



Testimony by City of Wilsonville Mayor Tim Knapp Opposing SB 186:

Legislature Should Avoid Preempting Local Land-Use Process for Urban and Rural Reserves That Had Extensive Public Engagement

Scheduled for public hearing on April 13, 2017, before the Senate Committee on Environment and Natural Resources

Chair Dembrow, Vice-Chair Olsen, and Members of the Committee:

On behalf of the City of Wilsonville City Council, I am testifying in opposition to SB 186 that makes substantial modifications to the proposed lands designated as Urban and Rural Reserves in Clackamas and Multnomah Counties.

The Rural Reserve designation of the French Prairie area located immediately south of the City of Wilsonville in Clackamas County—including the land in Section 2 (3) of SB 186—is well supported by the Reserves “factors” criteria and public opinion. The City opposes legislative preemption to make changes to Reserves designations and seeks to allow the local land-use process to proceed unhindered.

Residents and businesses of Clackamas County participated in an extensive, two-year-long public process to determine in 2010 Urban and Rural Reserves, including the designation of lands in French Prairie as Rural Reserve. Again this past summer, when the County held public open houses to reexamine the proposed Rural Reserves designation of lands in French Prairie, hundreds of citizens turned-out during 4th of July week to protest potential changes in the French Prairie Rural Reserve; *see exhibit news articles for reference*.

Changing Reserves designations would result in scrambling a great deal of work completed and underway by both local governments and private investors. Substantial public input and government resources over many years have been invested into planning the Reserves, and this work should not be cavalierly undone by legislative fiat with little public process.

Changing already-designated Reserves creates further uncertainty and may result in new appeals and lawsuits that cause additional delays for both urban interests seeking to develop land and rural interests seeking to invest in agriculture. Creating certainty for all of these stakeholders to invest was the positive goal of the Reserves process.

The City of Wilsonville respectfully urges a DO NOT PASS vote on SB 186. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Tim Knapp".

Tim Knapp, Mayor
City of Wilsonville

Hundreds attend open house on county land re-designation

Wilsonville Spokesman

Thursday, 07 July 2016 02:00 | Written by [Jake Bartman](#)

<http://www.pamplinmedia.com/wsp/134-news/313836-191642-hundreds-attend-open-house-on-county-land-re-designation>

Community members oppose development south of Wilsonville

“Disingenuous” was the word of the night at an open house convened last week to consider whether Clackamas County should remove the Rural Reserve designation from some or all of 1,600 acres of agricultural land.

More than 400 people attended the open house at Clackamas Community College’s Wilsonville campus June 28, and had pointed questions for County staff.

“It seems to me it’s a bit disingenuous, this presentation, because you haven’t mentioned that the area in Wilsonville is

foundation farmland,” said Tony Holt, president of the Charbonneau Country Club, after a presentation by County Senior Planner Martha Fritzie at the open house.

Both the 800 acres south of Wilsonville and 400 acres under consideration east of Canby are identified as Foundation Agricultural Lands. Foundation Agricultural Lands are identified by the Oregon Department of Agriculture as “agricultural lands that provide the core support to the region’s agricultural base. ... They incubate and support the larger agricultural industry and are vital to its long-term viability.”

The open house was held to solicit public input on those areas identified by county and regional governments in 2010 as land to be designated Rural Reserves. Rural Reserves lie outside the urban growth boundary, and — unlike Urban Reserves — urban development is not allowed to take place on them for 50 years following their designation.

A 2014 decision by the Oregon Court of Appeals regarding the designation of land in the Stafford area as Urban Reserve required regional government Metro and Washington, Multnomah and Clackamas counties to revisit their rural and urban reserve designations.

The Clackamas County Commission has declined to acknowledge its earlier designations, and has identified three possible areas previously marked for the Rural Reserve designation — 800



SPOKESMAN PHOTO: JAKE BARTMAN –

More than 400 people responded to announcements mailed by the City of Wilsonville and Friends of French Prairie that alerted community members to a June 28 open house soliciting feedback on whether the Rural Reserve designation should be removed from land in Clackamas County.

acres south of Wilsonville, 400 acres east of Canby and 425 acres around South Springwater Road south of the Clackamas River — as areas where land might be reclassified “undesigned,” making them candidates for development once 75 percent of Urban Reserve lands have been developed.

Fritzie said that changing conditions since 2010 have meant that the county needs more non-retail employment land.

“There’s an opportunity in light of some of the changes that have happened, including increased uncertainty about whether the County’s two largest urban reserves really can accommodate long-term developments,” Fritzie said, referring to the Stafford area and the Damascus/Boring area.

She also mentioned House Bill 4078, which passed through the Oregon Legislature in 2014 and reduced by 2,000 acres the amount of urban reserves across the region, and said that studies have found an insufficient 20-year supply of employment land in the county.

Attendees of the open house had concerns about the presentation and the issue at hand, and especially about the land south of Wilsonville.

“You’ve not mentioned the fact that there’s a lack of infrastructure down there. The City of Wilsonville has said they will not provide infrastructure in that area, and cannot,” Holt said.

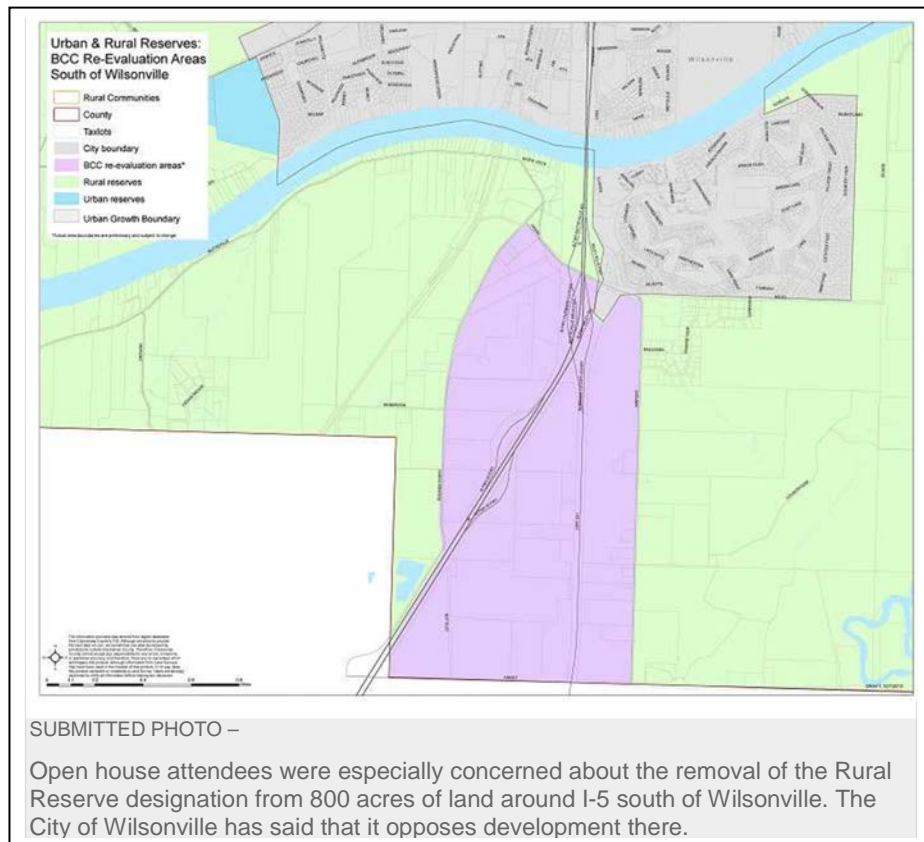
That point was reiterated at a forum in Charbonneau last month, where Wilsonville Mayor Tim Knapp expressed concern about development south of the Willamette and noted that the City would prefer to concentrate its resources on development in Frog Pond and elsewhere in Wilsonville. Two-thirds of Frog Pond — which lie outside the urban growth boundary — are designated Urban Reserve.

Holt also was concerned that most of the 800 acres south of Wilsonville are owned by members of the Maletis family.

“The Maletis brothers have contributed money to the commissioners to make sure that this happens. So this is a disingenuous presentation,” he said, to loud applause.

Chair John Ludlow, Commissioner Paul Savas, Commissioner Martha Schrader and Commissioner Tootie Smith have received campaign contributions from the Maletis family within the last five years.

Al Greenfield asked whether Marion County had given



feedback about development of the land south of Wilsonville. Fritzie said that the proposal was to have the Rural Reserve designation removed from the land, not to designate it for urban development.

“Keep in mind, this area is not being proposed for urbanization,” she said. Greenfield replied that her claim was “disingenuous.”

Some questioned whether the County was justified in revisiting the issue at all. Fritzie said that the County anticipated future legal appeals to a reaffirmation of the Stafford area as Urban Reserve, and that the County sought to review its reserves in order to resolve the Stafford conflict.

Bill Riggs, a former member of the Oregon Board of Appeals and a former member of the Oregon Supreme Court, said that a final judgment by the court of appeals had been entered some time prior.

“To blame it on the court of appeals for not getting a final judgment out is disingenuous. It is the county commissioners — I think three county commissioners — really holding the matter up. It has nothing to do with whether some parties may choose to appeal later,” Riggs said.

Clackamas County is accepting public feedback on removing the Rural Reserve designation from several areas in the county until July 15 at bit.ly/295yXfD.

Contact Jake Bartman at 503-636-1281 ext. 113 or jbartman@pamplinmedia.com.

Cities pan county's bid to change zoning of ag land

[Eric Mortenson](#)

Capital Press

Published on July 27, 2016 9:00AM

<http://www.capitalpress.com/Oregon/20160727/cities-pan-countys-bid-to-change-zoning-of-ag-land>



ERIC MORTENSON/CAPITAL PRESS

Producers south of Wilsonville, Ore., grow nursery crops, Christmas trees, berries, vegetables and grain. Clackamas County commissioners, seeking more industrial and commercial land, want to review land-use designations in the area.

WILSONVILLE, Ore. — Clackamas County's bid to review the status of three land parcels now set aside for agriculture is a concern to farm groups, and the cities that would have to service new development aren't hot for the idea either.

Charlotte Lehan, a former county commissioner, former Wilsonville mayor and now member of the city council, said it would be "very difficult and very expensive" for the city to provide water and sewer to new development south of the Willamette River.

She said development in the area Clackamas County seeks to review would increase congestion on the Boone Bridge, which carries north-south Interstate 5 traffic across the river. She said a clogged bridge would be "disastrous" for the city.

"I-5 is Wilsonville's lifeline," she said. "When the Boone Bridge isn't working, nothing works. We have to protect the functionality of Interstate 5."

The arguments back and forth are part of a long-running disconnect over Oregon's unusual statewide land-use planning system, which was designed to protect farm and forest land from urban sprawl. Under the system, cities are held in check by urban growth boundaries that can be amended in a controlled manner. But development pressure at the edges of cities remains a continuing issue all over the state.

In the Portland area, land-use planning for Clackamas, Multnomah and Washington counties is done by Metro, which has an elected board. Seeking to end ceaseless arguments, the counties and

Metro agreed to a system of urban and rural reserves that was intended to set growth patterns for 50 years.

Clackamas County's Board of Commissioners now wants to know whether three areas south and southeast of the Portland urban center, previously set aside as rural reserves and thus open to farming, would be more beneficial as "employment lands."

The county commissioners cite a study by a consulting firm, Johnson Economics and Mackenzie, that said the county is short between 329 and 934 acres of industrial land and up to 246 acres of commercial land, an overall shortage of up to 1,180 acres over the next 20 years.

A majority of the commissioners want to review the status of 800 acres south of the city of Wilsonville; 400 acres adjacent to the urban growth boundary of the city of Canby; and 425 acres south of the Clackamas River along Springwater Road, outside Estacada. County officials believe the land should revert to "undesignated" rather than rural reserves.

County officials have dismissed concerns as overwrought. They point out that any land-use change would take years to accomplish and would be subject to legal review or appeal.

Nonetheless, the proposal has reopened a can of worms. Friends of French Prairie, a farming advocacy group, maintains that allowing development to jump across the Willamette River south of Wilsonville would crack open the state's prime agricultural areas.

In a guest editorial written for the Capital Press, Friends of French Prairie President Ben Williams questioned the validity of the county's employment lands report and some of the land is owned by people who have contributed heavily to commissioners' election campaigns.

Board members of the Clackamas Soil and Water Conservation District took the unusual step of publicly warning against a land-use change. "The District believes the County's current initiative to create employment lands may not adequately consider the long-term value of high-value farmland," the district said in a letter to Clackamas commissioners. "A significant amount of the land proposed for reconsideration as employment land is high-value farmland, an irreplaceable natural resource."

Lehan, the Wilsonville council member critical of the land-use review, said her fast-growing city has planned for additional industrial growth in its Coffee Creek and Salt Creek areas, and for residential development in an area called Frog Pond. The city doesn't need more "employment land," she said.

"I know how development works and what it takes for a city to support it," Lehan said. "I'm not anti-growth by any means."

Lehan was Clackamas County board chair until defeated in 2012 by the current board chair, Commissioner John Ludlow, who is often critical of Metro and of Portland's influence on its suburban neighbors.

Canby City Administrator Rick Robinson made a point similar to Lehan's: the city has an existing industrial park that isn't full. The 400 acres Clackamas County wants to revert to undesignated status is outside the city limits and outside the city's urban growth boundary, he said. Some of it is farmed now, and much of it is Class 1 agricultural soil, he said. Robinson said the Canby City Council hasn't taken a position on the Clackamas review proposal.

The third area considered by Clackamas County is outside the city of Estacada. The mayor and city manager were unavailable to discuss the issue.

Clackamas County hears overwhelming support for protecting farmland



Wilsonville (foreground) is inside the Portland UGB; south of the Willamette River, Interstate 5 crosses the French Prairie (background) on the way to Salem.

By Nick Christensen

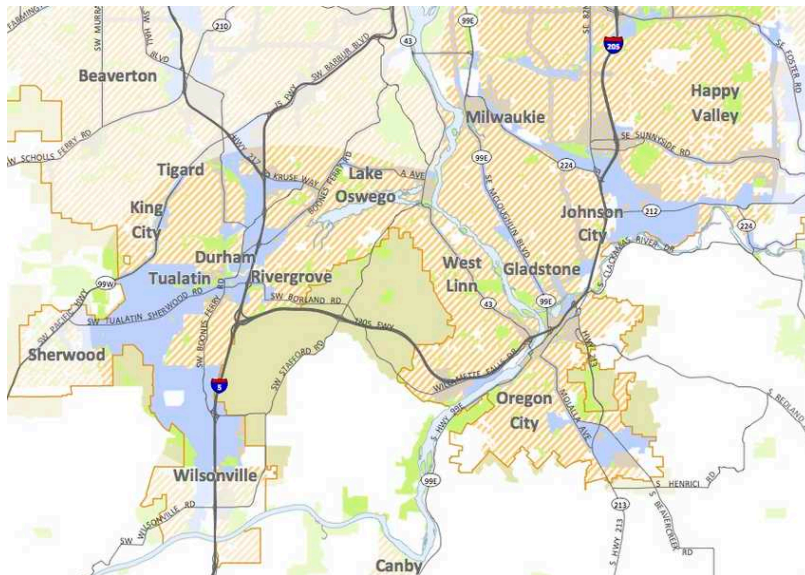
Aug. 5, 2016 10:30 a.m.

Bylined articles are written by Metro staff and do not necessarily represent the opinions of Metro or the Metro Council. [Learn more](#)

A proposal to remove rural reserve designation from parts of the French Prairie was opposed by more than 90% of respondents.

Clackamas County leaders have tabled discussion of changes to the county's 50-year growth map after a public outreach campaign revealed overwhelming opposition to a key part of the proposal.

Since 2014, some county commissioners, including Chair John Ludlow, have sought to change the agreement, in an effort to allow for the possibility of development on the French Prairie between Wilsonville and Woodburn.



There are more than 1,000 acres of industrial land (light blue) in the UGB in the Interstate 205 corridor.

Opponents have said doing so would cost taxpayers hundreds of millions of dollars and open the door to endless sprawl down the Willamette Valley. Proponents say Clackamas County should focus its job-creation efforts south of the Willamette River, rather than areas like North Milwaukie or the Interstate 205 corridor that are closer to where most county residents live.

More than 400 people attended open houses on the proposed changes to the growth map. In addition to the open houses, in late June in Canby, Wilsonville, and Carver, public comments were taken online.

Clackamas County and Metro agreed to the growth plan in 2010, establishing urban reserves that would be the first priority for urban growth boundary expansions through 2060, and rural reserves where urbanization would be prohibited during that period.

A survey distributed at the open houses revealed little support for the proposal to roll back the 2010 agreement.

The survey asked people whether they agree that the area around the Langdon Farms Golf Club should be left "undesigned," meaning it could be urbanized once 75 percent of the urban reserves are used.

Of the 550 people who responded to the question, 506 said they disagreed. Only 14 said they supported the proposal. The rest said they didn't know.

Questions about proposed changes to the reserves map near Carver and Canby were similarly unpopular.

The commission's decision to postpone the discussion until further notice puts another delay into a process that has dragged on for years.

A 2014 Oregon Court of Appeals ruling put all of Clackamas County's reserves plan on hold until a minor technical fix in the plan was adopted by the Metro Council and Clackamas County Commission. The county has refused to sign off on that fix unless Metro agrees to make wholesale changes to the 2010 agreement, including changing areas south of the Willamette River to "undesigned."

Until the reserves plan is adopted, the Metro Council can't use urban reserves in Clackamas County for potential urban growth boundary expansions. Instead, it must rely primarily on soil quality to decide where growth could happen in that county – meaning that the steepest, rockiest areas are the areas least suitable for farming would be the first subject to urbanization. Adopted urban reserves in Washington County would be targeted before any land in Clackamas County.

That leaves Wilsonville, which has sought a small UGB expansion on the city's northeast side for a new residential development, out of consideration.

Wilsonville opposes Clackamas County's proposal to go south of the Willamette. They say the Boone Bridge has reached its capacity, and it would be too expensive to extend pipes across the Willamette to serve future growth, citing a 2009 estimate from ODOT and other groups that it would cost more than half a billion dollars to add capacity to the Boone Bridge.

"Adding new traffic generators on a congested highway further harms the movement of freight and conduct of commerce in the metro region and to areas further south," says a letter from Wilsonville Mayor Tim Knapp.

The sentiment was shared by others who participated in the county's survey.

"Boone Bridge 'Pinch' is already cause of miles of bumper to bumper congestion – and no solution in sight?" wrote one anonymous respondent. "Why make it worse?"

Another commenter said they want to see farm land protected.

"There is plenty of land available in other parts of Clackamas County, closer to commercial areas," they said. "There is no reason to destroy prime agricultural land which already employs people."

This article has been updated to clarify that the Clackamas County Commission did not set a specific date to reconsider rural reserves and to reflect that the county did not conduct a scientific survey to obtain public comments.

Conservation district fights farmland development

Eric Mortenson; Capital Press

Published on July 6, 2016 10:29AM



The issue of development pressure on Oregon farmland is on display in Clackamas County southeast of Portland. A local Soil and Water Conservation District has asked county commissioners to consider impact on farmland as they pursue additional industrial and commercial land.

A renewed move by Oregon's Clackamas County to designate more land for future industrial and commercial development prompted an unusual response from the county's Soil and Water Conservation District.

Usually, the district's board isn't very political, General Manager Tom Salzer said. But the county's decision to review the status of 1,625 acres got the conservation district's attention. The county commissioners want to know if land in three areas south and southeast of the Portland urban center, now set aside as 50-year "rural reserves" and thus open to farming, would be more beneficial as "employment lands."

The commissioners want to review the status of 800 acres south of the city of Wilsonville; 400 acres adjacent to the urban growth boundary of the city of Canby; and 425 acres south of the Clackamas River along Springwater Road. County officials believe the land should revert to "undesigned" rather than rural reserves.

Board members of the Clackamas Soil and Water Conservation District decided they should speak up. On June 29, Salzer delivered a letter to the five-member county commission. The primary point was succinct: "The District believes the County's current initiative to create employment lands may not adequately consider the long-term value of high-value farmland. A significant amount of the land proposed for reconsideration as employment land is high-value farmland, an irreplaceable natural resource."

Salzer said the conservation district's board is concerned about the longterm future of farmland in Clackamas County, which despite being adjacent to Portland remains one of Oregon's top five agricultural counties. The county is particularly known for growing Christmas trees, nursery crops and berries.

But it's also known for political contention — some Portlanders derisively call it “Clackastan” — and for opposition to Metro, the land-use planning agency for the tri-county Portland area. The current county commission chair and vice chair, John Ludlow and Tootie Smith, are generally viewed as favoring job growth and development over land-use restrictions.

The commissioners point to an economic study by a consulting firm, Johnson Economics and Mackenzie, that said the county is short between 329 and 934 acres of industrial land and up to 246 acres of commercial land, an overall shortage of up to 1,180 acres over the next 20 years. The conservation district, however, has some concerns. The acreage south of Wilsonville involves land adjacent to the Aurora Airport and Langdon Farms golf course. It has long been proposed for development by its owners, while farm groups and land-use watchdogs oppose development spreading into prime Willamette Valley farmland.

The acreage next to the city of Canby is Class 1 agricultural soil, some of the best farmland in the valley, said Jim Johnson, the Oregon Department of Agriculture's land-use specialist.

The conservation district is alarmed at the prospect of losing more farmland, said Salzer, the general manager. “This is remarkable,” he said. “It's the first time this board has stood up as a unanimous body and said, ‘Wait a minute. Farmland is being threatened and we need to do something about it.’”

Jeff Becker, the conservation district's board chair, said the board doesn't want to antagonize the county commissioners but simply wants to promote discussion of the issue. “We don't want to fire darts,” Becker said. “We don't want to attack their policies. I know they get pressure (from all sides).”

But Becker said issues such as food supply need to be considered when development is discussed. “If you get rid of farmland, it's gone forever,” he said.

The county commissioners had questions and comments for Salzer when he delivered the conservation district's letter. Commissioner Ludlow said any development on the land in question would be years out. “We're 1,100 acres short of job-producing land,” he said. Commissioner Smith said farming requires a “whole host of behaviors” that young people don't want to engage in, and said much of the land under consideration is “fallow,” not actively farmed.

“It may be fallow at this time, but if you build on it, it's gone,” Salzer responded.

The current development proposal covers familiar ground about a lack of land for economic development. A bill introduced in the 2015 Oregon Legislature would have allowed Clackamas, Washington and Columbia counties to designate industrial reserves of up to 500 acres outside of established urban growth boundaries, but it died in committee.

This time, Clackamas County is going it alone and apparently will work through Metro.

Clackamas, Washington and Multnomah counties, which include the greater Portland area, agreed in 2010 to designate urban and rural reserves. Urban reserves will be considered first when the urban growth boundary is expanded for houses, stores and industries. More than 265,000 acres in the three counties were designated as rural reserves, meaning they would remain as farms, forests or natural areas until 2060.

“The facts on the ground have changed dramatically since the original reserves adoption,” the Clackamas commissioners said in a letter to Metro, “prompting the need for corresponding changes to reserve designations. We cannot pretend that those changes didn't happen, or allow the matter to be dismissed as simply a change in leadership.”