

To: Senate Committee on Environment and Natural Resources Senator Michael Dembrow, Chair

Re: SB 186 - Land use designation changes

Please submit this letter into public records

Barkers Five LLC is requesting to be included into the SB 186 as Urban Reserve.

We were part of the appeals process and won the Oregon Court of appeals opinion in the remand. We absolutely meet the urban factors. The process of the Urban and Rural Reserves was anything but fair or transparent. Below is a brief history of our journey.

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The 5 Barker siblings own property in Multnomah, we are the 3<sup>rd</sup> generation and this property has been in the family for over 110 years. It is a property of 62 acres located next to Washington Co line where the Planned North Bethany is now feverously underway. The lower 24 acres abuts the UGB (no house site allowed) and is flanked by Kaiser Rd on the west side, and Germantown divides the two properties. All five Barker kids were raised on this land from birth starting back in 1951. This was our only family home.

We had aspirations of raising our children on our property, but due to continuous land-use regulations beginning with SB 100 in the mid 70's our property rights were diminished. This has truly has been heartbreaking for us. I am 62 years old, this dream is gone.

Timeline of property and our fight to regain property rights:

**1905** Our grandparents purchased the upper 37 acres.

**1907** Grandparents purchased the lower 24 and built their house on this piece.

**1920's** Germantown road was changed and with this change Germantown road was moved from the front of our grandparent's house to between the house and their barn. This was anything but practical. The house sits on the north side of Germantown rd and the barn was on the south side of Germantown rd. Today the lower 24 acres abutting the North Bethany expansion is without one buildable home site.

**1948** Our father purchased the upper property (37 acres) from grandparents, married mom and he alone built our home where we were raised. There was no zoning at that time.

**1972/1973** Parents application to request to divide into smaller buildable parcels was denied by Multnomah Land-use Planners. Note: this was before SB 100 (zoning changes) had even been legislatively approved. They also hired land specialists to get

zoning relief. This did not happen.

**1993** Parents moved to a retirement community. They partitioned the house off to be sold separately keeping the property intact for the children. They were in hopes that zoning laws would change, allowing us to build. Our parents felt strongly regarding owning land and land rights.

**2000** Both parents are deceased. George Barker 1995, Mary Jane Barker 2000

**2006** Measure 37 application was denied

**2008** Urban and Rural Reserves meetings (2008-to the end) in Multnomah Co and Metro. We attended almost every meeting and open house. The Multnomah reserves process failed property owners. The CAC members representing the West Hills lived on small parcels 2 to 6 acre parcels and were members of the Forest Park Neighborhood Association. Their goal was to keep everything as rural reserves. This was not a fair or transparent process. It was extremely frustrating to see how they sought to get the factors favorably applied to support them. The Barker family was very involved throughout this entire process.

**2009/2010** Application measure 49. Final: allowed one building site on the upper 37 acres. Lower 24 acreage building site not allowed

**2012** Barkers Five LLC vs. LCDC

**2014** We won the Court of Appeals decision in Multnomah County. The factors were not correctly or fairly applied. We are located in the most southern area referred to as 9D. We firmly agree with the court of appeals opinion.

Our property fits within the factors for being urban reserve. Direct access to water and sewer, connectivity, walkable, schools, potential parks for public use, has developable land at urban density, direct infrastructure...

**2017** Three years later...continued delays of the 2014 Metro Urban and Rural Reserves remand.

Being classified as **Exclusive Farm Use** is a misnomer: We lack irrigation rights, a busy road bisects the 2 properties, and we have creeks and slight slopes with poor soils....we were once tested for a rock quarry in the upper most northern section

We meet the Urban Reserve Factors

We have been fighting for decades to regain our property rights

We are not developers

We abut to UGB with all infrastructure needed

Thank you for taking the time to read this.

Barkers Five LLC  
Sandy Baker (maiden name Barker)