No. 740 – an Ordinance Amending Policy 29 of the Rural/Natural Resource Plan to Modify the Rural and Urban Reserves Map (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5, & 6)

A motion was made to read the ordinance by title only.

their numbers. Chairman Duyck stated the work that goes into the ordinance is very specific on lot lines and therefore reliable and accurate. Mr. Meyer suggested that LCDC is likely to approve whatever the County presented as they want this process done also.

Robert Bailey, 7455 NW Helvetia, spoke about a Save Helvetia public records request to LCDC after there was objection on moving forward on the oral remand. His concern was that the process didn't give citizen organizations enough concrete context (i.e., Save Helvetia's right to exercise their goal and communicate). He stated their interest in waiting for a written definition so that the Save Helvetia group can have standing and rights of appeal. A copy of the letter from LCDC was provided for the record and indicated that meetings with Dick Benner stated no notes were taken and no communication with Washington County was noted. Mr. Bailey concluded that since there has been no communication, that this matter is still undetermined.

→ Tom Black, 870 NW Garibaldi Street stated that after attending Planning Commission meetings and several hearings on this land use issue, he noted State Goal 3 and Goal 5 that he continue to object to Area 8A (2700 acres north of Evergreen). He wondered why significant soil type 1 land and the historical value of this area have been ignored. Mr. Black stated his objection of the entire area being included that contains the founding area of Joseph Meek, the father of Oregon. He asserted that if regard isn't given to our history and farmland, then we have to ask who we are then. Mr. Black hoped more reverence was given to this land that is this precious before consideration of paving over such areas. ←

Chairman Duyck mentioned that area 8A was acknowledged by LCDC. He asked what lands Mr. Black believed could be used. Mr. Black suggested there were more undesigned areas closer to urban areas and perhaps further south. Since he wasn't involved in meetings where maps were changed numerous times, Mr. Black didn't feel he got a chance to participate in this part of the process

Joe Rayhawk, 15280 NW Germantown Rd., stated his belief that the entire process is at risk because Washington County asked for more reserves than other counties felt were balanced and reasonable. After the first request, an increase was made including Peterkort property and more urbanizable land and less urban reserves was determined with this next stage. Mr. Rayhawk noted a switch of 383 acres from rural reserves to undesigned and suggested that these requests break the balance across the region. He also suggested that the appearance may be that the Board is attempting the sabotage the entire process. Mr. Rayhawk cited that at the 3/15/11 Joint Meeting with Metro, it was discussed that under special circumstances new UGB land could be selected from Undesignated lands. He noted this was how Genentech was brought in suggested it was an embarrassment and bad deal for the County and State. He likened it to something that a third world country desperate for jobs would do and such countries discovered these lessons back in the 90's. Mr. Rayhawk suggested the following: 1) There is enough industrial land within the UGB now and for the next 5 years; 2) Should the reserves process collapse, it will be more difficult to convert farmland into the UGB; 3) The last four years has experienced less growth in jobs and population than the assumptions in the reserves planning process which should lead to less urban reserves. Mr. Rayhawk expressed that he believed the County was in deep trouble due to a generation of underinvestment in the infrastructure for schools. He suggested the focus

MINUTES

WASHINGTON COUNTY BOARD OF COMMISSIONERS

APRIL 26, 2011

CONVENED: 6:31 p.m.

BOARD OF COMMISSIONERS:

Chair Andy Duyck
Vice Chair Roy Rogers
Commissioner Dick Schouten
Commissioner Greg Malinowski (Arrived 6:34 p.m.)
Commissioner Bob Terry

STAFF:

Rob Massar, Assistant County Administrator
Dan Olsen, County Counsel
Andrew Singelakis, Director, LUT
Brent Curtis, Planning Division Manager, LUT
Aisha Willits, Senior Planner, LUT
Steve Kelley, Senior Planner, LUT
Joanne Rice, Principal Planner, LUT
Sheriff Rob Gordon
Nora Curtis, Engineering Division Manager, CWS
Linda Gray, CPO Coordinator
Jim Thiessen, Audiovisual Technician
Barbara Hejtmanek, Recording Secretary

PRESS:

Dana Tims, *The Oregonian*

1. CONSENT AGENDA

Chair Duyck announced the following modifications to the Consent Agenda:

- There is award of bid on item 1.a. to Emery & Sons Construction, Inc. in the amount of \$7,969,975.27.
- On item 1.b., the purchase price for "B" is \$260,000 and for "C" 160,000.
- There is award of bid on item 1.e. to Northwest Earthmovers, Inc. in the amount of \$4,781,215.98.
- There is award of bid on item 1.i. to Baker Rock Resources in the amount of \$1,141,341.85.
- An off docket item from the Board of Commissioners entitled "Schedule Board Work Session on May 18, 2011" is added to the Consent Agenda. (MO 11-93)

It was moved to:

- Conduct a public hearing on the discount as required by Ordinance 729 and to adopt the Resolution and Order.
- Authorize the Chairman to sign the Resolution and Order continuing the discount.
- Direct staff to coordinate the discount as necessary with the cities.

Motion – Terry

2nd – Rogers

Vote – 5-0

Commissioner Schouten said that it is always good to take a look at this and have further discussion. He noted that we do have to pay for these things. Commissioner Schouten said that general funds go toward the kind of road projects that help provide the kind of capacity for business that are paid by everyone, business or not. He recognized that this is tough but felt that we have no choice but to put some piece of this into that kind of allocated cost sharing.

Chair Duyck felt that staff has adequate direction to go back to WCCC to have this discussion.

Andrew Singelakis agreed and clarified that his point was to see whether or not the tax disproportionately affects small businesses

5.b.

ADOPTED

Proposed A-Engrossed Ordinance No. 740 – an Ordinance Amending Policy 29 of the Rural/Natural Resource Plan to Modify the Rural and Urban Reserves Map (All Rural CPOs and CPOs 9, 12F, 12C, 4B, 5 and 6)

There was a motion to read A-Engrossed Ordinance No. 740 by title only.

Motion – Rogers

2nd – Schouten

Vote – 5-0

Dan Olsen read the proposed ordinance by title.

Brent Curtis reviewed that Washington County joined Metro, Clackamas County and Multnomah County in pursuing the urban and rural reserves planning process. He recalled that last year, the Board adopted—along with the other participants—urban and rural reserve proposals that were evaluated by LCDC. Mr. Curtis said that in the fall, LCDC approved the proposal for Multnomah County, approved the proposal for Clackamas County and the vast majority of the proposal for Washington County. He

Tom Black, 870 NW Garibaldi Street, Hillsboro, Oregon, wished to establish precedent relative to LCDC because he thinks a higher court than the Board will respond to this. His concern was with Area 8A—2,700 acres that are north of Evergreen, south of Highway 26 and bordered by areas between Jackson School and Glencoe on the west and Shute Road on the east. Mr. Black stated that it is significant because it is foundation farmland. He also objected to Area 8B, which is also foundation farmland, and the undesignated land that is north of Highway 26 that were the additional areas that were the swap/trade between the other parcel north of Cornelius. Mr. Black said that there are other alternatives: they can be the areas that are conflicted designated areas or some of the undesignated areas—most being in the south end of the County. He summarized that we have prime farmland, most Soil Types I or II, that we are now going to put in the target site of development. Mr. Black felt that that was the worst thing to do because future generations will have to eat from land somewhere. He said that it seems that we are constantly going forward with different assorted maps. Mr. Black wanted to have more collaboration when we start these ventures and to bring more people to the table.

Cherry Amabisca, 13260 NW Bishop Road, Hillsboro, Oregon, did not speak tonight but submitted two folders of written and electronic testimony regarding Ordinance 740 into the record. Submissions included the following:

Washington County Farm Bureau:

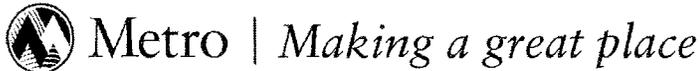
- Memo and photos: Ag infrastructure costs, field tiling, dated April 25, 2011
- Memo and photos: Opposition to Area E as proposed “undesignated” dated April 25, 2011
- Letter and maps: Farm Bureau Recommendations, resubmission with enhanced map, dated April 19, 2011
- Letter with attachments: Urban/Agriculture Conflicts, Lack of Good Edges dated April 21, 2011

Save Helvetia:

- CD: WaCo Reserves Record for Ord. No. 733 dated June, 2010
- CD: Ordinance No. 740 Testimony from Save Helvetia and Washington County Farm Bureau with hard copy of Index of contents

Hard copies of the following:

- Memo and photos: Area 8B dated April 25, 2011
- Letter to DLCD dated April 25, 2011
- Memo and photos: Area 8D as Urban Reserves jeopardizes farming dated April 25, 2011
- Memo and photos: Area 8D dated April 25, 2011
- Memo and photos: Area 8B Historical House dated April 25, 2011
- Memo and article: CPO 8 registers opposition to urban reserves dated March 15, 2011
- Memo and photos: Area 8B Atfalati Cultural Site dated April 25, 2011
- Memo and handout: Area 8D Board Guidance dated April 25, 2011
- Memo and soil survey: Bendemeer neighborhood dated April 25, 2011
- Memo and advertisements: Land speculation prices dated April 25, 2011



April 29, 2011

Mayors and County Chairs:

The Metro Council has directed me to deliver a recommendation to the Metro Council and the region for addressing the residential and large-site industrial capacity gaps identified in the 2009 Urban Growth Report. As you know, last year Metro staff initiated an assessment of the suitability of urban reserve areas for possible inclusion in the urban growth boundary (UGB) prior to the Land Conservation and Development Commission's partial remand of the urban and rural reserves in October 2010. Now that Metro and Clackamas, Multnomah and Washington counties have re-adopted urban and rural reserves for the region, it is time to re-start the assessment of the urban reserves for possible inclusion in the UGB.

I've attached a map indicating the study areas that were initially assessed by Metro staff in 2010. Also identified on the map are those supplemental areas that jurisdictions requested, which were also included as study areas by the Metro Council. These study areas will be carried forward for this year's efforts. With this email I'm inviting you to submit any additional urban reserve areas that you would like considered as part of the growth management discussions this fall. Local government support is critical for provision of infrastructure, governance, and planning, which is why I'm asking that all additional areas for consideration be sponsored by local governments.

I am requesting that all submittals be received by my office by **Friday, May 20, 2011**. All proposals received will be forwarded to the Metro Council for their determination of urban reserve areas to be studied. This decision will be made on May 24, 2011. The Council's determination of urban reserve study areas will provide the basis for my recommendation, which is scheduled for July 5, 2011. Your submittals should include the following:

- A formal letter of support from the governing body of your jurisdiction;
- A map of the subject area; and
- An assessment of how the subject area is responsive to Metro's legislative UGB amendment criteria, contained in Metro Code Section 3.07.1425(C), which is attached.

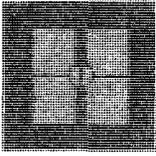
Thank you for your continued partnership and please contact me if you have any questions. Your staff should contact Tim O'Brien, Principal Regional Planner at Tim.O'Brien@oregonmetro.gov or 503-797-1840 to discuss details regarding the assessment process.

Sincerely,

Dan Cooper

Acting Chief Operating Officer

CITY OF HILLSBORO



May 5, 2011

Mr. Dan Cooper
Metro
Acting Chief Operating Officer
600 NE Grand Avenue
Portland, OR 97232

RE: Additional North Hillsboro Industrial Areas UGB Expansion Study Request

Dear Mr. Cooper:

In response to your April 29, 2011 notice and inquiry, **we request that a "Groveland Road Urban Reserve Area" (404 acres) be studied for potential 2011 industrial UGB expansion consideration.** Our request stems from the following recent chain of events:

In 2008-09 MPAC recommended that Metro consider a Regional 20-year UGB demand for between 200 – 1500 additional acres of land for large industrial sites. The 2009 Urban Growth Report (UGR) identified that land-need range. (Concurrently, the Region tried unsuccessfully to form a UGB large industrial site replenishment system.)

Based on the UGR, the COO recommended that at least 310 acres of land in North Hillsboro area immediately south of US Hwy 26 be added to the UGB for large industrial lots, and that additional land south of Hwy 26 and south of Waibel Creek be considered for UGB expansion if more land will be needed for large industrial sites in the Region. These potential UGB employment areas were studied by Metro staff in 2010. Study findings describe comparatively favorable performance of the 310-acre site in terms of employment site suitability and infrastructure services capacity.

In response, Hillsboro strongly agreed with the COO 310-acres recommendation but asked the Metro Council to add about 670 acres south of Hwy 26 to the UGB for large industrial sites: Johnson Reid LLC, CH2M/Hill and local industrial brokers market research confirms that the Portland Region needs a steady, development-ready large industrial site land supply of 1200 acres to become and stay competitive with other US Regions seeking to attract new anchor industries.

Mr. Dan Cooper
Metro
Acting Chief Operating Officer
May 4, 2011
Page 2 of 3

In 2010, the Metro Council adopted a **Capacity Ordinance** stating its *"intent"* to add **"approximately 310 acres of land suitable for industrial development in order to accommodate the demand (the aforementioned 200-1500 acres large sites range) identified in the 2009 UGR for large sites"**.

Hillsboro filed an objection to LCDC acknowledgement only to this specific item in the Ordinance on grounds that it violates State UGB Rules by: 1) failing to be based on the "best available information and technologies" (i.e., the aforementioned market studies and expert testimonies) and 2) failing to show that combining the 310 acres UGB expansion with a supply of large sites in the existing UGB would yield an "adequate" 20-year UGB large industrial site land supply. **We proposed an LCDC-ordered remedy that Metro cure these failures in 2011 by adding 670-1200 acres of land to the UGB for large industrial sites (in 2011).**

Regional Urban Reserves discussions throughout 2009-10 kept most prospective North Hillsboro area employment Urban Reserves designations south of Hwy 26. **This month, the Region approved a 404-acres employment-oriented Urban Reserve designation north of Hwy 26 covering a land area described below as the "Groveland Road Area".** This change prompted this additional UGB areas study request.

The "Groveland Road Area" (See attached Map) This Area should be studied because its location and features list below are consistent with many of the UGB need factors in Metro Code 3.07.1425(C):

- A recent CH2M/Hill market-competitive, industrial site analyses identify much of **this Area as the top- rated, nationally-competitive Regional opportunity site in the Silicon Forest** for large "anchor-level" industrial companies in high tech, silicon solar energy manufacturing and bio-pharma traded sectors.
- **This Area would be the least costly to serve with infrastructure** compared to most other known prospective industrial UGB expansion areas in the Region.
- **A part the Area closer to the Brookwood Avenue/US Hwy 26 Interchange is needed to build trip capacity improvements to the Interchange, itself, and new and expanded nearby arterials and collectors** (i.e., Meek Road, Jacobsen Road, Schaff Road, Huffman Road, Groveland Road, proposed NW 273rd Avenue Overpass). This "bundle" of Interchange/roadway improvements is needed to make the Interchange capacity improvements function properly. State Planning Rules prohibit taking State Goal 3 exceptions in Urban Reserve areas to build such roadway facilities.

Mr. Dan Cooper
Metro
Acting Chief Operating Officer
May 4, 2011
Page 3 of 3

- Along its entire westerly edge this **404-acre area is shielded from intensive farming uses and crop production Rural Reserve areas by a wide riparian/upland forested area and "undesignated lands"**. West Union Road forms a distinct northern edge to the area which could be widened by regulatory buffers to create wide gaps between any future employment activity in the area and farm uses north of the Road.

Our UGB study requests reflect our latest thinking about North Hillsboro Urban Reserves land that are better suited for industrial large sites UGB expansion consideration based on recent Reserves discourse and decisions.

I've asked our staff to request meetings between me and each Metro Councilor sometime in May-June (and concurrent Hillsboro-Metro staff-level meetings) to discuss these matters. Hopefully, we will be able convey our determination to do what's needed to pursue vitally needed industrial UGB expansions in North Hillsboro for the future growth and success of the traded sectors in the Silicon Forest.

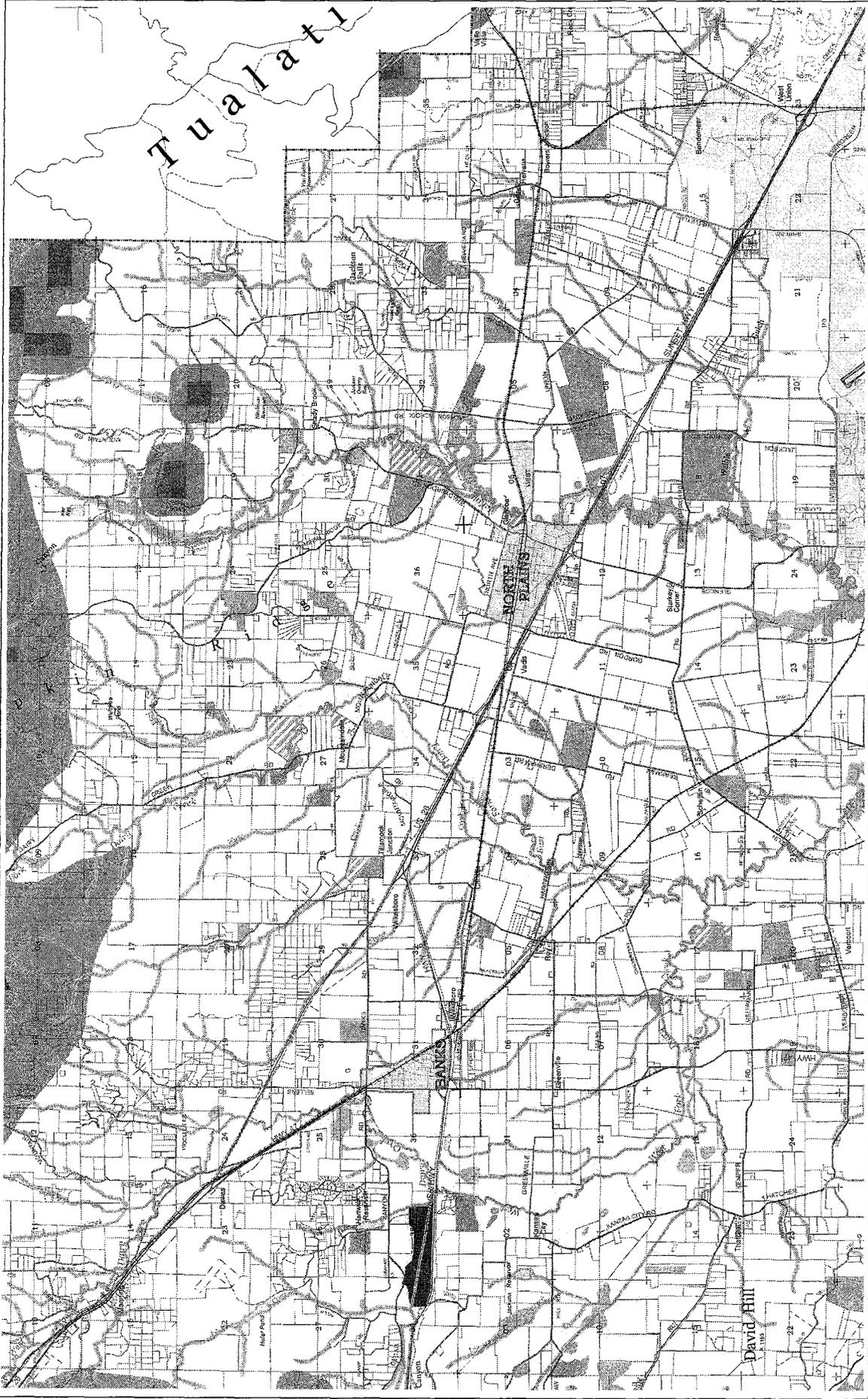
Sincerely:

CITY OF HILLSBORO:



Jerry W. Willey
Mayor

Enclosures



Index Map # 4
Updated December 2007

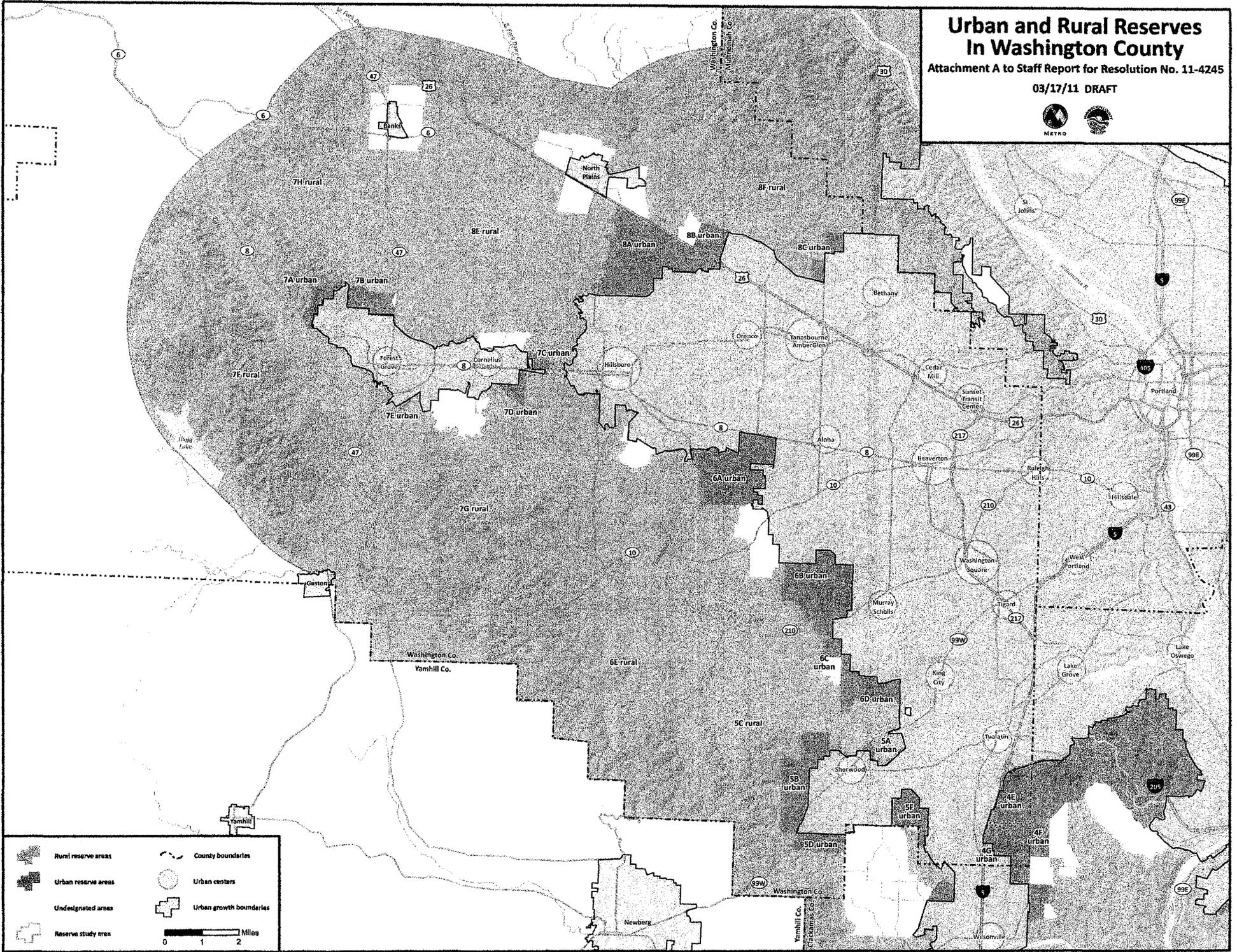


Scale 1:60,000

Urban and Rural Reserves In Washington County

Attachment A to Staff Report for Resolution No. 11-4245

03/17/11 DRAFT



	Rural reserve areas		County boundaries
	Urban reserve areas		Urban centers
	Undesignated areas		Urban growth boundaries
	Reserve study areas		

0 1 2 Miles