

#10

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

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MEETING DATE: 9/10/2009

SUBJECT: RESERVES

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: JOSEPH C RAY HAWK

ADDRESS: 15248 NW GERMANTOWN ROAD

CITY/STATE/ZIP: PORTLAND OR 97231

PHONE: DAYS: 503 277 4881 EVES: 503 289 0744

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: SUPPORT FOR CAC RECOMMENDATIONS

WRITTEN TESTIMONY: PROVIDED DURING TESTIMONY

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

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Testimony from Joseph Rayhawk about Reserves September 10, 2009

My name is Joe Rayhawk. I live at 15248 NW Germantown Road, Portland, OR 97231.

- 1) I own a 34-acre farm immediately north of North Bethany in Area 6.
The Current UGB runs along our south property line.
We have operated Abbey Creek Stables, profitably, since we acquired the property in 2003.
- 2) I decided earlier this year that it would be better for my community if my area was designated as a Rural Reserve even though I thought at the time that that would eliminate a \$10,000,000 gain.
I have been attending CAC meetings since to advocate for Rural Reserves.

I have been extremely impressed with how hard they worked to understand the complex factors for Urban and Rural Reserves and the wisdom they used in considering both the legal aspects and what I consider the larger issues of the impacts of their decision on our community.

I also thought at the time that I was relatively unique. I have since learned that there are numerous other large landowners in Areas 5, 6 and 7 that would prefer to be Rural Reserve. As an interesting note, it seems that people who purchased their land tend to be more that way than people who inherited the land from their predecessors who were actually farmers.

- 3) Abbey Creek crosses my property for a distance of about 1300 feet. It is a headwater of Rock Creek. These and associated streams are facing serious ecological problems.
As a result, they are in a Tier 1 goal area for acquisitions under the Natural Areas Bond Measure. There are also State and Federal funds available for efforts to mitigate the problems.

In 2007, we gave up use of the land along most of the creek as part of what is called an ECREP project. The state and federal funds matched only some the costs of doing this.

The West Multnomah Soil and Water District chose us as the 2007 Cooperator of the Year.

In summary, I am a well-intentioned individual who is willing to sacrifice personal gain for the good of my community.

I wish to make 3 specific recommendations and observations

- 1) I want to recommend that you approve the CAC's recommendations as voted at their last meetings.
I think the record before you reflects their earlier thinking before they got input from a county attorney about factors 2-A and 3-A not being gating items.
These factors have to do with the probability of full urban development rather than the general appropriateness of the Rural Reserve designation. Some of the text in the final documents still reflects the earlier misinterpretation of these factors. This is even more true of the staff recommendations.
- 2) I want to recommend that any areas near the current UGB not be left undesignated.
This repeats a strong recommendation from the Planning Commission last month.
These areas do not meet the legal factors required for Urban Reserves.
However, leaving them undesignated will have bad impacts, both short and long-term.
Among the short-term impacts are that landowners will not know whether it makes sense to invest in their farms, sell out to younger folks who want to farm or hold on until the UGB moves. The next impact, perhaps not long-term, is that UGB may move past the areas on one of the next go-rounds even though the detailed consideration of the CAC and the staff is that the areas do not qualify for Urban Reserves.
- 3) There is an area in Area 7 known as East Bethany and via various aliases including Area 7.1 and the West Forest Park Concept

This area ^{was} ~~should~~ NOT be designated as an Urban Reserve because a reasonable evaluation of the 8 formal factors shows that it does not even come close to meeting most of them..

Let me digress a little for an analogy:

In order to become an NBA player you need to be tall and be very fast and coordinated.

When I was growing up, I thought I might be fast and coordinated enough. Unfortunately, I did not grow up tall enough.

Many of the factors for Urban Reserves contain two parts connected by an AND. To qualify, an area needs to meet both parts of each of these factors.

The advocates of designating East Bethany as Urban Reserves provided the CAC with arguments about various factors that only addressed 1 of the 2 parts of many of them. I provided input that showed that their arguments were wrong and often absurd. But, most importantly, they did not address both parts of the factors. To pun slightly, their arguments came up a little short.

I also argued that the area should be designated as Rural Reserve because it met the individual Rural Reserve factors as well as many larger factors involving the Rock Creek headwaters issues and the habitat and animal passage issues that underly the Natural Areas priorities.

This area is now farms or was until recently, and, perhaps crucially, the area was specified as a necessary buffer between North Bethany and the wildlife areas in a Superior Court decision about North Bethany.

The arguments are included in the back section of my handout.

Even though there was considerable pressure, the staff did not recommend the area for Urban Reserves and recommended that it be left undesignated. The CAC itself rejected the Urban Reserves and recommended all of Area 7 for Rural Reserves based on both the legal factors and the many larger issues.

3) Four Key Points

- 1) The area, if developed, will be a remote suburb of Multnomah County, effectively farther away from services and employment locations than Area 93.
- 2) In order to function well, it will need improvements to Washington County roads that are already overcrowded and going to get substantially worse when North Bethany is developed.
- 3) North Bethany planning is almost done. They have made no provision for supporting another community of almost equal size to the east in another county. Arguments that there are 'services next door' are absurd. Washington County does not even build infrastructure for its own known needs.
- 4) It is not possible even for well-intentioned developers to develop East Bethany without a negative impact on the environment. The advocates do not appear well-intentioned.
I provide two pictures that show the minimum Area 7.1 and the full area recommended in the advocate's last submission to the CAC overlays much of the upper part of Abbey Creek.

I participated in the Area 93 charette. It occurred to me frequently during that exercise that Area 93 should not have been bought into the UGB and would not have been, using the current rules. I watched with some sadness as the Planning Commission tried to figure out some way to plan the area so that the land owners could move forward from what is a stressful situation for them. I also felt sorry for the Planning Commission for having to try to make the impossible work. I honestly believe that many of the factors that make Area 93 bad are worse for East Bethany.

Finally, I do not have time to discuss the so-called West Forest Park Concept. This was presented in a less-than-well-intentioned manner.

I have studied the handouts from two major presentations, one to the Forest Park Neighborhood Association and one to the CAC.

Assuming that it was something other than a smokescreen to obscure what they really intend, the most important thing I can conclude is that advocate's lawyers think they will not be allowed to develop just the L-shaped area called East Bethany.

They need to get development rights to a large area so they can trade them around to get enough density with the East Bethany.

The plan itself does not seem plausible to me. It has been rejected by the Forest Park Neighborhood Association Board which has much more experience and insight than do I.

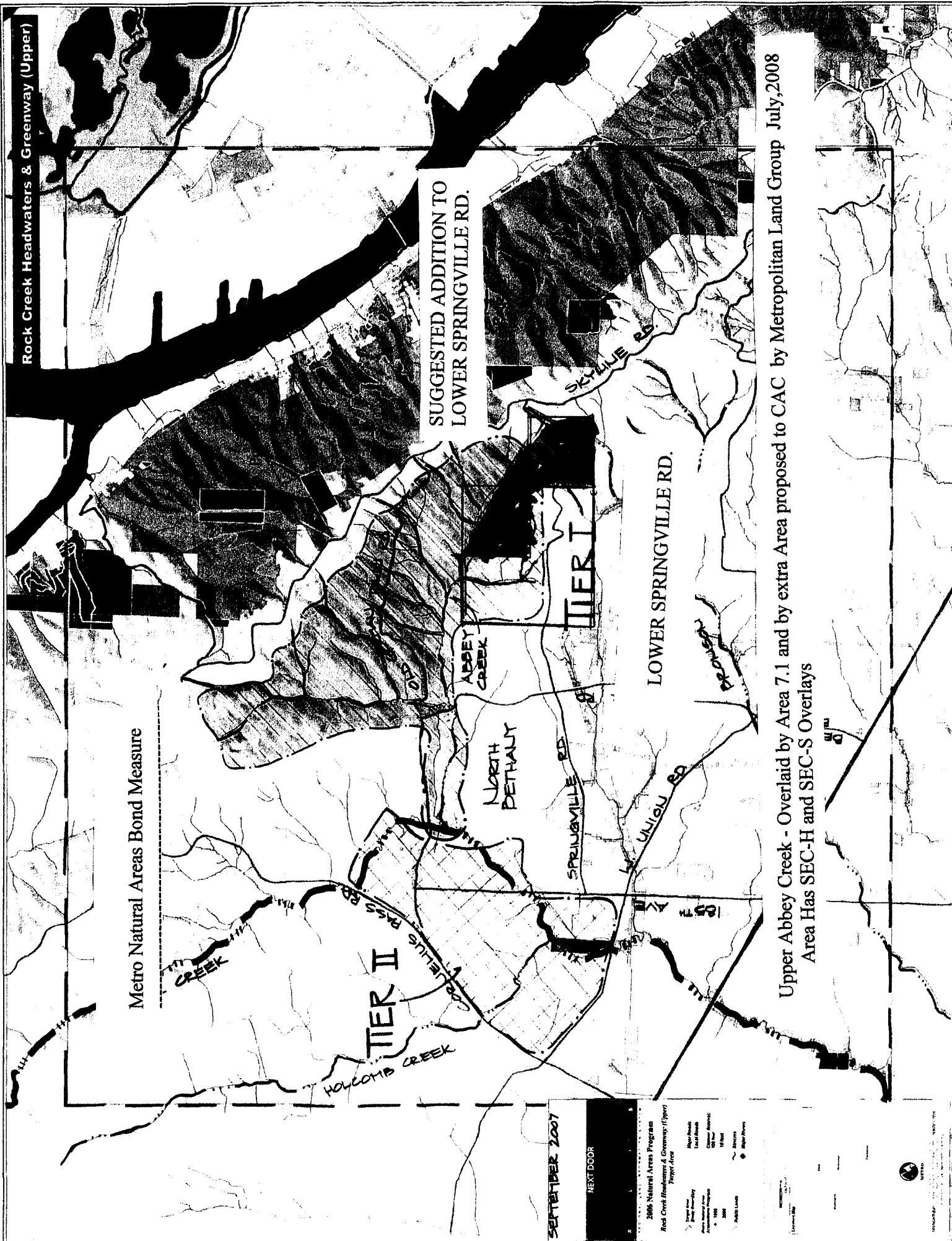
Testimony of
Joseph Rayhawk
15248 NW Germantown Road
Multnomah County
Portland, OR 97231

September 10, 2009

Recommendations About Rural Reserves

- 1) Support the Final Version of the Recommendations from the CAC
- 2) Support the CAC and the Planning Commission's Recommendations that no areas be undesignated.
- 3) Support Especially all of Area 7 as Rural Reserves

Metro Natural Areas Bond Measure



SUGGESTED ADDITION TO
LOWER SPRINGVILLE RD.

SEPTEMBER 2007

NEXT DOOR

2006 Natural Areas Program
Rock Creek Headwaters & Greenway (Upper)
Target Area

- Metro Natural Areas
- Rock Creek Headwaters & Greenway (Upper)
- Tier I
- Tier II
- Abbey Creek
- North Bethany
- Lower Springville Rd
- Springville Rd
- Union Rd

Upper Abbey Creek - Overlaid by Area 7.1 and by extra Area proposed to CAC by Metropolitan Land Group July, 2008
Area Has SEC-H and SEC-S Overlays

Elk On Rayhawks' South Pasture - just before Christmas 2008

- Abbey Creek / ECREP Project in Foreground
- White-Polypropoline String Wild-Life (and Horse!) Friendly Agricultural Fence on both sides of Creek
- North Bethany in the Distance





Abbey Creek Stables

2007 Cooperator of the Year

Conservation of natural resources through
wise management practices.

West Multnomah
Soil & Water
Conservation District
www.westmultconserv.org

Abbey Creek runs into Rock Creek which runs into Tualatin River.

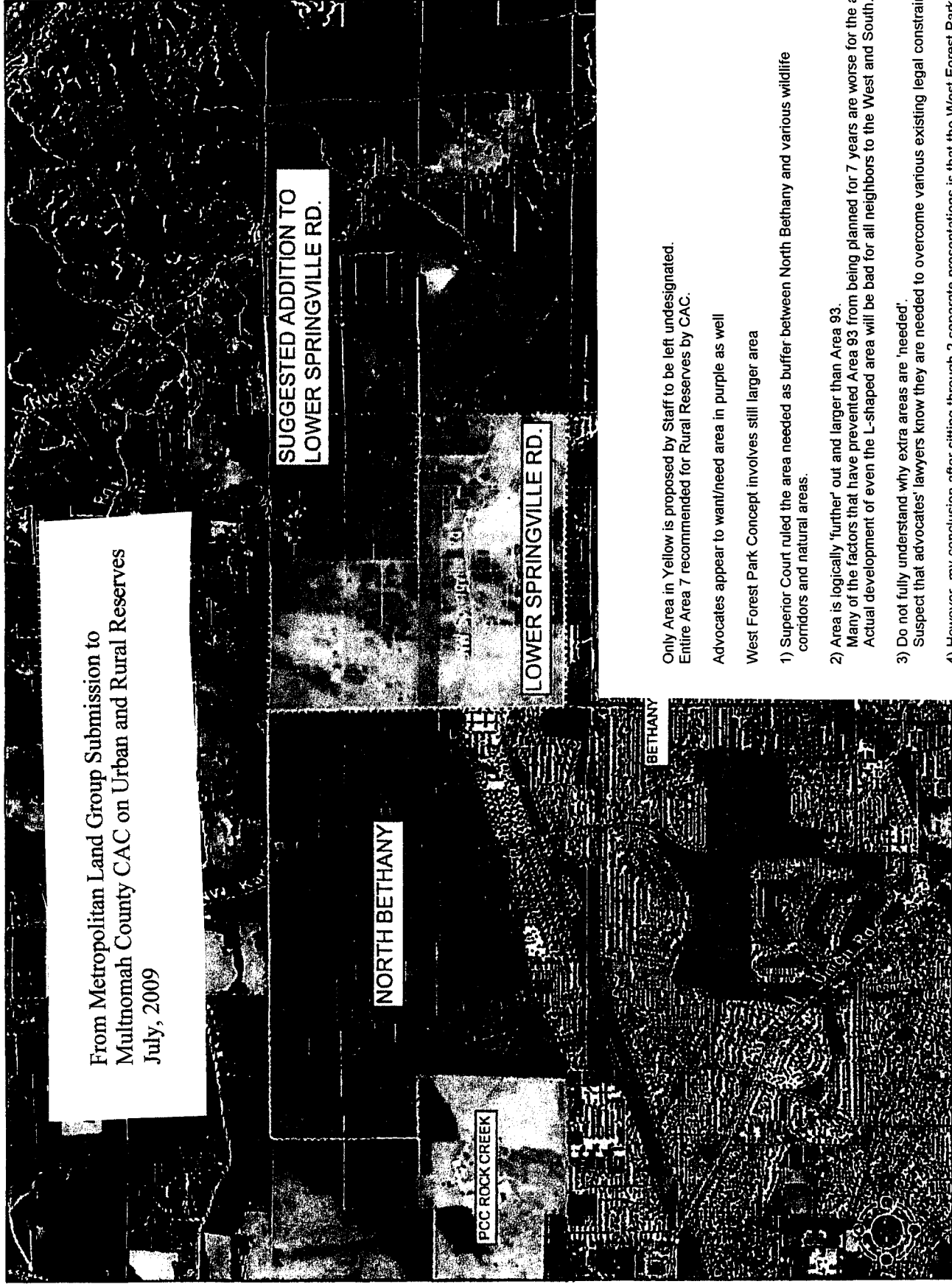
The whole system is ecologically challenged due to irrational exuberance of development in Washington County.

Yes, the phrase is meant to invoke a visceral response about the oncoming disaster of that effectively unregulated development.

West Multnomah Soil and Water District the 2007 Cooperator of the Year is for federally and state funded ECREP project which required fencing off 50 feet on both sides of the creek, clearing invasive species and planting 7000 native plants.

My wife and I felt that sacrifice of the use of the land was morally necessary as responsible stewards

From Metropolitan Land Group Submission to
Multnomah County CAC on Urban and Rural Reserves
July, 2009



Only Area in Yellow is proposed by Staff to be left undesignated.
Entire Area 7 recommended for Rural Reserves by CAC.

Advocates appear to want/need area in purple as well

West Forest Park Concept involves still larger area

1) Superior Court ruled the area needed as buffer between North Bethany and various wildlife corridors and natural areas.

2) Area is logically 'further' out and larger than Area 93.

Many of the factors that have prevented Area 93 from being planned for 7 years are worse for the area. Actual development of even the L-shaped area will be bad for all neighbors to the West and South.

3) Do not fully understand why extra areas are 'needed'.
Suspect that advocates' lawyers know they are needed to overcome various existing legal constraints

4) However, my conclusion after sitting through 2 separate presentations is that the West Forest Park Concept would lead to great damage to the environment and that much of the proposed financing is absurd.

It appears to be smoke-and-mirrors designed to get the base area into Urban Reserves and get past the rational review process done by the CAC.

Title: Input for the Next Meeting of the Multnomah County CAC on Urban and Rural Reserves.
Author: Joe Rayhawk
Date: July 22, 2009

Summary: I believe the Committee erred in rating Area 7.1 as Medium with respect to Factors 1, 3, 4, 5, 6 and 7, and, in rating Area 7 as Medium with respect to Factor 8.

I present arguments below that are compelling with respect to factors 1, 3, 4, 5, 6 and 8 and a little less compelling with respect to Factor 7.

In particular, it is absurd to think that the area will get bus service, can use public schools in North Bethany and that adding their cars can do anything other than make several terribly congested roads in Washington County worse.

1. Can be developed at Urban densities in a way that makes efficient use of existing and future public and private infrastructure investments;

Area 7.1 is dependent on development of roads in Washington county, including Bethany Boulevard and Saltzman Road. These two roads, among others, should have been widened from 2 to 5 lanes **10 years ago** with development of the first Bethany and with developments along Saltzman north of Cornell. Washington County has not required new development to pay for NEEDED infrastructure. So, both roads are way over capacity. They are going to get much worse with development of 5000 homes in North Bethany. Since East Bethany (in Area 7.1) is the same general size as North Bethany, one should assume developng it would add another 5000 homes. It is not clear that any development charges could be laid on East Bethany for improvements to Washington County roads.

In addition to other problems, the last segment of Salzman Road just south of Laidlaw presents a serious construction problem and may need a very expensive bridge.

There is no way that East Bethany can be developed to make efficient use of these over-capacity roads.

There are also serious problems trying to go east on Springville to get to downtown Portland. First, to get to the Sunset Highway would require widening Skyline. It is not clear this can be done, but, if it can, the land along the right-away will be very expensive. The market value is probably several times the \$500,000/acre we have been contemplating. The rich people up there will fight any such move in the courts for years. Portland has better things to do with its money. The alternative is to widen Skyline to Germantown and then widen Germantown. There are many places on Germantown east of Skyline where it will clearly cost so much money that it is absurd to even to consider this a practical alternative.

Area 7.1 must be rated low with respect to Factor 1.

3. Can be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers;

Washington County has normally been late to build its needed schools and has often built the minimum required. It is not rational to assume that they will do otherwise with the North Bethany schools. Although the Beaverton School District has been pro-active in acquiring two sites, these sites are sized for the number of children expected from North Bethany. It is not rational to assume that they will be able to expand these sites for students from Multnomah County, especially after the area around them is developed.

Since East Bethany is of the same size as North Bethany, allowing East Bethany students into North Bethany schools would double the population. This would almost certainly lead to poorer education for all the students. It is not rational to think the citizens of North Bethany would allow their children's educations to be harmed for the benefit of citizens of Multnomah County.

Tacit in the discussion is that Portland public schools are unlikely to build the needed schools in East Bethany because of obvious, more serious, needs elsewhere in the Portland Public School system. So, any students in East Bethany would have to be bused to schools MILES TO THE EAST.

Beyond the schools issue, East Bethany has many of the same governance and service problems as Area 93. In particular, it would need to be annexed by Portland in order to have an appropriater service provider. Area 93 was brought into ther UGB in 2002. Metro established a first drop-dead date for a development plan of 2004. We are now 5 years later, and there is still no viable development plan. Area 7.1 has many if not all of the same problems.

All rational indications are that Beaverton will not be allowed to annex an area in Multnomah County. It is fantasy to assume otherwise.

Area 7.1 must be rated low with respect to Factor 3

4. Can be designed to be walkable and served with a well-connected system of streets, bikeways, recreation trails and public transit by appropriate service providers;

There are two issues here public transit and all of the others. Note that the language of this factor says AND with respect to public transit. Legally, that means if public transit will not happen then the area should rated low.

First, let's deal a little with the other issues. The biggest negative is that public/common areas of North Bethany will be over a quarter mile west of the common border. According to criteria given the committee, this makes them too far for children to walk. Again, this is partially a legal-ish issue. Do remember that it rains here for 6+ months out of the year. The common/play areas of North Bethany are being sized for North Bethany. At this time, there are no plans for North Bethany to connect its system of bikes and trails with anything to the east. At best, Area 7.1 might be rated Medium for these issues, but rating it low would be more realistic.

Now to the more important problem. TriMet officially presented you with a number of **18 Housing Units per acre with 1/4 mile of a bus line as the minimum needed**. The most recent plan for North Bethany shows they are struggling to get to 10 Housing Units per BUILDABLE acre. East Bethany, proper, will be built to a standard between 10 and 12 Housing Units per BUILDABLE acre. This is actually less than half the TriMet minimum number. By itself, this means the committee should rate Area 7.1 low.

But there are many other factors that make it worse. First, bus service would almost certainly be along Springville Road. Much of Area 7.1 is more than 1/4 mile away from the road. East Bethany is also logically the furthest out of a set of developments, including Claremont, Bethany, Area 93 and Bauer Heights. None of these have the needed density. Some of them have actually been designed so as to discourage bus ridership. This includes things like brick walls and fences that require riders to walk an extra 1/8 or 1/4 mile to get to the bus stop.

The key is that all of these areas, including East Bethany, are, or will be, suburbs. In addition to the physical problems of diuscussed above, suburban residents drive cars. They do not ride buses. This is just common sense.

Area 7.1 must be rated low with respect to Factor 4.

5. Can be designed to preserve and enhance natural ecological systems;

Note again the use of the AND here, meaning that both parts need to be true.

During court cases about North Bethany, it was stated that the area east of North Bethany would provide the buffer between North Bethany and the various areas of Significant Environmental Concern including habitat and stream.

Urbanizing Area 7.1 would eliminate this buffering. The area cannot be urbanized without risking serious harm to these systems. Hence, it is most likely that the 'preserve' aspect cannot be met.

It is an unarguable fact that changing farmland and forests into streets and houses does not enhance the ecological system.

So, due to both aspects, but especially with respect to the enhance side,

Area 7.1 must be rated low with respect to Factor 5.

6. Includes sufficient land for a range of needed housing types;

Because of Significant Environment Concern overlays, Area 7.1 cannot be built at the density needed to meet this factor without getting development rights from areas further up the hill.

There is much fantasy involved in getting such rights. The fantasy includes the financing aspects as well as getting cooperation from the many landowners who would not benefit financially to the extent that the Area 7.1 residents would. Negative impacts on these other folks include: more crowded roads, ruining of their views, the likelihood of more suburban children trespassing and causing nuisances and, last **but not least**, the likely need for them to be annexed by the City of Portland. I have talked to neighbors about our area (Area 6) being in either Urban or Rural Reserves. Many are on the fence until we get to the part about having to pay Portland taxes and having to obey city rules. They have even more negative reaction to being annexed by Beaverton.

Area 7.1 cannot be considered as separate from the rest of Area 7 with respect to housing because it needs the rest of Area 7 to be able to achieve the needed density.

Area 7.1 must be rated low with respect to Factor 6.

7. Can be developed in a way that preserves important natural landscape features included in urban reserves, and

I am a little confused by the wording of this factor. I know that developing this area as a suburb has to lead to degradation of the streams and the wildlife habitat nearby.

WRT Streams: The water from the suburbs has to go somewhere. I believe it has to get into Abbey Creek. It will include chemicals from lawn fertilizer. It is likely to be hotter (this is a major issue for Headwaters of Rock Creek). It is likely to be more rapid than current flows, leading to more erosion and other bad impacts such as worse flooding on Kaiser Road.

WRT Habitat: The habitat area here is being pinched down along with the northern border of North Bethany. Bad factors here include: noise, lights and children playing in the woods.

At the current time, although theoretically required by law, the North Bethany plans

do not show any buffers along the north edge of the development. They appear to think that land north of the county line is just fine. Any land south of the line would cost them \$500,000 per acre, ogf counsel.

I personally doubt that the developers of East Bethany would be any more public spirited than the ones working in Washington County.

A side issue is that the West Forest Park concept, which seems key to developing Area 7.1, includes a series of McMansions on the hill ridges. The intent is that the high prices of these will help generate some of the funds needed for acquiring the development rights on 1000 acres. It is likely that these mansions will destroy the beauty of these hillsides for the many residents, inside the UGB and Urban Reserves, to the southwest of the hills.

Area 7.1 should be rated low with respect to Factor 7.

I use the word "should" rather than "must" because I am not sure I understand this factor.

8 Can be designed to avoid or minimize adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves.

Wow, this looks wrong for the whole of Area 7.

- 1) The power lines do not buffer between Area 7 and forest / farms. They are a problem especially for the habitat. It would be nice to plant some kinds of trees that would create a forest under the lines, but, not interfere with operation. Not clear this is doable. If it was, then the area of the power lines could at least not be a problem for the animals. And, they would be less impacted from the development nearby, if any.
- 2) As mentioned before, urbanizing any part of the area would impact streams and habitat. (See arguments for Factor 7)
- 3) Having a large suburban population near farms, forest and creeks is not good for any of them. The best way to minimize the impacts would be to build a 20 foot non-climbable wall along the northern edge of both North Bethany and Area 7.1 (if it were developed). This would keep the noise, light and children out of the area. It will, of course, not happen. It also would do nothing to avoid the damage of suburban water flows into the Headwaters of Rock Creek.

As an aside, I operate a horse stables with about 30 horses and numerous students and relatively inexperienced riders. I believe because of the risks of injury to one or more of the above, that we will have to close down the stables once North Bethany is populated with the planned 11,000 suburbanites. This makes me both sad and angry, but, I do not believe that there is any way to avoid it. Adding another 10,000 plus suburbanites in East Bethany would just increase the odds of a terrible incident. I do not believe there is any way that either area "Can be designed to avoid or minimize adverse effects on my farm practices".

All of Area 7 must be rated low with respect to Factor 8.

I ask the committee to reconsider their previous recommendations on all of these factors.

Thank you for your attention and the hard work you are doing.

Joe Rayhawk

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MEETING DATE: 7/10/09

SUBJECT: Reserves - Area 7

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Matt Wellner

ADDRESS: 17933 NW Evergreen Pkwy

CITY/STATE/ZIP: Beaverton, OR 97006

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: EAST Bethany & Lower Springville

Designated an Urban Reserve on
West Side of Multnomah County

WRITTEN TESTIMONY: _____

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MEETING DATE: 9.10.09

SUBJECT: URBAN / RURAL RETIREES

AGENDA NUMBER OR TOPIC: R-5

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Michael Mc Curch

ADDRESS: 13000 NW Old Germantown Road

CITY/STATE/ZIP: Portland Ore. 97231

PHONE: DAYS: 503.286.4810 EVES: 503.380.5815

EMAIL: mike @ mmcarch. com FAX: ✓

SPECIFIC ISSUE: Planning experience -

WRITTEN TESTIMONY: VACANT RESERVES AREA 7

DON'T NEED to plow farmland
to build houses

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