

## Fight brews over rich farmland

*Owners want to sell strip near Portland urban area to tribe*

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Senate Bill 1011 passed by the 2007 Oregon Legislature could provide an extended stay to a protracted land-use war over a strip of land in the north Willamette Valley.

The area in question - land just south of where the Willamette River intersects Interstate 5 - is one of a handful of areas government officials are considering designating a rural reserve.

As stipulated in SB1011, designating land a rural reserve puts it off limits to industrial, commercial and residential development for 40 to 50 years.

Before that happens, however, owners of a golf course in the area appear to be waging one last attempt to develop the strip.

And farm preservationists are digging in once again.

Former beer distributors Chris and Tom Maletis, who own Langdon Farms Golf Club in Aurora and have options on other land just south of Wilsonville, are in line to sell their property to the Klamath Tribes of Oregon. The sale apparently is contingent upon the tribes' ability to acquire "trust" designation for the land.

As trust land - a designation only the Bureau of Indian Affairs can provide - it would be outside the jurisdiction of Oregon land-use laws.

City of Wilsonville lobbyist Greg Leo believes the land in question - which makes up the northern portion of a French Prairie area rich in agricultural and cultural heritage - is a natural for inclusion into the state's first rural reserves.

"This is some of the best farmland in Oregon, and we need to protect it," he said. "We believe this rightly should be named a rural reserve."

But the area also is a natural for industrial development. It is flat, making it easy to develop. And its proximity to Interstate 5 makes it an ideal site for a warehouse and distribution center.

The battle over the area's future use is compounded by the fact the land sits just south of the Portland Metro area's urban growth boundary. As Portland expands, it is only natural to assume the land eventually will be swallowed up in Portland's growth.

Leo said the Maletis brothers have been behind several attempts to bring the land into the Portland Metro UGB and that they were behind a 2006 effort by the Klamath Tribes to change the status of the land to "trust lands for the purposes of building a casino."

The Bureau of Indian Affairs rejected the Klamath Tribes' 2006 proposal in part because the site was outside normal commuting distance from tribal lands - a guideline the BIA uses when determining whether to allow a tribe to situate a casino off a reservation.

Langdon Farms is more than 150 miles from the tribes' Kla-Mo-Ya Casino, near Chiloquin, in south-central Oregon.

The tribes now are talking with the Bureau of Indian Affairs about converting the land from "fee"

lands to the "trust" lands designation, which would open it up for a warehouse-distribution facility.

As fee land - the designation the land would obtain if the tribes purchased it today - the land is subject to Oregon land-use laws and not eligible for urbanization.

The Bureau of Indian Affairs' Northwest Realty Office, in a letter dated May 1, 2008, offered to provide the tribes "technical assistance in identifying possible barriers" to its application.

The office further wrote it is "committed to working with the Klamath Tribes and the Bureau of Land Management in order to become joint problem solvers of issues that may arise in the course of this project."

In scaling down their request - from a casino, which would heavily impact traffic and city services, to a warehouse - the tribes have removed a stumbling block that arose in 2006. A warehouse-distribution facility would have a smaller impact on surrounding communities and doesn't require backing from cities adjacent to the project.

But other obstacles remain, including the land's substantial distance from the tribes' reservation and the impending rural reserve designation, which has put added pressure on the tribes to close the deal.

Leo said he believes the Bureau of Indian Affairs ultimately will reject the tribes' application, and, by late next year, the strip he calls "the Gaza strip" of land-use wars in Oregon will be designated a rural reserve.

"If this land is designated rural reserve, I think farmers can farm with confidence and make the investment necessary to keep this highly productive agricultural land for years to come," Leo said.

"The whole idea is to give farmers certainty that this land will remain farmable," he said. "That is the outcome we were looking for in Senate Bill 1011."

In the meantime, Friends of French Prairie, a group formed to preserve the agricultural and cultural heritage of the area, continue to educate the public on the farm value of the land by hosting booths at fairs and talking to civic groups.

The group also in recent months has backed Wilsonville Mayor Charlotte Lehan in her run for Clackamas County commissioner.

Lehan - a vocal supporter of the group's cause - could provide a crucial vote when county commissioners consider whether to designate the area a rural reserve - a vote likely to occur in 2009.

Lehan's opponent, business consultant Dave Mowry, has not publicly taken a stand on the issue.

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