

13895 Fir St. • Oregon City, OR 97045 • 503.656.9470 • FAX 503.557.4334

March 11, 2013

HAND-DELIVERED

Mayor Steve Spinnett
Members of Damascus City Council
19920 S.E. Highway 212
Damascus, OR 97089

Reference: GDI Application to Withdraw from City of Damascus

Dear Mayor Spinnett and Members of City Council:

General Distributors, Inc. ("GDI") filed an application to withdraw its property from the City of Damascus on September 24, 2012. It did so after waiting since 2008 for approved zoning to build a new center of business operations on its 22-acre property located along Armstrong Circle. The application was placed on the Council's agenda for March 4, 2013. At a work session on February 28, 2013, the City Council, without prior notice and without providing any opportunity to GDI to explain its filing, denied GDI's request for withdrawal by refusing to hear the application on March 4, 2013.

~~We write to express our severe disappointment with this action. Having purchased the Armstrong Circle property in 2008 and having proactively worked with city officials to allow the construction of a new center of business operations on the property, the council's denial of the application without allowing GDI to present the facts supporting its win-win withdrawal proposal is inexplicable.~~

Had GDI been allowed to present its withdrawal proposal, the Council would have learned the following facts regarding the application:

I. **GDI is an Oregon Based Family-Owned Business**

- GDI was started over 90 years ago by the same family (3rd generation) that operates the business today.
- GDI currently has a \$9.1 million payroll, provides 120 family wage jobs, 53 indirect jobs (due to its purchase of goods, equipment and services in the local economy); 151 induced jobs (caused by the purchases of local goods by its workers) and 18 jobs due to capital investment (i.e., a total of 342 jobs in Oregon). See attached Exhibit A from Center for Applied Business and Economic Research, Alfred Lerner College of Business and Economics, University of Delaware.

Mayor Steve Spinnett
Members of Damascus City Council
March 11, 2013 – Page 2

- GDI supports its local community – over \$400,000 in contributions since 2008.
- GDI's center of operations since 1974 has been a warehouse located at 13895 Fir Street, Oregon City. This center provides 60,000 square feet of space, but GDI's business has grown to the point where it needs 110,000 to 120,000 square feet of space. There is no space available at Fir Street to allow expansion at that location.

II. GDI's Current Plant's Limitations was the Reason GDI Purchased Land in 2008

- GDI purchased the 22 acres along Armstrong Circle in 2008 because it recognized the need for a larger center of operations and the fact that there was no additional land available at its current Fir Street location.
- GDI was excited about becoming a part of the new community of Damascus and has worked proactively since 2008 to structure a win-win project with Damascus and neighboring land owner.
- The necessary infrastructure is already in place. Both Armstrong Circle and 172nd are developed and meet GDI's transportation needs. A new sewer box has been installed at the location at GDI's request. On-site water retention ponds are included in the new facility's design.
- GDI has had long-standing and ongoing discussions with its neighbors. GDI has worked out an acceptable access, setback and vegetation screening concept with its neighbor to the north of the 22-acre site. GDI's development will allow its neighbors significant additional options with their own properties because all remaining improvements will be sized to allow further use with a fee.
- What GDI needs to proceed is an approved comprehensive plan, approved general employment zoning without further delay, and the entire Armstrong Circle property being placed in one jurisdiction.

III. Why GDI Filed the Application to Withdraw

- GDI needs to move its center of operations to an 110,000 to 120,000 square foot facility. It cannot wait three to five years to move, it needs to move in 12 to 18 months.
- GDI is aware that there is a vote schedule to decide whether the City of Damascus will continue to exist. The outcome of this vote will not be known until November 2013. GDI is also aware that even if the city continues to exist after the vote, Damascus still needs to comply with the LCDC order that they complete a Comprehensive Plan without further delay. See attached Exhibit B. If Damascus fails to satisfactorily meet the terms of that letter, Damascus will lose control of the planning process. GDI does not know who will control the comprehensive planning or zoning if this should happen.
- GDI has learned that Metro inexplicably left part of its Armstrong property in the county (*i.e.*, Tax Lot 900). See attached Exhibit C. As a result, Damascus, even if

it had approved general employment zoning, does not have the ability to approve the development plan for GDI's Armstrong Circle property because the county has jurisdiction over Tax Lot 900.

IV. GDI's Withdrawal Application is Not an Attempt to Secede but a Request to be Allowed to Proceed with Construction of a New Center of Operations Under One Jurisdiction Planning Authority

- It is equally important that the Council understand that GDI did not file its withdrawal application to secede from Damascus. Indeed, GDI would agree to reannexation (provided all of its Armstrong Circle property is included) once its new center of operations is completed, provided an acceptable comprehensive plan and zoning are adopted by Damascus. This would allow Damascus the ability to obtain the positive economic benefits flowing from the location of GDI's new center of operations (*i.e.*, currently over 342 direct and indirect jobs; increase in tax base due to the construction of a substantial improvement on the Armstrong Circle property; plus the increase in jobs as GDI's business grows).
- GDI's request is not that of an ill-informed neighborhood group trying to "trade up" to a different jurisdiction. We have confidence in the City Council's ability to distinguish between a deannexation request that has merit and one that is a waste of time.
- Nor is GDI similar in any way to the community group of roughly 70 owners reported in the Oregonian on March 5 who want to secede from Damascus and become part of the City of Happy Valley. First, GDI has undeveloped property, not property with homes already on some or all of lots. Second, GDI will agree to regarding annexation to Damascus; the 70 homeowners want to permanently secede and move into Happy Valley.

V. Reconsideration is Warranted

- After waiting for four and one-half years, GDI needs to proceed with construction of a new center of operations so its business can continue to grow.
- To proceed, GDI needs to have zoning approved by one jurisdiction and, given that Tax Lot 900 is in Clackamas County, it is the logical jurisdiction to approve the zoning and project.
- GDI's withdrawal request is not an attempt to permanently leave Damascus. It will agree to reannexation, provided Damascus continues as a city after the November 2013 vote, it adopts an appropriate comprehensive plan and zoning that protects GDI's use before the reannexation, and GDI's entire Armstrong Circle property is included in the reannexation.

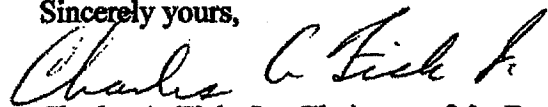
Mayor Steve Spinnett
Members of Damascus City Council
March 11, 2013 – Page 4

- GDI's application is a win-win proposal. It allows GDI to develop its new operations center without further delay bringing the positive benefits of GDI's economic activity to the Damascus area. And, because GDI will agree to allow the property to be reannexed once it is developed, the proposal allows Damascus to obtain the benefits not only from the impact of the additional jobs in the area, but the benefit of the increase in tax base due to the substantial improvements being placed on GDI's Armstrong Circle property.
- Given GDI's win-win proposal, the matter is straightforward and should not require a large amount of Council time. Initiating the resolution can be placed on the City Council's agenda for March 18, 2013 and can easily be handled by Council prior to the Patton substantive hearing.

Conclusion

For the above reasons, GDI respectfully requests that the Council reconsider its February 28, 2013 Work Session decision, place the matter on the City Council's Agenda for March 18, 2013, and make a reasoned final decision on GDI's application.

Sincerely yours,



Charles A. Fick, Jr., Chairman of the Board

cc: Oregon Senator Alan Olsen
Oregon Representative Bill Kennemer
Mr. Tim Ramis, Esq.
Jim Rue, Director, Department of Land Conservation and Development
John Morgan

EXHIBIT A

**General Distributors, Inc.
Economic Impact Analysis
2012**

Impact Measures	Jobs	Wages & Benefits	Total Value of Production	Total State, Local & Federal Taxes Paid
Employees	100	\$ 9,110,701	\$ 20,252,281	
Operations of Indirect Producers Stimulus Induced by Spending of All Employees	53	\$ 2,599,858	\$ 7,194,058	
Total Economic Impact from Operations	153	\$ 11,710,559	\$ 27,446,339	\$ 10,978,971
Total Impact of Capital Investment	17	\$ 852,105	\$ 2,423,696	\$ 288,958
Total Impact of Community Involvement	1	\$ 39,535	\$ 108,663	\$ 11,459
Total Economic Impact of GDI Distributorship from Operations, Investment and Citizenship Multipliers	171	\$ 12,602,199	\$ 30,002,754	\$ 11,279,388
	2.85	2.11	2.45	

EXHIBIT B



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



February 7, 2013

Steve Spinnett, Mayor
City of Damascus
19920 S.E. Highway 212
Damascus, Oregon 97089

RE: Acknowledgement Compliance Schedule and Enforcement Order

Dear Mayor Spinnett,

An order implementing a decision made by the Land Conservation and Development Commission at its January 24, 2013 meeting regarding acknowledgement of the City of Damascus comprehensive plan is attached. The order amends the city's compliance schedule and instructs the director of the Department of Land Conservation and Development to initiate enforcement proceedings if the city council has not adopted the required materials by the end of August 2013. We understand that your city charter does not permit you to submit the adopted materials to this department prior to a popular vote; the order does not require submittal of the materials, but only adoption by the city council.

The commission understands the difficulties the city has encountered in completing its first comprehensive land use plan. However, the commission found that more progress must be made in order for the city to be prepared for anticipated development.

Our regional representative, Jennifer Donnelly, is ready to work with your staff and city officials as you complete the planning process. Please contact Jennifer at (503) 725-2183 or jennifer.donnelly@state.or.us.

Regards,



Tina Rhee,
Director

Attachment: LCDC Continuance, Compliance Schedule and Enforcement Order

cc (email): Greg Baker, Damascus City Manager
John Morgan, Damascus Community Development Director
Mike McCallister, Clackamas County Planning Director
Ray Valone, Metro
Jennifer Donnelly and Rob Hallyburton, DLCD

**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF THE)	CONTINUANCE ORDER,
ACKNOWLEDGMENT OF)	COMPLIANCE SCHEDULE AND
THE CITY OF DAMASCUS)	ENFORCEMENT
COMPREHENSIVE PLAN)	ORDER 13-CONT-COMPLY-001828

This matter came before the Land Conservation and Development Commission (Commission) on January 24, 2013, for review under ORS 197.320(3) regarding whether the City of Damascus is making satisfactory progress toward completion of the compliance schedule issued as Order 13-CONT-COMPLY-001805 on July 22, 2011. The Commission entertained oral argument from the Department of Land Conservation and Development (Department) and the City of Damascus but did not consider any new evidence. The Commission issues the following order:

FINDINGS OF FACT

1. On November 2, 2004, the City of Damascus (City) incorporated by a vote of the people.
2. On August 14, 2007, the Commission acknowledged the Citizen Involvement Program of the Damascus Comprehensive Plan as being in compliance with Statewide Planning Goal 1. LCDC Acknowledgment Order 07-ACK-001729.
3. In November 2008, the department director granted the City a one-year extension.
4. On January 21, 2010, the Commission approved a compliance schedule pursuant to OAR 660-014-0010(4) for completion of the comprehensive plan and implementing ordinances. LCDC Compliance Schedule Order 001780.
5. On December 14, 2010, the City adopted Ordinance No. 2010-45 "An Ordinance Adopting The City of Damascus Comprehensive Plan" that adopted the City's comprehensive plan, comprehensive plan maps, and findings of fact in support of the comprehensive plan and maps.
6. On April 21, 2011, the Commission reviewed the request on the record as required by ORS 197.251(1) and (4) and found that the submittal did not comply with the statewide planning goals.
7. On July 22, 2011, the Department issued Continuance Order 13-CONT-COMPLY-001805 implementing the Commission's ruling, which included a compliance schedule for remaining tasks the City was required to complete, with due dates for submittal of the tasks.
8. The compliance schedule included tasks to be complete by December 2011 and June 2012 that the City completed in a timely manner.

9. The compliance schedule included tasks to be complete by November 2012, which were not submitted to the Department as complete as of January 24, 2013.
10. The City updated the Commission on their progress on the compliance schedule on January 26, 2012 and September 20, 2012.
11. On January 8, 2013, the City requested an extension of all tasks on the compliance schedule to June 2014.

CONCLUSIONS OF LAW

1. ORS 197.251(1) requires the Commission to respond to the City of Damascus's acknowledgment request by order and to "grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals." ORS 197.015(1) defines "Acknowledgment" to mean "a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals[.]" In addition, OAR 660-003-0005(1) defines "Acknowledgment of Compliance" to mean "an order of the Commission issued pursuant to ORS 197.251(1) that certifies that a comprehensive plan and land use regulation, land use regulations or plan or regulation amendment complies with the goals." ORS 197.747 provides that "compliance with the goals" for the purposes of acknowledgment under ORS 197.251 means "the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature." Under that standard, the Commission must consider whether a submittal conforms with the purpose of each goal and whether it meets individual goal requirements. The "acknowledgment" referred to in ORS 197.251(1) contemplates an approval granted only after the comprehensive plan and implementing ordinances meet all of the requirements for acknowledgment. 40 Op Atty Gen 274, 276 (1980). Where, as here, the Commission concludes that a submittal does not comply with the goals as defined in ORS 197.747, the Commission may either deny or continue acknowledgment review. ORS 197.251(1)(a) provides:

"'Continuance' means a commission order that:

"(A) Certifies that all or part of a comprehensive plan, land use regulations or both a comprehensive plan and land use regulations do not comply with one or more goals;

"(B) Specifies amendments or other action that must be completed within a specified time period for acknowledgment to occur; and

"(C) Is a final order for purposes of judicial review of the comprehensive plan, land use regulations or both the comprehensive plan and land use regulations as to the parts found consistent or in compliance with the goals."

2. ORS 197.320(3) requires the Commission to issue an order requiring a local government to take action necessary to bring its comprehensive plan into compliance with the goals if the local government is not making satisfactory progress toward performance of its compliance schedule.

3. The City is not making satisfactory progress toward performance of its compliance schedule. The City has not submitted tasks that were due in November 2012 and the City reports that it intends to submit them no sooner than November 2013. While the City has demonstrated that it is making progress toward compliance, significant portions of the comprehensive plan must be complete in order for the entire plan to be finished by the final completion date in the compliance schedule—June 2014. Although the City is not making satisfactory progress toward performance of its compliance schedule, immediate initiation of enforcement proceedings is unlikely to result in comprehensive plan acknowledgment in a more timely manner than allowing the City's scheduled hearings process to conclude.

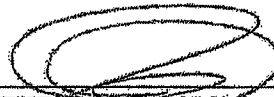
4. The City Council must make required action on the following tasks by the end of August 2013 in order to stop further action toward enforcement of the compliance schedule:

- A. Adopt a 20-year population forecast that is coordinated with Metro and that complies with Goal 14, OAR 660-024-0030, ORS 195.025 and ORS 195.036;
- B. Adopt a residential buildable lands inventory that complies with Goal 10; OAR chapter 660, division 7; and ORS 197.295 *et seq.*
- C. Adopt a 20-year housing needs analysis that complies with Goal 10; OAR chapter 660, division 7; ORS 197.295 *et seq.*; and ORS 197.303;
- D. Adopt a transportation systems plan that complies with OAR chapter 660, division 12;
- E. Ensure that all lands within the urban growth boundary have urban plan designations consistent with need determinations, in compliance with Goal 14 and OAR 660-024-0050(6); and
- F. Ensure that all lands within the urban growth boundary are zoned either 1) for urban use, or 2) to manage their use and division in a manner that maintains their potential for planned urban development until appropriate public facilities and services are available or planned, by either retaining the rural zoning or by adopting interim zoning, in compliance with Goal 14 and OAR 660-024-0050(6).

THEREFORE, IT IS HEREBY ORDERED THAT:

1. In accordance with ORS 197.251(10), an extension of the City of Damascus compliance schedule is granted and the City is to adhere to the compliance schedule attached hereto in completing the additional work set forth herein.
2. In accordance with ORS 197.324, if the Damascus City Council has not adopted comprehensive plan and land use regulation provisions in conformity with the amended compliance schedule by the end of August 2013, the director of the Department of Land Conservation and Development shall initiate enforcement proceedings pursuant to ORS 197.320 *et seq.*, and schedule a Commission hearing at the earliest possible time pursuant to ORS 197.328(1) to consider whether to appoint a hearings officer.

DATED THIS 07 DAY OF FEBRUARY 2013



FOR THE COMMISSION:

Jim Rue, Director

Department of Land Conservation and Development

NOTE: You may be entitled to judicial review of this continuance order. Judicial review may be obtained by filing a petition for review within 21 days from the service of this final order. Judicial review is pursuant to the provision of ORS 197.650 and ORS 197.651.

Copies of all exhibits are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, Oregon.

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

WORK PROGRAM FOR DAMASCUS ACKNOWLEDGEMENT

The work program is based on the record the City of Damascus submitted to the Department of Land Conservation and Development for acknowledgement. Any modifications to the goals will be reviewed for compliance with the statewide planning goals. Modifications to the "accepted" sections of the goals will be reviewed again for compliance with that goal.

GOAL	COMPLIANCE TASKS	COMPLETION DATE
Goal 2	Adopt development standards and implementing ordinance for the Damascus Comprehensive Plan. Once Damascus adopts implementing ordinances and adequately addresses Goals 5, 6, 7, 8, 9, 10, 12, and 14 (listed below), the Damascus comprehensive plan will comply with Goal 2.	June 2014
Goal 5	<ul style="list-style-type: none"> • The city shall complete an inventory of significant scenic views and sites; and shall complete an ESEE analysis for significant views and sites. • Adopt goal 5 implementing ordinances. 	<p>December 2011</p> <p>June 2014</p>
Goal 6	<ul style="list-style-type: none"> • The city shall work with DEQ on a TMDL implementation plan and water quality issues. • The city shall further develop their goal 6 chapter with the data and findings in the city's public facilities master plan, when it is completed. • The city shall adopt goal 6 implementing ordinances. 	<p>June 2012</p> <p>June 2012</p> <p>June 2014</p>
Goal 7	The city shall adopt goal 7 implementing ordinances.	June 2014
Goal 8	<ul style="list-style-type: none"> • The city shall complete an inventory of recreational resources and incorporate proposed goals and policies into the implementing ordinances. • The city shall adopt goal 8 implementing ordinances. 	<p>June 2012</p> <p>June 2014</p>
Goal 9	<ul style="list-style-type: none"> • The city shall adopt a suitable land development code and implementing ordinances that support and facilitate economic development in the city. • The city shall reconsider or make findings about the availability of sites for heavy industrial activity. 	<p>June 2014</p> <p>June 2012</p>

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Goal 10</p>	<ul style="list-style-type: none"> • Adopt a 20-year population forecast that is coordinated with METRO and that complies with Goal 14, OAR 660-024-0030, ORS 195.025, and ORS 195.036. • Complete and adopt a residential Buildable Lands Inventory (BLI) that complies with Goal 10, OAR chapter 660, division 7, and ORS 197.295 <i>et seq.</i> • Complete and adopt a 20-year housing needs analysis (HNA) that complies with Goal 10, OAR chapter 660, division 7, ORS 197.295 <i>et seq.</i>, and ORS 197.303. The HNA shall be based on an overall residential density of eight or more dwelling units per net buildable acre for new construction, consistent with OAR 660-007-0035. • Complete and adopt a 20-year residential lands needs analysis (RLNA) that complies with Goal 10, OAR chapter 660, division 7, ORS 197.295, ORS 197.307, ORS 197.312, ORS 197.314, ORS 197.475, ORS 197.480, ORS 197.485, and ORS 197.660 through 197.670. The RLNA shall be based on an overall residential density of eight or more dwelling units per net buildable acre for new construction, consistent with OAR 660-007-0035. The RLNA shall designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached single family housing or multiple family housing, consistent with OAR 660-007-0030. • Complete and adopt implementing land use/development regulations, zoning map, revised comprehensive plan map, and revised residential plan policies to designate, zone, and govern development on residential lands within the urban growth boundary for 1) housing consistent with the HNA and RLNA, and 2) non-residential uses permitted in residential zones, if any, consistent with 20-year urban needs. • Adopt all of the above-described documents, except for land use/development regulations, into the city's comprehensive plan. 	<p>November 2012 August 2013</p> <p>November 2012 August 2013</p> <p>November 2012 August 2013</p> <p>June 2014</p> <p>June 2014</p> <p>June 2014</p>
-----------------------	--	---

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Goal 11</p>	<ul style="list-style-type: none"> • Revise the public facilities plan to comply with Goal 11, OAR chapter 660, division 11, and the city's adopted coordinated 20-year population forecast. Adopt the revised public facilities plan into the city's comprehensive plan. • Prepare and adopt implementing ordinances that address the provision of water, sanitary sewer, storm water, and transportation facilities and services consistent with the revised public facilities plan and with the land use designations in the urban growth boundary. 	<p>September 2013</p> <p>June 2014</p>
<p>Goal 12</p>	<ul style="list-style-type: none"> • The city shall adopt a Transportation Systems Plan (TSP) that meets OAR chapter 660, division 12. • The city shall adopt Goal 12 implementing ordinances. 	<p>November 2012 <u>August 2013</u></p> <p>June 2014</p>
<p>Goal 14</p>	<ul style="list-style-type: none"> • Adopt a 20-year population forecast that is coordinated with METRO and that complies with Goal 14, OAR 660-024-0030, ORS 195.025, and ORS 195.036. • Coordinate with the applicable school district or districts to prepare and adopt a school facilities plan for the urban growth boundary consistent with ORS 195.110 and the city's comprehensive plan. Adopt the school facilities plan into the city's comprehensive plan. • Ensure that all lands within the urban growth boundary have urban plan designations consistent with need determinations, in compliance with Goal 14 and OAR 660-024-0050(6). • Ensure that all lands within the urban growth boundary are zoned either 1) for urban use, or 2) to manage their use and division in a manner that maintains their potential for planned urban development until appropriate public facilities and services are available or planned, by either retaining the rural zoning or by adopting interim zoning, in compliance with Goal 14 and OAR 660-024-0050(6). • Work with department staff to revise transition and urbanization plan policies for consistency with Goal 14. Adopt revised policies into the city's comprehensive plan. 	<p>June 2014</p> <p>June 2014</p> <p>November 2012 <u>August 2013</u></p> <p>November 2012 <u>August 2013</u></p> <p>Update the commission in December 2011 – adopt revised policies June 2014</p>

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Other</p>	<p>The City of Damascus will provide status reports approximately every six months to the Land Conservation and Development Commission until they have an acknowledged Comprehensive Plan and implementing ordinances adopted. The updates may be written reports that DLCD staff can present to the commission or part of the director's report. The first update should be a detailed outline of how the City intends to transition from rural to urban.</p>	<ul style="list-style-type: none"> • December 2011 – update on transition from rural to urban development • April 2012 – progress update on comp plan adoption • October 2012 - progress update on comp plan adoption • April 2013 - progress update on comp plan adoption and implementing ordinances • October 2013 – LCDC acknowledgment of the Comprehensive Plan • April 2014 – LCDC acknowledgment review of implementing ordinances
--------------	--	--

EXHIBIT C

Michelle A. Fleskes

From: Paul R. Hribernick
Sent: Thursday, March 07, 2013 11:51 AM
To: Clarence H. Greenwood; Michelle A. Fleskes
Subject: FW: Request_correct jurisdiction_TL near Damascus

From: Gilevich, Shari [<mailto:sharig@co.clackamas.or.us>]
Sent: Thursday, February 28, 2013 5:59 PM
To: Paul R. Hribernick; John Morgan
Subject: FW: Request_correct jurisdiction_TL near Damascus

Good afternoon,

I asked Metro to look in to the jurisdictional status of TL 900 and they show it outside the city limits. I'll following up next week with the surveyor's office, but don't think there would be a different answer.

And, I'm out of the office next week, but will be getting emails to finish up on the staff report and notices that will be needed the week of March 11.

Shari Gilevich
503-742-4523

From: Zac Christensen [<mailto:Zac.Christensen@oregonmetro.gov>]
Sent: Thursday, February 28, 2013 5:49 PM
To: Gilevich, Shari
Subject: RE: Request_correct jurisdiction_TL near Damascus

Our records show parcel 23E07A 00900 as being unincorporated and outside of the city limits of Damascus. The legal description from original annexation also has the property outside of the City of Damascus.

For further confirmation you might have the Carl Clinton from your surveyors office confirm the legal description he wrote for the original annexation.

Thanks,
Zac

From: Gilevich, Shari [<mailto:sharig@co.clackamas.or.us>]
Sent: Thursday, February 28, 2013 5:05 PM
To: Zac Christensen
Subject: Request_correct jurisdiction_TL near Damascus

Hi Zac,

The attached document gives a brief description of the issue, background information I've found and request for a determination of the jurisdiction of tax lot 900, 2-3E-7A.

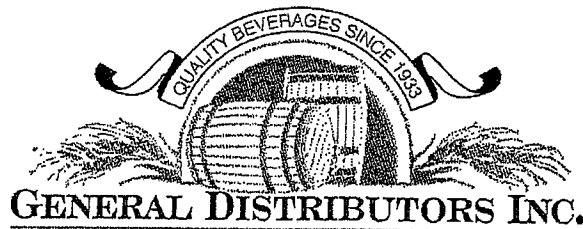
I put some highlights on the maps and could only add those and send a document as a pdf. However, the pdf version did not carry over useable web links to the maps, so I am also sending the Word document. The two documents are the same except for these highlights in the pdf version.

I will be out of the office next week but will be doing some work from home. So, you'll get the "out of office" message via email, but I will have emails forwarded to complete this work.

We hope to have a determination by the end of next week so that our notice for an upcoming public hearing will be accurate about the parcel's jurisdiction. If that is not possible, we will provide a caveat in the notice that this is still to be reconciled.

Thanks ahead of time for your assistance.

Shari Gilevich
Clackamas County Planning & Zoning
503-742-4523



13895 Fir St. • Oregon City, OR 97045 • 503.656.9470 • FAX 503.557.4334

March 27, 2013

VIA E-MAIL AND FIRST-CLASS MAIL

bcc@clackamas.us

John Ludlow, Chair
Jim Bernard, Paul Savas,
Martha Schrader and Tootie Smith,
Clackamas County Commissioners
2051 Kaen Road
Oregon City, OR 97045

Reference: Senate Bill 708

Dear Commissioners:

We write to ask for your support for passage of Senate Bill 708. We own over 20 acres of land (most of which is in the boundaries of Damascus, but a strip of which was inadvertently left in Clackamas County). The land is fully within the Metro Urban Growth Boundary. We have owned this land since 2008.

We bought the land for the purpose of building a new operations center for our company. Our current operations center is 65,000 square feet, but our company needs 120,000 square feet to operate efficiently.

Metro has designated our land along with other adjacent properties in Northern Clackamas County as Urban and suitable for economic growth and job creation. Our land was moved inside the urban growth boundary to allow development. Damascus has indicated that our land will be zoned "General Employment," a zone that will allow our use. We are ready to build. However, Damascus has been unable, over a five-year period, to place an actual zone on the property. Given the Damascus City Charter, which requires a vote on initial zoning designations, it is unlikely that Damascus will ever zone our property.

Our plight is outlined in the attached letter. Our business provides 120 family wage jobs and more than 340 total direct and indirect jobs. We have the potential to create even more jobs with our new operations center. The construction activity related to the construction of a new operations center would create even more economic activity and jobs. From our point

of view; the inability to move forward with the construction of a new operations center for over four (4) years is inexplicable.

Further, other businesses have approached us to buy part of our land to establish new operations for their businesses (together with the jobs related to these businesses). None of this job creation can occur without zoning.

Lands that have been designated by Metro for economic development and job creation in Damascus simply cannot be developed due to land use planning dysfunction. One can spend a lot of time trying to discern or point fingers as to why this dysfunction exists (i.e., whether it is the City of Damascus' actions or LCDC's inaction), but that will not provide any solution or path forward to allow economic development as Metro intended. Nor is it likely that the land use planning dysfunction regarding these lands will be resolved at the local level any time soon.

If a legislative solution is not provided, the possibility exists that the pending LCDC enforcement order (see attached letter) will return the comprehensive plan planning for these lands to Clackamas County in January 2014. LCDC's order would simply start a long and difficult cross-jurisdictional zoning and comprehensive planning process. We would not expect a final zone to allow for actual development for a long, long time.

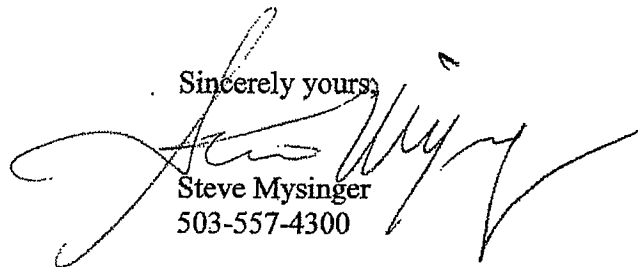
Senate Bill 708 provides a reasoned solution to allowing development on our land. We are willing to work with the proponents of a legislative solution to clarify that the additional county costs for processing land use applications filed under Senate Bill 708 can be imposed so the planning work does not burden the county with additional costs. We are willing to address other concerns the Clackamas County planners may have (e.g., exclusivity of county jurisdiction, application of the county's comprehensive plan, the ability to have urban growth boundary "urban" development outside an official city, etc.).

Providing a legislative solution now will allow the economic development to move forward without further delay on shovel ready projects and allow the creation of additional jobs to occur without further delay. We note that the economic benefit (outlined in the attached letter) flowing from our third generation family business does not include the additional construction industry jobs that will result from the building of the necessary improvements for a new 120,000 square foot center of operations for our business. In addition, the property tax revenues will benefit from the addition of these improvements providing enhanced revenue for local governments to provide governmental services. These tax revenues are genuinely needed by local governments.

Building a vibrant quality business community (like that in Washington County) requires cooperation, proactive solutions, governmental cooperation and timely decision making. We hope the Commissioners will join in a cooperative solution-oriented effort to provide a legislative solution to the land use planning "road block" on our land so Metro's goal for these lands can move forward without further delay.

Clackamas County Commissioners
Page - 3 - March 27, 2013

Sincerely yours,

A handwritten signature in black ink, appearing to read "Steve Mysinger", written over the typed name and phone number.

Steve Mysinger
503-557-4300

Enclosure
661562_2

cc w/enc (via e-mail): Senator Larry George
Senator Alan Olsen
Senator Chuck Thomsen
Senator Arnie Roblan
Representative Bill Kennemer
Mr. Richard Whitman
Mr. David Hunnicutt

P.S. Please feel free to call so we can sit down and discuss this very important issue to us.



13895 Fir St. • Oregon City, OR 97045 • 503.656.9470 • FAX 503.557.4334

March 11, 2013

HAND-DELIVERED

Mayor Steve Spinnett
Members of Damascus City Council
19920 S.E. Highway 212
Damascus, OR 97089

Reference: GDI Application to Withdraw from City of Damascus

Dear Mayor Spinnett and Members of City Council:

General Distributors, Inc. ("GDI") filed an application to withdraw its property from the City of Damascus on September 24, 2012. It did so after waiting since 2008 for approved zoning to build a new center of business operations on its 22-acre property located along Armstrong Circle. The application was placed on the Council's agenda for March 4, 2013. At a work session on February 28, 2013, the City Council, without prior notice and without providing any opportunity to GDI to explain its filing, denied GDI's request for withdrawal by refusing to hear the application on March 4, 2013.

We write to express our severe disappointment with this action. Having purchased the Armstrong Circle property in 2008 and having proactively worked with city officials to allow the construction of a new center of business operations on the property, the council's denial of the application without allowing GDI to present the facts supporting its win-win withdrawal proposal is inexplicable.

Had GDI been allowed to present its withdrawal proposal, the Council would have learned the following facts regarding the application:

I. GDI is an Oregon Based Family-Owned Business

- GDI was started over 90 years ago by the same family (3rd generation) that operates the business today.
- GDI currently has a \$9.1 million payroll, provides 120 family wage jobs, 53 indirect jobs (due to its purchase of goods, equipment and services in the local economy); 151 induced jobs (caused by the purchases of local goods by its workers) and 18 jobs due to capital investment (i.e., a total of 342 jobs in Oregon). See attached Exhibit A from Center for Applied Business and Economic Research, Alfred Lerner College of Business and Economics, University of Delaware.

Mayor Steve Spinnett
Members of Damascus City Council
March 11, 2013 – Page 2

- GDI supports its local community – over \$400,000 in contributions since 2008.
- GDI's center of operations since 1974 has been a warehouse located at 13895 Fir Street, Oregon City. This center provides 60,000 square feet of space, but GDI's business has grown to the point where it needs 110,000 to 120,000 square feet of space. There is no space available at Fir Street to allow expansion at that location.

II. GDI's Current Plant's Limitations was the Reason GDI Purchased Land in 2008

- GDI purchased the 22 acres along Armstrong Circle in 2008 because it recognized the need for a larger center of operations and the fact that there was no additional land available at its current Fir Street location.
- GDI was excited about becoming a part of the new community of Damascus and has worked proactively since 2008 to structure a win-win project with Damascus and neighboring land owner.
- The necessary infrastructure is already in place. Both Armstrong Circle and 172nd are developed and meet GDI's transportation needs. A new sewer box has been installed at the location at GDI's request. On-site water retention ponds are included in the new facility's design.
- GDI has had long-standing and ongoing discussions with its neighbors. GDI has worked out an acceptable access, setback and vegetation screening concept with its neighbor to the north of the 22-acre site. GDI's development will allow its neighbors significant additional options with their own properties because all remaining improvements will be sized to allow further use with a fee.
- What GDI needs to proceed is an approved comprehensive plan, approved general employment zoning without further delay, and the entire Armstrong Circle property being placed in one jurisdiction.

III. Why GDI Filed the Application to Withdraw

- GDI needs to move its center of operations to an 110,000 to 120,000 square foot facility. It cannot wait three to five years to move, it needs to move in 12 to 18 months.
- GDI is aware that there is a vote schedule to decide whether the City of Damascus will continue to exist. The outcome of this vote will not be known until November 2013. GDI is also aware that even if the city continues to exist after the vote, Damascus still needs to comply with the LCDC order that they complete a Comprehensive Plan without further delay. See attached Exhibit B. If Damascus fails to satisfactorily meet the terms of that letter, Damascus will lose control of the planning process. GDI does not know who will control the comprehensive planning or zoning if this should happen.
- GDI has learned that Metro inexplicably left part of its Armstrong property in the county (*i.e.*, Tax Lot 900). See attached Exhibit C. As a result, Damascus, even if

Mayor Steve Spinnett
Members of Damascus City Council
March 11, 2013 – Page 3

it had approved general employment zoning, does not have the ability to approve the development plan for GDI's Armstrong Circle property because the county has jurisdiction over Tax Lot 900.

IV. GDI's Withdrawal Application is Not an Attempt to Secede but a Request to be Allowed to Proceed with Construction of a New Center of Operations Under One Jurisdiction Planning Authority

- It is equally important that the Council understand that GDI did not file its withdrawal application to secede from Damascus. Indeed, GDI would agree to reannexation (provided all of its Armstrong Circle property is included) once its new center of operations is completed, provided an acceptable comprehensive plan and zoning are adopted by Damascus. This would allow Damascus the ability to obtain the positive economic benefits flowing from the location of GDI's new center of operations (*i.e.*, currently over 342 direct and indirect jobs; increase in tax base due to the construction of a substantial improvement on the Armstrong Circle property; plus the increase in jobs as GDI's business grows).
- GDI's request is not that of an ill-informed neighborhood group trying to "trade up" to a different jurisdiction. We have confidence in the City Council's ability to distinguish between a deannexation request that has merit and one that is a waste of time.
- Nor is GDI similar in any way to the community group of roughly 70 owners reported in the Oregonian on March 5 who want to secede from Damascus and become part of the City of Happy Valley. First, GDI has undeveloped property, not property with homes already on some or all of lots. Second, GDI will agree to regarding annexation to Damascus; the 70 homeowners want to permanently secede and move into Happy Valley.

V. Reconsideration is Warranted

- After waiting for four and one-half years, GDI needs to proceed with construction of a new center of operations so its business can continue to grow.
- To proceed, GDI needs to have zoning approved by one jurisdiction and, given that Tax Lot 900 is in Clackamas County, it is the logical jurisdiction to approve the zoning and project.
- GDI's withdrawal request is not an attempt to permanently leave Damascus. It will agree to reannexation, provided Damascus continues as a city after the November 2013 vote, it adopts an appropriate comprehensive plan and zoning that protects GDI's use before the reannexation, and GDI's entire Armstrong Circle property is included in the reannexation.

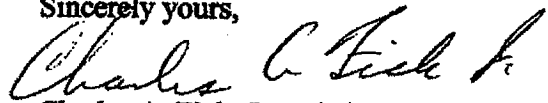
Mayor Steve Spinnett
Members of Damascus City Council
March 11, 2013 – Page 4

- GDI's application is a win-win proposal. It allows GDI to develop its new operations center without further delay bringing the positive benefits of GDI's economic activity to the Damascus area. And, because GDI will agree to allow the property to be reannexed once it is developed, the proposal allows Damascus to obtain the benefits not only from the impact of the additional jobs in the area, but the benefit of the increase in tax base due to the substantial improvements being placed on GDI's Armstrong Circle property.
- Given GDI's win-win proposal, the matter is straightforward and should not require a large amount of Council time. Initiating the resolution can be placed on the City Council's agenda for March 18, 2013 and can easily be handled by Council prior to the Patton substantive hearing.

Conclusion

For the above reasons, GDI respectfully requests that the Council reconsider its February 28, 2013 Work Session decision, place the matter on the City Council's Agenda for March 18, 2013, and make a reasoned final decision on GDI's application.

Sincerely yours,



Charles A. Fick, Jr., Chairman of the Board

cc: Oregon Senator Alan Olsen
Oregon Representative Bill Kennemer
Mr. Tim Ramis, Esq.
Jim Rue, Director, Department of Land Conservation and Development
John Morgan

EXHIBIT A

General Distributors, Inc.
Economic Impact Analysis
2012

Impact Measures	Jobs	Wages & Benefits	Total Value of Production	Total State, Local & Federal Taxes Paid
Employees	120	\$ 9,110,701	\$ 20,252,281	
Operations of Indirect Producers	53	\$ 2,699,858	\$ 7,194,058	
Stimulus Induced by Spending of All Employees	151	\$ 6,485,948	\$ 19,592,126	
Total Economic Impact from Operations	324	\$ 18,296,507	\$ 47,038,465	\$ 10,978,971
Total Impact of Capital Investment	17	\$ 852,205	\$ 2,423,696	\$ 288,958
Total Impact of Community Involvement	1	\$ 19,535	\$ 108,663	\$ 11,459
Total Economic Impact of GDI Distributorship from Operations, Investment and Citizenship Multipliers	342	\$ 19,188,247	\$ 49,570,823	\$ 11,279,388
	2.11	2.11	2.45	

EXHIBIT B



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



February 7, 2013

Steve Spinnett, Mayor
City of Damascus
19920 S.E. Highway 212
Damascus, Oregon 97089

RE: Acknowledgement Compliance Schedule and Enforcement Order

Dear Mayor Spinnett,

An order implementing a decision made by the Land Conservation and Development Commission at its January 24, 2013 meeting regarding acknowledgement of the City of Damascus comprehensive plan is attached. The order amends the city's compliance schedule and instructs the director of the Department of Land Conservation and Development to initiate enforcement proceedings if the city council has not adopted the required materials by the end of August 2013. We understand that your city charter does not permit you to submit the adopted materials to this department prior to a popular vote; the order does not require submittal of the materials, but only adoption by the city council.

The commission understands the difficulties the city has encountered in completing its first comprehensive land use plan. However, the commission found that more progress must be made in order for the city to be prepared for anticipated development.

Our regional representative, Jennifer Donnelly, is ready to work with your staff and city officials as you complete the planning process. Please contact Jennifer at (503) 725-2183 or jennifer.donnelly@state.or.us.

Regards,



Jim Rue,
Director

Attachment: LCDC Continuance, Compliance Schedule and Enforcement Order

cc (email): Greg Baker, Damascus City Manager
John Morgan, Damascus Community Development Director
Mike McCallister, Clackamas County Planning Director
Ray Valone, Metro
Jennifer Donnelly and Rob Hallyburton, DLCD

**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF THE)	CONTINUANCE ORDER,
ACKNOWLEDGMENT OF)	COMPLIANCE SCHEDULE AND
THE CITY OF DAMASCUS)	ENFORCEMENT
COMPREHENSIVE PLAN)	ORDER 13-CONT-COMPLY-001828

This matter came before the Land Conservation and Development Commission (Commission) on January 24, 2013, for review under ORS 197.320(3) regarding whether the City of Damascus is making satisfactory progress toward completion of the compliance schedule issued as Order 13-CONT-COMPLY-001805 on July 22, 2011. The Commission entertained oral argument from the Department of Land Conservation and Development (Department) and the City of Damascus but did not consider any new evidence. The Commission issues the following order:

FINDINGS OF FACT

1. On November 2, 2004, the City of Damascus (City) incorporated by a vote of the people.
2. On August 14, 2007, the Commission acknowledged the Citizen Involvement Program of the Damascus Comprehensive Plan as being in compliance with Statewide Planning Goal 1. LCDC Acknowledgment Order 07-ACK-001729.
3. In November 2008, the department director granted the City a one-year extension.
4. On January 21, 2010, the Commission approved a compliance schedule pursuant to OAR 660-014-0010(4) for completion of the comprehensive plan and implementing ordinances. LCDC Compliance Schedule Order 001780.
5. On December 14, 2010, the City adopted Ordinance No. 2010-45 "An Ordinance Adopting The City of Damascus Comprehensive Plan" that adopted the City's comprehensive plan, comprehensive plan maps, and findings of fact in support of the comprehensive plan and maps.
6. On April 21, 2011, the Commission reviewed the request on the record as required by ORS 197.251(1) and (4) and found that the submittal did not comply with the statewide planning goals.
7. On July 22, 2011, the Department issued Continuance Order 13-CONT-COMPLY-001805 implementing the Commission's ruling, which included a compliance schedule for remaining tasks the City was required to complete, with due dates for submittal of the tasks.
8. The compliance schedule included tasks to be complete by December 2011 and June 2012 that the City completed in a timely manner.

9. The compliance schedule included tasks to be complete by November 2012, which were not submitted to the Department as complete as of January 24, 2013.
10. The City updated the Commission on their progress on the compliance schedule on January 26, 2012 and September 20, 2012.
11. On January 8, 2013, the City requested an extension of all tasks on the compliance schedule to June 2014.

CONCLUSIONS OF LAW

1. ORS 197.251(1) requires the Commission to respond to the City of Damascus's acknowledgment request by order and to "grant, deny or continue acknowledgment of compliance of comprehensive plan and land use regulations with the goals." ORS 197.015(1) defines "Acknowledgment" to mean "a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals[.]" In addition, OAR 660-003-0005(1) defines "Acknowledgment of Compliance" to mean "an order of the Commission issued pursuant to ORS 197.251(1) that certifies that a comprehensive plan and land use regulation, land use regulations or plan or regulation amendment complies with the goals." ORS 197.747 provides that "compliance with the goals" for the purposes of acknowledgment under ORS 197.251 means "the comprehensive plan and regulations, on the whole, conform with the purposes of the goals and any failure to meet individual goal requirements is technical or minor in nature." Under that standard, the Commission must consider whether a submittal conforms with the purpose of each goal and whether it meets individual goal requirements. The "acknowledgment" referred to in ORS 197.251(1) contemplates an approval granted only after the comprehensive plan and implementing ordinances meet all of the requirements for acknowledgment. 40 Op Atty Gen 274, 276 (1980). Where, as here, the Commission concludes that a submittal does not comply with the goals as defined in ORS 197.747, the Commission may either deny or continue acknowledgment review. ORS 197.251(11)(a) provides:

"'Continuance' means a commission order that:

"(A) Certifies that all or part of a comprehensive plan, land use regulations or both a comprehensive plan and land use regulations do not comply with one or more goals;

"(B) Specifies amendments or other action that must be completed within a specified time period for acknowledgment to occur; and

"(C) Is a final order for purposes of judicial review of the comprehensive plan, land use regulations or both the comprehensive plan and land use regulations as to the parts found consistent or in compliance with the goals."

2. ORS 197.320(3) requires the Commission to issue an order requiring a local government to take action necessary to bring its comprehensive plan into compliance with the goals if the local government is not making satisfactory progress toward performance of its compliance schedule.

3. The City is not making satisfactory progress toward performance of its compliance schedule. The City has not submitted tasks that were due in November 2012 and the City reports that it intends to submit them no sooner than November 2013. While the City has demonstrated that it is making progress toward compliance, significant portions of the comprehensive plan must be complete in order for the entire plan to be finished by the final completion date in the compliance schedule—June 2014. Although the City is not making satisfactory progress toward performance of its compliance schedule, immediate initiation of enforcement proceedings is unlikely to result in comprehensive plan acknowledgment in a more timely manner than allowing the City's scheduled hearings process to conclude.

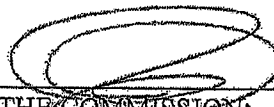
4. The City Council must make required action on the following tasks by the end of August 2013 in order to stop further action toward enforcement of the compliance schedule:

- A. Adopt a 20-year population forecast that is coordinated with Metro and that complies with Goal 14, OAR 660-024-0030, ORS 195.025 and ORS 195.036;
- B. Adopt a residential buildable lands inventory that complies with Goal 10; OAR chapter 660, division 7; and ORS 197.295 *et seq.*
- C. Adopt a 20-year housing needs analysis that complies with Goal 10; OAR chapter 660, division 7; ORS 197.295 *et seq.*; and ORS 197.303;
- D. Adopt a transportation systems plan that complies with OAR chapter 660, division 12;
- E. Ensure that all lands within the urban growth boundary have urban plan designations consistent with need determinations, in compliance with Goal 14 and OAR 660-024-0050(6); and
- F. Ensure that all lands within the urban growth boundary are zoned either 1) for urban use, or 2) to manage their use and division in a manner that maintains their potential for planned urban development until appropriate public facilities and services are available or planned, by either retaining the rural zoning or by adopting interim zoning, in compliance with Goal 14 and OAR 660-024-0050(6).

THEREFORE, IT IS HEREBY ORDERED THAT:

1. In accordance with ORS 197.251(10), an extension of the City of Damascus compliance schedule is granted and the City is to adhere to the compliance schedule attached hereto in completing the additional work set forth herein.
2. In accordance with ORS 197.324, if the Damascus City Council has not adopted comprehensive plan and land use regulation provisions in conformity with the amended compliance schedule by the end of August 2013, the director of the Department of Land Conservation and Development shall initiate enforcement proceedings pursuant to ORS 197.320 *et seq.*, and schedule a Commission hearing at the earliest possible time pursuant to ORS 197.328(1) to consider whether to appoint a hearings officer.

DATED THIS 07 DAY OF FEBRUARY 2013



FOR THE COMMISSION:

Jim Rue, Director

Department of Land Conservation and Development

NOTE: You may be entitled to judicial review of this continuance order. Judicial review may be obtained by filing a petition for review within 21 days from the service of this final order. Judicial review is pursuant to the provision of ORS 197.650 and ORS 197.651.

Copies of all exhibits are available for review at the department's office at 635 Capitol St. NE, Suite 150, Salem, Oregon.

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

WORK PROGRAM FOR DAMASCUS ACKNOWLEDGEMENT

The work program is based on the record the City of Damascus submitted to the Department of Land Conservation and Development for acknowledgement. Any modifications to the goals will be reviewed for compliance with the statewide planning goals. Modifications to the "accepted" sections of the goals will be reviewed again for compliance with that goal.

GOAL	COMPLIANCE TASKS	COMPLETION DATE
Goal 2	Adopt development standards and implementing ordinance for the Damascus Comprehensive Plan. Once Damascus adopts implementing ordinances and adequately addresses Goals 5, 6, 7, 8, 9, 10, 12, and 14 (listed below), the Damascus comprehensive plan will comply with Goal 2.	June 2014
Goal 5	<ul style="list-style-type: none"> • The city shall complete an inventory of significant scenic views and sites; and shall complete an ESEE analysis for significant views and sites. • Adopt goal 5 implementing ordinances. 	<p>December 2011</p> <p>June 2014</p>
Goal 6	<ul style="list-style-type: none"> • The city shall work with DEQ on a TMDL implementation plan and water quality issues. • The city shall further develop their goal 6 chapter with the data and findings in the city's public facilities master plan, when it is completed. • The city shall adopt goal 6 implementing ordinances. 	<p>June 2012</p> <p>June 2012</p> <p>June 2014</p>
Goal 7	The city shall adopt goal 7 implementing ordinances.	June 2014
Goal 8	<ul style="list-style-type: none"> • The city shall complete an inventory of recreational resources and incorporate proposed goals and polices into the implementing ordinances. • The city shall adopt goal 8 implementing ordinances. 	<p>June 2012</p> <p>June 2014</p>
Goal 9	<ul style="list-style-type: none"> • The city shall adopt a suitable land development code and implementing ordinances that support and facilitate economic development in the city. • The city shall reconsider or make findings about the availability of sites for heavy industrial activity. 	<p>June 2014</p> <p>June 2012</p>

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Goal 10</p>	<ul style="list-style-type: none"> • Adopt a 20-year population forecast that is coordinated with METRO and that complies with Goal 14, OAR 660-024-0030, ORS 195.025, and ORS 195.036. • Complete and adopt a residential Buildable Lands Inventory (BLI) that complies with Goal 10, OAR chapter 660, division 7, and ORS 197.295 <i>et seq.</i> • Complete and adopt a 20-year housing needs analysis (HNA) that complies with Goal 10, OAR chapter 660, division 7, ORS 197.295 <i>et seq.</i>, and ORS 197.303. The HNA shall be based on an overall residential density of eight or more dwelling units per net buildable acre for new construction, consistent with OAR 660-007-0035. • Complete and adopt a 20-year residential lands needs analysis (RLNA) that complies with Goal 10, OAR chapter 660, division 7, ORS 197.295, ORS 197.307, ORS 197.312, ORS 197.314, ORS 197.475, ORS 197.480, ORS 197.485, and ORS 197.660 through 197.670. The RLNA shall be based on an overall residential density of eight or more dwelling units per net buildable acre for new construction, consistent with OAR 660-007-0035. The RLNA shall designate sufficient buildable land to provide the opportunity for at least 50% of new residential units to be attached single family housing or multiple family housing, consistent with OAR 660-007-0030. • Complete and adopt implementing land use/development regulations, zoning map, revised comprehensive plan map, and revised residential plan policies to designate, zone, and govern development on residential lands within the urban growth boundary for 1) housing consistent with the HNA and RLNA, and 2) non-residential uses permitted in residential zones, if any, consistent with 20-year urban needs. • Adopt all of the above-described documents, except for land use/development regulations, into the city's comprehensive plan. 	<p>November 2012 August 2013</p> <p>November 2012 August 2013</p> <p>November 2012 August 2013</p> <p>June 2014</p> <p>June 2014</p> <p>June 2014</p>
-----------------------	--	---

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Goal 11</p>	<ul style="list-style-type: none"> • Revise the public facilities plan to comply with Goal 11, OAR chapter 660, division 11, and the city's adopted coordinated 20-year population forecast. Adopt the revised public facilities plan into the city's comprehensive plan. • Prepare and adopt implementing ordinances that address the provision of water, sanitary sewer, storm water, and transportation facilities and services consistent with the revised public facilities plan and with the land use designations in the urban growth boundary. 	<p>September 2013</p> <p>June 2014</p>
<p>Goal 12</p>	<ul style="list-style-type: none"> • The city shall adopt a Transportation Systems Plan (TSP) that meets OAR chapter 660, division 12. • The city shall adopt Goal 12 implementing ordinances. 	<p>November 2012 <u>August 2013</u></p> <p>June 2014</p>
<p>Goal 14</p>	<ul style="list-style-type: none"> • Adopt a 20-year population forecast that is coordinated with METRO and that complies with Goal 14, OAR 660-024-0030, ORS 195.025, and ORS 195.036. • Coordinate with the applicable school district or districts to prepare and adopt a school facilities plan for the urban growth boundary consistent with ORS 195.110 and the city's comprehensive plan. Adopt the school facilities plan into the city's comprehensive plan. • Ensure that all lands within the urban growth boundary have urban plan designations consistent with need determinations, in compliance with Goal 14 and OAR 660-024-0050(6). • Ensure that all lands within the urban growth boundary are zoned either 1) for urban use, or 2) to manage their use and division in a manner that maintains their potential for planned urban development until appropriate public facilities and services are available or planned, by either retaining the rural zoning or by adopting interim zoning, in compliance with Goal 14 and OAR 660-024-0050(6). • Work with department staff to revise transition and urbanization plan policies for consistency with Goal 14. Adopt revised policies into the city's comprehensive plan. 	<p>June 2014</p> <p>June 2014</p> <p>November 2012 <u>August 2013</u></p> <p>November 2012 <u>August 2013</u></p> <p>Update the commission in December 2011 – adopt revised policies June 2014</p>

ATTACHMENT TO ORDER 13-CONT-COMPLY-001828

<p>Other</p>	<p>The City of Damascus will provide status reports approximately every six months to the Land Conservation and Development Commission until they have an acknowledged Comprehensive Plan and implementing ordinances adopted. The updates may be written reports that DLCD staff can present to the commission or part of the director's report. The first update should be a detailed outline of how the City intends to transition from rural to urban.</p>	<ul style="list-style-type: none"> • December 2011 – update on transition from rural to urban development • April 2012 – progress update on comp plan adoption • October 2012 - progress update on comp plan adoption • April 2013 - progress update on comp plan adoption and implementing ordinances • October 2013 – LCDC acknowledgment of the Comprehensive Plan • April 2014 – LCDC acknowledgment review of implementing ordinances
--------------	--	--

EXHIBIT C

Michelle A. Fleskes

From: Paul R. Hribernick
Sent: Thursday, March 07, 2013 11:51 AM
To: Clarence H. Greenwood; Michelle A. Fleskes
Subject: FW: Request_correct jurisdiction_TL near Damascus

From: Gilevich, Shari [<mailto:sharig@co.clackamas.or.us>]
Sent: Thursday, February 28, 2013 5:59 PM
To: Paul R. Hribernick; John Morgan
Subject: FW: Request_correct jurisdiction_TL near Damascus

Good afternoon,
I asked Metro to look in to the jurisdictional status of TL 900 and they show it outside the city limits.
I'll following up next week with the surveyor's office, but don't think there would be a different answer.

And, I'm out of the office next week, but will be getting emails to finish up on the staff report and notices that will be needed the week of March 11.

Shari Gilevich
503-742-4523

From: Zac Christensen [<mailto:Zac.Christensen@oregonmetro.gov>]
Sent: Thursday, February 28, 2013 5:49 PM
To: Gilevich, Shari
Subject: RE: Request_correct jurisdiction_TL near Damascus

Our records show parcel 23E07A 00900 as being unincorporated and outside of the city limits of Damascus. The legal description from original annexation also has the property outside of the City of Damascus.

For further confirmation you might have the Carl Clinton from your surveyors office confirm the legal description he wrote for the original annexation.

Thanks,
Zac

From: Gilevich, Shari [<mailto:sharig@co.clackamas.or.us>]
Sent: Thursday, February 28, 2013 5:05 PM
To: Zac Christensen
Subject: Request_correct jurisdiction_TL near Damascus

Hi Zac,

The attached document gives a brief description of the issue, background information I've found and request for a determination of the jurisdiction of tax lot 900, 2-3E-7A.

I put some highlights on the maps and could only add those and send a document as a pdf. However, the pdf version did not carry over useable web links to the maps, so I am also sending the Word document. The two documents are the same except for these highlights in the pdf version.

I will be out of the office next week but will be doing some work from home. So, you'll get the "out of office" message via email, but I will have emails forwarded to complete this work.

We hope to have a determination by the end of next week so that our notice for an upcoming public hearing will be accurate about the parcel's jurisdiction. If that is not possible, we will provide a caveat in the notice that this is still to be reconciled.

Thanks ahead of time for your assistance.

Shari Gilevich
Clackamas County Planning & Zoning
503-742-4523



City of
Damascus

19920 SE Highway 212
Damascus, OR 97089

www.ci.damascus.or.us

Phone: 503-658-8545
Fax: 503-658-5786

March 12, 2013

Charles A. Fick
General Distributors Inc.
13895 Fir Street
Oregon City, OR 97045

Dear Mr. Fick,

Thank you for your March 11, 2013 letter regarding General Distributors' application to withdraw from the City of Damascus. As you know, on February 28, 2013 the Council made a decision to postpone not only GDI's request to withdraw but any other property owners' requests to withdraw from the City of Damascus until after the November election. However, on February 28 the Council chose to continue with the Lowell Patton de-annexation process because it was already in the hearing process.

The Council has many elements to review and decisions to be made regarding the Comprehensive Plan. On February 28, the Council made the decision to focus our time and efforts at this time on the important task of completing the Comprehensive Plan in order for it to be placed on the November 2013 ballot.

Following the November election, please contact the City of Damascus Planning Department if you are interested in pursuing de-annexation at that time.

Sincerely,

Steve Spinnett
Mayor

- Incorporated 2004 -