

**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF THE ENFORCEMENT)	SERVICE OF PETITIONS
ORDER FOR THE CITY OF DAMASCUS)	FOR PARTY AND LIMITED
PURSUANT TO ORS 197.324)	PARTY STATUS
)	

I have received a number of Petitions for Party or Limited or Limited Party Status in this matter. Pursuant to OAR 137-003-0005(4), I am serving copies of the petitions on the parties in this case. I am also serving copies on the potential parties and limited parties. Under OAR 137-003-0005, the parties have seven days to file a response to the petitions.

The prehearing conference is scheduled for December 5, 2013. Because petitions for party or limited party status will not be ruled on prior to the prehearing conference, both parties and potential parties will be allowed to participate, as stated in the Notice of Contested Case Hearing.



Fred Wilson
Hearings Officer

December 4, 2013

Certificate of Mailing

I hereby certify that on this day I mailed RENEE UGRIN; JOHNSON CREEK WATERSHED COUNCIL; CLACKAMAS COUNTY; CITY OF HAPPY VALLEY; METRO; KARL WESCOTT; CITIZENS FOR MOVING DAMASCUS FORWARD; GENERAL DISTRIBUTORS, INC AND WILLIAM COX'S PETITION FOR PARTY STATUS to the parties listed below. I further certify that I served RENEE UGRIN; JOHNSON CREEK WATERSHED COUNCIL; CLACKAMAS COUNTY; CITY OF HAPPY VALLEY; METRO; KARL WESCOTT; CITIZENS FOR MOVING DAMASCUS FORWARD; GENERAL DISTRIBUTORS, INC AND WILLIAM COX'S PETITION FOR PARTY STATUS upon the parties listed below by e-mail:

Tim Ramis
City of Damascus
2 Centerpointe Dr.
6th Floor
Lake Oswego, OR 97035
Tim.ramis@jordanramis.com

Fred Wilson
Department of Land Conservation and
Development
635 Capitol St.
Ste. 150
Salem, OR 97301
William.f.wilson@state.or.us

Steve Shipsey
Oregon Department of Justice
1162 Court St.
Salem, OR 97301
Steve.shipsey@state.or.us

Paul Hribernick
Black Helterline
805 SW Broadway
#1900
Portland, OR 97205
prh@bhlaw.com

Bill Cox
244 SW California St.
Portland, OR 97219
wccox@landuseattorney.com

Roger Alfred
Metro
600 NE Grand Ave
Portland, OR 97232
Roger.alfred@oregonmetro.gov

Chris Crean
City of Happy Valley
1750 SW Harbor Way
#380
Portland, OR 97201
chris@gov-law.com

Stephen Madkour
Clackamas County
2051 Kaen Rd
Oregon City, OR 97045
smadkour@co.clackamas.or.us

Jason Howard
Johnson Creek Watershed Council
1900 SE Milport Rd., Suite B
Milwaukie, OR 97222
jasonhoward@h2ogeo.com

Richard Johnson
Citizens for Moving Damascus Forward
14357 SE Hollyview Lane
Damascus, OR 97089
richjn@hotmail.com

Karl Wescott
19564 SE Highway 212
Damascus, OR 97089
karlw@wescottsauto.com

Renee Ugrin
reneeaugrin@aol.com

Dated this 4th day of December, 2013.

Casaria Taylor



Casaria Taylor

Department of Land Conservation and Development
email: Casaria.taylor@state.or.us

wishes to be allowed to process a Master Plan to obtain entitlements to develop his land. He wishes LCDC to order Damascus to allow processing of his development permit applications be handled by Clackamas County.

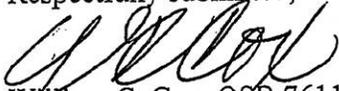
e.

No Public Interest Representation is being requested

f.

Petitioner is owner of the subject property which is unique in its location, topography, shape, access and financial status.

Respectfully submitted,



William C. Cox, OSB 761109

CC: Addressee via E mail to william.f.wilson@state.or.us
Jennifer Donnelly via E mail to jennifer.Donnelly@state.or.us and US Mail

B L A C K

H E L T E R L I N E LLP

ATTORNEYS AND COUNSELORS AT LAW

PAUL R. HRIBERNICK
E-mail: prh@bhlaw.com
Admitted in Oregon and Washington

November 26, 2013

File No: 010662-0003

VIA FIRST CLASS MAIL AND
E-MAIL (william.f.wilson@state.or.us)

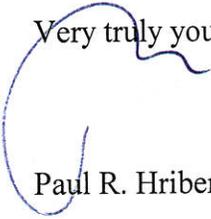
Mr. Fred Wilson, Hearings Officer
Damascus Enforcement Proceeding
c/o Department of Land Conservation and Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301

Reference: Limited Party Petition

Dear Mr. Wilson:

Enclosed please find the original and two copies of General Distributors, Inc.'s request to participate as a limited party in the contested case captioned **In the Matter of the Enforcement Order for the City of Damascus Pursuant to ORS 197.324**. Thank you for your courtesies in this regard.

Very truly yours,


Paul R. Hribernick

PRH:jlc
Enclosure
769012

cc w/encs: Ms. Jennifer Donnelly, Metro Regional Representative
(via e-mail jennifer.donnelly@state.or.us)
Department of Land Conservation and Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301

DEPT OF

NOV 27 2013

LAND CONSERVATION
AND DEVELOPMENT



805 SOUTHWEST BROADWAY • SUITE 1900 • PORTLAND OREGON 97205-3359
TELEPHONE 503.224.5560 FACSIMILE 503.224.6148 WWW.BHLAW.COM

**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF ENFORCEMENT)	GENERAL DISTRIBUTORS, INC.'S
ORDER FOR THE CITY OF DAMASCUS)	PETITION TO PARTICIPATE AS A
PURSUANT TO ORS 197.324)	LIMITED PARTY

PETITION TO PARTICIPATE AS A LIMITED PARTY UNDER OAR 137-003-0005

Pursuant to OAR 137-003-0005, General Distributors, Inc. ("Petitioner") hereby requests to participate as a party in this matter.

NAME AND ADDRESS OF PETITIONER:

General Distributors, Inc.
13895 First Street
Oregon City, OR 97045

NAME AND ADDRESS OF PETITIONER'S ATTORNEY:

Paul R. Hribernick, Esq.
Black Helterline LLP
805 S.W. Broadway, Suite 1900
Portland, OR 97205-3359
(503) 224-5560
prh@bhlaw.com

STATEMENT IN SUPPORT OF REQUEST FOR PARTICIPATION:

General Distributors, Inc. requests to participate as a limited party in the following manner:

1. To receive all documentation served on parties in the enforcement order proceedings.

2. To provide evidence with regard to the City of Damascus' failure to make satisfactory progress towards a comprehensive compliance schedule, failure to comply with Commission orders, and failure to adopt a comprehensive plan and land use regulations within four years of the date of incorporation of the City.

Statement of Personal Interest and Outcome:

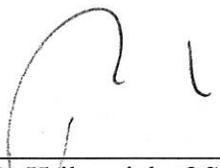
General Distributors, Inc. ("GDI") owns property within the City of Damascus. GDI has participated in planning activities at all levels of the City of Damascus for more than four years. GDI needs to build a new building on its property and is unable to do so under current zoning.

Metro Title 4 maps and City of Damascus preliminary planning maps indicate that GDI's property will be industrial in nature which will allow GDI's use. However, without adoption of a comprehensive plan and appropriate zoning ordinances, GDI cannot build in the City of Damascus. The enforcement proceeding may assist in adopting a comprehensive plan and thereby allow GDI to move forward with its long-delayed property development. The development is extremely important to GDI's economic interest as the company has outgrown its current facility. GDI expected to have completed its new facility in Damascus during 2013.

Reasons Why Existing Parties to the Proceeding Cannot Adequately Represent GDI's Interest:

The City is a party to the enforcement order proceeding and has failed to adopt comprehensive planning and zoning. The City's failure confirms that it is unable to adequately represent interests of property owners within the City of Damascus. Department of Land Conservation and development anticipates participation in the contested case proceeding, but not as a party. DLCD's participation will not specifically address the individual zoning interests of GDI. We are unaware of any other parties or potential parties at this time who could adequately represent GDI's particular interest in the enforcement order proceeding.

DATED this 26th day of November, 2013.



Paul R. Hibernick, OSB No. 802714
E-mail: prh@bhlaw.com
Fax: 503-224-6148
Of Attorneys for General Distributors, Inc.

November 28, 2013

Citizens for Moving Damascus Forward

Richard Johnson, Chairman

14357 SE Hollyview Lane

Damascus, Oregon 97089

Fred Wilson

c/o Department of Land Conservation and Development

635 Capitol Street N.E.

Suite 150

Salem, Oregon 97301

Dear Sir,

We the undersigned, Citizens for Moving Damascus Forward, petition to have status as a limited party to the contested case hearing involving the Land Conservation and Development Commission of the State of Oregon and its enforcement order for the City of Damascus pursuant to ORS 197.324, to be held on December 20, 2013.

We are requesting status as a limited party, seeking to represent a public interest in the results of the proceeding. We represent the voice of concerned citizens who want the existing Comprehensive Plan brought to the people as an initiative on the ballot in May, 2014. Our interest is in affording the people of Damascus the opportunity to vote on the Comprehensive Plan that the Damascus City Council gave as a first vote a majority vote on July 15, 2013, but which failed to give it the required second majority vote on July 18, and August 1, 2013. We believe that should the LCDC pursue an enforcement order against the City such action will help influence the citizens of Damascus in their appreciation of the present Comprehensive Plan and thus in their vote on the existing Comprehensive Plan next May.

Our qualifications to represent the public interest are the following. As a PAC, Citizens for Moving Damascus Forward has actively participated in the recent campaign wherein the vote to disincorporate failed on November 5, 2013. We actively distributed literature urging a "no" vote on disincorporation to about 800 residences in the City of Damascus; we displayed about 50 lawn signs urging a "no" vote; and we displayed four large 3' by 4' signs in prominent places urging a "no" vote. For three weekends leading up to the voting on Nov. 5, 2013, we carried signs in the center of Damascus on Hwy 212 urging a "no" vote. Our membership includes, or has included, the chairman of the Code Development Committee and other members of this committee, the chair person of the Planning Commission and other members of this commission, and other leading members of the community who have been involved in the 3 C committee, the Committee for Citizen Involvement, and various Town Hall meetings in the Spring of 2013. In addition, one of the City Councilors is a member. Since organizing in February of 2013, various members of our group have written letters and articles that have been published in the *Outlook* of

Gresham, the *Sunrise Times*, the *Oregonian*, and other media. Always our message has been in support of the present Comprehensive Plan. Thus we have been severely disappointed in the failure of a majority of the City Council to pass the Plan.

Citizens for Moving Damascus Forward stands in a unique position as the only organization in Damascus that has consistently supported the existing Comprehensive Plan. The three chief petitioners of the initiative to put the Comprehensive Plan and related documents to a vote of the people of Damascus in May, 2014, are all members of Citizens for Moving Damascus Forward. We have taken this position because we believe that there should be only one Comprehensive Plan to represent the City and that this Comprehensive Plan is the only one that reflects State law and Metro requirements for being vetted by various citizen committees, full public hearings, and Council deliberations. This Plan deserves to be put to a vote of the people because their taxes were used in the forming of this Plan.

Thus the hearing of the LCDC has significant impact on our interest in and support for the Comprehensive Plan. Hopefully, in response to the action of LCDC the City will reinaugurate the process to adopt the existing Comprehensive Plan and attendant documents.

We appreciate your consideration of this petition.

Citizens for Moving Damascus Forward.

Richard Johnson, chairman



Keith Pugh, treasurer; Katherine Ruthruff, chairperson, Planning Commission; Lynn Kellas, Planning Commission; John Ferguson, Natural Features Committee; Leslie and Mike Bossen; Jon Titchenal; Patricia De Young; others.

DEPT OF

NOV 29 2013

LAND CONSERVATION
AND DEVELOPMENT

Karl Wescott
19564 SE Highway 212
Damascus, OR 97089
karlw@wescottsauto.com
503-658-4943 h /503-658-3183 w

November 28, 2013

Fred Wilson, Hearings Officer
c/o Department of Land Conservation and Development
635 Capitol St NE Suite 150
Salem, OR 97301
william.f.wilson@state.or.us

Petition for Limited Party Status in the matter of the enforcement order for the City of Damascus pursuant to ORS197.324

I respectfully request to be considered a limited party in this matter.

I believe I may be able to act in the public interest to help preserve some of the public input which has gone into the efforts of the City of Damascus to create a comprehensive plan, and I may be able to provide insight to the effects of various enforcement actions the LCDC might impose.

I have been actively involved in the process of forming a comprehensive plan for recommendation to the Damascus City Council, as a member of the Citizen Coordinating Committee (C3) from its formation to dissolution, as Co-Chair of the Development Code Topic Specific Committee, and as a member of the Transportation Topic Specific Committee.

I believe that I, as a lifelong resident of Damascus, a business owner in Damascus, and having been committed to involvement in the comprehensive plan development process will be in a unique position to communicate the diverse issues of the citizens of Damascus where an elected official from the dysfunctional and politically split Council, or legal council for the city can not.

Respectfully



Karl Wescott

DEPT OF

NOV 9 2013

LAND CONSERVATION
AND DEVELOPMENT

 Metro | Office of Metro Attorney

November 27, 2013

Roger A. Alfred
503-797-1532
roger.alfred@oregonmetro.gov

By First Class Mail

Fred Wilson
Land Conservation and Development Commission
635 Capitol Street, NE
Suite 150
Salem, OR 97301

Re: *In the Matter of the Enforcement Order for The City of Damascus*

Dear Fred:

Enclosed is the original and one copy of Metro's Petition for Party Status regarding the above referenced matter.

Sincerely,



Roger A. Alfred
Senior Assistant Attorney
Office of Metro Attorney

RAA/lmh
Enclosures

cc: Jennifer Donnelly (with enclosure)

DEPT OF

NOV 29 2013

LAND CONSERVATION
AND DEVELOPMENT

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE
ENFORCEMENT ORDER FOR
THE CITY OF DAMASCUS
PURSUANT TO ORS 197.324

PETITION FOR PARTY STATUS

Pursuant to ORS 197.328, OAR 660-045-0120 and OAR 137-003-0535, the following party (“Petitioner”) hereby submits this petition for party status in the above-referenced contested case:

Metro
600 NE Grand Avenue
Portland, OR 97232
(503) 797-1700

The name and address of the Petitioner’s attorney is:

Roger A. Alfred
Office of Metro Attorney
600 NE Grand Avenue
Portland, OR 97232
(503) 797-1532

1. Petitioner requests participation as a party in this proceeding. OAR 137-003-0535(4)(c).
2. Petitioner is a Metropolitan Service District organized under ORS chapter 268. Petitioner is responsible for coordinating the land use planning activities of the cities and counties within the Metro district, including the City of Damascus (“City”). ORS 268.380. Petitioner is responsible for establishing and maintaining the Urban Growth Boundary (“UGB”) for the Portland metropolitan area, which includes the City. ORS 268.390(3). Petitioner is also responsible for reviewing the City’s proposed comprehensive plan and land use regulations and requiring changes to ensure that those documents comply with

Metro's Urban Growth Management Functional Plan ("UGMFP"). ORS 268.390(4).

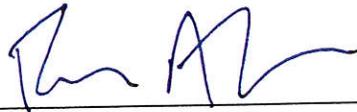
Since the Damascus area was brought into the UGB in 2002, Petitioner has been working with City staff and elected officials regarding the preparation and adoption of a comprehensive plan and land use regulations in order to comply with the City's statutory planning obligations and the LCDC compliance schedule that is the subject of this proceeding. Metro's participation is appropriate because this proceeding directly involves Metro's statutory obligations to coordinate land use planning efforts with the City and to ensure the City is in compliance with the UGMFP and other applicable law. OAR 137-003-0535(4)(e).

3. Petitioner is the only party with legal authority to coordinate land use planning in the Metro region and to require the City's comprehensive plan and land use regulations to comply with the UGMFP. Granting this petition will protect the public and Petitioner's substantial interests. OAR 137-003-0535(4)(f).

For these reasons, Petitioner respectfully requests the Administrative Law Judge grant this Petition for party status.

Respectfully submitted this 27th day of November, 2013.

METRO



Roger A. Alfred, OSB No. 935009
Alison R. Kean, OSB No. 930114
600 NE Grand Avenue
Portland, Oregon 97232
Phone: (503) 797-1532
roger.alfred@oregonmetro.gov

CERTIFICATE OF FILING AND SERVICE

I hereby certify that I caused true and correct copies of the foregoing Petition for Party Status to be filed on November 27, 2013 by electronic mail and first-class mail to:

Fred Wilson
c/o DLCD
635 Capitol Street, NE
Suite 150
Salem, OR 97301
william.f.wilson@state.or.us

Jennifer Donnelly
DLCD
635 Capitol Street, NE
Suite 150
Salem, OR 97301
jennifer.donnelly@state.or.us

DATED: November 27, 2013

METRO



Roger A. Alfred, OSB No. 935009



Beery Elsner
& Hammond LLP

November 27, 2013

SENT VIA FIRST-CLASS MAIL

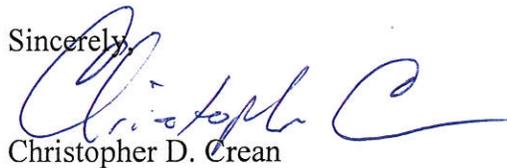
Fred Wilson
c/o Department of Land Conservation and Development
635 Capitol St NE Ste 150
Salem OR 697301

Re: *In the Matter of the Enforcement Order for the City of Damascus Pursuant to
ORS 197.324*

Dear Mr .Wilson:

This firm represents the City of Happy Valley. Enclosed are two copies of the City of Happy Valley's Petition for Party Status for submission in the above matter.

Sincerely,



Christopher D. Crean

CDC/yh
Enclosures

cc: Jennifer Donnelly
Timothy V. Ramis

DEPT OF

NOV 29 2013

LAND CONSERVATION
AND DEVELOPMENT

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ENFORCEMENT
ORDER FOR THE CITY OF DAMASCUS
PURSUANT TO ORS 197.324

CITY OF HAPPY VALLEY'S
PETITION FOR PARTY STATUS

Pursuant to ORS 197.324 and OAR 137-003-0005, the City of Happy Valley ("Happy Valley" or "City") hereby submits this petition for party status in the above-referenced contested case:

Happy Valley's address and telephone number are:

City of Happy Valley
16000 SE Misty Drive
Happy Valley, OR 97086
(503) 783-3800

The name and address of Happy Valley's attorney is:

Christopher D. Crean
Beery, Elsner & Hammond, LLP
1750 SW Harbor Way, Suite 380
Portland, OR 97201
(503) 226-7191

1. Happy Valley is located directly adjacent to the City of Damascus ("Damascus"). The western boundary of Damascus is also the eastern boundary of Happy Valley.
2. Happy Valley requests participation as a full party in this contested case. OAR 137-003-0005(3)(c).
3. Happy Valley is a municipal corporation organized under ORS chapter 221 and chartered under Article XI, Section 2, Oregon Constitution. Happy Valley is responsible for all

land use planning in the city pursuant to its acknowledged comprehensive plan and land use regulations. ORS 197.175.

4. As the planning authority, Happy Valley is responsible for ensuring that its planning and development activities in the City are coordinate with neighboring jurisdictions including, for example, Damascus, Clackamas County, the City of Milwaukie and affected special districts. For example, Happy Valley recently adopted an updated Urban Growth Management Agreement with Clackamas County to ensure proper coordination between the jurisdictions planning activities and avoid development in the unincorporated areas that would frustrate future annexation and development to urban densities. Similarly, the City recently entered into agreements with Clackamas River Water District and Sunrise Water Authority to similarly coordinate planning and development activities.
5. The Damascus and Happy Valley comprehensive plans must be coordinated to ensure such outcomes as a single integrated transportation system (including Sunnyside Road, SE 172nd Avenue and Highway 212). Damascus has failed in this regard. For example, the proposed Damascus comprehensive plan shows an alignment for Sunnyside Road which conflicts with the alignment in the acknowledged Happy Valley and Clackamas County comprehensive plans.
6. Similarly, the cities' zoning designations must be coordinated to avoid incompatible uses occurring next to each other. Again, the proposed Damascus comprehensive plan fails in this regard by designating land for industrial uses immediately to Happy Valley residential areas. Expressions of concern from Happy Valley to Damascus have not been answered.

7. Happy Valley is the only party qualified to defend the interests of its residents in ensuring that the Damascus comprehensive plan, land use regulations and land use decisions do not adversely its residents. OAR 137-003-0005(3)(f).
8. Granting this petition will protect the public and Happy Halley's substantial interests.

For these reasons, the City of Happy Valley respectfully requests the Hearings Officer grant this Petition for Party Status.

Respectfully submitted this 27th day of November 2013.

BEERY, ELSNER & HAMMOND, LLP



Christopher D. Crean, OSB # 942804

1750 SW Harbor Way, Suite 380

Portland, Oregon 97201-5106

Phone 503-226-7191

Fax 503-226-2348

chris@gov-law.com

Attorneys for City of Happy Valley

CERTIFICATE OF FILING AND SERVICE

I certify that on the date indicated below, I filed two copies of the foregoing CITY OF HAPPY VALLEY'S PETITION FOR PARTY STATUS with:

Fred Wilson
c/o Department of Land Conservation and Development
635 Capitol St NE Ste 150
Salem OR 697301

by first-class mail, postage prepaid. On the same date, I served a true and correct copy of the same, by first-class mail, postage prepaid, on the following parties:

Jennifer Donnelly
Department of Land Conservation and
Development
635 Capitol St NE Ste 150
Salem OR 97301

Timothy V Ramis
Jordan Ramis PC
2 Centerpointe Dr 6th Flr
Lake Oswego OR 97035
Attorneys for City of Damascus

DATED this 27th day of December, 2013.

BEERY, ELSNER & HAMMOND, LLP



Christopher D. Crean, OSB #942804
Attorneys for City of Happy Valley

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE ENFORCEMENT) CLACKAMAS COUNTY'S
ORDER FOR THE CITY OF DAMASCUS) PETITION FOR PARTY
PURSUANT TO ORS197.324) STATUS

Clackamas County, by and through its Office of County Counsel, petitions the Department of Land Conservation and Development for party status in the above-entitled contested case proceeding. Clackamas County is an interested party under OAR 137-003-0005.

- a. Name and Address of Petitioner: Clackamas County
2051 Kaen Road, Suite 450
Oregon City, OR 97045
503/655-8362

- b. Name of Petitioner's Attorney: Stephen L. Madkour, County Counsel
Nathan Boderman, Assistant County Counsel
Clackamas County
Office of County Counsel
2051 Kaen Road, Suite 450
Oregon City, OR 97045
503/655-8362

- c. Clackamas County seeks participation in this proceeding as an interested party.

- d. Clackamas County is not seeking to protect any personal interest in the proceeding.

- e. Clackamas County has an essential role as an interested party in this contested case.

Clackamas County and the City of Damascus have entered into Intergovernmental Agreements under ORS 190 for the County to continue performing critical land use and planning services for the City. The County provides current planning functions for the City under contract. Those functions include the processing of daily land use applications, issuing building permits, and performing inspections. The County also performs code enforcement services for land use and building code enforcement issues. Consequently, Clackamas County represents the public's interest that could reasonably be affected by the outcome of this proceeding.

The City of Damascus lies within Clackamas County. County citizens have an interest in myriad aspects of the enforcement proceedings. These interests include, but are not limited to:

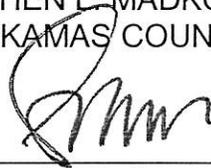
1. Coordination of planning and development in Damascus to the unincorporated portions of the County, and coordination between respective planning efforts, as required by Statewide Planning Goal Two along with applicable administrative rules and statutes.
2. The provision of services to Damascus by County service districts.
3. Economic development efforts.
4. The County currently provides development review services under contract with the City, which may be impacted by enforcement proceedings.

As the principal body with which Damascus must coordinate planning efforts, the County is uniquely qualified, if not obligated to represent the interests of its citizens.

- f. The County has unique legal, jurisdiction and planning functions that cannot be adequately represented by any other party to the proceeding.

Dated this 26 day of November, 2013.

STEPHEN L. MADKOUR
CLACKAMAS COUNTY COUNSEL



Stephen L. Madkour, OSB#941091
Clackamas County Counsel
email: smadkour@co.clackamas.or.us
Nathan K. Boderman, OSB#07331
Assistant County Counsel
email: nboderman@co.clackamas.or.us

CERTIFICATE OF MAILING

I hereby certify that on this day I mailed CLACKAMAS COUNTY'S PETITION FOR PARTY STATUS to the parties listed below. I further certify that I served CLACKAMAS COUNTY'S PETITION FOR PARTY STATUS upon the parties listed below by e-mail:

Fred Wilson
c/o Dept. of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, OR. 97301
William.f.wilson@state.or.us

Dept. of Land Conservation and Development
c/o Jennifer Donnelly
635 Capitol Street, NE, Suite 150
Salem, OR. 97301
Jennifer.donnelly@state.or.us

Dated this 26 day of November, 2013.

STEPHEN L. MADKOUR
CLACKAMAS COUNTY COUNSEL



Stephen L. Madkour, OSB#941091
Clackamas County Counsel
email: smadkour@co.clackamas.or.us
Nathan K. Boderman, OSB#07331
Assistant County Counsel
email: nboderman@co.clackamas.or.us

DEPT OF

NOV 27 2013

LAND CONSERVATION
AND DEVELOPMENT

TO: Fred Wilson, Hearings Officer
c/o Department of Land Conservation and Development
635 Capitol Street N.E., Suite 150
Salem, OR 97301
email: William.f.wilson@state.or.us.

FROM: Jason C. Howard, Board Chair Emeritus & Land Use Committee Chair
Johnson Creek Watershed Council
1900 S.E. Milport Rd., Suite B,
Milwaukie, OR 97222

SUBJECT: ***In the Matter of the Enforcement Order for the City of Damascus:
Petition to Request Limited Party Status***

November 29, 2013

via email / Certified Mail

Dear Hearings Officer Wilson:

Please accept for your consideration Johnson Creek Watershed Council's "Petition to Request Limited Party Status" and accompanying exhibit "Johnson Creek: State of the Watershed."

Thank you,



Jason C. Howard, Board Chair Emeritus
& Land Use Committee Chair
Johnson Creek Watershed Council

Exhibits: jwcw.org/wp-content/uploads/2013/05/2012StateoftheWatershed.pdf

cc: Jennifer Donnelly, Dept. of Land Conservation and Development

/pel

DEPT OF

DEC 02 2013

LAND CONSERVATION
AND DEVELOPMENT

**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF THE ENFORCEMENT)	PETITION
ORDER FOR THE CITY OF DAMASCUS)	TO REQUEST
PURSUANT TO ORS 197.324)	LIMITED PARTY STATUS

Petitioner, Johnson Creek Watershed Council ("JCWC"), requests limited party status in the above matter. JCWC fulfills the requirements for "limited party status" under OAR 137-003-0005(3) for the following reasons:

1. JCWC is a non-profit organization whose mission is to promote restoration and stewardship of a healthy Johnson Creek Watershed through sound science and community engagement. JCWC is an Oregon Watershed Enhancement Board recognized Oregon watershed council that was designated by local governments in 1995 with a goal to implement the *Oregon Plan for Salmon and Watersheds* based on state and federal agencies and local governments working together toward voluntary restoration by private landowners and others. Approximately one-third of the City of Damascus (the "City") is located within the boundaries of the Johnson Creek Watershed. This area of the watershed includes significant streams, riparian resources and habitat within Sunshine Valley, Kelley Creek, and forested headwater areas of the East Buttes, which have some of the highest values for cutthroat trout, steelhead, and Coho salmon recovery in Johnson Creek.
2. JCWC represents a public interest in the results of this proceeding, which has been triggered by the City having failed to adopt a comprehensive plan. JCWC has been a community planning participant in Damascus since 2002, before the City's incorporation in 2004. The eventual adoption of a comprehensive plan by the City or other authority will critically impact those areas of Damascus which are within the Johnson Creek Watershed. The plan must have an adequate natural features strategy that protects significant streams as well as the surrounding endangered species habitat and restoration potential areas if we are to succeed at our mission. JCWC has significant restoration efforts completed, ongoing, and planned for within Damascus over the next decade.
3. A balanced and flexible plan that represents a fair compromise of all the Damascus community stakeholders was recently completed (25% open space dedication approach), and has yet to be referred to the voters. This plan resulted after years of community meetings, recommendations by

planning staff and consultants, feedback from regulatory agencies, the consensus of the Damascus Natural Features Team and Planning Commission, public comments, and a majority vote of City Council. It appears to adequately address statewide Goal 5 through (Title 3) water feature and steep slope protections applied in conjunction with a 25% open space dedication requirement, in lieu of a strict riparian buffering code approach. Combined, these provisions established a process for the conservation and restoration potential of endangered species habitat that would be comparable to a strict riparian buffering approach (e.g., Title 13). Presently, a Damascus citizens initiative is pushing for this plan to be on a March 2014 ballot measure. We strongly support resolution on this plan without complicating and confusing the issue with new planning processes.

4. The Damascus City Council has recently decided to move forward on two new planning alternatives to the 25% open space dedication approach, instead of the existing draft plan, that based on information presently available on the working documents deviate so significantly from the previously vetted natural features strategy that they are new plans, and not minor modifications. As such, community involvement, natural features strategization, planning commission, and economic, social, environmental, and energy (ESEE) analyses (of the consequences of protecting resources where conflicts with habitat conservation and restoration potential exist) have not been completed. These new planning alternatives should be suspended until a final resolution on the existing draft plan is clear.
5. Existing parties to this proceeding cannot adequately represent the full public interest because they do not appear to be sufficiently concerned with the stewardship of the riparian resources, habitat and restoration potential surrounding the Sunshine Valley, Kelley Creek, and the forested headwater areas of the East Buttes within the City.

Respectfully Submitted by:



Jason C. Howard, Board Chair Emeritus &
Land Use Committee Chair
Johnson Creek Watershed Council
1900 S.E. Milport Rd., Suite B,
Milwaukie, Oregon, 97222

/pel

JOHNSON CREEK STATE OF THE WATERSHED

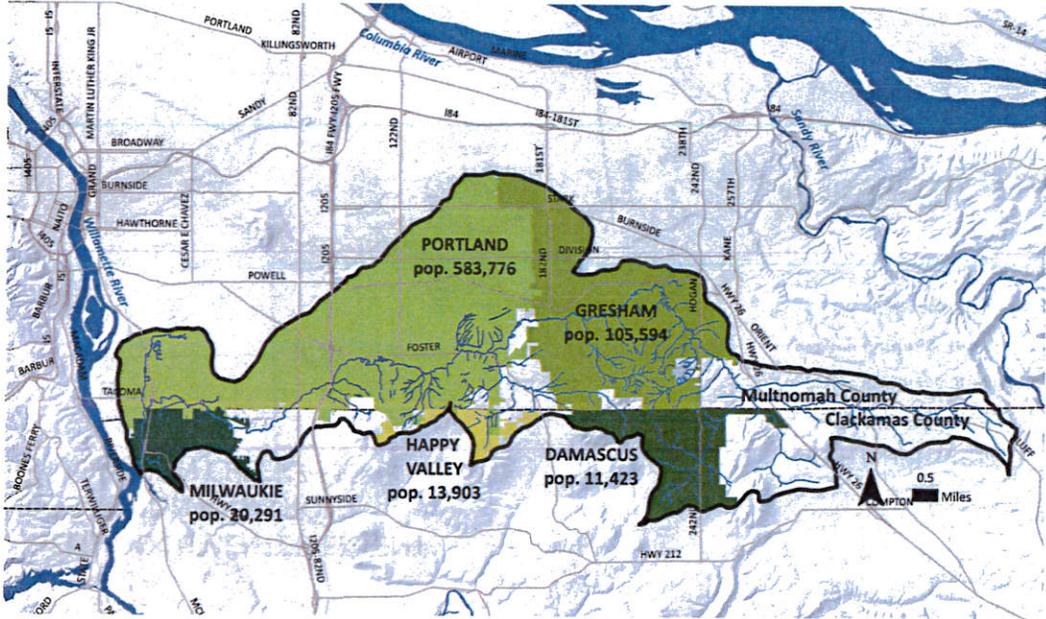
Johnson Creek flows west for 26 miles from the agricultural foothills of Mount Hood near Boring, Oregon, to enter the Willamette River just upstream of Portland. Numerous springs and 50 inches of annual rainfall over a 54 square-mile watershed provide streamflow to the creek and its tributaries. Salmon, trout, diverse wildlife, and 180,000 people live in the Johnson Creek watershed. The creek provides water for agriculture and a picturesque setting for recreation, supporting both people and natural resources.

Historically, Native Americans from the Molalla Band camped in the Johnson Creek area. In the 1800's, immigrants settled here, building several mill dams on the creek by 1852. By 1890, a railway ran alongside the stream. In the 1930's, the lower 15 miles of Johnson Creek were channelized and lined with rock, which cut off floodplains, eliminated gravel bars, and destroyed streamside forests. Many long-time residents have childhood memories of easy fishing and tasty crawdad feasts.



The Johnson Creek watershed is located just south of the Columbia River, and to the east of the Willamette River.

JOHNSON CREEK WATERSHED BOUNDARIES AND JURISDICTIONS



JOHNSON CREEK WATERSHED COUNCIL



Our mission is to promote restoration and stewardship of a healthy Johnson Creek Watershed through sound science and community engagement.

Oregon Watershed Councils are grassroots community groups of citizens who want to protect, restore and enhance their local watershed where they live, work, and play. Watershed Councils are voluntary, locally organized, non-regulatory organizations, and are intended to be broadly representative their respective areas.

Contact us at 503-652-7477, browse our website www.jcwc.org, or visit our office at 1900 SE Milport Rd, Suite B; Milwaukie, OR 97222.

POSITIVE SIGNS OF ECOLOGICAL RECOVER



Over the past twenty years, major public and private investment has begun reconnecting Johnson Creek to its floodplain and protecting and restoring important fish and wildlife habitat. Furthermore, Metro's Title 3 and Title 13 zoning regulations now protect streams and wetlands as nearby areas are developed.

Thanks to several voter-approved bond measures, over 4,600 acres of parks and natural areas are protected in the watershed. In addition, a 21-mile bicycle and pedestrian path follows the creek for much of its length.

This report summarizes the best available information for fish, wildlife, habitat conservation, stewardship, streamflow, and water quality in Johnson Creek.

The Johnson Creek Inter-jurisdictional Committee (IJC) provided technical assistance in the development of this report. The IJC includes representatives from the City of Portland, City of Gresham, City of Milwaukie, City of Damascus, Multnomah County, Clackamas County, Metro, East Multnomah Soil and Water Conservation District, Clackamas County Soil and Water Conservation District, Oregon Department of Environmental Quality, Oregon Department of Agriculture, U.S. Geological Survey, and the Johnson Creek Watershed Council.



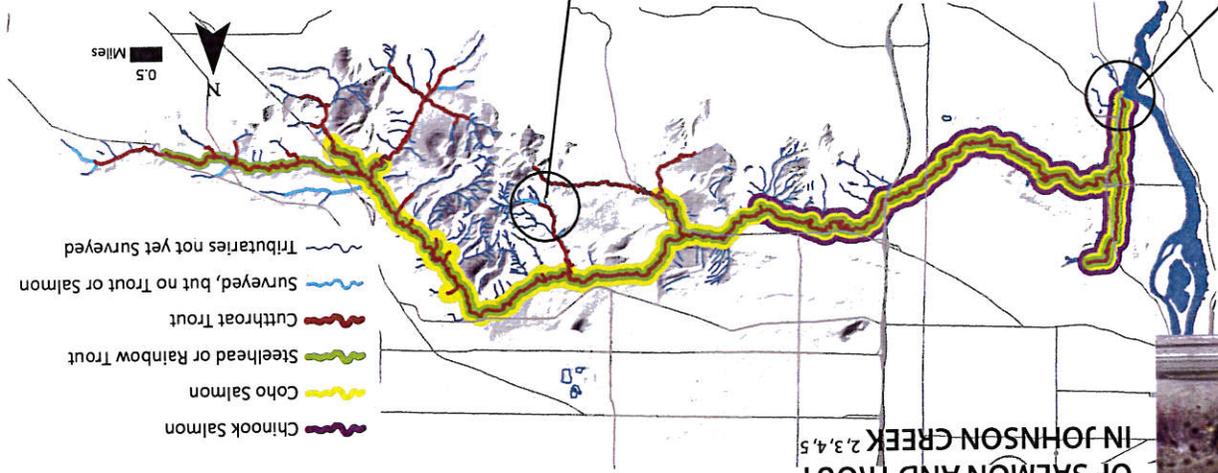
FISH AND WILDLIFE

Salmon and trout still swim in Johnson Creek, though fewer than historically. In 2010 and 2011, wild coho salmon were seen spawning over 15 miles up Johnson Creek near Gresham. And, recent fish surveys have found salmon and trout further upstream than previously documented.² In fact, native fish species were found in nearly every tributary surveyed, even in the small, intermittent streams.

Habitat has been damaged throughout the watershed, and the resilience of native species has been tested. We are working to enhance and expand the remaining patches of good habitat so native fish and wildlife can survive into the future.

Wildlife in the Johnson Creek watershed includes river otters, beavers, painted turtles, black-tailed deer, and coyotes. Native frogs and salamanders have been found in most wetlands surveyed. Dense beds of western pearlshell freshwater mussels, whose reproduction depends on native fish, have been found from SE 156th up to the headwaters of Johnson Creek—many of them likely over 80 years old.³ Beaver are active throughout the watershed, building dams that provide important habitat for juvenile salmon. Pileated woodpeckers, great blue herons, bald eagles, and many other birds depend on the forests, streamside areas, and wetlands in the watershed.

FIELD-DOCUMENTED EXTENT OF SALMON AND TROUT IN JOHNSON CREEK 2, 3, 4, 5



Enhancing Fish Habitat and Removing Migration Barriers JOHNSON – WILLAMETTE CONFLUENCE

In 2011, private landowners, the City of Milwaukie, and JCWC collaborated to construct engineered log jams and a riffle at the confluence of Johnson Creek with the Willamette River. Over 150 logs were installed to provide cover and shelter for salmon and trout and to allow year-round fish passage over an exposed sewer pipe.



While Johnson Creek is free-flowing, a number of tributaries are still blocked to salmon by undersized or perched culverts. In many places, aquatic habitat is in poor condition due to hardened streambanks, channelization, and lack of instream woody debris and cover.

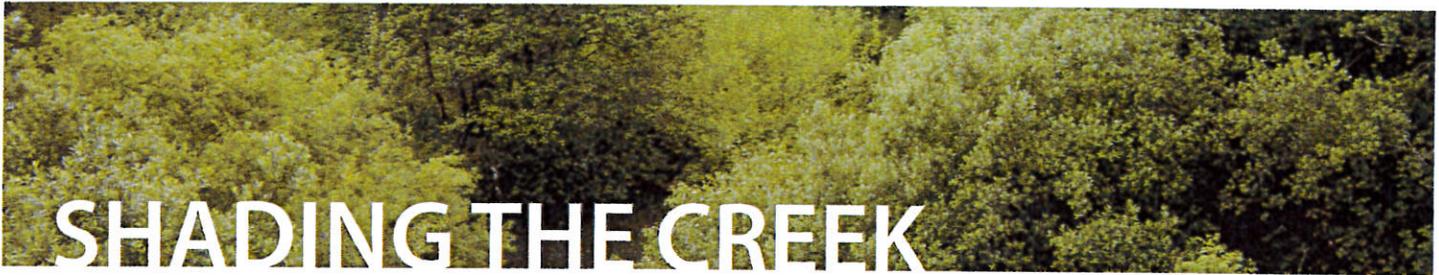
METRO NATURAL AREA ACQUISITIONS

Identifying and Protecting Healthy Headwater Habitats



Water pollution and damaged habitat negatively impact benthic macroinvertebrates (aquatic bugs), upon which trout and salmon feed, in most of Johnson Creek. But, we've found surprisingly healthy and diverse macroinvertebrate communities in tributaries that originate on forested buttes near Gresham. Voter-approved bond measures in 1995 and 2006 funded the purchase of 1,089 acres of key natural areas in the Johnson Creek watershed, including the headwaters of Kelley and Butler Creeks. These headwater habitats are now protected, so that the species who live there may expand and colonize new areas as habitat is restored downstream.

¹ Jenkins, N. and C. Mazzacano. 2011. "Freshwater Mussel Surveys in Johnson Creek; Volunteer Biological Monitoring" poster at UERC Symposium, Portland, OR; 2 Iwai, R. 2012. "Preliminary Results for Upper Johnson Creek Fish Surveys." Multnomah County Roads, Portland, OR; 3 City of Portland BES EMap Fish Survey Results for 2010-2011; 4 Van Dyke, E.S. and A.J. Storch. 2009. "Abundance and Distribution of Fish Species in City of Portland Streams, 2008-2009 Surveys;" ODFW, Clackamas, OR; 5 Thus, E.S., J.A. Koloszar, and D.L. Wood. 2003. "Abundance and Distribution of Fish in City of Portland Streams, 2001-2003 Surveys;" ODFW, Clackamas, OR.



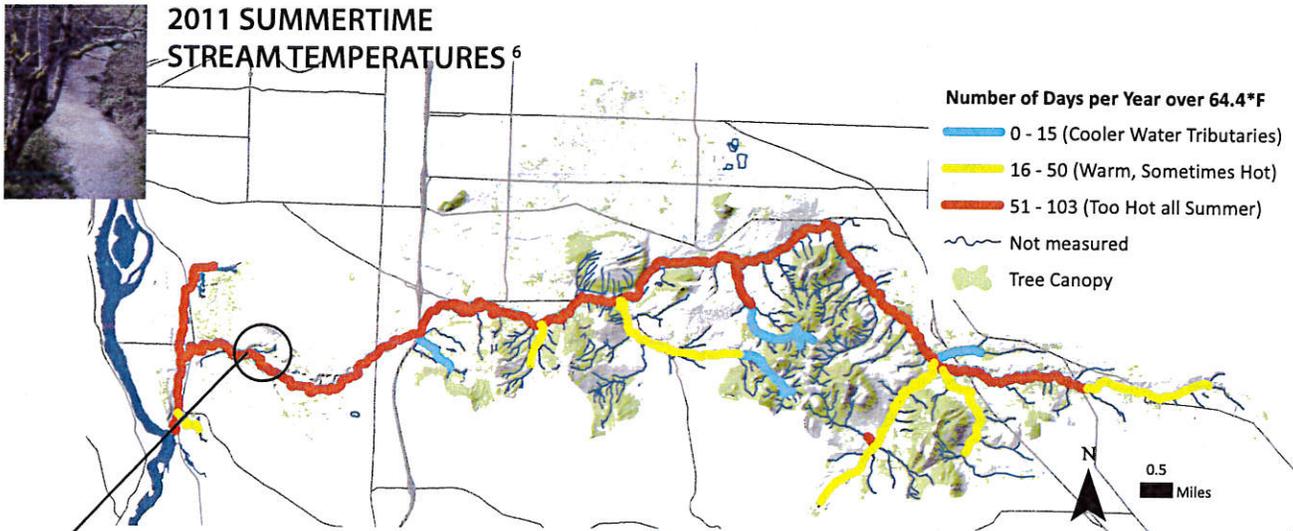
Ample, cool streamflow is essential for fish and wildlife. Warm water carries less dissolved oxygen, and direct sunlight can cause algal blooms.

During the summertime, Johnson Creek is often hotter than state water quality standards for rearing salmon and trout (64.4 ° F).⁵ In fact, the maximum mainstem stream temperature for 2008-2012 was in July 2009, when it reached 80 ° F.

Historically, streams were kept cool by the dense forests that shaded the stream channels. But in 2002, the average effective shade over mainstem Johnson Creek was just under 40%.

Analysis has shown that to keep Johnson Creek cool enough for trout and salmon to thrive in the future, an average of 80% effective shade over the stream channel will be required. To meet this goal, trees must be planted along streambanks everywhere possible. Even a narrow creekside forest buffer in a backyard makes a big difference.

Since it can take up to 30 years for a tree to grow large enough to completely shade the creek, it will be a long time before we will be able to detect a stream temperature response to planting efforts. In the meantime, fish may find refuge in small, shaded tributaries and areas with groundwater springs.



Improving Access to Cool Water Refuge Areas
ERROL CREEK CONFLUENCE PROJECT



Many freshwater springs and wetlands contribute cool water to Johnson Creek year-round, including Crystal Springs, Spring Creek, and Errol Springs.

To provide fish access to cooler water, in 2009, the City of Portland removed part of SE 44th Avenue and restored the 300 feet of Errol Creek that had been piped under the road.

In addition, 1.4 acres of floodplain forest were restored and 77 large logs with rootwads were installed along the streambanks to prevent erosion and enhance aquatic habitat.

Restoring Riparian Forests to Shade Johnson Creek
PRIVATE LANDOWNERS PLANT TREES



In rural areas of upper Johnson Creek, private landowners are working with Conservation Districts and the Watershed Council to restore riparian forests. Since 2009, East Multnomah SWCD's StreamCare Program has planted over 29,000 trees on 32 properties along 2.5 stream miles.

Throughout the watershed, the Johnson Creek Watershed Council and partners have helped over 100 other private landowners plant over 100,000 trees along Johnson Creek and tributaries. In urban neighborhoods, Friends of Trees has planted over 4,500 street trees in the Johnson Creek Watershed.

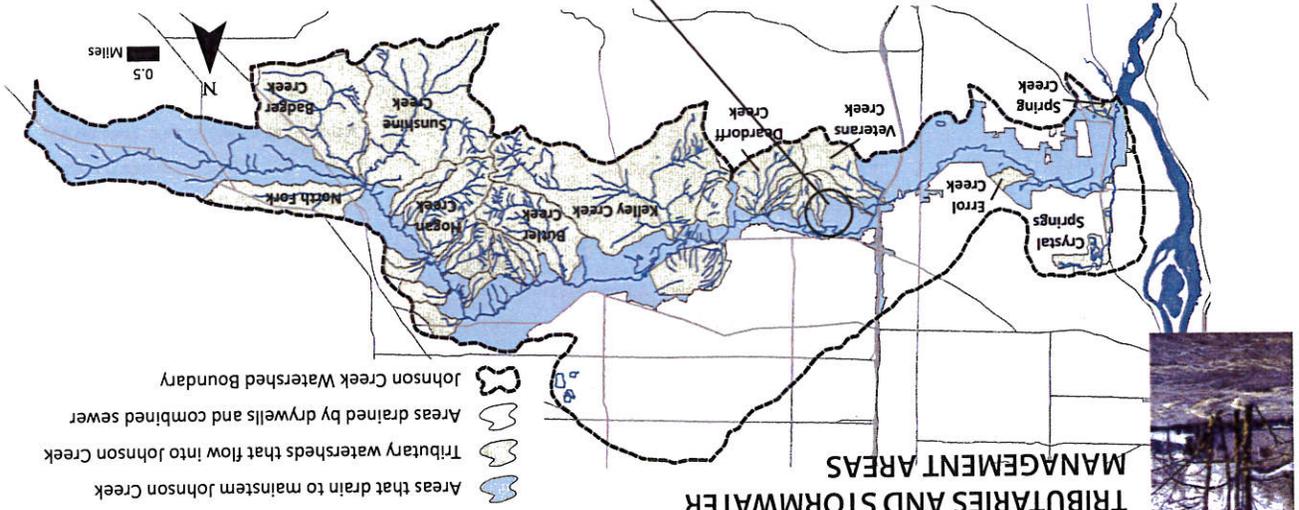
⁵ Oregon Department of Environmental Quality. 2006. "Johnson Creek Temperature TMDL; Lower Willamette Subbasin TMDL." Portland, OR.; ⁶ Lindbo, T. 2012. "Watershed-Wide Temperature Assessment of Johnson Creek." presented at UERC Symposium, Portland, OR.



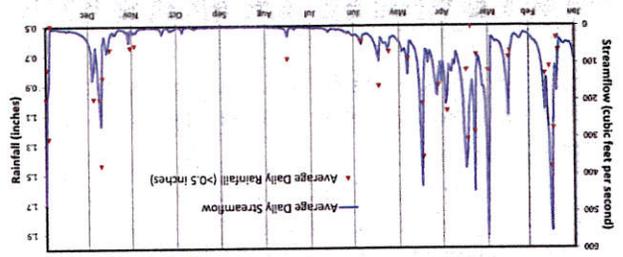
Johnson Creek is known for flooding. Actually, it might flood more often if rainfall over the most urbanized part of the watershed flowed directly into Johnson Creek, instead being diverted to underground drywells and into the combined sewer system. In fact, the frequency of flooding hasn't changed since 1941,⁷ when consistent measurements of streamflow began, even though the watershed has become more urbanized.

In contrast, summertime streamflow in Johnson Creek don't meet targets set for fish and wildlife. Johnson Creek would run completely dry in the summertime if everyone who legally owns water rights pumped what is allocated to them.⁸

TRIBUTARIES AND STORMWATER MANAGEMENT AREAS



2011 STREAMFLOW AND RAINSTORMS IN JOHNSON CREEK 10, 11



Streamflow in Johnson Creek is closely related to rainfall over the landscape, which varies from an average of 40 to 60 inches per year in different parts of the watershed. This annual hydrograph (a chart of streamflow over time) shows very low summertime streamflows and frequent, flashy peak flows that are closely related to rainstorms.

EAST LENTS FLOODPLAIN RESTORATION

Giving Johnson Creek Space to Flow



An economic analysis showed that it would be less expensive to restore floodplains along Johnson Creek, where houses and businesses were flooded each year, than to annually repair damaged infrastructure. As a result, Portland has purchased 84 parcels from willing sellers and helped 60 property owners move out of this flood-prone area since 1994. In 2011, after removing the houses, Portland excavated 50,000 cubic yards of soil (5,000 dump truck loads) from a 70-acre area and re-planted it with native forest. Heavy rains in January 2012 tested the project with a 5-year flood, which previously would have inundated Foster Road businesses. Even though 1,500 cfs (cubic feet per second) of water rushed down Johnson Creek, it didn't overflow the project area.

In its natural state, Johnson Creek flowed stronger in the summer-time and had less flashy peak flows. Forests and wetlands intercepted and soaked up the rain, and the creek rose more slowly as it spread out over connected floodplains. As a result, more cool groundwater fed the stream during the summers.

Future development and climate change will exacerbate the impacts of summer droughts and higher-intensity rainstorms on aquatic life. But there is hope: modeling has shown that even with predicted changes, implementation of large-scale floodplain and habitat enhancement projects can sustain salmon and trout over the next 30 years.⁹

⁷ Lee, K.K. and D.T. Snyder. 2009. "Hydrology of the Johnson Creek Basin, Oregon." U.S. Geological Survey Scientific Investigations Report 2009-5123. ⁸ Oregon Department of Water Resources <http://www.oregon.gov/OWRD/WRS/wrs.htm>. ⁹ ICF International. 2011. "Johnson Creek salmonid potential with future urban development, climate change and restoration: 2009 to the 2040s." Prepared for the City of Portland, OR. ¹⁰ USGS StreamStats was used to delineate subbasins, and approximate stormwater management areas were provided by City of Portland BES. ¹¹ Hydro-graph data source: USGS Sycamore Gage (<http://waterdata.usgs.gov/nwis/rt/>); ¹² HYDRA rainfall gage data, provided by City of Portland BES.

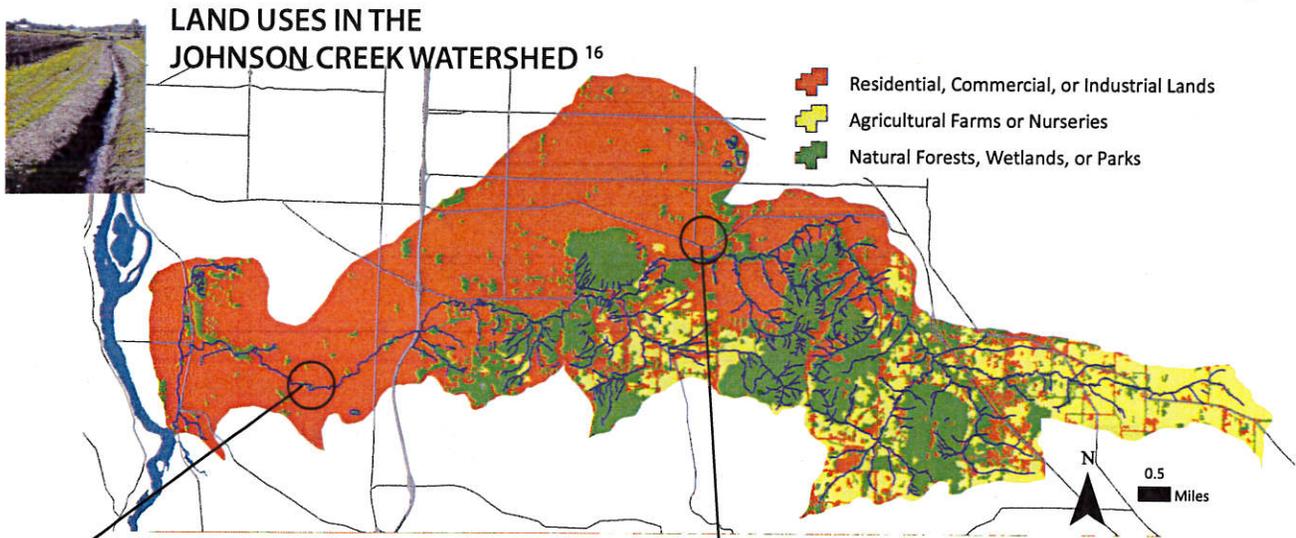


In both rural and urban areas, water pollution harms animal and plant life. Some pollutants are water-soluble, while others attach to soil, and others are taken up by living organisms, such as fish.

For example, road runoff carries harmful heavy metals and oil from cars to the stream. Research is showing that high levels of copper in our creeks are derived from brake pad dust created every time we brake. Copper concentrations found in Johnson Creek stormwater are high enough¹³ to affect the neural development of young coho salmon and their ability to detect predators. In some urban streams in Seattle, adult coho salmon are dying before they can spawn due to road runoff pollution.¹⁴

Pesticides and herbicides can be dangerous to aquatic life. Studies have shown dangerous levels of residual DDT in upper Johnson Creek.¹⁵ Because DDT is attached to soil particles, it's possible to reduce levels of this contaminant by preventing erosion and keeping soil out of the creek. In Johnson Creek, over 99% of the sediment is transported during the highest 50% of the flows, which is why it resembles chocolate milk after storm events.¹⁶

Lastly, rainstorms and floods carry garbage into the creek. Each year, volunteers remove shopping carts, remnants of flooded homeless camps, plastic bottles, and other trash, to help maintain the natural beauty of the stream.



● *Making Johnson Creek Safer to Play In*
CLACKAMAS WES SEWER PROJECT



Johnson Creek doesn't meet state health standards for contact recreation because of high levels of *E. coli* bacteria, which comes from the poop from warm-blooded creatures, including humans.

In 2011, Clackamas County Water Environment Services completed a new sanitary sewer collection system to serve nearly 1,000 customers in the Milwaukie area. It will replace old septic tanks and cesspits and will reduce bacteria input to Johnson Creek.

To focus our pollution-prevention efforts, the Watershed Council and partners are launching a study in 2012 to identify the sources of these *E. coli* bacteria in Johnson Creek, whether they be birds, dogs, cows, or people.

● *Filtering Road Runoff and Contaminants*
POWELL/HWY 26 STORMWATER RETROFITS



In 2005, the City of Gresham reduced road runoff to Johnson Creek from Powell Blvd. by 4 million gallons annually by installing permeable pavers and vegetated median swales.

To improve water quality, road runoff is now filtered by oil/water separation catch basins before entering Johnson Creek. By using native, drought and flood-tolerant plants, summertime watering and use of fertilizers and pesticides were reduced.

Many other stormwater retrofits and innovative water treatment designs are being constructed in the Johnson Creek watershed due to Portland's "1% for Green" and other progressive development codes.

¹³ Johnson Creek stormwater data provided by City of Portland BES; ¹⁴ Scholz, N.L. et al. 2004. "Impacts of stormwater runoff on coho salmon in restored urban streams." Society of Environmental Toxicology and Chemistry's 4th World Congress, Portland, OR; ¹⁵ Johnson Creek Inter-jurisdictional Committee. 2005. "Johnson Creek Legacy Pesticide Study 2003-2005." Milwaukie, OR; ¹⁶ Stonewall, A.J. and H.M. Bragg. 2011. "Suspended-Sediment Budget for the Johnson Creek Basin, Oregon, Water Years 2007-2010." Draft Scientific Investigations Report; ¹⁷ National Land Cover Database, 2006, downloaded from <http://www.mrlc.gov/nlcd2006.php>



2020 VISION

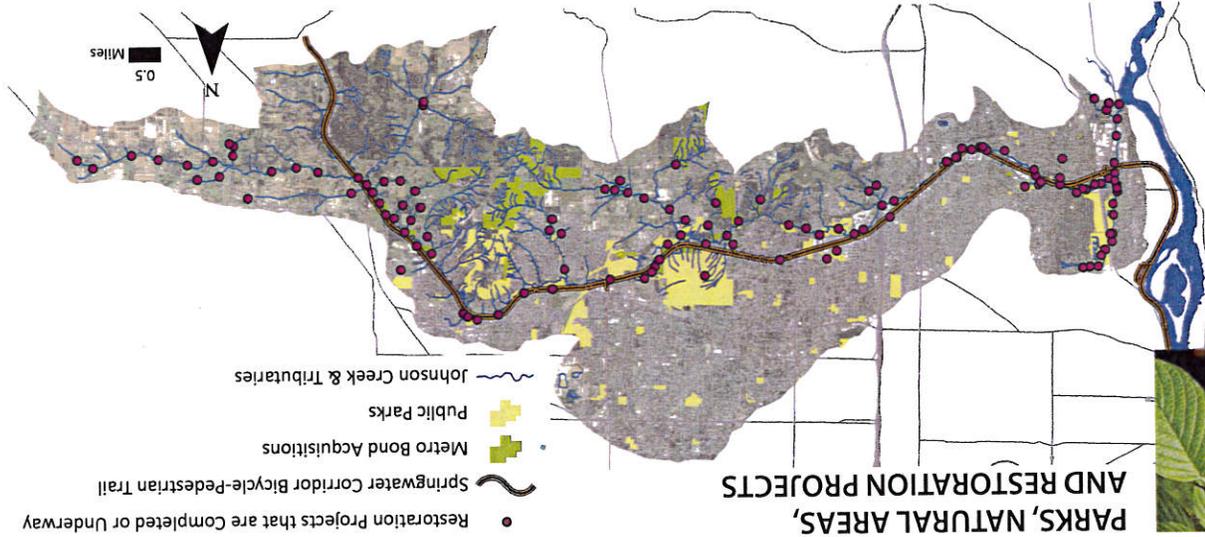
LONG TERM WATERSHED GOALS:

- Healthy natural areas are protected and expanded through acquisition and restoration projects.
- Johnson Creek and tributaries are green corridors of connected tree canopy that extend to several forested upland areas.
- Pollution sources are addressed so that it's safe for children to swim and wade in Johnson Creek.
- Native fish species thrive and anadromous salmon and trout return in greater numbers each year.
- Johnson Creek becomes a regional icon for how people, fish, and wildlife can thrive together.

THE COUNCIL'S FIVE-YEAR STRATEGIC PLAN:

- Implement restoration projects that improve ecological function and expand and connect healthy habitats.
- Collaboratively develop a scientific framework to guide land-use policy, restoration actions, and help us track progress over time.
- Be a well-known and trusted presence in the upper watershed.
- Increase the Council's long-term financial stability.
- Revitalize the Council's office as a community hub and center for environmental education.
- Effectively communicate the ecological, economic, and recreational value of the Johnson Creek watershed.

PARKS, NATURAL AREAS, AND RESTORATION PROJECTS



JOIN US IN RESTORING JOHNSON CREEK



In 2011, over 1,100 volunteers dedicated a total of 5,500 hours serving Johnson Creek at 40 Watershed Council events. Thank you all. Our volunteer and support network continues to grow, which exemplifies the love and support community members have for Johnson Creek. There are opportunities to get involved throughout the year, from restoration work parties, to mussel and salmon surveys, children's activities, paint-outs, bike tours, fundraisers, and more. Annual events include the Watershed-Wide Event on the first Saturday of March, now in its fourteenth year, the Council's Annual Meeting at Reed College in late May, and Johnson Creek Days during the month of September.

ONLINE CONSERVATION REGISTRY



The Council, jurisdictional and agency partners, private landowners, and other non-profits have implemented over 120 restoration projects throughout the Johnson Creek Watershed. Descriptions and mapped locations for these projects are available at www.jcwc.org/conservationregistry.org. This online catalog of restoration projects enables ongoing monitoring of tree growth and maintenance needs. In addition, the compiled data allows us to begin exploring the effects of different types of restoration techniques on water quality, wildlife, and real estate values. Seeing these projects at a watershed scale, it's evident that a major effort is underway to improve livability for fish, wildlife, and people in the Johnson Creek watershed.

Photos courtesy of City of Gresham, City of Portland BES, Eric Griswold, John Hamill, Bruce MacGregor (www.brucemacgregorphotography.com), and the Wild Fish Conservancy Restoration Plan, 2001, by the City of Portland BES; and the Johnson Creek Watershed Action Plan: An Adaptive Approach, 2002, by the Johnson Creek Watershed Council. For more information, please read the Johnson Creek Resources Management Plan, 1995, by the Johnson Creek Corridor Committee (precursor to the Watershed Council); the Johnson Creek

December 3, 2013

Dear Renee Ugrin:

The hearings officer is in receipt of your electronic messages dated November 29, 2013 and December 3, 2013 regarding the Matter of the Enforcement Order for the City of Damascus. I am sending this to you by electronic message because you did not provide your address.

The Land Conservation and Development Commission initiated an enforcement action against the City of Damascus pursuant to the contested case provisions of ORS Chapter 183. In order to participate in the contested case hearing, a person must petition for party or limited party status pursuant to OAR 137-003-0005, as described in the Notice of Contested Case Hearing dated November 22, 2013.

Your electronic messages do not appear to seek either party or limited party status or otherwise conform to the requirements of ORS Chapter 183 or OAR 137-003-005. If you wish to become a party or limited party you must comply with those provisions.

Sincerely,



Fred Wilson

Hearings Officer

CC (with copies of Ugrin messages):

City of Damascus, Steven Shipsey (DLCD), Stephen Madkour (Clackamas County), Christopher Crean (City of Happy Valley), Roger Alfred (Metro), Paul Hribernick (General Distributor's, Inc.), Jason Howard (Johnson Creek Watershed Council), Richard Johnson (Citizens for Moving Damascus Forward), Karl Wescott

City of Damascus

Renee [reneeaugrin@aol.com]

Sent: Friday, November 29, 2013 1:41 PM**To:** Wilson, William F

Our family has owned property here in Damascus since 1948. After WWII my parents purchased land near my Dad's paternal grandparents, who arrived from Austria in 1902.

Soon after the City of Damascus became an official city, ODOT approached our family with a project that they had in mind for the extension of Tong Road which would cross over our property, and brought maps, and a plan which would purchase part of the property for this road. We happily agreed, since we had been under the no-divide and no-build restrictions for quite some time. Our Mother was delighted, she had many debts from the long term illness (Parkinsons) which challenged the last years of her husband's life. We discussed plans and were very happy until the City of Damascus stepped in, and canceled this arrangement. (Please note: this road project is still on the comprehensive plan, we still own the property. One week after the meeting with ODOT, the city sent surveyors to mark a new roadway, going through our Mother's house and my house across our acreage on the other side of Highway 212, this had nothing to do with anyone's plan, and we still cannot find any information about this surveying, NOT ONLY THAT: after several months, a real estate person came to my Mother with an outrageous offer on the acreage that was going to be purchased by ODOT. Basically they had all the lines "you won't be sorry", "this is the best deal you are going to get", "just cash out!!", etc.) When I went to the office the City claimed that they had no idea what I was talking about and I should come to a meeting and all would be revealed. I attended many meetings asking questions, everyone was dumbfounded, did not know anything, blamed ODOT for canceling (even though ODOT told us about how they were ready and had the money for the project, the arrangements had been made for the soils, the equipment and all). I went directly to the ODOT office in Portland, and they only said that the City of Damascus had canceled the plan. I wrote to the City Councilors -- no reply, no explanation, I have been to the City Hall, no knowledge, or "maybe it was Clackamas County". I wrote to the Mayor last fall during the city councilors campaign -- he said 'that's too bad, vote for me'.

This one underhanded decision that the City made against us is criminal, it not only caused us to continue paying taxes on property that was to be sold, the ownership of that property was counted into our inheritance taxes and we were charged accordingly for that as well. We had to sell our Mother's house to pay her debts, and she never benefited from the opportunity that was taken away from her. It is in the spirit of justice for her that I make this statement. No senior citizen should be taken advantage of in this way.

I voted for the city to be disincorporated as I don't believe that this kind of underhanded activity is right, not for us and certainly not for the other citizens of this area.

Thank you,

Renee Ugrin
Damascus citizen.

If you need my statement in a different format, please advise.

City of Damascus hearing

Renee [reneeaugrin@aol.com]

Sent: Tuesday, December 03, 2013 10:02 AM

To: Wilson, William F

Good Morning,

I just spoke with Jennifer (Donne) regarding the hearing about the City of Damascus. I did send an email to you on Friday, but did not know that the letter had to be by mail. I only heard about the hearing on Friday morning, and emailed you right away.

I am very interested in calling the number that was provided for the hearing and will call at 1:30pm. I understand that the scope of this hearing is to find out more about why Damascus could not meet the comprehensive plan deadline and in my case this is only one reason why the City is disfunctional, they do not work with the citizens of this town, they have their own ideas and are willing to work with the real estate contingnecy but not with the citizens -- they have yet to answer to their misdeeds. In this case they canceled part of the plan that ODOT was ready to work on (in 2004) but will not acknowledge this action, nor will they reveal exactly what they plan to do to the property owners.

Any assistance will be greatly appreciated.

Thank you,

Renee Ugrin