

TO: Lindsay Trant, Committee Assistant
Rural Communities, Land Use, and Water Committee

SUBJECT: Opposition to House Bill 3368

Please do not pass HB 3368 from committee. Although the bill does not name Mark Fritch, it appears it was written specifically to address his unique circumstances.

I am very concerned that passage of HB 3368 and Clackamas County approval of Mark Fritch's log home industry on forest land would make it the first General Industry on timber-zoned land, the first General Industry in the Mt. Hood Corridor, the first General Industry on the Barlow Road Historic Corridor, and the first General Industry in very close proximity to a residential neighborhood of urban-sized lots. And if approved, it would most likely be the first time a General Industry would be permitted as a Home Occupation.

History of Mark Fritch Log Homes

In 2011 when Mark Fritch had to move from his rural-industrial rental site of 20 years near Shorty's Corner on Highway 26, Clackamas County personnel offered to show him industrial-zoned sites in the Estacada area. Mr. Fritch declined their offer and instead entered a lease-option agreement for a 5-acre timber-zoned site on Marmot Road because it was less expensive than industrial-zoned sites. The difference in price makes it clear we need proper land use planning to protect Oregon working forests from industrial development.

The forest site is located in the Mt. Hood Corridor right across Marmot Road (*40-foot-wide historic Barlow Trail corridor*) from urban-size rural residential home sites (RRFF-5) and about 200 feet from the Sandy River. It is adjacent to the Barlow Wayside Park hiking trails and below the Sandy Ridge mountain bike trails.

Mr. Fritch's Conditional Use Permit application (Case File Number Z0127-12-C) to permanently establish a log home building industry on forest land was denied by a Clackamas County Hearings Officer on September 6, 2012, and that decision was affirmed by LUBA and the Oregon Court of Appeals. Mr. Fritch enlisted the help of Oregonians in Action, Senator Chuck Thomsen, and Representative Mark Johnson who attempted a legislative solution with SB 1575 and HB 4153 in the 2014 short session. Those bills were not forwarded out of committee.

The Association of Oregon Counties, on behalf of Mr. Fritch, then requested that the Land Conservation and Development Commission (LCDC) initiate rulemaking to define the *primary processing of forest products in forest zones*. The Rules Advisory Committee (RAC) has met three times since October 2014. The LCDC commission accepted public comments on March 12 and plans to make a final decision at their May 21, 2015, meeting.

Mark Fritch filed a new permit application (Case File Number is Z0295-14-C & Z0309-14-HOEX) in August 2014, and completed the purchase of the timber site in September 2014. His original permit application has been repackaged as a "Conditional Land Use/Home Occupation Exception Application" but employs the same outdoor storage and processing which clearly make it a General Industry.

This is a combination application that may be unprecedented in Oregon law. It is an attempt to create a new type of application and process that is not permitted by Clackamas County codes. In fact, the concept of locating heavy manufacturing facilities adjacent to established residential areas is in direct conflict with the provisions of the Clackamas County Comprehensive Plan and contrary to Oregon's 40 years of excellent land use planning.

The home on the site is a double-wide mobile home. To accommodate his log home building industry as a home operation, Mr. Fritch states in his application that he would add 2048 square feet to an existing 1750 square-foot shop. He lists his vehicles and equipment as car, pickup, 1-ton flatbed, Class 6 tractor, Class 8 dump truck, crane, telehandler, forklift, manlift, frontend loader, trackhoe, portable sawmill powered by Honda 4 cycle gas motor, chainsaws, pressure washer, compressor, generator, blowers, line trimmers, grinders, and drills. He sprays the logs with chemicals toxic to humans and fish according to the Material Safety Data Sheets that accompany his application. He lists his hours of operation as 7am to 6pm Monday-Friday, but indicates times may vary. The public hearing before a Hearings Officer has been postponed from February 19 to May 7, 2015, apparently at Mr. Fritch's request.

Neighbors endure excessive noise from multiple chainsaws and heavy equipment, carcinogenic diesel fumes and other exhaust, plus toxic industrial chemicals that are openly sprayed on logs and can leach into streams and flood waters that run from his site through neighboring properties into the Sandy River. Mr. Fritch used unpermitted gravel to fill a wetland for which he was fined by the Department of State Lands. Runoff from his filled-in wetland now flows across Marmot Road, erodes our driveway, and runs into Calanthe Creek, an Essential Salmonid stream, carrying remnants of diesel fuel and toxic chemicals from his worksite directly into the scenic, fish-bearing Sandy River.

History of Neighborhood

Our family owns a cabin and five lots across Marmot Road from the industrial site. In 1945 our grandfather and his business partner purchased a strip of land between Marmot Road and the Sandy River and developed it into 23 urban-size riverfront residential home sites, LenArt Acres, in 1946. (Contrary to frequent assertions by Mr. Fritch, they were not built as mill-worker housing.) We still have the cross-cut saw our grandfather used to cut trees on his own land to build a summer cabin using hand tools in 1948. Our property has been used as a quiet retreat by family and friends for decades.

Passage of HB 3368 would permit industries to locate on valuable resource lands throughout the State of Oregon, rather than in economically struggling communities that would welcome them.

I urge you to **not pass** this bill out of your committee.

Sincerely,
Suzanne Piland
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