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July 3, 2010

Urban and Rural Reserves Specialist
Department of Land Conservation and Development
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Salem, OR 97301

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**LAND CONSERVATION
AND DEVELOPMENT**

RE: URAN AND RURAL RESERVES

Land Conservation and Development Commission,

I attended several PAC meetings and made comments, I made comments at the Planning Commission meetings, and I provided both written and oral comments to the Clackamas County Board of Commissioners.

I believe that we in Clackamas County have missed a historic opportunity to protect rural agricultural and forest properties and we have grossly underestimated the influence of Wall Street and corporations, both foreign and domestic, and their ability to alter state and county land use laws.

Clackamas County did no analysis of "urbanization" nor did it do any analysis of properties "potentially subject to urbanization". Clackamas County erred when it limited rural preservation to an arbitrary 3 miles based solely on the concept that traffic studies use the 3 mile limit. Section 660-027-0060 (2) (a) establishes the threshold as "potentially subject to urbanization". Based on the 2000 U.S. Census the Oregon Office of Rural Health defines "Urbanized Area (UA)" as 500 people per square mile. This amounts to .78 persons per acre (500/640). The persons per household in Mulino is 2.83. This results in 2+ acre parcels as being urbanized. Many areas beyond the 3 mile limit in Clackamas County are "potentially subject to urbanization". (It is interesting to see that Washington County protected rural and forest areas as far as 6.5 to 7.5 miles from urbanized areas.

Clackamas County erred when it did not perform any analysis of fair market values. The example below indicates that there is significant difference between residential land values in Mulino and nearby agricultural and forest land values. Below are examples of just three properties that are located within one mile of each other.

Example of 660-027-0060 (2) (a)

Parcel Number	Zoning	Estimated Market Value of Land	Acres	Value Per Acre	Percent Variation
5000605	RA2	\$253,584	1.31	\$193,576	
1026981	TBR	\$508,147	75.25	\$6,753	2867%
5000605	EFU	\$698122	68.40	\$10,206	1897%

There is no evidence let alone "substantial evidence" (9660-27-0080 (4) (a)) in the record that Clackamas County did any analysis of urban areas, forest areas, or proximity of properties with fair market values that significantly exceed agricultural and forest values.

WE THEREFORE PRAY, that LCDC direct Clackamas County to designate significant additional areas as rural areas to protect not just prime foundation agricultural land, but important agricultural lands as well as forest lands. Since none of the other Core Four members are concerned about how much rural land is designated in Clackamas County, such a demand will not reflect adversely on the negotiated regional settlement. We request this review because Clackamas County did not meet either the intent of the law, or the letter of the law.

We have further demonstrated that the joint and concurrent submittal to the Commission can not make the required findings of fact and conclusions of law that the adopted or amended plans, policies and other implementing measures to designate rural reserves within Clackamas County complies with division 660-027-0080, the statewide planning goals, and other applicable administrative rules.

Thank You,

M J Wagner

Michael J. Wagner

CC: Clackamas County
Metro
Multnomah County
Washington County