

To: Lindsay Trant, Committee Assistant  
Rural Communities, Land Use and Water Committee  
Re: Opposition to House Bill 3368

We are writing to you to ask you to not pass HB3368 from committee. Our family has owned property on Marmot Road in the Mt. Hood area since 1945. We have experienced decades of peace and quiet enjoying the rush of the Sandy River, wildlife and aquatic animals wandering by, protecting and enhancing the Essential Habitat Stream, Calanthe Creek that flows through our acreage.

HB3368 is not the first time Mark Fritch and his anti-land use planning activists have attempted to alter land use planning to suit his illegal industrial operation across the historic Marmot Road Corridor from residential home sites along the scenic Sandy River. Mr. Fritch applied for a conditional use permit in Clackamas County in 2012 and was denied at the Clackamas County Planning hearing, denied again at the LUBA hearing and again at the Oregon Court of Appeals. Mr. Fritch, Senator Thomsen and Oregonians in Action then tried a legislative approach during last year's Legislative short session with HB4153 and SB1575. Those bills were without merit and not forwarded out of committee. Then Mr. Fritch and his anti-land use planning associates tried to have DLCD make a definition change. An appointed committee has been meeting since November and the full commission is planning to make a final decision at their May meeting.

Mr. Fritch applied again in 2014 to Clackamas County Planning to allow his heavy industrial business as a combined Conditional Use Permit and Home Occupation. A combination that is unprecedented in Oregon law. To accommodate his log home manufacturing business, he would need to build a three story nearly 3000 sq. ft. building or be allowed to continue constructing his log houses (as he been illegally doing since 2011) in the yard area adjacent to the historic Marmot Road and within 200 feet of the scenic Sandy River.

Clearly this bill proposes to change the intent of Home Occupation by extending the scope of business in a farm or forest zone to include open spaces. The purpose of the original rules limiting operations to indoor spaces is to minimize the impact on neighboring properties, wildlife and watersheds, scenic and recreational uses. It was certainly not meant to allow a heavy industrial log home manufacturing business to construct log buildings using chainsaws, diesel trucks and other large equipment near residential homes.

Mr. Fritch's illegal industrial business has caused much distress to the neighbors living full-time across the street. They continue to regularly endure loud noise, noxious fumes and toxic chemicals. He is in a mode of constant application or appeals process, therefore Clackamas County Planning has allowed him to continue his heavy industrial business without even the constraints a legally permitted business would be required to meet. He has been allowed to park too many vehicles, including large diesel trucks, lift trucks, cranes, several vehicles in disrepair, plus his personal and employee vehicles. He uses toxic chemicals without proper safety procedures, he uses chainsaws during high fire season shut down and he uses loud equipment after business hours. Mr. Fritch used unpermitted rock and gravel to fill and illegally grade his current work area. Runoff from Fritch's filled-in wetland now flows across the historic Marmot Road, erodes down our driveway and into Calanthe Creek, an Essential Salmonid stream, carrying remnants of diesel fuel and toxic chemicals from his worksite the few yards to the scenic Sandy River.

We encourage you to consider the serious implications of HB3368 and do not pass this bill out of your committee.

Sincerely,  
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