

To Metro Commissioners:

Whatever Clackamas County should or must do with regard the Stafford area, I urge Metro to not allow the Rural Reserves issue to be reopened as to the Maletis Brothers' property south of Wilsonville.

Oregon has been a national leader in land-use planning dating back to the establishment of LCDC. The procedures and entities for formulating and enforcing zoning law have been carefully crafted and have provided stability and certainty for property owners and developers. To end-run these tried-and-true methods through special-interest pressure, camouflaged objectives, and piggy-backing on other needed determinations would be a travesty. The last several years have seen engagement at every level from Metro to city councils to reassess urban growth boundaries and create rural reserves. These careful decisions should not be overturned or disregarded.

Previous efforts to challenge designations and be able to create industrialized enclaves were extensively considered by the Oregon Court of Appeals in *Barkers Five L.L.C. v. LCDC* decided in 2014. In that case, the court rejected the Maletises' contentions that LCDC incorrectly refused to change the Maletis property's designation from "rural reserve" to "urban reserve". The court quoted with approval LCDC's opinion in this matter "... under the substantial evidence standard [the one specified by statute], where the evidence in the record is conflicting, if a reasonable person would reach the decision that the decision maker made in view of *all* the evidence in the record, the choice between the conflicting evidence belongs to the decision maker." 261 Or. App. 259, 354. The court found that LCDC had "determined that substantial evidence existed in the record to support a designation of Area 4J generally – and Maletis's property specifically – as rural reserve." *Id.* The court added, "that, where, as here, evidence in the record will support either an urban or a rural reserve designation, the choice of designation is left to Metro and the counties ...." *Id.*

The *Barkers Five* opinion indicates that, as to the Maletis property, the Oregon land-use planning process has been assiduously followed and exhausted. It is time to "leave well enough alone."

Respectfully yours,

Peter N. Swan