

**MINUTES**

**METRO COUNCIL AND BOARD OF COMMISSIONERS JOINT HEARING**

**MARCH 15, 2011**

**CONVENED:** 10:15 a.m.

**BOARD OF COMMISSIONERS:**

Chairman Andy Duyck  
Vice Chair Roy Rogers  
Commissioner Dick Schouten  
Commissioner Greg Malinowski  
Commissioner Bob Terry

**METRO COUNCILORS:**

Council President Tom Hughes  
Councilor Shirley Craddick  
Councilor Carlotta Collette  
Councilor Carl Hosticka  
Councilor Kathryn Harrington  
Councilor Rex Burkholder  
Councilor Barbara Roberts

**COUNTY STAFF:**

Robert Davis, County Administrator  
Dan Olsen, County Counsel  
Andrew Singelakis, Director, LUT  
Brent Curtis, Planning Division Manager, LUT  
Andy Back, Principal Planner, LUT  
Bill Gaffi, General Manager, CWS  
Margot Barnett, CPO Coordinator  
Jim Thiessen, Audiovisual Technician  
Barbara Hejtmanek, Recording Secretary

**METRO STAFF:**

John Williams  
Richard Benner  
Alison Kean Campbell  
Tim O'Brien

**PRESS:**

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

**A.1. ACTION – LAND USE AND TRANSPORTATION**

RO 11-15

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

Roll of both governing bodies was called.

Chair Duyck indicated that the first order of business today is the consideration of an intergovernmental agreement between Washington County and Metro concerning urban and rural reserves. He mentioned that although this is not a public hearing for Washington County, the County does have guidelines for holding a public hearing for Ordinance 740—a companion piece to this—later in this meeting. Chair Duyck said that

the Board is holding a joint meeting with Metro Council so that the Board hears what Metro hears. He announced that all of today's testimony will be rolled into the record for Ordinance 740 later in the meeting.

Chair Duyck stated that Metro's practice *does* involve conducting a public hearing about the reserves agreement today. He proposed that Council President Hughes conduct the public hearing on the reserves IGA. In addition, Chair Duyck proposed that the Board allow any testimony during Metro's public hearing on the IGA to also be made a part of the record for the county's Ordinance 740. He said that by taking this approach, we can economize the public's time.

Hearing no objections from his Council relative to the process outlined by Chair Duyck, Council President Hughes was ready to proceed as described.

Chair Duyck asked those wishing to speak today to sign in and for written testimony to be submitted to the Board Clerk.

Council President Hughes opened the public hearing and asked for a joint staff report.

Brent Curtis, Planning Manager for Washington County, reviewed that the three counties of the region and Metro adopted a series of IGA's and conforming land use ordinances that provided for a proposal for rural reserves and urban reserves last year and submitted them to LCDC for review. He recalled that that review occurred in October over a couple of hearings and ultimately LCDC found that the proposal was acceptable for the vast majority of the regional proposal for urban and rural reserves and met the requirements of the law. Mr. Curtis specified that this was particularly true for the urban and rural reserves for Clackamas and Multnomah counties. He stated that for the most part, LCDC found that Washington County's proposal met the requirements of the law and was consistent with the planning requirements laid out by the State, with several exceptions. Mr. Curtis said that these exceptions were primarily in the Forest Grove – Cornelius area. He reported that LCDC provided an oral remand to the region to look at two areas specifically:

1. The area north of Cornelius. There was an original proposal of 623 acres north of Cornelius that was proposed to be urban reserves. LCDC found that that original proposal was not acceptable and they remanded it for further action by the region.
2. An area north of Forest Grove. LCDC was concerned that this 508 acres have better analysis and findings of fact about Council Creek—where exactly Council Creek was, how it helped organize urban reserve designations and how it would affect other designations.

Mr. Curtis summarized that the oral remand found fault with two areas in Washington County but not with a substantial amount of the other areas in Washington County that were proposed as urban or rural reserves. He said that the Commission provided the opportunity for Metro and Washington County to look at these two areas and allow the

bodies to propose replacement of lost urban reserves with other areas. Mr. Curtis stated that the Commission also provided the opportunity for the region (Metro and Washington County) to think again about undesignated lands. He said that those two opportunities are reflected in the fact that they sent back the entirety of the rural reserves to provide that flexibility.

Mr. Curtis said that since that time, there has been a lot of discussion between the two governments on an informal basis about how to respond to the oral remand. He stated that recently, Council President Hughes and Chair Duyck worked together to come up with a proposal for consideration by the Metro Council and the Washington County Board (and the other two governments in the end) as a response to that. Mr. Curtis said that the Duyck-Hughes Proposal is represented by a map, which was displayed to the Council, Board and audience. He identified the following areas on the map:

- Area A: the area north of Forest Grove
- Area B and C: the area north of Cornelius
- Area D: the Helvetia area
- Area E: Rosedale Road south of South Hillsboro

#### Area A:

Mr. Curtis said that the issue north of Forest Grove was about Council Creek, its location and how it organized things in regard to reserves. He reported that there was an emerging consensus from LCDC that Council Creek was an important entity for organizing things and it was important to be north of Council Creek as a differentiation point. Mr. Curtis said that what is interesting about Forest Grove is that there is another east/west drainage area. He stated that Council Creek runs north and south. Mr. Curtis said that the original 500-acre area is, in the main, left as urban reserves and he showed on the map 28 acres of undesignated lands east of Council Creek (this uses Council Creek as the buffer).

#### Area B and C:

Mr. Curtis identified this as north of Cornelius. He recalled that this area was originally recommended and was in front of LCDC as urban reserve. Mr. Curtis reviewed that LCDC rejected that designation. He said that the Duyck-Hughes Proposal recommends that the area that is west of Susbauer Road (approximately 430 acres) be designated as rural reserve. Mr. Curtis stated that the area east of Susbauer Road is recommended undesignated in this proposal. He pointed out on the map the distinct boundaries of Dairy Creek, existing exception areas and the fact that it is differentiated from the area to the west, which has larger lots.

Area D:

John Williams, Deputy Director, Planning and Development Department, Metro, identified this as a new urban reserve of 585 acres. He said that this is land north of Highway 26, south of NW West Union Road and west of NW Helvetia Road that was previously undesignated area. Mr. Williams reported that the proposal is to convert this to urban reserves. He said that the land is flat topographically, adjacent to significant transportation facilities and provides a suitable alternative for employment or housing uses in the future to make up for the previously identified urban reserve area north of Cornelius. Mr. Williams stated that as part of the discussion through the reserves process, there was quite a bit of discussion from leaders in Hillsboro and Washington County that they have the willingness and financial capacity to provide essential services to this area someday, should the region need this land.

Area E:

Mr. Williams described this as a 383-acre undesignated area proposed south of SW Rosedale Road and north of SW Farmington Road adjacent to the South Hillsboro urban reserve area. He recalled that this land was previously in front of the Commission as rural reserve but is proposed on this map as undesignated land to provide additional flexibility if it is ever needed for urban development south of Hillsboro and near Beaverton.

Mr. Williams reported that the total acreage in Washington County would be 13,745 acres of urban reserve and 151,372 acres of rural reserve. He said that this would contribute to a regional total of 28,476 acres of urban reserve and 266,791 acres of rural reserve regionally.

Speaking to the process, Mr. Williams stated that today's discussion regards a proposed Intergovernmental Agreement between Metro and Washington County, which would adopt the changes described. He said that if that is adopted today, each jurisdiction would move forward to adopt the reserves designation formally as was previously done. Mr. Williams stated that if we move forward today, the following additional hearings will occur:

Washington County	March 29, 2011	Evening hearing
	April 19, 2011	Day hearing
	April 26, 2011	Evening hearing
Metro Council	April 14, 2011	First reading of ordinance
	April 21, 2011	Second reading and public hearing

Mr. Williams asked Metro Councilors to adopt a revised Resolution today, which has been revised to specify the April 21<sup>st</sup> hearing date. He said that Multnomah and Clackamas counties will be taking action to adopt findings of fact and total acreages

reflecting the decision made today. (Those actions would be taken in April.) Mr. Williams stated that a package would then be submitted jointly to the State in May. His understanding was that if we are able to get that package down as soon as possible in early May after we have all completed adoption ordinances and action, the Commission would be able to hear this in August of 2011. Mr. Williams indicated that the urban and rural reserve decision is the baseline from which the Metro Council would be making an Urban Growth Boundary decision in 2011. He said that if the Council so moves to make an Urban Growth Boundary expansion, the areas used would be urban reserves—including possibly some shown on the map here today.

Relative to Area A, Councilor Hosticka understood that the logic for not going to rural reserve in the yellow area on the map has to do with transportation improvements.

Brent Curtis explained that because this is an IGA and then we have to convert it to land use, we are still doing the updated analysis. He said that the way the County has worked in the past is to work very closely with adjacent cities. Mr. Curtis pointed out that Verboort Road, Purdin Road and Highway 47 make up an important area. He said it is important to think ahead about the transportation improvements that would be needed for all kinds of purposes. Mr. Curtis stated that because Highway 47 is a state highway, it has a degree of importance to the state as well. He said that undesignated land provides a degree of opportunity to envision and move forward, if roadway/intersection improvements are needed there.

Councilor Hosticka asked how this proposal differs from what was submitted to LCDC in terms of additions or subtractions to urban and rural reserves.

Mr. Williams replied that it is very similar in acreage to the previous proposal. He said that the answer is complicated because the totals have changed a little due to work that Washington County staff has done with Metro mapping staff to adjust tax lot acreages. Mr. Williams reported that the new proposal contains 43 more acres of rural reserve and 67 acres less of urban reserve. He explained that if you look at the totals countywide, you won't see those numbers exactly because the GIS data numbers are a little different.

Councilor Collette wanted to know why it is recommended that Area C be undesignated.

Brent Curtis observed that this is a fine and an important point. He believed that LCDC said that it cannot be urban reserve. Mr. Curtis noted that this left us with the options of undesignated and rural. He said that the Commission spoke about replacing urban reserve lost in this area and about providing an opportunity to Metro and Washington County about more undesignated lands. Mr. Curtis stated that those points were what began to suggest looking at this area in a finer sense in order to understand what was going on there and also looking to the notion of risk management going forward. He said that this contributed to the proposal in front of us today: the larger area to the west as rural reserve (which clearly responds to the LCDC oral remand) and the area to the east

which has the smaller lots, the exception areas, as undesignated (that responds to the opportunity to look again at undesignated lands and the broader context of the issues associated with the City of Cornelius).

Councilor Collette asked if some of that land is exception land and not defined as foundation farmland.

Mr. Curtis responded that he believes that all of it is foundation farmland. He was aware that part of it is exception lands. Mr. Curtis explained that exception lands were originally established in the original acknowledgement. He said that in Washington County, there are two ways to get exception lands: reasons exception or developed and committed. Mr. Curtis clarified that there are no reasons exceptions on EFU land in Washington County; there is only developed and committed. He said that was a reflection in the early 1980's of the fact that there are a bunch of small lots, different ownerships that were managed in different kinds of ways and they qualified as built and committed exceptions too—Goal 3. Mr. Curtis stated that foundation land came much later in the process and that broad regional analysis did not look at lot by lot kinds of considerations. He said that it is not easy, therefore, to compare the conclusions. Mr. Curtis stated that it is important that the urban and rural reserve system that we are trying to put into place replaces an old system that is very dependent on exception lands. He said that that old system—in the absence of urban reserves—would go to exception lands first.

Councilor Burkholder asked if there was guidance in the rule about what undesignated actually was intended to be.

John Williams replied that in the rules, the purpose of urban reserves is described and the purpose of rural reserves is described. He acknowledged that there has been a lot of discussion about undesignated lands and different rationales for making land undesignated. However, Mr. Williams said that we are working with the factors for the urban reserves and the rural reserves; the undesignated lands are the other areas.

Brent Curtis stated that there is clearly a relationship between need for urban land in the long term and urban reserve designations. He said that there is no such requirement for rural reserves. Mr. Curtis went on to say that there is no minimum standard for rural reserves, there is no need for rural land; there is only the requirement that if you designate urban reserves, you must designate *some* rural reserves. He stated that interpreting all of those things means that there is an absence of real direction in the law and in the administrative rule about undesignated. Mr. Curtis said that a lot of people have thought about what undesignated means and the kinds of opportunities it could legally and rightfully assume under the existing structure.

Commissioner Schouten commented that another way to look at undesignated land is land that will continue to have the status that it does today.

Commissioner Malinowski referenced a comment earlier about the necessity of putting Area A as undesignated due to road improvements. He said that he used to drive through EFU land on Cornelius-Schefflin a lot and noted that a lot of improvements have been made on that road. Commissioner Malinowski therefore did not see how making that rural reserve would preclude the traffic improvements along it.

Brent Curtis observed that Cornelius-Schefflin is further to the east and recognized that there have been county improvements on it. He said that one of the things that came along with urban and rural reserves was a set of provisions that you cannot take a plan amendment if you are rural reserve or urban reserve. Mr. Curtis stated that in almost all cases when you do an intersection improvement, you have to amend the plan because the improvement goes outside of the right-of-way. He explained that when land is urban reserve or rural reserve, we cannot make the plan amendment to effectuate the roadway improvement. Mr. Curtis clarified that that same set of provisions does not apply to undesignated lands; adjustments can be made under the Transportation Planning Rule to make an improvement there. He said that the Cornelius-Schefflin improvements that were made were done way before we had an urban reserve/rural reserve construct and this 'no plan amendment' proviso.

Commissioner Rogers noted that during the Planning Commission hearing, there was a slight variation on the map that is before Metro and the Board today. He asked staff to describe this further.

Brent Curtis reviewed that the Planning Commission recently met regarding an item considering Ordinance 740. (This is on the Board's agenda later today.) He said that Ordinance 740 conforms to and gets its substance from the IGA that the Washington County Board adopted in mid-December. Mr. Curtis clarified that this is not the IGA proposal that is front of Metro and the Board now; nor is Ordinance 740. He said that because IGA's and conforming land uses go together, at least for the Board, these matters are relevant. Mr. Curtis recalled that the Planning Commission had Ordinance 740 in front of them but they also had the benefit of the Duyck-Hughes Proposal, the map and the letter. He reported that the Planning Commission also took a substantial amount of public testimony from people in the area of Cornelius. Mr. Curtis said that those people offered up a map solution to what is Area B and C. He stated that they identified Area 7I\*. Mr. Curtis said that Area 7I is the mapping nomenclature for what went to LCDC; the asterisk means that it is an adjustment proposed by the City of Cornelius. He indicated that it is approximately a 350-acre piece that goes across Area B and C and leaves that boundary above the 350 acres rural reserves and has the line below it as urban reserves. Mr. Curtis stated that the Planning Commission also made an adjustment in Area D: they proposed to adjust it to undesignated. He mentioned that the entire packet of information on Ordinance 740 from the Planning Commission hearing is in the packet today, including the Cornelius proposal.

Councilor Hosticka wished to correct Commissioner Schouten's statements about undesignated. His own understanding is that under current law, if the Metro Council is

looking to expand the Urban Growth Boundary, we go to urban reserves first and then exception land. Councilor Hosticka said that if an area was exception land as an undesignated, it now goes to second place—not first place—behind urban reserves. He thought that there is a change by adopting this whole thing in how we would treat lands that are in the undesignated category from how we would treat them absent urban and rural reserves.

Brent Curtis agreed that from a growth management point of view, Councilor Hosticka is exactly right. He said that from a day to day management point of view, the zoning remains exactly the same and it is managed in that kind of way on a day to day basis. Mr. Curtis stated that those two finer points are a good explanation of where you are left there.

Council President Hughes said that in the undesignated area where plan amendments are still allowed, you could have some changes in what is allowed under the zoning, whereas in urban and rural reserves, no change would be allowed until the urban is brought into the Urban Growth Boundary and essentially annexed into a city or taken into the county.

Mr. Curtis stated that, in general, that is a fair characterization. He explained, though, that it is extremely difficult to get a plan amendment to change any kind of provision outside the Urban Growth Boundary. Mr. Curtis said that while theoretically you can still ask for a plan amendment in undesignated, it is very, very difficult to get that plan amendment.

Councilor Harrington clarified that State land use laws and all of the county particulars apply to a plan amendment for a piece of rural property that is not in an urban reserve or a rural reserve. She said that you are dealing with a steep curve there and added that it is similar to what exists today in that if a property owner wants to do something on a piece of rural land, they have to go through a complex process dealing with the state land use laws. Councilor Harrington commented that that level of complexity will continue to exist.

Commissioner Schouten asked if it would be necessary to turn a piece first into urban reserve before it can go into the Urban Growth Boundary or if it can go directly from undesignated inside the Urban Growth Boundary lines in a situation where you have something undesignated and at some point we look to include it inside the Urban Growth Boundary lines because everything else has been exhausted.

John Williams responded with his opinion that it could go directly from undesignated inside the Urban Growth Boundary if you followed the priority statute that has been discussed.

Dick Benner, Metro Attorney, stated that in the priority statute, first priority for expanding the Urban Growth Boundary, we go to urban reserves (if we have them) first.

He said that if there is some reason that we cannot meet that need in the urban reserves that we have (and that would be a very difficult demonstration to make), then you can turn to land that is not designated urban reserve. Mr. Benner clarified that if you do that, you go to exception land first.

Council President Hughes stated that that refers to urban reserves anywhere in the region and emphasized that we look at this as a region.

Dick Benner agreed with Council President Hughes' assessment. He said that if you have urban reserves anywhere and you are thinking about adding to the UGB in a part of the region, you have to show that the urban reserves—wherever they are in the region—cannot satisfy that need.

Councilor Craddick asked if the lands we are looking at modifying are foundation or exception lands. She specifically inquired if Area D is exception or foundation land.

John Williams replied that these are all foundation lands. He said that there may be pockets of exception land in some of the foundation land. Mr. Williams reviewed that the foundation land is a designation created by the Oregon Department of Agriculture in a study that was done predating the urban and rural reserves work.

Councilor Craddick wanted to know what percent of the total acreage for all of the Metro region is urban reserves in growth over the next 40 years if we bring in all these lands according to this proposal. She asked about the percent change if we expanded totally into our urban reserves that we are looking at today to add to the rest of the urban reserves over the next 40 years.

John Williams replied that it would be about an 11% addition to the existing Urban Growth Boundary.

Commissioner Malinowski said that we are taking up more than half of the original foundation lands in Washington County already for urban uses.

Brent Curtis did not believe that to be true. He stated that we are taking some foundation lands but that it is not half of the foundation lands. Mr. Curtis clarified that virtually all of Washington County is foundation lands. He did not think we are taking close to half and maybe not even close to one-quarter.

Commissioner Malinowski was counting the footprint of Beaverton and Tigard. He said that he is not saying that we divide the existing pie in half; rather, he is referring to the original pie.

Mr. Curtis observed that that is a different question. He said that foundation lands are mapped outside of the pre-existing Urban Growth Boundary. Mr. Curtis stated that this would not include an assessment of the soils that have already been built over.

Commissioner Malinowski recalled that back when we did exception land, we assumed that five to ten acre lots simply were not viable as a farm and that there was no way to make a living on them. He thought that it is pretty well accepted that five to ten acre lots—even though we may call them exception—could be a very viable farm.

Mr. Curtis noted that this goes back to a 1980's analysis. He reviewed that there was—and continues to be—debate about how much land it takes to generate a farm income to support a family. Mr. Curtis said that it is all dependent upon the crops you grow and the kind of attributes that are available to assist in farming—the soils, the water, and other inputs. He stated that that debate probably will go on in Oregon forever as what is the viable average or minimum size for a farm. Mr. Curtis remarked that this is not what the question was when we addressed exception lands. He recalled that the original Goal 3 said that we have to save and designate as preserving for farm use Classes 1 through 4; virtually all of Washington County was Classes 1 through 4. Mr. Curtis explained that the areas that were exceptions did not have anything to do under the law with the viability of making an income. He stated that what it had to do with was identification of lots or uses or patterns of lots and patterns of uses that made it impracticable for those to be actually preserved and operated as farms for the long term. Mr. Curtis stated that they were built and committed exceptions to the underlying soil requirement. He said that that was what the original inquiry was; it did not have to do with farm incomes. Mr. Curtis stated that later, farm incomes came in when the State decided to look at how you provide housing to farmers. He said that you can have some pretty dramatic incomes on some pretty small parcels but those tend to be the exception. Mr. Curtis stated that for other crops, you need very large parcels to generate incomes.

Commissioner Malinowski remarked that we have moved past the point where we knew for sure that five acres was useless for a farm.

Mr. Curtis said that as a practical, but not legal, matter, most people would not accept five acres as being a zone that would protect farmland going forward.

Commissioner Malinowski said that we should not necessarily say that these are useless.

Mr. Curtis agreed that many farms operate on small acreages.

Council President Hughes opened the public hearing and set forth the time limits as three minutes for individuals and twelve minutes for groups.

Dan Sheldon, Owner and CEO, Sheldon Manufacturing, 300 N. 26<sup>th</sup> Avenue, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He stated that his firm produces laboratory equipment that is distributed all over the world. Mr. Sheldon said that his company is a successful, high technology, clean and green industry that has flourished in Cornelius for 32 years. He related that he has sometimes driven his bicycle 16 miles to work and wants his employees to have the opportunity to walk and ride bikes also. Mr. Sheldon said that when thinking of a major expansion several years

ago, he was thwarted by the fact that there was very limited suitable land in Cornelius for development and that it was not for sale at a reasonable price. He stated that in 2007, he joined the Chamber of Commerce speaking in favor of addition to Urban Growth Boundary north of Cornelius for industrial development, which was approved and then disapproved later. Mr. Sheldon preferred to stay in the community because his trained workforce is here but said he will be unable to do so if there is not a bigger place to move. His hope was that a space would be available when needed. Mr. Sheldon reported that his firm has made two significant changes so far this year: 1) It hired an international sales rep away from its largest competitor with the intention of doubling international sales in the coming year and 2) It purchased the assets of another company in San Antonio, Texas and will move those operations to Cornelius in the near future. He stated that the City of Cornelius has been built out to its boundaries for several years. Mr. Sheldon said that in cooperation with the County, Metro and property owners, the case has been made for a reasonable amount of land for future urban development—specifically industrial development. He did not know why the government changes its mind about these areas at the last minute. Mr. Sheldon did not want Washington County to change its mind in its Comprehensive Plan again and take away the new life blood that was approved last year. He said that if the region does not allow some room for this community, industrial development (which means jobs) will stall in Cornelius. Mr. Sheldon stated that if Washington County and the region want to attract more companies like Sheldon Manufacturing to locate and expand for jobs and economic growth, there need to be choices like small city locations, not just along Sunset Highway. He asked that land be put back on the urban reserve map north of Cornelius, like the 350 acres shown on the city's drastically-downsized request map.

Commissioner Malinowski asked what size lot Mr. Sheldon is looking for.

Mr. Sheldon responded that he presently has about 50,000 square feet with about five acres and that he hopes to double that.

Commissioner Malinowski felt that Mr. Sheldon may receive phone calls by tonight.

Councilor Collette recalled that some Councilors or Board members toured Mr. Sheldon's facility last year. She wondered if Mr. Sheldon has had a chance to look at the lands around Cornelius that were brought into the urban reserves last year. Councilor Collette asked if any of this works for his business.

Mr. Sheldon said he has not looked at that lately.

Councilor Collette stated that she would love to see Mr. Sheldon stay in Cornelius and grow there.

Jerry Willey, Mayor, City of Hillsboro, 150 E. Main, Hillsboro, Oregon, related that the City of Hillsboro is in support of the Hughes-Duyck map and of the work that has gone on for three years. He felt it is important to try to envision what we want to accomplish

in making the greatest place over the next 40 or 50 years. Mayor Willey recalled that when he moved here in 1983, the City of Hillsboro had 27,000 people and was suffering through an economic downturn. However, he said that the City of Hillsboro was still working on developing the city of the future. Mayor Willey stated that the only way you do that is with opportunity, land and know where you need to plan. He said that we need to identify in this process where we are going to be able to plan for future growth. Mayor Willey acknowledged that it is difficult to envision a 50-year snapshot but said that from 1983 to now, the City of Hillsboro has spent an inordinate amount of time trying to make sure we plan for livability as well as employment opportunities. He spoke in favor of focusing on visionary planning today. Mayor Willey said that this is not about Hillsboro but rather about the state, employment opportunities for the region, raising the family wage, and having employment land as well as livability and sustainability.

Denzil Scheller, 253 E. Main Street, Hillsboro, Oregon, represented the Board of the Hillsboro Chamber of Commerce. He reported that the Hillsboro Chamber supports this proposal. He said that planning for a 50-year horizon has been a daunting task. Mr. Scheller stated that it is extremely important to ensure that we have hit our mark as accurately as possible. He said that we are focusing today on 585 acres of land for urban reserves, which is less than the original proposal by about 67 acres. Mr. Scheller stated that the Hillsboro Chamber has participated in and supported the process all along the way. He said that supporting business—whether industry or agriculture—was the goal; he believed that this has been achieved with the latest proposal. Mr. Scheller stated that we knew at the beginning that a perfect map could not be drawn and that negotiations would be necessary. He encouraged support of this proposal as expediently as possible.

Steve Bobosky, 21393 NW West Union Road, Hillsboro, Oregon, utilized a PowerPoint presentation, which may be found in the Meeting File and which included a map of his property. He indicated that he is located in the Bendemeer neighborhood, which is the exception area subject to Goals 3 and 4. Mr. Bobosky said that the entire Bendemeer neighborhood has been designated as rural reserve. He stated that he is across the street from property owned by Intel. He described Bendemeer as a residential neighborhood with over 60 homes of about one acre each. Mr. Bobosky pointed on his map to industrial areas, one of which has allegedly been contaminated with PCB. He said that Bendemeer is adjacent to Cornelius Pass Road, which is a 5-lane road, and is across the street from potential Intel growth. Mr. Bobosky claimed that Washington County Board of Commissioners made a blatant mistake designating this land as rural reserve and asked that this be fixed. He believed that this should be urban reserve or at least undesignated. Mr. Bobosky said that if the land is not being farmed, then we should not protect it as rural reserve.

Councilor Harrington understood that Bendemeer is one of many rural residential neighborhoods that are encompassed by the foundation farmland designation from the Oregon Department of Agriculture. She noted that the area Mr. Bobosky suggests be changed in terms of designation goes just north of Bendemeer Road. Councilor Harrington said that just north of there, where Mr. Bobosky cites marginal soils, she is

familiar with a Community Supported Agriculture (CSA) site that has a thriving business on those marginal soils. She stated that Mr. Bobosky's designation of marginal soils does not match the information we have through the Oregon Department of Agriculture.

Mr. Bobosky responded that he received that information from the farmer who farms those soils. Regarding the CSA, he did not know how far this is from the contaminated soil but did know that he would not eat food from there.

Councilor Harrington established that Mr. Bobosky does not know if it is or if it is not.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. He said that the reserves process was supposed to achieve a balance of urban and rural reserves across the region. Mr. Rayhawk stated that when the other two counties pulled out of the joint process, they were effectively stating that Washington County's requests were not in balance. He said that after the original IGA, the County came back with a request for more land in urban reserves—including the Peterkort property. Mr. Rayhawk stated that the latter may open the door for many claimants in other counties due to fairness to get themselves into urban reserves. He referenced reports today of a cougar killing a horse and attacking three others in Aloha. Mr. Rayhawk recalled seeing a cougar two weeks ago just west of his horse stables. He said that if it is the same cougar, it will have passed by Peterkort on the wild animal highway called Abbey Creek and Rock Creek. Mr. Rayhawk provided his opinion that Peterkort is not a good place to put a small suburb with children and pets. He said that staff's explanation suggests that widening Cornelius Pass Road to Highway 30 is going to be difficult since it is all in rural reserves; he wished to see this issue addressed. Mr. Rayhawk recommended that Metro, in order to protect the careful decisions of the other two counties, request that Washington County withdraw all of its late additions, including the recent ones, and the area rejected by LCDC. He said that this will guarantee acceptance by LCDC and it will allow the final results to be defensible as balanced for the region. Mr. Rayhawk stated that otherwise, you are handing legal victories to those who place their personal interests above the common good.

Councilor Harrington gathered that Mr. Rayhawk is opposed to the current proposal that is on the table and he assured her that that is the case.

Phil Duyck, 36600 NW Long Road, Cornelius, Oregon, submitted written testimony on behalf of the Friends of Council Creek, which may be found in the Meeting File. This testimony asked that all farmland north of Council Creek be designated as rural reserves. He testified that the value of this foundation farmland benefits the local and regional economy through agriculture commodities. Mr. Duyck placed a pair of boots filled with dried flowers, chaffs of wheat and oats on the testimony table and identified these as a farmer's boots. He stated that the wheat is from the last harvest the farmer made. Mr. Duyck said the boots are those of a dairy farmer too. He stated that the boots belong to a farmer who started with a small family farm 54 years ago and successfully grew the farm

to its 153 acres north of Cornelius, where it is in operation today. Mr. Duyck recited history of this particular farm and farmer. He said these boots were on the feet of the farmer on a day in December, 2009, where he was found dead wearing the boots. Mr. Duyck shared that these are his Dad's boots. He said that the family's lives are reflected in this farmland. Mr. Duyck stated that it would be a great honor in knowing that this family farm can one day achieve a century farm status—a farm operated by the same family for 100 years. He said that this can be achieved with a decision to place the lands north of the City of Cornelius in rural reserve for the next 50 years.

Councilor Collette thanked Mr. Duyck for sharing his story. She asked if he is in the area north of Cornelius in Area B (proposed for rural) or C (proposed for undesignated).

Mr. Duyck responded that he is located in Area B.

Sheila Griffie, Chair, Cornelius Planning Commission, 3012 N. Holladay Drive, Cornelius, Oregon, distributed a handout, which may be found in the Meeting File. She mentioned that she also serves on the Economic Development Commission in Cornelius, on the Board of Directors for Centro Cultural and is Professor of Marketing at Pacific University. Ms. Griffie recalled that last summer, Metro and Washington County reviewed staff findings and approved an urban reserve that met Cornelius' needs for the next 50 years. She said that between then and now, something was lost in translation. Ms. Griffie believed that things changed dramatically and not for the better. She questioned why that happened. Ms. Griffie stated that Cornelius is small and different demographically from its neighbors. She said that it is well documented that the city is among the poorest in Washington County. She described Cornelius as a low income, minority community that sits between Hillsboro and Forest Grove. Ms. Griffie alleged that Cornelius has been held back for a decade in terms of fair and equal opportunity to develop a healthy community economically and sustainably. She said that in the last 10 years, a major fruit processing business, a hospital, a 50-acre industrial site and business momentum were lost—all for the lack of land. Ms. Griffie referenced testimony today from Dan Sheldon, that Cornelius is at risk of losing his operation as he expands. Given this history, she concluded that Cornelius does not matter in the grand scheme of things. Ms. Griffie stated that Cornelius does not have enough land for jobs for most of its residents who work right now. She said that this causes expensive commutes to Hillsboro and beyond, which is expensive for families and a burden on infrastructure, energy and the environment. Ms. Griffie stated that LCDC's misinformed verbal decision on the urban and rural reserves last October and the County's and Metro's proposal to accept it with no challenge leaves Cornelius with no more land suitable for jobs to meet today's needs—much less 50 years in the future. She said that Ordinance 740 and the IGA as proposed make it impossible for Cornelius to achieve its plans to be whole and sustainable. Ms. Griffie stated that it means that Cornelius will be a burden to Hillsboro, Washington County and the region. She said that by accepting the amendment, this decision will show that viability, employability and sustainability in Cornelius do not matter. Ms. Griffie asked that the compromise be considered and that a decision be made that works not only for Washington County but also for Cornelius.

Councilor Hosticka was a little confused about what Ms. Griffie was proposing.

Ms. Griffie asked that Metro and the Board seriously consider the draft Community Farmland compromise as an alternative to the Hughes-Duyck Proposal.

Commissioner Rogers asked for further clarification.

Ms. Griffie said that her preference is the City of Cornelius' Planning Commission Proposal.

Council President Hughes said that in addition to that proposal for adding back the land in Cornelius, the Planning Commission Proposal also returned the land north of 26 to undesignated.

Ms. Griffie indicated that she supports that as well.

Councilor Collette asked if the land proposed for urban reserves around Cornelius would be suitable for industrial expansion. She understood that there is at least one 60-acre former farm parcel in Cornelius that was designated for industrial that has not been developed. Councilor Collette asked if any of this is developable.

Ms. Griffie replied that the land designated to the south in the City of Cornelius' long range plan is looked at as residential because the city is constricted now both in terms of residential and industrial land. She has not looked at the 60-acre plot but as neither a realtor nor an industrial planner, thought that it would be difficult for her to determine if it is suitable.

Chair Duyck referenced the map called the "Community Farmland Compromise" and asked if it is a compromise between a community and farmland or if it brings different groups that represent farmland to the table to see this as a compromise.

Ms. Griffie hoped that it would be amenable as a compromise to both groups and, in addition, be of benefit to the City of Cornelius.

Chair Duyck gathered that this has not been vetted through any farmland groups yet.

Ms. Griffie responded that there have been discussions. Her hope was that they would not *oppose* it, particularly when it comes to the border of the Council Creek issues. Ms. Griffie did not expect that they would wholeheartedly applaud it but she also hoped that they would not block it.

Chair Duyck's effort to clarify this was because he knew that some might read into this that it has already been vetted and that the farmland community buys into it.

Commissioner Malinowski asked about the 60-acre undeveloped parcel in the community and asked if it is being held for residential.

Ms. Griffie said that to the south, there is an area in the long range plan that has been designated as residential and that there are some issues in terms of topography which would make it not suitable for industrial. She did not have any comments on the 60-acre parcel.

Commissioner Malinowski said that he used to work for a company that was next door to what was then Merix. He recalled that there are a couple of industrial sites on that side of Forest Grove, which is close to the City of Cornelius line. Commissioner Malinowski stated that one of those buildings has been vacant for a number of years. He noted that Cornelius changed its downtown commercial area and moved it off to the Walmart side; he thought that most of their commercial activity is happening there.

Ms. Griffie disagreed. She stated that the Walmart is at the western edge of the community. Ms. Griffie said that as you drive into Cornelius now, you will see at 19<sup>th</sup>/20<sup>th</sup> the gateway area (Walgreens and a number of other stores). She clarified that Cornelius did not move its downtown to Walmart.

Commissioner Malinowski recalled when downtown was around Grande Foods.

Ms. Griffie said that Grande Foods has been a casualty of both the recession and the opening of the big store. She stated that the City of Cornelius has a main street plan and is looking at that area as a town center. Ms. Griffie remarked that the improvements made by the Oregon Department of Transportation have really enhanced that area with sidewalks, lighting and benches.

Commissioner Malinowski said that his concern is that Cornelius has an opportunity with vacant lots scattered throughout the city for placement of upscale industrial sites.

Ms. Griffie replied that as staff has talked to different operations that are considering Cornelius, the size of the areas that they are looking for are such that there are really only two areas of new buildable parcels and they are not 60 acres in one particular area that are buildable. She concluded that they are looking for more sizable lots than what is currently available.

Commissioner Malinowski was concerned that there are more opportunities out there right now to get lots than there are people who want to buy them.

Ms. Griffie responded that this is a 50-year plan, not just the next two or three years.

Councilor Harrington indicated that she and Council President Hughes just received the Draft Community – Farmland Compromise information today. She said that it will go into the official record and that she has asked staff to make copies so that everyone will have the benefit of the information for the remainder of today’s meeting. Councilor Harrington observed that through the course of this testimony, there was an assertion that there is a 60-acre property within the existing Urban Growth Boundary. She did not know that Planning Commission members are the right folks for living and breathing the zoning map and the current status of lots. Councilor Harrington thought that questions about that might best be posed to the City of Cornelius staff, who live and breathe those details as opposed to volunteers who serve on Planning Commissions, Economic Development Commissions, etc.

Council President Hughes noted that Richard Meyer is on the list to speak later.

Councilor Harrington requested of her colleagues that they keep their minds open. She observed that we have heard an assertion or assumption but have not fact checked that yet.

Amy Scheckla-Cox, Vice Chair, Cornelius Planning Commission, 1536 S. Ivy Street, Cornelius, Oregon, envisioned the proposal as taking away land that has been planned, zoned and prepared with taxpayer dollars for future industrial development north of Cornelius—which needs this modest space to build a sustainable community. She said that the land just north of Cornelius has been planned for future urbanization for 30 years. Ms. Scheckla-Cox stated that it has been approved for urban expansion and taken away five times:

- 1983: The land between Cornelius and Dairy Creek was approved and mapped by Washington County as an urban reserve.
- 1990’s: Approximately 200 acres of this land was zoned by the County and acknowledged by the State as exception land to recognize the suburban development north of Cornelius. Cornelius has annexed property, provided water and other urban services north of Council Creek for over 20 years.
- 2004: Metro approved and mapped 200 acres of land north of Cornelius as Urban Growth Boundary expansion with Washington County support and unanimous support of MPAC. Eighteen months later, Cornelius was shocked to see the UGB taken away at the last minute by a Farm Bureau appeal. Ms. Scheckla-Cox was on the City Council at that time.
- 2007: Cornelius was given permission by Metro to apply for an amendment to the Regional Urban Growth Boundary mid-cycle. Metro’s Hearings Officer approved a UGB expansion north of Cornelius. When the Hearings Officer recommended approval to the Metro Council, the Council voted to deny the expansion after last minute testimony by the Farm Bureau because they did not want to encourage cities to apply for UGB expansions mid-cycle after all.
- 2010: Washington County and Metro approved an urban reserve designation for land north of Cornelius (about 624 acres)—the only land suitable for future

industrial growth. In October, after last minute privileged testimony from the Farm Bureau, an uninformed LCDC Commissioner decided to selectively remand the regional reserves agreement to omit the land north of Cornelius. The community does not know why and cannot object or appeal because no written order has been released. Four months later, there is no written order with findings. Cornelius believes that LCDC's oral decisions and the split vote were never followed by a written order because of their misinformed decision.

Ms. Scheckla-Cox asked that the amendment be considered, which includes 350 acres nearest Cornelius' northern city limits. She said that Cornelius needs the jobs and the room to grow businesses such as Sheldon Manufacturing. Ms. Scheckla-Cox stated that Cornelius has been waiting 30 years and cannot wait another 50.

Jose Orozco, 44 S. 18<sup>th</sup> Court, Cornelius, Oregon, indicated that he volunteers as a Cornelius Planning Commissioner. He spoke in support of the Community – Farmland Compromise. Mr. Orozco said that out of 26 jurisdictions in the Portland region, Cornelius was the only one denied land for job development for the next 50 years. He questioned if the land north of Cornelius is better for farming than other cities and concluded that the record shows that it is not. Mr. Orozco asked if Cornelius has been irresponsible in planning itself as a green, sustainable, center-oriented community and presented statements supporting that that is not the case. He questioned if urban services and infrastructure are insufficient for job development north of Cornelius and said that the record shows that the county, city and state have already invested more than \$20 million across and north of Council Creek. Mr. Orozco added that Cornelius water, police, fire, library and planning services are already provided north of the tributary at Dairy Creek. He asked if the two new bridges built by the county, state and city will be a connection of home and work or if the new sidewalks will lead to nowhere. Mr. Orozco wanted to know if the only difference between Cornelius and the other Washington County cities is socioeconomic makeup. He observed that the majority of Cornelius' residents are Hispanic. Mr. Orozco also noted that Cornelius is small and lacking in clout; he wondered if special interest groups use geography to make a point. He asked about the reasons for the change of mind on Cornelius' future and what new facts have been discovered. Mr. Orozco questioned why land approved for future jobs by the County last year were disapproved for jobs this year. He said that elected officials should be asking these questions. Mr. Orozco asked for approval of an amendment to Ordinance 740 to reflect maps in the Community – Farmland Compromise. He said that this would be economic and social justice in Washington County and the region.

Larry Jacobsmuhlen, 1395 NW Susbauer Road, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He appeared on behalf of his mother and father, who reside at the address above, and the rest of his family. Mr. Jacobsmuhlen said that his mother and father have testified many times since 1978 in favor of including their 30 acres in the Urban Growth Boundary. He recalled that back then, this area was designated urban reserve. Mr. Jacobsmuhlen stated that four generations of his family have conducted business just north of Council Creek. He said that they are one of the

few places that process beef and pork in western Oregon and that there is plenty of demand for this. Mr. Jacobsmuhlen stated that they cannot expand unless they are within an urban area with urban services. He expressed support for construction of urban standard roads, bridges and utilities that can serve this area. Mr. Jacobsmuhlen reported that his family has counted on the opportunity of urban development. He said that the majority of their 30 acres is zoned AF-20 but they have never been able to cover property taxes with farm profits. Mr. Jacobsmuhlen testified that a rural reserve designation would starve his business. He urged Washington County and Metro to designate the area north of Council Creek as urban reserve and then to bring it into the Urban Growth Boundary. Mr. Jacobsmuhlen said that his neighbors (Duycks, Finnegans, Krautscheids, Haneys and Smiths) agree. He related that his father has said that he would like to expand his industrial business before he is dead and gone. Mr. Jacobsmuhlen said that Cornelius needs the jobs also. He supported a designation of urban reserve north of Cornelius and said that this is very important to his family.

Councilor Collette asked if Mr. Jacobsmuhlen's family property is within the area the City of Cornelius is calling the Community – Farmland Compromise area.

Mr. Jacobsmuhlen responded in the affirmative. He said that it is in the southern part of Area B, along Council Creek.

Tim Duyck, 1640 NW Cornelius-Schefflin Road, Cornelius, Oregon, provided this address of the family property. He shared that his dad, Walt Duyck, lived there until his death last November. Mr. Duyck said that his family has owned property within the exception area just north of Cornelius for decades, which is today being proposed for rural reserve designation. He understood that this means that he cannot annex into the city limits of Cornelius or develop any time in the next 50 years. Mr. Duyck said that he and his dad wanted to develop their property into an industrial park with neighbor Dave Armstrong. He stated that today's action takes away their plans for private development and "makes silly" the millions of dollars spent on bridge, sidewalk, and other urban services infrastructure north of Cornelius and denies the community of Cornelius the right to grow to a sustainable balance. Mr. Duyck said that a decision to uphold this comprehensive plan amendment will reduce the value of his property significantly. He alleged that the several Farm Bureau members who have opposed all attempts to urbanize the north edge of Cornelius do not speak for a lot of farmers and nurserymen in the area. Mr. Duyck felt that the Farm Bureau's personal interests are loud enough to stop good planning at the last minute. He said that his property has a new road on the north edge, which makes him not like farming there anymore. Mr. Duyck referenced earlier Duyck testimony and said that both they and he can have what they want today. He commented that he does not see Walmart as a bad thing for the city. Mr. Duyck related that his fruit gets sold at Walmart all over the country. Letter from Tim Duyck may be found in the Meeting File.

Commissioner Terry asked if Mr. Duyck has ever seen Council Creek outside its banks with water.

Mr. Duyck replied that he lived next to Council Creek as a child up to age 18 and knows all about that Creek. He did not want to talk down about it because he likes water but characterized it as a really—expletive—creek. Mr. Duyck thought that it was someone on the Farm Bureau who decided years ago that Council Creek was a pretty special border not to cross. He regarded this as a border that does not let Cornelius grow any more.

In response to applause at various times in today's hearing, Council President Hughes asked that the audience express agreement with a person's testimony by a show of hands.

Councilor Craddick asked if Mr. Duyck supports the Community – Farmland Compromise.

Mr. Duyck responded that he does regard that as a real fair compromise. He reiterated that it is necessary to set a border beyond Council Creek to extend for another 50 years.

Councilor Collette asked if Hobbs Road would be the proposed boundary.

Mr. Duyck replied that Hobbs is on one side and there is no existing road now on the other side.

Jonathan Schlueter, Executive Director, Westside Economic Alliance, 10220 SW Nimbus Avenue, Portland, Oregon, submitted a handout, which may be found in the Meeting File. He reviewed that for 25 years of his career, he advocated for the food processing industry and for the grain industry of the Pacific Northwest. Mr. Schlueter made the point that Washington County is home to some of the best agriculture in the world and is also the center of some of the best technology and manufacturing in the world. He said that when this process began three years ago, it was with the promise that we would find a bold new approach, balance and would choose urban areas that would allow for orderly urban development. Mr. Schlueter stated that at no time did we say that we would ban urban growth. He said that this is important because we have pared down the search area from 104,000 acres initially in Washington County, later to 61,000, later to 31,000, and finally to 13,500 that the Board unanimously supported and Metro supported 5-2 before introducing this to LCDC. Mr. Schlueter stated that LCDC generally agreed with the 28,000 acres as being the need for this region over the next 50 years but took exception to a few pieces of the puzzle. He said that the Commissioners and Councilors have 87,000 constituents who are currently unemployed. Mr. Schlueter stated that we have to provide every opportunity that we can to put our region back to work. He recalled that last month, President Obama challenged America to double our exports in the next three years. Mr. Schlueter reviewed that three weeks ago, Governor Kitzhaber spoke of the need to fast-track industrial sites in Oregon to allow for urban growth opportunities in our region. He said that the question for the Board and Metro is whether we allow ourselves those opportunities and whether we are there to answer the challenges of our national and state leaders. Mr. Schlueter had considerable doubt about that and about whether we will

be able to supply the employment needs of our region. He said that if all of the urban areas identified are urbanized over the next 50 years, it represents an 11% growth in our Urban Growth Boundary while we welcome 70% increase in our regional population. Mr. Schlueter stated that even by Metro's analysis, if we accept the 13,500 acres assigned to Washington County for urban reserves, it represents a 2% consumption of our agricultural areas over 50 years time. He regarded that as a fair compromise for those who make a living from agriculture.

Don Schoen, 7380 NW Groveland Road, Hillsboro, Oregon, submitted written testimony, which may be found in the Meeting File. He said that he is in favor of saving farmland and is against Ordinance 740. Mr. Schoen is a second generation farmer who farms 30 acres of hazelnuts adjacent to Area B on the west side of Helvetia Road—an area being considered for urban reserves. He reported that his family has farmed this foundation farmland since 1952 and that the land is Class I and II soils throughout. Mr. Schoen thought that by now, each Commissioner and Councilor should know why it is important to protect our prime farmland for now and the future. He felt that past testimony in this regard has fallen on deaf ears. Mr. Schoen asked for an examination of the planning decisions of the 1980's and 1990's. He saw many buildings empty today and thousands of square feet in industrial buildings sitting idle. Mr. Schoen agreed that Intel is a success but pointed out all of the other empty buildings. He asked if there is an ongoing effort to infill these buildings. With the economy in its present condition, Mr. Schoen questioned if there are any companies buying land to build on and locate industrial zone in the area. He said that empty industrial buildings show him that they are the result of poor planning by both developers and planners. In his lifetime, Mr. Schoen has seen agricultural land disappear. He said that we have to have the best use of our farmland because it is going away at a record pace. Mr. Schoen stated that in his hazelnut industry, he competes on the world market for the sale of his products. He reported that last year, his co-op sent 62% of the hazelnut crop to China. Mr. Schoen mentioned local products that contain his hazelnuts as well. He said that two Commissioners with farming backgrounds have been elected to the current Board. Mr. Schoen voted for them because he thought they would help the farmers and agricultural base in Washington County. He was disappointed because he did not see this happening. Mr. Schoen took pride in attending monthly CPO 8 meetings, where everyone has a voice. He believed that decisions are made with no input from the CPOs. Mr. Schoen asked the Board to start listening to the citizens whom they represent. He said he would regard that as a true democracy.

Councilor Harrington observed that Mr. Schoen lives on Groveland Road and yet his testimony speaks to Area B. She wondered if he meant Area D.

Mr. Schoen responded that he did mean D and that his property is inside Area D.

Councilor Harrington stated that designating Area D as urban reserve gives it the potential for future urbanization. She clarified that it does not change his right to

continue farming of any type. Councilor Harrington recognized that she is not in his shoes, however. She asked his perspective on the impact of making that property urban reserve over the next five or ten years.

Mr. Schoen replied that that would have a lot of impact because the property across the way from him is already marked off in ten-acre plots.

Councilor Harrington said that right now, those ten-acre plots are not inside the Urban Growth Boundary and until any of those properties are inside the Urban Growth Boundary, the current zoning continues for agricultural use.

Glenna Grossen, 8320 SW Canyon Drive, Portland, Oregon, was accompanied by her mother, DeLoris Grossen. Due to an eye injection, DeLoris asked her daughter to read her testimony into the record. (Written testimony from DeLoris Grossen may be found in the Meeting File.) Ms. Glenna Grossen questioned how changing Area D from undesignated to urban reserve benefits Cornelius. She said that several property owners north of Cornelius desire to be urban reserve, providing Cornelius with the much needed space for industrial expansion. Ms. Grossen stated that the replacement of 652 acres with the previously undesignated 585 acres in Helvetia and giving it to Hillsboro seems ridiculous because there are several parcels east of Helvetia Road that could add to Hillsboro's industrial area, where there are other industrial businesses. She said that the 585 acres contain foundation land and some of the best soil in the Willamette Valley. Ms. Grossen indicated that there is a site claimed to be an Indian burial ground, which is listed at the State Historical Preservation office. She said that 126 acres of this property have been in the family for over 100 years, being farmed continually with plans for family members to continue this practice in the future. Ms. Grossen questioned why a person's livelihood should be destroyed and why various small businesses should be affected, such as seed companies, fertilizer, implement dealers, storage facilities and other ag-related businesses by including this land as urban reserve. She said that the buffer between urban and rural reserve should be Helvetia Road and U.S. 26. Ms. Grossen asked that these facts be considered and that the 585 acres be designated west of Helvetia Road and north of Highway 26 as rural reserve property.

Commissioner Schouten asked if the Grossen's property is located in Area D and was informed that it is.

Commissioner Malinowski asked if the Grossens would be more or less likely to plant new orchards or expand a filbert orchard, for example, if their property was urban reserve.

Ms. Grossen said that they would make new investments if the property was rural reserve. She stated that they would not want to upgrade the tractors, combines and all sorts of equipment when they do not know how soon the land will be paved over.

Commissioner Terry ascertained from the Grossens that they are field cropping now and will continue with field crops. He reasoned that the Grossens would not plant filberts because they would pose a risk due to the time it would take for them to mature.

Chair Duyck wished to speak to the use of the term “pave it over”. He said that we do not have the power to do anything to the Grossen property. Chair Duyck stated that if the Grossens wished to continue to farm, they could choose to buy equipment based on what they want. He said that by making this property urban reserves, it does not change what the Grossens are able to do on their property at all.

Ms. Grossen used the example of Intel, which requires a clean environment. She said that you cannot have farmers tilling the soil, raising dust, and combines shaking the ground around a business like Intel.

Commissioner Terry disagreed. He said that these things are currently done around Intel.

Council President Hughes was aware that there is property next to Intel that is being farmed now inside the Urban Growth Boundary.

Commissioner Schouten heard the speaker say that urban reserves do stop her from doing what she has been doing because capital investments are not likely to be made if this property is designated urban reserves.

Burl Jarrell, 2900 NW Creekwood Place, Forest Grove, Oregon, recalled that he and his grandson were told two years ago that they did not have to worry about anything for 50 years. He related that two weeks ago, he received a letter from the City of Forest Grove saying that he is in the Urban Growth Boundary. Mr. Jarrell thought that happened fairly quickly. He stated that he has 35 acres in forest (not Christmas trees) and wants to keep it as it is. Mr. Jarrell thought he should have been in on this before being included. He said that his land is hilly and that there have been two significant slides on his property. Mr. Jarrell has never seen anyone from the City of Forest Grove checking on his land.

Council President Hughes thought that Mr. Jarrell would find that the property he is describing is being included in the urban reserve and not the Urban Growth Boundary. He would have thought that Mr. Jarrell would have received notice along the way.

Mr. Jarrell asked if it is legal to be put into something without any correspondence.

Chair Duyck stated that because the reserves are not considered a land use action, there probably was not a notice going out. He pointed out that it would have had to go out to everyone in the entire county because reserves could have been identified anywhere in the county. Chair Duyck said that this action itself is not a land use action and so does not require the notification.

Mr. Jarrell stated that it does change the nomenclature of his land for planning.

Chair Duyck explained that the definition of reserves is areas that would be looked at when Metro deems the expansion of the boundary to be necessary. He said that this in itself does not change the designation of the land.

Mr. Jarrell said that it would change what he would do with his property. He questioned if anyone would plant a forest on urban reserve land.

Chair Duyck responded that he could but whether he would or not is strictly up to him and what he intends to do with his property in the future. He reiterated that this action does not change what you can or cannot do on your property. Chair Duyck observed that many in the room likely think that development should occur up off the valley floor where you cannot farm while others believe it should be down on the valley floor away from landslide areas.

Councilor Harrington remarked that during the four year process of going through the data analysis and the proposal discussion, there were many different public notices that were sent to homes. She recalled that thousands of post cards were sent by Washington County to property owners among the different areas. Councilor Harrington added that there were also postings in local newspapers and the various cities posted information through their packets. She said that this illustrates how difficult it is to get everyone's attention in a complex program like this. Councilor Harrington suggested that Mr. Jarrell call the City of Forest Grove and ask them to sit down with him so that he can get better informed.

Bill Waibel, 32185 NW Padgett Road, Hillsboro, Oregon, submitted testimony, which may be found in the Meeting File. He said that he has property on West Union between Dick Road and industrial/contaminated sites shown earlier by Steve Bobosky. Mr. Waibel wanted that property to be designated as urban reserve because it is surrounded on three sides by exception land. He said that this property is next to the current City of Hillsboro limits and near the transportation corridors to the major freeways and cities. Mr. Waibel stated that the property is also in the Bendemeer Road area, next to multiple small lots in West Union. He said that the east side is bounded by an abandoned railway that has the same potential as the Stubb Stewart Park.

Tom VanderZanden, 15903 NW Logie Trail, Hillsboro, Oregon, represented Jin Park and the 125 acres he owns on the corner of West Union Road and 185<sup>th</sup> Avenue. He wished to make an appeal to make certain that in the process of determining urban and rural reserves that other policies of Metro and Washington County do not conflict with the urban or rural designations and thereby render some of the properties designated urban reserve undevelopable. Mr. VanderZanden wanted to explain by example. He said that the properties adjacent to 185<sup>th</sup> Avenue and north of West Union Road (typically referred to as the Jin Park and Peterkort properties) are inside the previously adopted urban reserves boundary. Mr. VanderZander stated that these properties have been identified by Clean Water Services as the best place to locate the sewer line serving North Bethany. He said that the North Bethany Comprehensive Plan, funded jointly by Metro,

Washington County and the development community, is now complete. Mr. VanderZanden stated that the County is proceeding with the formation of a County Service District to provide \$13 million in road financing in May of this year. He said that passage of this measure will then allow development to occur in North Bethany. Mr. VanderZanden stated that the Jin Park property is also greatly affected by crucial road improvements needed to better serve North Bethany and the urban reserve areas. He said that the widening of 185<sup>th</sup> Avenue and West Union Road and the extension of Springville Road through Mr. Park's property are important area-wide improvements needed for North Bethany and the existing urban community. Mr. VanderZanden said that all of these improvements can be more easily permitted and constructed at a lower cost should Mr. Park's property be included inside the UGB and ultimately annexed to a city. He stated that currently, Washington County and Metro have, or are considering, policies that make annexation to a city a prerequisite for inclusion in the UGB. Mr. VanderZanden said that the closest city to this urban reserve area is Hillsboro. He stated that at this point, there has been no provision for adding additional urban reserves, such as north of West Union Road, that would provide a connection to the City of Hillsboro. Given this dilemma, Mr. VanderZanden asked:

- Either additional property north of West Union Road be added to the urban reserve to facilitate a connection to Hillsboro, or
- That these orphaned (no connection to an existing city) properties be treated the same as North Bethany and be allowed in the UGB under county jurisdiction.

Mr. VanderZanden stated that the reserves process should provide a reasonable path to annexation or properties that have no clear path to annexation should be exempted from policies that require annexation prior to inclusion in the UGB.

Councilor Craddick had Mr. VanderZanden point out the subject of his testimony on a map.

Commissioner Malinowski said that if Hillsboro annexed the Rock Creek area, they would have a connection to that property.

Mr. VanderZanden agreed but said that the difficulty is that annexing existing urban areas has proven to be extremely difficult. He did not know of any current proposed legislative change that would make it easier to annex currently developed areas into cities

Commissioner Rogers clarified that there is not anyone on the dais today who can annex anything. He observed that we are not members of any city council and so are not able to do that.

Mr. VanderZanden said that he was referring to the fact that the people on the dais do pass policies and are responsible for policies that require that. He warned that this may prove some urban reserves to be kind of orphaned pieces of property.

Commissioner Schouten asked for further clarification on the map.

Mr. VanderZanden responded that both properties are affected by the same issue. He was particularly concerned about the lower one to the west of 185<sup>th</sup> (Jin Park property). Mr.

VanderZanden said that it abuts 40 acres of Metro property on the west edge and the creek on the north edge. He stated that if we have a problem about a city in this area, and we do, it is a very large problem that includes virtually all of the property north of the Sunset. Mr. VanderZanden said that you can save the county money and process time by including in the UGB to allow these improvements to go ahead in a more simple and more cost effective fashion and still deal with the larger annexation issue that affects all of the properties north of the Sunset Highway.

The Farm Bureau presentation was made by the following speakers:

Bob VanderZanden, 8065 NW Jackson School Road, Hillsboro, Oregon

Dave Vanasche, 36130 NW Wren Road, Cornelius, Oregon

Larry Duyck, 34203 NW Mountindale Road, North Plains, Oregon

David Tonges, 16895 NW Walker Road, Beaverton, Oregon

A copy of the Farm Bureau PowerPoint may be found in the Meeting File. Presentation included, but was not limited to, the following:

- The Farm Bureau opposed the IGA before Metro and the Board.
- A review of the reserves process in Clackamas, Multnomah and Washington counties was given. Clackamas and Multnomah outcome: LCDC approved the Clackamas and Multnomah Counties reserves. Washington County outcome: LCDC remanded Washington County rural reserves and urban reserves north of Council Creek.
- State Agencies letter was considered a reasonable approach toward reserves, including that it protected large blocks of agricultural land and proposed reasonable urban reserves for both agriculture and industry. Letter was re-issued in January, 2011. Farm Bureau liked the State letter.
- Farm Bureau displayed on maps areas important to its members. These included north of Hillsboro, north of Forest Grove, north of Cornelius, Council Creek area.
- Farm Bureau believes strongly in buffers. Some reasons buffers are needed include dust, noise, pesticides, slow-moving farm vehicles, odors, and bees.
- The best edges are broad floodplains, rivers, freeways, tall cliffs, smaller streams, rural residential areas and the worst are roads, power lines and property lines.
- Council Creek makes a good edge for the following reasons: 1) It is 1300' to 2600' wide; 2) It is a natural, permanent divider; 3) There is urban use to the south; and 4) There is foundation agricultural land to the north.

- Highway 26 makes a good edge for the following reasons: 1) It is 225' wide; 2) It is a permanent divider; 3) Urban use is proposed to the south; 4) Foundation agricultural land is located to the north; and 5) Compare to West Union Road (35' wide) or property lines (1' wide).
- Waibel Creek makes a good edge because 1) It is 280' wide; and 2) It is a natural, permanent divider.
- A list of urban reserve and undesignated lands that go beyond what the Farm Bureau considers excellent boundaries and beyond what State agencies recommended was given: 2,293 acres of urban reserves and 512 acres of undesignated.
- A slide listed reasons why urban reserves are bad for high value farmland and, similarly, another slide enumerated why undesignated is bad for high value farmland.

Larry Duyck spoke of a piece of property that, before the process is finished, has already been attacked by speculators. He felt certain that Commissioner Terry has also been contacted by speculators or real estate agents.

Commissioner Terry commented that he has not been contacted so far but acknowledged that it could happen in the future.

Bob VanderZanden continued on with the PowerPoint slides:

- Photographs were shown of vacant industrial land in Hillsboro.
- A lot of land is being farmed inside the Urban Growth Boundary and it is prepared for industrial uses.
- In the Hillsboro area, there are about 2,500 acres of vacant industrial land inside the current UGB.
- In the Hillsboro area, there are about 2, 849 acres from Ordinance 733 (urban reserves for industrial sites).
- In the Hillsboro area, there are over 1,000,000 square feet vacant commercial office space.
- In the Hillsboro area, there are 1,500,000 square feet of vacant manufacturing/warehouse land.
- There is plenty of land on the market already.
- Photographs were shown of vacant industrial land in Cornelius.
- Cornelius' Land Supply: 137 acres in Area 7C urban reserves; 211 acres in Area 7D urban reserves; 137 acres in Holliday Street vacant land; and 25 acres of land adjacent to Fred Meyer. Total 510 acres of available land in Cornelius when city itself exists at 1,070 acres.
- Farm Bureau is not opposed to Areas 7C and 7D even though 7C is very good land.

- Bait and switch refers to using industrial land to get land inside an Urban Growth Boundary and then switching it to some other use at a later date. This is a big issue for agriculturalists because it is easy to get industrial land and more difficult to get other types of land.
- Forest Grove is talking about converting 135 acres of their land to Orenco-style development.
- Hillsboro years ago did the Helvetia expansion area and turned it into commercial and retail.
- Cornelius has taken 50 acres north of Fred Meyer that was originally zoned industrial and converted it to residential. Dave Vanasche said that Sheldon Industries is located within one block of the area that was converted from industrial in Cornelius to residential. He stated that the St. Mary's property was originally planned for industrial and now it is residential.

Councilor Harrington said that the information on the urban reserve going for \$3.3 million has been assessed by the real estate market professional, Clint Currin. She asked if the value that is being placed on that same acreage at \$8,000 an acre and a \$3,000 acre is the actual market value for that current rural zoning from a market professional or if it is a general value used.

Larry Duyck responded that this is based upon on what farm land has been selling for and recent sales.

In response to a question posed by Commissioner Terry, Dave Vanasche verified that he and his co-speakers officially represent the Farm Bureau today. He said that they represent Keith Fishback, the President, because he could not be here today, and the rest of the Farm Bureau Board.

Larry Duyck said that relative to the property east of Area 7D, where Chair Duyck's father owns property in the area, there was talk of not taking it in because the land won't be developed anyway. He noted that then DeLoris Grossen is told that she does not have to develop it. Mr. Duyck said, "Shame on you".

Chair Duyck noted that Larry Duyck was leaving out some very critical details. He said that a lot of his decision there had to do with transportation infrastructure. Chair Duyck recalled that Forest Grove taxpayers, because they had so much industrial traffic travelling through their downtown, were expected to foot a very expensive bill for a bypass. His intent was not to repeat the same mistakes in Cornelius.

Larry Duyck replied that he was repeating what he was told.

Dave Vanasche stated that in Forest Grove, there is presently no buffer along Purdin Road. He said that the Farm Bureau proposes rural reserves north of Council Creek and not the little strip that is undesignated at the present time. Mr. Vanasche stated that if

there is a rulemaking issue with the intersection of Purdin Road and Highway 47, we should work together and create a circle of undesignated so that the intersection can be improved if that is an issue.

Commissioner Malinowski did not know if Commissioner Terry would be willing to put a bunch of infrastructure on his ground in the Urban Growth Boundary or if the fact that it is urban reserve might prevent him from doing that.

Commissioner Terry clarified that it currently is a nursery site and has a large retail nursery on it. He said that it is doing very well and will stay there. Commissioner Terry stated that way before this was considered to be urban reserve area, he had purchased land alongside his existing farm to replace that land. He explained that he planned ahead for that purpose. Commissioner Terry went on to say that it currently does have infrastructure on it and that he has continued to support that infrastructure and will until the day it is sold.

Commissioner Malinowski said that in making decisions about where he farms, he tries to figure out where the zoning is. He has heard speakers told that they can just keep farming and do not have to sell. However, Commissioner Malinowski said that if we rezoned land around Intel for townhouse development for the next 40 years and told Intel not to worry because their land could stay industrial as long as they owned it, he guessed that Intel would still have a fit.

A Farm Bureau speaker said that he cannot keep farming when he is surrounded by development.

Commissioner Schouten observed that it is funny how some speakers have described 26 as a transportation access point for development but that the Farm Bureau has pointed out that it serves as a very hard boundary between urban and rural areas.

A Farm Bureau speaker commented that it is definitely not ideal but that we cannot make it go away.

Councilor Hosticka was confused by some of these discussions. He noted that we have heard testimony that a toxic industrial waste dump is foundation farmland, that land that is exception is actually being farmed in large blocks, that land inside the UGB is being farmed, etc. Councilor Hosticka said that it is confusing to sort out just what is what out there. He thought that the most accurate thing he can say is that it is impossible to make generalizations.

Commissioner Rogers brought up a process matter. He thought that some people might be getting hungry and asked if a break was contemplated.

Councilor Roberts asked someone from the Farm Bureau to respond to the Draft Community – Farmland Compromise.

The response was that the Farm Bureau has not met about this. He noted that it was sent to the Farm Bureau and their meeting is scheduled for tonight to discuss it. From a historical perspective, the Farm Bureau will likely not support it.

Council President Hughes announced a one-half hour break for lunch.

**LUNCH RECESS:** 12:55 p.m.

**RECONVENE:** 1:35 p.m.

David Armstrong, 1560 NW Cornelius-Schefflin Road, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He indicated that his land is in Area B on the north side of Cornelius. Mr. Armstrong said he has owned this land since 1986 but there is no water on it and he has never farmed it. He identified it as exception land. Mr. Armstrong could not understand the decision to eliminate Cornelius' northern urban reserves area. He reviewed the following facts about Cornelius:

- It has the lowest income of any city in Metro.
- It has the highest level of poverty of any city in Metro.
- It has the fewest jobs per capita of any city in Metro.
- It has the longest commute to jobs of any city in Metro.
- It has the highest percentage of minorities of any city in Metro.
- It has the greatest need for local jobs of any city in Metro.

Mr. Armstrong commented about land being considered for urban reserves:

- Much exception land is contained within that boundary.
- It is not the best farmland (Tier 2 land).
- Majority of owners want to be designated urban reserves.
- It is ready for development by past infrastructure development: new bridges, widened road system, sewer trunk line on south side, etc.
- It is broken into small parcels where profitable farming is difficult, if not impossible.

Mr. Armstrong stated that all of the factual data supports an urban reserve designation for some land north of Cornelius. He said that a decision to totally exclude Cornelius from land for jobs is jaw-dropping. Mr. Armstrong questioned what causes parties to deviate from the obvious solution. He said it seems as if we don't have a good plan if it strips 100% of the land needed for job growth from any city. Mr. Armstrong thought it would be common sense that every city would be provided sufficient jobs land to be viable. He therefore questioned whether back room politics or one man on a crusade to stop any development on the road he lives on and using the Farm Bureau to get his way is leading to this decision. Mr. Armstrong asked if someone knows someone at LCDC or if there is truly prejudice toward a highly minority populated community. He asked for consideration of whether to exclude Cornelius for any growth for 50 years.

Commissioner Schouten said that you can agree or disagree with previous speakers who at least made arguments that speak to the need for rural reserves. He asked if Mr. Armstrong is saying—or not—that there are some civil rights issues here. Commissioner Schouten was uncomfortable when this speaker seems to suggest that we have issues with the people in Cornelius because of the large Hispanic community. He did not think this is right.

Mr. Armstrong responded that in his mind, this is a very good question, whether or not this is what anyone wants to hear. He said that if an action is taken that strips a city of the opportunity to have job growth, and there has been testimony from the leaders of the City of Cornelius saying that will happen, the city is going to slip into financial non-viability. Mr. Armstrong stated that with time, library services, fire, police, etc. will be reduced. He said the civil rights question might be if one group of people is being denied what is provided for others.

Harvey Kempema, Dogwood Street, Old Orenco, Hillsboro, Oregon, testified that he owns a 56-acre farm just north of Cornelius, which is considered foundation farmland. He related that he gets \$25 per acre to lease the land because it is floodplain (39 acres floodplain, 11 acres hillside and the land around the home). Mr. Kempema wondered why places like his own that cannot produce much at all are considered foundation farmland. He did not care what the soil types are; it is just poor land. Mr. Kempema wished everyone would take this into account. He agreed with David Armstrong's testimony relative to why there is an activism toward not growing to the north because of one person on Susbauer Road leading the Farm Bureau. Mr. Kempema said that you reap what you sow. He stated that Dave Vanasche wrote in the newspaper that it would save the county money if people would quit opposing what the Farm Bureau suggests. Mr. Kempema thought they could blame themselves for the costs to the cities and counties for their activism. He said he has been in the real estate business for 35 years and saw clients in the beginning lose their property because zoning made them not buildable. Mr. Kempema was still bothered that no reparation has been done for those people. He noted that Measure 39 did not give them back what they had lost in their property. To this day, Mr. Kempema has a distaste for land use.

James Young, 13310 NW Bishop Road, Hillsboro, Oregon, stated that he is from the Helvetia area. A copy of his PowerPoint may be found in the Meeting File. He wished to refute some of the goals in terms of Hillsboro's crusade for large lots. Mr. Young said that Hillsboro has been focusing on large lots—50 to 100+ acres—for numerous reasons. He stated that the goal is large anchor companies in tech, solar or bio. Mr. Young said that if you look at the actual usage over the last 30 years, only one company has built on more than 100 acres (Intel) and is rebuilding on the same land at this point; only two companies have bought more than 50 acres (Genentech and SolarWorld). He displayed a slide listing companies that bought 35+ acres over the past 30 years in Hillsboro. Mr. Young summarized the 30 year total: 9 companies (392 acres) + Intel (498 acres) = 890 acres. He concluded that Hillsboro has an ample supply of industrial land and cited statistics to support his claim. Mr. Young stated that Hillsboro does not need another 585

acres of urban reserves, in part because it has a 100+ year supply (annualized) without industrializing Helvetia. He said that the end-to-be is not worth the cost of tearing up the fields. Mr. Young suggested rejecting the additional acreage in Helvetia and giving it back to Cornelius.

Commissioner Schouten assumed that Mr. Young is referring to Parcel D with the 585 acre figure.

Mr. Young confirmed that this is true.

Commissioner Schouten indicated that Ordinance 733 is the current ordinance and the one that may be superseded by the work that we do today.

Mr. Young stated that that is where the numbers in his PowerPoint came from.

Commissioner Terry asked how far south Helvetia goes now.

Mr. Young replied that he is here for the manufacturing and usage details. He did not know what Cornelius has except for what he has heard here today.

Councilor Roberts hears over and over the number 2,500 vacant industrial acres in Hillsboro. She asked if that number includes what one would think of as acreage that is in industrial campuses for businesses like Intel. Councilor Roberts wanted to know if that is being included in the 2,500 acres or if it is exclusive of the campuses.

Mr. Young replied that it does include some of the campuses.

Greg Mecklem, 12995 NW Bishop Road, Hillsboro, Oregon, narrated a PowerPoint presentation, a copy of which may be found in the Meeting File. He stated that placing foundation farmlands in urban reserves does have an impact, creates a price speculation bubble, and drives existing farmers into mortgage crises. Mr. Mecklem referenced a front page article in last week's *Capitol Press* speaking to a national concern of entering into another farm crisis, such as existed in the 1970's and 1980's, due to a price speculation bubble. Today, he wished to focus on protecting Washington County's remaining Class I soils and about how the current proposed plan does not do that adequately. Mr. Mecklem stated that not all soils are created equal. He said that the National Resource Conservation Service has developed soil capability classes, which indicate the productivity of soil. Mr. Mecklem reported that the highest Class I soils remain productive, irrespective of whether irrigation is used. He said that it is important to protect these soils in an area of water shortages, especially with the need for food security and the advent of peak oil. Mr. Mecklem showed a chart depicting soil capability classes:

- Class I soils have few limitations that restrict their use.
- Class II soils have moderate limitations.

- Class III soils have severe limitations.
- Class IV soils have very severe limitations.

Mr. Mecklem said that from there on down, the soils are basically not useful for agriculture. He reiterated that it is essential to protect Class I soils. Mr. Mecklem showed a series of maps that included:

- Washington County soils overview
- Helvetia Sunset Corridor, South Cornelius and Sherwood have concentrated Class I soils.
- Much of the area in the Helvetia Sunset Corridor is already paved over or reserved for urban use.
- Tech District – greater than 20% Class I soils
- Helvetia – Sunset Class I Soil District
- Proposed Urban Reserves – Area D. This should have rural reserve protection.
- Examples of areas protected under rural reserves

Mr. Mecklem summarized that the Helvetia – Sunset Class I Soil District contains over 50% of the remaining Class I soils in Washington County, outside of urbanized areas. He said that much of it is slated for development under urban reserves or remains unprotected and it needs to be protected. Mr. Mecklem supported protecting north of Waibel Creek and the area north of the Sunset in the proposed Area D (Helvetia area). He said that the land north of Waibel Creek is about 8% to 10% Class I and the land south of Waibel Creek is 0% Class I. Mr. Mecklem thought this would be a good area to look at for industrial growth. He showed an area north of Cornelius that has 78% Class II soil—good agriculture ground, in his opinion.

Commissioner Terry asked which is the better and worse of the area north by West Union and the area in Cornelius based on soil classes.

Mr. Mecklem replied that the area north of the Sunset is about 84% Class I plus Class II. He added that the area north of Cornelius is about 76% Class II.

Commissioner Terry wanted to know if the Cornelius area would be the more likely of the two to be used for farming.

Mr. Mecklem said he would probably select the 84% area, objectively.

Commissioner Terry asked where Helvetia begins and ends.

Mr. Mecklem referenced Wikipedia, which says that the Rock Museum along the Sunset is in Helvetia. He said that looking at the land for sale signs along the Sunset, Helvetia extends to Highway 26.

Commissioner Terry believed that many people would dispute that but he thanked Mr. Mecklem.

Commissioner Malinowski asked for an estimate of how much we have already given in terms of Class I soils.

Mr. Mecklem did not know the answer to that. He said that he added up the entire non-urbanized areas of Washington County for Class I and Class II soils and it looked like there was about 3,000 to 3,100 acres of Class I soils in non-urbanized areas. Mr. Mecklem specified that about 1,600 to 1,700 acres of that is in one specific area of the Helvetia – Sunset Corridor. He stated that another area of high concentration of Class I soil is around Blooming south of Cornelius and then some in Sherwood.

Commissioner Malinowski shared that his farm contains Class III soils and that when irrigated, a lot of that becomes Class II.

Mr. Mecklem mentioned that one of his slides showed the area around North Plains that is currently undesignated. He said that a lot of it is 20% to 30% Class I soils and also high Class II soils. Mr. Mecklem stated that there is an area along the east border of North Plains where they may wish to expand in the future because the soils are a little lower class there. He said that it is too bad that we could not look at areas around some of the outlying towns like North Plains when we were looking for urban growth land.

Council President Hughes noted that Mr. Mecklem made reference to the Helvetia – Sunset area and asked how far west that goes.

Mr. Mecklem responded that it proceeds to Jackson School Road.

Council President Hughes said it looked like there was a substantial amount of Class I soil west of North Plains and also in the Blooming area.

Mr. Mecklem stated that when he talks about the Helvetia – Sunset Corridor Class I Soil District, it extends to Dersham Road and north and south of the freeway. He added that a lot of the Class I soils around North Plains are currently in undesignated areas.

Commissioner Terry observed that there are soils called “Helvetia soil” and asked if this is what the speaker is referring to.

Mr. Mecklem responded in the negative. He clarified that Helvetia soils are found all over the county.

Faun Hosey, 13515 NW Jackson Quarry Road, Hillsboro, Oregon, was here to defend Area D as rural reserves. Copy of Ms. Hosey’s PowerPoint may be found in the Meeting File. She related that she has made a personal investment in the solar industry and said that her energy panels generate about half the electricity that she uses. Ms. Hosey stated

that Hillsboro offers a selection of sites to attract the industry. She reported that eleven solar companies have located in our region and questioned what brought them here. Ms. Hosey said that three claimed tax incentives as their #1 reason. She stated that companies gave other reasons but not one mentioned solar shovel-ready sites. Ms. Hosey went on to say that half built on 25 acres or less and half chose to recycle existing buildings. She introduced the idea that it might be that a selection of large lots is not what is required for the industry. Ms. Hosey said that Hillsboro also offers millions of square feet of empty manufacturing and commercial space for lease as well as vacant industrial land both inside the UGB and in already approved urban reserves. She stated that over 5,000 acres is a hundred year supply and more is not needed. Ms. Hosey said that we must think far beyond 50 years. She stated that we already have enough land inside ready to be developed. Ms. Hosey reviewed that her ancestors came to Forest Grove in 1847 for the legendary farmland. She said that half of farmable land has already disappeared. Ms. Hosey stated that forecasts show that within 50 years, productive land will be a worldwide scarcity—which means that our growing population will need farmland even more than now. She said that we will need both energy and food independence. Ms. Hosey asked that farmland be protected with rural reserves so that our future does not become the end. She requested support of the State Agencies position.

Commissioner Schouten viewed this as a whole issue for the three counties.

Ms. Hosey agreed. She clarified that she is not suggesting that Area D be returned to rural reserves but that urban should be placed somewhere else. Ms. Hosey believed that there is too much urban now. She stated that we need to redesign our urban areas so we can use them more efficiently and recognize the value of our farmland. Ms. Hosey said that farmland like we have in the Tualatin Valley does not occur everywhere in the world and it should be protected and respected.

Chair Duyck clarified that Area D is now undesignated.

Ms. Hosey said that Area D is proposed to be urban and she suggested that it be rural.

Commissioner Schouten assumed that the speaker would prefer undesignated as opposed to urban even though that is not her first choice.

Ms. Hosey replied that rural is her first choice and urban is not acceptable.

Analene Waterman, 25360 NW West Union Road, Hillsboro, Oregon, indicated that the family farm that she owns with her mother and sisters is located at this address. She clarified that this area is called West Union—not Helvetia. Ms. Waterman said that Oregon is in dire economic straits and the farmland and businesses in the area are all viable. She stated that changing this designation does not change any of that. Ms. Waterman said that her family's land was farmed for three generations but there was not enough income to sustain three families. Therefore, she related that family members have had to find other occupations to feed the farm with finances. Ms. Waterman's

family has chosen to lease the farm out and plans to continue to lease it out as a farm. Written testimony submitted by Ms. Waterman may be found in the Meeting File.

Alayne Bryan, 26290 NW Meek Road, Hillsboro, Oregon, testified that her family owns two farms in Oregon. She said that her parents farmed in West Union for over 65 years and added that she is speaking on behalf of other family members too. Ms. Bryan expressed support for the Hughes-Duyck Proposal. She stated that she has 225 acres within Area D (north of Highway 26) and prefers a designation rather than remaining undesignated because that allows the family to continue with a business plan into the future. Ms. Bryan emphasized that we are talking about a 50-year plan. She could not imagine Helvetia being paved over in the next ten years. Ms. Bryan stated that we already have rural and urban areas working side by side; we have CSA's, vineyards, Farmers Markets, and some large fields being farmed in the area. Her thought was that if they do attract a large business, because there are large pieces of property, that would be very good for Oregon and future generations. Ms. Bryan wanted to ensure that future generations have family wage jobs to survive here. She said that if these large companies bring in large numbers of employees, they will support the smaller businesses such as the vineyards, Farmers Markets, etc. Ms. Bryan favored compromise and asked that a decision be made so that we can move on and stop wasting taxpayer money.

Paula Adams, 1724 Ash, Forest Grove, Oregon, thought that often, someone who does not have a direct financial stake in what is decided in a meeting like this is dismissed. She identified herself as one of those. Ms. Adams said that she is a resident in Old Town and is not a farmer, not in real estate and not a developer. She stated that she cares a great deal about what we do with our land. Ms. Adams said that she is part of the great majority who voted for Measure 49. She has lived in this small town for 30 years and has always heard "we have to grow or we will die". Ms. Adams stated that the town has not grown in 25 years and it is a vital, wonderful town. She said that she grew up in southern California and has to disagree when she hears "we do not have a snapshot of 50 years ahead" because she knows exactly what it can look like. Ms. Adams stated that you used to be able to tell where her town ended—by the orange groves—but no longer. She said that when that is gone, it is gone for good; you do not make more farmland. Ms. Adams noted that we keep hearing about the projected influx of population into this area. She did not dispute that a lot of people would like to come. However, Ms. Adams questioned the assumption that we have to accommodate them. She said that there will come a point where we cannot, when there is no more room. Ms. Adams recommended we stop while we still have some quality here and farmland that will be desperately needed. She opposed Ordinance 740 and asked that we keep the area above Highway 26 and the buffer along it as rural reserve.

Pam Gates, 27007 NW West Union Road, Hillsboro, Oregon, narrated a PowerPoint, a copy of which may be found in the Meeting File. She said she is married to a fourth generation farmer on both sides of his family; his family has owned and operated two century farms. Ms. Gates indicated that the farm she and her husband live on is 310 acres. Her topic today was Helvetia's high value farms. She said these produce traded

sector crops, which create wealth for Washington County and Oregon. Ms. Gates stated that they produce grass seed, 100% of which is shipped outside of Oregon and 20% exported globally. She added that 100% of the grass straw and wheat is exported globally and 96% of clover seed is shipped outside of Oregon. Ms. Gates reported that Helvetia has very good soils and one of the best grass/clover yields in the world. She said that Pacific Rim countries prefer our wheat due to optimum protein content caused by the soils and moisture. Ms. Gates said that the grass, clover and wheat are not irrigated. She stated that hazelnuts are also grown in Helvetia, of which 98% are shipped outside of Oregon and 65% are exported globally. Ms. Gates reported that Helvetia's Christmas tree farms supply about 5,000 trees annually to homes and 20% of trees are shipped outside of Oregon. She said that 50% of Helvetia's nursery stock is exported outside of Oregon and 12% exported globally. Ms. Gates stated that Helvetia has dairy, camelid and beef ranches and produces milk that is sold locally to Darigold. She said that Helvetia soils are superb Class I, II, III soils; 40% of the remaining Class I soils are in Washington County. Ms. Gates stated that the farmers have provided careful stewardship of the soils for over 150 years. She described farmers' long term investments in the soils, all in an effort to enhance crops. Ms. Gates said that one long term investment has been field drainage (field tiling). She explained that farmers have installed subsurface drainage systems (125 years of continuous capital investment) in an extensive, interdependent system that crosses farms and parcels. Ms. Gates said that this reduces "wet feet" for crops. She stated that severing or disturbing these tiles can cause flooding. Ms. Gates urged preservation of Helvetia's farming community, its Class I soils and to have rural reserves in Area D.

Matt Furrow, 25877 NW West Union Road, Hillsboro, Oregon, mentioned that he farms approximately 250 acres. He specified that 100 acres of the most valuable land is just off the north corner of Area D. Mr. Furrow said that he has quite a bit of experience farming next to urban areas and has had problems with that. He supported farms as a great natural resource. Mr. Furrow stated that Highway 26 would be a better buffer than just West Union Road. He feared for his farm if the boundary is West Union Road now and then in 50 years becomes his farm. Mr. Furrow spoke of other farmers who have lost their land due to condemnation.

Cherry Amabisca, 13260 NW Bishop Road, Hillsboro, Oregon, wished to verify that the Board and Metro received Greg Mecklem's color PowerPoint soils presentation. She represented Save Helvetia and clarified that this group has been consistent over the last two years in advocating for rural reserves north of Highway 26 (which includes the greater Helvetia area) and still feels that way. Ms. Amabisca said that Save Helvetia also endorsed the State Agencies letter; these appear to be sound recommendations about farmland and urban land throughout the whole region. She reviewed that the State Agencies letter recommends rural reserve north of Highway 26, north of Waibel Creek and north of Council Creek as well. Ms. Amabisca said that according to the U.S. Department of Agriculture, Oregon land and agriculture declined by 1.3 million acres in the ten years from 1997 to 2007. She stated that in the five years from 2002 to 2007, the pace accelerated—almost doubling the rate from the first five years. Ms. Amabisca noted

that this trend echoes a disturbing national trend documented by the Natural Resources Conservation Service: more than 40 million acres of farms and forests in the U.S. were lost to development in the 25 years from 1982 to 2007. She observed that this represents an area the size of Illinois and New Jersey combined. Ms. Amabisca asked that the soils, usage, and long-term sustainable 150-year tradition of farming north of Highway 26 be looked at and that urban and undesignated designations be rejected in favor of a designation of rural reserves because it really deserves to be the latter.

Chair Duyck asked if Ms. Amabisca had any statistics specific to Washington County about the consumption of farmland. He noted that she was talking about national consumption.

Ms. Amabisca replied that she did not prepare that.

Council President Hughes mentioned the million dollar figure from Ms. Amabisca's testimony.

Ms. Amabisca cited 1.3 million from the U.S. Department of Agriculture.

Council President Hughes said that there are 265,000 acres in the Urban Growth Boundary in the tri-county area. He stated that in the last ten years, we have expanded 13,000 acres—most of it out in Damascas. Council President Hughes asked Ms. Amabisca if she agrees that much of that loss has therefore not been in Washington County.

Ms. Amabisca could not respond without doing research.

Chair Duyck said that while Ms. Amabisca's figures may be right nationally and even statewide, it is entirely different in the Portland-Metro region because of our unique land use system here and how we treat it. He thought that Metro has done a tremendous job in containing the growth and he did not see the proposed plan today as any massive sprawl over a 50-year period. Chair Duyck was listening for a balance between the protection of farmland and telling us where we can adequately grow over 50 years. He heard Ms. Amabisca say that Save Helvetia opposed it in Helvetia, all the way to Waibel Creek and clear over in Cornelius (which is not Helvetia). Chair Duyck observed that this essentially means no growth if we can't go anywhere and it doesn't even allow the flexibility of good planning.

Ms. Amabisca said that nowhere in LCDC oral remand, or in any law or Administrative Rules, did it say that you had to replace the Cornelius land (the 600 acres). She stated that we still have 28,000 acres in urban reserves for the region. Ms. Amabisca admitted that it is a radical idea—not replacing it—but it is an option that should be on the table.

Chair Duyck stated that the statistics quoted by Ms. Amabisca are regional. He said that in Washington County, we have multiple cities that have specific needs. Chair Duyck

stated that we have kept it to a minimum of only about 13,000 acres, which only represents about a 2% to 3% consumption of farmland over a 50-year period. He said that if you extrapolate that out, it is going to take thousands of years to use up our farmland.

Ms. Amabisca responded that if you look at the available industrial land within Hillsboro's UGB, for instance, they have a 90-year availability. She said that if you look at the 2.5 million available square feet of flex R&D manufacturing, that is what most small businesses go into: 40,000 or 50,000 square feet in an industrial park. Ms. Amabisca remarked that we have a huge availability right now in Washington County and certainly Hillsboro, which is what she looked at when she did the research, of number of acres not being used. She thought that we need to balance the 30-year usage of 900 acres by the ten largest companies in Hillsboro. Ms. Amabisca questioned why we need another 585 when Hillsboro already has 2,800 in urban reserves for employment plus another 2,000 for residential. She spoke of the need to look at the logic of that.

Commissioner Schouten said that he does not see however we define Helvetia as really all that relevant. He stated that Ms. Amabisca is coming from Helvetia and speaking about areas where she lives but also areas not too far away from her. Commissioner Schouten believed that everyone has the right to speak on all areas that are still basically in contention. He said that if, in fact, this whole plan hangs together, then surely what goes on in Forest Grove, Cornelius, the Helvetia area north of 26, and West Union complex are all related. Commissioner Schouten stated that the information about what goes on locally as opposed to nationally is yet additional information that could be useful. However, he thought that the point Ms. Amabisca was making about the national loss of farmland points out the pressing greater value of what we are doing here, given that elsewhere there has been a great deal of loss of farmland. Commissioner Schouten observed that looking back 40-50 years in time, we have certainly seen vast areas of what had formerly been farmland in the Hillsboro/Beaverton/Tigard/Sherwood, etc. areas that are now urban and suburban development. He commented that we have seen significant suburbization and urbanization of this county.

Bob Clay, Bureau of Planning and Sustainability, City of Portland, 1900 SW 4<sup>th</sup> Avenue, Portland, Oregon, appeared today on behalf of Mayor Sam Adams and Commissioner Amanda Fritz. (Written testimony signed by Mayor Adams and Commissioner Fritz may be found in the Meeting File.) Mr. Clay said that as the City of Portland's representatives to Metro, Mayor Adams and Commissioner Fritz have actively participated in the region's reserves process and decisions for the past several years. He urged the Metro Council and the Washington County Board to take a conservative and cautious approach in responding to LCDC's preliminary decision and direction—particularly with respect to Urban Reserve 7I. Mr. Clay asked that urban reserve designations not be removed, as LCDC determined in their preliminary decision, and that they not be replaced with additional land elsewhere in Washington County. He urged the Board and Metro to

reduce the level of controversy surrounding the proposal while maintaining future flexibility to make adjustments if needed. Mr. Clay recommended this course of action for the following reasons:

- There is no compelling need to replace these urban reserves on a one for one basis. There is an adequate 50-year supply as a result of conforming with the LCDC decision. See testimony for a table identifying where the midpoint of the middle one-third of the 50-year land need occurs.
- Handout points out the role of the agricultural economy. An Oregon State University study is cited showing the growing contribution proportionate to the state and the regional economy
- The LCDC preliminary proposed designations would be more in line with the recommendations of the October 14, 2009 combined "State Agency letter". This remains a touchstone in terms of separating urban land and rural designations. Their collective recommendations are sound and the safest approach.
- That approach is the most defensible going forward.

Mr. Clay said that the City of Portland believes that this narrow approach is the best opportunity to bring greater certainty to both the reserves process and the upcoming UGB decisions. He stated that the city believes that it is a wise course because it reduces the scope of a legal appeal and the likelihood that an appeal will prevail at a time when the next UGB decision will need to be made based on urban reserve decisions. Mr. Clay reiterated that this approach will have the best chance of success and securing a lasting reserves agreement for the region. He related that Mayor Adams and Commissioner Fritz thank Metro and the Board for the hard work deliberating this matter.

Commissioner Rogers asked for clarification whether Mayor Adams and Commissioner Fritz are going to participate in some sort of legal action.

Mr. Clay responded that the city is aware of the potential for additional litigation. He said that in their judgment, to reach closure with the preliminary decision of LCDC is the wisest course moving forward. Mr. Clay reported that the City of Portland does not have any expressed interest in seeking litigation.

Councilor Hosticka recognized that we are always very careful about whom we are speaking for. He noticed that Mr. Clay said he is speaking on behalf of Mayor Adams and Commissioner Fritz. Councilor Hosticka asked if the City Council as a whole considered this issue and made any recommendation.

Mr. Clay responded in the negative. He clarified that he is speaking on behalf of Mayor Sam Adams and Commissioner Amanda Fritz, who are the two representatives representing the city and themselves. Mr. Clay explained that they are delegated by the Council in that role to represent the city before the Metropolitan Policy Advisory Committee, where they both sit, as well as JPACT.

Council President Hughes asked if Mayor Adams and Commissioner Fritz have any suggestion for a solution that is likely not to have lawsuits.

Mr. Clay replied that their suggestion is that this is the best opportunity going forward with the least amount of risk.

Council President Hughes commented that this is not exactly the legal advice Metro has received.

Councilor Hosticka noted that Metro Councilors have tried to make it clear when they are speaking on behalf of the Council and when they are expressing personal opinions. He observed that the written testimony submitted by Mr. Clay is written on the City of Portland letterhead. However, Councilor Hosticka announced that he would take this as the testimony from those two Councilors.

Commissioner Malinowski wondered if, when we are told that the Chair of the Clackamas and Multnomah County Commissions have okayed the deal on the proposed map, that means they are speaking for the whole commissions or just for themselves as Chairs of those commissions.

Council President Hughes did not recall ever seeing that and so did not understand the reference.

Commissioner Malinowski saw this in the newspaper.

Chair Duyck clarified that they had been contacted but that there is no official correspondence that endorses this.

Council President Hughes added that they had their own decision-making process and it will run its course.

Councilor Harrington remarked that you cannot believe everything you read in the paper.

Neal Knight, Mayor, City of Cornelius, 310 S. 16<sup>th</sup>, Cornelius, Oregon, thanked the people who supported the City of Cornelius the first time around. He said that there are a lot of things Richard Meyer and he do not agree on but this is one of the things on which they are in complete alignment. Mayor Knight asked for something to help get a balance on the land in Cornelius. He said that the city does not really have any industrial land because almost all of the industrial belongs to one person in small pieces spread out through an area—hard for a bigger company to do anything with. Mayor Knight offered to take people around Cornelius to show what the city has. He stated that if there cannot be support for Cornelius on this, then he would ask that we at least let LCDC know that if they are willing to change their mind, Metro and the Board are willing to support it.

Commissioner Terry commented that out of all of the communities in the western part of District 4, he has heard from and talked to all of them on this issue except for the City of Cornelius. He has talked to Mayor Knight but has heard from no one else in the city. Commissioner Terry asked how he is supposed to look out for this city when the city does not reach out to those who represent it.

Chair Duyck came to the defense of the City of Cornelius. He said that as the former Commissioner for District 4, he believed that they are probably making their comments to him. Chair Duyck speculated that they have not yet made the transition yet to Commissioner Terry as the District 4 Commissioner.

Mayor Knight felt sure that this will change.

Commissioner Rogers acknowledged receipt of a letter with map from the City of Cornelius, which may be found in the Meeting File.

Richard Meyer, Development and Operations Director, City of Cornelius, 1355 N. Barlow, Cornelius, Oregon, submitted written testimony, which may be found in the Meeting File. He noted that the LCDC decision has been called a preliminary/verbal/oral decision. Mr. Meyer appealed to the Board and Metro to see that as the City of Cornelius has viewed it, namely, as not really a decision unless we get it in writing with findings, facts, and reasons. He said that much of the city's wrestling with this major change to its urban reserve boundary has been without direction because the city has no reasons to react to. Mr. Meyer recalled that three verbal reasons were given during the last 20 minutes of testimony in the October LCDC meeting:

- There is too much floodplain.
- This is the best of the best farmland.
- It was a protrusion into foundation farmland.

Mr. Meyer said that an unspoken myth is the idea of Council Creek as a buffer for the city. He stated that the record these bodies had before them when they approved the area north of Council Creek contradicts each of these verbal reasons. Mr. Meyer said that with two maps, the city could have shown that the area, rather than a protrusion into all green, is tucked back in the very wide (five to ten times as wide) Dairy Creek floodplain in the City of Cornelius in an acute right angle rather than sticking out into what appeared on the map they were looking at as all green. He stated that it does not include Dairy Creek floodplain anymore; he guessed they were using old information. Mr. Meyer said it included very little floodplain. He recalled that it was in the newspaper the next day that it was a national treasure. Mr. Meyer went on to say that Washington County's own study described this as Tier 2—not Tier 1. He said that there is no Class I soil that Mr. Mecklem was talking about. Mr. Meyer concluded that this clearly was not the best of the best. He stated that the City of Cornelius thinks that these things being contradicted by the record was the reason why LCDC put off finalizing a decision. Mr. Meyer indicated that the City of Cornelius has talked to several of the Board/Metro about how to

get a reconsideration before LCDC. He noted that this is what is happening: the Board and Metro are putting together a package that will be reconsidered. Mr. Meyer said that a compromise that shows us flattened out (almost half of what had been approved last year) would be acceptable to them, along with getting the people of Helvetia off their back.

Councilor Harrington asked Mr. Meyer to speak to earlier testimony that within the existing Urban Growth Boundary, there is at least a 60-acre parcel of industrialized land.

Mr. Meyer responded that that is one of many numbers that have been floating around and that are totally wrong. He thought that people are thinking of the 65 acres that were brought into the Urban Growth Boundary instead of what the city wanted several years ago. Mr. Meyer said that of that 65 acres, only 22 are buildable. He stated that Metro and Washington County staffs know that. Mr. Meyer clarified that 20 happen to be owned by a person who does not want to develop or be part of a city in his lifetime. He said that this added 22 acres to what was 52 vacant buildable acres suitable for industrial expansion within our city limits. Mr. Meyer stated that if you count that 22, the city has a total of 74 acres of vacant industrial-suited land—74 acres for 50 years if Cornelius does not get some more to the north. He heard a reference to 50 acres of something north of Fred Meyer and clarified that there are 25 acres around Fred Meyer that are for the most part vacant or under-developed and that are owned by Tom Moyer. Mr. Meyer said that he only leases land; he does not sell land.

Councilor Burkholder asked the speaker to describe the northern boundary and the issue of having a hard edge to an urban rural area.

Mr. Meyer replied that there is not a creek unless you went up to Dairy Creek, which is where they were originally. He said that once the city compromises down from there, the city has to pick a road. Mr. Meyer stated that there are very strong buffer requirements for industrial areas in the code.

Councilor Burkholder asked if there is an existing road there.

Mr. Meyer responded that there is not. He said that it is tax lots just to the north of Hobbs Road.

Commissioner Terry heard that if the city got some land north of Council Creek, it is in its ordinances that it would put in a buffer that would designate where the industrial lands would be.

Mr. Meyer said that that is correct and that it is required by the developer. He stated that the city would accept conditions. Mr. Meyer said that there is no natural boundary there except as Dairy Creek and that is an eastern and northeastern natural boundary.

As to the buffers, Commissioner Schouten said that that is the current policy but pointed out that elections come and go, as do other staff, and majorities shift and change. He stated that we cannot necessarily make a decision based on what the current local laws may be because they are always subject to change.

Mr. Meyer remarked that that is the limit and beauty of local governance, i.e., that things can be changed. He said that we either build or require a buffer to put in as a city (or require of developers) or we don't have any room to grow. Mr. Meyer added that that is the only land suitable for industry; south is not because the utilities are not there, it is low land, etc. He summarized that the land there is only suitable for residential and maybe some spot neighborhood commercial, a school, etc. Mr. Meyer stated that north is legitimately the only land suitable for industry. He said that Council Creek is not a boundary now; if that is a boundary for 50 years, it stops growth there within six blocks of the future light rail station.

Councilor Collette asked how the parcel proposed by the Planning Commission relates to the parcel that came before us in 2007 and earlier in 2004.

Mr. Meyer responded that it is essentially the same parcel of land. He said it goes up to the edge of the tax lots rather than cutting them in half.

Councilor Collette recalled that we said last year during the reserves process that a 50 year rural reserve designation makes a very good, hard edge. She said that whether or not there is a road or a creek there, a rural reserve up against an urban reserve is a pretty firm edge.

Mr. Meyer said that because the city wants this to be successful for everybody, the city designated it rural development when it would have been better planning to have undesignated there.

Councilor Roberts reviewed Don Sheldon's testimony and observed that it was as if there had never been a discussion with him by city staff relative to what might be there that would be helpful to him. She was concerned about this communication issue. Councilor Roberts stated that she heard that land had been turned into housing areas and was not available for industrial use.

Mr. Meyer responded to the latter issue first. He said that this is a cruel bait and switch accusation that has come up in hearings, namely, that the city changed land from industrial to residential. Mr. Meyer stated that the Boundary Commission, just before Metro took it over, recommended that Cornelius change the zoning from industrial to residential to meet housing goals. As to the Sheldon Manufacturing need, he said that Cornelius has worked with him. Mr. Meyer stated that off and on, Mr. Sheldon has been interested in expanding but, because he is a bike rider and wants to be on a path, he is waiting for the Council Creek Trail to go through. He reported that Cornelius actually

lost a food processing business to Woodburn because they did not have a 20 acre site. Mr. Meyer said that they lose good companies when they want to grow if they do not have breathable space.

Robert Bailey, 7455 NW Helvetia Road, Hillsboro, Oregon, submitted written testimony, which may be found in the Meeting File. He said that he represents Save Helvetia. Mr. Bailey stated that making the greatest place requires using some of the best standards. He said that, fortunately, Oregon has some of those standards for government transparency. Mr. Bailey stated that under Oregon's Public Records and Meeting law, elected officials' deliberations are to be public with some exceptions. He said that under Oregon's Government Ethics standards and law, elected officials are to disclose conflicts of interest in public. Mr. Bailey went on to say that Washington County Personnel Policies encourage the disclosure of possible conflicts due to family relations, economic interests or other benefits. He said that the perception arises in that we often come to hearings with decisions appearing to be ready-made and with no evidence of anybody declaring conflict, that Washington County has no conflict. Mr. Bailey stated that a Judge in a Lane County case recently found several county commissioners engaged in illegal and secret deliberations that were scripting their votes prior to coming to a hearing. He said that from a citizen perspective, it looks complicated as we come to these hearings. Mr. Bailey remarked that we never hear any conflict of interest except this morning, he heard that somebody had property that was on the table and somebody's relative had property that was on the table. He asked to be assured today that the decisions are without conflict and that the votes and deliberations will truly take place in public.

Councilor Terry clarified that the land he has is not in conflict today or under discussion today or on the table today.

Commissioner Schouten asked for an attorney to speak about the fact that this is a legislative matter as opposed to a quasi-judicial one, which means that as long as we are not running afoul of quorum issues, people do have the ability to do negotiations and discuss with constituents as long as they are not doing so within a quorum piece.

Dan Olsen confirmed that this is a legislative process and so the quasi-judicial rules do not apply. He explained that there is no such thing, for example, as an ex parte contact in this type of proceeding because it is legislative. Mr. Olsen reported that the courts have recognized that the Board's job is to go out into the community or have the community make contact to discuss these types of major policy issues. He said it should be noted that the State Ethics laws continue to apply. Mr. Olsen stated that in this type of proceeding, however, where you have this many properties at issue, there is an exception under the Ethics laws for a class exception, which provides that if you are a member of a many-party class, you or your relatives are being affected in the same manner as persons otherwise in the class and this is not considered a conflict. He explained that, for example, you could not vote on whether to place a tax measure on the ballot because technically you are personally financially affected by whether that passes or not. Mr. Olsen said that it is generally, however, prudent to disclose conflicts. He stated that the

property referenced by Commissioner Terry earlier was part of the property that was made urban in the prior ordinance and is not being impacted in any way by this IGA or ordinance; this was prior to his term on the Board. However, Mr. Olsen understood that Commissioner Terry is prepared to disclose, once we get to the ordinance, even though it is technically probably not necessary. Given the size of this, he knew that other people may have relatives and may choose to disclose but he said that his opinion is that this is optional because of the class exemption. Mr. Olsen said that in terms of the Public Meetings law, attorneys around the state are struggling with that decision and there is not unanimity. He stated that it is clear, however, that that was one Judge's opinion about the Public Meetings laws and is not consistent with the long-standing advice of the Attorney General that a public meeting occurs when you have a quorum meeting together and does not occur when individual commissioners may, for example, discuss an item.

Alison Kean Campbell, Acting Metro Attorney, agreed with Mr. Olsen. She said that in this hearing now where public testimony is being accepted, the Board/Metro are not making a decision but rather hearing from the public. However, Ms. Kean Campbell stated that when the Board/Metro move into the position of actually voting, Ethics laws state that if the Board/Metro will personally have an economic benefit from a vote they make, then that is an actual conflict that they must declare. She said that if it is a potential economic interest that will be obtained from the vote, they must declare and can then still vote. Ms. Kean Campbell stated that with respect to the class categories, she agreed that we are all within or outside of the Urban Growth Boundary and so are all somewhat affected by them. However, she said that if a Metro/Board member's particular property is at issue, then that would be a situation where they need to ask whether they would get an actual economic benefit from the way they vote; if they would, that would be an actual conflict where they would declare and not vote. Ms. Kean Campbell stated that if it is just a potential and is with respect to a Metro/Board member's particular property and not just part of a class, then it is a potential conflict that they declare and then can vote.

Council President Hughes understood that conflict of interest applies to personal pecuniary profit to a member of one's household and does not apply to extended family.

Ms. Kean Campbell responded that it does apply to relatives—not whole extended relatives but a pretty big group. She listed certain relatives to whom this would apply.

Councilor Harrington thanked Mr. Olsen for joining a group for lunch today. She said that since several Metro Councilors were present as well as several Board members, she wanted to be sure that legal counsel was in the room to witness that they did not talk about this program at all but rather all sorts of other world affairs.

Commissioner Schouten assumed that there is no appellate case law that deals with the issue of the case where people in less than a quorum are discussing things. He said that we have an AG opinion and a Circuit Court Judge decision and that is it.

Ms. Kean Campbell stated that that is the rule in Lane County right now and added that there is not a Court of Appeals decision on that.

Ms. Kean Campbell said that it is always best to be cautious.

Mary Kyle McCurdy, Policy Director, 1000 Friends of Oregon , 534 SW 3<sup>rd</sup> Avenue, Portland, Oregon, reviewed that 1000 Friends has participated in every step of the urban and rural reserves process, from the crafting of the original legislation to the rule making to the Reserves Steering Committee. She said that 1000 Friends did so for the same basic objectives underlying this concept:

- To bring long-term certainty through rural reserves for protection of farm, forest and natural resource areas for the long-term protection of large blocks of land with the characteristics necessary to maintain their viability.
- To provide greater certainty for commerce, other industries, other private landowners and providers of public services by determining the more and less likely locations of future expansion of urban growth boundaries and urban development.

Ms. McCurdy said that the statute specifically emphasizes the protection of key lands with important characteristics for farm, forest and natural resources. She stated that, in contrast, for urban reserves, the statute focuses on the certainty of knowing where future urbanization will take place but it does not specify that those lands have any particular inherent qualities. Ms. Kyle McCurdy said that the statute and rule also talk about balancing between urban and rural reserves region-wide. She related that 1000 Friends believes that the proposal fails to meet the requirements of protecting specific key farm, forest and natural areas and it fails to meet the balancing requirement, when viewed in Washington County or region-wide. Ms. Kyle McCurdy stated that it also fails to meet the explicit requirements of LCDC and its directive. She believed that the Board/Metro have two viable options:

- Follow the directive of LCDC and remove all the lands north of Council Creek from urban reserves and re-designate them as rural reserves north of Cornelius and Forest Grove; or
- Follow the directive of the State Agency letter and designate those same areas as rural reserves and trim back the Area 8A (Evergreen area) to Waibel Creek and Meek Road.

Ms. Kyle McCurdy said that while 1000 Friends has advocated for a designation more similar to the State Agency letter, both options have been offered and seem the clearest path to moving the decision on. She stated that 1000 Friends does not believe that the proposal will do that and it will lead to protracted hearings and appeals for the following reasons:

## Areas North of Council Creek

- LCDC has found that the area above Cornelius does not qualify as urban reserves and sent it back with a variety of comments all in the same vein, namely, that it is foundation farmland, that the creek and floodplain provide an excellent barrier between urban and rural uses, and it is “gateway to a huge amount of foundation farmland”.
- Council Creek and the area north of it also qualify as rural reserves for natural resource reasons. None of the discussion would lead to a decision that it qualifies as undesignated; it qualifies as rural reserves for agricultural and natural resource reasons
- Splitting the area between the two designations, in the opinion of 1000 Friends, is not responsive to the direction from LCDC. This does not leave Cornelius without many options, contrary to some previous remarks. There are still 350 acres of urban reserves to the east of Cornelius that is along their transportation corridors, including the planned high capacity corridor. There are currently 175 vacant acres of land inside the City of Cornelius, including 55.88 acres to the north of Cornelius that was brought into the Urban Growth Boundary almost seven years ago by Metro for the explicit purpose of industrial use. That has not been annexed into the city yet. That was requested by the city for industrial use. (The City of Cornelius’ information regarding that is attached to Ms. Kyle McCurdy’s testimony.)

Ms. Kyle McCurdy clarified that the LCDC discussion was entirely about the east/west branch of Council Creek. In fact, she said that it was a City of Forest Grove person at the LCDC Commission that clarified that it was about 240 acres north of that east/west branch of Council Creek that was in discussion as to whether or not it qualified as rural reserves or urban reserves. Ms. Kyle McCurdy said that that was sent back by LCDC for reconsideration—not the 28 acres that is before the Board/Metro now. She reported that comments were made by LCDC that really the only boundary that made sense there was the east/west corridor of Council Creek.

Ms. Kyle McCurdy stated that there have been a lot of statements about “the one that got away”—the industry that did not come here because it could not find a large lot in western Washington County. She asked that we not lose the one that is already here. Ms. Kyle McCurdy said that the only industry with the 100-year-plus track record of using large lots and with investors (farmers) who are now looking to purchase and lease additional lots is agriculture. Ms. Kyle McCurdy stated that agriculture provides one out of eight jobs in this state, it is 15% of the state’s economy and it is growing. She said that the only industrial sector that grew during the recent recession was food processing; Multnomah County is #1 in that. Ms. Kyle McCurdy stated that it relies on large lots to process that food. She said that Washington County is #6 in the state on a relatively

small amount of land in agricultural production. Ms. Kyle McCurdy urged the Board/Metro not to lose what we already have, something that is not going to leave this area, that is not going to be outsourced, and we are not going to lose those jobs.

Commissioner Schouten was looking at the factors for designation of land as rural reserves. He asked the speaker to comment on what paragraphs relate to the areas north of Cornelius, Forest Grove and maybe even the area north of 26, Area D.

Mary Kyle McCurdy responded that the factors that go into a rural reserve designation explicitly contemplate that it might include exception areas. She acknowledged that there have been some questions about that. Ms. Kyle McCurdy said that this is because exception areas are areas that have already been found to be compatible with rural uses and there is agriculture going on in a lot of those exception areas and also agriculture-related industry. She wanted to be clear that rural reserves can include and were contemplated to include exception areas because rural reserve designations and the criteria do not look just at the soils; that is the old way of expanding urban growth boundaries. Ms. Kyle McCurdy said that the trade-off here was that urban reserves and eventually UGB's could get to go on some of the best soils but we were going to look at agriculture in a larger area. She stated that we were looking at these relationships: the criteria talks about if the area is suitable to sustain long-term agricultural operations, taking into account the existence of a large block of agricultural lands, taking into account its relationship to the lands around it, to the infrastructure, the workforce, and the lands around it. Ms. Kyle McCurdy said that that is why the area of Council Creek—as long as she has been in her current position since 1990—has been consistently called out to be the boundary in Washington County for agricultural and urban boundary. She stated that Class I soils are relatively scarce in Oregon; Class II and III are far more prevalent and wine grapes are grown on Class IV, V and VI slopes. Ms. Kyle McCurdy said that it is the quality—not the quantity—of the land and the soil classification can grow some very high value crops. She suggested looking at high value soils, another USDA term that takes into account all of that.

Councilor Hosticka asked the speaker to comment on Area D and how it meets urban reserve criteria as well as Area E.

Ms. Kyle McCurdy indicated that her written testimony (which may be found in the Meeting File) covers these areas. Relative to Area E, she reviewed that that area was designated originally as rural reserves and is now proposed as undesignated and is south of Rosedale Road. Ms. Kyle McCurdy stated that the existing urban reserve (in the blue area on the map) represents already an enormous compromise on the part of the agricultural community. She said that the agricultural community and the Department of Agriculture had originally suggested that the urban reserves south of Hillsboro go to Butternut Creek but added that the decision of the Metro Council and Washington County Commission was to go south to Rosedale Road. Ms. Kyle McCurdy reported that except for the St. Mary's site, the rest of it is foundation farmland. She said that there was already a compromise built in there to go south of Butternut Creek to Rosedale Road

in the State Agency letter. Ms. Kyle McCurdy stated that when the LCDC decision was made last fall, the agricultural community did not object to going south of Butternut Creek to Rosedale Road; they knew that compromises had to be made and they did not object to the entire Evergreen area coming in either. She recalled that they did not want to go north of 26 in Helvetia (which at the time was rural reserves or undesignated) and north of Council Creek. Ms. Kyle McCurdy said that the addition of Area E as undesignated is a new issue. She did not recall it being the subject of discussion. Ms. Kyle McCurdy noted that Metro and the Board have already found that it meets the rural reserve criteria. She said that the addition of that plus the undesignated that is already on the map is a large swath of potential urban reserve and undesignated lands that 1000 Friends will have to re-examine to see if that whole area threatens the block of agricultural lands in the whole historic farming area of Scholls. This made her anxious and certainly provided reason to look at this area again.

Councilor Hosticka clarified that he was not asking the political question but rather the legal question. He recalled that it was originally proposed as urban in Washington County's very early designations. Councilor Hosticka wanted to know if, in Ms. Kyle McCurdy's judgment, this meets criteria for urban enough that it would not be automatically made rural.

Ms. Kyle McCurdy replied that Metro and Washington County already found that this qualifies as rural reserve because they designated it as that.

Councilor Hosticka pointed out that a lot of land qualifies under both characteristics. He said that Metro Council and the Board are here to make the political judgments about whether or not it is more appropriate for the community to designate it one way or another. Because Mary Kyle McCurdy is a lawyer and spends a lot of time litigating these things, he requested her advice on this. Councilor Hosticka also wanted to know if LCDC heard everything that Metro/Board has heard today or if there is something they did not hear when they made their judgments.

Ms. Kyle McCurdy responded that it is her belief that LCDC has heard all of this.

Commissioner Schouten asked the speaker if she has any comments about Area D.

Ms. Kyle McCurdy said that relative to the area north of 26, 1,000 Friends of Oregon has consistently opposed going with urban reserves in that area (585 acres that are being proposed to go from undesignated to rural reserve). She noted that there has been quite a bit of testimony as to the agricultural activities in that area: it is foundation farmland, it crosses Helvetia Road and 26—which while they are not natural buffers, they are as good a buffer as we can get in that area between agricultural and urban uses. Ms. Kyle McCurdy said that there has been some discussion about making up acre for acre; she thought that this is the wrong way to look at it. She stated that the whole issue of regional urban and rural reserves is looking at the quality—not the quantity—of the land.

Ms. Kyle McCurdy stated that LCDC did not say to make up the acres. She said that we can look region-wide—not just in Washington County—if there is some need to make up some of those acres.

Chair Duyck did not know that that is correct. He reviewed that LCDC remanded all of Washington County's rural reserves, clearly with the intent that we could make them up. Chair Duyck clarified that LCDC did not say that we *had* to but it was clearly implied that we could (whether we should is debatable). He wondered how we would make them up in another county if they accepted theirs in total.

Mary Kyle McCurdy replied that the decision at the end of the day still has to meet the balancing requirement region-wide between urban and rural reserves. She said that when this goes back to Metro, Metro has to ensure that what they are adopting, and what Clackamas and Multnomah County will also have to sign onto, meets that balancing requirement. Ms. Kyle McCurdy stated that we do not have a written decision yet.

Chair Duyck understood that Metro would have to ignore the fact that LCDC has accepted the reserves in Multnomah and Clackamas County and go back and re-open the process in one of those counties if we were to make it up there. He asked if his understanding is correct.

Ms. Kyle McCurdy replied that she spent Sunday re-listening to LCDC's deliberations; she was not sure it was that clear.

Dick Benner understood the question to be if we could find replacement urban reserves for the loss of north of Cornelius in one of the other two counties, given the fact that LCDC has essentially given its oral approval to urban and rural reserves in the other two counties. He thought that the region could decide to find additional urban reserves in one of the other two counties but said that it would have to follow the process that we have followed from the beginning and that has to be done by agreement of the counties that are involved. Mr. Benner said that this would mean going back to one or both of the other counties, as Metro has worked with Washington County, to reconsider the urban and rural reserves in at least one county or perhaps both counties. He thought that it would be inaccurate to say that because LCDC has given its oral approval to the reserves in the other two counties, you cannot do that. Mr. Benner believed that the better way of looking at this is that it is a periodic review process and LCDC has not entered an order on the reserves in the other two counties—meaning that that is closed up and now subject to litigation. He said that instead, it has remained open. Mr. Benner stated that you could do it but you have to follow the same process that has gotten you to this point with the other counties.

Mary Kyle McCurdy wished to clarify that she is not advocating doing that. However, she stated that there is a balancing requirement and law to meet at the end of the day.

Chair Duyck told Mr. Benner that that is the way he understood it, namely, that we would have to step back and go through another process with the other counties if we wanted to go that route.

Council President Hughes had a question about the balancing requirement. He asked what are the criteria used to determine whether the balance is adequate in either direction.

Ms. Kyle McCurdy responded that you have to look at the letter of the law, which is quoted in her testimony, that you are protecting large blocks of agricultural land for their long-term viability; the objective of this division is the balance and designation of urban and rural reserves that in its entirety best achieves livable communities, the viability and vitality of the agriculture and forest industries and protection of important landscape features that define the region for its residents.

Council President Hughes said that it seems as if relative to applying the letter of the law, the letters combined are pretty vague standards. He was not sure that they are clear and objective standards that LCDC always holds local governments to. Council President Hughes asked what factors should be considered to determine whether you had balanced enough farmland to save the vitality of the farming community, with enough urban land to make sure that there is an adequate supply of housing and industrial land.

Mary Kyle McCurdy said she would look to the rural reserve criteria, which are pretty specific. She stated that the Oregon Department of Agriculture's designation of foundation farmlands provided the basis for those criteria and that the urban and rural reserves statutes and rules state that if you designate as rural reserves any land that has been previously found to be foundation land, that automatically qualifies as rural reserves and automatically meets the criteria for being rural reserves. Ms. Kyle McCurdy said that there is a heightened level given to those foundation farmlands because they have already been found to be in large blocks that are necessary for the vitality and viability of long-term agricultural use. She stated that there are also urban reserve criteria. Ms. Kyle McCurdy said that there is definitely recognition that in some areas, some lands are going to meet both. She said that this is where Metro/Board have some discretion and flexibility. Ms. Kyle McCurdy stated that they need to look at it in the great context of the whole region, including the vacant lands inside the existing Urban Growth Boundary, which has not received as much attention, in terms of seeing the long-term need for urban and rural reserves.

Council President Hughes disagreed with the last comment but said that could be debated at another time.

Councilor Harrington asked Dick Benner to remind the Board/Metro—relative to the joint findings that were submitted to LCDC last year—what was the precedent action and how we spoke to balancing.

Dick Benner said that the thing that can be dismissed right off the bat is that the language does not intend to talk about balance in terms of acres of this versus acres of that. He stated that, instead, it is talking about balance between the two sets of objectives; that is what the program is looking for. Mr. Benner said that we are trying to reconcile two things that come into conflict: we are trying to protect our best agricultural lands and we are trying to find a land base for highly efficient compact mixed-use, pedestrian-friendly, transit-supportive development and these like the same land. He summarized that they like flat land and they like large parcels. Mr. Benner said that when this language was added during the rule-making and thoroughly discussed (first by a work group chaired by an LCDC commissioner and then by the Commission itself), there was much scratching of heads over how we will know, when this matter gets to LCDC, whether it meets this balance. He stated that it was acknowledged at that time that it is a matter of judgment and that the first judgment are the judgments made by the four local governments and what they submit to the agency. Mr. Benner said that the agency's job is to look at the exercise of that judgment and ask the question, "Are the urban reserves here going to be of sufficient supply and of the right nature in order for there to be this type of compact community and is there going to be enough of the best agricultural land designated rural reserve or left undesignated so that that key industry remains viable?" He indicated that those two questions have to be reconciled and that is what the agency was doing back in October of 2010 and they are going to have to do it again. Mr. Benner said that there is no clear answer and it is a matter of judgment. He thought that the agency recognizes that if it looks at something that looks like a pretty good balance, they will approve it.

Councilor Hosticka asked what LCDC actually said and how they go about saying it. He said that he has served most of his time in an environment where motions are made by bodies, they are voted on and that is what the body intended. Councilor Hosticka wondered if that same thing applies to LCDC and if he could learn the content of the motion that was made and that was voted on.

Dick Benner replied that as Councilor Hosticka knows, there is no written decision. He said that if there was a written decision and the agency began to work on it, he did not know that the agency has decided that it will not enter a written decision or if they are still working on it.

Councilor Hosticka believed that the Commission did take a vote on a motion.

Mr. Benner affirmed that the Commission did take a vote on a motion and added that the motion was very fundamental, very basic. He said that it did not have a highly articulated set of explanations for the vote. Mr. Benner stated that it was to remand 7I and do not bring it back to the agency as urban reserve, with general reasons stated. He said that with respect to 7B, north of Forest Grove, it was not quite as precise. What Mr. Benner took from it was that the Commission wanted the governments once again to look at the record, reconsider the designation in light of the factors and come back with the same thing or something different. He reiterated that the direction was not as clear as it was with 7I. Mr. Benner said that the Commission was ready to acknowledge the Washington

County rural reserves but at the meeting, as they were coming to terms with the implications of the remand of the two urban reserves, they recognized that they might have to reconsider some of the rural reserve designations to look for new places for urban reserves, if that is what the governments wanted to do. He stated that they therefore asked the agency to also remand the rural reserves.

Councilor Hosticka asked if Mr. Benner thinks that the proposal before us complies with the intent of the formal action of LCDC.

Mr. Benner responded that it will be seen by the Commission as a better application of the factors.

Commissioner Schouten brought up the balancing of the factors for designation of the land as urban reserves with the factors found in the State of Oregon regulations regarding factors for designation of rural reserves. He asked for legal comments on whether there is any significance to the fact that in the factors for designation of land as urban reserves, the last one does also say that “it can be designed to avoid or minimize adverse effects on farm and forest practice and adverse effects on important natural landscape features or nearby land, including land designated as rural reserves”. Commissioner Schouten said that this is somewhat similar to language found in the rural reserves factors in the following section. He asked if this is significant in terms of the balancing that we need to do.

Dick Benner thought that what was contemplated by that is in the selection of an area as urban reserve, if you are looking, for example, at 500 acres and at property lines, is if there is a way to configure it that would—when it is urbanized—be less likely to conflict with agricultural practices on the other side of the line. He said that if you cast off this 50 acres that causes you to retreat to a creek with a buffer as opposed to a lot line on the other side of the creek, maybe it would be wise to retreat that 50 acres because then it would be easier to urbanize the remainder without conflicting with farm practices on the other side. Mr. Benner stated that this is the kind of reasoning and analysis that that factor contemplates.

Mary Kyle McCurdy said that there has been testimony from the State agencies and from the Oregon Department of Agriculture about the importance of buffers and that is what that is getting to, in part, namely the issue of buffers between agricultural lands and urban lands. She stated that you also see in the Rule that the rural reserves are designed to protect natural resources that form significant landscape features and in many cases, those are the same thing: a natural resource that provides a significant landscape feature that defines the region is also a good buffer. Ms. Kyle McCurdy summarized that that is what that particular criteria is getting at.

Commissioner Schouten said that you look at all of the things that point to something being urban reserves. However, he noted that you still have to avoid or minimize adverse effects on nearby farm and forest practices.

Mary Kyle McCurdy agreed that that is a particularly difficult criteria to meet when you have a country road as the boundary or, even more difficult, if it is a lot line.

Linda Peters, 25440 NW Dairy Creek Road, North Plains, Oregon, did not bring written testimony today but said that she may follow up with some before the record is closed. She also let the Board know that Miki Barnes had to leave and so won't be speaking today. (Written testimony from Ms. Barnes may be found in the Meeting File.) Ms. Peters wished to make observations about context and process. She said that had Washington County chosen (as did Clackamas and Multnomah County) to form Advisory Committees for the reserve process that included a lot of stakeholders, we might have avoided a marathon meeting like this at the end because a lot of what is being argued today is stuff that should have been better understood among all of the parties from early on. Ms. Peters stated that if there had been people in those meetings who represented something other than cities and their aspirations, had there been serious consideration of what kind of farmland needs there might have been, we would not be sitting here hearing that there was no established need for farmland. She said that the whole idea of designating foundation farmland was to establish where those blocks of farmland are that are productive and that are intact and that can be assumed as needs. Ms. Peters stated that there might also have been someone in those groups who would remember that when we first established an Urban Growth Boundary in this area, the key idea for making it viable was that we were going to hold tight boundaries and that we were going to make strategic investments in renewing our urban areas so that there were always adequate supplies of employment land and employment places; that there was always an adequate supply of residential areas; that there was always an adequate supply of diversified possibilities for how we would get around in our neighborhoods and between our town centers, etc. She said that somehow, we have arrived at this point with people still honestly believing that if you cannot grow out, you cannot survive. Ms. Peters remarked that her heart goes out to Cornelius. She recalled that she was the former District 4 Commissioner before Andy Duyck and Bob Terry; she remembers working with the people of Cornelius to get them to understand the importance of doing the planning inside their own community to try to keep it renewing and livable. Ms. Peters observed that Cornelius has had many challenges over the years that she seriously doubts will be improved very much by eating up their northern edge farmland. She wished that we had brought people around the table representing Cornelius, the farm interests, 1,000 Friends, and Helvetia with good facilitation and good technology earlier in the process. Ms. Peters summarized that we have a process that did not produce what anyone is terribly happy with now. She supported a lot of what was heard from the Farm Bureau, Save Helvetia and others who think that it is a very smart idea to pay attention to what the State Agency letter said and to make decisions accordingly. Ms. Peters thought that this is probably the best way to minimize the necessity for a lot of lengthy litigation.

Councilor Hosticka noted that Ms. Peters talks about foundation farmland and how that should trump everything and then about the process. He asked what kind of open process was used to decide what was foundation farmland.

Ms. Peters responded that it was a technical report that came from the Department of Agriculture, which seems entirely appropriate.

Council President Hughes commented that he and Councilor Hosticka both attended a meeting where Mr. Johnson ruled out the technical report and there seemed to be a lot of talk about areas that did not have much farm value but were good for buffers. He said that a farmer could make money if he sells his land for an urban use, he can make money being a buffer but that denies him the ability to use his land to make anything out of it at all. Council President Hughes stated that he thought that Jim overreached just a bit and Councilor Hosticka is correct that there was no push back. He recalled that we did go away from soil types (the basic criteria was soil types) to less definitive criteria and there was never much of a chance to discuss that.

Commissioner Schouten thought that Ms. Peters' criticism was directed less at Metro Council's process and had to do more specifically with Washington County's process.

Ms. Peters affirmed that that is the case. She said that some of what is going on today could have been resolved way earlier in the process had more than one viewpoint been used as a basis for making the initial analysis.

Commissioner Schouten asked for an even more specific response.

Ms. Peters said that her specific observation is that it was a committee that did not represent all of the stakeholders and therefore the real issues that might have been resolved early in the process have carried on clear until now. She stated that the Board and Metro are setting a good example of civility, patience and appreciative listening at today's long hearing.

Councilor Collette clarified that this is not an urban growth decision but rather an urban reserve decision. She proposed that the Urban Growth Boundary decision have more the flavor described by Ms. Peters—more of an opportunity to have a conversation. Councilor Collette said that part of what we tried to design with the capacity ordinance last fall was having more of a conversation around what makes a complete community before we bring something inside the UGB. She stated that whether or not that process last year feels savory or unsavory to Ms. Peters, we still have an opportunity to build better processes into the future.

Ms. Peters agreed with that and certainly hoped that we do.

Commissioner Schouten asked if we are talking about something that occurred not a year ago but more like about two years ago, when our prior Chair served on a group.

As to whether it makes a difference that this is a 50 year timeframe and that a reserve does not necessarily have to interfere with the way you are using it, Ms. Peters found that disingenuous in that it would not be designated urban reserve unless there was an

intention to urbanize it. She said that you do not want to be designating things that people are determined to hang onto as farms in perpetuity through their families. Ms. Peters stated that that is just a practical matter. She recognized that the Board/Metro has had plenty of experience with trying to urbanize places that people were not going to quit farming and added that this is some of what has been a problem in Cornelius.

Carol Chesarek, 13300 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. She said that she has been following the reserves process since before Senate Bill 1011 was drafted, that she served on the Multnomah County Reserves Citizen Advisory Committee, and that she attended all of the LCDC hearings in October. Ms. Chesarek stated that under Senate Bill 1011, Metro Council is responsible for designating urban reserves. She recalled that last year, Washington County persuaded Metro to approve a set of urban reserves that did not conform to the reserves rules. Ms. Chesarek stated that Metro expected that decision to be accepted but it did not follow the rules and LCDC remanded chunks even while they approved the designated reserves in both Multnomah and Clackamas counties. She observed that today, Metro Council is considering a repeat of last year's mistake that ignores clear guidance from LCDC. Ms. Chesarek hoped that Metro would not do that because she was afraid that that would put the entire regional reserves process at risk. She said that four years of work, thousands of staff hours across the region, countless taxpayer dollars can all go down the drain if these changes are approved. Ms. Chesarek stated that that risk can be avoided by taking the City of Portland's suggestion (which she would second) to simply change the remanded areas to undesignated. She said that undesignated lands are still available to become urban reserves later if we truly need them. Ms. Chesarek stated that DLCD has studied the productivity of urban reserves on prime farmland in other parts of the state and found that productivity of that farmland diminished after being placed in urban reserves. She said that it did not go to zero but it was noticeably diminished. Ms. Chesarek stated that it is probably hard to sell that urban reserve land to another farmer who wants to continue farming. She said that if we create urban reserves that are bigger than needed, this will be doing harm. Ms. Chesarek added that there is no evidence that that same trend won't happen here even though we might like to think it would be different. She stated that Areas A and B north of Forest Grove in this proposal would create a 28-acre finger of foundation farmland that is going to be isolated when the adjacent intersection on Highway 47 is expanded with all of the things that are going to be required to serve the proposed urban development there. Ms. Chesarek thought that that change insults LCDC's intention, which was to create a meaningful urban/rural buffer using Council Creek. She reported that LCDC also liked using Highway 26 as a buffer between urban and rural areas but Washington County proposes stepping across that and instead using a minor road and lot lines—repeating the same mistakes that were made in the original urban reserve north of Cornelius. Ms. Chesarek said that she attached for reference a graph that shows the middle third of the 50-year COO forecast; it shows that even if you take out these remanded urban reserves, you are still well above the midpoint—635 acres above the midpoint—in the 50-year forecast. She stated that another page of her submittal shows how the 50-year forecast relates to the 40-year forecast, which is the forecast everyone favored using when we

started this process a couple of years ago because we did not think we had a lot of confidence in our ability to protect 50 years out. Ms. Chesarek was not sure our confidence is any higher today. She urged the Board/Metro to leave the remanded areas undesignated.

Councilor Harrington was aware that Carol Chesarek has been a very involved fellow traveler in this process. She recalled seeing her at all of the CORE 4 meetings. Councilor Harrington asked Ms. Chesarek to expand on the part of her submittal that talks about her wondering if Washington County's true goal is to kill the reserves process.

Ms. Chesarek replied that she wonders that because she sat and listened to the discussion at LCDC and thought it was very clear, relative to the area north of Forest Grove, for example, that they intended a branch of Council Creek to serve as a buffer between urban and rural uses if you are going to do something there. She said that they also left the option of keeping the whole thing urban but doing a better job of justifying it. Ms. Chesarek stated that when you carve out a 28-acre finger of land and say that you are meeting the intent of their decision by using this branch of Council Creek and it will buffer the urban land from this undesignated area, that should insult LCDC if brought back to them. She said that that kind of approach to this makes her wonder if there is something else going on that hasn't been shared publicly. Ms. Chesarek hoped that that is not the case but said that she has a hard time really understanding this proposal because it seems that much at odds with the direction she heard from LCDC.

Councilor Harrington wondered if, given that Ms. Chesarek's testimony has suggested that we take the area north of Cornelius and make all of that undesignated, she thinks that the proposal with B and C pokes LCDC in the eye, so to speak. She noted that Ms. Chesarek is really focusing on the area north of Forest Grove.

Ms. Chesarek responded that the area north of Forest Grove, Area D north of Highway 26 and the area north of Cornelius should all be rural reserves, in her opinion. Regarding the area north of Cornelius, where there is some rural reserve and some undesignated, should not be offensive to LCDC, based on the discussion that she heard.

Councilor Craddick understood that Ms. Chesarek is proposing that Area A become undesignated, leave Area B and C as proposed, Area D as undesignated, and Area E as undesignated.

Ms. Chesarek's proposal was to divide Area A, using the east/west tributary to Council Creek; the area north of that tributary would be undesignated and the area south could stay urban. She had no comment on Area B and C. Ms. Chesarek would leave Area D as undesignated. She did not know enough about Area E to really have an opinion one way or the other.

John VanGrunsvan, 614 E. Main Street, Hillsboro, Oregon, said that he owns property in Area 7C. He stated that the Farm Bureau indicated that properties east of Cornelius had a considerable amount of foundation farmland. Mr. VanGrunsvan did not know where that foundation farmland is. He described this as a highly urbanized area with city water. Mr. VanGrunsvan said that down the road, Metro will be making a decision on including this in the Urban Growth Boundary. He stated that the vacant farmland in Hillsboro does have value. Mr. VanGrunsvan said that when you see a 70-acre piece of ground that is zoned industrial, that land is creating jobs sitting there vacant. He said that if the 800 acres previously discussed were the only 800 acres, then they would not have been buying that stuff for \$3 to \$8 per square foot; they would have been spending \$38 per square foot and they would not have been there because they would have gone overseas or to another state. Mr. VanGrunsvan reiterated that those lands that are sitting there vacant that are zoned industrial have a value and are creating jobs. He observed that a lot of it is vacant now because we are in a down-trend. Mr. VanGrunsvan said that there are a lot of small manufacturers here that are earning a living on the coattails of Intel and other large companies.

Commissioner Schouten understood that there is potential value in the vacant land if it is realized in market value. He asked what other jobs are there when the land is sitting vacant, aside from real estate agents, who have jobs spending a certain amount of time marketing those parcels.

John VanGrunsvan responded that by virtue of being there, there is an opportunity and this keeps the price of land down. He said that you can dilute the value of the land in a manner by the amount of it. Mr. VanGrunsvan stated that if you take half of the industrial land out and re-zone it to something else, there will be less jobs and land is going to be more expensive for industrial development. He summarized that it is supply and demand.

Walt Betschart, 18171 NW Sellers Road, Banks, Oregon, said that he bought this property in 1974. He remarked that a lot of people affected cannot attend these daytime hearings because they are working. Mr. Betschart testified that an evening joint meeting on this issue several years ago was well attended but hardly any of the public who signed up had a chance to speak. He said that those who got to speak were cut back to a minute and the meeting adjourned at 10:30 p.m. Mr. Betschart stated that prior to that date, he had become aware of Cornelius' desire to change a developed and committed area of homes on Hobbs Road to industrial and Metro was considering bringing it into their growth boundary. He said that his mother had received a three page letter printed on both sides but no map. Mr. Betschart mentioned that his mother still resides on the southeast side of Cornelius. He stated that the proposed area is on the northeast side. Mr. Betschart carefully read the description of the area between Schefflin and Susbauer Roads and Spiesschaert Road and did not attend the Cornelius City and Metro joint hearing. He said that right after that, he noticed signs in people's yards that said, "Say to Metro: This is our Home" and found out that Hobbs Road was also included in the proposed industrial change with more homes affected in one-third larger area. Mr.

Betschart later saw a newspaper article saying that if you had not testified at the joint Cornelius meeting, you had another chance at Metro in Portland. He reported that he signed up to speak there but, along with four others, he was denied because he had not spoken in Cornelius. Mr. Betschart recalled arguing with a member of Metro's legal staff. He said he was willing to settle for telling Metro Council about defective notice that the legal staff claimed was an oversight but was told "no" and that the legal staff would inform the Council at the end of testimony. Mr. Betschart claimed that the legal staff "soft pedaled" and so he himself did it for him. He said that Metro's own investigator on this issue, when pressed by Metro Council, admitted that he determined that there was plenty of industrial land in Cornelius for expansion in the foreseeable future and the affected expansion was not really needed. Mr. Betschart reviewed that the Council voted down the inclusion of the proposed Cornelius expansion that day. He said that in the developed and committed areas along Spiesschaert and Hobbs Roads, the value of people's homes will be destroyed by a change to industrial zoning since the area of inclusion expanded dramatically. Mr. Betschart stated that LCDC rejected that and now the proposed area is downsized. He said that it appears that since the industrial designation did not fly, probably because it was not needed for this area, that now Metro and Washington County hope to come back with a non-specific label to get it past LCDC and once it gets approved change it to industrial later maybe. Mr. Betschart stated that the vague label "urban reserve" is almost as bad as the ambiguous label of undesignated. He said that the majority of neighbors affected here feel that the area is better suited for housing in the future. Mr. Betschart stated that owners of property south of Cornelius would welcome industrial zoning and the Farm Bureau would not have any opposition, unlike areas north of Cornelius. He said that there are relatively few residences and a cannery already exists there. Mr. Betschart indicated that there is a sewage treatment plant to the west. He stated that transportation access could be through Fern Hill and Highway 47. Mr. Betschart said that the 50-year plan appears to be so that the city, county and Metro do not have to hold more public hearings in the near future and listen to citizens whose property is affected by changes. He stated that it also ties up the property and puts it in limbo with no plan changes allowed by property owners during what could last 50 years. Mr. Betschart said that some of the former industrial use buildings in the Sunset Corridor changed to churches years ago and he did not know that that is an appropriate use.

Councilor Harrington wished to explore Mr. Betschart's statement that he had come to a Metro Council hearing and had not been given the opportunity to speak. She was puzzled because every person that signed up and turned in a card was given the opportunity to testify, in her recollection. Councilor Harrington wanted to know if any Metro Councilor or staffer believes otherwise.

Mr. Betschart believed that she was there that day and reiterated that he and four others were not allowed to continue.

Councilor Harrington asked if the speaker is referring to a meeting before the Metro Council or before the Land Conservation Development Commission.

Mr. Betschart responded that it was Metro Council in Portland about four years ago.

Councilor Harrington clarified that this might not have been on urban and rural reserves; it was dealing with a UGB expansion request, a major amendment request, where Metro Council had a presentation from a Hearings Officer. She explained that the only people who had standing to speak that day were people who had participated in the process for that UGB expansion. Councilor Harrington said that this is an entirely different project and program altogether.

Brian Beinlich, 15060 NW Mason Hill Road, North Plains, Oregon, narrated a PowerPoint, which may be found in the Meeting File. He intended to talk about things the public has heard before, such as why Hillsboro—with support by the County—says that they need more world class farmland for jobs and industry. Mr. Beinlich stated that the Helvetia expansion area was brought into the Urban Growth Boundary between 1998 and 2002. He showed a slide that this is an area bounded by Cornelius Pass Road, West Union Road, Helvetia Road and Highway 26 on the south. Mr. Beinlich specified that there are two sections:

- 642 acres brought in in 1998
- 249 acres in the northwest corner brought in in 2002. This has yet to be annexed by the city.

Mr. Beinlich showed a slide of land zoned as industrial, which was justified as needed for jobs. He stated that the tech anchor firms have not materialized. Mr. Beinlich said that because this demand has not appeared, the landlords needed to do something with all of these empty buildings so they built them up with non-industrial uses. His objection was that these do draw out consumers far away from urban centers, which exacerbates the problem of sprawl. Mr. Beinlich said that other land has not been developed at all. He stated that land bought by speculators sits empty. Mr. Beinlich reported that at the present time, there are 150 acres in 50 acre and smaller lots listed for sale in this area. He added that to Intel's 92 acres and the 252 acres that have not yet been annexed to equal 492 acres. Mr. Beinlich stated that the result is an industrial wasteland. His photos showed examples of un-built industrial parks as well as roads and sidewalks that lead nowhere. He turned to the topic of the economic impact of the industrial area. Mr. Beinlich said that according to Hillsboro's own economic mapping project, Helvetia's industrial land is lowest in market value, payroll and property tax revenue. He said that the employment average is less than three employees per acre. Mr. Beinlich stated that warehouses and distribution centers do not employ many people and have low economic benefit. He compared what was promised with reality:

- We needed more land for lots of jobs.
- We sacrificed prime farmland.
- The lack of demand resulted in the land being used for commercial and retail, the bait and switch.

- The land is now not usable for farmland, it is not really being fully used for industrial land and it is certainly no longer being saved for large lot sites.

Mr. Beinlich said that this should sound familiar; these justifications can be found in Ordinance 733 and 740. He questioned why we should believe that Hillsboro would use the next 585 acres for large lot sites; that did not happen last time but rather the land was squandered for other uses. Mr. Beinlich asked why we should sacrifice more of Helvetia's world-class farmland to Hillsboro's pursuit of a home run. He viewed this as a failed plan and as a dead end.

Chair Duyck noted that the premise of Mr. Beinlich's presentation is that we "screwed up" last time and so why repeat that. He asked if Genentech and SolarWorld are "screw-ups". Chair Duyck's recall was that Hillsboro's pieces created a lot of jobs.

Mr. Beinlich said his testimony specifically talks about the area north of Highway 26 which was brought in in the quest for large lot industrial jobs. He stated that Genentech and SolarWorld are not in that parcel.

Council President Hughes stated that without the property that was brought in, Beaverton Foods would be in Kansas City today. He maintained that there have been some wins; they have been singles rather than home runs. Council President Hughes said that there has been use of that land for a variety of industrial uses. He stated that being suitably located close to 26, it is suitable for warehousing and distribution, which is an industrial use that we don't get much of out here but still has its value.

Mr. Beinlich replied that there are lots of buildings that are empty and lands that are empty. He said that there are commercial and retail operations there which pull consumers away from the city centers and into what is supposed to be industrial land.

Council President Hughes set forth the following process:

- Each Metro Councilor will comment.
- The public hearing will be closed.
- The County will convene its meeting, take action on its ordinance and adjourn.
- Metro Council will convene and take preliminary action on its ordinance.

Chair Duyck clarified that we will not be taking action on the ordinance but rather on the IGA. He said that the reason the Board invites Metro Council to testify while the record is still open is because the Board of Commissioners intends to use this record when it hears Ordinance 740.

A question was asked to clarify if a Board member may not talk if he wants to but rather must listen only during this first period.

Council President Hughes responded that the Board will have to wait for its discussion.

Chair Duyck explained that it was the intent that Metro Councilors would be testifying similar to anyone who sat before the Board/Metro today. He said that if any member of the Board wished to ask questions, he could do so. However, Chair Duyck stated that the Board would save its deliberations for later. He said that there is one other factor: we are trying to keep it very clean. Chair Duyck noted that we have two separate Boards here, both of which have requirements. He did not want to mix up the deliberations.

Alison Kean Campbell went over the process. She said that Metro Council will now be offering their opinions, as part of the public testimony portion of the Board's hearing. Ms. Kean Campbell stated that just as Metro Councilors and the Board have been questioning other testimony providers, the Board can question Metro. She said that when each Metro Councilor who would like to speak has spoken, then the Board will begin deliberations, during which only they will talk to one another. Ms. Kean Campbell stated that the Board will then vote and then Metro Council will deliberate. She clarified that Metro Council will not need to have public testimony from the Board members because they will have just been discussing. Ms. Kean Campbell stated that Metro Council will then vote.

Councilor Collette clarified that this is not Metro Council's deliberation; it is not Metro Council commenting on their vote. Rather, she said that it is Metro Council commenting to, questioning or recommending to the Board of Commissioners.

Ms. Kean Campbell said that that is correct. She stated that the Metro Council deliberations will follow after the County has voted.

Council President Hughes summarized some of his thinking. He said that part of what drives him on this decision was the discussion at the Economic Summit in December, where they called out the fact that we are currently at 91% of per capita income compared to the rest of the country. Council President Hughes observed that that is a decline over the last ten years from about 102% above the national average to below the national average. He said that even though the economic difficulties that we have gone through have seemed like they are pretty much the same as everybody else in the country has gone through, they really are somewhat unique. Council President Hughes stated that we have had a uniquely decaying manufacturing element to our economy and unfortunately that issue has to be addressed. He noted that there has been testimony today that would suggest that it is not a question of not having enough land; he agreed on the short term. Council President stated that it is because we do not have enough demand and the economy has helped with that. He talked about his experience while still Mayor of the City of Hillsboro and before the economy went south and shared what we hope happens when the economy turns around. Council President Hughes said that at one point in time, just the Economic Development team with the City of Hillsboro was handling seven different companies—each of which were looking for 100 acre sites. He recalled that at that point in time, we had three sites available in the City of Hillsboro and one was iffy in that it had about 20 owners that all would have to be brought together in order to assemble the property. Council President Hughes recalled that Hillsboro was showing it

anyway and there was interest anyway but said it would have been difficult to figure out how to pull all those people together. He stated that in an economic robust period, there are companies looking for 100 acre sites and, in a robust economy or not, this region does not have a lot of 100 acre sites. Council President Hughes said that as the economy began to erode, we began to see a shift *from* a demand for bare land sites because most companies—particularly in the solar industry—were looking for sites where they could build a factory that was specific to their process—to companies looking for existing facilities that were empty. He related that SolarWorld took the Komatsu building, a 400,000 square foot building with more than 60 acres surrounding that building and enough land for them to realize their plan to double the size of that facility. Council President Hughes said that there are no more 60 acre sites with 400,000 square foot buildings that were built for clean tech anywhere in the region. He stated that LSI (solar company) in Gresham has attracted a lot of attention; it is looking at an existing building larger than any building that exists empty in the City of Hillsboro. Council President Hughes said for all of the talk about all the land that is available and how many vacancies there are in the flex space and commercial buildings in Hillsboro, when the economy turns around, there will not be enough. He stated that that will be a problem for us if we hope to climb out of this recession. Council President Hughes said that one of the things we noted after the December meeting was that if we are going to grow to at least the national average by 2020 (which was the goal that was set for us then), then we will have to grow at the rate of 25,000 jobs a year each year between now and 2020 and those jobs are going to have to be worth \$80,000 a year. He pointed out that those kinds of jobs require anchor tenants and large lots. Council President Hughes said that the reality is that regardless of all of the pointing to where there appear to be large lots, most of them are owned by a company that is land banking them; we have taken that into account when we look at economic growth, we have accounted for how large Intel can grow, we are looking now for sites to grow somebody else. He stated that listening to the Cornelius discussion was *déjà vu* and he knew that the Cornelius folks know that he has been supportive of Cornelius every time they have made their proposal. Council President Hughes thought that we have a shot at the recommendation that has been made clearing the LCDC hurdle. He did not think we have that shot if we include even the compromise Cornelius package. Council President Hughes did not think we can go back to LCDC and say you made a mistake (even though he believes that they did) and you need to fix it. He thought that LCDC would simply send it back to us and at that point, we will be unable to complete Washington County's portion of any discussion around Urban Growth Boundary in this cycle. Council President Hughes regarded the impact on farmland as an important part of the balancing act. He referenced Area D, which is located on a short stretch of road that is developable because both sides would be in the Urban Growth Boundary, is on an interchange that has already had money appropriated to improve it, is on a highway that is about to have major improvement from Cornelius Pass. Council President Hughes stated that there is no impact on the farm community by traffic out of that area; there will be impact on Helvetia Road but it will be the same as the impact of the Standring property coming in and the development of the property to the east side of that property. He said that it is hard to say that 26 should be a buffer when we are already substantially north of 26. Council President Hughes stated that it is

even hard to say that Helvetia and 26 ought to be a buffer when we already have been acknowledged by LCDC with an urban reserve north of 26, west of Helvetia Road at that interchange that is proposed to be fixed. He said that we are already beyond that buffer and on land that was originally acknowledged by LCDC as undesignated. Council President Hughes recognized that legal staff has relayed that LCDC said that the Cornelius site was not suitable for urban reserve; therefore, making part of it undesignated would appear to not run us afoul of LCDC. He reviewed that what they said about Forest Grove was that you can do it but you need to have better findings. Council President Hughes went on to say that LCDC specifically, at Metro's suggestion, did not acknowledge the rural reserves with the intention that the land that was being taken out of urban reserve north of Cornelius would be replaced someplace else. It seemed to him that the intent of LCDC's decision has been met by what has become the Hughes-Duyck Proposal. Council President Hughes thought that Washington County did as good a job but it is simply that the land here is more contentious than it was in Clackamas County and he said that where that is not true—Stafford Triangle, for example—remains just as contentious as this discussion. He summarized that it has nothing to do with the quality of the hearing or the process. Council President Hughes urged the Board to accept the proposal before it.

Councilor Burkholder posed a process question: is it notification of intent or possible intent to amend that becomes of interest to the County Commission and how do we have that discussion?

Chair Duyck believed that at this point, Metro Councilors are giving testimony like anyone else and giving the Board an indication of what direction Metro would like to go. He said that if the Board is inclined to amend based on that, he assumed that we could amend and then it would come to Metro for adoption of the same thing. Chair Duyck called legal counsel forward because this raised a question in his mind about what happens if Metro does not want to adopt it.

Dan Olsen replied that part of the purpose of structuring it such that the Board of County Commissioners could have the benefit of comments or testimony from the Metro Councilors was to help inform them as to where the Metro Council might be inclined to go before the Board of County Commissioners makes its decision. However, he said that if, for some reason, the Board was to choose a particular outcome and then the Metro Council was to choose a different outcome, there are two possible ways to deal with that:

- The Board of County Commissioners, under its rules, could move to reconsider its decision today and do so today or it could move to reconsider and continue it for a week or two.
- Under the IGA, there is a process for resolving disagreements among the parties.

Councilor Hosticka favored going with the procedure that has been suggested. However, he proposed that at the end of the vote on the County Commission, they recess instead of adjourn until Metro Council has acted and then they can take the opportunity to reconsider if there is a different point of view.

Dick Benner agreed with Councilor Burkholder that it is good to get it out on the table so that the bodies can gauge each other's reactions to it. He agreed with Mr. Olsen relative to reconciling a difference tonight. Mr. Benner recalled that in the last process that led to the final decisions last time, there was an agreement between Metro and Washington County in February. He said that you knew that you were going to have later hearings on ordinances to implement the agreement and you knew that you would hear public testimony and you knew therefore that you might have a change of mind or might learn something in the period of time between the IGA and the ordinance. Mr. Benner noted that you in fact decided to make some changes. He said that this simply meant that you had to get back together and come to an agreement, which occurred in the spring of 2010. Mr. Benner stated that if you can't get there tonight, you still have the opportunity to come back together and get to agreement. He indicated that you don't necessarily have to have another joint meeting.

Councilor Burkholder used the metaphor of the House and Senate. He said that if you have a disagreement on the legislation that comes out, you have a conference committee and try to resolve it. Councilor Burkholder wanted to make sure that we recognize the sovereignty of each of these groups, that we do have the right and responsibility to make decisions based on our analysis and responsibilities. He wished to make clear that we are not ignoring the fact that we have to analyze this from our perspectives. Councilor Burkholder said that this proposal is something that we have a judgment on, based on our various viewpoints. He stated that his concern will echo his position last time on the previous IGA with Washington County and then the whole urban rural reserves process. Councilor Burkholder voiced a major concern, namely, that we complete this project successfully. He looked at what happened with the hearing before LCDC and their response to the proposal put forth followed a script that he thought would happen: because the proposal north of Cornelius had its various challenges, it did get remanded and here we are again. Councilor Burkholder referenced Area D, which he thought may engender the same kinds of concerns and therefore face the same response from LCDC; then we would be back again in the process of trying to choose to go ahead with it once again (which will really affect the schedule for urban growth management decision-making process) and puts us at a lot of risk. He wondered if we are, by adding this change north of Highway 26, putting at risk this whole process. Councilor Burkholder recognized that there is no answer to this, just as before, when we put it before LCDC. He recalled that some at that time had concerns about what was put forward and he has similar concerns with this. Councilor Burkholder believed that it raises red flags similar to the Cornelius proposal before and could put in jeopardy the whole process. He wanted to have this completed and the 40- to 50-year reserves put in place so that we can actually act on that and plan based on that. Councilor Burkholder felt that we should amend this proposal in that one way (and possibly in other ways) to avoid that risk of losing the

whole deal. He noted that it was undesignated before and that seemed to be successful and was accepted. Therefore, Councilor Burkholder regarded that as sufficient for himself.

Councilor Collette said that she has a similar issue. She stated that when LCDC first remanded Cornelius, many on the Metro Council favored just taking it out and being done. Councilor Collette recognized that Washington County has aspirations that go beyond that and she voiced respect for the process and for what Washington County is trying to accomplish. She said that she may agree with Councilor Burkholder on taking out Area D and keeping it undesignated but her issue is actually with the area above Cornelius. Councilor Collette stated that it looks like “you split the baby vertically rather than horizontally” and the Planning Commission split it horizontally. She understood that LCDC specifically said to not come back with an urban designation above Cornelius. Councilor Collette proposed an amendment to the Hughes-Duyck Proposal: the Community and Farmland Compromise lower section below Hobbs Road be undesignated and the section above be rural reserve. She believed that this would give Cornelius a little bit more opportunity; undesignated does not change what it is right now but at least it does not shut the door the way a 50-year rural reserve decision would. Councilor Collette said that it still allows about 350 acres of undesignated for potential future growth and coincidentally is the compromise she was hoping to get in the reserves process the last time around. She summarized that this might give Cornelius a little more future opportunity.

Councilor Craddick reviewed that when she ran for office, she ran on the notion that we need more jobs in our region. Her value system is as a strong environmentalist and she supports the idea that the whole purpose of the urban rural reserves process was to protect farmland, forest land and natural areas and then to be able to have some assurance and certainty that we know where we are going to do urban development in the future. Councilor Craddick had hoped that testimony today would help with her ambivalence today but said that it has not helped a lot. She explained that ambivalence is not where you cannot make a decision but it is where you have your foot planted on both sides of the line. Councilor Craddick stated that one compromise might be to designate more of the lands in this proposed IGA as undesignated as opposed to urban. She said that this would not tie up Area D above Highway 26 for 50 years but would be land that could possibly become an urban area once other areas have filled out. Councilor Craddick said that she would also consider a proposal regarding the area above Cornelius; she did not know enough about the lands to give any detail. She supported a larger portion of these urban lands being converted to undesignated. Councilor Craddick believed that that is the best of both worlds in that it does not tie up the land for 50 years but it does not make it immediately urban reserve and allows the agriculture community to move forward with plans, knowing that they will not have immediate encroachment on their land.

Councilor Harrington stated her understanding of Councilor Craddick’s proposal that Area D would remain undesignated, as opposed to urban reserve, and that the area north of Cornelius would entertain Councilor Collette’s suggestion.

Councilor Hosticka wished that everyone had stayed to the end of the meeting so that they could see that Councilors and Board are deliberating out in the open and that this discussion is taking on a level of seriousness that brings credit to both institutions. He said that it seems that the closer you get to the end, the longer you fight about less and less. Councilor Hosticka said that if he adds up all the land that people have testified about today and compares it to the amount of land that is designated in this process, you are talking about less than three-tenths of one percent of all of the land. He stated that in that context, it will not destroy the world whichever way we go. Councilor Hosticka said that the thing that is the most difficult about this is that we are talking about land that is good for both urban and rural purposes. He stated that people can make the argument on any one of these pieces of land as to why it should be urban or why it should be rural and they have good arguments to make. After years of working on this, Councilor Hosticka was skeptical of claims that the farm economy will collapse if we designate a certain area urban or that the manufacturing economy will be severely hindered if we designate other parts of this as rural. He went back to why we are doing this in the first place. Councilor Hosticka noted that it has been said that we are doing this in order to give agriculture a certain amount of certainty about how they can plan by designating areas that will not be considered for urbanization for the next 50 years. He thought that this is the most significant thing we are doing because at the last long hearing, every acre that bounded the Urban Growth Boundary was in play. Councilor Hosticka said that the other part of that was that once we moved the line, we had no idea of what was going to happen. He stated that the other intent of this process was to signal to those people who were in areas of urban reserves that someday that land might be urbanized. Councilor Hosticka said that he is flexible on what will bring us to a conclusion because he thinks the big pieces are in place. He argued in favor of keeping flexibility in the process and said that keeping higher levels of undesignated land is probably the wisest course in the long run.

Councilor Harrington thanked everyone who testified today for their input. She thought it illustrates the difficulty of this regional program, given the various preferences. Councilor Harrington said that what the market will bear is also in the mix and pointed out that this can change over the course of time. She stated that all of the views are the reality that led us all to try a new method. Councilor Harrington believed that going backwards is worse than our problem-solving for how we move forward. She did not see any at the table being heroes today—individually or collectively; rather, she saw it as an opportunity for us to problem-solve. Councilor Harrington hoped that we would problem-solve going forward and not backward. She heard today that a designation one way or the other could change farming ability and about what certainty the future can or cannot provide. Councilor Harrington said that the problem before us today is to try and find a solution to the direct remand from LCDC. She stated that we have one proposal which she has individual thoughts about but emphasized that she remains flexible. The outcome that Councilor Harrington wanted is for us to have a joint agreement that is acceptable to us. She said that as she looks forward into the future, she hopes that we can successfully complete this program because the challenges that we face moving forward for how we can better utilize the land in the existing Urban Growth Boundary are more difficult than what this regional urban and reserve program was all about. Councilor

Harrington explained that it has been a long program because we had to create all kinds of new information and data that we didn't have before and we tried new methods to collaborate with one another, include additional stakeholders and as we move forward, we will take those learnings with us. She hoped that, on that journey of the future, we will continue to do so together. Councilor Harrington said that we have work to do to work toward more economic prosperity, more community vitality, less environmental impact and to forestall and reduce the growing inequity that we have in our region. She stated that we have a resource constrained region and we must work together productively. Councilor Harrington hoped that the Board could embrace amendments because amending the proposal on the table is still very workable and acceptable.

Councilor Roberts said that the longer land use is in place in the state, the more difficult our decisions become. She stated that as time goes on, we have less flexibility, more people, changing economies and all the things that make land use more difficult. Councilor Roberts regarded today's proposal as a perfect example. She thought that the decisions are more difficult for Clackamas and Washington counties because unlike Multnomah County, those two counties still have a great deal of agricultural land, of active farming, and an economy based on that as well as a changing economic climate. Councilor Roberts said that an asset that we have and can use when things become more difficult is flexibility. She stated that most of us will not be here in 50 years and so we are making decisions for the future for children and grandchildren. Councilor Roberts therefore wanted to see some flexibility when we make these decisions. She said that that is what the undesignated designation does, namely, to give some flexibility. Looking at Area D, Councilor Roberts encouraged people to stay there farming but she did not want to lock it up in such a way that that is the only alternative we have economically for the future of this county. She stated that as we look at these designations to not only meet the requirements that LCDC laid on the table for both governments, we also need to look at ourselves as the writer of that future and how we come to a place where the designations that we choose and bring forward to LCDC are the ones that give the flexibility economically and socially for this region. Councilor Roberts hoped that we are able to look at that and end up with success for both of these governments and long term for the people of this county and the state.

### **Metro Public Hearing is Closed**

Chair Duyck thanked everyone who testified today. He was aware that many in the audience have been through numerous hearings over the last three or four years and have been with us every step of the way through this process. Chair Duyck said that these people know as well as we do how difficult it is to get consensus on anything.

Commissioner Schouten observed that he did not hear any sort of motion or conclusions from Metro.

Chair Duyck explained that that is because the Board of Commissioners will be doing that first.

## **Washington County Board of Commissioner Deliberations Begin**

Chair Duyck stated that Metro, the Board and the public have inherited a very difficult task. He thought that we should keep track of the ultimate goal, i.e., the ultimate protection of the majority of our farmland and a viable agriculture industry. Chair Duyck believed that we are so close now that that is exactly what we will achieve. He saw some choices available to us:

- We could ask for reconsideration. It is doubtful if this will get a consensus. It is doubtful that we would get a different answer if we ask for reconsideration. LCDC has been very consistent in their response every time Cornelius has wanted to go north.
- We could also do some sort of amendment that would include the Cornelius Community Farmland Compromise. Chair Duyck would prefer this because he believes that we made the right decision the first time when Metro and Washington County voted for a map that was then sent before LCDC. It was a very well thought out decision but evidently LCDC disagreed. LCDC was very clear giving us the option to replace that land; otherwise, they would not have put the rural reserves back into play in Washington County. We chose to replace that land. We believe, for economic vitality, that it is very important that we do. We had some very specific criteria under which we would replace that land: we would try to keep it acre for acre but we would not exceed the acreage that we had presented the first time to try to reduce controversy. We also thought that we would replace it like for like, meaning if we take industrial land or land that was planned for industrial north of Cornelius, we would try to choose land that could be used for industrial elsewhere. That seemed like a logical compromise.

However, Chair Duyck noted that it seems that nothing that is put out there can get a consensus; it gets support but not a consensus. He recognized that we are a very diverse region and county. Chair Duyck said that at some point we have to ask ourselves if having a reserves plan—as imperfect as it may be—is better than not having a reserves plan. He still believed that it is. Chair Duyck stated that if a majority of the Council and Board pass the map that he thinks they will, then that will get us close enough to where we will have reserves, as imperfect as they will be. He supported the Hughes-Duyck map as the one that can move us forward. Chair Duyck emphasized that we have to move forward; if we don't, we go back to the old way which he did not think anyone would agree is a better way.

Based on what he heard from the Metro Councilors' discussion, Commissioner Schouten said that some changes to Area D will have to be made in order to go forward.

Commissioner Malinowski thanked Councilor Harrington for her role on CORE 4 and for being a chief lightning rod for a lot of this.

Councilor Harrington remarked that it has been an honor to serve the region.

Commissioner Malinowski said that he, too, is interested in a compromise. He stated that undesignated does give us the opportunity—in case we wrongly guess low on urban reserves—to go back and take another look at that and make adjustments. Commissioner Malinowski said that if it turns out that we were not wrong, that is good too. He did not think that you necessarily need a bigger footprint to grow but you do need innovation, change and opportunity. Commissioner Malinowski personally would recommend looking at the Council Creek east/west line in Area A, perhaps look at the Cornelius Community Map, and make the area north of the creek in A as undesignated and the area south of Hobbs Road as undesignated. He said that this gives those areas the chance to prove their point at a later date. Commissioner Malinowski stated that his first preference for Area D is not undesignated but said that if it keeps the door open and leads to a compromise, he can go with that. He reviewed that Area E is undesignated.

Commissioner Malinowski said that we want to get this done soon and this might provide an opportunity to get it done soon and approved. He stated that as soon Metro gets ready to move the Urban Growth Boundary, they will receive—under the older map—28,000 acres worth of requests that want to happen right now. Commissioner Malinowski said that if we don't replace those urban areas, there will still be 27,500 people demanding that now is the time to add their ground to the Urban Growth Boundary.

Commissioner Terry mentioned that he has been pretty quiet today, listening to all of the comments made. He said that he has studied everything that has been sent to him. Commissioner Terry noted that most of this land is in District 4 (his district) and so he has been very intent as to what he hears from people who reside there since it will affect them the most. He said that he has heard nothing directly from the people north of Highway 26 and nothing directly (other than the Mayor) from Cornelius. Therefore, Commissioner Terry has to rely on what he hears from everybody else in the district. He feels that the footprint is a very important issue. Commissioner Terry agreed with testimony today from both the current and former Mayors of Hillsboro that we do need to add some additional area as urban. He was concerned that we do have a future after our current recession. Commissioner Terry recalled that we went through a recession in the 1970's and 1980's and still had growth in our county and particularly in District 4. He heard today at Worksession that the majority of the new county's population has gone into District 4. Commissioner Terry believed that we must recognize those things and pay heed to them. Regarding the 28-acre parcel north of Forest Grove, he supported that and said that this has to do with a possible roundabout there and some mitigation area. Commissioner Terry noted that 50 years is a long time and he knows that the western region will see the largest growth. He believed that existing areas that are available should be filled in first. Commissioner Terry thought that the empty buildings will fill up rather quickly as the economy gets going again. As a farmer who owns large acres of land, he recognized the concerns. Commissioner Terry did not think the undesignated area provides the comfort that everybody thinks. He said that when you are looking at a combine that costs almost \$200,000 and other expensive farm equipment or specialty crops, undesignated may not provide the comfort that you think you might need when

you are making those kinds of investments. Relative to the area north of Cornelius, Commissioner Terry did not believe LCDC will change their mind on the clear message they sent. He thought that this is most unfortunate because Cornelius does need that north end to grow. Commissioner Terry agreed with a speaker that Council Creek is not much of a creek and so felt it unfortunate to use it as a boundary for Cornelius. He supported the Hughes-Duyck Proposal.

Commissioner Schouten heard that we need to make some changes in Area D to undesignated, at a minimum, which is one of the most problematic areas for himself as well. He said that it is not so much the quantity that is the issue; it is, among other things, what we need to do to avoid or minimize adverse effects on farm and forest practices and rural reserve areas. Commissioner Schouten stated that the piece that sticks out north of 26 raises that issue in a substantial way. He said that whether or not there is area north of 26 that is already in the Urban Growth Boundary line is not that critical because that is an area east deeper into the Urban Growth Boundary line. Commissioner Schouten stated that as we go further west, we can see that Highway 26 could potentially be a very strong line between urban and rural. He indicated that there will be a lot of urban areas added. Commissioner Schouten stated that the whole Area 8A will go to Hillsboro in the future. He was not sure how to split the area north of Cornelius. Commissioner Schouten thought Susbauer Road makes a more compelling boundary under the current Hughes-Duyck Proposal than does Council Creek but he retained flexibility in that area. He did not support seeking any urban reserves in the area north of Cornelius due to the clear message from LCDC. Commissioner Schouten observed that significant intrusion north of Cornelius in terms of urban development would clearly have very adverse effect on a key area for farm/forest practices and for rural reserves. He was not a big supporter of Area E being undesignated but said that he had more problems in the past with 6B. Commissioner Schouten reiterated that we cannot leave Area D as urban. He did not see any reason why we have to have a one-for-one swap. Commissioner Schouten thought that we are well within the range of possible areas that we need to include into the urban reserve based on past work from Michael Jordan and others. He stated that the impact of making the area north of 26 in Area D urban reserve on significant farm and forest practices all around that area is a negative one. Commissioner Schouten wanted to avoid that as much as avoiding urban reserves north of Cornelius.

Commissioner Rogers thanked the citizens for coming out today to share their visions. He appreciated the decorum with which the Metro Councilors conducted themselves today also. Commissioner Rogers was less concerned about being wrong and more concerned about being thoughtful in the process. He said that people were very good about studying materials and really looking at long-range implications. Commissioner Rogers noted that not many of us will be around in 50 years to see the outcome of this. He hoped that they would realize that Metro and the Board were thoughtful and took positions based on values and how they perceived the vision and tried to come to a consensus. Commissioner Rogers thought that the Planning Commission did a good job and had it right. He said that, unfortunately, the Hughes-Duyck Proposal is not what he wants to do today. Commissioner Rogers stated that Cornelius had a bad deal in this. He

said that he originally supported all of their proposals because he thought that was the right thing to do. Commissioner Rogers was willing to go with the 7I\* if it was possible. He said that he has never thought that we should go north of 26. Commissioner Rogers thought that Area D should have some undesignated land. He wanted to get to the place where we could help out Cornelius a little bit and make Area D undesignated.

Chair Duyck agreed with Commissioner Rogers about Cornelius. He asked if Commissioner Rogers is talking about providing undesignated for Cornelius because the current proposal does that, as does the Planning Commission's proposal. Chair Duyck noted that one has a vertical division and one has a horizontal division but both have undesignated.

Commissioner Rogers responded that it is urban reserve, as proposed in 7I.

Chair Duyck ascertained that Commissioner Rogers is proposing to actually have an urban designation north of Cornelius. He was not hearing Metro Councilors say they are willing to go to that degree.

Commissioner Schouten commented that sometimes it is more important to be worried about perfection and try to avoid mistakes than to make sure that you get something timely done. He said that at some time he learned that it is better to write a good legal brief than a perfect brief that is filed too late.

It was moved to take the Hughes-Duyck Proposal and adopt it with the change that Area D be designated as rural reserve.

Motion - Schouten

2<sup>nd</sup> – Malinowski

Vote – 1-4

Nay – Duyck, Rogers, Terry, Malinowski

The motion failed.

Commissioner Malinowski said that this is his preference. He stated that he knows what it is like to be in an undesignated area, where every time somebody gets a dream of making money off your property, you get dragged into it again. Commissioner Malinowski's concern was that there has been a case made for flexibility. He said that this would be a chance to have a safety gap there. Commissioner Malinowski stated that if Metro Council makes it clear that they are not going to take off into the undesignated the first opportunity they get, that there will be some surety there. He said that this tells people like himself who are not ready to be chopped up yet to go ahead and make farming work regardless of what the future officially bodes. Despite the fact that this is his preference, Commissioner Malinowski did not think there is enough support on the Board or Metro Council to pass this.

It was moved to adopt the Hughes-Duyck Proposal with respect to Area A, and then to adopt the Community Farmland Compromise Map (7I\*) put forth by the City of Cornelius, with the following designations: 7I\* - approximately 350 acres that make up the southern portion of former UR 7I – urban reserve; the balance of former UR 7I (approximately 260 acres) – rural reserve; Area D – change from urban reserve to undesignated.

Motion – Rogers

2<sup>nd</sup> – Duyck

Vote – Motion and second withdrawn following discussion

Chair Duyck seconded the motion for purposes of discussion. He reserved the right to reconsider this if it is not acceptable to his colleagues. Chair Duyck noted that Commissioner Rogers is taking a gamble by asking LCDC to take another look at something that is important to Washington County. He noted that this does resolve the issue north of Highway 26: it removes those acres and makes them undesignated again. Chair Duyck was willing to take this step with the intent of possibly reconsidering later.

Commissioner Rogers said that his motion solves the problem. He observed that we all feel that Cornelius has to have some destiny and this allows that. Commissioner Rogers stated that the fertile land and soil up north resonated with him.

Commissioner Terry wished to comment on making the area north of 26 undesignated. He stated that the County and State have spent a lot of money putting in the infrastructure that is already there. Commissioner Terry thought that we are throwing that away if we designate it undesignated; it does not give the people who own the land up there long term agriculture. He said that taking the Cornelius area and throwing it back to LCDC—as much as he would like to see urban reserve there—seems contrary to what LCDC directed. Commissioner Terry stated that Cornelius probably should have been down at the LCDC hearings. He could not support the motion.

Commissioner Schouten commented that Highway 26 is not necessarily throwing away our transportation investment. He said that in this area, it serves as a very good boundary. Commissioner Schouten stated that Highway 26 has many functions but one is not to provide additional sprawl at on and off ramps as you are going northwest on Highway 26. He was also concerned about having urban reserves in any area north of the City of Cornelius due to the suspected response by LCDC. Commissioner Schouten said that under the Hughes-Duyck Proposal, there will be an opportunity for some flexibility by allowing Area C to be undesignated. He stated that we can accommodate the City of Cornelius that way without running some real risks with LCDC.

Commissioner Malinowski shared Commissioner Schouten's concern. He said that he would be just as happy to have Area D designated as a rural reserve and apologized to Commissioner Schouten for not voting that way earlier. Commissioner Malinowski

stated that if we send this back to LCDC with any amount of urban north of Cornelius, they will kick it back. He said that an undesignated strip in there would provide Cornelius the option to make a good case. Commissioner Malinowski recognized that Cornelius needs something but he was not sure that another piece of bare ground north of town is it.

Commissioner Schouten asked if Commissioner Rogers would consider an amendment to make the 7I area according to the compromise map undesignated rather than urban reserves.

As the second to the motion, Chair Duyck could not support that amendment.

Commissioner Rogers withdrew his motion and Chair Duyck withdrew his second.

It was moved to accept the Duyck-Hughes Proposal.

Motion – Terry

2<sup>nd</sup> – Duyck

Vote – 2-3

Nay – Rogers, Schouten, Malinowski

The motion failed.

Commissioner Schouten had issues with making the area north of 26 in Area D as urban reserves.

Commissioner Rogers had the same concern. He was less concerned about the urban reserve portion because of his belief that this will likely be changed again in ten years. Commissioner Rogers said that we are giving up urban reserves and nothing is coming back.

Chair Duyck felt strongly that those urban reserves must be replaced. However, he said that the current motion on the floor does as good as we can for the City of Cornelius, which is undesignated. Chair Duyck went on to say that it still replaces the urban designation on the land north of 26.

Commissioner Rogers did not know that we gain anything by putting urban area up north.

Commissioner Schouten said that the Board has received clear signals from Metro Council with respect to where they are on Area D.

Chair Duyck strongly felt that urban reserve land has to be replaced. He knew that this is not necessarily an acre for acre issue when looking at the entire reserves. However, Chair Duyck stated that Washington County has gone through a series of screens over a four year period and has accommodated every reduction in urban reserves and every

increase in rural reserves that we have been asked to do. He said that we are at the point now where it is a matter of if we have control to figure out where we grow and how we grow or if we do not. Chair Duyck stated that if we do not, then we should have ceded our authority to make this decision to someone else many years ago and saved ourselves a lot of money. He agreed with the Metro Councilors on maximum flexibility. Chair Duyck said the urban reserves must be replaced somewhere.

Commissioner Schouten stated that there is nothing that says we have to do that one for one. He said that what is more important from a legal standpoint is the impact we are having on farm and forest practices. Commissioner Schouten thought that there are some real issues about the impact of farm and forest practices, or rural reserves, if we don't at least put Area D into an undesignated category. He was okay with the Duyck-Hughes Proposal designation for Area B and C or said that we could do a split along the Hobbs Road east/west axis. Commissioner Schouten did not see this as that we are being pushed back and losing space. He stated that we can ultimately decide or not decide.

Chair Duyck suggested keeping in mind that Area D was always undesignated and so this is a change from what we had previously. He said that it is a change for less acreage because we won't be replacing anything north of Cornelius. Chair Duyck stated that this does limit our options because it is still not determined what undesignated means—whether that is truly land that you eventually urbanize or not. He did not think anyone can say for certain that that is what it means. Chair Duyck concluded that we are precluding our options by keeping the land undesignated.

Commissioner Schouten stated that we had a detailed discussion with legal counsel at some point as to what undesignated means, what that means in terms of its order of being used and as a practical matter that probably will not play a major role in undesignated because you would have to take all of the urban reserves in other parts of the region before you could urbanize undesignated land.

Commissioner Terry stood by the motion as made based on the fact that we had consensus with the Metro Council and with the Commissioners last year and we have not made that many changes, other than what LCDC has required us to do. He added that LCDC was clear about the area above Cornelius. Commissioner Terry said that the big change is that area north of 26. He stated that we heard from both the current and former Mayor from Hillsboro on the need for growth in that area. Commissioner Terry said that we have put the infrastructure in there—both the transportation and otherwise. He felt that that area is ripe to go and provides additional opportunity for the county.

Commissioner Schouten commented that leaving it undesignated still allows for some level of flexibility. He said that very significant areas have been added to urban reserves in 8A.

Commissioner Malinowski reviewed that Commissioner Rogers' previous motion was to make Area D undesignated and then make the area closest to Council Creek urban.

Commissioner Rogers did not think the Duyck-Hughes Proposal is the right thing to do on Area D but he did not think we should give up urban reserves.

Following failure of the motion, Commissioner Terry asked Commissioner Malinowski how he would feel about doing a similar thing to Area D as was proposed in what is now Area B and C and make part of that undesignated and part urban.

Commissioner Rogers proposed a brief recess and stated that it would be helpful to hear the Metro Council deliberations.

**BOARD RECESS:** 5:59 p.m.

**METRO RECESS:** 5:59 p.m.

**METRO RECONVENES:** 6:10 p.m.

Council President Hughes reconvened the meeting of Metro Council for consideration of the IGA.

It was moved to accept the Hughes-Duyck Proposal map with the following changes:

- Above Cornelius, change Area B and C to the Planning Commission's version 7I\* being undesignated and the area above it, 7I, as rural.
- Area D is left as undesignated

Motion – Collette

2<sup>nd</sup> – Burkholder

Vote – 7-0

Councilor Hosticka said we have heard that the area north of Cornelius is primarily for industrial purposes—the type that we cannot predict today what might show up. He stated that these large lot industrial recruitments are usually episodic and do not happen very often. Councilor Hosticka asked if we could move into these undesignated areas in a rather expeditious fashion if we happened to come across a specified need of that type and we found that it could not be accommodated within our existing Urban Growth Boundary or our existing urban reserves.

Dick Benner responded that this would be possible if you can demonstrate that you cannot satisfy a need. He was talking about the priorities that are listed in the statute that tell which land to bring into the UGB first. Mr. Benner said that if you have a need to expand the Urban Growth Boundary and you look in your urban reserves and you cannot find land to satisfy that need, then you next look to the land that is not designated urban reserve; you cannot go to the rural reserves and so your attention focuses on the undesignated lands.

Council President Hughes recalled that there was some testimony earlier on that said that with the old system, every five years as we contemplated the Urban Growth Boundary expansion, literally every property in the region got considered for inclusion in the Urban Growth Boundary. He stated that it seems as if the process changed so that in this process, we would look first and exclusively to the urban reserves and only if we couldn't find either appropriate land or enough appropriate land in the urban reserves would we even look at the undesignated, unless—as Councilor Hosticka said—there was some special circumstance. Council President Hughes stated that even for the people who are undesignated, we are buying them the idea that we have 28,000 acres of urban reserve that we would have to look at as the first and primary place to expand the Urban Growth Boundary.

Dick Benner agreed with that assessment. He added that, over time, that number gets drawn down.

Councilor Hosticka said that that gives him a little more comfort in supporting this. He stated that the testimony he has heard regarding the need for industrial land is basically that we have some 2,500 acres already within the UGB in this area. Councilor Hosticka said that we are designating a very large portion in Area 8A north of Hillsboro for expansion in the Hillsboro area and we would only contemplate seeing development in Area D if there was a unique set of circumstances that couldn't be either accommodated in the UGB or in the urban reserves. He did not think anybody could predict the likelihood of that. Councilor Hosticka said that, alternately, it could be done north of Cornelius. He divulged that he, along with some of his colleagues, has voted to make areas north of Cornelius urban and so he does not have any particular heartburn over the Community Farmland Proposal except to think that it is not very likely that that would get us to a conclusion by being adopted by LCDC. Councilor Hosticka regarded Councilor Collette's motion as a very good compromise in that it is unlikely that those areas that are undesignated north of Highway 26 would see development in the future but it is possible if there is a special case.

Councilor Harrington said that as we are problem-solving here, she carries—as do her colleagues—the experience of the regional program. She agreed with Councilor Hosticka's comments on this latest motion and proposal. Councilor Harrington stated that it is unfortunate—given the amount of time and energy that the region spent looking at the great community's factors and all the local aspirations—that LCDC did not agree with the full proposal. She believed that this motion acknowledges that feedback from LCDC and is a positive step forward for us to bring this to closure so that we can move on with the challenges ahead. Councilor Harrington thanked Councilor Collette for the motion and said that she can support it.

Councilor Burkholder wished to follow up on the question of how special needs are handled. He said that not all members were on the Metro Council when we actually did this—the land that became the Genentech site. Councilor Burkholder recalled that Council President Hughes was the Mayor of the City of Hillsboro at the time. He

reviewed that there was a demonstrated need and we were successfully going through the process to be able to say we are going to jump the queue in the sense that here is an area with special characteristics and special companies we are pursuing. Councilor Burkholder said that in our short history (the last ten years), we have been able to say that if something unique comes along, we are actually able to respond to that within the structure that we have. He wanted everyone to remember that we have actually done this before in recent history.

Councilor Collette said that she would deeply love to be able to designate the area north of Cornelius to the line that we have described as urban. Her sense was that LCDC would toss that right back at us and her hope was that by this motion, we are at least providing some flexibility. Councilor Collette said that people will likely appeal no matter what is done and perhaps LCDC will regard that as a really good appeal. She stated that that would be a really good outcome. However, Councilor Collette did not want to send a package to LCDC again that will fail. She also felt that LCDC would look with some concern at anything that goes above Highway 26 as an urban reserve. Councilor Collette recalled that LCDC said that as part of their conversation but did not make as strong a statement about that as about Cornelius. She regarded her motion as a good compromise and said that it does give us the undesignated land in Washington County that they did say that they wanted to see more of to provide future flexibility. Councilor Collette hoped that it gives Cornelius a chance.

Council President Hughes thought that there was good reason and good justification for making the land north of Highway 26 as urban. He believed that we are at a point where we do not want to break the process on a few hundred acres. Council President Hughes said that undesignated allows future growth in that area as the need is justified. He thought that it would be justified. Council President Hughes could live with that and could support the motion as one that is likely to move this process forward.

**METRO RECESS:** 6:22 p.m.

**BOARD RECONVENES:** 6:22 p.m.

Chair Duyck explained that staff has been standing by all day to assist the Board with disposition of regular business. The Board therefore elected to act on portions of its agenda packet at this time.

## **1. CONSENT AGENDA**

### **APPROVAL OF MINUTES:**

March 1, 2011

Chair Duyck announced the award of bid on item 1.i. on the Consent Agenda to Eagle Elsner, Inc. in the amount of \$332,190.00.

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

Motion – Schouten

2<sup>nd</sup> – Rogers

Vote – 5-0

## **CLEAN WATER SERVICES**

1.a.

CWS MO 11-31

Appoint Budget Committee Members

1.b.

CWS MO 11-32

Approve Clean Water Services' Application for Brand Name or Mark Designation Allowing Allen-Bradley Programmable Logic Controller Components to be Designated in the Construction Specifications for the North Plains Pump Station Relocation Project No. 6387 (CPO 8) (Approved Under Consent Agenda)

1.c.

CWS MO 11-33

Approve Clean Water Services' Application for Brand Name or Mark Designation Allowing Flygt N-Impeller Style Submersible Pumps to be Designated in the Construction Specifications for the North Plains Pump Station Relocation Project No. 6387 (CPO 8) (Approved Under Consent Agenda)

1.d.

CWS MO 11-34

Approve Clean Water Services' Application for Brand Name or Mark Designation Allowing Vent-O-Mat Combined Air Release/Vacuum Valves to be Designated in the Construction Specifications for the North Bethany Pump Station Relocation Project (CPO 8) (Approved Under Consent Agenda)

1.e.

CWS MO 11-35

Approve Intergovernmental Agreement with the Cities of Lake Oswego and Tualatin Regarding Sewer Treatment Services (CPO 5) (Approved Under Consent Agenda)

## **LAND USE AND TRANSPORTATION**

1.f.

MO 11-48

Approve Bid Award, Execute Contract and Authorize Road Closure for the Brookwood Avenue – Tualatin Valley Highway to East Main Street Project (CPO 9) (Approved Under Consent Agenda)

1.g.

RO 11-16

Approve Declaration of Necessity and Protective Rent Payments for Right-of-Way Acquisition for the Scholls Ferry Road/River Road Intersection Improvement Project (CPO 10) (Approved Under Consent Agenda)

1.h.

RO 11-17

Approve Declaration of Necessity and Protective Rent Payments for Right-of-Way Acquisition for the Rosedale Road and Jacktown Road Culvert Replacement Projects (CPO 10) (Approved Under Consent Agenda)

1.i.

MO 11-49

Approve Bid Award and Authorize Execution of Contract for the 2011 Pavement Excavation and Repair and Crack Seal Projects (All CPOs) (Approved Under Consent Agenda)

1.j.

MO 11-50

Approve Metro-County Agreement for Construction Excise Tax Grant to Fund the First Phase of the Aloha-Reedville Study (CPO 6, 7) (Approved Under Consent Agenda)

1.k.

RO 11-18

Approve Feasibility Report; Establish Local Improvement District (LID); and Set Public Hearing for NW Hahn and NW Davidson Roads (CPO 8) (Approved Under Consent Agenda)

## **ASSESSMENT AND TAXATION**

1.l.

MO 11-51

Appoint County Official to Report Current Commissioner District Population Figures (Approved Under Consent Agenda)

## **COMMUNITY CORRECTIONS**

1.m.

MO 11-52

Amend Agreement with State Department of Corrections – Implementing State Funding Reductions for the 2009-11 Biennium (Approved Under Consent Agenda)

1.n.

MO 11-53

Amend Agreement with State of Oregon (Formerly Oregon State Police) Byrne Jag Offender Re-Entry Grant (Approved Under Consent Agenda)

### **COUNTY ADMINISTRATIVE OFFICE**

1.o.

MO 11-54

Adopt the 2011-12 Budget Policy (Approved Under Consent Agenda)

### **COUNTY COUNSEL**

1.p.

MO 11-55

County Counsel Recruitment Procedures (Approved Under Consent Agenda)

### **HOUSING SERVICES**

1.q.

MO 11-56

Approve FY 2010 Supportive Housing Program Grant Agreement – Homeless Management Information System (HMIS) (Approved Under Consent Agenda)

### **SHERIFF'S OFFICE**

1.r.

MO 11-57

Approve Option to Extend Contract Term for Cashless Commissary Services with Swanson Services Corporation (Approved Under Consent Agenda)

1.s.

MO 11-58

Approve Amendment to Contract with State Marine Board for the Sheriff's Office (Approved Under Consent Agenda)

### **SUPPORT SERVICES**

1.t.

MO 11-59

Accept Bid/Award Purchase Order for Digital-to-Film Conversion Unit for Assessment and Taxation (Approved Under Consent Agenda)

1.u.

MO 11-60

Approve Agreement with Portland Habilitation Center for Janitorial Services (Approved Under Consent Agenda)

1.v.

MO 11-61

Grant Waiver/Authorize Contracts for Interpreting Services (Approved Under Consent Agenda)

1.w.

RO 11-19

Amend the 2010-2011 Washington County Position and Salary Report Increasing the Number of Positions by .50 FTE and Increasing Appropriations by \$150,000 within the Health and Human Services Department, Aging Services Unit (Approved Under Consent Agenda)

### **3. PROCLAMATION**

3.a.

MO 11-42

Proclaim March 2011 as Developmental Disabilities Awareness Month in Washington County

The Board waived reading of the proclamation.

It was moved to proclaim March 2011 as “Developmental Disabilities Awareness Month” in Washington County.

Motion- Rogers

2<sup>nd</sup> – Terry

Vote – 5-0

### **4. BOARDS AND COMMISSIONS**

4.a.

MO 11-43

Announce Vacancies on the Civil Service Commission

Chair Duyck announced vacancies on the Civil Service Commission. He invited interested persons to apply for the three vacancies.

4.b.

MO 11-44

Appoint Members to the Housing Advisory Committee

It was moved to make the following appointment to the Housing Advisory Committee for a one-year term expiring March 31, 2012:

- Carol Gakin, Elderly/Minority Representative

It was further moved to make the following appointments to the Housing Advisory Committee for three year terms expiring March 31, 2014:

- Peter Hainley, Agricultural/Farm Worker Community
- Ronald Lehr, Member-At-Large
- Renee Bruce, Social Service Organization

Motion – Rogers

2<sup>nd</sup> – Schouten

Vote – 5-0

4.c.

MO 11-45

Appoint Members to the County, ESPD and URMD Budget Committees

There was a motion to make the following appointments to the County Budget Committees:

- Barbara Brennan
- John Cook
- Scott Nelson

Motion – Rogers

2<sup>nd</sup> – Schouten

Vote – 5-0

It was moved to appoint Lori Manthey-Waldo to the ESPD and URMD Budget Committees.

Motion – Malinowski

2<sup>nd</sup> – Schouten

Vote – 5-0

## **Board Returns to Consideration of Urban Rural Reserves IGA (Agenda Item A.1)**

Commissioner Rogers appreciated hearing the Metro Councilors' discussion. He said that their motion was very similar to the one he tried to get approved. Commissioner Rogers was still struggling with the fact that we added no urban reserves but rather just took them away. He said that it would have been much nicer if 7I\* had been an urban reserve; he added that if LCDC says no, then we can come back and re-designate it.

Chair Duyck pointed out that we have to move forward one way or another and asked for a motion.

It was moved to adopt the Hughes-Duyck Proposal except for the following:

- Change the area known as 7I\* on the Community Farmland Compromise Map to undesignated.
- Designate the balance of Area 7I as rural reserves.
- Retain Area D as undesignated land.

Motion – Schouten

2<sup>nd</sup> – Malinowski

Vote – 2-3

Nay – Rogers, Duyck, Terry

The motion failed.

Commissioner Terry had a problem with this motion not having any urban reserve designation. His understanding was that there was a chance that LCDC might accept urban reserve around Cornelius this time around. Commissioner Terry was unsure if the undesignated could be circumvented and brought into the reserve.

Commissioner Malinowski felt more comfortable about the future of this because of 8A, which is a large area of flat, reasonably good land that is going to be available for industrial.

Commissioner Schouten said that when we looked at the Duyck-Hughes Map, it did not show any urban reserves north of Cornelius; it showed undesignated and rural reserves but on a north/south axis as opposed to east/west. He stated that under the original Duyck-Hughes Map, there was no urban areas that were set for Cornelius; there would be some flexibility in the undesignated piece. Commissioner Schouten said that Area D had been undesignated under our prior ordinance.

It was moved to adopt the Duyck-Hughes Proposal except that:

- North of Cornelius, we would use the Community Farmland Compromise except that the south portion would be undesignated; the northern portion would be changed to rural reserve. (The Cornelius piece would be split the same way it is in the Community Farmland Compromise but instead of urban reserve as requested, it would be undesignated.)

Motion – Terry

2<sup>nd</sup> – Rogers

Vote – 3-2

Nay – Schouten, Malinowski

Commissioner Terry wished to borrow from Councilor Collette’s motion to deal with the Cornelius area.

Commissioner Rogers asked if this is the same proposal that we originally had.

Commissioner Terry responded that it is not. He explained that instead of going north and south on Cornelius, he is going east and west.

Chair Duyck recalled that Commissioner Rogers had proposed urban reserve north of Cornelius and Area D as undesignated. He said that Commissioner Terry is making the same proposal—only making Area D as urban reserves.

Commissioner Rogers said that he does not like going north of 26 and never has. He stated that he likes having some urban reserves around Cornelius but does not like losing the urban reserve acreage. Commissioner Rogers was reluctantly willing to support Commissioner Terry’s motion.

Commissioner Malinowski stated that there would be no urban reserve north of Cornelius but we are still going to try and do Area D as an urban reserve.

Commissioner Schouten said that this is not any movement at all from where we started with the Duyck-Hughes Map. He did not regard this as a compromise.

**BOARD RECESS:** 6:37 p.m.

**METRO RECONVENES:** 6:37 p.m.

The Metro Council was now in session again in order to consider the Washington County Commission proposal.

It was moved to reconsider the previous approval of the Supplemental Reserves IGA.

Motion – Hosticka  
2<sup>nd</sup> – Harrington  
Vote – 7-0

It was moved to:

- Divide Area D above Highway 26, making the area east of Groveland as urban and the area west of Groveland undesignated.
- Leave the rest of the motion as adopted by Washington County.

Motion – Collette  
2<sup>nd</sup> – Harrington  
Vote – 6-1  
Nay – Craddick

Councilor Harrington asked if staff has an idea of what the acreage amount might be.

Council President Hughes replied that it is 265 acres.

Councilor Roberts asked which portion contains the 265 acres and was informed that it is the eastern portion.

Council President Hughes explained that the eastern portion would be urban and it would be undesignated to the west of Groveland Road.

Councilor Hosticka pointed out the difference between the original Hughes-Duyck Proposal and the Farmland Compromise Proposal north of Cornelius in numbers. He said that the Hughes-Duyck Proposal proposed 426 acres going to rural; the Farmland Community Proposal proposed 274 going to rural. Councilor Hosticka stated that the Hughes-Duyck Proposal proposed 197 acres going undesignated while the Farmland Community Proposal proposed 350 acres going undesignated. He summarized that the proposal before us shows a lot more undesignated north of Cornelius in acreage and he agreed that it is a better configuration of acreage.

Councilor Craddick addressed Washington County. She could see that it is very important to the Commissioners that they have some urban designation in this remand going back to LCDC. Councilor Craddick did not understand how critical that is. She said that as we have talked about the role that undesignated land can play, she has seen that there are opportunities and options available in an undesignated designation to allow land to be urbanized if need is shown. Councilor Craddick was not convinced that we have to have an urban designation in this proposal that goes back to LCDC. She felt that the undesignated areas are satisfactory. Councilor Craddick recognized that the Metro Council has been discussing the intent to focus on the industrial land replenishment

process this next year. She related that Metro Councilors fully support that notion and putting the process together. Councilor Craddick said that if there is concern that they will miss opportunities by having land undesignated as opposed to urban, she was not convinced that that is going to be a concern. She could not therefore support this motion but expressed support for the previous Metro motion.

Councilor Burkholder said that his concern about this is the same as he had before. He was concerned that this will again get us a remand and we will be back in August, which will make it difficult to continue the process. Councilor Burkholder understood the desire to make sure that we don't limit good growth but noted that there are quite a bit of other urban reserves in Washington County that were designated that we are all very supportive of. He looked for a successful ending to this process. Councilor Burkholder said that we might all agree on something we can compromise on but then we still have to run it through LCDC successfully.

Councilor Hosticka could reluctantly support this proposal if it gets us to an agreement. He said that designating this area urban or undesignated probably does not make a huge amount of difference in terms of what the future of that area is going to be because the market and Metro Council will decide where things are going to go. Councilor Hosticka did not see a chance that we are going to get into this area any time in the near future.

Councilor Harrington respected her colleagues' concerns for changing any portion of Area D to urban reserve. She recalled a lot of discussion back in 2009 and 2010 over this area and that it was with reluctance for many that Area D was defined as undesignated. Councilor Harrington said that ultimately, we were accepting of Area D in that state as part of the regional proposal in dealing with the uncertainty of the future. She stated that she respects the fact that some of her colleagues are struggling with making any portion of that as urban reserve; she could identify with that struggle. Councilor Harrington reminded herself that we do not have a regional urban and rural reserves program without one another. She recognized that she does not get to make this decision or a proposal to LCDC by herself. Councilor Harrington acknowledged that she does so as a member of the Metro Council and the Metro Council does so in association with its three county partners. She said that as such, respecting the work that has been put in to date, all of the public testimony, and the fact that we continue to be on this journey with one another, she can support this proposal for Area D, with the portion east of Groveland Road as urban reserves.

Councilor Collette said that she completely agrees with making this motion with deep reluctance. She did not want to cross Highway 26 and hoped that we do not cross Highway 26 as we develop unless we have a great opportunity to provide some great jobs and/or a great community up there. Councilor Collette stated that this is a decision that the region makes together and noted that there are a lot more decisions that the region

needs to make together. She said that in the interest in finding a place where we can all feel some level of comfort but not total satisfaction, she has put forward this motion as a compromise.

As to whether LCDC would accept this, Council President Hughes said that it is more likely with this proposal than the original proposal because it is a smaller parcel. He reminded everyone that LCDC specifically said “no” to Cornelius but then went out of their way to say that you can add back the acreage. Council President Hughes said that we went through the process as we have contemplated this of looking around the county as to where that replenishment would take place and it began to be pretty obvious that this was the place. He did not think that LCDC will have an issue with it; he thinks they will see this as a minimal expansion in an area that they already thinks makes some sense since the infrastructure is already nearby. Council President Hughes said that this year during the work program, Metro will consider how to replenish particularly large lot industrial as it begins to be used. His guess was that that program will never include a replenishment program that says move from undesignated into the Urban Growth Boundary. Council President Hughes thought it will be a replenishment program for the Urban Growth Boundary—not for the urban reserves. He agreed with Councilor Burkholder that we jumped the shute on the Evergreen property because we knew there would be some action on that property but noted that it took three years from the time that property came in until it was ready to market to Genentech. Council President Hughes summarized that it took three years to go from Urban Growth Boundary to being annexed into the City’s Master Plan and ready to go. He said that when you are looking at being nimble, adding the additional step of saying it has to go from undesignated to urban reserve and urban reserve to Urban Growth Boundary adds at least two to three years to the process and it doesn’t do us much good. Council President Hughes stated that if we are going to do it, it is more useful to have it available so that it at least is in the urban reserves so that as we look toward replenishment of large lot industrial, we can look to this site eventually where we can do that. He did not think we can do that unless that portion is in urban reserve.

Councilor Collette clarified that in making this motion, Groveland Road was not an arbitrary border. She said that she has studied this map a lot. Councilor Collette stated that there is a considerable amount of natural resource value to the west of Groveland Road that she has been concerned about all along. She said that this is her reason for trying to provide a little extra protection for it.

**METRO RECESS:** 6:54 P.M.

**BOARD RECONVENES:** 6:54 P.M.

Chair Duyck said that Councilor Collette made a reasonable compromise. He stated his belief that it is more important that we have reserves than that this thing falls apart. Chair Duyck expressed appreciation for the remarks made by Councilor Harrington having to do with the fact that none of us get to put together and propose a plan alone; rather, we do

this together. He recognized that this has been a hard-fought compromise and said that if a motion was made to accept the Metro Council's recommendation, he would support it.

It was moved to accept Metro Council's most recent motion.

Motion – Rogers

2<sup>nd</sup> – Terry

Vote – 3-2

Nay – Schouten, Malinowski

The motion included the authority for the Manager of Long Range Planning to prepare the map and submit it to the Chair for review in order to ensure that it is consistent with the motion.

Commissioner Rogers did not like the urban reserve north of 26 and he said he would have loved to have the 350 acres of urban reserve next to Cornelius. He said that should LCDC decide that this is not the appropriate action, he hoped they would revisit the Cornelius piece and place the urban reserve there where it should be. Commissioner Rogers could reluctantly support the motion in the spirit of compromise.

Commissioner Malinowski could not support the motion.

Commissioner Schouten, too, could not support the motion.

Dan Olsen suggested that the motion include the authority for the Manager of Long Range Planning to prepare the map and submit it to the Chair for review in order to ensure that it is consistent with the motion.

Councilor Harrington asked if either Metro Council or the Board need a motion to accept the IGA today with the map as defined or if the votes for the maps were also votes to approve the IGA.

Dick Benner advised Metro Council to take a motion to adopt the Resolution. He said that the wording of the Resolution does not change and the wording of the IGA does not change; it is the map that will be adjusted. Mr. Benner explained that by adopting the Resolution and the vote indicating where Metro Councilors want the map to be instructs staff as to what to do.

Dan Olsen stated that it is just the same for the Board of County Commissioners.

It was moved to approve the Resolution and Order to adopt the Supplemental Reserves IGA with Metro and the map as proposed in the discussion with the Groveland Road demarcation.

Motion – Rogers

2<sup>nd</sup> – Terry

Vote – 3-2

Nay – Schouten, Malinowski

**BOARD RECESS:** 6:58 P.M.

**METRO RECONVENES:** 6:58 P.M.

It was moved to adopt Resolution #11-4245 with the map as proposed as well as with the revised date of April 21, 2011 in item 3.b. as resolved.

Motion – Harrington

2<sup>nd</sup> – Hosticka

Vote – 6-1

Nay – Craddick

Councilor Craddick thanked Chair Duyck and Council President Hughes for putting together a proposal for deliberation today. She could not support the final motion but did support the process used today.

Chair Duyck thanked all the Metro Councilors for coming out today and for their professionalism. He observed that there was speculation about whether there were backroom deals. Chair Duyck felt that this process shows that there were no backroom deals or consensus on a lot of things.

**METRO ADJOURNS:** 7:00 P.M.

**BOARD RECONVENES:** 7:06 P.M.

The Board reconvened to complete consideration of the remainder of today's agenda items.

## **5. PUBLIC HEARING – LAND USE AND TRANSPORTATION**

5.b.

MO 11-47

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 and 6)

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

Motion – Malinowski

2<sup>nd</sup> – Rogers

Vote – 4-0

(Schouten away at time of vote)

Dan Olsen read the proposed ordinance by title.

Brent Curtis stated that Ordinance 740 is the ordinance that is a companion to the IGA for urban and rural reserves that the Board adopted on December 14, 2010. He said that the purpose of Ordinance 740 is to carry out the changes to the land use plan that the Board would agree to with Metro. Mr. Curtis clarified that the December 14<sup>th</sup> IGA was not the subject or the decision that the Board just got done making. He said that nonetheless the ordinance stands as ready and available to be the vehicle to engross that would include the changes to the IGA that were just made. Mr. Curtis indicated that this is a public hearing and was aware that at least one person wishes to speak to the Board, even though all testimony on the IGA was included in the record for Ordinance 740. He said that per the Board's previous direction, the Board has created an evening public hearing on March 29, 2011. Mr. Curtis recommended that the Board conduct the public hearing today and continue it to March 29<sup>th</sup>. He said that staff, on March 29<sup>th</sup>, will prepare not only the IGA decision that the Board and Metro just made, but also the items for the Board to consider for an order for engrossment on the 29<sup>th</sup> that would allow for notice and two subsequent public hearings in the latter part of April.

The public hearing was opened.

Richard Meyer, Development and Operations Director, City of Cornelius, 1355 N. Barlow, Cornelius, Oregon, thanked the two Commissioners who stood up for Cornelius in the earlier discussion. He said that the decision just made is absolutely necessary and the whole community feels it is necessary to have some urban reserves north. That being the case, Mr. Meyer stated that Cornelius is going to have to challenge the decision. He mentioned that twelve pages (2388 – 2400) were presented to the Washington County Planning Commission and wanted to be sure that those were in the record. Mr. Meyer said that these explain how Cornelius urban reserves met the factors defined by state law. He stated that a lot of weight was given to the thought that LCDC would not accept any urban reserves north of Cornelius. Mr. Meyer regarded that as a flaw. He recalled that there was a 4-2 split vote in favor of Cornelius that changed due to last minute testimony, which the record contradicts; in the last 15 minutes the vote was 4-2 against Cornelius. Mr. Meyer said that given the fact that LCDC has not written the order, it was not a real remand and there is enough doubt that LCDC would probably take whatever Metro and the County come back to them with. He stated that they are desperate for the whole project to be finished too. Mr. Meyer did not see any legal basis for this Comprehensive Plan amendment. He said that it is a major change for the Cornelius community. Mr. Meyer stated that in the current Comprehensive Plan, Cornelius is mapped as urban

reserve for 624 acres. He said that the Comprehensive Plan is being changed to reduce that to no urban reserves. Mr. Meyer stated that that will take some changing of findings because all the findings in the record show the suitability for urban reserves. He said that Cornelius has not seen any of these reasons in writing and so will challenge on that basis. Mr. Meyer questioned how there can be a remand without any legal basis; he did not see something unwritten constituting a decision. He said that there was no process like you usually get in a land use process in Oregon to challenge the reasons for their decision.

Mr. Meyer stated that having the Board make decisions based on that preliminary decision means that the only way Cornelius can challenge is with this first step with the Comprehensive Plan.

Chair Duyck assured Mr. Meyer that the Board would not take this personally. He pointed out that we all heard in today's hearing how contentious this all is.

Commissioner Schouten stated his strong belief in the right of legal appeal.

Dan Olsen wanted the record to be clear that the entire record from the IGA testimony, including written exhibits, is introduced into this record formally. He explained that part of the idea was to assure people that they did not need to testify twice and to make sure that the record in this ordinance is complete.

It was moved to continue this public hearing to March 29, 2011 and to include the testimony from the Metro hearing into this record, as just stated by County Counsel.

Motion – Rogers  
2<sup>nd</sup> – Terry  
Vote – 5-0

5.a.

RO 11-20

Consider the Proposed Formation of a County Special District (North Bethany County Service District) – Casefile WA-0111 (CPO 7)

Andy Back stated that this item regards the formation of the North Bethany County Service District, which is the final piece of the puzzle for the financial package for the transportation for North Bethany. He recommended that the Board conduct the second public hearing and, at the conclusion of the public testimony, adopt the Resolution and Order that is included in the packet. Mr. Back explained that this Resolution and Order approves the District formation, it adopts the findings in support of the Board's decision, it establishes the permanent rate limit of \$1.25 per thousand, it calls for an election at the May 17, 2011 election and it adopts a ballot title and explanatory statement.

Commissioner Schouten asked if the Board can add a clause that indicates Board support for looking for some funding for the proposed library/community service building. He

noted that the Board has had some discussions about trying to fund that outside of the confines of the special district. Commissioner Schouten wanted the record to reflect that the Board is also very interested in figuring out a way to fund the purchase of that one acre property.

Chair Duyck asked if it would suffice if the Board stated on the record that it is interested in doing that or if a motion is needed.

Commissioner Schouten responded that either one would suffice.

Dan Olsen preferred to have it stated clearly on the record—for the Commissioners to indicate support of that—but to not have it be part of the formal motion. He said that the motions laid out for the Board by staff are the ones specified under the statute.

The public hearing was opened.

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, submitted written testimony, which may be found in the Meeting File. He said that Washington County has a \$2 billion infrastructure deficit with 250 projects—many involving safety. Mr. Rayhawk stated that with the available \$32 million from MSTIP, it will take over 60 years to do these projects. He said that knowing that there are dangerous areas all over the county, he signed up to testify at the meeting about Bethany Blvd. to advocate spending only enough to fix the safety issues. Mr. Rayhawk's submittal is a more detailed version of that. He said that a key is that it would cost less than one-third of the planned five-lane widening and less than even the gold-plated three-lane project that staff presented. Mr. Rayhawk stated that the Bethany Blvd. project is the third of three MSTIP-funded projects just north of the Sunset Highway with total funding of \$31.8 million. He said that each of the projects could be viewed as about one third for safety and two thirds to handle a huge increase in traffic coming from the north: more than 2,400 cars per two online traffic studies. Mr. Rayhawk stated that \$20 million of the above is for North Bethany. He said that it has been assumed that North Bethany commuters would be commuting toward new high-tech jobs and manufacturing jobs in the west. Mr. Rayhawk stated that as has become evident, Washington County has been losing both kinds of jobs since 2000 with a current net loss of 16,000 high-tech jobs. He said that the traffic studies assume that a large percentage of North Bethany and Arbor Oaks will be commuting south. Mr. Rayhawk stated that the North Bethany funding plan includes \$10 million MSTIP funds to build nearby streets. He said that 185<sup>th</sup> is to be widened north of Westview High School for \$5.5 million. Mr. Rayhawk stated that this totals over \$35 million of MSTIP funds for improvements to support North Bethany. He said that this is just over a year of MSTIP funds. Mr. Rayhawk stated that all of the other 250 projects involving both congestion and safety will be delayed on the average by over a year. He said that a first-order estimate of the impact is that one year's worth of injuries and deaths will be caused by the delay. Mr. Rayhawk stated that a better estimate would be 10% higher to account for North Bethany increasing the infrastructure deficit. He said that for the safety of people, he asked the Board to stop over-committing MSTIP

funds for the benefit of a private land deal. Mr. Rayhawk stated that Arbor Oaks was brought into the UGB at the same time as North Bethany. He said it was not planned in conjunction with North Bethany. Mr. Rayhawk stated that as a result, there is a grade school on Joss Avenue, which is not large enough to handle traffic from R-24 housing in the northwest corner. He said that for the safety of children, such housing should not be approved until Road A is extended to 185<sup>th</sup>. Mr. Rayhawk requested that this be added to the Bethany funding plan now. He said that West Bull Mountain will also not be able to fund fixing the roads between it and where the jobs are. Mr. Rayhawk stated that both of these projects should be put on the back burner until housing prices get back to where the projects can pay enough to avoid increasing the infrastructure deficit.

The public hearing was closed.

It was moved to issue a decision to approve the proposed formation (WA-0111) and adopt findings in support of the Board's decision.

Motion – Rogers  
2<sup>nd</sup> – Terry  
Vote – 5-0

It was moved to adopt a permanent rate limit of \$1.25, call for an election and adopt ballot title and explanatory statement.

Motion – Schouten  
2<sup>nd</sup> – Terry  
Vote – 5-0

Chair Duyck expressed support for what Commissioner Schouten proposed relative to finding another direction but ultimately purchasing an acre or so of land to be used for community function.

Commissioner Schouten said that this could be parks system development charges, the county's opportunity fund, local share of Metro greenspaces that we are entitled to, or perhaps other funding sources to make that purchase. He stated that this is clean and separate from this particular item.

Commissioner Malinowski appreciated this solution.

## **6. ORAL COMMUNICATION (5 MINUTE OPPORTUNITY)**

Joe Rayhawk, 15248 NW Germantown Road, Portland, Oregon, recalled that at the February 22, 2011 meeting regarding Bethany Blvd., 3not5 witnesses discussed the futility of widening Bethany Blvd. due to the bottlenecks of the bridge and the onramp. He remarked that the real bottleneck is the tunnel. Mr. Rayhawk said that only so many cars can get through the tunnel per hour at rush hour. He stated that no amount of

spending on this side of the west hills can fix it. Mr. Rayhawk said that if you widen the eastbound Sunset Highway to 25 lanes from Glencoe to the tunnel, widen every onramp including 217, and every bridge over the highway to ten lanes, it will not change the average commute time. He stated that traffic entering the east-bound tunnel slows to below 15 mph during rush hour. Mr. Rayhawk said that a simple analysis shows each extra car getting on the freeway ahead of you will add just under a tenth of a second to your daily commute. He stated that in 2010, 75,000 Washington County citizens got on the freeway west of 185<sup>th</sup> to commute east, most of whom are constituents of Commissioner Terry. Mr. Rayhawk calculated that 75,000 times a little less than a tenth of a second is a little less than 7,500 seconds but added this up to 250 commutes a year for a total of 394 hours per year. He said that the traffic studies done for Bethany Blvd. and Saltzman predict an increase of 2,400 cars coming south. Mr. Rayhawk stated that the study used for the Murray, Cornell, 143<sup>rd</sup> widening completed in 2009 is not online. He assumed that it would bring an increase to 3,000 cars. Mr. Rayhawk said that to keep the math simple, he was going to assume only 2,500 cars will commute to Portland. He stated that assuming a linear build-out of the source of these cars over 25 years, we get 100 new cars after year one, 200 total after two years and on up to 2,500 by year 25. Mr. Rayhawk stated that 100 cars times 394 hours is 39,400 hours a year increase the first year. He said that it would be almost 80,000 the second year and 985,000 hours after year 25. Mr. Rayhawk stated that the accumulated delay over 25 years will be 12.8 million hour. He said that 12.8 million hours at \$30 per hour represents a waste of \$384 million of citizens' times. Mr. Rayhawk clarified that this is just for the western commuters in the morning. He said that there will be more delays for commuters getting on at Cornell, Murray, Cedar Hills and Highway 217, including constituents of Commissioners Schouten and Rogers. Mr. Rayhawk stated that 217 will be bad enough that more south county commuters will switch to I-5, which also can handle only so many cars. He said that the cumulative cost for all of the citizens that commute to Portland in the morning will be more than \$500 million. Mr. Rayhawk stated that the impact over 25 years for morning and evening commutes will approach \$1 billion. He said that most of the 2,500 cars will be coming from homes in North Bethany and Arbor Oaks. Mr. Rayhawk stated that there is no conceivable source of 2,500 cars anywhere else above the freeway. He said that the full build-out of North Bethany and Arbor Oaks will have a significant negative impact on every Washington County citizen that commutes to and from Portland.

## **7. BOARD ANNOUNCEMENTS**

Chair Duyck announced that there will be no Board meeting next week. He indicated that the next meeting will be an evening meeting on March 29, 2011.

## **8. ADJOURNMENT: 7:30 p.m.**

Motion – Rogers

2<sup>nd</sup> – Schouten

Vote – 5-0

**MINUTES APPROVED THIS \_\_\_\_\_ DAY \_\_\_\_\_ 2011**

\_\_\_\_\_  
**RECORDING SECRETARY**

\_\_\_\_\_  
**CHAIRMAN**