



City of
Damascus

19920 SE Highway 212
Damascus, OR 97089

www.ci.damascus.or.us

Phone: 503-658-8545
Fax: 503-658-5786

September 4, 2014

Sherry Hall, County Clerk
Steve Kindred, Elections Manager
Elections Division
1710 Red Soils Court, Suite 100
Oregon City, OR 97045

RE: 2014-01 – Citizen Initiative
Adopt Comprehensive Plan, Ordinance, and Land Use Regulations for Damascus

Dear Ms. Hall and Mr. Kindred,

On August 4, 2014, the City received certification from Clackamas County Elections office that 374 valid signatures had been submitted and counted for Citizen Initiative 2014-01. The required number of verified signatures for this initiative was 304 verified signatures. Clackamas County Elections returned the second submittal of 26 signature pages indicating they did not verify those signatures because the initial 53 pages yielded 374 signatures.

On August 19 the City filed Form 802 with your office with an unidentified election date, and on August 26 the City was notified that Clackamas County Election office determined the filing was incomplete because the City had not specified which election the measure was to appear on.

The Damascus City Council held an emergency meeting on September 3rd and passed a motion for Initiative 2014-01 to appear on the March 2015 election.

Enclosed is Form SEL 802. An explanatory statement will be mailed to you from our City Attorney in the next few days.

The City of Damascus certifies that public notice of the referenced ballot title was published in accordance with ORS 250.275(5) and the ballot title challenge process has been completed. The original ballot title was challenged in Clackamas County Circuit Court. I have attached Judge Herndon's letter certifying the new ballot title for the proposed measure.

Sincerely,

Gene Green
Pro Tem City Manager

Attachments: Form SEL 802
Judge Herndon's decision letter

9/4 ema/s
②



CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
OREGON CITY, OREGON 97045

ROBERT D. HERNDON
PRESIDING JUDGE

(503) 655-8644
FAX (503) 650-8944

July 29, 2014

Mark Fitz
18466 SE Forster Blvd
Damascus, OR 97089
(503) 283-1736

Peter O. Watts
Jordan Ramis PC
2 Centerpointe Dr. 6th Floor
Lake Oswego, OR 97035
(503) 598-7373

Sent by Fax and US Mail

RE: *Mark Fitz vs. City of Damascus*
Petition for Ballot Title Review for Case # CV14070071

Gentlemen,

I have completed my review of the pleadings you have submitted regarding the ballot title and agree with some portions of petitioner's argument the current ballot title may result in elector confusion regarding the measure. Therefore, the ballot title shall be modified as follows:

CAPTION

The respondent's proposed caption is appropriate and shall continue to read: Adopt Comprehensive Plan, Ordinance, and Land Use Regulations for Damascus.

QUESTION

This provision shall read as follows: Shall the City adopt a Comprehensive Land Use Plan previously not adopted by the City Council.

SUMMARY

A vote of "yes" approves the Initiative Comprehensive Plan and associated Documents including the Comprehensive Plan, Comprehensive Plan Map, Findings of Fact, Development

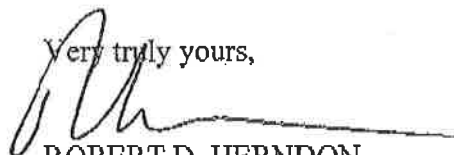


Code, Zoning Map, Integrated Water Capital Plan, Transportation System Plan and Associated Documents.

The Comprehensive Plan and documents were prepared by the City after public hearings for the Planning Commission and the City Council. Both the Planning Commission and City Council heard public testimony at public meetings. The City Council did not adopt the plan. If approved, the Comprehensive Plan will be submitted to the Oregon Land Conservation and Development Commission ("LCDC") to begin the acknowledgment process.

A vote of "no" would reject adoption of this Comprehensive Plan and other Documents.

Very truly yours,



ROBERT D. HERNDON
Presiding Judge
Clackamas County Circuit Court

RDH/bb

Notice of Measure Election City

SEL 802

rev 1/14: ORS 250.035, 250.041, 250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice September 4, 2014	Name of City or Cities Damascus	Date of Election March 10, 2015

The following is the final ballot title of the measure to be submitted to the city's voters.

Final Ballot Title Notice of receipt of ballot title has been published and the ballot title challenge process has been completed.

Caption 10 words which reasonably identifies the subject of the measure

Adopt Comprehensive Plan, Ordinance, and Land Use Regulations for Damascus.

Question 20 words which plainly phrases the chief purpose of the measure

Shall the City adopt a Comprehensive Land Use Plan previously not adopted by the City Council.

Summary 175 words which concisely and impartially summarizes the measure and its major effect

A vote of "yes" approves the Initiative Comprehensive Plan and associated Documents including the Comprehensive Plan, Comprehensive Plan Map, Findings of Fact, Development Code, Zoning Map, Integrated Water Capital Plan, Transportation System Plan and Associated Documents.

The Comprehensive Plan and documents were prepared by the City after public hearings for the Planning Commission and the City Council. Both the Planning Commission and City Council heard public testimony at public meetings. The City Council did not adopt the plan. If approved, the Comprehensive Plan will be submitted to the Oregon Land Conservation and Development Commission ("LCDC") to begin the acknowledgment process.

A vote of "no" would reject adoption of this Comprehensive Plan and other Documents.

Explanatory Statement 500 words that impartially explains the measure and its effect, if required attach to this form

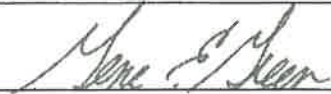
If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the city governing body and if required by local ordinance, for any initiative or referendum.

Measure Type	County producing voters' pamphlet	Local ordinance requiring submission	Explanatory statement required
<input type="checkbox"/> Referral	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Not applicable	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<input checked="" type="checkbox"/> Initiative	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/> Referendum	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Authorized City Official Not required to be notarized

→ By signing this document, I hereby state that I am authorized by the city to submit this Notice of Measure Election and I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.

Name Gene Green	Title Pro Tem City Manager	Work Phone 503.658.8545
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Signature

9-4-14
Date Signed

9/4 email
510

Measure Explanatory Statement for County Voters' Pamphlet

Important! Please read all instructions before completing this form. This form is to be used when filing a 'Measure Explanatory Statement for County Voters' Pamphlet' with your County Elections office. If a local government is located in more than one county, the county clerk of the county in which the city hall of the city or the administrative office of the local government is located shall be the filing officer for the 'Measure Explanatory Statement for County Voters' Pamphlet'.

Filing Information

Election: Primary 20____ General 20____ Special March 10, 2015 Measure # _____

Ballot Title Caption

Adopt Comprehensive Plan, Ordinance and Land Use Regulations for Damascus.

Name of Person responsible for content of 'Explanatory Statement' (as it should appear in the Voters' Pamphlet):

Timothy V. Ramis

Name of Jurisdiction/Organization Person is authorized to represent (as it should appear in the Voters' Pamphlet):

City of Damascus

CONTACT INFORMATION

Phone: Cell: _____ Work: (503) 598-7070 Home: _____

E-Mail: tim.ramis@jordanramis.com

SIGNATURE



9. 8. 2014

Signature of person responsible for content of 'Explanatory Statement'

Date

MEASURE EXPLANATORY STATEMENT

See attached for 'Measure Explanatory Statement' (500 word/number MAX).

For Office Use only:

County: _____

Signed? Yes No

'Measure Explanatory Statement' attached?

Yes No

Word Count (500 max):

Digital copy? Yes No

Review Staff Initials:

Intake Staff Initials:

Measure Explanatory Statement' (500 word/number MAX)

A vote of "yes" approves the Initiative Comprehensive Plan and associated Documents including the Comprehensive Plan, Comprehensive Plan Map, Findings of Fact, Development Code, Zoning Map, Integrated Water Capital Plan, Transportation System Plan and Associated Documents (Collectively, the "Plan").

The Comprehensive Plan and documents were prepared by the City after public hearings for the Planning Commission and the City Council. Both the Planning Commission and City Council heard public testimony at public meetings. The City Council did not adopt the plan. If approved, the Comprehensive Plan will be submitted to the Oregon Land Conservation and Development Commission ("LCDC") to begin the acknowledgment process, in which LCDC acknowledges that the Comprehensive Plan is consistent with statewide planning goals.

A vote of "no" would reject adoption of the Ordinance, and Plan.

COST SUMMARY

The Plan does not adopt any fees and charges. The Plan establishes policy that only property owners that develop their property will be responsible for costs associated with public infrastructure needed to support growth.

The figures in the below cost summary reflect the projected costs to build, operate, and maintain, water and transportation infrastructure to serve Damascus for the next 20 years. The financial analysis that generated the projected costs was performed by the City Engineer and covers public infrastructure identified in the Integrated Water Capital Plans and the Transportation System Plan. A copy of the full financial analysis may be obtained at City Hall.

Water Infrastructure

The City intends to work with Sunrise Water Authority and Clackamas County Water Environmental Services. It is anticipated that these service providers will own and operate the major water infrastructure in the City. Integrated Water Capital Plan includes costs for four water systems proposed to serve Damascus: drinking water, non-potable water, wastewater, and storm water. The analysis included estimated costs for capital construction, operation, and maintenance. The estimated costs are as follows:

Water Infrastructure Construction Cost Estimates

Drinking water: \$93,300,000.00
 Non-Potable Water: \$45,800,000.00
 Wastewater Collection and Treatment: \$91,900,000.00
 Stormwater: \$4,147,000.00
 Total Water Capital Costs: \$ 235,147,000.00

Water Infrastructure Annual Operation and Maintenance Costs Estimates

Drinking Water Treatment: \$1,600,000.00
 Drinking Water and Non-Potable Water Distribution: \$2,046,000.00
 Wastewater Treatment: \$1,278,000.00
 Wastewater Collection: \$4,788,000.00

2014 SEP 12 AM 07:27:05

Stormwater Detention: \$190,000.00
Total Water O&M: \$9,902,000.00

Transportation Infrastructure

The Transportation System Plan identified twenty-two key projects to serve the 20-year period. These projects include refinement plans, roadways including bicycle and pedestrian facilities, intersection improvements, and right-of-way acquisitions. The estimated costs for these projects are as follows:

Transportation Infrastructure Cost Estimates

Transportation Projects - Construction: \$320,480,000.00

Transportation Projects – Annual Operations and Maintenance: \$1,248,800.00.