

## **MARION COUNTY COMMISSIONER**

### **WORK SESSION - COASTAL PARKWAY, held on April 15, 2010**

The work session opened with comments from the Commissioners that focused in three areas: 1) this was not a hearing with testimony, but a work session to hear the proposal; 2) the intent to clarify misconceptions and misrepresentations that have been circulating; 3) the fact that the Board of Commissioners is on record three previous times (2001, 2003 and 2006) in opposition to "the development of a regional bypass across northern Marion County." Additionally Chair Comm. Carlson cited letters of opposition from A & R Spada Farms, the Cities of St Paul and Wilsonville and Dan Mullen.

Phil Martinson and Robert Youngman presented the concept of the Coastal Parkway, using the single map showing five route options, aiming to present the concept and not get into the details. When asked why they were not working in concert with the Newberg-Dundee bypass, they said that they would if it was completely funded, would be built in a timely manner and used a feasible route. They don't think it is feasible and that it won't be adequately funded, and suggest that this would be confirmed in the next two months. Thus the purpose of the meeting: to seek Marion County's support to reconsider the concept of a regional bypass--in this case a private toll way to address current and future regional traffic problems.

When asked about land acquisition, the developers stated that they intended to purchase land from private landowners. Comm. Milne pointed out that no private landowners appeared interested in selling and the held forth the real need to protect farmland and Marion County's agricultural industry, asking if condemnation would be pursued if private landowners would not sell. The developers replied that they estimated that as many as twenty five percent of farmers appeared interested in selling, but that if the land could not be acquire through purchase from landowners, the remaining option would be condemnation, although that was not the preferred approach to acquiring the needed land. Commissioners asked County Counsel about condemnation for a private project, and were told that the law appears clear that Government may not acquire property via eminent domain to turn it over to a private party. Developers pointed out Oregon law 383.111 which allows ODOT to exercise the power of eminent domain to acquire property for toll way projects "regardless of whether the property will be owned in fee simple by the department."

Sterling Anderson, Manager of Public Works, was asked about potential problems, and replied that there were two major ones from a land use perspective: 1) any purchase of property for a roadway would cut through the middle of property, and land use laws prohibit the partition below an 80 acre minimum, which would likely require a change of State law and regulations re: land divisions; 2) experience has shown land use undertakings like this, even when approved, are subject to appeal and remand (to LUBA, LCDC, etc.) and would likely result in multi-year appeal processes that might even reach to the Oregon Supreme Court.

Comm. Brentano asked about project budget. Developers said they projected the total project at \$300 million: \$250 million for construction, \$50 million for land acquisition. Comm. Brentano observed that the cost of a single new bridge over the Willamette at Salem appeared to cost that much and questioned the validity of project budget.

Commissioners summarized:

Comm. Brentano: There appears to be not benefit to Marion County from this proposal, all benefits going to Yamhill County. "Nothing will compel me to use power of condemnation, even for the last piece of land needed" for this project.

Comm. Milne: "I do not support what you are proposing. You have the right to pursue it, but I don't want my word and position misrepresented." She then proceeded to force Youngman to explain what he meant in a March e-mail where he stated that Comm. Milne was supporting the project. He retracted the statement, and Comm. Milne stated for the record that a meeting to learn about a proposed project did not constitute support, and that her "support" had been misrepresented.

Comm. Carlson: "I would only vote 'Yes' for a project like this if all jurisdictions, including the Farm Bureau, came forward and requested County support. " She observed that the land use issues appear to make is an unfeasible plan.

During the Question period, Ben Williams (Friends of French Prairie) questioned the assertion by Mr. Youngman that 25% of local land owners would be willing to sell, pointing out that the opposition letter from the City of St Paul carried with it a petition in opposition having over 175 signatures. Signers ranged from Aurora to St Paul, and south to Woodburn, with the majority around St Paul, and represented a cross section of small to very large farm owners,. The petition was collected specifically to provide the Commissioners with quantifiable opposition to the project in the face of so much misrepresentation.

Marcie Garritt (Chair, St Paul Planning Commission) described the St Paul City Council meeting held on April 12, wherein over 140 people were in attendance, an no one indicated support for the Coastal Parkway project. She specifically asked the project developers what they intended to do in the face of such clear opposition to the project and stated refusal to sell farm land. The developers declined to answer.