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DEPT OF
FEB 28 2012
LAND CONSERVATION
AND DEVELOPMENT

February 27, 2012

*Sent via e-mail to larry.french@state.or.us
And by first class mail on February 27, 2012*

Larry French
Department of Land Conservation and Development
635 Capitol Street NE, Suite 150
Salem, Oregon 97301

Re: Scappoose Ordinance 816

Dear Mr. French:

The following are objections to Scappoose Ordinance 816, adoption date April 18, 2011. This ordinance: a) adopts a Scappoose population forecast, b) adopts the *City of Scappoose Economic Opportunities Analysis (EOA)* dated January 10, 2010, c) makes numerous revisions to Scappoose's land use code and comprehensive plan, and d) expands the Scappoose UGB by 378 acres. The ordinance was co-adopted by Columbia County on October 26, 2011, via the county's Ordinance 2011-3.

I testified orally and in writing during the proceedings leading to adoption of this ordinance, including but not limited to the following: a) the Scappoose Planning Commission hearings held on September 9 and September 23, 2010, b) the Scappoose City Council hearings held January 3 and April 4, 2011, c) the Columbia County Planning Commission hearing on June 6, 2011, and d) the Columbia County Board of Commissioners hearing on July 27, 2011 (Rec. 2274-5).

In addition to reiterating all of the objections and remedies listed on the 1000 Friends of Oregon objections dated February 23, 2012, I make the following additional objection:

The EOA violates OAR 660-024-0040(1), Goal 14, Goal 2, adequate factual base, and is not supported by substantial evidence in the whole record, because it includes 20 acres for a community college expansion without evidence that a bona fide need exists.

OAR 660-024-0040(1) provides in part: "The UGB must be based on the adopted 20-year population forecast for the urban area described in OAR 660-024-0030, and must provide for needed housing, employment and other urban uses such as public facilities,

streets and roads, schools, parks and open space over the 20-year planning period consistent with the land need requirements of Goal 14 and this rule.”

The UGB expansion proposal includes 20 acres for a new campus for Portland Community College (PCC). The record contains a letter from property owner Airpark Development, stating that they have “structured a preliminary agreement with PCC for the purchase of 20 acres for a new ‘Columbia County Center’ for the college.” (Rec. 2020)

I am not sure this is true, since the record does not appear to contain any corroborating evidence to confirm Airpark Development’s claim, despite requests from the public for a letter from PCC stating that they had definite plans to site a college here, and general skepticism regarding the claimed need (Rec. 700, 732). It is also unclear that the “preliminary agreement” referenced by Airpark Development is binding on PCC, or merely tentative. Actual purchase may be dependent on future study and decision-making by PCC.

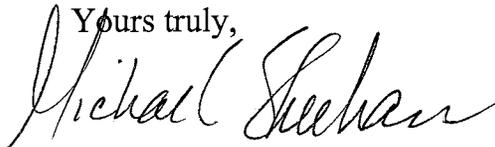
However, even if it were proven that PCC has made a binding commitment to purchase this land, this would not establish that the site is needed to meet a genuine 20-year need for educational facilities. An institution may choose to consider property acquisitions for facilities that serve needs beyond the 20-year horizon.

The proposal makes no effort to quantify the actual 20-year need for regional educational facilities. No school master plans are referenced. No evaluation of expected PCC student growth is provided. There is also no information about the remaining capacity in PCC’s existing facilities. Therefore, there is insufficient evidence to conclude that additional land is needed for a regional educational facility within the next 20 years.

Remedy: Remand the *EOA* with instructions to remove the 20 acres for school expansion from the claimed land need, or provide additional evidence that clearly demonstrates the need.

Thank you for consideration of my comments. Please feel free to give me a call if you have questions.

Yours truly,



Michael F. Sheehan

cc: Anne Debbaut, DLCD, anne.debbaut@state.or.us
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