

HAND DELIVERED

July 12, 2010

Urban and Rural Reserves Specialist
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

DEPT OF

JUL 13 2010

LAND CONSERVATION
AND DEVELOPMENT

Regarding Barker Properties in West Multnomah County:
Written Objection; Urban Rural Reserves.

1. Participation

I have participated in the Multnomah County CAC meetings on, or before Oct 2008. Since my first attendance I did not miss one CAC meeting. I also attended Metro meetings, open houses, and Washington county meetings. I have submitted numerous written testimony as well as oral testimony throughout this process. I have attached a small sample of written testimony to corroborate this. All attachments following #5.

2. Objections:

A: Factors rankings:

Our property should be in the Urban Reserve, not Rural Reserve. Please accept the attached letter from our attorney dated December 16, 2009 (attachment #1). This document identifies statutes and states our objections.

B: Multnomah County CAC Reserves Process was Unfair:

Multnomah County had a pre-determined outcome set as to what they didn't want brought inside the Urban Reserve before the CAC Reserves process started. This process was convoluted, biased and anything but transparent. I believe Multnomah County controlled the process and it appeared stacked on one side by selecting some committee members who would follow a certain mindset of the County leadership. I find it hard to believe that as usually one of the few opposing property owners, the MCAC could misplace my testimony or erroneously report that I was in favor of a Rural Reserve. Multnomah County knew in the end that they could take our property without a public hearing using the Safe Harbor Statue. So what was the purpose of a public process?

Some supporting examples of this behavior are:

- **Throughout the process continuous bombardment of material which favored rural reserves in West Multnomah.**
- **Feb. 26, and April 16, 2009. Minutes corrected or not corrected by committee member Carol C. Reserves process attachment # 2.**
- **June 11, 2009. Not providing a request by a CAC member to submit additional Metro information to the committee. Attachment #3**

- **July 1, 2009 Carol Chesarek sends out a non-committee CAC email to her NW Rural Advocates: Attachment #4.**
- **July 16: My missing testimony during key decision period: Attachment #5**
Important written testimony of mine was not submitted into record, although I had handed it the facilitators' court reporter... it was misplaced, how? Most importantly this was not submitted for review by CAC members. This happened twice, two different testimonies in the final crucial meetings. I had to make phone calls and several emails to establish the lost written testimonies. Multnomah Co acknowledged this error, a week or more after that crucial meeting they later resubmitted it. Too late for the committee to review, decisions had already been made.

I have countless other examples to support my concerns that Multnomah CAC process was flawed and unfair. I am willing to share my requested public records file with you.

3. Recommendation: Urban reserve for our property.

This is defined in the letter dated on Dec. 16, 2009 (attachment #1).

To reiterate a few points:

- Our property is in a non-irrigation area and cannot participate in the CSA program and is not suitable to sustain Agricultural or forestry operations.
- Lack suitable soils
- Foundation farm land is not close to us.
- Devaluation of property.
- Proximity to a planned development with sewers, schools, transportation, is walkable and could provide parkways...
- The unquestionable traffic from the North Bethany Expansion will further hinder farming practices. Germantown road bisects out property. Restricts property use

Respectfully submitted,

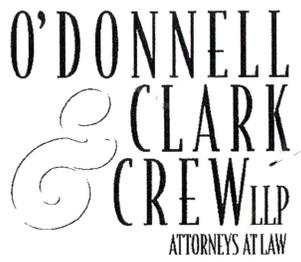


Sandra J. Baker
 Managing Partner
 Barker's Five LLC
 13493 NW Countryview Way
 Portland, Oregon 97229
 503-690-2031

Cc:
 Metro
 Multnomah co
 Washington Co
 Clackamas co

attachment ①

Mark P. O'Donnell
Kelly W. G. Clark
Stephen F. Crew
Matthew D. Lowe*
**also licensed to practice in Washington*
Kristian S. Roggendorf
Peter B. Janci
Gilion C. Dumas, *of Counsel**
**also licensed to practice in California and Washington*



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December 16, 2009

Via facsimile, electronic mail and US Mail

Commissioner Tom Brian, Chair
Washington County Board of Commissioners
155 N. First Avenue, Suite 300
Hillsboro, OR 97124-3072

Kathryn Harrington
Metro Councilor
600 NE Grand
Portland, OR 97232-2736

Charlotte Lehan
Clackamas County Board of Commissioners
2051 Kaen Road, 4th Floor
Oregon City, OR 97045

Jeff Cogen
Multnomah County Board of
Commissioners
501 SE Hawthorne Blvd.
Portland, OR 97214

Dear Commissioners Brian, Lehan and Cogen, and Councilor Harrington:

We represent the Barker family with regards to their real property located within the southern portion of Map Area 6b of the Multnomah County Candidate Area Maps: Potential Urban and Rural Reserve Areas (the "Property") and which is currently being considered for designation as either "Urban Reserve" or "Rural Reserve." See attached map. This letter sets forth our clients' concerns as to the propriety of the Multnomah County Citizen Advisory Committee's ("MCAC") recommendation that the Property be designated as Rural Reserve and explains why the Property is best suited to be designated as Urban Reserve, or to be left with no designation at all. We urge you to consider the issues raised in this letter prior to making your determination.

1. **The Property clearly meets the applicable factors for designation as Urban Reserve set forth in OAR 660-027-0050**

In recommending that the Property be designated as Rural Reserve, the MCAC engaged in an outcome determinative process with the largely unconcealed goal of designating the Property as Rural Reserve. Contrary to this conclusion, the Property is perfectly suited to be designated as Urban Reserve. This determination is supported not only by the Property's characteristics, but also by a casual review of applicable maps which reveal that the entirety of the Property, except for a small area separating the northern portion of Map Area 6b from the southern portion is surrounded either by the edge of the Urban Growth Boundary (specifically the North Bethany expansion to the south), or areas that are currently developed as rural residential or recommended to be Urban Reserve. Given its location, there is no logical reason why the Property should be designated as Rural Reserve. Moreover, as discussed below, the Property clearly meets the

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applicable factors for designation as Urban Reserve set forth in OAR 660-027-0050 which requires that Metro "shall base its decision" on the designation of applicable property on consideration of these factors.

- (1) Can the Property be developed at urban densities in a way that makes efficient use of existing and future public and private infrastructure investments?

YES - The North Bethany expansion is located immediately to the south of the Property, which expansion will include substantial infrastructure development, new schools, etc. The Property is fully accessible on several sides as it is unencumbered by power lines, existing structures, and roadways. Additionally, the Property has excellent park access at both its upper and lower portions, and its slopes are suitable for development ranging from 3% to 20%, with a mid-range of 10% to 12% slope.

- (2) Does the Property have sufficient development capacity to support a healthy economy?

YES - The answer to (1), above, and several of the answers below support this conclusion. Specifically, the vast majority of the Property has more than sufficient capacity for development and will complement and support the North Bethany expansion.

- (3) Can the Property be efficiently and cost-effectively served with public schools and other urban-level public facilities and services by appropriate and financially capable service providers?

YES - The Property abuts the Urban Growth Boundary, including the North Bethany expansion, which will include urban-level facilities and services, as well as at least two public schools which will be built within walking distance from much of the Property.

- (4) Can the Property be designed to be walkable and served with a well-connected systems of streets, bikeways, recreation trails, and public transit by appropriate services providers?

YES - Again, the property abuts the North Bethany expansion. Also, it is walkable and will be served both internally (upon development) and externally, via the surrounding neighborhoods, with a well-connected systems of streets,

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bikeways, recreation trails and public transit.

- (5) Can the Property be designed to preserve and enhance natural ecological systems?

YES - There are two creeks on the lower portion of the Property owned by our clients which is not only buildable, but would be a tremendous parkway to serve all of the surrounding neighborhoods.

- (6) Does the Property include sufficient land suitable for a range of needed housing types?

YES - As noted above, nearly the entire Property is suitable for development and the Property's characteristics are such that it is perfectly suitable for any needed housing type.

- (7) Can the Property be developed in a way that preserves important natural landscape features included in urban reserves?

YES - The Property can easily be developed in a way to preserve natural landscape features included in Urban Reserve. It should be noted that the Property is actually better suited for development in this manner than the North Bethany expansion given its characteristics.

- (8) Can the Property be designed to avoid or minimize the adverse effects on farm and forest practices, and adverse effects on important natural landscape features, on nearby land including land designated as rural reserves?

YES - As noted above, the Property is almost entirely surrounded by development and property that will be designated as Urban Reserve. There is no foundation agricultural property abutting, or even nearby, the Property. The Property easily meets this factor.

The answers to each of the questions above, which clearly support an Urban Reserve designation for the Property, have been documented in the public record and presented to the MCAC, which has simply ignored this information. The following section of this letter addresses each of the Rural Reserve factors and shows, equally clearly, that the Property is simply not suited to be designated as Rural Reserve.

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2. **The Property clearly does not meet the applicable factors for designation as Rural Reserve set forth in OAR 660-027-0060**

The factors to be considered for designation of property as Rural Reserve are set forth in OAR 660-027-0060(2) and (3). Inasmuch as the Property plainly is not suitable to "provide long-term protection to the agricultural industry or forest industry" due to its location abutting existing residential development and future large-scale development, the following will address only the factors set forth in OAR 660-027-0060(3)(b) - (h) pertaining to land intended to "protect important natural landscape features."

- (b) Is the Property subject to natural disasters or hazards such as floodplains, steep slopes, and areas subject to landslides?

NO - The Property is not subject to natural disasters or hazards (certainly not more than surrounding areas), has no steep slopes and is not subject to landslides. While there is a small floodplain toward the lower portion of the Property, this area is well-suited to serve as a parkway or other undeveloped recreational area in support of surrounding development, including the North Bethany expansion. Moreover, it should be noted that the steepest slope in the area is actually located inside the North Bethany expansion to the south of the Property.

- (c) Is the Property important fish, plant or wildlife habitat?

NO - While we are hesitant to consider any property as not being important to fish, plant or wildlife habitat, it simply must be noted that this Property is no different in this respect than the surrounding properties that have been allowed to be developed for residential purposes and that will be developed under the North Bethany expansion. To answer this question in the affirmative is not only unfair, but is completely self-serving to those owners of surrounding properties who have been allowed to develop their own property and want to deny the same right to neighboring property owners such as the owners of the Property.

- (d) Is the Property necessary to protect water quality or water quantity, such as streams, wetlands and riparian area?

NO - First, this Property is no different than surrounding properties upon which small creeks flow, including property inside the UGB. Moreover, Sec overlays have been removed from the Property allowing for additional areas to be developed within the Property. In short, the Property is not necessary to protect

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water quality or quantity.

- (e) Does the Property provide a sense of place for the region, such as buttes, bluffs, islands and extensive wetlands?

NO - As noted throughout this letter, the Property is virtually indistinguishable from surrounding property that is within the Urban Growth Boundary, is residentially developed, and that will be designated as Urban Reserve. More specifically, the Property contains no buttes, bluffs, islands or extensive wetlands. In fact, the nearest "butte" is located inside the Urban Growth Boundary in the North Bethany expansion to the south.

- (f) Can the Property serve as a boundary or buffer, such as rivers, cliffs and floodplains, to reduce conflicts between urban uses and rural uses, or conflicts between urban uses and natural resource uses?

NO - As noted above, the nearest butte is located to the south of the Property inside the North Bethany expansion, and nothing located on the Property is suitable to serve as a natural boundary or buffer. In fact, a designation as Rural Reserve will be a completely arbitrary buffer and will in no way serve to reduce conflicts between urban and rural uses given that the Property is almost entirely surrounded by currently developed property, the North Bethany expansion, and property to be designated as Urban Reserve.

- (g) Does the Property provide for separation between cities?

NO.

- (h) Does the Property provide easy access to recreational opportunities in rural areas, such as rural trails and parks.

NO. In fact, the exact opposite is true. The Property provides easy access to recreational opportunities in urban areas, such as Forest Park and the North Bethany expansion. Arguments to the contrary simply ignore the geographic reality of the area.

As is evident from review of these factors, the Property is simply not suitable to be designated as Rural Reserve. Again, each of these answers can be, and was, fully documented and is in the public record having been presented to the MCAC.

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3. **The MCAC recommendation to designate the Property as Rural Reserve serves the personal interests of MCAC members and is not supported by the evidence in the record.**

The MCAC recommendation to designate the Property as Rural Reserve must not be accepted. As noted above, the Property meets each and every factor that must be considered by Metro to designate the Property as Urban Reserve, and does not meet any factor to be considered by Metro to designate the Property as Rural Reserve. A review of the actual recommendation for the Property by the MCAC, quoted below for your ease of reference, supports these conclusions:

West Hills South – Map Areas 6a and 6b: Designate this area as rural reserve. The area north of Skyline (6a) is important agricultural (forest) land, continues the landscape feature/wildlife corridor from area 5 into Forest Park, and ranks high on the sense of place factor. The area from Skyline Blvd. south to Germantown Rd., is also important agricultural land, and includes landscape features that form urban – rural edges along the south, east, and northwest borders of this area. These are the Abbey Creek drainage, the Powerlines right-of-way, and the Rock Creek drainage. While this area contains approximately 800 acres of land with moderately low suitability for urban use, the area also qualifies for rural reserve designation as important agricultural land within 3 miles of the UGB. The urban deficiencies in this area are important – lack of governance, transportation system costs, etc., indicating that rural reserve is the better designation.

This recommendation is rife with unsupported and subjective conclusory statements. For example, the recommendation states that the Property is of “moderately low suitability for urban use.” As noted above this is simply false, particularly in light of the irrefutable fact that the Property is surrounded nearly entirely by developed property, the Urban Growth Boundary, and property that will be designated as Urban Reserve.

Another example is the statement that the “area qualifies for rural reserve designation as important agricultural land...” Again, as the recommendation relates to the Property, this statement is false. The property immediately adjacent to the Property is not agricultural property.¹ Finally, to state that the Property has “urban deficiencies” ignores the location of the Property next to the North Bethany expansion which will bring substantial improvements to the

¹In fact, the property immediately to the west of the Property is recommended to remain un-designated, which recommendation was made by the MCAC and staff in direct opposition to a directive by Nora Curtis, of Washington County Clean Water Services, who indicated that the map upon which the recommendation relied was not to be used for such purposes.

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infrastructure, as well as the residential development to the east of the Property.

While we can only speculate as to the specific reasons why the MCAC ignored the volumes of information presented to them, our review of public records produced by the MCAC reveals an outcome driven process led and manipulated by the Chair of the MCAC who owns property immediately to the east of the Property. Simply stated, designating the Property as Rural Reserve will provide the Chair, and her neighbors, with their own personal buffer between the North Bethany expansion and other property to be designated as Urban Reserve, despite the clear evidence contradicting a Rural Reserve designation. The manipulation of this process directly contradicts the direction to, and agreement by, MCAC members to "participate in a way that reflects a broad and balanced range of community interests rather than individual views."

As you prepare to make your recommendation as to which property to designate as Urban Reserve and Rural Reserve, we respectfully request that you consider the contents of this letter as it relates to designation of the Property, and also consider the devastating impact that a Rural Reserve designation will have on all property owners who own such property. As noted above, even a casual glance at the map shows very clearly that the Property is not in any way suited to be designated as Rural Reserve.

In the event that the Property is ultimately designated as Rural Reserve, and in light of the skewed process undertaken by the MCAC and public records reviewed relating to that process, our clients are prepared to consider all legal options and remedies available to them under state and federal law.

Sincerely,



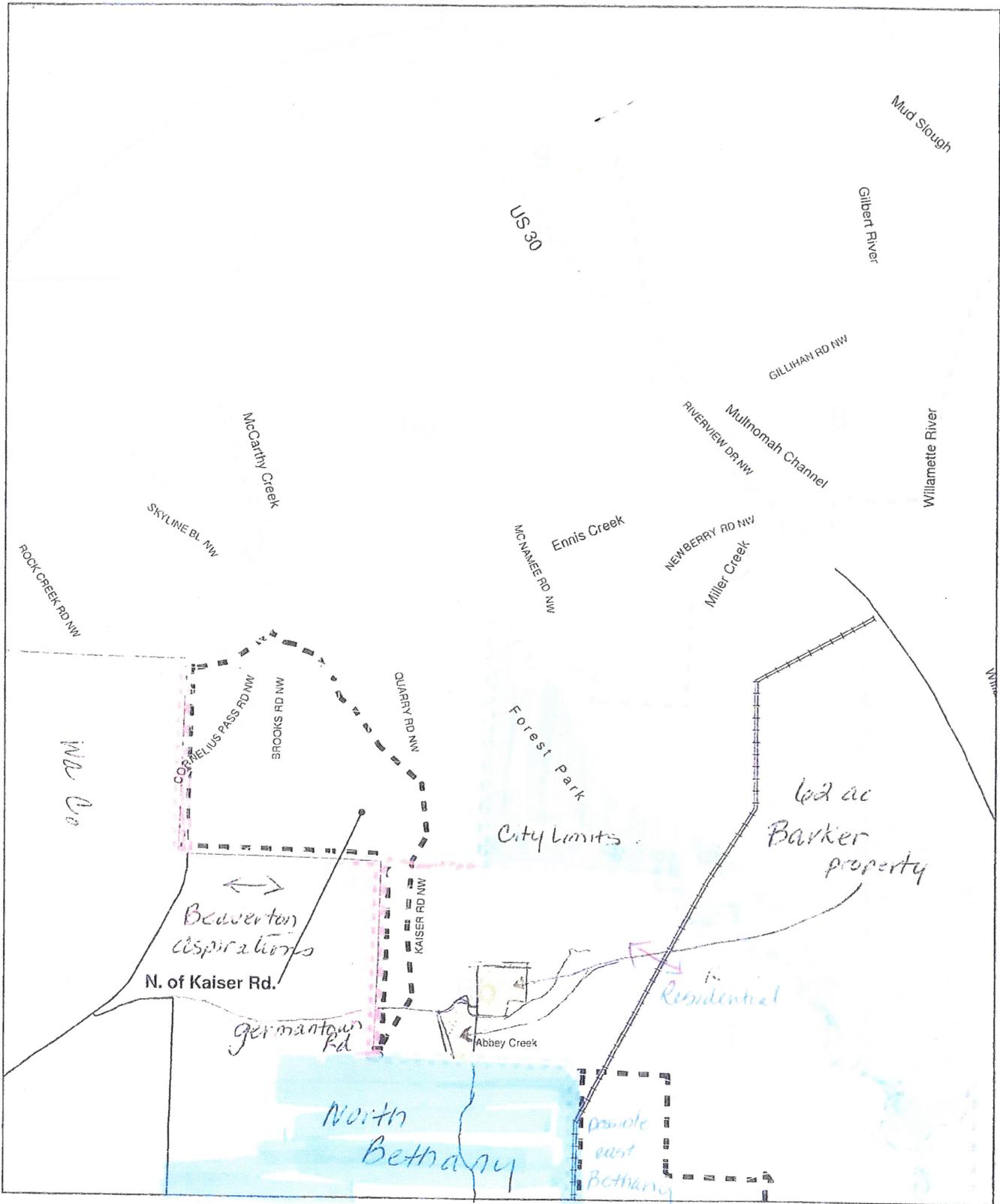
Matthew D. Lowe

/mdl

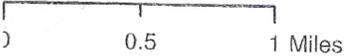
Enclosure

cc: Metro Council (*via electronic transmission*)
Clients (*via electronic transmission*)

Barker prop in yellow *Urban Reserve*



Multnomah County Candidate Area Maps:
Potential Urban and Rural Reserves Areas
Area 6 - NW Hills South



Draft (Rev. 08/03/09)

- | | |
|----------------------|---------------------|
| Streams/Water Bodies | Study Area Boundary |
| UGB 3-mi Buffer | Tax Lots |
| Urban Candidate Area | 50 ft Contours |
| Rural Candidate Area | Public Lands |



FARMER Stuart L

From: Carol L. Chesarek [chesarek4nature@earthlink.net]
Sent: Thursday, February 26, 2009 3:45 PM
To: BEASLEY Charles; Jeanne Lawson
Subject: Re: Reserves - CAC February 26 Meeting Agenda and Packet

I had a few very minor corrections to the minutes from the last meeting (attached). Since we only got them Friday I wasn't sure when we needed to return comments.

Something weird happened to the formatting when I deleted the 2nd copy of Rich Faith's name from the public attendee list, and I couldn't figure out how to fix it.

Carol

----- Original Message -----

From: BEASLEY Charles
To: zkekez@walkermacy.com ; Carol L. Chesarek ; burger_dr@msn.com ; paramagic89@verizon.net ; treadwelld@columbiarivercrossing.com ; gsowder@teleport.com ; jim@thayers.org ; Jeanne Lawson ; JTpc@verizon.net ; jct@jctownsley.com ; kpearmine@hotmail.com ; kriagreenrealtor@gmail.com ; Laura@47thAveFarm.com ; Lora Creswick ; ledet.mads@gmail.com ; hideaway43@verizon.net ; PFINLEYFRY@aol.com ; wileyrob@pacifier.com ; Sylvia Ciborowski
Cc: BORN Ken C ; BRENNAN Susana M ; COLLYMORE Karol
Sent: Friday, February 20, 2009 4:02 PM
Subject: FW: Reserves - CAC February 26 Meeting Agenda and Packet

All,
Attached is the agenda and packet for our upcoming meeting at 6:00 pm February 26, at the Multnomah Building Basement Training Room. Given the size of some of the files, I've put them on to our web page for you to access them. The files are located at:
<http://www2.co.multnomah.or.us/Public/EntryPoint?ch=247aff3ba4699110VgnVCM1000003bc614acRCRD>

I'll bring printed copies of the text, but not copies of all of the maps for everyone to the meeting. I will have larger format maps for us to use as we've done in the past.

It is very important that you review this information prior to the meeting so that we can reach a recommendation on candidate urban reserve areas!

Note that the candidate rural reserves map is now posted under the January 22 meeting content. This reflects recommendation the CAC has already made, and is not intended to be part of the discussion at our meeting on the February 26th.

please let me know if you have questions, and have a great weekend

Chuck Beasley, Senior Planner
Multnomah County Land Use Planning
1600 SE 190th Avenue, Suite 116
Portland, Oregon 97233
charles.beasley@co.multnomah.or.us
503-988-3043 ext 22610

Chuck also presented the "Preliminary Water Service Suitability" Map, which shows difficult, moderate, medium and easy designations for bringing water to the study areas.

The East and West groups broke into breakout sessions to discuss for approximately 15 minutes initial urban reserves candidates.

Wrap-up

Jeanne Lawson

Jeanne reminded CAC members that they were welcome to schedule outside meetings, but that decisions could not be made outside of official CAC meetings.

Susana explained that once urban and rural reserves candidate areas are selected, the County will organize open houses in different parts of Washington, Multnomah, and Clackamas counties, and invite people to get their feedback. The press and media will be more involved at that point, to publicize the events. At that point, the County will want to know which CAC members are willing to be contacted by the press, or want to be spokespeople.

Jeanne then closed the meeting and thanked everybody for attending.

Public Comment

not correct (with arrow pointing to the word 'candidate' in the following paragraph)

Sandy Barker of Barker Properties explained that Barker Properties owns 62 acres of land in Keiser and Germantown, and is surrounded by city limits and the UGB. This land has been under their ownership for 500 years, and should be considered as a candidate for rural reserves. *S/B urban*

Greg Malinowski distributed copies of an Oregonian article "Refugees grow vegetables, hopes and futures on farm". He explained that Malinowski is a certified organic farm in a conflicted area, because people don't want to invest in infrastructure to continue farming. He suggested that the area be considered a possible permanent rural area. Soils are designated class 3 and 4, and in the past, Grinning Goat who worked in the area made good profits off of the quality soil. Malinowski Farms is also working with Mercy Corps to help refugees open farming businesses in the area (read Oregonian article), and built infrastructure including barns and water improvements. The area contains vineyards and orchards, is a wildlife area for elk, and is used by bicyclists. Washington County wants to urbanize a big chunk above north Bethany, so if there is to be any natural reserve, Multnomah County would likely be the only willing lead. There are also mud slides in the area where building and development should be avoided for safety

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Carol's requested changes to the minutes =

Public Comment

Sandy Barker of Barker Properties explained that Barker Properties owns 62 acres of land in Keiser and Germantown, and is surrounded by city limits and the UGB. This land has been under their ownership for 500 years, and should be considered as a candidate for rural reserves.

not corrected by Carol

not corrected

Greg Malonowski distributed copies of an Oregonian article "Refugees grow vegetables, hopes and futures on farm". He explained that Malinowski is a certified organic farm in a conflicted area, because people but don't want to invest in infrastructure to continue farming. He suggested that the area be considered a possible permanent rural area. Soils are designated class 3 and 4, and in the past, Ginny Goat who worked in the area made good profits off of the quality soil. Malinowski Farms is also working with MerciCorp to help refugees open farming businesses in the area (read Oregonian article), and built infrastructure including barns and water improvements. The area contains vineyards and orchards, is a wildlife area for elk, and is used by bicyclists. Washington County wants to urbanize a big chunk above north Bethany, so if there is to be any natural reserve, Multnomah County would likely be the only willing lead. There are also mud slides in the area where building and development should be avoided for safety reasons. Greg expressed praise for Multnomah County, and agreed that the County should not automatically let people build on slide areas.

corrected by Carol

corrected

Next Meeting: Thursday February 26, 6:00pm

Final corrected minutes

Carol fails to correct obvious errors to my comment.

Chuck Beasley, Senior Planner
 Multnomah County Land Use Planning
 1600 SE 190th Avenue, Suite 116
 Portland, Oregon 97233
charles.beasley@co.multnomah.or.us
 503-988-3043 ext 22610
 FAX 503-988-3389

-----Original Message-----

From: Carol L. Chesarek [mailto:chesarek4nature@earthlink.net]
Sent: Tuesday, April 14, 2009 4:29 AM
To: BEASLEY Charles
Cc: Jeanne Lawson; COLLYMORE Karol; Sylvia Ciborowski
Subject: Re: Reserves - March 26 Meeting Summary Draft

2 2
b. b

Chuck,

I think the summary of the discussion and decisions very accurately reflect what happened during the meeting. Sylvia did a nice job.

I did find a few things that should be adjusted.

page 5, TriMet presentation, in the "Density" bullet. There is a typo -- I don't think Jillian said that 1 unit per acre would support frequent transit service.

Question for Chuck (and perhaps Jillian) -- does TriMet calculate density the same way Metro does for Title 11? For North Bethany, Washington County was able to delete all land area that's covered by riparian areas, parks, schools, roads, etc and only count the net buildable residential area, yielding about 400 buildable acres. They have to have to average at least 10 du/acre on that land. So that calculation uses du per net buildable acre.

Does TriMet's density calculation use net buildable acres, or do they use gross acres? In North Bethany, the overall du/gross acre will probably be 5 or 6 vs. 10 du/developable acre. This is a large difference. I'd like to know so the committee can consider whether new development could support frequent transit service.

p. 10/11. Some corrections to the summary of Joe Rayhawk's comments. That operation is a horse stable (not farm). There is another nearby facility, Cornerstone, on Kaiser Road (spelling) that provides high end equestrian facilities. Cornerstone has been profitable since it opened. The Title 13 changes proposed by the county show that the county currently protects riparian corridors 300' on either side of major streams (600' total), and the county is adding riparian buffers along smaller tributary streams. He did not say that the county is planning to extend its urban reach. He was surprised to learn about the very wide existing riparian corridors and the proposed extensions. These riparian buffers limit buildable land in the West Hills area more than most people expect.

original minutes

p. 12. The correct name is Milly Skach.

I know capturing public comment is difficult, the summary of the other public comments looked reasonably accurate.

Thanks!

Carol

----- Original Message -----

From: BEASLEY Charles

Chuck Beasley, Senior Planner
 Multnomah County Land Use Planning
 1600 SE 190th Avenue, Suite 116
 Portland, Oregon 97233
charles.beasley@co.multnomah.or.us
 503-988-3043 ext 22610
 FAX 503-988-3389

-----Original Message-----

From: Carol L. Chesarek [mailto:chesarek4nature@earthlink.net]
Sent: Tuesday, April 14, 2009 4:29 AM
To: BEASLEY Charles
Cc: Jeanne Lawson; COLLYMORE Karol; Sylvia Ciborowski
Subject: Re: Reserves - March 26 Meeting Summary Draft

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----- Original Message -----

From: BEASLEY Charles

FARMER Stuart L

From: Carol L. Chesarek [chesarek4nature@earthlink.net]
Sent: Wednesday, April 15, 2009 11:47 PM
To: BEASLEY Charles
Cc: Jeanne Lawson; COLLYMORE Karol; Sylvia Ciborowski
Subject: Re: Reserves - March 26 Meeting Summary Draft

Chuck,

We probably don't need to make all the corrections I suggested to the Rayhawk's comments (it isn't the end of the world to call it a horse farm), but I did find the information in the meeting summary to be confusing and misleading. I'd prefer not to have comments in the record about the county trying to extend its urban reach if that isn't what was said. The corrections about the riparian corridors are most important. Joe is working on a letter, but I still worry about inaccurate information in the meeting summary because I don't want other folks quoting it later.

To save time, you could replace the existing paragraph with this: 

Joseph Rayhawk (Germantown horse farm owner)

My wife and I operate a horse farm on Germantown Road. We recommend that this area remain as a rural reserve. We have operated the farm for 5 years, and it has been profitable. We have a neighbor on Kaiser Road, Cornerstone Hunters and Jumpers, and they are always profitable as well. Agriculture is good in this area. We provide training for students beyond our borders as well. We recently attended a Title 13 meeting, and learned that the County is planning on extending riparian zone protections that will further limit buildable land in the West Hills. *Joe Rayhawk provided a letter for the CAC's consideration.*

Thanks for checking with Jillian.

I thought Sylvia would make the changes, I didn't realize you had that honor. Sorry.

Thanks!

Carol

----- Original Message -----

From: BEASLEY Charles
To: Carol L. Chesarek
Cc: Jeanne Lawson ; COLLYMORE Karol ; Sylvia Ciborowski
Sent: Wednesday, April 15, 2009 3:35 PM
Subject: RE: Reserves - March 26 Meeting Summary Draft

Carol,
I'll ask Jillian your question.

I made the other technical corrections.

Re the Jayhawk comments, can we leave this as is? Many of the activities associated with horses are in fact legally farm uses, and I wonder if we really need to try to sort out his use here. The notes refer to his written testimony, so maybe we could rely on that?

thanks for your careful attention to these. it really helps

8/11/2009

Chuck announced that similarly, the regional technical team will create design charettes on a number of urban reserve candidates using Great Communities characteristics. This would include the West of Sandy River area, but would not evaluate selected areas in as great detail as the Great Communities Test Area Evaluation conducted by the consultant team. He explained that the regional technical team would provide design charette results to Chuck, who would forward these on to the CAC members.

Wrap Up

Jeanne opened the floor for public comment.

All public comments are available at the end of this document.

Jeanne reminded the public that other venues exist to bring their issues, and that they can speak directly to decision makers. She also reminded everyone that information and documents are available through the website.

Public Comment

Joseph Rayhawk (Germantown horse farm owner)

My wife and I operate a horse farm in Germantown. We recommend that this area remain as a rural reserve. We have operated the farm for 5 years, and it has been profitable. We have a neighbor on Keizer Road, Cornerstone, and they are always profitable as well. Agriculture is good in this area. We provide training for students beyond our borders as well. We attended a Title 13 meeting, and were shocked to learn that the County is planning on extending its urban reach. *Joe Rayhawk provided a letter for the CAC's consideration.*

Steve Barker and Sandy Baker

We have three main issues. We conducted a vacant lot analysis, and came up with a minimum of 55 vacant tax lots that could be built on in the area between Springdale and City of Portland. Secondly, people are opposed to Measure 37; there is a significant concern about the state of the aquifer in this area, as springs are drying up, and wells are going out. People are concerned that drilling additional wells will overdraw the existing reservoir, and ground water is limited. The third issue is transportation. The County has stated that Germantown Rd is at or exceeding peak capacity. There is a problem at the lower part of Germantown, and up to the East. Potential East Bethany development will also likely use Germantown and Springville Roads as a shortcut to travel to Portland, which will cause a problem. We think this area should be designated as an urban reserve. *Steve and Sandy provided three maps on vacant lot analysis, sewer issues, and*

attachment
③

----- Original Message -----

From: Jim Thayer

To: 'BEASLEY Charles' ; zkekez@walkermacy.com ; 'Carol L. Chesarek' ; burger_dr@msn.com ; paramagic89@verizon.net ; treadwelld@columbiarivercrossing.com ; gsowder@teleport.com ; 'Jeanne Lawson' ; JTpc@verizon.net ; kpearmine@hotmail.com ; kriagreenrealtor@gmail.com ; Laura@47thAveFarm.com ; 'Lora Creswick' ; ledet.mads@gmail.com ; hideaway43@verizon.net ; PFINLEYFRY@aol.com ; wileyrob@pacifier.com ; 'Sylvia Ciborowski' ; 'Jim Thayer'

Cc: 'BORN Ken C'

Sent: Thursday, June 11, 2009 11:41 PM

Subject: Please ask Metro to provide guidance.



Chuck:

At the risk of sounding like a cuckoo clock making the same request on an hourly basis but getting little acknowledgement:

I will ask once again that you request METRO to provide testimony about:

1. How this process "rolls up" after we're done - with emphasis on how disparities in planning goals and differing urban versus rural aspirations get sorted out. What other competing considerations, like Department of Agriculture concerns, or urban growth plans by Beaverton could play into this mix. How do we avoid an "area 93" situation?
2. What are Metro's interests in wildlife habitat preservation, ecosystem services protection, and lands acquisition in the areas under consideration by the CAC.
3. Are there other land use tools at their disposal that can provide the same if not better protections than Rural reserve status to the sensitive areas under consideration by the CAC.
4. How might our choice of designation theoretically affect Metro's land acquisition efforts - currently using land values that assume only agricultural use?
5. Can they share with us what the regional perspective is on creating a park and trail system that ties the region together, and how would our designation on the east side and west side affect the

8/11/2009

continued on next page →

regional trail aspirations of Metro and the Connecting green alliance?

I believe that these considerations are extremely important for understanding the broader context of what we're engaged in defining. To limit our perspective within artificial jurisdictional lines is counterproductive. Please ask Metro for guidance on the issues I've outlined. You're right that we probably don't need more personal testimony on this or that development proposal. We need advice on what areas Metro thinks the final deliberations will focus on - and what options we have to ensure their best use and/or preservation.

When I made this request verbally at the last CAC, you exhibited reticence about even asking Metro for input. I do not understand this hesitation. This information is germane, it's critical to understand the bigger picture. Multnomah County is a dues paying member of Metro and as such, is entitled to such professional input. As citizen advisors the CAC is entitled to the same.

On a lighter note, I attach a photo of a unique shrine to the American Indian spirit located near the northwest corner of Multnomah County overlooking the first known human settlement on Sauvie's island.

JimThayer
 (503) 860-3297
 jim@thayers.org

-----Original Message-----

From: BEASLEY Charles [mailto:charles.beasley@co.multnomah.or.us]

Sent: Monday, June 08, 2009 3:48 PM

To: vkekez@walkermacy.com; Carol L. Chesarek; burger_dr@msn.com; paramagic89@verizon.net; treadwelld@columbiarivercrossing.com; gsowder@teleport.com; jim@thayers.org; Jeanne Lawson; JTpc@verizon.net; kpearmine@hotmail.com; kriagreenrealtor@gmail.com; Laura@47thAveFarm.com; Lora Creswick; ledet.mads@gmail.com; hideaway43@verizon.net; PFINLEYFRY@aol.com; wileyrob@pacifier.com; Sylvia Ciborowski; Jim Thayer

Cc: BORN Ken C

Subject: Reserves - CAC May 28 Meeting Summary

All,
 Attached is the draft meeting summary. Please reply with any changes by no later than end of day next Monday, June 15.

Also attached is the factors analysis for Government Islands, East of Sandy River, and Sandy Canyon that the group began considering at the meeting. I'm attaching it here so that those of you who weren't able to meet can have easy access to it. We'll continue with the rural factors at the June 18 meeting, and hopefully begin working on the urban factors at our June 25 meeting. Please put these meetings on your calendars.

Finally, the web page has been updated with the information from the May 28 meeting in case you want to access any of that information.

regards,

Chuck Beasley, Senior Planner
 Multnomah County Land Use Planning
 1600 SE 190th Avenue. Suite 116

4

From: Carol L. Chesarek <chesarek4nature@earthlink.net>
Date: Wed, Jul 1, 2009 at 11:51 AM
Subject: URGENT: need your help to get our Rural Reserve
To: "Carol (ONRA)" <chesarek4nature@earthlink.net>



Hello Outer Northwest Rural Advocates,

We've reached a critical point, and it's time to make our voices heard in support of a Rural Reserve. Key decisions will be made in the next 2 weeks. A Rural Reserve would protect the area from urban development for 40 to 50 years.

The county has heard a lot recently from the few development minded folks in the area, and it's starting to sway how Rural Reserve candidate areas are evaluated.

County staff recommended Rural Reserves only for about half of the area on the south side of the west hills and none on the north side. We need that to change.

The county needs to hear loud and clear that we want a Rural Reserve. A nice big Rural Reserve that will protect all the valuable habitat around Forest Park so the area will continue to be used by large animals like elk and cougar and black bear. This area is unique and valued by the region, not just local residents.

Please call or email the county Chair, our own Commissioner, and the Reserves advisory committee and tell them that Rural Reserves are a once-in-a-lifetime opportunity to protect the unique natural resources, farm, and forestry lands in the West Hills from urban development. Contacts made this week will be especially helpful, but next week is not too late.

The areas around Forest Park include valuable wildlife habitat, many healthy headwater streams, recreational resources, and contribute to sense of place for the region. This is also an inappropriate area for urban development, where infrastructure would be very expensive and new roads would harm our natural resources.

A Rural Reserve doesn't restrict or eliminate any current land uses, it only forbids urbanization for 40 to 50 years. There are NO new burdens or new regulations for property owners.

Phone numbers and email addresses are below. Phone calls and email are both valuable. And you can do both -- call to express concern and follow up with an email.

Jim Emerson and I are meeting with Commissioner Kafoury on Monday morning, so we can provide her with more details. But it will be helpful if she knows ahead of time that other folks cared enough to make a phone call or send email.

>> PLEASE do not forward this email -- edit it down to key messages, and add a personal story. Duplicate emails are often discounted. I've included more information below in case you want ideas.

Ted Wheeler Chair, Multnomah County Phone: 503.988.3308

Deborah Kafoury District One Commissioner (our commissioner) Phone: 503.988.5220 (this

is RJ Cervantes' number, her constituent liason)

If you can make one more phone call, Jeff Cogen is the commissioner in charge of the Reserves process: 503.988.6786 (Karol Collymore is the contact)

Send email to: mult.chair@co.multnomah.or.us ; district1@co.multnomah.or.us ; district2@co.multnomah.or.us ; reserves@co.multnomah.or.us

Tell them that you support a large Rural Reserve to protect ALL the valuable habitat around Forest Park, down to the Washington County line and beyond Cornelius Pass Road. Ask them to help us get this Rural Reserve.

The goal is within reach, but we need your help to get there!

Many thanks. Let me know if you have questions.

Carol

Here is some text adapted from the most recent Forest Park Neighborhood and Forest Park Conservancy letter about Reserves:

Forest Park is a regional icon prized for its natural state and proximity to downtown Portland. Its health is threatened by encroaching development and growing commuter traffic. Protecting the resources around the Park will help preserve an important natural system with essential habitat connections to nearby natural areas that are also a prime recreation resource for our growing region.

The rural area around Forest Park is a strong candidate for a Rural Reserve to protect important natural features, farm, and forest lands. Urbanization would harm these valuable resources.

Metro and other parties including the Forest Park Conservancy and the Three Rivers Land Conservancy have already made large investments in protecting the natural resources around Forest Park. Metro's 2006 Natural Areas bond measure identified multiple target areas for additional investment in the area. A Rural Reserve would reinforce these efforts.

To protect these valuable natural landscape features, we request:

A Rural Reserve to protect the significant regional resources around Forest Park, including:

- All areas east of Cornelius Pass Road that are outside the UGB today.
- The northeast and southwest sides of the Tualatin Mountains west of Cornelius Pass Road, including portions of northeast Washington County, to protect a corridor for wildlife movement between Forest Park and the Coast Range.
- The southwest flank of the Tualatin Mountains and foothills to protect the unbroken vista of green hills that connects the Coast Range to the urban area, which is highly visible from Highway 26 and the Tualatin Valley and provides a strong sense of place.

No Urban Reserves north of Highway 26 that would directly increase traffic on rural roads through and around Forest Park. These roads include Cornelius Pass Road, Germantown Road, and Cornell Road, all of which are already beyond capacity and cannot be expanded or improved without significant harm to wildlife and healthy streams.

Establishing this Rural Reserve would safeguard:

- Wildlife habitat used by a large herd of elk, bear, cougar, and a number of habitat-sensitive species
- Healthy headwater streams

- Valued recreational bicycling routes
- A strong visual sense of place for the Tualatin Valley
- Farmlands that buffer sensitive habitats from urban areas and that could provide community gardens and CSAs (Community Supported Agriculture) within walking distance of Washington County suburbs

These resources, all within a few miles of both downtown Portland and Washington County employment centers, make our region unique and they deserve the protection of a Rural Reserve.

Reserves
process

#

45

sandy baker

From: "FISHER Kathy" <kathy.fisher@co.multnomah.or.us>
To: "sandy baker" <sjbaker12@verizon.net>
Cc: "District2" <district2@co.multnomah.or.us>; <kathryn@harringtonformetro.com>;
 <Steven.Barker@shell.com>; "BEASLEY Charles" <charles.beasley@co.multnomah.or.us>
Sent: Wednesday, July 29, 2009 4:19 PM
Subject: RE: missing testimony regarding barker property
 Hi Sandy,

Yes we were finally able to track that missing testimony down, and it has been included in this week's packet (along with the testimony you sent to me this morning), which was just sent to the CAC members. I need to tweak the interested parties mailing list before I send that to the public, so that will probably go out first thing tomorrow morning. (Of course, you will receive one via e-mail.)

Let me know if you have any other questions.

Thank you!

Kathy Fisher
 Multnomah County Land Use Planning
 1600 SE 190th Avenue
 Portland, OR 97233
 ph: 503.988.5050 x 26771
 fax: 503.988.3389
 kathy.fisher@co.multnomah.or.us

-----Original Message-----

From: sandy baker [mailto:sjbaker12@verizon.net]
Sent: Wednesday, July 29, 2009 3:53 PM
To: FISHER Kathy
Cc: District2; kathryn@harringtonformetro.com; Steven.Barker@shell.com
Subject: missing testimony regarding barker property

Hi Kathy,

Below is the excerpt from the minutes for the July 16 meeting and following is an explanation why I wanted it to be put into public record.

Excerpt from the minutes: July 16, 2009

Sandy Baker

Sandy passed out a letter and explained that she lives (should be, has property) on Germantown Road, where neighbors

don't know about Forest Park and the urban reserves issue. Sandy owns 60 acres of land and is not represented by Forest Park at all. She stated that there are many neighbors there who **do** want to be in an **urban** area. She also explained that Carol has been working on this with Jim Emerson for about 3 years. She expressed distress that in continuing to hear about putting elk before

7/10/2010

July 16 CAC meeting

2009

written
testimony

My name is Sandy Baker...I have been attending these meetings a very long time. My current address is 13493 NW Countryview Way in the Cedar Mill area.

Regarding our property on Germantown and Kaiser Rds., Multnomah County.

We do not live on the property. This property is 62 acres and abuts the UGB. It has been owned by the family for 105 years but due to land use regulations (EFU) in the mid 70's the 5 Barker children were never allowed to build or raise their families, even though this was where we were born and raised.

The past week and a half I have been contacting neighbors primarily in the 6 and 7 urban study areas. The response has been enormous. I have sent out a few letters, maybe 10, and some phone calls to these property owners, and the response has been overwhelming in support for urban reserve. Almost all were not notified or understood the current Urban and Rural reserve issue. This is up-setting to me.

Attached are 2 maps, identifying property owners and their desire to be urban reserve not rural. I have received their verbal and written permission. This is an incomplete work and I strongly feel the numbers of property owners wanting urban vs. rural will increase.

The Forest Park Neighborhood Association, especially the board, has utilized a 2006 survey to state that the "Neighborhood" does NOT want Urban Reserves.

Forest park association does not represent me or property owners of size. In fact, after I contacted these property owners, it was obvious that these folks were totally in the dark about the facts or the significance of the reserves issue. They did not receive information from the FPNA and some wondered why Multnomah Co had not given them notice. They also didn't think they were part of the Forest Park area.

Many still do not know about the Urban or Rural reserve issue. Multnomah County put the onus on the neighborhood associations to get the information out...this is a very unfair situation. I feel we have been misrepresented by the association President and Board members.

The FPNA board members are advocates for rural reserve. They have been campaigning to keep this area locked out from urbanization.

Ironically, 4 to 5 board member's own property sit inside city limits and the UGB, the others are residential or on small parcels. Not one board member faces the kind of land lock challenges the rest of us do.

I have reviewed the material packet for this meeting and was very concerned regarding the email written by Carol Chesarek...how can she be impartial?

On several occasions the CAC members have heard testimony from Greg Malinowski. Some of his property is inside the UGB (Washington co) and on the property in Multnomah he has water rights; He can irrigate.

He is the exception, the rest of us are dry. Mr. Malinowski makes it sound as if we can do the same...FARM...this is incorrect... he has options. He can continue to farm successfully inside the urban reserve. Other Farmers can also.

I would also like to add that the arbitrary metro line (telephone line) which divides the 6 and 7 study area is not a fair division. It runs through Andrew and Germantown subdivision. How can one side be *conflicted* the other *important* farm land? Please reconsider this during review.

Thank you, once again, for reading my written testimony.
Sandy Baker (maiden name is Barker) 503-690-2031

September 24, 2009

To Metro Council: Please submit for public record.

My name is Sandy Baker (maiden name is Barker)

Home address: 13496 NW Countryview Way Portland, Oregon 97229 (Washington Co)

Thank you for allowing me to testify.

I was born and raised on Germantown road along with my 4 other siblings. Our 62 acres have been owned by the Barker family for 105 years. Due to heavy property regulations in the mid 70's we were never allowed to build or raise our own families. We now face another huge setback being locked out for 40 to 50 years even though we abut the UGB and have Portland city limits above us and rural residential to the east.

I have been attending the Mult co reserves for 10+ months and found it to be biased as to the material presented and mapping provided, especially regarding my property. Our property is buildable...our slopes are between 3 to 20%, provides connectivity, walkability, potential sewer/ water and a wonderful potential for public park access. We should have been ranked much, much higher for urban suitability than what Multnomah CAC and staff concluded.

Our property is not farm land and has never been commercially farmed...my parents owned a bakery in Portland for financial support. We have creeks, gentle slopes and busy Germantown road bisecting our 62 acres. We do not have water rights. I can try to get a water permit all I want, but it is an unfavorable prospect as told to me by the water master governing this area. Because of this, we cannot be part of the CSA (community supported AG)...and, besides, this program is highly successful inside urban areas. Those who can farm in this west Multnomah area will continue, and will still receive farm deferrals if designated as urban reserve. Farming doesn't just go away...besides this area is not foundation farm land. Let's save the real farmland!

For the most part (in this immediate area), the elk are being used as a ploy to support the wildlife factor. The natural steep slopes Multnomah has identified as a buffer is already inside the UGB. Our property sits beneath it. We have Kaiser and Germantown roads to the east, south and north....these roads being trapped inside rural reserve is nonsense. Within 10 years there will be transportation issues beyond comprehension (regardless if designated rural). Our property does not support being a buffer for Ag land due to the surrounding development, transportation issues and the steep terrain to the northeast of us.

The effort of those trying to keep this area out by crying "not in my back yard" is not only selfish but nonproductive to the future of this area.

Multnomah County is not being logical or demonstrates common sense when suggesting such small and limited areas in west Mult identified as "maybe urban or maybe rural".

Our property in this west Multnomah area is better governed by cities of Washington County due to the proximity, location at the lower Tualatin basin, public facilities and services from the North Bethany expansion and future Washington county urban development to the west.

Thank you for taking the time to read this letter and hearing my testimony.

Sandy Baker 503-690-2031

Sjbaker12@verizon.net

Property location in Multnomah County. **R237939 R323980 R237940**

Our one house address: (Grandmas old house) 15610 NW Germantown Rd. Portland, Or 97231

May 6, 2010

Please submit this as public record.

My name is Sandy Baker (maiden name is Barker) I live on 13493 NW Countryview Way, Washington co in the Cedar Mill area. Zip is 97229.

Barker property is located on Germantown road inside Multnomah Co and abutting Washington Co.

We grew up on this property of 62 acres.

We were denied the right to build and raise our families due to land use regulations and were miss-zoned as efu since the mid 70's.

We abut the UGB and the North Bethany expansion, Germantown rd bisects us and Kaiser runs along the west side of us. Kaiser road is intended to be 3 lanes...as well as Germantown.

We lack water rights and our property is in a non-irrigation area. We cannot participate in the CSA program.

This property is not farm land and has not been farmed because of its farming limitations. It was rented out as pasture use.

This is unfair and certain properties need to be looked at individually.

Our measure 49 is only allowing one home site on the 62 acres (the only existing house is our Grandparents, which is over a 100 years old) due to changes in ownership such as an LLC. We lived there till adulthood. Only family has owned this property for the past 105 years (just 9 family member since 1904).

I have attended the Mult. CAC meetings. They were convoluted and anything but transparent. I disagree with the suitability factors.

We are being taken as open space for an elk trail, and especially for the "*Not in my backyard*" attitude and future lifestyle of the Forest Park Neighborhood Association.

Our property rights have been taken from us since the mid 70's, now we face another 50 years being locked out, but surrounded by growth.

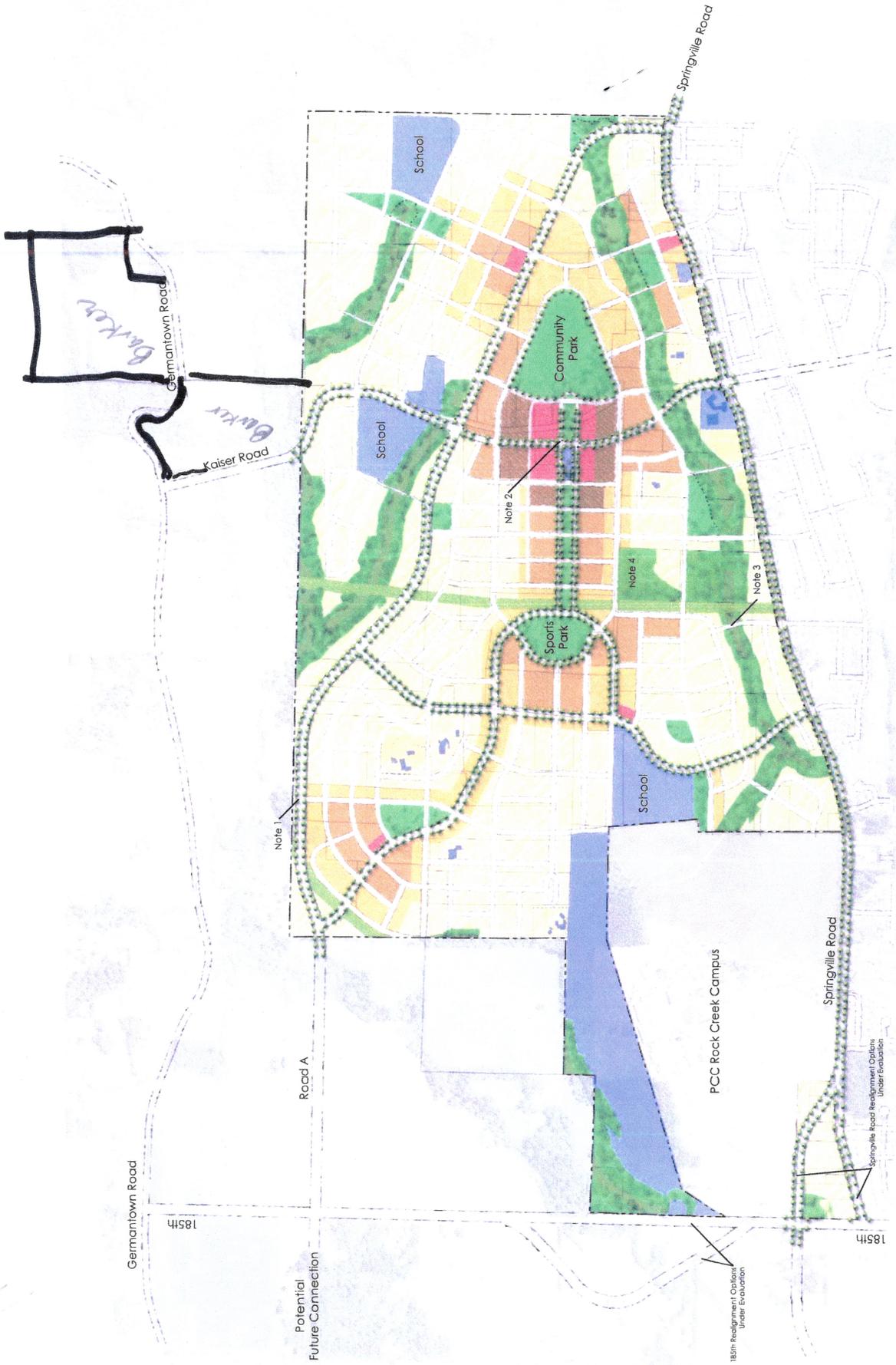
This is land taking.

This is devaluation of our property.

This, in my opinion, is unconstitutional. How can this be legal?

Thank you.

Sandy Baker (maiden name is Barker)
503-690-2031



Bethany
 a community of distinction
 10 september 2007

Illustrative Plan

Legend

- High-Density Specialty
- High-Density Residential
- Medium-Density Residential
- Low-Density Residential
- Mixed-Use
- School-Church-Civic-Institutional
- Parks
- Open Spaces
- Committed Structures

Notes

1. Road A alignment under review.
2. Kaiser road / Mixed use center options under review.
3. Street vs. Pedestrian crossing under review.
4. Site specific verification of resources if needed prior to final designation of land use.
5. All land uses are preliminary.

