

MARCH 18

**Parsons, Susan**

**From:** Joyce Montgomery <foxtrotlove@hotmail.com>  
**Sent:** Friday, February 27, 2015 11:33 AM  
**To:** Council Clerk – Testimony  
**Subject:** RE: request for communication at 3/4/2015 council meeting = need another date

Dear Susan,

Yes, I would be available then, thank you. I want to speak on the Pleasant Valley "V" overlay and how it is affecting my property and my life.

I have a great deal of information to put into "A" or many handouts? Is there a limit on size? Number of pages I could email you? Pictures included. This is a very complex issue for me. Thanks for your help. Joyce

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**From:** CCTestimony@portlandoregon.gov  
**To:** foxtrotlove@hotmail.com  
**CC:** CCTestimony@portlandoregon.gov  
**Subject:** RE: request for communication at 3/4/2015 council meeting = need another date  
**Date:** Fri, 27 Feb 2015 16:21:50 +0000

Dear Joyce,  
Our Communications spots are full for March 4<sup>th</sup>. We have an opening **March 18<sup>th</sup>**. Would you be available then?

Please let us know your subject. And if you would like to email your handout or drop it off by March 12<sup>th</sup>, we can distribute it to the Commissioners before the meeting.

Susan Parsons  
Assistant Council Clerk  
City of Portland  
[susan.parsons@portlandoregon.gov](mailto:susan.parsons@portlandoregon.gov)  
503.823.4085

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**From:** Joyce Montgomery [mailto:foxtrotlove@hotmail.com]  
**Sent:** Thursday, February 26, 2015 11:51 AM  
**To:** Council Clerk – Testimony  
**Subject:** request for communication at 3/4/2015 council meeting

Joyce Montgomery 5557 SE Jenne Ln Portland, OR 97236 503-661-3157 is requesting to address the city council at their 3/4/2015 meeting.

I will be asking to have my testimony (already delivered to the PSC) considered by the city council, as I have been told that they are the only ones who can ultimately grant my request. I will be bringing handouts (7 of each) Thank You, Joyce Montgomery

**Moore-Love, Karla**

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**From:** Joyce Montgomery <foxtrotlove@hotmail.com>  
**Sent:** Wednesday, March 11, 2015 11:29 AM  
**To:** Council Clerk – Testimony  
**Cc:** Joyce Montgomery  
**Subject:** testimony for March 18th  
**Attachments:** A request for attention.doc; Addendum or amendment to our original testimony to the PSC 2.doc; IMG.pdf; IMG\_0002.pdf; Additional testimony for Steve and Joyce Montgomery residents of unincorporated Multnomah county at 5557 SE Jenne Ln Portlan1.doc

I hope this isn't more than 5 pages, I will be bringing photos with me, that should clarify any areas of confusion. Thank you Joyce Montgomery

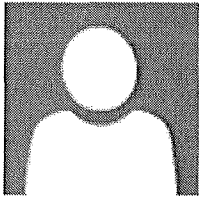
## A request for attention

## A request for attention

Paul Grosjean  
2/23/15

### Photos

To: Diane McKeel Cc: Karen, Steve & Joyce Montgomery



Dear Commissioner McKeel,

In Pleasant Valley we frequently note that every issue we face is multi-jurisdictional. This is a classic case. (BTW we met previously in your office discussing Jenne Road safety issues).

The issue today is a property at 5557 SE Jenne Ln, Portland. The property is about 3.5 acres and is in active use as a horse stable and training ground as it has been since 1989. It is well within the area of unincorporated Multnomah County. It has one manufactured house and three outbuildings; a modest shed, a workshop and a stable building.

Late last year the owner was notified of several violations to p and v zones. They had constructed a few steps for horse training, a modest patio next to their home site and leveled/filled) an area in the field for an exercise area for training. Evidently someone took notice of activity and filed a complaint. Please note this complaint came from the City of Portland, Bureau of Development Services as they seem to have been given the authority to manage affairs in unincorporated areas of Pleasant Valley.

I visited the site recently and met with the landowners. I view such topics as a fervent supporter of Johnson Creek and the entire watershed including its protection. I also view such topics with a desire to manage the development of Pleasant Valley to respect the past and current rural atmosphere while accommodating progress and managed development.

So here we have a long term landowner, making modest adjustments to their equestrian oriented property, and they get slammed with numerous violations that, in my view, have zero impact on the watershed area. And they get cited by Portland even though they do not live in Portland. This area is not appropriate for development so it may never be annexed by Portland. It is a little island of wonderful rural spirit that, hopefully will be there for a long, long time.

The property which sold for \$25K in 1989 may receive a \$300 a day fine without intervention and alternative resolution. In addition, the stipulation that all mitigating work must be done by hand seems punitive. We would like to assist our neighbor in working with the county to achieve a mutually satisfying resolution, hopefully avoiding excessive fines and achieving common goals.

Sound like something you could look into? I hope so. I will make myself available for a site visit at your convenience. Any day, any time. It is a lovely property with a working environment. I am sure we would be welcome.

It needs to be seen to be believed.

I am available to speak with you or staff at anytime. And thank you for your consideration. Leave you with one thought. This is not Portland property, it is Multnomah County property and responsibility.

Thank you.

Paul

IMG\_3808

IMG\_3809

We are Steven and Joyce Montgomery 5557 SE Jenne Ln Portland, OR 97236

We recently spent several hours at one of your meetings where we were amazed at the amount of time you spent discussing the meaning and correct use of one word. I don't know which of the above words would be appropriate (maybe neither) but please add this testimony to our original testimony that was sent in December.

The reason for this additional testimony is that we are daily finding out new ways the Pleasant Valley "V" and "P" overlays (that I believe comes strictly from Portland) with no attempt to name it for a neighborhood association that has nothing to do with its rules or administration) are negatively affecting our property rights, not to mention our ability to simply live our lives and enjoy our small piece of rural heaven.

I would like to strongly suggest an onsite visit where we could show you what we have done the ridiculous violations that have unfairly restricted our use and enjoyment of our OWN property and you can see for yourselves that nothing we have done or ever plan to do will harm the environment in any way. We love the land in general and our land in particular, but what is being done to us in the name of the "environment" is morally WRONG and a sin against nature and all those who seek to protect it responsibly. What BES is doing to us is all perfectly "legal" and that is why YOU the Portland Planning and Sustainability Committee are our only hope of ever being allowed to live in peace and enjoy our retirement on our land.

This will only be accomplished by granting our request to have these overlays removed, so that Portland BES no longer controls every aspect of our lives.

Please contact us to arrange a site visit. 503-661-3157 [foxtrotlove@hotmail.com](mailto:foxtrotlove@hotmail.com)

I am attaching some more information on our situation in the form of a petition I started and updates I wrote to that petition. Please read them all carefully, I know it is a lot of information to take in, (believe me it certainly has been for us as we have been slowly discovering how little control we have over what happens on our own property) Please help us to be able to enjoy the rest of our lives on our dream property. We always planned to retire here, but with the restrictions placed on us we don't know what to do.

We have no children, so when we die, I'm sure Portland can buy our property if they want it so badly, but please don't let BES steal it from us while we are still living. Steve and Joyce Montgomery

## Testimony for comp plan

We are Steven and Joyce Montgomery. We live at 5557 SE Jenne Ln Portland OR 97236.

We have owned this piece of land for over 25 years, and we have always used this property for the care, raising and training of horses. Our pasture is a vital source of nutrition for our livestock, as well as being a place for them to live as freely as possible, in a herd setting while being able to move about and graze as nature intended.

In 1989 I had a well dug a septic system put in and a manufactured home built and delivered to my property. I had no problems in obtaining permits for this work and was able to join my horses in living on my property.

In 2001 my husband and I decided to build a 9-stall barn to house our horses. Again, we had no problem obtaining the necessary permits.

In 2010 we started the process to obtain permits to build a 40X60 farm accessory building. We were shocked to find out that even though we still live in unincorporated Multnomah County (not Portland) we would have to go to Portland to get our permits. We were further shocked to discover that even though our property was still zoned residential farm and forest, Portland had no provisions for a permit for building a farm structure that would be bigger than our residence. Instead we had to spend over \$2000.00 to ask permission to apply for a permit to build an accessory structure that is bigger than our residence. You in Portland may not be aware, but the majority of farm buildings are larger than the residences that accompany them.

We were also informed at this time that there was a Pleasant Valley "V" overlay on about 80% of our property and a "P" overlay on a small area at the back of our horse pasture. We think the "P" overlay was placed over a row of property line trees planted to define the edge of the working pasture. We were told that if any part of the structure we wanted to build infringed on any part of the "V" overlay we would need to spend considerable additional monies for an environmental review.

We were "lucky" in the fact that where we planned to build our accessory structure happened to be in the small area not held hostage by these environmental overlays, but our long term plans have always included building a covered riding arena, and the area where we would build this is inside the "V" overlay which would force us to spend more of our hard earned money on an "environmental review" to determine if we would be allowed to build on our own property and then more money spent getting permission to build a farm structure bigger than our residence.

These overlay zones were imposed on our property without our knowledge or agreement.

We would like to know what notification and involvement rules Portland and Multnomah County followed before adding the "P" and "V" overlays. Neither we nor any neighbors we have contacted knew anything about them. How legal are they, really? If we had not requested to be notified when Portland was ready to review its master plan so that we could ask to have these overlays removed from our property, we wouldn't have any way of knowing that this was even going on.

We already have the Johnson Creek 100 year floodplain on a significant section of our property. The tree line that the "P" designation seems to have been put in place to protect is already protected. Mature trees can't be cut down, without special permission, not that we have any desire to do so.

It's redundant and incompatible with our existing and future planned use of our property to have these "P" and "V" zones burdening our property, we would like to have them removed. You are welcome to contact us at any time to take a personal look at our little piece of heaven, and I'm sure you will see that there are limited environmental resources on our property due to the fact that it has been in active agricultural use for over 75 years that we know about.

We are concerned at how difficult Portland has made it for us to continue our master plan for our property. Where our house and original 9-stall barn are is now in the "V" overlay. Today we would have to request an environmental review in order to even have a chance of getting a building permit for either of these structures. What would happen if either or both of them were destroyed? What if we decide we would like to replace our manufactured home with a log home or other type of construction? We shouldn't be hampered by these overlays that we were never given an opportunity to comment on. We still have plans to build a covered riding arena, this would of course be built outside of the 100 year floodplain, but we don't want to be forced to spend more money for an environmental review that is unnecessary, simply because someone looked at a map and decided our property would be a good place to put these overlays.

We understand that with the open space the city has bought around us and the springwater corridor and Johnson Creek running by our property, ours is an inviting and idyllic area that you would like to keep from being developed. We have no intention of developing it beyond the agricultural development we've mentioned. We just want to be allowed to freely enjoy our property and be allowed to complete our plans for our future on our property, without having our hands tied by these overlays.

Additional testimony for Steve and Joyce Montgomery residents of unincorporated Multnomah county at 5557 SE Jenne Ln Portland, OR 97236.

We are sending this additional testimony, as we have been told that the PSC may not consider our earlier requests for bureaucratic reasons that really make no sense to us.

To clarify our position, we want it to be very clear, that the Pleasant Valley “V” overlay, and the “P” overlay were put on our property without our knowledge. We are asking the PSC to carefully consider having these extremely restrictive overlays removed, as they have forced us into a NON-CONFORMING USE situation. We would like the PSC to recommend to the Portland City Council that they rectify this Situation; by removing these overlays (which if they had been in existence when I purchased my property in 1989 would not have allowed my home or barn to have been built.) At this point in time, these overlays are interfering with our use and enjoyment of our property, such use and enjoyment, while not negatively impacting the environment in any way whatsoever, is still not allowed by these extremely restrictive overlays.

When we first found out about the Pleasant Valley “V” overlay, in 2010 we were simply told we couldn’t build a covered arena (this is one of our long-term goals for our horse farm) without paying \$3500.00 for an environmental review. For this reason alone, we started asking how we could go about getting this restriction removed.

It wasn’t until very recently, that we discovered exactly how restrictive the overlay is, and how punitive the “mitigation” associated with it is. What possible purpose is served, to force us to remove our improvements to our property “by hand” and then plant “native species” that are likely to be detrimental to our horses? Every square inch of our property not covered by buildings or driveways is dedicated to growing pasture for our animals. The areas we improved for our enjoyment and training of our horses were either pasture or blackberries before we improved them, and we choose to return them to pasture if we are not allowed to keep them as they are right now.

The pictures with the horses show our side yard as it was before we improved it. As you



can see, it was covered in blackberries, and pasture grass. If we are forced to remove our lovely patio/fire pit recreation area, we will put it back to pasture and continue using it as pasture as is our "right". Our horses have always grazed here, and they will continue to graze here. We will not allow the "punitive mitigation" to force us to plant "native species" that at the very least, will not provide food for our animals, and at the worst, may cause death or sickness if they ingest them. Please recommend to the Portland City Council, that they remove these overlays and remove us from the non-conforming situation we find ourselves in, through no fault of our own.

We live with the environment daily, and we protect the environment on our property. The environment as a whole, is very important to us, much more so than it is to the bureaucrats and politicians who give it lip service, but allow major polluters to get away with destroying it, if there's enough money in it for them.

We are requesting to be set free of the agenda the BDS has for OUR property, and have our non-conforming use situation returned to what it was when I purchased this property and my only zoning was RF-R7. Thank You, Steve and Joyce Montgomery 3/01/2015

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Request of Joyce Montgomery to address Council regarding Pleasant Valley V  
overlay (Communication)

MAR 18 2015

PLACED ON FILE

Filed MAR 13 2015

**MARY HULL CABALLERO**  
Auditor of the City of Portland

By  Deputy

COMMISSIONERS VOTED AS FOLLOWS:		
	YEAS	NAYS
1. Fritz		
2. Fish		
3. Saltzman		
4. Novick		
Hales		