

September 2nd, 2023

RE: Case file No. T3-2022-16220 (Portland Water Bureau)

Dear Hearings Officer Rappleyea,

Please accept this letter in rebuttal of the applicant's consultant reports, labeled as exhibits I.80 and I.84, as well as the Farm Traffic Report contained in exhibit H3.

I am a long-time farmer on Carpenter Lane, my farm was not included in Globalwise or Mr. Pengruber's impacts to nurseries in the surrounding lands. In fact, the nursery across the street, Maple Farm, was also not included. My farm, Sunshine Nursery, 33907 SE Carpenter Ln, is a bare root and B&B nursery stock farm that covers approximately 30 acres on the NW corner of the intersection of SE Carpenter Lane and Cottrell Road, and extends west down Carpenter Lane parallel to Dodge Park Blvd. All farm traffic enters and exits my farm from the intersection of Cottrell Road and Carpenter Lane via Dodge Park Blvd, including outbound shipments on over the road semi-trucks, and the majority of local deliveries, service providers and employees.

I agree with other area farmers on record who are also rebutting the comments and conclusions made by the applicant's farm consultant, Mr. Pengruber. The only logical conclusion after reading these reports, as well as the applicants submission regarding the proposed plant and pipelines project, is that it most certainly will force significant changes to our local accepted farming practices, many of which will cause increases in operating costs or costs associated with replacing lost revenue. The initial road construction projects, at the intersections of Dodge Park Blvd and Cottrell Road, and Cottrell Road and Carpenter Lane, that the applicant is proposing to accommodate their construction and ongoing operational traffic needs, will create unnecessary delays for which no enforceable mitigation is possible. It will be difficult to secure trucks for outbound shipments once drivers become aware of the amount of construction in this area. When a commercial truck driver sees the amount of construction on these already constrained rural roads, they can simply cancel and find a more profitable, time efficient load rather than dealing with lane closures and delays. This is common knowledge amongst farmers in the nursery stock industry who have been dealing with commercial drivers, and brokers, for decades. Shipping is a very competitive business, especially since Covid due to the decrease in available drivers.

Beyond the road construction 'improvements' to these intersections, which are only necessary to accommodate the applicant's project, my nursery along with many others will feel the effects of the widespread increase in traffic during the reported 5-7 years of construction. Although construction will be phased throughout the area, there will be multiple projects and locations active at once, and it is reasonable to assume the construction activities at the main filtration site on Carpenter Lane will be continuous for the entire construction period. Having a business on Carpenter Lane, at either end of the road, will become untenable. Regular traffic will seek to avoid delays on Dodge Park, and when those delays are in the section between Cottell and Altman roads, drivers will no doubt seek an alternate route. The most logical alternate route is Carpenter Lane between Altman and Cottrell. GPS apps as well as knowledge of the area will direct drivers down our quiet, un-striped road. This presents huge challenges to my farming operation, and I will have to change my current practices for loading trucks and maneuvering farm traffic in and out of, and between, fields. From the attached pictures, it is clear that my current long-standing, accepted practices for these activities will be problematic if traffic from Dodge Park is shifted onto Carpenter Lane – which will happen naturally even if it not the posted detour route. There are no strategies that can fix or mitigate this impact, nor should farmers have to change our accepted practices to accommodate such conditions and arbitrary mitigations. I don't run a particularly large-scale nursery, but I do rely on business as usual to

ensure continued success. There has not been a sustained, multi-day delay or detour that has affected my location on Carpenter Lane, my shipping practices, or crew and equipment maneuvering that I can remember in at least the past decade. I can't even begin to think of logical changes to my current farming practices that would reduce the impact of such a project without driving up my operating costs or forcing a cost related to changing my practices, such as relocating my loading area or farm roads and field accesses.

In Exhibit H.3, page 10, the applicant's attorney is quoted as saying "...the Water Bureau asks that you take the feedback from the community and convert it into appropriate conditions of approval to the extent you believe necessary to meet approval criteria." As a local farmer running a commercial nursery, I know I am not alone when I ask you to consider the simple fact that conditions are often vague and lack definitive enforcement. They can be negotiated without regard to the applicable codes and criteria to which they are intended to apply, and typically the only consequence of violating a condition is a fine. In either case, the impacted persons have no recourse, effectively rendering such conditions useless to uphold the codes and criteria set forth by local law, and the land and citizens for which they were designed to protect.

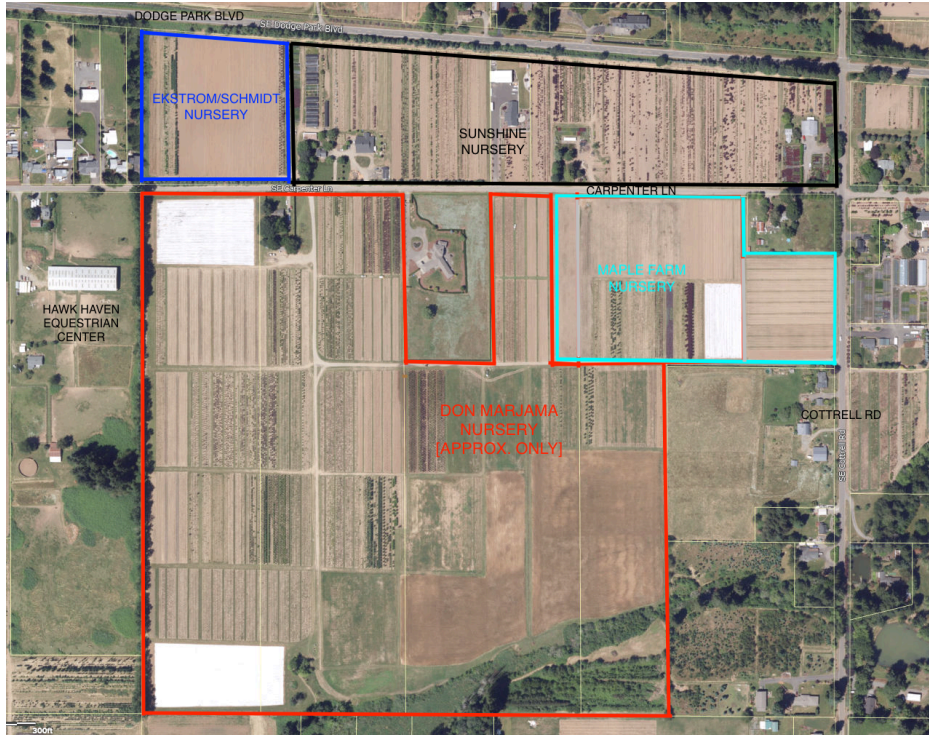
Please consider that the proposal before you, despite its arbitrary conclusions that are faulty and flawed, will force a change to my own and many other accepted farming practices in the way of interference with farm traffic and shipping. These changes will undoubtedly result in significant costs to my operation, either in the form of reconfiguring my farm and/or loading area, or paying a premium rate to ensure commercial drivers will fulfill my shipping orders despite ongoing and often extensive construction, delays and lane closures. Either result is an unacceptable outcome to accommodate a community service that must meet the criteria for a conditional use permit in land zoned for agriculture. Please consider the permanent harm that this project will cause to local agricultural businesses, such as myself and my neighbors.

I respectfully ask that the application before you be denied. It does not satisfy the approval criteria of MCC 39.7515 (C), and should be sited in an alternate location that does not cause such grievous, permanent harm to farmers and the local agricultural economy.

Sincerely,

Richard Carson

Sunshine Nursery
33907 SE Carpenter Ln
Gresham, OR 97080



Location of West Carpenter Ln Nurseries, **Don Marjama [70ac]**, **Ekstrom-Schmidt [5ac]**, **Sunshine [30ac]**, and **Maple Farm [22ac]**. [Acreage is approximate only]



Semi-Truck Backing into Loading Area



Semi-Truck in position at loading area



Trucks and Tractors bring nursery products from fields and storage areas to shipping area.