

From: Peter Watts
To: [SENR Exhibits](#)
Cc: [Sen Johnson](#); [sandy baker](#); [Steve Barker](#); [Steve Baker](#); [Matthew D. Lowe](#)
Subject: Public Testimony for SB 186
Date: Thursday, April 13, 2017 11:35:55 AM

Dear Chair Dembrow and Members of the Committee-

I am a land use and municipal lawyer, and my firm represents the Barker Family, regarding the designation of their property. I request that you please include this email and the attached slides in the record. I am also here today to ask that you include their property in SB 186, with the designation of Urban Reserve. The Barkers are not developers or speculators, they are a family who has owned this property for approximately 100 years. Their property, which is part of the Multnomah County remand, is currently designated Rural Reserve. The first slide in the attachment shows their property, which is directly adjacent to the Urban Growth Boundary, in the area known as North Bethany. It also shows what was built in 2016.

The second slide shows that much of the land that was platted for new development in 2016 has been built. Slide 3, which is information from Metro, helps to quantify the rate development for North Bethany. I have spoken to developers involved in the project, and they have said it is likely that it will be fully built out in the next four to five years. The distance between the Barker's property and water, sewer and transportation infrastructure can be measured in feet.

For the purposes comparison, I've included a map of the Urban Reserves that are located adjacent to what was formerly the city of Damascus. The "X" on the map is the intersection of highway 212 and 224, which is approximately how far sewer services are extended. The exact location is illustrated on the next map.

Practically speaking, sewer is built in public right of ways. The distance between where the sewer is currently located and the western edge of Urban Reserve 1D, is approximately 6.2 miles. As the former city attorney, for the former city of Damascus, I can tell you that there are major topographic and drainage basin issues in that 6.2 miles, which will make the cost of providing sewer services incredibly expensive.

It was been a little over three years since the Court of Appeals remanded the Urban and Rural Reserves, three years since what was termed the Land Use Grand Bargain. I've included Multnomah County's notice of their hearing to deal with the reserves remand, which is scheduled for May 4th.

Multnomah County is not reopening the record, which means none of these materials will be in front of the Commissioners. As a result, I believe that all of the data in front of them will be from 2011 or earlier.

I've included the Metro summary for urban and rural reserves. I do not need to speculate on whether the Barker Property would urbanize if it were developable. The final document is a letter from Icon Construction, expressing interest in an option. Icon is one of three developers who have

told me they are interested in the property if the designation has changed.

Thank you for your time and consideration.

Peter

Peter O. Watts | Attorney

Jordan Ramis PC | Attorneys at Law

Direct: 503-598-5547 Main: 503-598-7070

Satellite Map of Bethany Development/Barker Property Google Maps 2016





2017

Metro's reporters wrote on October 25, 2016:

Since 2014, about 800 single-family houses and 370 apartments or condos have been permitted in the North Bethany area. Some neighborhoods, like the 290-home Bethany Creek Falls, are largely complete, with new homes, streets and parks already filling with families. While most of the homes built so far have been single-family detached houses, construction of apartments and townhomes is picking up, county staff report.

<http://www.oregonmetro.gov/news/where-housings-happening-around-portland-and-what-had-happen>



- LEGEND**
- Water Pollution Control Plant
 - Proposed Pump Station
 - Clackamas Interceptor Alternative 2 - New 36" Gravity from Rock Creek to Clackamas Pump Station, upgrade Clackamas Pump Station, 30" Force Main to Tri-City WPCP
 - Preliminary Intertie II Corridor
 - Road
 - Railroad
 - Waterbody

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Public Hearing Notice

THIS IS TO NOTIFY YOU THAT MULTNOMAH COUNTY HAS PROPOSED A LAND USE REGULATION THAT MAY AFFECT THE PERMISSIBLE USES OF YOUR PROPERTY AND OTHER PROPERTIES.

**MULTNOMAH COUNTY BOARD OF COUNTY COMMISSIONERS
PUBLIC HEARING TO CONSIDER AN ORDINANCE
RELATING TO URBAN AND RURAL RESERVES**

MATTER # PC-08-010

**The Public Hearing will be held at 9:30 a.m., May 4, 2017,
in Room 100, 501 SE Hawthorne Blvd., Portland, OR 97214.**

On May 4, 2017, at 9:30 A.M., the Multnomah County Board of County Commissioners (Board) will conduct a public hearing to consider an ordinance relating to urban and rural reserves.

The Board has determined that adoption of this ordinance may affect the permissible uses of your property, and other properties in the affected zones, and may change the value of your property.

If adopted, the proposed ordinance would reaffirm all previously adopted urban and rural reserve designations and adopt supplemental findings in response to the remand orders in this matter by the Oregon Court of Appeals and Oregon Land Conservation and Development Commission. See "Background Information" below for additional information.

Procedure and Public Participation

The Board may adopt the proposed ordinance, adopt a modified version thereof, or may reject the proposed ordinance. A decision to adopt the proposed ordinance, or a modified version thereof, will be based on substantial evidence in the record in this matter as a whole.

Consideration of this matter will be based on the existing record in this matter; new evidence will not be admitted into the record.

The opportunity to present written and/or oral testimony in support of or opposition to the proposed ordinance will be provided at the hearing. In addition, written testimony may be submitted prior to the hearing by:

Email: boardclerk@multco.us; Subject Line "Urban and Rural Reserve Testimony"

U.S. Mail: Multnomah County Board
Attention: Urban and Rural Reserve Testimony
501 SE Hawthorne Blvd.
Portland, Oregon 97214-3587

How may I review the proposed ordinance or obtain additional information?

1) A copy of the proposed ordinance may be viewed online **after April 28, 2017** at:

http://multnomah.granicus.com/ViewPublisher.php?view_id=3

2) A hard copy of the proposed ordinance will be available for inspection and, at a cost of \$0.30/page, available for purchase, from the Multnomah County Board Clerk located at 501 SE Hawthorne Blvd., Portland, Oregon 97214, between the hours of 8a.m. and 5p.m., Monday– Friday, **after April 28, 2017**.

Scheduling an appointment in advance is appreciated; please call: 503-988-5274.

3) To ask questions or obtain additional information, please contact:

Michael Cerbone, Multnomah County Planning Director

Phone: 503-988-3043

Email: michael.cerbone@multco.us



LAND USE PLANNING DIVISION M522
1600 SE 190TH Avenue Portland, OR 97233
PH: 503-988-3043 FAX: 503-988-3389
<https://multco.us/landuse>

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FORWARDING SERVICE REQUESTED

Background Information

“Rural reserve” means land reserved to provide long-term protection for agriculture, forestry or important natural landscape features that limit urban development or help define appropriate natural boundaries of urbanization, including plant, fish and wildlife habitat, steep slopes and floodplains. Such land may not be included within an urban growth boundary for a period of 40 to 50 years. ORS 195.137(1), 195.141(2)(c).

“Urban reserve” means lands outside an urban growth boundary that will provide for future expansion over a long-term period and the cost-effective provision of public facilities and services within the area when the lands are included within the urban growth boundary. Urban reserves must be planned to accommodate long-term population and employment growth. ORS 195.137(2), 195.144(4).

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER

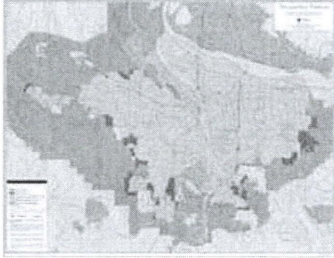
ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.



Home

Urban and rural reserves

In the Portland metropolitan region, urban and rural reserves, along with the urban growth boundary, are the underpinnings of the region's land use and protection planning.



Urban and rural reserves map: Regional

Last published
Sept. 2, 2016

Download pdf

46.85 MB

< **Overview** [History and 2014 process changes](#) >

The two types of reserves are lands currently outside the existing urban growth boundary:

Urban reserves are lands suitable for accommodating urban development over the 50 years after their designation.

Rural reserves are lands that are high value working farms and forests or have important natural features like rivers, wetlands, buttes and floodplains. These areas will be protected from urbanization for 50 years after their designation.

These designations do not change current zoning or restrict landowners' currently allowed use of their lands. They do provide greater clarity regarding long-term expected uses of the land, allowing public and private landowners to make long-term investments with greater assurance.

Not all land adjacent to the urban growth boundary is designated as urban reserve or rural reserve. Undesignated lands remain outside of the urban growth boundary and are of lower priority for possible urban growth boundary expansion.

[Buy a printed copy of the Urban and rural reserves map](#) —>

RELATED DOCUMENTS



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fax (503) 655-5991

website iconconstruction.net

March 8, 2017

Mr. Peter Watts
Centerpointe 2, Suite 600
Lake Oswego, Oregon 97035

Subject: Barker Property

Dear Mr. Watts

Thank you for taking my call regarding the Barker Property. Icon Construction and Development would be very interested into entering an agreement with the Barker's for an option to purchase their land. The purchase would be conditioned upon the land being designated an Urban Reserve and closing would be conditioned upon the land being brought into the UGB.

The Barker property is prime development land. Our company has had difficulty in locating land supply within the Portland Metro area and for that reason we have had to acquire land in Woodburn area vs acquiring land in the Metro area.

I look forward to moving forward with the Barker Family. Please let me know when the Barker's would like to meet.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Handris', with a stylized flourish extending to the right.

Mark Handris
Icon Construction & Development, LLC