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FOR THE
FILE

Robert Bailey
7455 NW Helvetia Road
Hillsboro, Oregon 97124

April 26, 2011

Board of County Commissioners
Multnomah County
Portland, Oregon

Supplemental Information for the Urban and Rural Reserves Record

I start with **praise** for those decision makers among you who have kept an open mind and shown respect for citizen involvement and input. I **praise** those who have managed to keep the protection of prime farmland a functional goal during this Reserves process.

The Legislative Assembly granted **historic authority** to Metro and the three counties to undertake the Reserves process. It is said that this legislation grew out of the farmers' aspirations for certainty. The process appears to have delivered that more in Multnomah and Clackamas Counties.

In Washington County, cities' and county aspirations (other than Cornelius) appear to be getting the **land use certainty**. Consensus with citizens and the agricultural sector has gone wanting. Communication from LCDC has been less than transparent and in particular they have failed to communicate their lack of a written remand order. This thwarts the due process of objectors.

Save Helvetia made a request for some public records from Washington County Administration. We have posting these on our website for public review: www.SaveHelvetia.org. We submitted into the record a CD of documents but I will reflect on a few at this time. They offer a glimpse into a largely invisible process, the stage curtains parted for a moment in time.

- The current changes in Ordinance 740 were the initial product of Tom Brian and Andy Duyck, and then broadened to include Tom Hughes and Metro councilors Hostika, Harrington, and later Colette.

- Washington County has had three votes for Ordinance 740 throughout the process and long before any hearings took place. See Tom Brian's e-mail dated 11-14-10.
- There are hints that LCDC could not write a written remand order dating from early November: Mulvihill email of 11/1/10 and Brian email of 11/2/10. LCDC has yet to communicate with the public whether they could, would, couldn't and if so, why or when. This has been detrimental to the standing and due process of the parties who opposed parts of Ordinance 733. This gap has been used by Metro and Washington County to move rapidly forward with an amended plan. Those with standing now are realizing that that they are standing in the dust of their Goal One rights.
- The e-mails show Metro Chairman Hughes, and Councilors Harrington and Hostika as mutual architects of Ordinance 740 beginning in early December on. Hughes was involved before he came on to the Metro chairmanship: see Tom Brian e-mail dated 11/14/10.
- Metro attorney Benner advocated to LCDC's Richard Whitman not to finish a written order of remand, to limit "litigation" from those in opposition. See Benner e-mail dated 1/5/11.
- Washington County's attorney Dan Olsen communicated with LCDC's Director Richard Whitman about the timing or lack of written remand order: see Olsen e-mail dated 11/23/10.
- There is growing concern in the community that Director Whitman is actively advocating for adoption and acceptance of the regional reserves proposal instead of acting in a neutral way. The lack of a written order and the lack of clear and timely communication with the public about the status of the order are disappointing. It is also rumored that the Director set aside his staff's assessments of the original reserves decision and related Objections and replaced them with his own.

While this is far from a full picture, it does offer a glimpse into the **very exclusive and internal** planning. It strongly suggests that the hearings have

been a **roll-out** of the pre-ordained plan. What few changes occurred appear more as attempts at charades of compromise and/or choreographed empathy for the taking of prime farmland.

I also oppose Washington County's use of undesignated land. It has been used alternatively in an attempt to mollify the City of Cornelius, and conversely to add urban reserves (lite) in Helvetia, while appearing to compromise.

Washington County released its Reserves "Reasons for Designations for Urban and Rural Reserves" on April 21st, the day of the final Metro hearing, and after the close of three of its four hearings:(3/15/11, 3/29/11, and 4/19/11). This is a **bare minimum** of facilitating citizen access to key documentation. When I look at Tom Brian's e-mail memo dated 11/14/10, I think that it is reflective of the **current culture of citizen involvement**.

Washington County and Hillsboro came to the dance, hand in hand with agriculture. Washington County and Hillsboro now leaves the dance with the development sector. The development-government complex has arrived in Washington County and Hillsboro. One does not have far to look for examples of those circulating between government and development. The mantra of jobs has been effectively used to re-define Oregon's history of land use values. Farmers here are now treated as a second class sector. Washington County wants to grow us to 1,000,000 in a radically short period of time, benefit from an increased tax and fee base, and have us all pay for a one billion dollar dam project necessary for this rapid expansion. They proclaim it prudent planning. It is a choice that they make and that they benefit from.

Measured growth is available without taking prime farmland.

Robert Bailey
Save Helvetia

Attachments of public documents from Washington County Administration.

Brent Curtis

From: Andy Duyck [REDACTED]
Sent: Monday, November 01, 2010 10:28 AM
To: Tom Brian; 'Dennis Mulvihill'
Cc: Brent Curtis; Andrew Singelakis; Dan Olsen; Robert Davis; Dennis Mulvihill; Rob Massar
Subject: RE: Urban and Rural Reserves

Tom,

There probably isn't much that I can say until we talk. I intend to be at the public services building this afternoon to discuss this with Staff. I will give you a heads up that my inclination is not to roll over on this one. We developed the reserves in good faith. I would expect LCDC to respect that. Is there anything we can do to accommodate your health situation?

Andy

From: Tom Brian [REDACTED]
Sent: Tuesday, November 02, 2010 7:52 AM
To: 'Dennis Mulvihill'; Andy Duyck
Cc: 'Brent Curtis'; 'Andrew Singelakis'; 'Dan Olsen'; 'Bob Davis'; 'Dennis G Mulvihill'; 'Rob Massar'
Subject: RE: Urban and Rural Reserves

All

Interesting if LCDC can not adopt an order implementing their decision of last Friday...I thought it would be their order that would require us to review our plan and without the order, there would not be that directive? Of course, we would be smart to recognize it is pending and start our review.

Frankly, and I have not talked to staff or Andy, but I think there are a LOT of options to consider, and we should be very little comment to ANYONE until we have a chance to discuss some of them, even preliminarily. I have been contacted by KH and CH who are anxious to start talking. I think there is some thought out there regarding the election tomorrow night and an inkling that Metro and others would much more like to work with the current "known" BCC: if a certain two are elected, there could be a roll back of virtually everything north, and Cooper Mtn. and parts around Sherwood...then, there would have to be a "rebalance" regionally for employment and residential land and a huge nightmare. If another two are elected, there is the thought that the BCC could decide not to participate further (you will recall in the final month or two of negotiations, we said "this is it, if we do not get this, then we will not support participating.")..so folks can easily worry that would be the case of the more conservative two win.

At the same time, they really do not know what mood Andy and I are in, and how willing we are to work the map some more. I told KH and CH that Andy and I had not talked, that I would absolutely want him at the table because of his past participation and future role as Chair. I also said I saw a lot of options but I would not comment on them until Andy and I and staff had at least a preliminary meeting.

I think I could come to the Thursday meeting, not sure about lunch after, etc., but I would try the meeting and see. I think it would be worth having for the prelim.

tb

Brent Curtis

From: Tom Brian [REDACTED]
Sent: Tuesday, November 02, 2010 7:52 AM
To: 'Dennis Mulvihill'; 'Andy Duyck'
Cc: Brent Curtis; Andrew Singelakis; Dan Olsen; Robert Davis; Dennis Mulvihill; Rob Massar
Subject: RE: Urban and Rural Reserves

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 tb

From: Dennis Mulvihill [mailto:dgmulvihill@gmail.com]
Sent: Monday, November 01, 2010 11:20 AM
To: Tom Brian; Andy Duyck
Cc: Brent Curtis; Andrew Singelakis; Dan Olsen; Bob Davis; Dennis G Mulvihill; Rob Massar
Subject: Urban and Rural Reserves

It is my understanding that Metro's legal counsel is advising that LCDC may be prevented from adopting an order until Metro/Region resubmits changes to what was proposed in Washington County, and LCDC approves a new and complete Reserves list after local and LCDC hearings. Is there legal room for advancing an argument to work simultaneously on changes to Reserves and expanding the UGB for areas not in question? This approach could solidify quickly. Is this Thursday's Policy Meeting timely enough to talk through the options? I have not engaged with anyone at Metro.

DGM

3/25/2011

Brent Curtis

From: Tom Brian [REDACTED]
Sent: Sunday, November 14, 2010 9:20 AM
To: Brent Curtis
Subject: RE: URRs...

Thanks, Brent. Hope you had a good vacation!

If possible, Andy and I would like to review and discuss this material in Eugene. It would really be helpful for he and I and you particularly to go over some options. Friday morning, Andy and I are meeting with Tom Hughes in Eugene to give him a preview of our position on URR adjustments, then we have the meeting Monday morning with Carl and Kathryn...and Tom will be joining us then, too.

Seems there is strong interest in moving to an IGA before the end of the year. If we can, that is fine...but I want to make sure we have three solid votes on the current AND future Boards.

Thanks again.
Tom

From: Brent Curtis [mailto:Brent_Curtis@co.washington.or.us]
Sent: Friday, November 12, 2010 8:47 PM
To: Tom Brian
Cc: Andrew Singelakis; Dennis Mulvihill; Andy Duyck
Subject: RE: URRs...

Tom - Sorry for the delay in response. I have not had email service from approximately Tuesday. Apparently the county's email system had some type of major problem. I returned from Arizona Wednesday evening. Due to the holiday Thursday, I wasn't able to get my email service back up to speed until late this afternoon. I understand the information you want me to prepare and the confidential nature of the request. I will get started on the request and associated analysis first thing Monday. We should be able to prepare the work and review it with both you and Andy before your meeting on 11/22. Brent

From: Tom Brian [REDACTED]
Sent: Wed 11/10/2010 1:31 PM
To: Brent Curtis
Cc: Andrew Singelakis; Dennis Mulvihill; Andy Duyck
Subject: URRs...

Brent:

I am not sure of your vacation schedule, but I want to get these requests for information to you ASAP. Andy and I have a meeting with Kathryn and Carl early on Monday, 11/22 and would like this information if at all possible.

- 1) With regard to 7B (508 acres, Forest Grove), the LCDC discussion clearly expressed an interest that we consider NOT going north of the "Council Creek" extension, or whatever the main creek is that runs diagonally through 7 B. Whatever we wish to retain north of this feature will have to meet a "high standard" or "high bar" as their members said.
 - Request #1: how many acres are north of the natural feature they are concerned about?...If we were to "give up" UR land in 7 B, Andy and I would most certainly want to add it to the 624 acres of UR lost north of Cornelius.

- 2) As to area 7i (624 acres, Cornelius), one of the options is to have the entire lost UR acreage become "undesigned." Other options include subareas of that acreage. Earlier this year, we discussed a few options in the 7i area where the UR could have stopped as we moved north.
 - Request # 2: please inform us of one or two options short of the whole 7i, that could be made "undesigned" and how many acres are involved in these subareas?
- 3) So, whether it is the 624 acres from 7i, or additional acres coming out of a northerly portion of 7 B (FG) ...Andy and I feel strongly that the lost URs should be replaced acre for acre somewhere in Washington County.
- 4) In reviewing possible areas to which to add URs, we concluded the most logical and possibly defensible would be the "rectangular" area north of Hwy 26, south of West Union and between Jackson School Road on the West and XXXX on the east. Currently, there is a 150 acre area designated UR, then as we move to the west it is undesigned, then as it approaches Jackson School Rd., it becomes Rural. Our thought is the possibility of adding URs around the 150 acre of current URs, then move westerly until all 624 acres (plus any from the FG piece) are added back. Where the new westerly line of UR is as a result of this re-designation, any lost undesigned would be claimed out of the RRs adjacent (and to the west towards North Plains). We should be able to retain the buffer between North Plains and the City of Hillsboro as was negotiated last year.
 - Request #3: please create maps that depict the addition of URs as I have described, and the related changes to undesigned and RRs, all within the rectangle I mentioned. I would like these maps in two scales; one close up enough to see any natural features in the rectangular and the acres in each portion, and secondly, a map of the same scale that shows all of Washington County (URRs In Washington County: Exhibit A to the IGA dated 2/18/20...pink, blue, green) This would show our proposed response on a familiar map and scale.

 SPECIAL NOTES:
another approach

A) We are open to any additional thoughts and suggestions you have regarding this or

B) We are attempting to keep these ideas CONFIDENTIAL and do not want to give potential opponents any more lead time than legally provided. So, I am concerned about WHO makes these revised, draft maps. Usually we have had John Williams at Metro do these maps, haven't we? You should do whatever you have to do, but please keep these discussions and options as confidential as possible for the time being.

Finally, Andy and I will be at the AOC conference and will have time for informal discussion about this, and available by email and phone.

Thanks,
Tom

Brent Curtis

From: Andrew Singelakis
Sent: Friday, November 12, 2010 1:02 PM
To: Brent Curtis
Subject: FW: URRs...
Importance: High

Brent,

I'd like to sit down with you and go over this to determine what other options we might have.

Thanks,
Andrew

From: Tom, Brian [REDACTED]
Sent: Wednesday, November 10, 2010 1:32 PM
To: Brent Curtis
Cc: Andrew Singelakis; Dennis Mulvihill; Andy Duyck
Subject: URRs...
Importance: High

Brent:

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Finally, Andy and I will be at the AOC conference and will have time for informal discussion about this, and available by email and phone.

Thanks,
Tom

Brent Curtis

From: Tom Brian [REDACTED]
Sent: Sunday, December 12, 2010 12:01 PM
To: Roy Rogers; Dick Schouten; [REDACTED]
Cc: Dan Olsen; Brent Curtis; Mike Dahlstrom; dgmulvihill@gmail.com
Subject: DRAFT # 2...REVISED URBAN AND RURAL RESERVES MAPS AND ACREAGE CALCULATIONS
Attachments: Dec11_Dsize.pdf; Dec11_IGAmapping.pdf; Dec11_SRmap.pdf; Dec11_Acres.pdf

Colleagues:

Andy and I have continued to meet and talk with others during the week. Clearly there were plenty of misunderstandings and erroneous communications zipping around but we have made progress on increasing understanding of our intent and proposals. Most importantly, Andy and I have discussed with others the principles upon which the maps were constructed, and heard more about the concerns others had regarding our proposal. With these discussions and good faith efforts, we believe the attached maps bring us closer together and increase the possibilities that a positive result can still occur. We accept the fact that "positive result" is in the eye of the beholder.

Attached are maps that illustrate revisions occurring as a result of meetings with Metro Councilors and others. Metro Councilors have NOT promised or committed to support these maps, but we believe we are within reach of obtaining necessary support on the Metro Council. We also believe the proposals reflected in these maps fully comply with the direction given by LCDC in their approved motions and discussion.

To summarize the effect of the maps:

- Area A: Forest Grove...Changes Urban Reserves to Undesignated east and north of Council Creek (reduction of UR by 28 gross acres/16 buildable). This is the same as last week's map.
- Area B: Cornelius...Changes Urban Reserves to Rural Reserves north of Council Creek and west of Sussbauer Road (reduction of UR by 430 gross acres/324 buildable). This is the same as last week's map.
- Area C: Cornelius...Changes Urban Reserves to Undesignated north of Council Creek and east of Sussbauer Road (reduction of UR by 194 gross acres/146 buildable). This is the same as last week's map. B & C total 624 gross acres/470 buildable).
- Area D: North of Hwy 26...Changes Undesignated to Urban Reserves west of 8 B (addition of 585 gross acres/392 buildable). This is the same as last week's map and is the entire replacement for reduced UR in Cornelius and FG (652gross/408 buildable).
- Area E: North of Hwy 26...eliminates 40 acres of UR proposed in last week's map; creates area of 290 acres of undesignated rather than 592 acres as proposed in last week's map.
- Area F: North of Hwy 26...remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Area G: North of Rock Creek (between Cornelius Pass Road and 185th)...832 acres remains Rural Reserve rather than change to Undesignated as proposed in last week's map.
- Areas H and I: transportation corridor between South Hillsboro and Farmington Road, and along 99W by Sherwood; both remain Rural Reserves rather than change to Undesignated as proposed in last week's map (76 gross acres combined).

By the numbers, compared to the Regionally approved map sent to LCDC...