

Donnelly, Jennifer

From: Angela Bryant [myacbaby2@yahoo.com]
Sent: Monday, March 07, 2011 10:12 PM
To: jennifer donnelly; tnation@ci.damascus.or.us
Subject: comprehensive plan

Jennifer,

We have lived at 16600 s.e. Tong rd since 2000 and we would like to submit our testimony in support of the Damascus comprehensive plan. We feel that the city has done an excellent job over the year in getting the resident input and compiling the Damascus comprehensive plan, now it is time to get it into action.

Sincerley,

John and Angela Bryant
16600 se Tong rd
Damascus, Oregon
97089

my e-mail
myacbaby2@yahoo.com

Donnelly, Jennifer

From: Les Poole [lespoole@live.com]
Sent: Monday, March 07, 2011 11:57 PM
To: jennifer.donnelly@state.or.us
Subject: FW: DAMASCUS COMPREHENSIVE PLAN

From: lespoole@live.com
To: jenniferdonnelly@state.or.us
Subject: DAMASCUS COMPREHENSIVE PLAN
Date: Mon, 7 Mar 2011 23:47:41 -0800

Dear Jennifer,

I appreciate both you and Richard coming to the recent Damascus City Council Meeting. I support the concept of carefully providing environmental protections, and understand the need for a blueprint of the future for the youngest city in Oregon.

When Damascus was created, Metro incorporated a very large area, given the size of the community and expected rate of growth. Initially almost 100,000 people were expected to flood the area, a number that has been reduced considerably. Damascus is situated in an important corridor that has limited traffic options, and bordering a large urban area, is already burdened with limited access. There is a large amount of water that flows through the rural southern sections of the City's growth boundary; most predominant being the Clackamas River at Carver.

Being an area with numerous hills and flowing streams, Damascus must establish riparian watershed buffers for reasons that are easy to see. I support much of the proposed Damascus Plan, and have been at times critical of certain aspects. I testified at the Planning Commission Meeting in October, and twice in November in front of the City Council prior to your visit. On numerous occasions I voiced concerns about the proposed riparian buffers.

I have commented that the numerology of the proposed riparian buffers is not inclusive. In other words, the proposed riparian buffer sizes should be more site specific, and should include more input about slope and soil types. It seems arbitrary that 100 foot or 200 foot sizes can be justified in all cases.

During my testimony I have repeatedly expressed concerns about the complicated Damascus Comprehensive Plan map that property owners initially received last Fall. A single confusing map that included *every* overlay on one page did little to comfort the citizens. Certain aspects the Comp Plan such as the riparian buffers became major issues during November's Mayor' race, won by Steve Spinnett. Soon there will be another vote. Regardless of the outcome we all need to do a better job of being informed and open.

Richard was very insightful when he reminded everyone that the "moratorium" has a financial impact and is causing uncertainty in the community. Most folks don't want to file compensation claims, or be at odds with their neighbors. As with most important projects, it appears that there are only 2 or 3 significant issues in the path to completion of the plan, with environmental overlays being the most contentious.

I believe that METRO, which has a political agenda, has been too dominant of a factor in the plan

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as proposed, and that the plan may be too restrictive; lacking in flexibility for the future. Oregon's economy and the World's economic future make it difficult to predict land needs, as proven by the repeated lack of enough industrial lands in Oregon. Like the weatherman, METRO has a difficult job, and often views suburban communities as being all the same. With all due respect, Damascus has been little more than a test case for METRO.

SE Wooded Hills drive is a paved road built by my father. It is not visible on the map, nor are many other streets one would expect to find. (It's located just north of SE 190th and Borges Road.) Point source runoff is the primary source of a "creeklet" that flows for several months of the year, (especially during times of heavy rain) on my neighbor's hillside lot along Wooded Hills Drive. A short distance away is my property, a 2.2 acre lot where most of the environmental riparian overlay would be located. To date I have no intention of building a home there, however I wonder if officials will visit the site, paid for by the City in order to provide a careful appraisal of whether the stream that has suddenly appeared on the plan maps should qualify for a buffer that is the same as required for Deep Creek, the Clackamas River, or a flood prone wetland.

I have invited the city to use my property as a small convenient test case on how the plan would affect an easily viewable location. I may make that request again. I fully understand why the City struggled to meet the November deadline, and look forward to a simple process for correcting the comprehensive map. I am hopeful that DLCD recommends that Damascus be allowed more flexibility when completing the task of evaluating this complex situation.

Thanks you for your consideration,

Les Poole
15115 SE Lee Ave.
Milwaukie, Oregon 97267

Donnelly, Jennifer

From: Diana Bradshaw [Diana@2bradshaws.com]
Sent: Thursday, March 03, 2011 6:31 PM
To: jennifer.donnelly@state.or.us
Subject: Damascus Comprehensive Plan

Dear Jennifer Donnelly and the DLCD,

I am writing to give my input regarding the Comprehensive Plan which has been submitted to you by the City of Damascus. My purpose is to support the strong environmental aims of the plan. My background is biology and I have a strong interest in geology. I was a member of the second Task Specific Team which provided guidelines for the Plan regarding land use goals 5 and 7 as well as the requirements of Metro. In order to provide recommendations for protection of Damascus watersheds and steep slopes, we reviewed current accepted practices and the needs of this city. As you know, Damascus has many challenges to development due to the constraints of the topography and hydrology of the region. The Boring Lava Domes are our great asset but also create many of these constraints of steep, often unstable slopes and many small streams which are headwaters of our several creeks which flow into major waterways of the southeast portion of the Portland metropolitan area. I believe these watersheds need full protection.

At the present time the relatively undeveloped nature of Damascus allows for protection of our natural resources from the beginning of the adoption of the Comprehensive plan and subsequent code development. I believe that natural resources need protection from the start rather than having to mitigate or try to restore these resources after development.

In the beginning of the planning process the city prepared a list of core values as a part of the planning process for the Comprehensive Plan. The Natural Features team also took these values into consideration. Among the core values, summarized here, are:

- 1. Well-designed Communities and Core Areas. "The urban and rural components of the City of Damascus shall be developed and integrated in a sustainable and environmentally-responsible manner." "...to minimize encroachment on open rural landscape."
- 5. Rural Character. "Rural character means that open landscape is integrated with and more visually dominant than urban development." "...a density gradient (that is) gradually less dense toward open spaces that include riparian areas...parks...greenways...upland forests, and non-developable land such as landslide-prone slopes."
- 7. Environmental Responsibility and Protected Special Places. "The City of Damascus shall distinguish itself nationally by its concern for natural areas. Linking corridors that interconnect green spaces shall embody this value. The growth occurring in the area shall be designed to ensure the quality of nature's gifts, including—but not limited to—clean water, high-quality fish and wildlife habitat, healthy air quality..."

After review of available data and much discussion among committee members, our city council liaison members and city staff, the Natural Features team opted for strong protection of these resources at the outset of writing the codes that will guide development in the future.

I want clean, pure water, protection of fish and wildlife habitat, unspoiled natural areas and safe building practices. I believe in the values of ecosystem services to a community. As a citizen of Damascus I want these things for my city and for the citizens of the future.

Respectfully submitted,
Diana Bradshaw

3/8/2011

Donnelly, Jennifer

From: John Price [jprice@zzeke.com]

Sent: Friday, March 04, 2011 3:29 PM

To: Jennifer.donnelly@state.or.us

Subject: Objections to the Damascus, OR Comprehensive Plan

On October 29, 2010 I sent the following objections to the Damascus Comprehensive Plan to the Planning Commission of the City of Damascus,

Damascus, OR. I now send those same objections to LCDC:

"First let me address my objections to the 200 foot stream buffers included in the proposed Damascus Comprehensive Development Plan in view of Goal 5 and Goal 7 state wide planning goals:

City staff is writing development code for Damascus straight out of Metro's UGMF Plan under the guise of state Goal 5 and Goal 7 requirements, without informing the citizens and property owners of that fact.

The state's Goal 5 regulations on water set-backs very specifically differentiate between rivers and seasonal creeks, but Metro's plan and regulations have the same set-back for a dry seasonal creek as it does for the Clackamas River.

From state Goal 5 language: "Along all lakes, and fish-bearing streams with an average annual stream flow less than 1,000 cubic ft. per second (cfs,) the riparian corridor boundary shall be 50 feet from the top of the bank."

"Along all streams with an average annual flow greater than 1,000 cubic feet per second (cfs) the riparian corridor boundary shall be 75 ft. upland from the top of each bank."

Here are the restrictions on water set-backs taken directly out of Metro's UGMF Plan page 28:

"Protected water features include creeks, rivers, streams, wetlands, natural lakes, and springs. The general location of identified Protected Water Features is indicated on the City of Damascus Steep Slopes and Natural Resources Overlay Zone Map (provided by Metro)."

"All mapped significant goal 5 water features (streams, rivers, wetlands) with <25% slope START at 100 ft. set-back (including dry seasonal creek)."

"All mapped significant Goal 5 water features (streams, rivers, wetlands) with >25% slope START at 125 Ft. set-back to a maximum 200 ft. set-back."

No differentiation is made by Metro between the Clackamas River or a seasonal creek.

The maximum 200 foot buffer comes from Metro, not the state or federal regulations. The city then compounds the problem by adopting Metro's maximum number everywhere. Yet the city states that we're following state and federal law and complying with Metro.

It looks to me, from all my research, that buffers should be anywhere from 50 feet to 200 feet depending on topography, type and size of the body of water, purpose, adjacent uses, etc. According to federal regulations a buffer 200 feet wide would be more appropriate for the Columbia River than for a 4 foot wide seasonal creek in Damascus. Damascus seems to have gone to the absolute extreme in applying the maximum number to everything, regardless of these factors. That's hardly scientific, or responsible, or fair. I'd be surprised if a blanket application of that nature couldn't be challenged in court as being arbitrary and capricious.

Now let me be really specific in my objections to the 200 foot stream buffers included in the proposed Damascus Comprehensive Development Plan. My property is a good example of the unfairness. It is 1.49 acres and nearly level, not a wetland by any definition, and has 225 feet of frontage on 242nd. At 200 feet for stream buffers I can develop about .25 acre of my property, even though I can't see a stream from anywhere on my property. At 100 feet for stream buffers my property is untouched. Streams approximately 4 feet wide with no water in them half the year run roughly 100 feet from my property lines on 3 sides. Thus, a 200 foot buffer takes 100 feet off the perimeter of my property on 3 sides. It takes more than an acre, more than half of the parcel. A 100 foot buffer takes none.

From what I've read in the state and federal regulations a 50 foot buffer would be scientifically adequate for my property, given the topography, the size and quality of the creeks, the purpose of the buffer, and the adjacent uses. A universal 200 foot buffer seems arbitrary and unfair, not just to me but to a lot of other people and their properties. It is still unclear what these buffers can be used for by the present owners. Can they graze livestock on them? Can they fence them? Can they prohibit public entry? Can they mow them? Can they trim brush? Can they grow crops on them? Can they put utility buildings on them? If there is an existing building can they add a porch or deck to it? What happens if the existing use is vacated for a period of time? What happens if a pre-existing building falls down, is demolished, or burns down? How convoluted and expensive is the process to deal with these things? I expect the answer to

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most of these questions is unpleasant. It is currently being proposed that people in this situation in Lane County not even be able to mow or do brush control within the buffer.

I can see only 2 reasons for a blanket 200 foot buffer regardless of stream size, topography, or seasonality:

- 1. It's easier than tuning the requirements to the actual conditions.*
- 2. It keeps the maximum amount of land from being developed.*

I think those are the two most likely motivations.

There is a huge disconnect between the process and the people. The process requires input from the people as to their values and desires. Those running the process have ignored the people of Damascus in favor of fashionable radical ideas about planning and development. This is the reason for the gridlock and hard feelings we have experienced. I strongly object to the process and its results as recorded in the proposed Comprehensive Development Plan."

Since that letter, the city council has allowed that the blanket 200' stream buffers may be reduced in some cases to as little as 100'. These limits are still arbitrary, inappropriate, and unnecessarily restrictive. Realistic stream buffers for most of Damascus would be 50' to 100' according to state and federal recommendations, and where extended buffers are appropriate they would be placed only on the uphill sides of these streams.

The present plan was approved by the council for submission to the state at the very last minute by a lame duck council and mayor, over the objections of the people. The people, while being allowed to voice opinions, have seen those opinions completely ignored in the content, timing, and appropriateness of this plan to meet the goals of the residents of Damascus. Indeed, the people of Damascus have felt so strongly about this that they have placed a referendum on the city ballot to rescind the approval for submission of this plan by the outgoing city council and mayor. The city council has felt so threatened by any discussion of the plan that they have placed a moratorium on discussion of the plan within city government until the LCDC review is complete.

John Price

10750 SE 242nd Ave

Damascus, OR 97089

503-558-0737

jprice@zazeke.com

Donnelly, Jennifer

From: Dan Phegley [danphegley@yahoo.com]
Sent: Sunday, March 06, 2011 2:05 PM
To: jennifer.donnelly@state.or.us
Subject: Damascus Comprehensive Plan

Dan & Debra Phegley

Phegley Phamily Pharm

21610 SE Little Lane

Damascus, OR 97089

3/5/11

State of Oregon
DLCD
Jennifer Donnelly

Jennifer,

This letter is in objection to consideration of the Damascus Comprehensive Plan. It should be noted that on the day the city council passed the adoption of the plan citizens were instructed by the city attorney, Damien Hall to not comment or even mention the plan at this meeting. Citizens who were ready with testimony had it refused. The council then approved two changes that affected councilor properties, one was Diana Helm's. This was done with citizens present but comment prohibited. I fail to see how barring citizen input complies with goal 1 (citizen involvement).

In January, 371 signatures were turned in to the city registering opposition to the adopted plan and requesting the adoption ordinance be voted on by the citizens of Damascus. Having qualified for the ballot, ordinance number 2010-45 should be vacated pending the vote. Under what law is DLCD proceeding and overriding the citizens initiative and referendum rights? These rights are constitutional and I am unaware of any ORS giving administrative rules, powers over the constitution.

I further question how the suspension of the initiative and referendum process squares with your stated goal 1 citizen involvement?

The above is of great concern but actions since adoption of ordinance 2010-45 are extremely disturbing.

On 2/6/2011 councilor Diana Helm claimed the city had complied with all requests by the city planning commission. This has in fact been shown in testimony and evidence to have been a false statement. This is not the first of her misleading statements.

In the May, 2010 issue of the city news councilor Helm wrote *"We've forged ahead with the comprehensive plan with limited citizen involvement..."*

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Since that May of 2010 statement, the council has refused the recommendations of the planning commission and held a council meeting at which all public testimony was refused and councilor Helm now gushes at the successful citizen outreach by the city.

However, in March of 2010 **the entire citizen involvement committee resigned in frustration at the indifference from the city council.**

In July 2010 a new citizen involvement committee was formed with a majority coming from a small group known as "Livable Damascus" and included its leader Keith Marshall. This group has worked against citizen measures that were placed on the ballot using the initiative process. **A main tactic was to edit video from testimony at city council meetings in order to discredit citizens who testified and intimidate them away from any further testimony.** A tactic that is particularly offensive and sure to be used again.

September 2010 Livable Damascus started campaigning for 4 city councilors Diana Helm, Randy Shannon, Mary Wescott and Andrew Jackman.

September 27, 2010 Livable Damascus (Citizen Involvement Committee member, Keith Marshall) received \$3,000 from Diana Helm. She gave another \$1,000 on 10/21/10.

In October 2010 police were called regarding Keith Marshall harassing and intimidating an elderly Damascus couple at their home because they would not publish derogatory rumors about Steve Spinnett on their web site.

November 2010 a Citizen Involvement Committee meeting revolved around Keith Marshall's actions. Mary Wescott and Tony Passanante are members along with others from Livable Damascus. No one excused themselves. Tony Passanante defended Keith with accusations toward the victims. It should be noted that Cindy Passanante (Tony's wife) receives money for services from "Livable Damascus". It was decided that the issue is free speech and referred to the city council for any action. The victims were not notified of this meeting but got word of it and gave their testimony in writing.

December 2010 the city councilor liaison to the Citizen Involvement Committee, Diana Helm, brought this incident to the city council. Keith Marshall, again, who has run the campaigns for 4 of the seven councilors including Helm, was deemed too important to be punished for his actions and would be kept on the citizen involvement committee. Not one councilor excused themselves.

On 2/26/11 the city council held a retreat. During that meeting councilor Ledbury began the discussion of how little informed the citizens were of the plan and that an education process was needed to inform the citizens of what was actually in the adopted plan. Diana presented no disagreement.

It must also be pointed out that no discussion or disclosure of the cost of this plan was attempted by the council. On October 1, 2009 the first clue as to how much this would cost came, not from the city, but a reporter, Jim Redden, with the Portland Tribune, who discovered from Metro that the estimate was in excess of 3 billion dollars needed in new taxes! **That works out to about \$500,000 per household.**

On 1/18/11 during a city council meeting Councilor Shannon and Councilor Jackman had an interesting discussion about a study by Eco Systems Services Northwest and they wondered if staff could find it and post it on the city website. As they recall the study placed the cost between 1.5 and 4 billion dollars. None of the above figures include interest on the bonds used to finance

this endeavor.

No economic feasibility study was ever requested by the council nor was any concern over affordability expressed.

The majority of testimony from the public was against this plan and it was clear the public had no idea what they were getting while cost was being hidden. Aside from citizen testimony it is clear from councilor testimony and statements that they were aware citizens were not informed as to what was in the plan. If this were not the case why was councilor Ledbury adamant in her request to begin educating the citizens? If she was in error why did the rest of the council not rush to correct her?

Make no mistake, **I wish to commend councilor Ledbury** for her concern over this inadequacy.

Conclusion:

It is clear the council is aware that citizens were not informed on the plan. It is also clear that council withheld information on the cost of the plan (per testimony of councilors Shannon and Jackman). I still am not able to locate the study they refer to.

It is clear councilor Helm is not a credible witness regardless of who she is testifying on behalf of.

It is clear in light of the history that state goal 1 was never a goal of our city council.

It is clear this city council condones intimidation of citizens.

It is also clear the council is rejecting all efforts by the new Mayor to remedy this situation.

While some cities are citizen friendly and others citizen unfriendly Damascus has taken it the next step to citizen hostile.

I therefore ask that the state restore procedural integrity by rejecting the plan in its entirety along with action admonishing this council for its willful disregard of both citizens and state rules.

Thank you very much,
Dan Phegley & Debra Phegley

Donnelly, Jennifer

From: jwwferguson1@frontier.com
Sent: Sunday, March 06, 2011 6:50 PM
To: jennifer donnelly
Subject: Damascus Comprehensive Plan comments

Hello Ms. Donnelly,

I am writing to offer my comments and opinions regarding the Damascus Comprehensive Plan. I served on the two Damascus Natural Features Topic Specific Teams, as a member on the Phase I team and as co-chair on the Phase 2 team. Our team spent approximately 20 months working to develop a document for the required Environmental, Economic, Social, and Energy analysis as well as a document for recommendations that addressed ways to balance conservation and development as related to the natural areas defined by Goal 5 and 7 areas.

Our team reviewed, studied and discussed various documents including scientific papers and planning studies that have been in effect for other areas. We brought in several experts for presentations including planners, conservation organization staff, geologists, foresters, and development specialists. We conducted research on our own. In the end we produced documents that we believe will provide economic fairness, livability, and sustainability for both present and future generations of citizens.

Some of the keys to our recommendations include:

1. Maintain, as a minimum, existing development rights for all property owners.
2. In most instances provide some increase in development rights for all property owners.
3. Provide for conservation of forests and streams in Goal 5 and 7 areas in order to conserve wildlife habitat, preserve and promote water quality in streams, promote stability of slopes and landslide reduction, and allow for ecosystem services that will save energy and tax dollars by using existing natural features for stormwater control and reduction, energy conservation and other ecosystem services.

We recognize that livability is a key concern for most citizens and we have kept the core values developed by Damascus citizens as the guiding principle to our work.

The draft Comprehensive Plan has weakened some of the conservation elements the NFT recommended including allowing more development in the Goal 5 areas and reducing stream corridors from 200 feet to as little as 100 feet in some instances. Nevertheless, I support the draft Comprehensive Plan.

I am sure you are aware that there is an organized effort to remove many of the key conservation elements to the comprehensive plan using an argument of property rights and economic fairness. These arguments are specious and misleading since no reduction below existing development rights are in the comp plan. I want you to know that I own 7 acres totally within either Goal 5 and/or Goal 7 areas and realize the value of conserving these unique lands. I also believe that lands such as I own will only increase in value as they are rare and inherently desirable.

In summary, I urge you and the LCDC to accept the Damascus Comprehensive Plan and to not permit any further reduction in the conservation elements of the plan.

Thank you.

Sincerely,
John W. Ferguson
CO-Chair, Damascus Natural Features TST
19110 SE White Crest Ct.
Damascus, OR 97089

Donnelly, Jennifer

From: Tim Presley [timpresley@me.com]
Sent: Sunday, March 06, 2011 9:36 PM
To: Jennifer.donnelly@state.or.us; tnation@ci.damascus.or.us
Cc: Warren Sanders; Gary Stephens; Eva
Subject: Objection to Damascus Property Designation
Attachments: DLCD letter-presley.docx

Hi Jennifer,

Please see attached for an objection and request to change the designation of our property in the Damascus Comprehensive Land Use Plan.

Thank you in advance for your attention and consideration to this concern.

Tim Presley
p - 503.887.0804
e - timpresley@me.com

March 5, 2011

To: DLCD Metro Regional Representative Jennifer Donnelly
City of Damascus City Council
Re: Objection to designating land south of Donna Circle Neighborhood Low

I request that the Department of Land Conservation and Development and the Damascus City Council reconsider the decision to change the property designated at 13932 SW 222nd Drive from a designation of City Center to Neighborhood Low. As property owners we have been closely following the developments of Damascus and have been active in most of the planning and discussion sessions regarding the development of the city of Damascus. From the beginning of the discussion, this area has been identified as a great opportunity to create a new city center. The property does not have any geographic or natural barriers and is prime for creating the wonderful city center that the citizens of Damascus envision.

I have attended over 20 meetings from City Council Meetings, Coffee Klatches, Transportation Subcommittee to Regional Planning sessions. From the first meetings and it still continues I have been excited and dreamt about the opportunity to truly build and create a fantastic planned city. A city that has a sense of community and one that stays true to its culture.

In this near seven year process, only recently and most importantly after the map was approved in Fall of 2010, has there has been opposition to this vision. Council Member Jackman proposed a buffer barrier around Donna Circle. Please note residents of Donna Circle did not propose it. That buffer was later removed after testimony showed that Donna Circle already had a natural buffer. Council Member Jackman argued again for another designation change from City Center to Neighborhood Low. This designation seems counterproductive to the vision of Damascus. Council Member Jackman's personal interests should be considered and balance that with the vision Damascus has for a city center.

The citizens of Damascus envision a wonderful city center that embraces the local community. Why restrict the development of a well-planned city center with a smaller city center footprint? The reason we would like you to reconsider the residential low zoning is that it severely limits our ability to develop our property that was purchased prior to the city being incorporated. It is detrimental to the value of our land and hampers the development of the city center. The new city center already suffers from geographic challenges of wetlands and Highway 224 and should not be further restricted with additional unnecessary restrictions. The most recent zoning change is not needed and without these zoning changes we can build the city center that we have all discussed and imagined.

Thank You,

Tim Presley
Property Owner
503.887.0804

Donnelly, Jennifer

From: Roderick Boutin [rodboutin@comcast.net]
Sent: Monday, March 07, 2011 10:18 AM
To: Jennifer.donnelly@state.or.us
Cc: tnation@ci.damascus.or.us
Subject: Comprehensive Plan Request for Acknowledgment
Attachments: DLCD letter to 2011 03 07.pdf; North Clackamas School District to City of Damascus Nov 15 and Oct 26, 2010.pdf

Dear Ms. Donnelly,

I represent the North Clackamas School District.

Attached hereto is my client's submittal and attachments concerning the Damascus Comprehensive Plan Request for Acknowledgment.

Rod Boutin

Boutin & Associates, PC
Attorneys at Law
5005 Meadows Road, Suite 405
Lake Oswego, Oregon 97035
503 601 6800
503 598 9593 fax

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BOUTIN & ASSOCIATES, P.C.

ATTORNEYS AT LAW

Roderick A. Boutin
Ericka M. Langone

5005 Meadows Road, Suite 405
Lake Oswego, Oregon 97035

503 601 6800
Fax 503 598 9593

March 7, 2011

Oregon Department of Land Conservation and Development
% Jennifer Donnelly (Damascus Comprehensive Plan)
DLCD, Portland Office
800 NE Oregon Street, Suite 1145
Portland, Oregon 97232

Re: *City of Damascus Comprehensive Plan Request for Acknowledgment*

Dear Ms. Donnelly:

I represent the North Clackamas School District No. 12 ("the District").

For consideration by the Land Conservation and Development Commission, enclosed with this letter are copies of comments from the District to the Damascus City Council and the Damascus Planning Commission expressing its opposition to the proposed Plan's use of a 200-foot buffer zone for streams and riparian areas without allowing for the determination of, and notwithstanding, conditions actually existing at an individual location.

In addition, would you please provide me advance notice of any public hearings regarding the Damascus Comprehensive Plan. Thank you.

Very truly yours,

/s/ Roderick A. Boutin

Roderick A. Boutin
Attorney at Law

Enclosures: NCSD letter to Damascus City Council, 2010 11 15
NCSD letter to Damascus Planning Commission, 2010 10 26

Toward A New

Excellence

North Clackamas Schools

NORTH CLACKAMAS SCHOOL DISTRICT

4444 SE Lake Road
Milwaukie, OR 97222
503-353-6004 Fax: 503-353-6007
stewartro@nclack.k12.or.us

Ron Stewart
Assistant Superintendent,
Operations

November 15, 2010

Damascus City Council
19920 SE Highway 212
Damascus, OR 97089

Re: Envision Damascus – Riparian Buffer Zones
18031 SE Vogel Road
Tax Lot 1500

Dear Mayor Wright and City Council:

Attached please find our letter to the Planning Commission expressing our objection to a proposed 200-foot buffer zone for streams and riparian areas in the City of Damascus, and for the above referenced property owned by the North Clackamas School District in particular.

We appreciate the Planning Commission's revisions to the draft Comprehensive Plan incorporating Buffer Zone policies that require on site resource evaluation during the development process prior to establishment of final buffer widths for each parcel. However, since these widths have not been tied to the Clackamas County standards and the City's standards apparently will not be known until its Development Code is adopted, possibly in 2011, we cannot know the impact of the Comprehensive Plan on the District's property.

The District relied on the County standards in its decision to acquire the referenced parcel for a school site to serve City of Damascus residents. The imposition of a 200-foot buffer may well make the site unsuitable for a school, notwithstanding this parcel's present and historical use as cultivated agricultural land. Therefore, we recommend the City Council either adopt Clackamas County's buffer standards as a policy its Comprehensive Plan and, in addition, that it revise the draft Comprehensive Plan's mapping to show the minimum 50-foot buffer and note that the buffer zone could be expanded based on specific site evaluation and the future Development Code standards. To the extent the potential 200-foot buffer zone is shown as an overlay district rather than as an Area of Special Concern, it would aid the District and the general public if the area between 50 feet and 200 feet is differentiated from the 50-foot minimum zone. These requests are consistent with the Commission's Recommendations, dated November 15, 2010, at No. 1.A.1 and 2, and No. 3.4.

We appreciate your thoughtful consideration of these requests.

Sincerely,



Ron Stewart
Assistant Superintendent for Operations

Toward A New

Excellence

North Clackamas Schools

NORTH CLACKAMAS SCHOOL DISTRICT

4444 SE Lake Road
Milwaukie, OR 97222
503-353-6071 Fax: 503-353-6007
stewartro@nclack.k12.or.us

Ron Stewart
Assistant Superintendent,
Operations

October 26, 2010

Hand Deliver

City of Damascus Planning Commission
City of Damascus
19920 SE Highway 212
Damascus, Oregon 97089

Re: Proposed Comprehensive Plan
18031 SE Vogel Road
Tax Lot 1500

Owner: North Clackamas School District No. 12
Attn: Superintendent
4444 Lake Road
Milwaukie, Oregon 97222

Dear Chairman and Commission Members:

The North Clackamas School District No. 12 owns the above referenced Tax Lot. This eight-acre parcel was acquired by the district for a future school site through a series of transactions and a lot line adjustment over the past two years. The parcel is essentially a level field with a home and garage. The parcel lies west of the westerly creek located within Tax Lot 1600, described as a small seasonal creek in a letter to you dated October 26, 2010, from The Donald P. Hager Revocable Trust. The District is informed by the Hagers that –

– The creek has had a culvert crossing and significant grading in the vicinity of its junction with another drainage on the Hager property.

– The creek is best classified as seasonal based on resident observation that the creek only flows about five months out of the year.

– The creek corridor has had significant grading making it akin to a garden amenity and has not functioned as a natural riparian area for decades.

– The Hager property has been in residential use for more than 60 years. The two creek areas (approximately 80% of the Hager property) have been largely converted to lawns that have been kept mowed year around and cannot be categorized as high quality habitat.

City of Damascus Planning Commission
October 26, 2010
Page 2

Our review of the currently proposed Comprehensive Plan Map indicates that greater area encompassing the district's parcel is anticipated to be designated for Neighborhood Medium Residential Use. However, the proposed plan also designates the district's site as burdened by a 200-foot riparian buffer and wetland overlay area. North Clackamas School District is not aware that a professional evaluation of the natural resources or habitat areas on its property has been conducted, and that the results of the survey justify such a restriction.

We believe that the current 200-foot buffer approach on the district's property renders the parcel inadequate for its intended use as the site for an elementary school, to the district's economic damage. This takings can be avoided by utilizing the Clackamas County buffers until such time as more complete and compelling information is developed. We respectfully request that the Planning Commission apply the Clackamas County buffers to the streams adjacent to the district's property.

Thank you for your diligent consideration of our input.

Sincerely,



Ron Stewart
Assistant Superintendent, Operations

c: J. Tim Mills, Superintendent, NCSD

Donnelly, Jennifer

From: Bill Horning [bill@westernplanning.com]
Sent: Monday, March 07, 2011 3:02 PM
To: jennifer.donnelly@state.or.us
Cc: Bob Dant
Subject: Damascus Comprehensive Plan acknowledgement/Hager Trust

Attachments: scan00185.pdf; CCCPmemo111510.doc; DantfinalHager Trust To Damascus Planning Commission10.26.10.doc



scan00185.pdf CCCPmemo11DantfinalHager
(333 KB) 510.doc (94 KBust To Damasc

Hi Jennifer,

Attached please find a copy of our input for consideration by LCDC in its review of the Damascus Comprehensive Plan. If you, other staff members or the Board have any questions please let me know.

We have some property exhibits showing the impact of the 200 foot buffers that I can forward to you if you think they would be helpful.

Thank you again for your prompt response to my request for information.

Bill

3/07/11

Oregon Department of Land Conservation and Development
c/o Jennifer Donnelly (Damascus Comprehensive Plan)
DLCD, Portland Office
800 NE Oregon Street, Suite 1145
Portland, Oregon 97232



Re: City of Damascus Comprehensive Plan Request for Acknowledgment

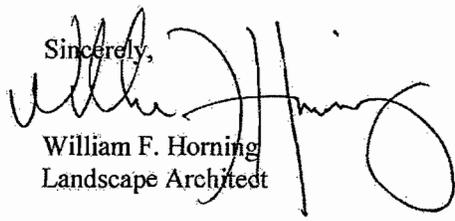
Dear Ms. Donnelly,

I represent the Hager Family Trust owners of 7 Acres in the City of Damascus located at 18151 SE Vogel Road (Tax Lot 1600).

I testified before the City Council expressing our objection to the location of 200 foot buffers on the subject property. Enclosed is a copy of the Trust letter of objection and a copy of the memorandum submitted for City Council consideration, both of which were presented at the City Council's Plan adoption public hearing. We are herein transmitting these exhibits for consideration by the Land Conservation and Development Commission. We believe Buffer Zones width should be established based on site specific information and good science and not become a burden to the property owner because they were arbitrarily set.

Would you please provide me advance notice of any public hearings regarding the Damascus Comprehensive Plan. Thank you.

Sincerely,


William F. Horning
Landscape Architect

enclosures

cc. Hager Family Trust

MEMORANDUM

DATE: 11/15/10

TO: Damascus City Council

FROM: Hager Family Trust
18151 SE Vogel Road
Tax Lot 1600

RE: Planning Commission Recommended
Buffers



**WESTERN
PLANNING
ASSOCIATES**
4621 SW Kelly Ave.
Portland, OR 97239
503.294.0222
360.695.8340
FAX: 503.294.0223

Mayor and Council Members:

Attached please find our letter to the Planning Commission recommending the adoption of the Clackamas County buffers for streams and riparian areas in the City of Damascus and for the above referenced property.

We wish to thank for the Planning Commission for revising the draft Comprehensive Plan to incorporate Buffer Policies that require on site resource evaluation prior to establishment of final buffer widths.

However, since these widths have not been tied to Clackamas County standards and the standards for these buffers apparently won't be known until Development Codes are adopted later in 2011 we are left not knowing the impact of the Comprehensive Plan on the property.

The preliminary buffers shown on the draft Comprehensive Plan leave virtually no developable area on our property and support the notion that we must undo what is not yet based on current site conditions. Therefore, we are requesting that the Plan incorporate a minimum number of units/acre that can be developed on Medium Density property irrespective of the resource buffers.

Alternatively, we are requesting that the City Council either adopt Clackamas County buffer standards as a policy for the new Comprehensive Plan or revise the Comprehensive Plan mapping to show a the minimum 50 foot buffer and note that the buffer could be expanded based specific site evaluation and future Development Code standards.

Either of these actions would minimize the current threat of the potential of the proposed Comprehensive Plan taking all of the future developability away from the property.

Thank you in advance for your thoughtful consideration of our request.

**THE DONALD P. HAGER REVOCABLE TRUST
DATED MAY 19, 2008
C/O PATRICIA L. DANT, TRUSTEE
711 NW 94TH TERRACE
PORTLAND, OR 97229**

October 26, 2010

City of Damascus Planning Commission
City of Damascus
19920 SE Highway 212
Damascus, OR 97089

HAND DELIVERED

RE: Proposed Comprehensive Plan
18151 SE Vogel Road
Tax Lot 1600

Owner: The Donald P. Hager Revocable Trust Dated May 19, 2008
C/O Patricia L. Dant, Trustee
711 NW 94th Terrace
Portland OR. 97229

Dear Chairman and Commission Members,

We are the owners of the above referenced Tax Lot. The westerly 3 acres of this 10 acre parcel has been sold to the North Clackamas School District for a future school site. The parcel is gently sloping, and contains two homes, two barns and two small creeks. The creek in the northeast and north corner of the property is the larger of the two creeks. This creek has had a culvert crossing and significant grading in the vicinity of the junction of the two drainages. The creek in the central portion of the site below the house would be best classified as seasonal based on resident observation that the creek only flows about 5 months out of the year. This seasonal creek corridor has had significant grading to make it more of a garden amenity and has not functioned as a natural riparian area for decades. The property has been in residential use for more than 60 years. The creek areas (80%+) have been largely converted to lawns that have been kept mowed year around and can not be categorized as high quality habitat.

Our review of the proposed Comprehensive Plan Map indicates that this site is anticipated to be designated for Neighborhood Medium Residential Use. This designation is acceptable to us and this level of development will be needed to support the extension of sewer, water and roads to service the site. Unfortunately the proposed plan also designates the site as having a 200 foot riparian buffer and wetland areas. In our opinion a buffer of this magnitude can only be supported based on specific professional on site evaluation of the natural resources or habitat areas on the property.

Letter to the City of Damascus Planning Commission
October 25, 2010
Page Two

Our professional planning consultants have indicated that application of the Clackamas County buffers to this site would leave a net developable area of approximately 3.85 acres of our roughly 7 Acre ownership. However, the Proposed Damascus Comprehensive Plan would leave us with no developable acres. We understand from discussion with City Planning Staff that the current thinking is that sites with designations like this would be granted a 20% utilization factor with a potential for 5 du/acres(clustered). Application of this standard to the property would generate a possibility of 7 dwelling units to be developed on the 7 Acres. This will certainly prohibit any development as there will be insufficient revenue from the limited number of units to offset the cost of extending utilities and road frontage improvements across the property, much less make any contribution to offsite extensions. The current county buffers would leave sufficient development area on site to provide over 20 dwelling units and thereby create an opportunity to extend services to and through the site.

We understand that the City is examining the possibility of creating a Transfer of Development Rights program to address this takings issue. We have reviewed the two Angelo Planning Group Memorandums of 7/21/09 and 9/17/09. We think to create a Comprehensive Plan that eliminates our rights to develop without a more complete evaluation and proposal for a Citywide TDR program is inappropriate. We would like to see the Sending and Receiving areas mapped. We would like to know if the city intends to have a Bank and what the proposed credit values will be. We would like to have an examination of the market factors that support the potential of the bank to offset a significant portion of the takings represented on the Comprehensive Plan. We do not see any study of the cost to service our area with utilities and roads and without this infrastructure estimate it is very difficult to establish a Fair Market Value or determine whether or not the proposed Comprehensive Plan designations can support the required infrastructure given the large amount of acreage in buffers. Most all of the examples of TDR programs, in the memorandums, are located in jurisdictions where most of the essential urban infrastructure is in place. This is not the case in Damascus.

We will be able to evaluate if the takings represented by the current plan have been potentially mitigated once the city can present a more complete evaluation of on site natural resources, the public infrastructure costs to serve our area and of the proposed TDR program details.

Letter to the City of Damascus Planning Commission
October 25, 2010
Page Three

We believe that the current 200 foot buffer approach on our property is unfortunately severing us of our property rights in order to devalue the property for future acquisition or use as privately held community open space. This takings can be avoided by utilizing the Clackamas County buffers until such time as more complete information is available. We respectfully request that the Planning Commission apply the Clackamas County buffers to the streams on our property.

Thank you for your diligent consideration of our input.

Sincerely,

Thomas Hager

Patricia L. Dant

Trustees of The Donald P. Hager Revocable Trust Dated May 19, 2008

Donnelly, Jennifer

From: Warren Sanders [wsanders@acsmech.com]
Sent: Monday, March 07, 2011 3:04 PM
To: Jennifer.donnelly@state.or.us; tnation@ci.damascus.or.us
Cc: Gary Stephens; Eva; Gary Stephens; Tim Presley
Subject: RE: Obection to Damascus Property Designation
Attachments: Damascas DLCD Letter.docx; City of Damascas Letter.docx

Hi Jennifer,

Please transmit our letters through the DLCD regarding City Center to Neighborhood Low designation in the Damascus plan.

Thank you,

Warren L. Sanders

504-734-4050

March 7, 2011

TO:

DLCD Metro Regional Representative, Jennifer Donnelly, City of Damascus City Council

From:

Warren L. and Eva M. Sanders, Property Owners adjacent to Donna Circle-South

RE:

Objection to designating land south of Donna Circle to Residential Low from City Center

First, I have included an earlier letter presented to the City Council for their consideration regarding buffering Donna Circle with our property for DLCDC review. Findings from this, and other letters led to the Planning Commission altering the buffer. Keep in mind the primary purpose of buffering and limited density: Buffering is typically used to separate agricultural, forestry, and industrial activity from residential property or riparian and wetland sensitive zones. Not mixed use Business/Residential from existing residential. Biological, chemical, and physical properties are evaluated to create the buffer. None of these potentials exist in a "City Center" zoning designation to the 5-1/2 adjacent Donna Circle properties.

Second, Donna Circle residences currently enjoy existing topographical height above as well as setback distances of more than 100' from our north property line. Low density or "Neighborhood Low" is not necessary to sustain their neighborhood character.

Third, the concepts of connectivity and walk-ability have been pre-eminent in the many years of planning all of us have participated in. "Neighborhood Low" will neither facilitate nor engender those concepts and in fact have the opposite result by creating islands that are bridges to nowhere. Connectivity and walk-ability are created by logical density with services sustained by that density. Density is always greater near the core or City Center and should diminish as it progresses outward. There will only be a limited amount of City Center ground available. The highest and best use of our 13 acres should remain in the original City Center 20 du concept.

In summary, concept plans have been proposed, voted upon, and approved by the public. Since last November, some of those concepts viz., connectivity, walk-ability, and zoning have been aggressively altered at the 11th hour by certain council members who are forcing issues that do not represent many years of public input for development of new Damascus. Take a look at what existed 6 months ago as a plan and compare it to what is currently before you. We request that you return us to "City Center" designation.

Respectfully,

Warren & Eva Sanders

To:

City of Damascus
City Council & Planning Commission

From:

Warren L. and Eva M. Sanders
Property Owner Adjacent to Donna Circle-South Side

RE:

Subdivision "Buffer" Around Donna Circle Residences

I have participated in various hearings, meetings, and coffee klatches prior to, and following the incorporation of the City of Damascus. I was surprised to learn of your recent decision to include a 250' buffer between the Donna Circle residences and our property to the south. I was not aware of the buffer discussion as an agenda item at City Council and was not given the opportunity to offer opinion prior to your vote. Please place in your official records and notes my objection to the adopted buffer designation. I request that you bring the decision to the City Council and Planning Commission for reconsideration. The salient points are:

- The property is in the dedicated City Center location.
- The 250' X 1,400' "Buffer" minimizes the potential for a contiguous nucleus or identifiable Damascus City Center.
- The original use of our property was downgraded to residential low Cluster Community from 20 du. That downgrade is detrimental to our property value and diminishes land available for City Center use.
- Five of 15 Donna Circle residences abut our north property line. One residence partially abuts the property line.
- Seven Donna Circle residences are land locked and do not abut the south or east City Center boundaries. They are not affected by any future development.
- Donna Circle residences have, in most cases, open space separation of more than 100' from our north property line to their structures and currently enjoy substantial geographical separation.
- Consider "Buffering" by using methods other than linear separation and low density formulas. Use other proven methods such as CC & R's, vegetative, tree, and maximum building height limitations to maintain the privacy of Donna Circle residences.

Summary

The current buffering plan diminishes our property value and reduces City Center land use opportunities. Our 13 acres equals about 553,000 sf. The 250' "Buffer" consumes 350,000 sf. Roadway improvements on the south property line will consume another 98,000 sf. The remaining ribbon of City Center property between the roadway and buffer will be approximately 110 feet wide and contain about 3 acres. Ten acres are diminished in value. This is not reasonable or logical. (See the attached Google map.)

Please add time to the Planning Commission oral testimony section for Gary Stephens, Sue Stephens, Warren Sanders, Eva Sanders, Tim Presley, and Temara Presley, property owners, to comment.

Thank You,

Warren & Eva Sanders

Property Owners

Donnelly, Jennifer

From: gail richards [lancegail@hotmail.com]

Sent: Monday, March 07, 2011 4:35 PM

To: jennifer.donnelly@state.or.us

Subject: Damascus Plan

Hello Jennifer,

My family has lived in Damascus for 10 years. We bought this house to raise our 8 and 9 year old children. The original plan has a trail going though the middle of our yard and a road going on one side. We moved to Damascus because of the country setting. The city did not explain what becoming a city would mean. They also left out alot of very important information to the citizens of Damascus. The people that are for the plan are real estate agents, or have land they want to develop. They do not want to live in Damascus long term. This has been very upsetting to our family and has caused us alot of stress. We feel like no one would want to buy our property because of what the city is planning on doing. We also feel stuck because our house is very small and we have always planned on adding on. We have not added on because of this plan and the house is driving us crazy. It is only 1500 square feet. (Farm house) no garage, no closets ARRGGGG. We are against the current plan and want the city to start over. It needs to benefit our community not the greedy people who don't even want to stay here. Thank you for your time. Please help Damascus!!! Lance and Gail Richards

Donnelly, Jennifer

From: David Morgan [David.Morgan@onsemi.com]
Sent: Monday, March 07, 2011 4:46 PM
To: Jennifer.donnelly@state.or.us; David Morgan; blazer_ranch@msn.com
Subject: Damascus Comprehensive Plan response. DLCD. This is response you requested from David F. Morgan

To: Department of Land Conservation & Development. 3/7/2011
Jennifer Donnelly Jennifer.donnelly@state.or.us

Hello, my name is David F. Morgan:

I am against the Damascus, Comprehensive plan because of many issues. I moved to Damascus, in 2002 because of career relocation to Gresham from California. I did enjoy the livability lifestyle of Damascus while at same time my commute time and distance were at a minimum to work. I am a world class engineer in the semiconductor industry with previous residences from all over Oregon and California. I am against the Damascus, comprehensive plan because the local government imposes very severe restrictions on property owners liberty and use of property. I did not have a forum to speak.

Some observation below:

- 1) At a City council meeting I was blocked from speaking when my agenda was known. The same thing also happened to my friend Jan Losli in same meeting.
- 2) A change on my property is now 50% of my property is now zoned as green space. This part of my property is now worthless.
- 3) Depending on map you look at most of the buildings on my property show a road and or walking trail going through center of property. I cannot figure out if the road and walking trail have been permanently removed or if this section of drawing was removed temporary for show by Damascus. Of course the drawings on the map have made my property worthless.
- 4) As a Damascus, Oregon property owner I feel we don't we have any property rights or liberties. There has been no change to help property owner's live better but only changes to restrict property owners rights.
- 5) I have talked to Jim Right, the previous Mayer. He stated everything is for the kids in future of 10 or 20 or 30 or 40 years from now. This is not realistic if we are to solve current short term problems we have with the economic downturn of Oregon.
- 6) Please respond and let me know you have read this letter.

Thanks.

David F. Morgan
9875 SE 222nd Drive
Damascus, Oregon 97089
(503)351-6968
blazer_ranch@msn.com

3/8/2011

March 7, 2011

TO: Jennifer Donnelly, DLCD Metro Regional Representative,
City of Damascus City Council

FROM: Gary and Sue Stephens

RE: Property address: 13932 SE 222nd Drive, Damascus Oregon
Objection to designating land south of Donna Circle to Residential Low
with Cluster Community Overlay.

Dear Jennifer,

We jointly own the property at 13932 SE 222nd Drive in Damascus Oregon.

Per the attached letter dated October 25, 2010, that we sent to the Damascus City Council, City of Damascus Planning Department, and the City of Damascus Planning Commissioners, we have been involved with the Comprehensive Plan process since its inception.

Our property is located at the southern border of the Donna Circle development and parallels the Donna Circle properties for its entire length. During the several stages in the development of the Comprehensive Plan our property has been designated as City Center with a density of 20 du and City Center.

Per the attached letter we objected to having a border or strip of land along the southern border of the Donna Circle properties designated as Neighborhood Low with a Cluster Community Overlay. We attended a public hearing in November that was held by the Damascus Planning Commission and testified about the last minute change and requested that the buffer of Neighborhood Low with a Cluster Community Overlay was not necessary especially due to the minimum one acre lots that comprise the Donna Circle Development. The Donna Circle properties are comprised of large homes on large acreages. They already have a built-in buffer if they are concerned about what may be built adjacent to their properties.

When we left the Planning Commission meeting in November several Commissioners said that they understood our position and the buffer would not be required and that would be their recommendation to the City Council.

Jennifer Donnelly, DLCDC Metro Regional Representative

Page 2 of 2

March 7, 2011

Now, much to our surprise, we receive in the mail the latest approved Comprehensive Plan and we find that our property is no longer City Center but the whole property has been designated as Neighborhood Low with a Cluster Community Overlay!

We inquired at the City on how something like this can happen at the "eleventh hour" and it appears to be the desire of a particular City Councilor who ironically lives near our property. After all of the meetings we have been to and all of the discussions we have had over the past several years, it's amazing on how one or two individuals can impose their desires on others and change a process that has taken years to develop.

Please read the attached letter which explains in more detail our concerns.

We appreciate your receipt of our information and if you please include it as part of the public record.

Sincerely,

Gary & Sue Stephens

VIA EMAIL

October 25, 2010

Mayor Jim Wright	jwright@ci.damascus.or.us
Councilor Diana Helm	dhelm@ci.damascus.or.us
Councilor Marlo Dean	mdean@ci.damascus.or.us
Councilor Andrew Jackman	ajackman@ci.damascus.or.us
Councilor David Jothan	djothen@ci.damascus.or.us
Councilor Barb Ledbury	bledbury@ci.damascus.or.us
Councilor Randy Shannon	rshannon@ci.damascus.or.us
Anita Yap, Community Development Director	ayap@ci.damascus.or.us
City of Damascus Planning Commission	
allplanningcommissioners@ci.damascus.or.us	

19920 SE Highway 212
Damascus, Oregon 97089

Re: Comprehensive Plan Approval of September 20, 2010
Cluster Community Designation adjacent to Donna Circle Subdivision

Dear Mayor Wright, Councilors, Planning Commissioners, and Ms. Yap:

Our names are Gary and Sue Stephens and we are one of the landowners whose property abuts up to the Donna Circle Subdivision on SE 222nd Drive. Our address is 13932 SE 222nd Drive. Our property is adjacent to the south border of the Donna Circle and runs the full length of the Donna Circle Subdivision.

We have been participating in the Damascus Comprehensive Plan development process by attending several committee meetings, coffee klatches, and public meetings since the people of Damascus voted to become an Incorporated City in November 2006.

We have always appreciated the excellent job of those involved with the planning process in their effective communication to the people of Damascus as to what the process was going to entail in regards to developing a planned community for Damascus. Even though the City experienced a set-back a few years ago with the development of the Comprehensive Plan, it appears that in the near future, the City will finally have a Comprehensive Plan to help guide us all to a City to be proud of.

We attended the Coffee Klatch follow-up community meeting held on August 17, 2010 at the Damascus Community Church which was an opportunity for the community to hear the results of the different Coffee Klatches and comment on the two different plans that were being considered as a chosen concept for the Comprehensive Plan. We were able to ask questions and others that attended asked for clarifications and the differences between Plan A and Plan B. Our property has been designated as City Center since November 2008 and was designated as City Center on both Plan A and Plan B that was reviewed at this meeting. We left this meeting with the satisfaction that everyone's questions were answered, with the understanding of the differences between Plan A and Plan B and that the City Council would be making a decision to move forward with one of these plans.

Unfortunately, we were wrong in our assumptions. We recently received a mailer from the City of Damascus informing us of the upcoming Planning Commission Public Hearing on the Comprehensive Plan which will be held on Tuesday October 26, 2010. While reading this mailer we noticed that the classification of our property had been changed from City Center to Neighborhood Low with a Cluster Community overlay.

There was no mention during the August 17, 2010 community meeting that there was a concern with the classification of our property and the City Council would be changing the classification of our property as shown on both Plan A and Plan B. When we inquired on how this could happen, we were informed that the planning staff was instructed by members of the City Council to change our property classification prior to the City Council vote on September 20, 2010. This is very disturbing to us and other landowners that own property adjacent to the Donna Circle Subdivision. This new classification of Residential Low with a Cluster Community Overlay creates a setback requirement around the southern, eastern and northern borders of the Donna Circle subdivision. How can this happen at the "eleventh hour" without proper due process?

We are responsible landowners who are devoted to being an integral part of the growth of Damascus as a city and more importantly, we want to create a quality environment for that growth. The new classification that has been attached to our property will require a two-hundred fifty (250) foot setback with a zoning of four (4) or five (5) units per acre as compared to the original City Center designation of twenty (20) dwelling units per acre. The amount of available land to create the City Center of Damascus has been reduced considerably since the Draft Comprehensive Plan Map dated November 4, 2008. Reclassifying a major portion of our property from City Center to Residential Low reduces the amount of City Center land even more.

City of Damascus
October 25, 2010
Page 3 of 3

In addition to this restriction of land use, the current City of Damascus Transportation Map indicates that a major arterial will be located on the southern border of our property. The proposed right of way for this arterial will undoubtedly consume land the full length of our southern border. This reduction in land acreage combined with the two-hundred fifty (250) foot setback on our northern border has put strict constraints on our property use and essentially gives us few development options.

The Donna Circle Subdivision consists of large single lots that are approximately one (1) acre in size. The homes in Donna Circle already set-back from our property based on the size of their lots. To ask us to provide an additional set-back for these large homes and acreages in addition to the right of way required for the proposed roadway is not necessary and is not equitable. We respectfully ask that the Damascus Planning Commission and the Damascus City Council keep the classification of our property as City Center. As the City Center site specific plan is developed, we will actively participate in the planning process of our property and address any concerns that the Donna Circle home owners may have.

Sincerely,

Gary W. Stephens

Susan L. Stephens

Donnelly, Jennifer

From: Hotshotcharley@aol.com
Sent: Monday, March 07, 2011 4:59 PM
To: jennifer.donnelly@state.or.us
Subject: Damascus Comp Plan

Dear Jennifer:

I would like to start off by declaring that I am in complete, 100% support of the Damascus Comprehensive Plan as forwarded to you by the Damascus City Council.

Our City Council has been in full compliance with both the letter and spirit of the law, with ample opportunities for public input and involvement over these past 4 years or so.

An email from Mr Dan Phegley to you has come to my attention and it is so full of hyperbole and disingenuous allegations about the Plan, the City Council and some politically active persons, including my self and my wife, that I feel I must address at least some of his contentions.

It would appear to me that by casting unfounded aspersions on myself and others, he can paint the Plan itself with the same brush. I would hope that the Commission would see through this political agenda of his, but I would be remiss if I did not make an attempt to set some things straight, although account the looming dead line, I cannot cover everything he put in his post to you.

First of all, Mr Phegley accuses our City Council of ignoring public input, but this is in fact not the case. For just a few examples, we have had numerous City Council Meetings and public discussion sessions regarding any potential Plans, over the past 4 years. Over the past year we have organized a large number of neighborhood coffees in citizen's homes, to get public input. I know this, because I helped organize them.

Mr Phegley, as usual, goes after Livable Damascus, a legal PAC, for simply taking positions contrary to his own. He neglects to point out that he is a founding member of another PAC, Ask Damascus.

These PACS happen to be at political odds, and it is certainly the right of each of them, and their members to join them, and then promote and campaign for issues and candidates.

Mr Phegley also neglects to point out that the Ballot Measures he is referring to were defeated by a popular majority of the voters in Damascus. Sounds like democracy in action to me.

He claims that video from City Council meetings were edited in order to "discredit citizens who testified...". Perhaps he is referring to the video of himself coming unhinged at a City Council meeting, losing his temper and insulting members of the Council, including then Mayor Jim Wright. The video was not edited, just excerpted and is in full context because it "stands on it's own merits". And why would anyone make an effort to discredit him when he does such a fine job all by himself?

And since when is a member of a public committee or an elected official not allowed to campaign for what he or she believes? Would you expect anything less? Yet, Mr Phegley treats it as an immoral activity.

Mr Phegley completely misrepresents the actions of Keith Marshall as regards the "elderly Damascus couple" (a very politically active and out spoken couple I might add). Mr Marshall was an invited presence ion their home and they had a disagreement. A third party decided to call the police, but when events were described to them, they decided not to send an officer to the home. Mr Phegley, of course, leaves out that little tidbit as well.

Mr Phegley makes reference to monies donated to Livable Damascus, very small amounts at that, by Diana Helm, among others. So what? There was a political campaign going on and Livable Damascus supported her, among her and others.

Of course he neglects to point out the monies donated to his cause by out of City carpetbaggers such as Americans for Prosperity. He neglects to mention the close to \$30,000 spent by his candidate for Mayor, out spending Diana almost 5 to 1.

Mr Phegley infers that I did something improper by trying to set the record straight and defending Mr Marshall at one of our Committee meetings which had a small but loaded audience, giving very hostile and inaccurate testimony against Mr Marshall. It was the right thing for me to do, and I'd do it the same way all over again.

Finally, Mr Phegley infers that my wife, Cindy, was paid for "services from Livable Damascus..." Since she owns a local business, this makes it seem a "quid pro quo", when in fact what happened was a simple reimbursement of campaign expenses on behalf of Livable Damascus.

I trust the Commission will see through what Mr Phegley has posted and not let it color how they feel about the process which led to the City Council voting to forward the Comp Plan to the State, but I figure it doesn't hurt to relate the other side of the story just to insure some balance.

Please forgive any editorial or contextual errors as I just arrived back in country from China, was just made aware of the post from Mr Phegely and am rushing to beat your deadline.

Best Regards,

Tony Passannante

12675 SE Hacienda Drive
Damascus

503 318 7899 mobile

hotshotcharley@aol.com