

*Testimony furthered by James De Young on  
3/11/15 to the House Com.*

February 13, 2014

Re: HB 4029

Dear Chair Representative Clem and Committee Members,

I, Kris Tabor, apologize for coming before your committee somewhat unprepared Tuesday February 11th. Upon arrival I still did not know what the bill was called so I had not secured a copy to read before hand. It appeared that sponsors arranged for me to speak first rather than following those in favor: I could not do so effectively. Thank you for taking further written input.

Before voting I trust each of you will please read all my words. At minimum, please review the two attachments.

When I learned Monday evening February 10<sup>th</sup> about a bill similar to last year's defeated SB708 I began making arrangements to get to Salem.

After reading HB4029 my position does not change. Here are some facts that I do not believe were presented to your committee, and it is unlikely they were offered in the Capitals hallways, and it is also doubtful all 5 political supporters really understand much about what has transpired in Damascus during the almost 10 year struggle for everyday VOLUNTEER citizens to craft their own city and improve where they live.

Hundreds of thousands of hours have been volunteered after working all day. Much like yourselves weekend and evening family time has been forfeited over and over. Friends and neighbors have been fighting through really ugly struggles to find enough commonality to move Damascus forward. I personally have never voted for our mayor, yet, here I find myself on the same side with him opposing HB4029. (Many of his antics have insulted and infuriated my personal sensibilities. I share this not to be disrespectful but only to illustrate how ill-conceived I find this bill to be.)

**We are so close!**

Please do not let a few private developers negate the hard and painful work of all these citizens, especially with almost no Public Process of a very hush hush bill with very misleading **Emergency** language at the end of HB4029.

The City of Happy Valley took 10 years to pass a comprehensive plan. Mayor DeRemer likely has not been around long enough to recall that entire process. Put in perspective, Damascus is not that far off base.

This bill does not benefit the residents of Damascus. It is aimed at one thing: to give special consideration to private developers. Once Happy Valley is allowed to begin scooping up properties (especially the largest commercial ones) needed to produce enough revenue to run the

City of Damascus in the future, I predict Diana Helm will get her donut hole and the city will entirely fold. Mrs. Helm owns a business in the heart Damascus and as an ex-council person has been drug through many unfortunate ridiculous and ugly situations with our mayor.

Still it was surprising to see former Councilor Helm supporting Mr. Patton's efforts this week. In the past she supported us when Patton tried to sneak through zone changes on my entire neighborhood saying he wants to be all industrial east of Carver and that we all wanted to be changed to village employment instead of residential!

General Distributors Inc. could have purchased immediately develop-able land within Happy Valley. Instead they speculated and spent far less money to buy within Damascus. Now they wait with the rest of us.

Lowell Patton has had a sawmill with a few acres in Carver for 40+ years, but he did not tell you he also speculated and acquired the rest of his 240 acres very slowly over time and public county records verifies some parcels were purchased for a pittance.

Patton has a long history of suing almost every municipality he has owned property in, including the City of Portland, Clatsop and Tillamook counties.

**In the past Patton and his company illegally accepted and deposited approximately 900 tons of solid toxic waste materials in Carver!** Eventually an underground fire started smoldering and DEQ took action. Patton was fined and ordered to remove and dispose of the waste roofing properly. Instead he and his Pacific Western company moved it and illegally re-dumped the waste on Patton's property in Rhododendron according to the Metro document Resolution NO. 07-3805 that can be found online. For your convenience a copy is also attached to this email.

Patton is not the good neighbor he portrays. He has several parcels in Carver where he has harvested all the trees and never bothered to replant, so he also has been in violation of his timber permits for years, yet continued to reap the benefit of low timber deferral taxes on these parcels. The fire fuel load on the ground is terrifying. Neighborhood wells (and landscapes) have been adversely affected by ground water roaring off Patton's slopes. The removal of 100's of acres of natural tree canopy no longer allows rainwater to process normally down into the aquifer. (Several neighbors and I had to spend \$8500. each just for the ability to hook up to city water plus now have a recurring monthly bill. Looking back perhaps we should have spent the money suing Patton but water is what we needed most.)

I have lived here since 1978. My tiny historic river community sits along the shores of the State designated Wild and Scenic Clackamas River, the southern most border of the UGB and the southern border of the City of Damascus, just up river from the newly designated Kipling Rock. Once deannexation is allowed to begin carving away the city we would in fact become little more than an odd dog-leg wedged between Patton and the river.

The yellow sign displayed by Mr. Patton at Tuesday's hearing was presented very much OUT of CONTEXT.

Damascus and it's problems of becoming a city are only a miniscule part of the problem as to why Clackamas County has fallen behind in providing jobs. I don't believe deannexing will provide nearly as many jobs as will be created once Damascus passes a comp plan.

Patton and his Carver business's have long held the area hostage by doing whatever he pleases knowing if caught in violation, he can always pay a fine and continue doing it anyway.

Mr. Patton does not live in Carver. He resides on Lake Oswego's South Shore Boulevard.

Most of your committee rightfully respects John Morgan who until recently was a city planner for the City of Damascus. Mr. Morgan was likely frustrated with the City but that is not why he left. Sadly Morgan was forced out much in the same manner Mayor Spinnett has forced out numerous city managers.

Friends of Madrone Wall does not support deannexation and I am very sure that if John Morgan was asked now that he is no longer a city employee, Morgan would not have supported it either. Just a few months ago landuse attorney Ed Sullivan also told Damascus City Council why it wasn't a good idea.

This business of becoming a city is very complex and I have barely scratched the surface of what is going on here. But House Bill 4029 brings to mind the term "pork barrel legislation" - Please look through all the layers of veils and see it for what it is.

At the very least set it aside for awhile until you can fully educate yourselves.

Thank you for all the difficult work you do for all Oregonians.

Respectfully,

Kris Tabor

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