

Chairman Clem  
Vice Chair McClain  
Vice Chair Sprenger  
Member of the Committee

Tuesday morning, the 18<sup>th</sup>, your Committee has a Work Session of HB 2094. It is unlikely we will be able to attend due to some work commitments here in Portland, and given your Committee Administrator expressing doubt the bill, given the full agenda, will get a hearing or a vote to move out of Committee.

With that we would like to resubmit the letter below sent to all of you upon the first hearing. We will also be submitting testimony from last week related to SB 186 attached. I recognize SB 186 is a different bill, yet similar to HB 2094. Your bill is more general, SB 186 is property specific.

In addition we will be offering a time-line of the property and the four generations who have owned it, again submitted to SB 186 last week. Attached.

We would like all of this submitted to or for HB 2094.

And if I may recognize something...it is the time of the Legislative Session where bills either move on, or are killed. Our hope is HB 2094 continues on.

And the simple reason for that request is The Oregon Court of Appeals, Barkers5 LLC vs LCDC was remanded February of 2014.

I believe there were 24 litigants. Two are left standing due to the Court's decision; Clackamas County and Barkers5.

As per below we have struggled with Multnomah County for years, well before the Court of Appeals. We have followed the protocol, followed the rules and have been stymied throughout by Multnomah County. Now, as part of the testimony already submitted for your consideration tomorrow, Multnomah County has 'signed' on with Clackamas County asking for your Committee to let them handle all of this at their level of Jurisdiction.

Let me repeat myself, the Barkers5 LLC v LCDC was three years ago.

In earlier testimony Mr. Hunnicutt, Oregonians In Action, testified before your committee that if your Committee sends this back to the Counties, there will be appeals, again. And likely this could extend the process for two or three more years. We agree with this assessment. There have been constant delays with the Urban and Rural Reserve Process. And once again, Multnomah County asks to let them fix this. They even have scheduled a late May meeting, with no input requested until one week before that meeting.

The Barkers property is literally the county line (Multnomah and Washington Counties), the Urban Growth Boundary, and the Urban-Rural Reserves Line. All three impact the Barker land.

From the document supplied by our attorney last week related to SB 186, attached, pictures and maps were included that clearly demonstrate the Bethany Development comes right to the property.

The Barkers land is not rural, it is Urban:

Beaverton School District is opening a new Elementary school this fall due to overcrowding. That school is just across the road.

Bethany, depending in which numbers you want to use, is planning on 5000-10,000+ new dwellings, just across the road.

Utilities and connections have begun in Bethany, just across the road.

Germantown and Kaiser Roads are clogged by commuter traffic every morning and afternoon, and these two roads boarder the property.

The property is bisected by Germantown Rd., is not Foundation Farm Land, and we have no water rights.

The Mayor of Beaverton has requested that the property not be rural.

Perhaps the biggest problem we have faced with the property is it sits in Multnomah County. If the property was in Washington Country we would not have to ask you the Committee to keep this bill alive. Since we are not hopefully your Committee will address this issue with some common sense. That is our hope.

Steve and Sandy Baker