



Washington County Farm Bureau
885 Baseline Rd.
Hillsboro, OR 97123

January 18, 2006

Department of Land Conservation and Development
635 Capitol Street NE
Suite 150
Salem, OR 97301

Re: Remand of the Periodic Review of the Metro UGB
Objections

The Washington County Farm Bureau, as well as the undersigned Washington county farmers who are all members, object to inclusion of the Evergreen area in the Metro urban growth boundary. In the proceedings before Metro, we also objected to including farmland north of Council Creek in the Cornelius area in the UGB. We agree with Metro's decision to remove that area from the proposed expansion. Some of the reasons for our objection to inclusion of Evergreen are similar to our reasons for objecting to the area north of Council Creek.

Before describing our objections, however, we would like to point out that we have not and do not object to the inclusion of land simply because it is zoned for Exclusive Farm Use (EFU). In fact, the County Farm Bureau, as well as individual farmers, has worked with the Oregon Department of Agriculture and Metro to identify farm lands around the UGB that could be brought into the UGB for other industrial purposes without having a significant and adverse impact on the region's agricultural industry. This is reflected in the report *Limited Choices: The Protection of Agricultural Lands and the Expansion of the Metro Area Urban Growth Boundary for Industrial Use*, prepared by the Department of Agriculture, which ranks farm areas around the UGB for possible expansion. It is also reflected in the testimony we have provided to Metro for at least a decade, including in this proceeding, pointing to farm lands more appropriate for a UGB expansion than other areas.

We will now address the specifics of our objections.

Identification of Deficiencies in Work Task

Metro's work task is deficient in that it includes the Evergreen site in Washington County in the expanded UGB. Metro proposes to add 550 acres of land, west of Shute

Road and south of Highway 26, of which most, if not all, is zoned for exclusive farm use and is primarily Class II soils. This land is currently in an industrial use: agricultural production. We object for the following reasons:

- This action takes the land base away from one industry – agriculture – to make it available for some other, speculative industrial use. This land currently produces a product – including traded sector products, generates income, and employs workers in a vital and growing industrial sector of the region's and state's economy. Washington county agriculture generated total sales of \$252,378,000 in 2004, ranking 3rd in the state.¹ In fact, Washington County's sales were up 13% from the year before; an achievement we doubt was met by any other county industry in the past years. This caused Washington County to move from #4 to #3 overall among counties in agricultural sales. This was accomplished on a harvested crop land base that has declined 11% in the last 15 years.

The region's agricultural industry cannot afford to lose more of its land base without severely undermining this industry. Loss of land has a domino effect, which is already occurring to an extent in Washington County: fewer farms and acres means fewer farm equipment dealers and other suppliers, who are usually located *inside* the UGB. This concern was voiced by several agriculture-related businesses in the area to the Metro Council, including Fisher Implement Co. located in Hillsboro (see letter of Nov. 10, 2005) and Pacific Harvest Supply Co. in Cornelius (see letter of Nov. 10, 2005). Fewer acres available also causes prices to soar, making it difficult for young farmers to get started and established farmers to grow. It seems to us that it is contrary to statewide planning Goal 9 to take from a going and growing industry for mere speculation.

- Agriculture in general, as well as in the Evergreen area, makes very little demand on infrastructure, such as sewer and roads, in contrast to the speculative industries that might replace it. The Metro staff report discusses the adverse impact the traffic generated from an urban industrial use of this area will have on Highway 26 and local roads, and it notes that the area will be "difficult" to serve with sewer. It will also make it more difficult for the existing agricultural industry in the vicinity to move farm equipment and get its products to market and to the Port of Portland.
- Inclusion of this area is contrary to Metro Policy 1.12 to "choose agricultural land deemed less important for the continuation of commercial agriculture in the region," and to Goal 14, factors 6 and 7, and ORS 197.298. Evergreen is a "core" commercial agricultural area, in the heart of the Tualatin Valley. The Department of Agriculture study, *Limited Choices*, ranked the area number 11 out of 15 areas around the UGB that it surveyed.

¹ Oregon Dep't of Agriculture, *Story of the Week*, Feb. 2005

The soils are Class II and in active farm and nursery use. Some of the land has water use permits, though it is a myth to assume that non-irrigated farmland is somehow not as worthy of protection as farmland with water access. Many crops grow well in Washington County without irrigation, in part because of the wonderful climate (including rain). Indeed, non-irrigated farm land should be viewed as a positive given that water is a limited resource. Conversely, many of the high-tech industries that local development interests and cities are courting are very high users of water.

- Inclusion of the area is contrary to Metro's Policy 1.7 to use natural and built features as the boundary. This is a large expansion beyond Shute Road, once thought to be the ultimate UGB boundary in this area. The boundary of the proposed expansion area is merely tax lot lines; there is nothing to stop the march of this urbanization to Jackson School Road.
- The Washington County agriculture industry operates as a "cluster," much like some urban industries. We need land within a reasonable proximity in order to expand our farms, share equipment, and sustain agriculture-related businesses.
- The Hillsboro area has already shouldered too much of the region's growth, bringing congestion to our highways and crowding in our schools.
- Without the scenic, open space provided by farmland, Washington County's livability will decline.
- Farmland is a natural resource that provides environmental benefits to the Metro area.

Specific Revisions To Resolve the Objection

The Department and Commission have several options to resolve this objection, which are not mutually exclusive:

- Remove the Evergreen area from the UGB expansion.
- Include, instead, other area(s) with less impact on agriculture, such as those recommended in the Department of Agriculture report.
- Delay addition of any agricultural lands to the Metro UGB pending Metro's planned "New Look" study, which pledges to also examine the agricultural economy in the region, and pending the next Metro periodic review UGB expansion decision, which is due already in 2007.

Demonstration Objecting Party Participated at Metro in UGB Decision

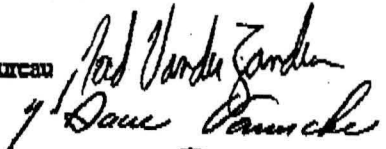
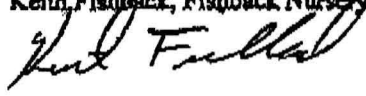
The Washington County Farm Bureau has submitted written testimony (see, for example, the letter of November 10, 2005) and well as oral testimony (for example, at the November 10 and 17, 2005 hearings). Mr. Vanasch also submitted a map into the

record on November 10, to accompany his testimony. The individual farmers also provide testimony in these proceedings.

Thank you for consideration of our objections. As we stated before, we support the exclusion of the Cornelius area north of Council Creek for much the same reasons as described in this letter for the Evergreen area.

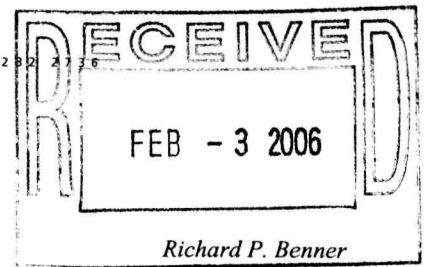
Sincerely,

Tad Vanderzanden, President Washington County Farm Bureau
Dave Vanasche, Washington County farmer
Larry Duyck, Washington County Farmer
Keith Fishback, Fishback Nursery





METRO



Richard P. Benner
Tele: (503) 797-1532
FAX: (503) 797-1792

February 3, 2006

~~Ed Day~~
P. O. Box 1539
Boring, Oregon 97009-1539

Subject: *Metro's Title 11 and Your Springwater Property*

Dear Mr. Day:

Metro Planner Ray Valone has asked me to respond to your questions about the applicability of Title 11 of Metro's Urban Growth Management Plan (copy included) to property you own near Gresham in the Springwater area. My answers are based upon my understanding of your situation. Please let me know if I have misunderstood something.

The Metro Council expanded the regional urban growth boundary ("UGB") to include the "Springwater" area on December 5, 2002. A map included in that ordinance shows the boundaries of the area. It includes your property, which also lies outside the city of Gresham in Multnomah County. Your property currently has an appliance business on it.

Title 11 sets forth comprehensive planning requirements for the cities and counties responsible for planning territory newly added to the UGB, such as Springwater. One section of Title 11 (3.07.1110), entitled "Interim Protection of Areas Brought into the Urban Growth Boundary", is intended by Metro to protect the status quo during the period of time that the responsible city or county completes the planning and zoning to allow the territory to urbanize, that is, to convert from rural to urban uses.

Section 3.07.1110 does not affect the continuation of existing uses. This means that Title 11 does not affect your current appliance business.

Title 11 does limit certain changes in use, depending on the "design type designation" the Council places on territory when it adds territory to the UGB. The Council designated most of Springwater as "Regionally Significant Industrial Area" ("RSIA"). Your property lies within the part of Springwater designated RSIA.

Section 3.07.1110 contains a subsection D that expressly relates to RSIA's. Because your property has been designated RSIA, subsection D applies to your property. Under subsection D, Multnomah County cannot, during the interim planning period, approve the following uses:

- “1. A commercial use that is not accessory to industrial uses in the area; and
2. A school, church or other institutional or community service use intended to serve people who do not work or reside in the area.”

This means the county cannot, during the interim planning period, approve a new school, a new church or a new commercial business on your property unless the business is accessory to industrial uses in the area. Multnomah County would make this determination. The county may be able to approve an expansion of your existing appliance business, depending on provisions in the county zoning ordinance.

The city of Gresham has adopted new comprehensive plan and zoning ordinances for the Springwater area. The map that was adopted by the city with these ordinances would remove your property from the RSIA designation. Metro has informed the city that its ordinances comply with Title 11 for territory within the city of Gresham. These ordinances, however, do not now apply to your property because it lies outside the city of Gresham, and Multnomah County has not adopted the ordinances.

You asked Ray Valone how long the interim protection standards of Title 11 will apply to your property. They apply until Multnomah County completes the planning required by Title 11 for the territory, or until the city of Gresham, which has adopted ordinances that comply with Title 11, annexes your land. The Metro Council has set March 5, 2007, as the deadline for completion of Title 11 planning.

I hope this answers the questions you asked Ray Valone. Please let me or Mr. Valone know if I have missed a question.

Very truly yours,



Richard P. Benner
Senior Attorney
Office of the Metro Attorney

Enclosures

cc: Metro Councilor Rod Park
Metro Planner Ray Valone
Multnomah County Planner Chuck Beasley
Multnomah County Attorney Chris Crean
Gresham Planner Terry Vanderkooy

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Multnomah County Planner Chuck Beasley

Multnomah County Attorney Chris Crean

Gresham Planner Terry Vanderkooy

RPB:kw

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From: Rod Park
To: lizmark74@aol.com
Date: Sun, May 28, 2006 4:09 PM
Subject: Re: land use, UGB

Dear Liz Godfrey,

Please find the following link to a starting point on the UGB discussion. The page contains or has links to a lot of the information you are seeking.

<http://www.metro-region.org/article.cfm?articleid=16386>

I am pleased you are willing to become involved in this important process of how we as a region shape the landscape around us. There are many tradeoffs that will be discussed over the next coming years as to where and how much to move the UGB, what areas to preserve for farming and open space areas. I welcome your input into that discussion.

If you have further questions, please contact myself or my assistant Kathryn Sofich at 503-797-1941.

Sincerely,

Rod Park
District 1
503-797-1547

>>> <lizmark74@aol.com> 05/28/06 2:52 PM >>>

Hi,

I am trying to figure out who to speak with to find out if the UGB will change. My mom owns a property at 7928 SE 282nd in Gresham. The property has 6 acres. She is willing to sell or give my husband and I, an acre to build a house on if we had the opportunity to do so. Well, it looks like a mile or two down the road it is possible to subdivide, but not where her property is located. How can I become involved in finding out if zoning or boundaries will change so that this may be possible. I would appreciate any help you could offer.

Sincerely, Liz Godfrey
503-668-6208
lizmark74@aol.com

CC: kathryn sofich

From: Rod Park
To: lizmark74@aol.com
Date: 5/28/2006 4:09:23 PM
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Sincerely, Liz Godfrey
503-668-6208
lizmark74@aol.com

CC: kathryn sofich

From: Rod Park
To: michael.c.mitchell@us.army.mil
Date: 6/18/2006 8:06:30 PM
Subject: Re: Question regarding green corridor for Hwy 212

*Emailed Tom Kloster +
John Nemmi
8/1*

Mr. Mitchell,

The "Green Corridor" actually exists along Hwy 26 between Multnomah County and the city of Sandy not Hwy 212. It is an agreement between Metro, Mult. Co., Clackamas County, Sandy and the Oregon Department of Transportation to not change the zoning a set distance each side of Hwy 26. Unfortunately it is however trumped by state law which requires UGB expansion to first occur on what is called Exception Lands, lands which the counties have determined to not be viable for long term ag. or forestry.

This is an incomplete answer as it is more involved as most land use questions are. I am answering this on Sunday night and do not have the resources to do a more thorough job. I will ask staff to provide more answers to your questions on Monday. It might take a little longer than normal as my assistant is out this week.

I do want to say I appreciate your thank you on the work we are doing for our citizens. It isn't very often that we do get thanked for an extremely tough job of dealing with the growth issues.

Sincerely,

Rod Park
District 1
503-797-1547

>>> Michael Mitchell <michael.c.mitchell@us.army.mil> 06/17/06 11:12 PM >>>
Metro Councilor Rod Park
Metro Regional Center
600 NE Grand Avenue
Portland, Oregon 97232-2736
*

*Councilor Rod Park,

I am concerned for the future of Highway 212, and have noted to my relief that the section between the city of Damascus and the Sandy Rural Reserve, is a green corridor.

What, if any, are the further steps needed regarding written agreements - to assure the zoning protections of a green corridor are implemented for this section of Highway 212?

Are these green corridor protections the same as that of the Sandy Rural Reserve, lessor, or greater?

Is this a matter between Clackamas County and Metro, or is the City of Damascus involved in anyway? Would either potential Village or Hamlet of Boring enter into any role on solidifying the protections via Clackamas County's Board of Commissioners?

I have a copy of the 2040 map showing the corridor, but do not see the limits or its relationship to the Sandy Rural Reserve that goes through what is often called the 'business core' of Boring on 212.

Lots of questions, hope that time permits reply. Thank you for your work for Oregon.

Cordially,
Michael Mitchell
12057 SE School Avenue
Boring, Oregon 97009
503-663-1545

To: Metro Councilor Rod Park
cc: Derek Bradley
Andy Cotigzso

- send letter -
nothing we can do

NOV 13 2007

October 31, 2007

My name is Mary Cile Bradley, and I need your help to save our Damascus home. My husband, our three children, and I moved here almost six years ago...after our home in Sandy burned to the ground. We lost every material thing and our family dog in that fire. In moving to this home, we made sure it was the sturdiest house we could find because, after the fire, our children needed every bit of extra security we could give them.

You might recognize our current home as the "Old Hillsview Schoolhouse." Located at 9460 SE 242nd Avenue, the building is listed with Clackamas County as historically significant. Completely renovated in 1997 at a cost exceeding \$100,000.00, the location is surely familiar to many County inspection officials. Our family has benefited greatly from all of that work; it was truly like buying a brand new/old house! For five years, we had no problems with any of the home's systems, nor was the basement ever wet.

In July of 2006, Clackamas County Department of Transportation began a road safety project that changed the intersection of Borges Road and 242nd Avenue. Roads were dug up and re-contoured, drains were put in above us on Borges, etc. Following completion of that roadwork project, our basement and grounds (on the southeast side) flood whenever it rains.

The flooding has two causes. The very regular cause is rainwater runoff from 242nd, new since the re-contouring of the road done in 2006. An additional cause of flooding is from damage that occurred back on November 9, 2006. On that date, there was a very heavy (record-breaking?) rainfall. The county's brand new storm drain above us on Borges Road clogged, causing a severe flood to occur here. On that date, water rushed under and over our property with such force that our basement floor and foundation cracked. The cracks are permanent and now allow more water to flow in more places and with more force than the regular flooding from the rain that runs off the road.

(over)

For more than one year, now, we have tried everything we can think of to get Clackamas County Department of Transportation to take responsibility and fix the problems the roadwork project caused. Letters, visits, phone calls, even mediation have fallen on deaf and unsympathetic ears. Mr. Hall, Mr. Dannon, Mr. Bezner, Mr. Morgan and others have visited here and spent considerable time to tell us they feel no responsibility and even if they did, there is nothing "economically feasible" for them to do. Instead, through insurance agent Mike Ferrell, Clackamas County offered us \$8,000.00 to "go away."

We declined the money because we can't find any engineer or contractor capable of fixing the problem at any price. 100% of those consulted (John's Waterproofing, Advanced Recovery Services, Western Architectural, and others) have said that this is a problem the D of T created and that only the D of T can fix it. Meanwhile we have a basement that floods every time it rains. Inside, flooding is limited to the southeast quarter of the basement and this is where the furnace, the well, and the electric panels (all new in 1997) are located.

As you can imagine, another fire is a constant fear for us. We paid out of our own pockets for anti-bacterial treatment last year, but mold is growing in the wet basement, now, and can't be eradicated until the basement is dry. I have mold allergies with asthma so more stress and sense of urgency. The furnace broke after the flood on November 9, 2006. There are numerous other related problems and expenses.

I would welcome the opportunity to show you and discuss what is going on here. If you can visit, or if you would like to phone us, please do. You can reach us at 503-491-5111 or my cell 503-706-0345. If you'd like to stop sometime when you are driving by, in order to see the problems and what might be done to fix them, that's fine, too...the paths of runoff are clearly visible and you would be welcome to come inside anytime you see us at home.

Thank you so much for your attention and interest.

CW